

**NSW GOVERNMENT GAZETTE**  
**June 12th 1839.**

*Colonial Secretary's Office,  
Sydney, 5th June, 1839.*

**FORTY-FIVE POUNDS REWARD,  
or a  
CONDITIONAL PARDON.**

**WHEREAS** it has been represented to His Excellency the Governor, that John Hobson, but better known as "Opossum Jack," for whose apprehension a reward was offered in the Notice of the 12th November last, is still at large; and that on Thursday, the 25th ultimo, Constable Fox, of the Cassilis Police, was shot at and killed by him, at a station of Mr. W.C. Wentworth's, at Cream of Tartar Creek, near Gammon, in the County of Brisbane; Notice is hereby given, that a Reward of Twenty-five Pounds will be paid to any Free Person or Persons who shall apprehend and lodge the said John Hobson, alias "Opossum Jack," in any of Her Majesty's Gaols; or, if a Prisoner of the crown, application will be made to Her Majesty for the allowance to him of a Conditional Pardon.

It having been further represented, that the said John Hobson, alias "Opossum Jack," is accompanied by two Runaway Convicts, named, Francis Knight, by the *Lady Kennaway* (2), and John Wilson, by the *Clyde* (1), His Excellency is also pleased to direct, that a Reward of Ten Pounds be paid to any Free Person or Persons who shall apprehend and lodge either of the said Convicts in any of Her Majesty's Gaols; and, if a Prisoner of the Crown, that he be recommended to Her Majesty for a Conditional Pardon.

**DESCRIPTION.**

John Hobson, per ship *Layton*, 29, 2379, 25, Sheffield, farm boy, 4 feet 11 1/2 inches, sallow complexion, light brown hair, grey eyes, HT on right arm, L and indistinct marks on left, man's bust on breast, from No. 3 Iron Gang, since November 30th, 1837.

Francis Knight, per ship *Lady Kennaway* (2), Derbyshire, dealer in pottery, 5 feet 6 inches, ruddy complexion, brown hair, light hazel eyes, two horizontal scars on right cheek-bone, small scar left cheek, lost top of first, second, and third toes of right foot, from Mr. Todhunter, Hunter's River, since March 8, 1839.

John Wilson, per ship *Clyde* (1), 23, Lancaster, laborer, 4 feet 9 3/4 inches and upwards, fair ruddy and freckled complexion, red hair, brown eyes, MWTW on lower right arm, large scar round ball of left thumb, from Mr. Todhunter, Hunter's River, since March 8, 1839.

*By His Excellency's Command,*  
**E. DEAS THOMSON.**

**NSW GOVERNMENT GAZETTE - List of runaway convicts  
1840 P. 805 August 19th.**

Browne William, Mary Ridgeway, 23, Newcastle upon Tyne, county Northumberland, blacksmith two years, 5 feet 5 1/4 inches, sallow and freckled comp., black hair, grey eyes, slight perpendicular scar top of centre of forehead, diagonal scar over right eyebrow, brig on upper, W+L man and anchor inside lower right arm, man and woman on upper. JS. WL anchor and mermaid on lower left arm, scar knuckle of third finger of left hand, scar back of third and little fingers of same, scar back of right thumb, from Hyde Park Barracks, since August 12.

Everett James, Mangles (6), 22, London, paper stainer's boy, 4 feet 8 inches and upwards, sallow and pockpitted comp., dark brown hair, brown eyes, JOEO inside lower left arm, JO inside lower right arm, backs of hands pockpitted, from Hyde Park Barracks, since August 12.

Knight Francis, Lady Kennaway (2), 25, Derbyshire, dealer in pottery, 5 feet 6 inches, ruddy comp., brown hair, light hazel eyes, two horizontal scars on right cheek bone, small scar left cheek, lost tops of first second and third toes of right foot, from Hyde Park Barracks, since August 12.

Marshall John, Clyde (1), 27, Nottingham, ploughs, shepherd, milks, reaps, 5 feet 7 inches and upwards, sallow comp., brown hair, hazel eyes, scar on shin, rejoice evermore pray without ceasing HDLD God be merciful to me a sinner woman and various other letters on right arm, from Hyde Park Barracks, since August 12.

Wilson John, Clyde (1), 24, Lancaster, farmer's boy, 4 feet 9 3/4 inches and upwards, fair ruddy and freckled comp., red hair, brown eyes, MWTW on lower right arm, large scar around ball of left thumb, from Hyde Park Barracks, since August 12.

**NSW GOVERNMENT GAZETTE - List of runaway convicts  
1840 page 1344 December 9th.**

Chitty Robert, Sophia, 32, Windsor, sawyer and soldier, 5 feet 4 1/4 inches, ruddy and freckled comp., light brown hair, hazel eyes, red marks GSRC and an anchor on right arm, several red marks on left, charged with having joined three bushrangers, and committed several robberies in the neighbourhood of upper William's River, from Mathew Chapman, upper William's River, since 30th ulto.

**NSW GOVERNMENT GAZETTE - List of runaway convicts**  
**1840 page 1046 October 14th**

Shea John, Calcutta, 22, county Kerry, laborer, 5 feet 7 inches, ruddy and freckled comp., brown hair, grey eyes, eyebrows meeting, inoculation scar on upper right arm, scar back of right foot, from J.H.Pilcher, Upper Williams River, since 2nd October.

**NSW GOVERNMENT GAZETTE - List of runaway convicts  
1840 page 1276 November 25th.**

Davis Edward, alias George Wilkinson, Camden (2), 25, Gravesend, labourer, 4 feet 11 1/2 inches, dark, ruddy, and much freckled comp., dark brown nearly black hair, hazel eyes, nose large, scar over left eyebrow, MJDBM inside lower left arm, EDHDM Love and anchor lower left arm, five blue dots betwixt thumb and fore finger of left hand, from Phillip Wright, Hunter's River, since November 10.

**NSW GOVERNMENT GAZETTE**

**1840 page 1423 December 30th.**

**List of runaways apprehended during the week.**

Chitty Robert, Sophia, Matthew Chapman, Upper William's River.

Davis Edward, alias Wilkinson, Camden (2), P. Wright, Hunter's River.

Everet James, Mangles (6), Hyde Park Barracks.

Marshall John, Clyde (1), Hyde Park Barracks.

Shea John, Calcutta, J. H. Pilcher, Maitland.

THOMAS RYAN, Chief Clerk.

**SYDNEY HERALD**

**August 31<sup>st</sup> 1840.**

**LOWER HAWKESBURY.**

Our police department has been unusually busy of late, in consequence of the five bushrangers who escaped from Sydney being, it was reported, in the neighbourhood of Mangrove Creek. The police from this, as well as from the upper districts, scoured the country as far as Brisbane Water, without success; but I learnt last night, that five men answering the description, all armed, crossed the point at Wiseman's on Wednesday, taking the new road in the direction of Wollombi, although the same route affords facility for gaining either Brisbane Water or Maitland, through unfrequented forests. This intelligence has again been the signal for all hands, and the constables (amongst whom are some tried and resolute men) are quite on the *qui vive* to emulate the deeds of the determined Sergeant Freer! The head of the department, Mr. Dunlop, though equally zealous with his underlings, is singularly unfortunate in his method of handling the subject! witness the case of Mr. Brown, (the superintendent to Mr. Rees Jones) whom that worthy official incarcerated, handcuffed, &c, on the supposition, supported by the testimony or representation of the lock-up keeper (I believe), that he resembled a person named Vaughan, for whom a warrant is out on a charge of horse-stealing. The inhabitants are complaining sadly of the irregularity of the Post Office; scarcely a week passes but there is an awful defalcation in the newspapers (I seldom receive more than one every alternate week), besides, they cannot understand why, on going to receive their letters, all which are left at the constables on the opposite side of the River, they should be obliged to pay puntage both going and returning; and (as the post-day is now Sunday, when double toll is demanded) the expence of procuring often exceeds the value of the receipt. Can you inform me, if this is a legal charge? The crops are looking well, and the country looks springlike, with the trees in full blossom.

**SYDNEY HERALD**  
**September 2nd 1840.**

**LOWER HAWKESBURY.**

I have learnt that the five bushrangers mentioned in my last, after taking the near route, proceeded to the ten-mile hollow, where they bailed up the inmates of the small lodging house there, kept by a person named Bailey, robbed him of sixteen pounds odd, in money, and what else suited them, even to the very jacket of a labourer working there. A Brisbane Water constable stationed at Mangrove Creek, afterwards came upon them, but having only one companion he wisely acted upon the old proverb "the better part of valour is discretion," and so said nothing. I conclude they have taken the ranges in the direction of Newcastle. There appears to be another party of the same description about the district, as two of Mr. Flemming's (our chief constable) men were lately stopped near the township of Wollombi, by a couple of men armed with a blunderbuss and rifle, who were very particular in their interrogation, (no doubt in consequence of Mr. Flemming having taken an active part in the capture of some bushrangers a few months back) the men however passed themselves off as servants to Mr. Hall, of Pitt Town, and after a little consideration were permitted to pass on. They had scarcely proceeded a hundred yards, however, when the robbers again came up with them, and desired them to stop; the same question as to who they were, and where going, and in whose employ, were again discussed, and after considerable hesitation, they were asked for tobacco and permitted to proceed. Had they not been acute enough to substitute Mr. Hall's name, it is questionable whether they would have come off so easily. Mr. Dunlop, I hear has been served with notice of action by Mr. Brown for the case of false imprisonment.

We have had a few hours refreshing rains,- the crops continue to look well, and the farmers are commencing ploughing for forward corn. The ground is in excellent condition, and the country hereabouts looks seasonable.



**AUSTRALIAN**  
**September 3rd 1840.**

**COUNTRY NEWS.**

**Wollombi.**

*The Five Runaways from the Tunnel Gang.* - Early on the morning of the 19th instant, an express from Neill, a settler, eight miles distant, apprised the police magistrate of the Wollombi, that Paley, of Ten Mile Hollow, had been robbed at eight o'clock A.M. on the previous day, and that Paley, accompanied by a constable from Mangrove Creek, and a person named Jones, were then at Neill's, awaiting the result of their report. The robbers they stated to be five in number, and unarmed; that on the way between Ten Mile Hollow and Neill's, they had twice had view of them; and during the night were so near where they lay as to hear them say, "we will start when the moon rises." The constable and the other two were armed. Mr. Dunlop instantly started in pursuit, accompanied by two active young men, (well mounted by Mr Wiseman.) He also took with him an aboriginal, whose alertness and sagacity he had proved. Near Mount Manning he fell in with the tracks of all five by a fire, a short distance from the road. They were traced for several hours through ravines and over precipices by Mr D. and his party on foot, where horses could not trace, until about eight miles off the northern road, in the direction of Warawollong, all tracks failed, and notwithstanding the most diligent search, nothing more has been seen or heard of them throughout the district. It is a most praiseworthy feature in the character of the settlers, great and small, that with perfect good will they each and every one join to aid the police magistrate in all his endeavours for the public advantage. The repair of thirty-eight miles of road, undertaken by individuals at their own cost, is now nearly completed. Of the expense some estimate may be formed from the fact that Mr. R. Wiseman pays 70 pounds to a contractor for doing the portion allotted as his share of the road. We have had abundant rains, and the wheat crops are luxuriant; not much grass, except on open low land, of which I am sorry to say we have but little in the district.

**SYDNEY HERALD**  
**September 9<sup>th</sup> 1840.**

**LOWER HAWKESBURY.**

There is a true saying somewhere, that "law is the most vendible commodity in existence if brought to one's door," and verily since our hitherto comparatively quiet district has been elevated to the dignity of a bench, it would appear as if a business had sprung up; and the supply threatens ere long to exceed the most sanguine expectations of the knowing in matters of magistracy. In fact, the establishment appears not only to have altered the face of things but the nature of persons, and like the introduction of deleterious compounds amongst savages, its presence begets a craving which must be satisfied; and eventually the participators are the sufferers through it. Thus many who would previously have forgotten to be litigious in the thoughts of a journey to Windsor, now that the court is on the spot, will plunge into hot water for a very trifle. Nor is the evil confined to law-makers alone, (i.e. law-mongers!) but as misfortune never comes single handed, we are doomed to the infliction of those hitherto to us, unknown law-breakers - bushrangers! I mentioned in my last two communications that parties of this character had made their appearance in the district, and committed several depredations. In addition to that at the ten-mile Hollow, they previously robbed a settler at Cattai Creek. Since I wrote to you, they have come out at the Wollombi, and from accounts received, it seems as though the constabulary there, are either too weak-handed or hearted! - for the rangers are still there, and at large, and like the famed 'dragon of Wentley.'

"Putting the country folks in great fright,

"Robbing and seizing in the open light,"

in spite of the police! Mr. Dunlop's monthly visitation to the McDonald, which should have taken place yesterday, is deferred till next week, in consequence, it is said, of manoeuvres of these outcasts at the seat of magistracy, requiring some abler tactician than (judging from what has transpired) is to be found amongst his operatives. Be that as it may, it is currently reported here, that these bushrangers have been twice surrounded, once whilst at supper in a glen! - when their adversaries had the advantage of possessing the heights above them; and yet no one amongst the posse of constables could be found resolute enough to *even hint at a surrender!* The consequence of this pusillanimity is an increased audacity on the part of the marauders; which, if not checked, may possibly lead to more unpleasant results than are at present anticipated. Why does not the Police Magistrate summon the constabulary from the McDonald to his aid?

I wish to enquire, and hope you will notice the subject, whether an individual, keeping a punt, *professedly for public accommodation*, at a certain rate of charge, on a branch like the McDonald (where there is no government convenience, and the spot is consequently made the general point of crossing) is justified in making it a matter of option whom he will put over. Does not the fact of his demanding toll in one case, render him liable to be called upon for passage in all! I should like to be informed at your convenience, on this particular, as the individual who keeps a punt of this description on the McDonald River, makes it quite a matter of private feeling whom he will put over.

We have experienced some severe frost during the past week, and have been visited with a few hours heavy rain. The crops however are very promising, and we may

from present appearance, fully participate a good harvest. The farmers are busily employed in preparing the ground for the early corn crop, some of which is already sown, and putting in the late stubble. Although there is so much of this grain still on hand, the present low prices appear to actuate all on this river in their determination to hold, in expectation of a rise before Christmas. The quantity of wheat sown exceeds that of any former seasons for years past. The building of small craft is carrying on to a considerable extent on the river, and from the late fatality amongst shipping of this description, remunerates the builders very well.

#### **WOLLOMBI.**

Extract of a letter received from the Wollombi, dated 3<sup>rd</sup> Sept:-

"I am sorry to say that the bushrangers were here yesterday; they have taken away a colt and three mares. There were six bushrangers, they had six guns, and six or eight pistols; they came in when we were at breakfast, they took my gun and pistols, and John's gun, my saddle and bridle, and clothes, also, the tea, sugar, flour, ropes, blankets, and everything we had."

## AUSTRALASIAN CHRONICLE

**Date; Sept 17 1840.**

**The Wollombi.** \_ This fine agricultural country has again been visited by six armed bushrangers. These daring characters appeared at the residence of Mr. P. O'Haning in the open daylight, and were in the act of entering his house, when, suspecting they were men of bad intentions, he flew to his fowling-piece and presented it to them, telling them that if they came nearer he would discharge the contents of the piece at them; his words had great effect, so much so, that they did not approach nearer, but immediately sounded a retreat. As they were departing, in order to have some gratification for their disappointment, they said they would on a future occasion settle with Mr. O'Haning, and at the conclusion of these words one of them fired at the house, happily without doing any damage. From O'Haning's they went direct to a small neighbouring settler of the name of Sims, whose all is nearly depending on two or three brood mares; these they possessed themselves of, and also plundered the house of everything available. The police have been in search of them, but without success. Can those men the Messrs. Bridge be so ready to pursue these men, to the hazard of their own lives, and the melancholy thought of leaving their wives widows, and their families, orphans, after their treatment last year? The merit of the apprehension of those fearful men that were at large twelve months ago in the Wollombi, perhaps as desperate and as wicked men as ever roamed the bush, was due to the Messrs. Bridge, and, although the conduct of these worthy men merits great admiration for the apprehension of those bushrangers, yet they never were as much as thanked by the authorities. – *Correspondent.*

**AUSTRALIAN.**

**September 24<sup>th</sup> 1840.**

*To the Editor of the Australian.*

Sir,- Making all reasonable allowance for the proprietor of periodicals, which must hourly cater for a voracious public, still I do think that even the New South Wales public might ere this be satiated with the various *entremets* in which the well abused "PAIDS" are so frequently served up to them.

When an Editor in the old country is "out of copy," the devil gets orders to search the Balaam box, and if that repository does not furnish the requisite, the alternative is, to *drown a child in Waterford*, or more interesting still, *burn an old woman in cork*. In Australasia the readier process seems to be, what police magistrate must bleed next; it is nothing to them whether the individual be one unwearied, indefatigable, conscientious, in the discharge of onerous duties to the people, and to the crown - one, who to make up for deficiencies in his subordinates, cheerfully labours for all. Nay, no matter on whom the blow falls, if a *correspondent* of the *Sydney Herald* is splenetic, a screw loose in the editorial scissars, or a gent in buckrum, feels that the laws are quite near enough at a distance. Was it a *promiscuous* mystification of constables that assumed the MANGROVE CREEK party to be the force of the *Wollombi*? Is it not enough that the police magistrate of the Wollombi and Macdonald, for the pay of one, does the duty of two districts? that without any provision by the Government for a horse, he rides 100 miles to and from the Macdonald Court monthly, having also the additional service of bench clerk to perform there? that he has been for several days during the last few weeks out in chase of robbers and runaways, following them, on foot, into fastnesses of the hills where horses could not travel? Is it not enough for those who daily sip their claret at their ease, that a civil servant of the crown must see his family live in a log hut in the forest - the delicate, the long cherished, undergoing all the privations of the lower order? No! even let him still serve the public as none but an honourable, proud, and poor man would serve them. Yet as a "PAID" he must perforce, become a public target for every "moral assassin to fire at in the dark."

The Wollombi district is sixty-five miles by forty; the Court House is a hut without a window, and the lock-up is a hovel with a bark covering; no church, no clergyman, no surgeon or physician, in all the length and breadth of the land; wheat, of which the district grows a very great quantity, is sent to Maitland to be ground, a distance, in some cases, of forty miles, and not unfrequently the time taken, what with loss of bullocks, and breaking down of drays by the way, is eighteen days for the journey. Two prisoners have escaped from the lock up, the lock-up keeper has been dismissed, but labour is in such demand, and wages so high, that unless emigrants or others come up from Sydney, there is little hope of procuring another to supply his place.

**SYDNEY HERALD**  
**September 25th 1840.**

**LOWER HAWKESBURY.**

Since I last addressed you little has occurred here worth noticing in your columns. The monthly court for this part of the district took place yesterday se'nnight, but nothing of sufficient interest transpired for newspaper record. There is I believe, however, a case or two of 'ladies at large' awaiting next Thursday week's sitting which may possibly bear telling.

We have had a few hours heavy rain during the week past, but the threatening appearance of a continuance which has accompanied the excessive mid-day heat for the last day or two, appears to have passed in the high wind of yesterday. To say that the crops hereabouts are looking healthy is to fall short of reality, they are "passing well," with every prospect of abundance. The plough is once again in general requisition, and much of the forward corn crop is in the ground; the fine condition the land is in promises well for the farmer. The appearance of the orchard is equally satisfactory. There is still a large quantity of grain of either sort in store, which present low prices seem to warrant the fortunate possessors to 'hold on.' A few samples of wheat however, find their way to market by this week's departure. Dairy produce (eggs especially) is in great demand, and judging from the extensive sales and continued enquiries for this species of produce, is very remunerating. I am happy to observe, that the inhabitants in this quarter are wisely taking the precaution to have their children vaccinated, and on an early day, I believe it is the intention of the gentleman practising here to visit the district throughout for that purpose. The influenza, which has been so prevalent for the last two seasons, is, I am sorry to say, rather prevalent.

The bushrangers have not yet been captured, and ere this have no doubt gone farther a field. I should observe, that the Brisbane Water constable (stationed at Mangrove Creek) whom I mentioned as having come upon them, is censured for not taking them. It appears he came upon them accompanied by two others, all three armed, when they were discussing some of the eatables stolen from Ten-mile Hollow, and although the rangers had only one solitary pistol between them, the trio's only movement was a retrograde one! In my last you have substituted a *posse of constables* for *posse comitatus*, which appears to have given offence; perhaps you will correct it for the satisfaction of the aggrieved.- 18th September, 1840.

**SYDNEY HERALD - ADVERTISEMENT.**

**October 7<sup>th</sup> 1840.**

**TWENTY POUNDS REWARD.-** Stolen by Bushrangers, on the 2<sup>nd</sup> September, from Mr. George Sims, Wollombi, out of a paddock,

A bay mare, black mane, legs, tail, branded J.A. near shoulder.

A brown mare, branded J.A. near shoulder, and 10 under saddle, near side.

A reward of 10 pounds each will be given, if before foaling or with foals by their side, on delivery to Mr. George Sims, Wollombi, or to John Ainsworth, 72 Pitt Street.

**SYDNEY HERALD**  
**October 23<sup>rd</sup> 1840**

**WOLLOMBI.**

The bushrangers on the Wollombi are committing the most frightful depredations; they are a very strong band, at least seven. A few days back they robbed Mr. Drake's house completely, and stole some valuable horses. They stopped one of the constables, and took his horse after nearly killing the man, and swore they would shoot it when exhausted; they have also taken the horses of various settlers. The ticket- of -leave men of the district are now in pursuit of them, with the assurance that they will not be recalled until the men are taken. On Tuesday the blacks stopped a dray of the publican at the Wollombi, named Mr. Darvall, and stole gin and other articles from it, but used no violence.



**SYDNEY HERALD**  
**October 24<sup>th</sup> 1840.**

**LAKE MACQUARIE.**

We received the following communication, but do not vouch for its accuracy:-  
There are two parties of well mounted Bushrangers plundering the country from Maitland to Lake Macquarie. They have robbed and almost murdered a man at Mr. Drake's, on the Sugar Loaf; they have plundered Mr. Boyce, on Lake Macquarie, of all his property, and not content with doing this, but actually compelled Miss Boyce to make tea for them; they then robbed Mr. Hely of his arms, and drove away Mr. Threlkelds cows and working bullocks, after ill-using the stockman, and sending their compliments to his master, that they intended to visit him as soon as they had time. - October 22<sup>nd</sup>, 1840.

COMMERCIAL JOURNAL.  
October 31st 1840.

## NEWCASTLE.

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(From our own Correspondent)

### ARMED BUSHRANGERS IN THE VICINITY OF NEWCASTLE.

The neighbourhood of Newcastle has, for some time past, been under the greatest terror and excitement by the appearance of three mounted bushrangers, armed *cap-a-pe*, and wearing the dress of the first gentlemen in the Colony. On Sunday, the 18th, they visited Mr. Boyce, at Lake Macquarie, where they “bailed up” the whole of his family, and plundered the house of a large quantity of plate, tea, watches, and other valuables; remaining there upwards of six hours, and ordering refreshments at pleasure. The “gentlemen” conducted themselves in the most courteous manner possible - one rebuking another on passing any indecent observations, particularly in the hearing of females. At last, being about to depart, it was found that their saddle-bags would not nearly contain the property which they intended to carry off; and therefore, with the greatest politeness, requested the loan of a couple of bags for that purpose, which requisition Mr. B. deemed it prudent to comply with. On leaving, however, his daughter informed the “gentlemen” that one of the watches they had taken was her property, which had been given to her as a keepsake, and therefore entreated them to restore it - when one of them, in the most gallant manner, immediately handed it over to her. The military, and an *apology* for police, are now out in pursuit of them; but, as it is the opinion of Mr. Boyce that none but horses of the fleetest description can possibly come up with them, we have feeble hopes of *their* success - more especially when it is represented that the horses rode by the robbers are of the “first blood.” They had an abundance of arms, and their leader is known to be a free man.

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The vast increase of arrivals at this port renders the duties of pilot almost impossible to be performed by one man. We have frequently ten or twelve arrivals in a day, besides shipping of large dimensions in and out; and therefore it cannot be considered that any individual, however assiduous, can attend to all. Only a few days ago, the *Bessy* got aground on Nobby’s Reef, and nearly an hour and a half had elapsed, after she struck, before Mr. Jackson could be found to render assistance. The duties, in many instances, are performed by a government boat’s crew, without the attendance, or even presence, of Mr. Jackson - especially when required by the small craft; but, when a large-sized vessel heaves in sight, and where the fees demandable are of course increased in proportion, we can always find the pilot particularly attentive. We would recommend the owners of coasting vessels to present a memorial to His Excellency the Governor for additional pilots; feeling satisfied that, with the attention Mr. Jackson *could* possibly give, there still remains ample room for two more such officers. We have heard of a great deal of “private trading” in all kinds of merchandise - spirits, wine, ale, and tobacco; and although we cannot doubt the fact, yet we shall deem it our duty to make further enquiry before mentioning names and particulars.

SYDNEY GAZETTE  
NOVEMBER 3<sup>RD</sup> 1840.

ORIGINAL CORRESPONDENCE.

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BUSHRANGING.  
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*To the Editor of the Sydney Gazette.*

Sir,

You will oblige me by giving publicity to the following facts:-

On Sunday, October 18<sup>th</sup>, while Mr. B (whose residence is situated at no great distance from Lake Macquarie) was catechising his children, after Divine service, three bushrangers entered the room, one of whom presented a gun at Mr. B.'s breast, telling him that he had not "*long to live.*" The three young children naturally clung round their seemingly *doomed parent*, and to their doing so, it is more than probable that Mr. B. owed his escape from personal injury. One man having Mr. B. under cover of his firelock, enabled the other two to rummage the house and to secure the servants, one of whom is a *free man!* The servants were in their huts, and suffered *two men* to make them march from their huts to their master's house, where they remained neutral spectators, under custody of one man, whose trepidation was so excessive that he seemed more terrified than any one of those placed in his custody.

The two villains compelled Miss B. to open the different boxes and trunks pointed out to her, from which they selected as much as filled three sacks; four watches were amongst the articles selected by these worthies.

Miss B. was then desired to make tea for the party, which she did. She remonstrated with them for taking a watch, which she said was highly valued by her as a keepsake from a friend. The watch was restored to her, and she was told that if there were any other articles of jewellery about which she might be particularly anxious she should have them.

The booty having been packed up, two of the wretches carried it away, and then returned to the house, where they remained a considerable time amusing themselves by firing at a mark.

Upon taking their departure, they compelled one of Mr. B.'s servants to accompany them as a guide to shew them the way to Mr. Heely's establishment, where they arrived; and although there were no less than six assigned servants at Mr. Heely's, they suffered themselves to be *bailed up* by three men, without offering the slightest opposition.

I leave you, Mr. Editor, to judge whether there must not have been a tolerably good understanding between the bushrangers and the servants.

I am not accustomed to write letters for publication, and therefore request you will pardon all faults.

I have the honor to remain,  
Your obedient servant,  
A SETTLER.

P.S. -- I forgot to mention that Mr. Heely keeps several fine dogs at his establishment; these animals are celebrated for their ferocity, and yet when the bushrangers came near them, instead of flying at them, or even barking, the dogs ran to them and caressed them as old acquaintances.

{In reference to "A Settler's" comment upon six men suffering themselves to be *bailed up*, as it is called, by half the number, three, if we are not very much mistaken, we remember an instance of thirteen assigned servants allowing their master's drays to be robbed by only two bushrangers. The fact is, assigned servants have few temptations to defend their masters property.

An assigned servant has just that kind of interest in his master, that a Negro slave had in his; but if assigned servants were to be entitled to any indulgence for behaving properly, the case would be different. If assigned servants were to capture bushrangers when those lawless gentry visit their masters stations, and to be rewarded by a ticket-of-leave in some cases, and by a curtailment of the period of contained service, the inducement to behave properly would be great. If they behaved properly, take off three years of a lifer's probationary period of service; two years off a fourteen years man; and one off a seven years man; and a ticket-of-leave in certain cases. If they behaved otherwise, let them be put back in double ratio of time, a lifer six years; a fourteen years man four years; a seven years man two years. - Ed. Syd. Gaz}

**SYDNEY HERALD**  
**November 10<sup>th</sup> 1840.**

### **BUSHRANGING ON THE HUNTER.**

Among the many miserable consequences of successful banditti work, it does not seem to have been sufficiently considered that in a country where there are so many men who have narrowly escaped the gallows, every profitable combination of that nefarious kind leads thieves who had been behaving on the whole as honest men, to seek the indulgence of that propensity which brought on them exile and slavery.

This indifference or oversight accounts perhaps for the continued sway enjoyed by a party of the most daring villains we ever heard of; if, for example, every inhabitant of a district infested by such outlaws would join to reward well soldiers and constables for the capture or destruction of them, they would not or would seldom repeat oftener than once, such deeds as I am about to mention, because these wretches have in all respects the worst of it; *if they are destroyed it is meritorious*; while if they destroy peaceable subjects they are hanged.

The banditti mentioned are in number three or four, and are well mounted, so that they cover ten miles of country in a very short time; they walk coolly and deliberately into the houses of unsuspecting persons, not sparing individuals who have belonged to their own class; they bale up, as they call it, the assigned servants and the members of the family, if there be any, besides the master, and pillage the house, taking away gold and silver in every shape they may find it in, and other portable articles.

About three weeks ago they entered the premises of a gentleman but lately come to the country, and residing at Lake Macquarie; finding him in his verandah they confined him with three of his children and wife, a free servant, and two convict men, the other convicts they also confined or baled up, bringing them from their huts to their master's cottage. They then set to work, compelling the gentleman's daughter, about sixteen years of age, to open the boxes, &c., out of which they took as much as filled two two-bushel bags, and nearly a third, which they had the hardihood to ask the gentleman for, for that purpose.

When these villains had ransacked the dwelling, they sat down very coolly to the fowls which had been prepared for the family and ate them, and all the bread, compelling the young lady to wait on them, make tea for them, &c.

When they had gutted the boxes, drawers, &c., they amused themselves for hours firing at a mark, and when they had finished their pastime they went to this gentleman's neighbour, about two miles distant, and treated him in the same manner; since that time they have visited six other persons in the same deliberate style, doing in fact what they like, for they have friends wherever they go, and places of concealment, and will never be suppressed unless the government offer a handsome reward for that purpose and to what better purpose could 50 pounds of the public money be applied: Surely the persons they have robbed cannot be expected to offer money for their capture. The gentleman first mentioned has lost about 100 pounds in that way, in watches, rings, and other trinkets, plate, and clothes. He left England partly because of bad health, and is the victim of such ruffians; One of them held a musket to his breast some minutes while his children clung to him for protection.



**AUSTRALIAN**  
**November 10<sup>th</sup> 1840.**

*To the Editor of The Australian.*  
*YEOMANRY CALALRY ONCE MORE*  
*"We must not make a scare crow of the law,*  
*Setting it up to fright the birds of prey,*  
*And let it keep its shape, till custom make it*  
*Their perch, and not their 'terror' " - Shakspeare.*  
*Measure for Measure.*

Sir, - I had hoped that the necessity for my re-appearance in the columns of your paper might be superseded by ranking me in those of the proposed Yeomanry Cavalry; but, the powers that be, are as "the deaf adder which stoppeth her ears:" and, though a charge of egotism may forbid a continuance of the quotation, yet, were some "charmer" to whisper wholesale destruction into *their* ears, the effect would be that of "the drowsy poppies of the east," merely to "medicine them to that sweet sleep," which, it appears, is of a kin to the slumber of one of the thousand of Walter Scott's warriors, inasmuch as it "knows not breaking."

A Grant from the Crown may be good in its way: a Grant from the Crown (to the feet) is a thing terribly in ours! The whole neighbourhood of Maitland is rife with ruffians; bushrangers, like flies, swarm round the Sugarloaf, armed to the teeth, threatening to make us swallow ours; they visit settlers and make them squatters \_\_\_\_\_ in a corner, while, with their muskets, the invaders carry a rifle into the larders and fire a round of ball to get at a round of beef. Should a farmer be ploughing how it must *harrow* his feelings to view them with their horses hoofs squashing the eyes of his potatoes and bursting his cabbages' hearts!

To talk of individuals capturing these marauders, is futile; any settler who attempts this, whether or not he succeed, is first a marked - then a murdered man, sure of being the butt for the bullet of his gum-tree concealed assassin! Take an instance: some time back, a spirited young settler, named Fenwick, living in the neighbourhood of Maitland, did actually so annoy the sensitiveness of the philanthropic as to capture and hand over to justice two Hunter's River bravoës; behold the consequence! *because* he ventured life in the protection of his family and property and seized the savages as common enemies of civilization and decency, what is the result? he is compelled, under plain threats of cold-blooded MURDER, about which there can be "no mistake," to abandon his home, feeling but too well assured, that some fine day, should he hazard a walk around his own farm, he will be shot through and through! of course the very contrast in the supineness of the many for the suppression of atrocity, causes a spirit of cruelty and revenge against isolated exertion. Individual energy is stigmatized as tyrannical; public coalition would be patriotism. A single settler devoting himself to crushing bushrangers, from the infrequency of such bravery, is, by some, called a Quixote; by some, a second Jack the Giant Killer; and, by some, is distinguished by the colonial cognomen of a "cranky cove," meaning, my gentlemen readers, that a commission of lunacy should be forthwith issued against him as a redoubtable candidate for quarters in the barrack at Bedlam Point! But, were the motto, "unity is strength," to be warn upon the foreheads of our neighbours, gentle and simple; were each to make the

case his own and say - "what was my friends ill-luck yesterday is yours today and may be mine tomorrow," and, therefore, let us be unanimous; all would join hand in hand, aye, and hand in purse too -

"Thus to rise up at the great call of nature,  
And check the growth of these domestic spoilers."

In my former letter I distinctly explained the views I entertained on the subject, which are, doubtless, fresh in the memories of many of your readers. They were and are to the effect that, to bruise the head of the serpent bushranging, a troop of Yeomanry Cavalry might be formed among the native-born and settlers after the manner of the mother country, to furnish themselves with horses, arms, and accoutrements, and meet, at stated periods, for exercise and practice, each individual being subject to certain regulations agreed on beforehand among themselves.

This, sir, is but a faint sketch, hurried, and imperfect; let its lights and shadows, its graspings and colourings, be filled up leisurely by a more competent hand. Our disease is desperate; Government will not doctor us; the authorities will scarcely feel our pulse; so' in order to get help, we must do what we have been told at school will make our friends love us - help ourselves.

Sheridan, when solicited for his mite towards a charity set on foot by himself, being asked: "What will you give Mr. Sheridan?", replied "Me give! why didn't I give the idea?" The "idea" then is all I have to give; I have not many to spare, albeit, I hope to be somewhat better off than the man who had but one in the world, and that a wrong one!

I am sir,

Your obedient servant.

QUICKMARCH.

West Maitland, November 4, 1840.



**SYDNEY GAZETTE**  
**November 12<sup>th</sup> 1840.**

### **BUSHRANGING**

For some weeks past the country between Newcastle and Maitland has been infested by a gang of bushrangers, supposed to consist of seven individuals. The persons and names of three of these worthies are known to every one in Newcastle - grown daring by the impunity with which they are suffered to roam through the country, they have not been afraid to show themselves mounted and armed in broad daylight within a mile of Newcastle. A posse of constables, with six or eight ticket-of-leave, and a small party of soldiers, have been sent out to bring them in if possible; but the gentlemen of the bush, being blessed with many friends resident in the town and district, are made daily acquainted with the motions of the authorities, and are therefore able to elude the searches of their pursuers. Why is not a reward of 50 pounds per head offered by the Government for their capture?

The idea that ticket-of-leave men will exert themselves in endeavouring to capture their old familiar friends from the dread of losing their tickets, proves to be totally unfounded. If the Government expect to be aided by ticket-of-leave men, they must have some higher inducement held out to them - so with the prisoner assigned to private service. If ticket-of-leave men succeed in capturing bushrangers, their reward should be a conditional pardon; if the assigned servants aid and assist their masters in defending their stations and establishments and succeed in capturing the assailants, let them be rewarded by diminishing the period of their probationary servitude; and in some cases where the hazard has been great, let them receive tickets-of-leave. On the other hand, we should say, if ticket of leave men display indifference, or show a disinclination to do their utmost towards capturing bushrangers, let their tickets be cancelled and themselves be turned in to Government, to be worked in irons during the remainder of their sentences. If convict servants, let their period of probationary service be doubled.

It is not natural to suppose that convict servants take any interest in the welfare of their masters, the loss of the master is no loss to them; while they are serving their sentences, they are, to all intents and purposes, slaves - it is politic, therefore, as well as just, to give them strong inducements to behave well; and as freedom must be the darling object of every prisoners desire, let freedom be the reward of good conduct. Were His Excellency to adopt our suggestion, we feel assured that bushranging would very speedily receive an effectual check.

**SYDNEY MONITER**  
**November 13th 1840.**

***NEWS OF THE DAY***

**Extract of a letter from Newcastle** - "The noted Barabbee Jack, was yesterday brought to town with the whole of his gang, consisting of eight persons, by the mounted police, by whom they were captured at Lowden's Creek, near Liverpool Plains. Some of these men have been out nearly two years, and have continued during that period to baffle the vigilance of the police, Amongst them are two men of Mr. William Wentworth's, who ran away upwards of two years ago, and for whom he has offered a reward of fifty pounds. Thirty stand of arms, and ten horses were taken with the prisoners. They are now safely lodged in our gaol."

**Bushrangers.-** On Friday night last the 6th instant, the house of Mr. Pilcher, the solicitor of Maitland, was attacked by a band of armed bushrangers, headed by a man named Ruggy. The gang was composed of six men. they took two valuable carriage horses from the stable, when the soldiers, whose barracks are but a short distance from Mr. Pilcher's house were sent for. Had it not been for the blundering of a constable, there is but little doubt that the whole of them would have been taken; as it was, they got the alarm and started as the soldiers came up. two or three volleys were fired, but as it was dark, it is supposed, they were without effect. The police went out after them yesterday, and it is currently reported that they came up with them at Hungerford's Swamp where some heavy firing took place. Our informant tells us that one of the police was shot dead, and another most severely wounded. The bushrangers have not yet been taken.

## **AUSTRALASIAN CHRONICLE.**

**Nov. 14 1840.**

**Maitland, Nov. 9.**\_ The harvest is progressing gradually, but a very great impediment to its progress exists, in the want of a sufficient number of hands to cut it down. It is thought impossible to save all through this want. The bushrangers that robbed Mr. Pilcher are still at large. A fine horse belonging to Mr. Crofton was forcibly taken in the noon day by bushrangers on Saturday last. Mr. George Wood is fast recovering from his wounds received from the shot of a gun discharged at him in the night, while on his duty in search of bushrangers, by one of Mr. Crofton's men, mistaking him for one of the bushrangers.

**SYDNEY HERALD**  
**November 14<sup>th</sup> 1840.**

### **BUSHRANGING ON THE HUNTER.**

The lawless band about whom I wrote to you last week, are still pursuing their ruffianly course, although several very active mounted police are following them. When they had robbed Mr. B. at Lake Macquarie, they went to his neighbour Mr. H. who had been apprised of their approach, but had laid down on a couch at the time they advanced; there were three of them, and they had with them an assigned servant of their last victim, who alone baled up six of Mr H's assigned servants, he having been compelled to go with the bushrangers to shew them Mr. H's premises.

When this fellow had served them they sent him back to his master, mounted, and armed, whither they followed him, after taking from Mr. H. every thing they thought worth stealing.

Both robberies were perpetrated on the Sunday, and consequently the villains might have been resisted, the men on both establishments being home, but some inducement in the shape of fear or hope is wanting, to make men in the situation of assigned servants assist their masters cordially in such circumstances. Why not make it a standing regulation, that the periods of servitude shall be lengthened if they do not protect their masters, and shortened if they do their best to that end?

In these robberies there must have been actual or indirect connivance between the bushrangers and the assigned servants; there must have been communication before the robbers came on the ground; there is no other way of accounting for the passiveness of the servants, and the at-home-ness of the robbers; in Mr. B's affair they played with the dogs as if they had known them before, although the same dogs would not allow one of the family to move about at night without making an alarm. In Mr. H's affair, three men and their guide found six men quite ready to be baled up - and it may be remarked too, that the guide could as well have rode to the nearest Police Station as to his master's house when sent back again, unless indeed he was informed that there were others of the banditti in the neighbourhood; which information, if he had it, he has kept to himself, because they were absent but a short time depositing their spoil, as if they had some of the sawyers or little settlers waiting upon them for the plunder.

They have since been within two miles of Newcastle, where they remained all the night, making the people wait on them, and regaling their horses in the paddock loose. There must be an extensive combination between the robbers and the people in the bush, who no doubt - last line unreadable.

**AUSTRALIAN**  
**November 14th 1840.**

**COUNTRY NEWS.**

**Maitland.**

On Monday evening, the 2nd instant, as Mr H.I. Pilcher, solicitor, who resides close to Maitland, was walking in the front of the verandah of his house, he heard a noise in the hall, and imagining that it was some disturbance amongst the servants, went to see what was the matter when he found three armed men with Mrs Pilcher; they immediately secured and placed him in the dining room, in company with another gentleman who resides with him; one of the three men acted as sentry over them, the other two proceeded to ransack the house, and took watches and plate to the amount of about 150 pounds, with about 20 pounds in money, which was all there was in the house, for Mr P. seldom keeps any, either about his person or dwelling. One object of their visit seems to have been, to take vengeance on the overseer; he being aware of their intentions, escaped, and gave alarm to the Stockade and watchmen. On this, a party of soldiers and constables got to the scene just as the marauders had quitted the house. The soldiers fired a volley in the direction of their retreat, which was returned by them. If the police and military had acted in concert, the whole eight would have been taken. They took two of Mr. P's. carriage horses, which they loaded, and left two others behind. In their haste, one of the party got separated from the others, and fled with another of Mr P's horses in an opposite direction, but being obstructed by a fence, left the horse, and took to his feet; the horse was found next morning. They said their gang consisted of fourteen in number, and that besides the party then at Mr P's, there were two other parties then in the immediate neighbourhood plundering Messrs Simpson and Garrard's. One of those concerned in the present depredation is one of Mr P's own men who had absconded previously to this. At one time they seemed to meditate violence against Mr Pilcher, but the unexpected arrival of the party in pursuit of them frustrated that design. They entered the house about eight o'clock, and continued there until ten, drinking and gormandising, quite at their ease, and apparently apprehending no danger though only half a mile distant from the Stockade. This is the same party who shot the Chief Constable in the thigh a few days before, while in pursuit of them.

**SYDNEY HERALD Advertisement.**  
**November 15<sup>th</sup> 1840.**

Horses stolen from Deridgery.

Five Pounds Reward. Whereas my station at Deridgery, was attacked by four armed bushrangers on the morning of october 1<sup>st</sup>, and robbed of wearing apparel and other articles to a considerable amount, and, at the same time taking away two horses of the following description, viz; One chestnut horse, eight years old, stands sixteen hands high, narrow streak in the forehead, small lump on the fetlock of the off hind foot, two fetlocks behind white, docked tail and no brand.

One light bay inclined to yellow, four years old, white face, fifteen and a half hands high, all white feet, and one hind leg up to the hock white, branded T R on the off shoulder, docked tail. The above horses are well known to the police at Cassilis.

Any person giving such information as may lead to the recovery, or delivering the said horses at my station or to Mr. Thomas Cullens at Patrick's Plains, shall receive the above reward, or Two Pounds Ten Shillings each horse.

A number of orders that have been paid, were taken away at the same time; I therefore caution the public, not to receive any upon me bearing the signature of George Moore.

JOHN BARKER.

## AUSTRALASIAN CHRONICLE

Nov. 17<sup>TH</sup> 1840.

**Bushrangers** - Eight of these daring characters were brought to Maitland on Wednesday last, having been apprehended far in the interior; they have not yet been tried, till which their depredations will not be fully known. Two of the party were among the men that robbed Mr. Sims of the Wollombi. The public in the vicinity of Maitland live in great dread from six or eight men that are now at large in that quarter. The inhabitants of the Wollombi are compelled to come to Maitland in numbers. The police that apprehended the eight men now in custody, are on their way in search of these men, and I hope to be able soon to record their detection. – *Correspondent.*

**SYDNEY HERALD**  
**November 19<sup>th</sup> 1840.**

**SINGLETON.**

Our harvest in this quarter may be said to be fairly begun; the crops in every part are looking most splendid, but I am afraid from the high price demanded for labour, which is exceedingly scarce in this district, that there will be a great deal of wheat lost; twenty-five to thirty shillings per acre is demanded, and got for reaping, and the smaller settlers from the great scarcity of money amongst them will not be able to command any labour at all; they say that even could they afford to give the high rate demanded that the prospect of the low price grain is likely to be at, will not pay them to cut it. We have heard of several bushrangers being out near this, several persons have been stopped on the Bulga Road, the new line by Cockfighter's Creek. One dray was robbed last week, but nothing serious has happened yet.



**AUSTRALIAN Advertisement.**  
**November 19th 1840.**

**FIVE POUNDS REWARD.** - To Poundkeepers, Stockkeepers, and Constables. - Stolen, by armed bushrangers, from Mr Sparke's Paddock, near Maitland, on the night of Friday, the 9th October, 1840, a Bay Filly, three years old, broke in to saddle or harness, black legs mane and tail, branded TP near side under the saddle, small white spot on the near hind fetlock, switch tail.

A small light Chestnut Mare, aged, low set, bob from short square tail near the dock, branded C on shoulder, near side, and GT near side under the saddle, a cut on the near knee, last seen in the possession of John Marshall *alias* Wye Harbor Jack, going in the direction of the Sugarloaf Mountain.

Whoever will give such information as will lead to the recovery of the said Mares, shall receive the above reward, on application to Thomas Estall, East Maitland.

Any one found detaining the said Mares after this advertisement, will be prosecuted.

A further reward of Two Pounds will be paid to any one apprehending the said John Marshall and John Everett *alias* Ruggy.

**AUSTRALIAN**  
**November 19th 1840.**

**COUNTRY NEWS.**

**Maitland.**

The Quarter Sessions have just finished. The usual number of cases were tried, found guilty, and sentenced. The Court of Requests takes place on Thursday: the number of cases, owing to the pressure of the times, are greatly on the increase; but, in order to clear our gloomy prospects, we are, at this moment, getting in one of the finest harvests we have had for some years; all hands are now busy reaping and many fields of wheat have been cut up into hay for want of labour to use the sickle; the rust has appeared in the low land but not to any extent; but, there is a most abundant crop all the way up the Hunter, the refreshing showers we have lately had has brought on the young maize, recently planted, and has made the gardens about the town exceedingly fruitful. Our district is in a most unprotected state, seven armed and mounted bushrangers are constantly appearing in the neighbourhood robbing travellers on the high-road in broad day light, coming even at the back of the Military Stockade at Maitland, and almost within sight of the military. Our constabulary force are very active; but what can they do? there are only seven of them to do the duty of the whole town. Our Chief Constable, George Wood, has unfortunately been wounded in his researches after these bushrangers and has been confined to his bed for these last three weeks, subsisting only on his miserable pay as a constable. Why should not he be allowed something extra during his illness? If something is not soon done to exterminate these bands of lawless ruffians they will so increase their force that we may soon expect to hear of their attacking some of the small towns of the interior; fortunately a party of eight bushrangers, who have been carrying on their exploits beyond the boundaries at Liverpool Plains, and who intended to join their confederates - Maitland, have been captured and safely lodged in Newcastle Gaol.

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We are sorry to report that three bushrangers have opened their exploits in the neighbourhood of *Page's River*; the immediate and known sufferers are, Mr. White, Mr. Ogilvie, and Mr. Singleton, from each of whom they stole a horse, so that, it would appear, they are not yet fully equipped, in which case they might, by active pursuit, be captured; in the outset Messrs Gales and Payne, with two servants, fell in with them on or about the range, but were allowed to proceed unmolested. At their return to *Page's River*, Mr. Eales resolved to give chase to these men, but which resolution (whether "sicklied o'er by the pale cast of thought," or not, we are unable to say) was not carried into effect. It is thought they are gone in the direction of the *Namoi*, and it may, therefore be hoped, that they will not long remain at large.

## AUSTRALIAN

November 21st 1840.

### COUNTRY NEWS.

Extract of a letter dated November 17th, Murrurundi.- "Another party of bushrangers have made their appearance on the Liverpool Range, consisting of two men well armed and mounted, and a third joined them, leaving his flock of sheep at Page River, being on his way down with them from the Namoi to Aberdeen; the sheep are the property of Mr. E. Sparkes, and the man an assigned servant of Mr. P. Wright, of Aberdeen; he decamped during the night, preferring a bush life to that of a shepherd. On the day previous to this man joining them, they took a mare the property of Mr. B. Singleton, from one of his servants, which they much regretted on his account; but pleaded that there was a necessity for it, as a third party was to join them, as soon as they could procure a horse suitable for their purpose, they promised to return her, which they expected to take from Mr. Eales, who they knew was proceeding upwards. Mr. Eales, hearing of their proceedings, returned to the Page with his party to procure fire-arms, and, I believe, proceeded on his way unmolested. They travel in all directions. The same fellows attacked Mr. White, and robbed his place, as also Mr. Haydon's near Warland's Ranges, a few days before, besides stopping several persons on the road; it is supposed they are making their way to the Namoi, where I trust her Majesty's police will fall in with and capture them. Since writing the above, I have heard this day, (Sunday,) that the bushrangers commit their depredations, in the day time, without the slightest fear on the high roads, and ride up to drays and horsemen. Two days ago they robbed the Company's drays at \_\_\_\_\_, staved a puncheon of rum, (going up to the Peel, intended for their sheep shearers,) and made all the men accompanying the dray drunk, with the exception of one man who was sick. They presented a piece at one of Mr. J. Wiseman's stockmen, threatening his life, and asking him whether his name was not Roach, (a poor look out for Roach?) on learning to the contrary they allowed him to go, but he was so frightened that he immediately returned the horse to his master, and proceeded straight down the country, as two days of such work was enough for him. Mr Day, P.M. passed down to-day, having come from Mr Donald's (Commissioner) station; he was accompanied as far as Scone by a party of the Border Police, which is certainly a great accommodation in these bushranging times. Query. Would any other settler or squatter who assist in paying the Border Police be so accommodated?

Another Inn or house of accommodation is much wanted in the district of Scone. I hope some spirited individual will build one in the township before next licensing day; or, at all events, I trust, the next landlord that rents the St Aubin Arms will be more accommodating to his customers, as many complaints are made of his haughty and independant manner. No doubt it arises from his making an independence in a very short time, and in fact rose from nothing.

**SYDNEY HERALD**  
**November 23rd 1840.**

### **BUSHRANGING ON THE HUNTER.**

The banditti who have infested the Lower Hunter district these five weeks being still at large, such of the settlers as have anything to lose continue in a state of alarm, each expecting that his house is the next to be gutted. The situation of those respectable inhabitants who have families, is especially distressing; the business of every day, must have a special reference to violence and spoliation. The master cannot leave home, or if he does, he must plan a defence, and post watchmen and dogs against expected incursions into his, heretofore, peaceful abode; and then there are a thousand imaginary alarms in the day time, and then thousand fearful noises in the night, to make his condition miserable.

After spending a night in the neighbourhood of Newcastle, refreshing themselves and their horses, at the expense of persons who live by the sweat of their brow, the robbers proceeded to the wind-mill, within view of the high road to Maitland, and robbed the miller of every thing they found there. This was done in the morning, in broad day light. Thence they went to a small settler on the Big Swamp, whose wife they compelled to entertain them; where they also bailed up two assigned servants residing in the neighbourhood, who happened to look in while they were regaling themselves. Their next victim was "York," about three miles further along the Big Swamp, from whom, also, they exacted entertainment in the same style.

One of these robbers is a runaway from Mr. E., who lives within two or three miles of the run they last robbed. This shows the determination of the band, and that they act upon a plan, the principal elements of which appear to be, quickness in travelling, and intimidation, by which they think they may safely meet any description of persons - those who know their persons, as well as strangers, always taking them by surprise.

It is most unaccountable, that, staying as they do for hours in the dwellings of those they rob, there has not yet been any description of their persons in print; why if a "hue and cry" had been published and dispersed, offering fifty pounds per head, they would hardly have attempted the next exploit; they are frequently changing their horses, but were they described every time they are seen, the horses would facilitate their destruction, however often they might change them.

Their next victim was Mr. P. the lawyer, near Maitland, from whom they took some valuable personal and household furniture, in the same *masterly* manner in which they placed Mr. B. at Lake Macquarie, sitting down and enjoying Mr. P.'s wine. In doing which, however, they a little miscalculated, for it appears there was one man in Mr. P.'s establishment who having no friendship for such villians, went to the stockade in Maitland and brought out six of the guard, who, in their anxiety to prevent the egress of the robbers from Mr. P.'s premises, dispersed about the grounds, in place of going at once to the house; and thus the bushrangers escaped. The soldiers saw men and horses near Mr. P.'s door, but as they appeared to be at home, they imagined they were Mr. P. and his men, or friends discussing the business after it was over; but when the same party moved off in a body, they challenged them, and being answered by the contents of a pistol, they all fired at the robbers, but without any effect than the finding of a pistol with blood on it; they relieved Mr. P. of two horses, making his loss about one hundred and fifty pounds.



**SYDNEY HERALD**  
**November 24<sup>th</sup> 1840.**

#### **LAKE MACQUARIE.**

The information relative to the bushrangers, as published in the *Herald*, of the 14<sup>th</sup> instant, was incorrect so far as relates to Mr Heley, who was not apprised (as is there stated) of the approach of the robbers, neither were six of his men bailed up, for at that time he had only three on the farm, and Mr. Heley had not the slightest knowledge of them being within twenty miles of him; on the contrary, had he had but two minutes warning he would have been prepared, as his fire-arms were all loaded, but unfortunately not being very well, he laid down on a sofa and fell asleep, so that the first he saw of them was in possession of his house, it was then quite out of his power to make any resistance. Immediately after they robbed him, he received information of a party of police that had been at a neighbouring farm about an hour previously, and had gone on the Maitland Road, Mr. Heley had his horse saddled and followed, but unfortunately did not succeed in meeting them; but on his return about sundown he again met the robbers coming from Mr. Boyce's, so that had he met the police they most certainly must have been captured.

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#### **MAITLAND.**

The people of Maitland are naturally indignant at the unprotected state in which they are left, and complain loudly of the continued absence of their paid Police Magistrate, Mr. Grant, who is understood to be detained in Sydney, and who would have been dismissed long since, were it not that, being a relative of the Whig ex- Secretary of State, Lord Glenelg, he must be provided for.

**THE COLONIST**  
**November 24th 1840.**

**Murrurundi** - Extract of a letter dated November 17th, Murrurundi.- "Another party of bushrangers have made their appearance on the Liverpool Range, consisting of two men well armed and mounted, and a third joined them, leaving his flock of sheep at Page River, being on his way down with them from the Namoi to Aberdeen; the sheep are the property of Mr. E. Sparkes, and the man an assigned servant of Mr. P. Wright, of Aberdeen; he decamped during the night, preferring a bush life to that of a shepherd. On the day previous to this man joining them, they took a mare the property of Mr. B. Singleton, from one of his servants, which they much regretted on his account; but pleaded that there was a necessity for it, as a third party was to join them, as soon as they could procure a horse suitable for their purpose, they promised to return her, which they expected to take from Mr. Eales, who they knew was proceeding upwards. Mr. Eales, hearing of their proceedings, returned to the Page with his party to procure fire-arms, and, I believe, proceeded on his way unmolested. They travel in all directions. The same fellows attacked Mr. White, and robbed his place, as also Mr. Haydon's near Warland's Ranges, a few days before, besides stopping several persons on the road; it is supposed they are making their way to the Namoi, where I trust her Majesty's police will fall in with and capture them. Since writing the above, I have heard this day, (Sunday,) that the bushrangers commit their depredations, in the day time, without the slightest fear on the high roads, and ride up to drays and horsemen. Two days ago they robbed the Company's drays at \_\_\_\_\_, staved a puncheon of rum, (going up to the Peel, intended for their sheep shearers,) and made all the men accompanying the dray drunk, with the exception of one man who was sick. They presented a piece at one of Mr. J. Wiseman's stockmen, threatening his life, and asking him whether his name was not Roach, (a poor look out for Roach?) on learning to the contrary they allowed him to go, but he was so frightened that he immediately returned the horse to his master, and proceeded straight down the country, as two days of such work was enough for him."- *Australian*.

**AUSTRALIAN**  
**November 26th 1840.**

**COUNTRY NEWS.**  
**MURRURUNDI.**

*Extract of a letter dated 10th of November.* - I am glad to inform you that on Thursday last, the notorious bushranger, Gibbons, was brought to the Scone Lock-up, along with two others, ticket-of-leave men, for harbouring him, by William Roach, holding a ticket-of-leave for this district, and stockman for many years to Mr. John Wiseman and his relations at Loader's Station, Liverpool Plains, accompanied by a trooper of the Border Police. Too much praise cannot be given to Roach and the Policeman, the former especially, as he endangers his life when he returns to his station through Gibbons' associates, as some more are still out, and Roach, being a stockman, is in the habit of falling in with those fellows, who are continually prowling about to see whom they can plunder and ill use. It is, therefore, to be hoped, that his Excellency will grant to Roach, and his companion in arms, a conditional pardon, if not, an absolute one for the former, and also, a reward for the risk they have run; which, I have no doubt, would induce other ticket-of-leave men, as well as assigned servants, to go out in pursuit of those lawless fellows. Gibbons was brought up on Friday, before Mr. Robertson, P.M., and Mr. Mayne, Commissioner; and, I am happy to say, was fully identified, as he denied being the person on his way down, and committed on various charges: such as, the Murrurundi mail robbery, horse-stealing, having fire-arms in his possession, &c.; his two associates, or harbourers, as a great deal of property was found in their huts, have been fully committed. The horses found in their possession have been claimed by Mr. John Campbell, Jun., Page's River, and Mr. John Eckford, Maitland; also, a small quantity of the property; the residue lies at the Court House for identification, and two or three large bags full of sundries; a cheque was found in Gibbons' possession which was in the mail at the time of the robbery. Gibbons having escaped, on a former occasion, at Patrick's Plains, Roach was detained to see him safely lodged in New Castle Gaol, and so accompanied some of Meyne's Border Police, under orders of Corporal Dowling, a very active Police Officer, to Newcastle, where, I trust, they will arrive in safety.

Mr. T.S. Hall has been robbed on his return from the Oxburgh, near Musclebrook. The robbers took from him his watch, and 3 pounds in money, but did not ill-use him. What are the constables and mounted police about to allow them to approach so near? I suppose, as usual, watching the publicans: poor fellows, they have a tiresome life of it.

Captain Dumaresq proceeds with his family to Sydney, which is much to be regretted, as we lose a good neighbour, a good man, and in every respect a *gentleman*.

A watch-house is much wanted at Murrurundi, but no contractors will undertake it, as Government requires good seasoned timber which cannot be procured in the bush, besides, they have not allowed enough for building it. Our Police Magistrate cannot hold a court there for want of a temporary lock-up, which is much to be regretted; a Court could be held in the Inn, which has been offered, but our Police magistrate thinks otherwise, which some suppose is a good excuse for not visiting the Page. My humble opinion is, that holding Courts at the Page would be much more service to the public, than sallying out after bushrangers, and loosing himself in the bush.



*Scone.* - The crops are fine in this district this season; reaping commenced a week back; on some farms there is a great cry out for men; the crop being so heavy, the exorbitant wages and scarcity of men, make it very troublesome to get the harvest in, and when reaped the low price of grain will scarcely reimburse the farmer for his expence and trouble. We have had some delightful rain for the early maize, and the country generally looks well. All men that can shear have gone beyond the boundaries, where they find ample and constant employment, and will for months to come. Sheep-shearing has commenced, and all the flock-masters are busy; many dray loads of wool having already passed down; the price of wool is very low at present in England, which will be greatly against the panic now existing in Sydney, and I fear injure the owners of sheep.

The settlers in the Upper Hunter have derived no benefit whatever, from the men forwarded from Sydney to be rateably distributed in the various districts, Mr Grant of Maitland, having disposed of them among the settlers there, as none of them ever have reached the length of Darlington - first come, first served.

I had forgot to mention that on Friday last, two daring fellows, Wilson and another, servants of Mr Wentworth, and who have been in the bush for a considerable time committing depredations, were brought in by Mr Meyne's border police, and lodged in the lock-up; they were taken by Mr Doyle on the Namoi, about eight miles from Mr Wentworth's cattle station, with five horses and a quantity of property in their possession; the horses have been owned, and the men fully committed. The same men were once tried for the murder of Constable Fox.

**SYDNEY HERALD**  
**November 30<sup>th</sup> 1840.**

**PATRICK'S PLAINS.**

On Sunday last, the 22<sup>nd</sup> instant, nine drays belonging to different parties were stopped near Dr. Bowman's estate, by three armed men, and a great deal of property was destroyed. Altogether there were twenty men with the drays, and some of them well armed, and it is evident therefore, that there must have been some collusion between them and the bushrangers.

**COMMERCIAL JOURNAL**  
**December 2nd 1840.**

**Bushranging.-** This nefarious practice, which may well be considered as one of the greatest curses under which the Colony of New South Wales is doomed to labour, appears of late to have been carried on with more than usual vigour, if we may judge from the reports that have been recently circulated to that effect. We cannot, however, help thinking that a great deal of justice was contained in the remarks made in the Legislative Council upon the same subject during the late discussion of the Summary Punishment Act, which were to the effect, that a great deal of the evil so loudly complained against, arose from the neglect of the settlers to adopt proper measures for their own defence, and the treachery of the assigned servants, who, in general, were rather inclined to aid the villianous designs of their fellow-convicts the bushrangers, than to assist their masters in resisting them. In proof of the latter assertion innumerable instances might be found, and for one of them we need go no further back than the 22nd ultimo, on which day nine drays were stopped and plundered, on Patrick's Plains, by three men, although the convicts who guarded them were twenty in number, and many of them well armed. It is, and always has been our opinion, that with a proper degree of exertion on the part of the Government, aided by the co-operative assistance of the settlers themselves, a great deal could be done towards putting an entire stop to the evil; but little or nothing material can be effected unless it be done by the active combination of such efforts. As, however, the evil of bushranging has arisen principally from the practice of assigning convicts to settlers whose habitation are in the wilds of the Colony we are not without a hope that the abolition of that system which must necessarily follow the discontinuance of transportation will go far towards eradicating the evil complained of.

**SYDNEY HERALD**  
**December 4th 1840.**

LIVERPOOL PLAINS.

The bushrangers on Liverpool Plains are becoming more daring every day, levying contributions on travellers, drays, and stations, with impunity, and unless our supine Government take active steps to repress this growing evil, it is like holding out a premium for bushranging.

I passed up the country the same time as Singleton's horse was stolen, and Mr. Edward White was robbed; but luckily missed the bushrangers of whom I heard a great deal. It appears, however, that they came to the station *Warrah*, where the Company's cattle, were mustering but seeing so many men about the place they considered it advisable not to molest them. We left on the morning of the 13th November very early, and within a quarter of an hour after we had left they came to the station, three armed men, and, besides robbing the Company's drays, which I perceive has appeared in some of the public journals, they entered the house and plundered it of every thing valuable, breaking the fire-arms to pieces, and taking away one of the Company's horses, saddle and bridle; they enquired for the other horse, which fortunately was away.

The nearest Mounted Police station to Liverpool Plains is distant about forty miles, and you may fancy to yourself the probability of capturing these fellows who always had fresh horses, and are miles away before the Police can be aware of the movements; but there must be great neglect somewhere, for the bushrangers were in that neighbourhood for a fortnight at least.

The squatters, who are the most enterprising men in New South Wales, as the recent discoveries of immense tracts of fine land and beautiful rivers can prove, are nevertheless taxed by Government in every possible way, for which they receive what? Protection, forsooth! Their cattle driven away, and their flocks stolen wholesale by the black savages, their drays robbed in the way up with the necessary supplies, and their servants knocked in the head.

The Assignment System is at last completely abolished. We all know the scarcity of labour, and the difficulty there is in procuring men to go to New England, and the distant stations at most exorbitant wages. Take into consideration the conveyance of stores from Sydney, and cartage from three to four hundred miles, over roads on which Government had not expended one penny, the probability, as it is daily increasing, of the drays being robbed, the little or no redress we have when servants do as they please, the insecure state of their capital invested in sheep, a whole flock of which has been driven away in one night, and the shepherd murdered more than once, the taxation from Government, and the difficulty of getting once more to market; and you can well calculate the difficulty, annoyance and expense incurred by a Squatter.

The crops all along the Hunter are most luxuriant, but that which ought to have been cut a fortnight before was still standing in the field for want of labour. The districts of Invermein, Muswellbrook, and Patrick's Plains, had memorialized Government for men, but owing to some stupid or wilful mistake on the part of the Acting Police Magistrate at Maitland, the men sent by Government for the above were all distributed at Maitland. The up-country wheat was of no consequence so long as they get theirs in without difficulty. We understand this gentleman is a candidate for the vacant Magisterial

chair at Maitland, caused by the resignation of Mr. Grant, but we trust that such a step as the above, such an unwarrantable assumption of authority to the injury of so large a portion of the public, would disqualify him in the eyes of the Governor for so responsible a situation.

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#### **PATRICK'S PLAINS ROAD.**

This road is infested by a gang of armed and mounted bushrangers. On Tuesday morning about eight o'clock, Mr. Barker, Mr. Larnach, and a servant, were on their way from Patricks Plains to Maitland, and when near Anvil Creek, four armed men rode up to them and desired them to stand, upon which Mr. Larnach set spurs to his horse, and rode off, followed by two of the scoundrels, who kept up with him at a hard gallop for two miles, making several attempts to shoot him, but from the rain the previous night having wetted their powder, they could not get the guns off; one of them then clubbed his carbine, intending to knock Mr. Larnach off his horse, but the blow luckily missed his head and alighted between his shoulders; the vagabond then dropped the carbine and fired a pistol at Mr. Larnach, but from the rate at which they were travelling, was unable to take aim. Another of the scoundrels was during this time, trying to take aim at Mr. Larnach, but could not do so, when Mr. Larnach suddenly turned his horse off the road, and thus baffled his pursuers, when the bushrangers required to use their exertions to keep their horses clear of the trees, but they followed until they arrived within sight of Mrs. Harper's, when Mr. Larnach lost sight of them. Mr Barker was not robbed, but was treated with great civility, but the scoundrels expressed great regret that they had not succeeded in stopping Mr. Larnach, who, it appears they mistook for Mr. Eales. After stopping these gentlemen, the bushrangers went to Cohen's public house, and robbed it of £70, and waited until the arrival of the Patrick's Plains mail, when they opened the bags, took away the letters, and robbed the passengers. The conduct of these ruffians had caused great excitement at the Lower Hunter.

## **SYDNEY MONITER**

**December 4th 1840.**

**The Bushrangers at Maitland.-** The bushrangers in the vicinity of the Maitland district have been doing great havoc in that quarter. On the 1st instant they attacked the inn kept by Mr. H. J. Cohen, at the Black Creek; and by their apparent desire, seemed determined to carry off all worth their notice. Poor Mr. Cohen was in a terrible fright, and it is supposed will not for a considerable time recover the bruises he then received. Unfortunatly he could not run away. Subjoined is an extract from a private letter, dated December 2, 1840, detailing the career of these marauders on that day:- “The bushrangers were at Henry J. Cohen’s, Black Creek; there were four of them; they bailed up himself and his servants, with six bullock drivers, Marshall (his landlord), Glue, the butcher, from Maitland, and a young man named Palfrey, whom they brought up from an adjoining farm. They took 75 pounds cash, but returned orders to the amount of 40 pounds; his watch also was returned. Glue says it was laughable to see the fright Henry was in. They had just done rummaging when the mail came up - so they popped out, and made all the passengers go into the house; they opened the mailbags, but, on persuasion of the coachman, did not open a single letter. They however cleaned out the coachman’s friends, but let him free, one of them knowing him.- They have been all about here; three nights ago at Dungog; two nights ago at Raymond Terrace, to rob King’s farm and Hook’s; and afterwards to Newcastle; yesterday morning at Darlington, where they fell in with Larnack, whom they tried to shoot, but the gun missed fire, they punished him severely with the butt end of their pieces. The only violence used at Henry’s place was, breaking a constables staff over his arms, which were smashed to pieces, Tim Nowlan was also stopped and flogged by them.”

**SYDNEY GAZETTE**  
**December 5<sup>th</sup> 1840.**

### **COUNTRY NEWS**

As every thing that tends to give our readers information from the country must be (all things taken into consideration) of the greatest consequence, we extract from the columns of our cotemporary the *Sydney Herald*, the following "up-country news," from the several correspondents of that journal.

**Liverpool Plains.** - The bushrangers on the Liverpool Plains are becoming more daring every day, levying contributions on travellers, drays, and stations, with impunity, and unless our supine Government take active steps to repress this growing evil, it is like holding out a premium for bushranging. I passed up the country the same time as Singleton's horse was stolen, and Mr. Edward White was robbed, but luckily missed the bushrangers, of whom I heard a great deal. It appears, however that they came to the station *Warrah*, where the Company's cattle were mustering, but seeing so many men about the place, they considered it advisable not to molest them. We left on the morning of the 13<sup>th</sup> November very early, and within a quarter of an hour after we had left they came to the station, three armed men, and, besides robbing the Company's drays, which I perceive has appeared in some of the public journals, they entered the house and plundered it of every valuable, breaking the fire-arms to pieces, and taking away one of the Company's horses, saddle and bridle; they enquired for the other horse, which fortunately was away. The nearest Mounted Police station to Liverpool Plains is distant about forty miles, and you may fancy to yourself the probability of capturing these fellows who always have fresh horses, and are miles away before the Police can be aware of the movements; but there must be great neglect somewhere, for the bushrangers were in the neighbourhood for a fortnight at least. The squatters, who are the most enterprising men in New South Wales, as the recent discoveries of immense tracts of fine land and beautiful rivers can prove, are nevertheless taxed by Government in every possible way, for which they receive what! Protection, forsooth! Their cattle driven away, and their flocks stolen wholesale by the black savages, their drays robbed in the way up with the necessary supplies, and their servants knocked in the head. The Assignment System is at last completely abolished. We all know the scarcity of labor, and the difficulty there is in procuring men to go to New England, and the distant stations at most exorbitant wages. Take into consideration the conveyance of stores from Sydney, and cartage from three to four hundred miles, over roads on which Government had not expended one penny, the probability, as it is daily increasing, of the drays being robbed, the little or no redress we have when servants do as they please, the insecure state of their capital invested in sheep, a whole flock of which has been driven away in one night, and the shepherd murdered more than once, the taxation from Government, and the difficulty of getting once more to market; and you can well calculate the difficulty, annoyance and expense incurred by a squatter, and often at little profit. The crops all along the Hunter are most luxuriant, but that which ought to have been cut a fortnight before was still standing in the field for want of labour. The districts of Invermein, Muswellbrook, and Patrick's Plains, had memorialized Government for men, but owing to some stupid or wilful mistake on the

part of the Acting Police Magistrate at Maitland, the men sent by Government for the above were all distributed at Maitland. The up country wheat was of no consequence so long as they get theirs in without difficulty. We understand this gentleman is a candidate for the vacant Magisterial chair at Maitland, caused by the resignation of Mr. Grant, but we trust that such a step as above, such an unwarrantable assumption of authority to the injury of so large a portion of the public, would disqualify him in the eyes of the Governor for so responsible a situation.

**Patrick's Plains Road.** - This road is infested by a gang of armed and mounted bushrangers. On Tuesday morning, about eight o'clock, Mr. Barker, Mr. Larnach, and a servant, were on their way from Patrick's Plains to Maitland, and when near Anvil Creek, four armed men rode up to them and desired them to stand, upon which Mr. Larnach set spurs to his horse, and rode off, followed by two of the scoundrels, who kept up with him at a hard gallop for two miles, making several attempts to shoot him, but from the rain the previous night having wetted their powder, they could not get the gun off; one of them then clubbed his carbine, intending to knock Mr. Larnach off his horse but the blow luckily missed his head and alighted between his shoulders; the vagabond then dropped the carbine and fired a pistol at Mr. Larnach, but from the rate at which they were travelling, was unable to take aim. Another of the scoundrels was, during this time, trying to take aim at Mr. Larnach, but could not do so, when Mr. Larnach suddenly turned his horse off the road and then baffled his pursuers, when the bushrangers required to use their exertions to keep their horses clear of the trees, but they followed until they arrived within sight of Mrs. Harper's, when Mr. Larnach lost sight of them. Mr. Barker was not robbed, but was treated with great civility, but the scoundrels expressed great regret that they had not succeeded in stopping Mr. Larnach, who, it appeared they mistook for Mr. Eales. After stopping these gentlemen, the bushrangers went to Mr Cohen's public house and robbed it of 70 pounds, and waited until the arrival of the Patrick's Plains mail, when they opened the bags, took away the letters, and robbed the passengers. The conduct of these ruffians had caused great excitement in the Lower Hunter.



**SYDNEY HERALD - ADVERTISEMENT.**  
**December 5th 1840.**

**THIRTY POUNDS REWARD.-**

Whereas, three armed bushrangers came to the Australian Agricultural Company's station at Warrah, Liverpool Plains, on the 18th November, and after robbing from the dwelling, took away a horse, saddle, and bridle. A reward of five pounds will be paid for the recovery of the horse, and a further reward of twenty-five pounds for such information as will lead to the conviction of the thieves.

The horse is a dark bay or brown color, about sixteen hands high, six years old, small star on forehead, and white spot on belly, hair rubbed off the wither, and short switch tail, branded C with o inside off side, and 204 on near side under the saddle.

PHILLIP P. KING,  
Commissioner for the Australian Agricultural  
Company.

**AUSTRALIAN**  
**December 5th 1840.**

**COUNTRY NEWS.**

**Maitland, Dec. 1.**

Bushrangers still continue as active as ever. Indeed, so reckless of consequences are these gentlemen, that one of the most daring robberies has this day been committed that has ever perhaps been heard of. Four armed and mounted bushrangers rode up this morning to the "Shamrock Inn", at Anvil Creek, kept by Mr H.I. Cohen - put their horses in the stable - ordered them to be fed - and then proceeded to the house - where they "bailed up" (as the Colonial phrase has it) fourteen persons; after which they plundered the premises of whatever they could find. They then waited nearly an hour for the arrival of the mail from Patrick's Plains. When it came to the house to change horses, they sallied out, robbed two of the passengers, and broke open the Sydney and Maitland mails; but not finding any thing of value, gave the letters back, and rode off at full gallop. These robbers are dressed in first-rate style, with regular bandit hats, turned up in front; and the captain, or leader, styles his comrades "my men." This is the same party who have been committing depredations for the last six weeks in this neighbourhood, they never having left the district; and one of the men was mounted on a horse actually taken from a paddock in the town of West Maitland, only two nights since. When they left the house after robbing it, they called for a quart of brandy, for which they paid - treated some bullock-drivers, their own shipmates - and; on taking leave, affectionately shook hands with them. It is well known they only left Maitland that morning; and, on their way to Anvil Creek, they met Mr Larnach, who was on horseback, and Mr James Barker in a gig. Two of the bushrangers went to each. They struck Larnach on the back with a musket, but he being mounted on a fleet charger, returned the compliment with his whip, put spurs to his horse and galloped on: they fired after him, but fortunately without effect. He is very much bruised, and at present confined to bed. They did not rob Mr Barker. On their return from Anvil Creek, after they had robbed the mail and inn, they came back on the Maitland road, where they met a stock-keeper with a good horse, which they took from him, and left him a jaded mare. They were afterwards seen within four miles of the town. The mounted police are gone out after them, but they are not sufficiently well mounted to do much good. The ticket-of-leave men are ordered out to assist the constabulary, and every precaution has been taken to protect the town; for, considering the audacity with which these villains have lately carried on their proceedings in this quarter, who would venture to say that they will not - as they have actually threatened - embrace the earliest opportunity of attacking the banks? Things are in a pretty state here. The only magistrate now in Maitland is Lieutenant Scheberas, who is doing all he possibly can, but he has enough to do to attend to the roads and iron-gang; and there are only seven constables to protect the whole district! What is to be the end of all this? No one can now travel with safety. If you take a ride for pleasure, you may chance to be robbed and murdered; and, if you stay in your house, similar consequences are likely to be the result. Surely this state of things cannot last. Unless these scourges of human nature are hunted out like beasts of prey - which they so closely represent - the Colony will always remain in its present disturbed state. - *Correspondent.*



**AUSTRALASIAN CHRONICLE**  
**December 8<sup>th</sup> 1840.**

**Assault. - Michael John Davis**, who has been out on bail, yesterday appeared on warrant at the police office, to answer the charge of Edward Adams, steward of the Victoria steamer, for an assault. It appeared that a good deal of ill feeling had existed between the parties for some time, owing to monetary and other transactions, and that on Thursday evening they got to very violent language, in which the words *swindler, rouge, thief etc*, were applied pretty freely on both sides, till at length Adams called Davis *a convict scoundrel*, upon which the latter knocked him down, and gave him two black eyes. This occurred on board the Victoria whilst lying at the Commercial Wharf. The defendant pleaded in extenuation the provocation he had received; and the bench said they were willing to allow the provocation to be great, and had it appeared that defendant had given the proecutor no incentive to make use of such language, they should have inflicted a merely nominal fine; but it appeared the defendant had called the prosecutor a rouge and a swindler, and other epithets equally provoking, and they must therefore consider the provocation to have been as great on one side as the other; they would therefore find him guilty of the assault, and order him to pay a fine of 4 pounds, together with eight shillings and sixpence costs. The defendant immediately paid the fine and costs, and he said he should apply for a warrant against the prosecutor for stealing his boat, and appropriating a part of the proceeds to his own use. The prosecutor said if he did he should proceed against the defendant for a conspiracy.

**SYDNEY HERALD**  
**December 8th 1840.**

**BUSHRANGING AT THE HUNTER.**

It is most unaccountable, that the respectable portion of our community do not, by representation and personal exertion, combine to destroy these ruffians, who go on with the cunning and daring of Arab hordes. The prosperous and honest settler does not reflect on his own situation, as being selected to be victimised out of a very mixed population; or if he have, by late events, perceived that the class to which he belongs is so distinguished, such as have hitherto been allowed by these scoundrels to enjoy their peace and property are so pleased with the unwarrantable hope of immunity, they consider not that the too probable employment of the banditti at the moment of apparent security is the acquiring a knowledge of the settler's habits &c., to enable them, when least expected, to pounce on his quiet abode. Wherever they have robbed, they have shown such knowledge of the number of the family and establishment, they have discovered such acquaintance with the locality, dogs &c., as could only have been acquired by watching some time previously, and by the friendship of the convict servants. It has happened, that they have laid hold on an assigned servant, when tending his master's cattle, and have threatened to knock him on the head if he did not give them information, or if, having given it, they should find it incorrect. Now if this is known to have happened once, we may set it down to have occurred forty-nine times; and the occurrence concealed from fear. Indeed it is common to get information from ticket-of-leave men and convicts in servitude, of a nature that cannot be acted on; such fellows *never see them*, but *they heard* that they were at such a place the night before, or *they heard horses in the night*; and sometimes they will tell you, with a confidence which suggests connivance, that they are not within *so many miles*. Now if this kind of secret combination go on much longer, it will be so complete, to the purposes of the banditti, that they will never be caught, unless the Governor threaten to take away all the tickets-of-leave, and lengthen the probation of all the assigned servants.

The last exploit which has come to my ears, was, their taking a horse from one of their Lake Macquarie victims, robbing him at the same time of personal property, when a few miles from Maitland, on his way home. This is the second instance of the kind within these few weeks. the sufferer in the other case was within a mile or two of his house, a short distance from Maitland, when they took his horse from him. They have stolen at least ten horses. No description of their persons has appeared in print yet.

**SYDNEY HERALD**  
**December 9th 1840.**

**Bushranging.** - Extract of a letter from Lake Macquarie, dated December 5th. "The bushrangers are still about the Lake, - as Mr. Hely was riding home from Maitland the other day he fell in with them, they took his horse and cloak from him, and gave him a horse of Mr. Bolton's to ride home on, the poor animal had been so much ridden by them that it would not carry him a quarter of a mile, so he left it in the Bush and walked. The Bushrangers told him to tell Mr. Threlkeld that they intended to pay him a visit even if he kept the military there for a twelvemonth, provided they were not shot in the interim, which they fully expect will be their end." In another letter dated December 6th, from the same place. "The bushrangers are still annoying us here, the country is in a miserable state through them, not a quarter of their exploits are published."

**SYDNEY HERALD**  
**December 10th 1840.**

### **BUSHRANGING ON THE WILLIAMS.**

The bushrangers who were at Newcastle lately, and more recently at Mr. Pilcher's farm, on the Hunter, have paid us a visit *en passant*, and now that they have *found* themselves in every necessary, have left the district for a bold dash somewhere else. On Sunday night last, the 29th ultimo, between nine and ten o'clock, as Dr. M'Kinley with a guide, was proceeding towards Mr. Chapman's, of the Grange, from Mr. Coar's, of Wallaringa, where he had been to visit a lady reported as being ill, he and the guide were "bailed up," and commanded to "bundle back" to Mr. Coar's again, otherwise they would have their brains blown out. Being unarmed, they, of course, made no resistance. They all proceeded then to Mr. Coar's, where, to the astonishment of the captured party, the house was in possession of bushrangers, handsomely dressed, and "armed to the teeth." They demanded the Doctor's watch and money, but by the intercession of one of Mr. Coar's men (who was lately a patient) who "begged him off," everything was returned to him again. The Doctor says he was treated in the most gentlemanly manner by them, and that he never spent a happier night in his life. They insisted on his making himself quite at home, and not to be alarmed, as they did not intend injuring him, and pressed him to eat some eggs, beer, damper and butter. They then cleared a sofa for him to lie on, and covered him up with their greatcoats, the pockets of which were stuffed with ball cartridge and buck shot. The Doctor's guide had his arms tied behind him, and was thrust under the pianoforte, *sans ceremonie*, the chief telling him that if he either broke the *paddle* or fell asleep, he would blow his brains out. Here they were detained prisoners until morning, and then were marched off towards Mr. Chapman's. Their attire was rather gaudy, as they wore broad-rimmed Manilla hats, turned up in front with abundance of broad pink ribbons, satin neck-cloths, splendid brooches, all of them had rings and watches. One of them (a Jew I believe) wore five rings. The bridles of their horses were also decorated with a profusion of pink ribbons. The leader was formerly an assigned servant of Edward Sparke Esq. of the Upper Hunter, and another (named Shea) was lately an assigned servant of Mr. Coar, the third, I believe, was a Jew named Davis, a very wary, determined fellow.

They "bailed up" Mr. Chapman and his men in the back yard, and searched the house, but took nothing of consequence save two saddles, saddle-bags, bridles, brandy, tea, sugar, buckshot, &c., they then caught two mares of Mr. Chapman's, when Robert Chitty (one of Mr. C.'s men) joined them, and after having breakfast galloped off. They neither used violence nor uncivil language, and on leaving promised to return Mr. Chapman's mares as soon as possible, and I am happy to say they have kept their word. Immediately after this, they met a man of Mr. Lord returning from Morpeth, leading back to Underbank his master's horse, which they took from him, as also 11s. They cut open a carpet bag which he had, then gave him a kick on the ribs and dismissed him. They then met a Mr. Morrison, from the Namoi, proceeding towards the Paterson, from whom they took the horse he rode. They then proceeded towards Mr. Walker's, of Brockfield, from whom they took about £37 in money and refreshments. The Rev. Mr. Comrie was there at the time, from whom they took a mare, which had been kindly lent him by D. F.

Mackay, Esq., of Melbee. I understand they have left this mare on the road, not very far off. They next directed their course to the station of Timothy Nowlan, Esq., on whom it would appear they had a great “down,” for they fixed a saddle on his back, flogged him, took £5, a horse, and a gold watch from him. They then galloped off to the residence of a small settler, “bailed up” all in the house, and insisted on having their horses shod, the man of the house being by profession a smith, but having neither nails nor cash, they met with a double disappointment. Back they came to Walker’s again, had some refreshments, and the Dungog postman chancing to pass through in that direction at the time, was “bailed up.” They cut open the Sydney bag but touched nothing, took £3 from the postman, and his watch, the latter of which they however returned him. They then made for the Paterson, and in the afternoon robbed Mr. Jones (Settlers’ Arms), of about £30. They then crossed the river, and have not since been heard of, but as one of the horses which they took from this has been seen near to Black Creek, it is probable that that is the route they have taken. They promised to visit Dungog, but it is fortunate for them they did not come, as the “city was in arms,” and would have given them a much warmer reception than they calculated upon. Had we only a batch of the Mounted Police stationed here, it would have been quite impossible for these marauders to have escaped, and from the frequency of these depredations it is now high time that a detachment of Mounted Police be permanently resident here, which is the only sure method of eradicating recurrences of this nature, and securing to the settlers of the district that peace and quiet, both of body and mind, which they have a good right to expect, and which it ought to be the study of Her Majesty’s representatives, as far as in them lies to cherish and promote. On Tuesday last, the 1st instant, another posse of these freebooters made an attack on the establishment of John Lord Esq., at Underbank (sixteen miles above Dungog), “bailed up” all the servants, Mrs. Lord, and Mr. Craig, and after carrying away all the ammunition and fire-arms they could lay their hands upon, together with tea, sugar, flour, butter &c., besides £8 or £10 in cash, and a horse, they left at about half past four in the afternoon, after dining comfortably, and pursued their course over the mountains in the direction of the Paterson, and have not since been heard of. There is a party out in pursuit of them at present, but I fear their search will be unavailing.

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### PATERSON

The bushrangers are very troublesome in this district, and have shot many cattle and horses, and otherwise harassed the settlers. This is one of the benefits of a convict population, and yet there are persons found advocating the transportation system. Fortunately for the settlers Major Johnson is on the trail of the marauders, and we expect to hear of their speedy apprehension.

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## **SYDNEY HERALD**

**Dec. 12th 1840**

### **BUSHRANGERS ON THE HUNTER**

A party of bushrangers assembled on Sunday last at Mr. Pilchers's farm within five miles of Dungog, where they continued to regale themselves until the next morning, when they proceeded to the Grange and robbed Mr. Chapman of two horses, with bridles, saddles, &c. From thence they proceeded to Walker's Union Inn, at the half moon flat on, William's River which they robbed of upwards of £30 in cash. Two miles further on they fell in with Mr. Nowlan and Mr. Waring, a newly arrived Emigrant, on their way to Walloraba, whom they robbed of their watches, about £4 in money, and a horse. Again returning to Walker's Inn they robbed the Presbyterian Minister on his way to Dungog of his horse; proceeding towards the Paterson they seized on two horses belonging to Captain Hector and Mr. John Lord, and arrived at 4 o'clock at the Settlers' Arms Inn, within three miles of the township of Paterson, where they remained upwards of two hours, first having driven Mr. Jones the poundkeeper, and all his servants and guests into a room, and taking from him £20 in money. This party, four in number, were mounted, armed with guns and pistols, dressed in fine black cloth coats, Manilla straw hats, decorated with red ribbons. They are recognised as Shea, a runaway from Mr. Pilcher, Robert Clutte from Mr. Chapman, Mr. Edward Sparks' assigned servant that absconded from the Liverpool range, and the fourth a man from Patricks Plains. To the latter place, it is supposed they have proceeded in their career of depredation.

**COMMERCIAL JOURNAL**  
**December 12<sup>th</sup> 1840.**

**Assault.-** Michael John Davis, out on bail, appeared on warrant at the Police Office the other day at the instance of Edwin Adams, steward of the *Victoria* steamer, to answer his information and complaint for an aggravated assault committed on board that vessel. It appeared that the defendant had made use of some disrespectful observations regarding Mr. Korff, who had taken from him a vessel he had entrusted him with, which were repeated by the complainant to Mr. Korff. An ill-feeling arose between the parties and Mr. John Michael Davis had forgotten to take up his promissory note for 15 pounds, given in favor of the complainant, which, when he was reminded of on board the *Victoria*, led to an altercation which terminated - after a pretty free interchange of sentiments between the parties respecting each other, Michael John charging Adam with "felony" and Adam denouncing Michael John as a "convicted scoundrel" - in Michael John placing a well-directed *hit* on Adam's right eye- Adam fell, astounded at this unexpected saute, and before he had sufficiently recovered his distorted vision and scattered senses to pursue his assailant, for the purpose (as he candidly avowed) of kicking Michael John, he had managed to get over the vessel's side and commit himself to the waves in a boat. Michael John did not deny the assault, but made an heroic appeal to the Bench (throwing himself entirely on its clemency and mercy) whether as men or gentlemen, - free or bond - their feelings could bear the shock of being attacked in so tender a point: whether *they* (the Bench) would *like* to be called "convicted scoundrels," and that, too, before gentlemen by whom he had reason to believe he was respected and esteemed! The presiding Magistrate said, that making every allowance for Mr. Davis' feelings upon that bead, it had been sworn that he had previously charged the complainant with felony, and other opprobrious epithets to him, for which there was no shadow of an excuse; therefore he was fined 4 pounds, and costs 8s. 6d. Mr M. J. Davis, who seemed greatly annoyed by the decision of the Bench, informed their worships that he would now immediately apply for a warrant against the complainant for felony, he having disposed of a vessel belonging to him, and appropriated the proceeds to his own use. The Magistrate told the defendant that he would not sit there and allow plaintiffs to be insulted by defendants by such observations. He had his remedy, and the substance of his complaint would commit parties to gaol for contempt for such gratuitous calumnies. M. J. Davis apologised and disavowed all intention of disrespect to the Bench, paid the fine, and departed in high dudgeon.

COUNTRY NEWS.

The late rains have not been productive of the extent of evil our fears led us to anticipate, though we regret to say, in some cases considerable loss has been sustained by farmers; but notwithstanding we rejoice to say we are warranted in informing our readers that the wheat crop of this year will be far above the average. The maize looks well, and promises a very heavy crop. The cattle are in excellent condition in every direction, and bushrangers say, that never since they entered upon their highly honorable calling, have they ranged the Colony with more impunity, or with greater advantage to themselves. Persons going up the country may carry silver watches, as the bushrangers have informed the public through their friends on the different establishments, that in future they will confine themselves to gold watches, and chains, &c, exclusively, so far as watches are concerned.

In one instance which occurred last week, in the vicinity of Black Creek upon the Upper Hunter, twenty assigned men allowed themselves to be bailed up by four bushrangers. Mr. Cohen, who keeps a public house at Black Creek, was robbed in open day of a considerable sum of money, besides refreshment, &c; the extent of Mr. Cohen's loss has been variously stated, the truth will most probably be furnished by himself. A gentleman who does not reside one hundred miles either from Morpeth or Newcastle, having been plundered upon more than one occasion, very lately, determined to prepare for the next visit that might be paid him; accordingly the gent loaded and primed his firearms, and set his house in order and took up his own position in his *dining parlour*; but oppressed with the heat, or fatigued possibly, by anticipated exertions, he fell into a sound sleep, from which he did not awake, until the bushrangers disturbed him, to ask whether he had a few coins "payable on demand," in his *regimental small clothes*.

His Excellency threatened to withdraw the assigned servants from another district, if it was not cleared of bushrangers, and brought into some degree of order; His Excellency's threat was considered to be most arbitrary and unjust. We think His Excellency would do well to withdraw assigned servants such as the twenty mentioned above; and to try them as accessories, and to punish them accordingly. In future we would be glad to see the assigned servants turned in man for man, in proportion to the number of immigrant labourers arriving in Port Jackson; and the men so turned in, should be employed in making and repairing the *so-called* Queen's high roads and bridges. In a few years, there will be few if any convicts to assign, we are happy to say. We should get our roads made while we have prisoners to work upon them. When the colony comes to be taxed at so much per acre, for the making and repairing of roads by free labourers, landed proprietors will sensibly feel the inconvenience. Talking of bushrangers, we are decidedly of opinion that the settlers themselves might very easily clear the district, if they thought proper to exert themselves; their complaints and reasons for not doing so, reminds us of the story of the Irishman, when crossing the channel in a sailing packet. The weather was boisterous and danger was apprehended; Paddy, with other passengers, was called to assist the crew. "Not a bit of it," said Pat, "my passage is paid, my life is insured, so de

office must pay." The settlers have paid for their land, and contribute towards the support of the Police; so whether the Police prevent their being robbed or not, they will not do anything to prevent it themselves.

Our own belief is, that one half the stories told are much exaggerated, and that many accounts are without any foundation; at the same time, we do know that robberies are now very frequent in the Hunter district - whether they be perpetrated by bushrangers, or by the assigned servants themselves. Such things have happened, as people robbing themselves - such things may happen again.

**SYDNEY HERALD**  
**December 14th 1840**

**THE PAID POLICE MAGISTRATES AGAIN.**

We have lately made some remarks upon the conduct of several of these gentlemen, which have elicited information from various quarters. This information we lay before the Government and the public, in the hope that notice may be taken of their unfitness for the office.

Mr. Robertson, the Police Magistrate at Scone, a whiggling protege of Lord John Russell's, wishing to be popular among the convicts and patriots, we are told, always allows a convict accused of neglect to bring forward evidence from his own class, who prove, of course, that the charge made by the master is false; the consequence is, men are seldom punished for destroying their master's property, and the district is in a state of great confusion. We have been informed the country Gentlemen in the Commission of the Peace are willing to do the duty of Police Magistrate free of expense, and to keep the district in good discipline, provided the present incumbent is removed.

The following are particular cases mentioned to us:-

A few days ago a night watchman was taken to court for absenting himself from his pens at night; he stated in his defence, that the cattle had thrown the hurdles down, and he was driving them away when he was absent, and said he could prove it; P----- was sent for accordingly, and he swore he had seen cattle there previously. Mr. Robertson was satisfied with this proof; if the cattle had been near the hurdles on a former occasion they might be there again, and dismissed the case. Another man, S., was taken to court at the same time for losing thirty-six lambs, thirty of which cannot be found, dead or alive; for this loss he received twenty-five lashes. In all probability these lambs were sold!

The upper district of the Hunter has been much infested by bushrangers since the removal of Mr. Day for Muswellbrook, and they appear to pass from the Paterson throughout the Police Stations of Patrick's Plains, and the Wollombi, unmolested. Really the Government should cause an investigation into these continued complaints of the non-efficiency of these gentlemen.

**THE HERALD**  
**December 15th 1840**

### **BUSHRANGING ON THE HUNTER**

I beg to suggest that you invite Mr. Cohen, the innkeeper near Maitland, to give an account of the exploits these ruffians performed to his cost, in the presence of twenty-six men, the majority of whom were convicts, a faithful detail will be a *multum in parve* description of the character of these three or at most four bushrangers; and will determine the nature of that relation which exists between the band and the convict division of our population.

But it might be of more importance to draw the attention of the colonists to the injurious influence on persons *at home* of such occurrences. I know an individual who hesitated to recommend a voyage to this colony, only because of *bushranging at the Hunter*, and doubtless there are many who shrink from the responsibility of advising their friends to do that which might subject them to harassing fears, if not outright violence and spoliation. The very circumstances of the the banditti being so few and yet so successful, excites suspicions of organisation and (?) overwhelming. We should be assured that their existence will do more mischief to the colony than the London (?) Commissioners, the unprincipled whigs, and the South Australian Schemers put together.

The colonists do not reflect; they should combine to prevail. Why shouldn't we form an association against bushranging as well as cattle stealing? and let every man of fair thought including freed men, who have not been twice convicted, enrol themselves as members although it appears absurd to propose a

**THE COLONIST**  
**December 15th 1840.**

**Bushranging.-** To read the *Herald* of Thursday, the exploits of a few runaways, invested only with courage, because this have not hitherto been resisted, scarcely excites commiseration for those who have been robbed and illtreated by them, inasmuch as failing the police, the inhabitants have themselves to blame for not uniting and starting in pursuit of them. Any mischance that could arise would not put them in a worse position than they now are, liable at every moment to be robbed or murdered; and sure are we that if a few of the residents would go in pursuit with such of their servants as were willing (and really in no cases have we ever found lack of disposition in the prisoners to assist) to accompany them - the neighbourhood would soon be cleared of the depredators. The notorious Lambert would never have been captured, had no greater energies been exercised than we see put in practise by the settlers of the Williams River.

**COMMERCIAL JOURNAL AND ADVERTISER.**  
**December 16<sup>th</sup> 1840.**

**Bushranging at the Hunter.** - It is astonishing that Sir George Gipps, who professes to be so 'proper' a man in every particular, should hear, in common with the meanest of the inhabitants, by means of the public newspapers, of the aggressions of the mounted and convicted marauders of the Hunter, who range about like Massanielloes, with rings and trinkets - their hats and horsings decorated with red ribbons to alarm, rob, and laugh at the peaceable denizens of that extensive and fertile region, without once alluding to the circumstance in Council, or suggesting any means of prevention. We, and we think every Journal in this colony ought to publish the tricks and vagaries of these tragi-comical actors, in order that Her Majesty's Government might know the casualties intending emigrants may be subjected to in the wilds of Australia on their arrival.



**SYDNEY HERALD**  
**December 17th 1840**

### **PATRICK'S PLAIN**

Our district remains as it always has done, in a quiet state, free from Bushrangers, and other such "varmints," for this simple reason we have been blessed with a good Police Magistrate; one who never encouraged crime by adopting the soothing system, who never unjustly sided with the convict against the master, but who was well aware of the fact, and acted upon it, that present severity was mercy in the end.

F. Allman Esq., Junior, the acting P.M., accompanied by the Mounted Police, has just returned after a week's hunt after the Patricks Plains Bushrangers without success - the shepherds and hutkeepers are cowed, and declare that it is as much as their lives are worth to give any information: it is a truly deplorable state of affairs when three bushrangers can strike terror into a whole district, and rob numerous drays, protected too, by armed free men - the only explanation that can be given of this shameful fact is that there must be a secret understanding among the parties, and we are happy to learn that his Excellency has ordered an enquiry into the circumstances.

In Mr. Allman, the district has an upright, intelligent, and active Magistrate, whom we sincerely hope will be appointed succeed Mr. Day.

The late rains have not injured our harvest much, the scarcity of labor has been far more injurious, but as the crops have been remarkably heavy we can afford to lose a portion - the wool appears this year to be washed cleaner, and the fleeces heavier than the last; there is an abundance of grass and water, the sheep and cattle are fat and free from all diseases (as far as my information goes) and the Hunter, always a fine district, never looked better than at this present moment. May a firm Government protect our interests, and a kind Providence continue our prosperity.

I had written thus far when the following news arrived - The Police party under Lieut. Scovell's command fell in with a party of Bushrangers, shot two dead, wounded one, and have taken the rest - this is as it should be.

**AUSTRALIAN - ADVERTISEMENT.**  
**December 17th 1840.**

**DAYLIGHT ROBBERY. -**  
**Fifty Pounds Reward. -**

Whereas, on Sunday, the 22nd instant, on the road from Darlington to Scone, nearly opposite to Dr Bowman's Fence, two drays hired by me, and one of my own, were attacked, about mid-day, by three armed bushrangers and property destroyed and carried off to a very considerable amount. I hereby offer a Reward of Twenty Pounds for the apprehension and conviction of the ruffians who committed the robbery; also, an additional Reward of Thirty Pounds for the detection of the receivers of said plunder to conviction.

**THOMAS DANGAR.**

St Aubins, November 23, 1840.

## AUSTRALASIAN CHRONICLE

December 17<sup>th</sup> 1840.

**West Maitland, 12<sup>th</sup> December.** \_ Having just returned from the interior, it is with great pleasure and satisfaction I am enabled to record that the damage to the wheat by the late rains is not so great as was anticipated, many of the farmers having had the greater part sheltered before the rain commenced, and, but for the want of sufficient hands to cut and cart it in, nearly all would have had their wheat safely secured prior to the rain, and there would have been no loss whatever. As it is , it is considered by experienced judges that the utmost loss is no more than one seventh on the whole of the wheat. The weather is beautifully fine, and the farmers are cheerfully occupied. The roads this last fortnight are quite free from disturbances. There have been no robberies committed since the robbery of the mail, at Mr. H.S. Cohen's; but, unfortunately, none of the bushrangers have yet been apprehended. The police are, I believe, in active pursuit of them. \_ *Correspondent.*

**SYDNEY HERALD**  
**December 19th 1840**

**BRISBANE WATER**

The bushrangers are committing great depredations in this district. They have threatened the lives of Mr. Donnison and Mr. Manning; and, it is said, murdered a man named Carrol. It is presumed that they are the same gang that have lately infested the neighbourhood of Maitland. [a party of mounted police will leave Sydney, in order to scour the district, this morning.]

## AUSTRALIAN

December 19th 1840

We regret to hear that the bushrangers in the neighbourhood of the Hunter continue their depredations to a very alarming extent. Information has just reached us that a serjeant, with a small party of mounted police, brought into Newcastle, on Wednesday morning last, four horses, which they secured the previous evening; but the riders of which had, most unfortunately, effected their escape. It is much to be regretted that these ruffians were not captured, for they have now so long been in the exercise of their lawless pursuits, that their having escaped with impunity emboldens them to the commission of further depredations. They are, in fact, becoming an organised banditti. They have regular places of rendezvous - confederates stationed at different outposts - receptacles for their plunder - and shelter for themselves - visiting the towns in open day, and setting all resistance at defiance. It is, therefore, seriously imperative to adopt such measures as may effectually intercept their further outrages, before they become more formidable.

While on this subject, we cannot but notice the very injudicious manner (to say the least of it) in which correspondents are apt to describe the attacks, appearance, and general proceedings of these robbers. They speak of the outrages of these ruffians in such glowing terms as to make it rather a matter to be admired and emulated as an heroic exploit - describe their dress, manners, and mode of attack, in all the high sounding flash phraseology of the annals of Jack Shepherd or Dick Turpin. We advise, for obvious reasons, that a little more judgement, or rather common sense, should be exercised by correspondents. A little more attention to *accuracy* is not less desirable. Among other misrepresentations we select one:- An old, highly respectable, and respected inhabitant, Mr T. Nowlan, of the Hunter, is described as having been robbed of a gold watch, 5 pounds in money, and having received the most violent personal illtreatment; whereas, in point of fact, Mr Nowlan was not robbed of a gold watch, nor of money beyond a few shillings, and did not receive personal injury *of any kind!* We therefore trust correspondents will not disregard our suggestion in future.

**SYDNEY HERALD**  
**December 22nd 1840**

### **BUSHRANGING**

Extract from a private letter dated Tuggerah Beach, December 18th, 1840. - "On Wednesday morning, 16th, at nine o'clock, Mr. S. two of his servants, and four other men as well as myself and a servant of Mr. B's. were all ordered out of the yard by three bushrangers, and marched before them to the hut at Wyong, where all of us were living; they plundered us of our saddles, spurs, and other articles; they marched us, eight in number, across the creek to Cashbury, where there were a number of other persons baled up by two other bushrangers; we were all, sixteen in number exclusive of four females, placed in the room; the bushrangers taking what they required, after compelling Mr. S. to open his desks and boxes; they used no violence nor bad language; they served out Mr. S.'s wine to us in tea cups all round; from him they took four guns, what money he had in the house, two horses, saddles, bridles, &c., his watch, and clothes; they robbed me of my horse and spurs, they compelled Mr. Turner to assist them in catching the horses, and they took Captain Mann's horse from the dairyman who came up at the time; after remaining four hours they proceeded to Mr. Osborne's station, which they plundered; then to Bourke farm, Mr. Holden's, the Magistrates of the district, were in pursuit of the bushrangers, and a large body of Mounted Police have left Sydney with the intention of securing the whole district.

## AUSTRALASIAN CHRONICLE

December 22, 1840.

**Brisbane Water, 18<sup>th</sup> December.** --- This day we have heard of bushrangers at the dairy farm, about twelve miles from this. They have robbed a man of a whole dray load of goods; he was going to settle there. They said they would pay a visit here before Christmas. This news made us very uneasy. Mr. Mann and a body of men are out after the bushrangers. \_ *Correspondent.*

**AUSTRALIAN**  
**December 22nd 1840.**

**COUNTRY NEWS.**

**East Gosford.**

Extract from a letter dated December 16th : - “The armed party of bushrangers who have been for some time scouring the country, have at last come into this district. They called yesterday at Mr J.K. Wilson’s place, at Wyong. They *bailed up* all the inmates, and took four horses from the station, besides clothes and several trinkets from Mrs Solling. They, however, behaved tolerably civil, and said they meant no harm, but “merely wished to put down tyranny,” and that “flogging had driven them into the bush.” Before parting they offered all their prisoners a glass of wine each (of course at the expense of the right owner). They said that they would leave the horses at some other station, and send back word where they were left. They said that they were compelled to take the horses, as their own were knocked up, and the mounted police were in close pursuit. They stated that it was their intention to visit Messrs Donnison and Mann. Yesterday afternoon a report reached this town that they were actually at the latter settlers’ place, and also that they had been at Mr. Holden’s, the police magistrate. This rumour, however, turned out to be false. This intelligence put this little town into a complete ferment. Fowling pieces, pistols, and swords, were immediately placed in requisition, and constables and tickrt-of-leave men were arming themselves as they best could, and starting off in pursuit, nothing further has been heard of the marauders.



**COMMERCIAL JOURNAL**  
**December 23<sup>rd</sup> 1840.**

**Bushranging.-** Those who read the Colonial Journals, and we do not believe there is a man in the Colony who does not, must wonder at the *non-chalance* with which the accounts of outrage and slaughter with which they daily teem, committed in all quarters of the interior, are treated by Sir George Gipps. He must be a man of exceedingly strong nerve, or greatly deficient in natural sympathy. To account for this unpardonable apathy to the interests of the country, we are almost inclined to believe what he has vauntingly repeated in Council - that he despises the Newspaper Press (including the English as well as Colonial, for that he has distinctly avowed) and therefore never condescended to look at a paper. If this be true, ignorance is his only excuse for the alarming state of the interior. But how is his Excellency then, accessible? How shall we apprize him of our condition unless we besiege him in Government House, either at Sydney or Parramatta, not by pen and ink, or distant communication, but personally and numerously, so that he can have no excuse.

**SYDNEY HERALD**  
**December 23rd 1840**

**HUNTER'S RIVER BUSHRANGING.**

A few days back a correspondent furnished you with some slight particulars of the attack at open day of this gang, on the premises of Mr. Henry Cohen Inn-keeper, Black Creek, which is not only a public thoroughfare, but perhaps one of the most frequented roads of the colony; your correspondent did not however tell you of these men breaking the arm of a constable, neither did he tell you of the friendship which existed between the robbers and the bullock-drivers, who were (query) bailed up with the landlord and others. On their arrival at the inn they shook hands with them, treated them to brandy, and enquired after acquaintances both male and female, and in fact shewed such an understanding between the parties that Mr. Day cancelled two of their tickets; the rest being unfortunately free nothing could be done to them; I wish however you could see the depositions, and I feel assured that with me you would think the punishment too light. Since this gang flaunting in ribbons and watches were there, they have again visited Mr. Pilcher's farm, looking out for his overseer, they however decamped the man being off the farm; then they took the Wollombi-road, and popped into the house of J. M. Davis Esq., where himself and family as well as Mr. Dunlop the Police Magistrate were all at dinner, they made Mr. Davis rise and sat down themselves, after which they coolly took all they could, and went to Mr. Robert Crawford's, bailed all up and stabbed one of the men' they also nearly killed Mr. McDougall, the late constable of that Police-station, and he now lies with little hope of recovery. They yesterday started off to the Red House an Inn, on the Old Black Creek Road, stripped it of all cash &c., and went over to Larnack's farm. Meeting with Mr. Leeds on the way they gave him back a watch to return to Mr. Louth a person whom they robbed some time since. That this gang have a rendezvous in or about Maitland, no person can doubt, not one of their robberies, being in the circle above a days ride - and that they had secret information of the movements of the police, is also beyond question. - I think if government was to offer rewards for secret informations, they would be apprehended, but as matters stands at present, the man who dared to peach would not live 24 hours afterwards. The district is in a shocking confusion and strong coercive measures are necessary.

**N.S.W. GOVERNMENT GAZETTE**  
**page 1386 December 23rd 1840.**

*Colonial Secretary's Office,  
Sydney, 16th December, 1840.*

**FREE PARDON AND PASSAGE TO ENGLAND.**

WHEREAS it has been represented to the Government that the Bushrangers named and described below, who have lately committed outrages in the Hunter's River Districts, are still at large, His Excellency the GOVERNOR, with a view to encourage their more speedy apprehension, directs it to be notified that a Free Pardon and Passage to England, will be granted to any Prisoner of the Crown who shall give such private information, to any Police Magistrate, as may cause the capture of the said Bushrangers.

*By His Excellency's Command,*  
E. DEAS THOMSON.

**NAMES AND DESCRIPTIONS OF CONVICTS ILLEGALLY AT LARGE WITH FIRE  
ARMS.**

James Everett, alias Ruggy, Mangles, 1833, 23, London, paper stainer's boy, sallow and pock pitted comp., dark brown hair, brown eyes, JOEO inside lower left arm, JO inside lower right arm, back of hand pock pitted.

John Marshall, Clyde, 1827, 27, Nottingham, labourer, 5 feet 7 inches, sallow comp., brown hair, hazel eyes, scar on shin, letters rejoice evermore pray without ceasing, HDLD, God be merciful to a sinner, woman and other letters on right arm, from Hyde Park Barracks.

John Shea, Calcutta, 29, County Kerry, labourer, 5 feet 7 inches, ruddy and freckled comp., brown hair, grey eyes, eyebrows meeting, scar back of right foot, absconded from H.I. Pilcher, Esq., Williams River.

Edward Davis, alias Wilkinson, Camden, 1833, 25, Gravesend, stable boy, 5 feet 4 inches, dark and freckled comp., dark brown nearly black hair, hazel eyes, nose large, scar over left eyebrow, MJDBN inside lower left arm, EDHDM, love and anchor on lower left arm, five blue dots betwixt thumb and finger left hand.

## AUSTRALASIAN CHRONICLE

December 24, 1840.

**Bushrangers.- Maitland, December 19<sup>th</sup>.** – On Friday, the 18<sup>th</sup>, six bushrangers made their appearance at Mr. John Martin Davis's of the Wollombi, in open day (at three o'clock p.m.) Mr. Davis and family had just commenced to dine when one of the bushrangers walked into the room. Mrs. Davis at this moment perceiving him said 'there is a drunken constable.' On the hearing of which Mr. Dunlop, police magistrate of that district, who fortunately happened to be at Mr Davis's at the time, stepped towards the door and asked what he wanted, and at the same time presented a pair of pocket pistols, and said if he did not be off he would shoot him at that instant. The bushranger pulled from his vest a pair of large pistols and cocked them at Mr. Dunlop, swearing in a most vile manner, and saying that if he, Mr. Dunlop, did not put his pistols down he would shoot him. At the end of these words five more bushrangers appeared, upon seeing which Mr. Dunlop thought it would only be folly to resist any longer. They then told Mr. Dunlop to walk into a room that was next him, and remarked if he made any opposition he would be shot. They also ordered Mr. Davis and family to go into the adjoining room, and that their only means to save their lives was to make no resistance. Mrs. Davis must have been in a most distressing state of mind, this lady being near her confinement. The first thing the bushrangers proceeded to do was to partake of the dinner that was already prepared, which they did in no very delicate manner. They helped themselves freely to the wines and every thing else they fancied, taking care however not to get tipsy, while they made Mr. Davis's men quite drunk. When they had finished dinner, they began to search for money. Mr. Davis told them that it was unusual for settlers to keep ready money about them; that all he had was in the bank. After looking through the house and finding no money, they searched Mr. Dunlop, who had nothing but two cheques, and, after reading them, said they were on the Commercial bank, and returned them, remarking they would meet Mr. Dunlop on his return from Maitland, where he was going next day (insinuating that they would disencumber Mr. Dunlop of the change from the cheques), and requesting him to inform Mr Day, our present police magistrate, that they would dine with him on Christmas day. Finding they could not procure money, they went to Mr. Davis's stables and took three of his horses, and left three in their place which were nearly exhausted with fatigue. After shaking hands and bidding good bye they parted from Mr Davis, and the same day went to Mr. Thomas Prendergast of the Rising Sun public house, and robbed him of thirteen pounds. Up to this time I have not heard of any more depredations that I can place confidence in. It appears that these men make arrangements to rob as many houses and travellers as possible in the one day, and then disappear for a short time. Mr. Dunlop rode the night of the day that the robbery was committed to Maitland, and procured the mounted police to go in pursuit of them. Such is the present state of this part of New South Wales that no one can travel without fear of being robbed and otherwise molested by the bushrangers that are now at large. When will these men be taken? They have been at large several months, and have committed more robberies during that time then ever was committed in the same period before. It has been said, even by well meaning persons, that many are driven to the bush by tyranny or starvation. This might be

the case in a few instances, but I think there are very few cases in which men could justly plead that starvation was the true cause of their running in the bush. The many years that I have been in this colony entitle me to claim some experience, and I never saw a master refuse to give his servant more even than his strict allowance when asked for. It is true I have not seen very many cases of runaways, but in those that have come to my knowledge it is in my humble opinion that the crimes of the parties have proceeded solely from their own ill disposed minds. – *Correspondent.*– The following account, containing some additional particulars of the above, we have received from another correspondent; **Wollombi.** – The notorious bushrangers, so long the pest of Maitland and its vicinity, have at length paid us a visit. On Friday, the 18<sup>th</sup> instant, six of them, well mounted and armed, in the open day plundered the houses of Messrs. Davis and Prendergast, and on their route disarmed two constables, and left them handcuffed together. We flattered ourselves that they were a little shy of this neighbourhood since the capture of the murderous gang that infested it about fifteen months ago; but if that shyness did exist it is worn off, and we are now left to their tender mercies. Had the brave captors of the abovementioned ruffians met with that encouragement from government which justice and policy might have dictated, instead of withholding even the paltry reward offered in the Gazette for their apprehension, it might have ensured their future services, and we might live without fear under the protection of men on whom we could rely, and who have a stake in the district, and are well acquainted with all its localities; but at present we are completely under the surveillance of those ruffians. I have just seen one of the disarmed constables; he says that previous to the above robberies they visited the farm of Mr. Thomas Crawford, who was absent, and compelled all the men on the establishment to get drunk, and it is needless to add gutted the place of everything valuable. He states further, that they pursued a man in the employ of Mr. Crawford who was mounted, and after a chase overtook him, kept the horse, and left him handcuffed.

**SYDNEY HERALD**  
**December 24<sup>th</sup> 1840.**

*To the Editor of the Sydney Herald.*

Sir,- Observing in your paper of the 14<sup>th</sup> instant, a paragraph, headed "The paid Police Magistrates again," wherein it stated "that the district of the Upper Hunter has been much infested by bushrangers since the removal of Mr. Day from Muswell Brook, and that they appear to pass from the Paterson through the Police Stations of Patrick's Plains and Wollombi unmolested;" I cannot, in justice to the present Police Magistrate of Muswell Brook, (F. Allman, Esq., Jun) allow such a paragraph to appear without contradicting in part the above. Every body in this quarter is fully sensible of the determined zeal and activity of the above named gentleman, and no blame can possibly be attached to him on account of the present disturbed state of the Upper Hunter. Mr. Allman has only very recently returned, after an absence of six days, in quest of these marauders; unfortunately his exertions were not crowned with success, but if every "paid" Police Magistrate was to turn out like Mr. Allman, instead of enjoying their "otium cum dignitate" at home, bushranging would soon be unheard of, peace and tranquility would reign amongst us, a traveller would no longer be in constant danger of hearing a ball whizzing by his ears. Trusting that in justice to the above named gentleman you will insert this communication,

I remain, Mr. Editor,

A FRIEND TO FAIR PLAY.

[The article alluded to was not intended to apply to Mr. Allman, of whose activity we are well aware. - Ed.]

**SYDNEY HERALD**  
**December 26th 1840.**

### **HUNTER'S RIVER BUSHRANGERS.**

The Rubicon is past-and human blood is now shed by one of the most lawless gangs of bushrangers that ever infested the Hunter. 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's River bushrangers. My last letter feebly narrated the career of this gang at the Wollombi; of their assault on the late constable M'Dougall, and the murderous attack on one of Mr. Crawford's men; of their recontre at the Red House, and other particulars of their misdeeds. This, though not so full of particulars, will be more full of horror. It appears that, on leaving the Wollombi, they were joined by six others, thus making their number ten, when they proceeded to Scone, simultaneously attacking the Inn of Mr. Chivers and the stores of Mr. Thomas Dangar; their approach was however observed by a young man, clerk to Mr. Dangar, named Graham, who injudiciously armed himself with a pistol, which he fired at the advancing party, when one of them (Marshall it is thought) levelled his gun and shot him dead at the door of his master's house, whose property he was defending. Davis, the chief of the robbers, on hearing the report, came forward; he seemed to regret it much, but I will quote his own words,--"I would give £1000, that this had not happened, but as well a hundred now as one." We may therefore expect that this one murder mentioned, is the precursor of others, each more sanguinary than the other. The last report we have had of them is at the Page.

#### **(ANOTHER ACCOUNT)**

Seven desperate bushrangers are infesting this district. They came from Jerry's Plains via Muswell Brook. They went to Mr. Dangar's farm on Monday morning, and took a fine grey horse and several light articles, such as watches rugs, &c. They then proceeded to Scone--and called at Chivers, who they robbed of about £70, bailed up the people, and broke what fire arms were in the house. While this was being done some of the party went over to Dangar's stores, one went to the back and another to the front of the house. Mr. Graham, the Clerk took up a piece and fired at the fellow in front but missed him. He then ran away to the constable, but one of the villains shot him dead in the middle of the road; and thus is another valuable life lost from the lawless state of the country. The marauders then mounted and proceeded towards the Page. Mr. Day has arrived from Muswell Brook with a number of ticket-of-leave men, and is on his way after them. The magistrates have sent a note with the constables for all ticket men to muster, and form as many parties as possible; some are going by the Cedar Bush, the Wybong and Gammon Plains, and from the activity of the arrangements, hopes are entertained of their speedy capture.

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**WOLLOMBI**

I am sorry to have occasion to inform you that the neighbourhood has been for a third time within the period of 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 open; 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 shew them the road to my brother's station (Illalong), about 5 miles distant.

I forgot to say that the conduct of two of the Wollombi district constables on the premises was disgraceful in the extreme; worse if possible, than that of the bushrangers; as the spirits, &c., were handed out of the house by bushrangers these *pseudo* protectors of the peace received them, knocked the necks from the bottles, and drunk the contents till they became in a state of beastly intoxication. The conduct of these vile constables on this occasion ought to become the subject of strict inquiry; they appeared to be with the bushrangers "Hail fellows well met." At Illalong, the bushrangers, after making their usual inquisitorial inquiries, asked if there was not a bell on the premises? On being answered in the affirmative, they ordered one of the assigned men to break it to pieces, which was apparently very willingly done; after ordering corn for their horses and ransacking the house they pressed the services of one of the men to conduct them to Mr. J. M. Davis's, about two miles distant; they found Mr. D. just sitting down to dinner, having, as a guest, Mr. Dunlop the police magistrate, who, armed with a pair of small pistols, resisted the first intruder; but upon seeing, immediately after, five others enter the room prudently desisted. After ordering Mr. D. and his guest to "bail up" in the room, the rascals sat down to the savoury viands and cracked their jokes with as much ease and familiarity as consisted with convict dignity,--observing to Mr. Dunlop (at the same time applying a quissing glass to his eye) it was the first time they had had the pleasure of meeting him at dinner; but they intended *honouring* him again with their company on Christmas day. After remaining about an hour and a half on the premises and committing the usual spoliation, and making the servants drunk, they took away three of Mr. Davis's horses; they then proceeded to the Rising Sun Inn, kept by Mr. Pendergrass, whom they robbed of £13 cash, here they met with Mr. John M'Dougal, who keeps the inn at the township, and for some alleged offence stripped him and tied him up, two of them inflicting a most unmerciful lashing; had it not been for the interference of Mr. P. it is probable they would have taken Mr. M'Dougal'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 in a state of intoxication, so that in 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.



I cannot conclude without making a few remarks respecting the praiseworthy conduct of our P.M., Mr. Dunlop, who, under the cover of night, and in danger of falling in with his late quondain companions, rode to Maitland for the purpose of obtaining the services of the mounted police; as these were proceeding from Maitland to Black Creek, they were met by a gentleman from the latter place, from whom information was given, which I flatter myself will lead to their detection.

It is reported they have since robbed the mail on its way from Darlington to Maitland.

**AUSTRALASIAN CHRONICLE.**

**December 26th 1840.**

**ORIGINAL CORRESPONDENCE.**

***Police Magistrate Cook and the bushrangers of Dungog.***

Mr. Editor - Perhaps you would wish to hear from this district how matters stand. On Monday, November 30th, news came to our worthy police magistrate that Walker, the publican, had been robbed on the night before of 35 pounds in cash, by four bushrangers, who bailed up all the people in the house. They then went after Mr. Nowlan, and robbed him of his horse, watch, and two pounds in cash; and, returning in four hours to Walker's, took a mare belonging to D.F. Mackay, Esq. which he had lent to the parson. Now, sir, if Mr. Cook had mounted his horse, and armed himself and five constables, which it was his duty to do, he would have come up with them when they were at Walker's the second time, for Walker's is not more than six miles from the court-house. But instead of this he sent off all his constables two or three miles to collect ticket of leave men to guard him in the court-house, while others he sent to protect his house and family, to the amount of four Catholics and one Protestant. And this is the police magistrate who but a little time ago posted up a notice that none but Protestants need apply for the situation of constable, and now sends four Catholic ticket of leave men to protect his wife and family for three or four days or nights, while he himself remained shut up in the court-house, and did not attempt to move until he heard the bushrangers were robbing at Black Creek, a distance of fifty miles. He *then* went to Mr. Chapman's and Walker's, but did not pursue them any further.

This is the police magistrate who accused our worthy and indefatigable pastor of tampering with the Catholic constables of Dungog, merely because he performed his sacred duties. Cook also spoke most disrespectfully of that gentleman even in the public court-house, and he must know that nothing is more hurtful to a Catholic than to hear such a person insult his pastor. This is the police magistrate whom Sir George Gipps keeps on the bench without the slightest investigation, notwithstanding the memorial to his Excellency charging him with the grossest injustice in his judicial capacity, in ten or more particulars. This is the police magistrate who has bound the Catholics to keep the peace, and committed them to the quarter sessions, for alleged crimes and offences which the proper authorities considered no crime or offence at all. This is the police magistrate who has unjustly imposed fines on Catholics, while others of a different religion he has allowed to escape from justice with impunity. this is the brave protector of the district who had ten or twelve ticket of leave men, some of whom were Catholics, to guard him with loaded guns and fixed bayonets, while he was hearing or preaching the word of God (!) – but who had not the manliness to scour the bush to apprehend the disturbers of the public peace. This is the police magistrate whose disgraceful conduct in his public capacity is compelling one Catholic after another to leave the district.

Now, if the Governor had allowed the charges preferred against Cook to be investigated; this district would be quite different from what it is. Let the Governor appoint one of the Mackays or Mr. Verge to the commission, who are both Protestant gentlemen, they would give every man fair play, no matter what his creed might be. I remain , sir, yours truly.  
M.R.

Dungog. 16<sup>th</sup> December, 1840.

**AUSTRALIAN**  
**December 26th 1840.**

**COUNTRY NEWS.**

**Bushranging.**

Wollombi, 21st Dec. 1840.

Bushranging on the Wollombi has been, on paper, an almost every-day occurrence; but fortunately, with two or three exceptions, until last week, such representations were unfounded. We have to express our regret that a series of outrages have taken place; and, as we have had our information from different persons, who were present at the several places, the following particulars may be relied on as correct. It appears that, early in the past week, Mr. Dunlop despatched two constables to the eastern portion of this district, and that on Friday last he was proceeding towards the same destination; but it may be more satisfactory to state the outrages as they occurred.

About sun-rise on Friday morning last, six men armed entered the hut of Mr Close's stockman, whom, and the constables, they found in bed. They broke the constables muskets, took their handcuffs, pouch-belts, and ball-cartridge, and compelled the constables to carry a quantity of corn they had in handkerchiefs to the top of a mountain two or three miles distant, where there were five horses hobbled and tethered. The robbers having breakfasted on what appeared new made bread, &c., descended from the mountain and proceeded in the direction of Mr. Crawford's, of Brown Muir, bringing with them the two constables handcuffed. On the way, observing a person on horseback, the five mounted men galloped after him, took his horse, and handcuffed him to Mr. Close's servant. When arrived at Mr Crawford's, these men, as well as others found on the farm, were placed under the charge of a sentinel; and the others proceeded to break open drawers, &c., drinking themselves, and compelling all the men and women to drink large quantities of wine and spirits. After remaining two or three hours, having had their horses fed, dinners prepared and eaten, they departed, taking with them a horse, two coats, trousers, shirts, two twenty shilling notes, and several articles of jewellery. One of Mr. Crawford's men they took with them to point out the way to Mr. Crawford's establishment of Elalong, from whence they took a horse, leaving another, and provisions - had the farm bell taken down and broken, and after having had their horses fed, making presents of tobacco to the servants, they proceeded to Glenmore, when strange to relate, although the entrance gate is in view of the house, and distant therefrom about fifty rods, yet the first intimation of their approach was Mrs. Davis exclaiming to Mr. Dunlop, who had arrived about half an hour previously, there is a drunken constable. Mr. D started from table, and seeing a man armed, snatched his pistols, and rushing towards the door, ordered the man to stand back, or he would shoot him, the man fell back about a foot, presenting his pistol at Mr. Dunlop, when instantly five others started forward with arms, pointed at him, imprecating, that "if he fired he was a dead man." They demanded his pistols, which he refused to surrender, when, finding no aid whatever either from outside or within the house, and Mr. and Mrs. Davis imploring him not to sacrifice them as well as himself, Mr D. flung his pistols across the passage into a bed-room.

Mrs. Davis's situation at this time was truly distressing; a delicate lady within a few weeks of her confinement, and a young lady, her friend, in violent hysterics. Mr. Dunlop implored the ruffians on the ladies' account, who severally replied, "let them

keep quiet and they need be in no terror; we came for money and horses, and both we'll have." They ordered the Police Magistrate and Mr. Davis into a closet to be "bailed up." Mr Dunlop said, "I will not leave the room where the ladies are - I am unarmed, what more would you have?" One of them, a man named Davis, then said, "you presented a pistol at me, and I ought to shoot you." Mr D. replied, "you will not." One of them said, "we have served out two of your constables, and sent you a message that we will dine with you on Christmas day." After searching the house, and taking some rings and trinkets, they proceeded to despatch the eatables that were on the tables, making themselves free off the sideboard, and carrying out a considerable portion, which it was afterwards evident they distributed amongst Mr. Davis's convict servants. Finding neither money nor arms in the house, Shea, who appeared to be the principal, ordered two of the others to get the horses ready, and to be sure to take the best. They chose three of Mr. Davis's best, leaving the same number, two of which they said were from Brisbane Water, and when we change yours, we'll tell where we took them from. At the request of Mr. Davis, they returned three mourning rings, and a riding whip belonging to the young lady. They mounted, and left, ordering none to follow on peril of their lives, and the Police Magistrate having followed to have a view of their route, Shea, and another who had passed the entrance gate, returned swearing horribly that if any person should leave the house for an hour and a half, they would return and destroy every thing in and about it. They then proceeded to Pendergrass' public house, from whom they took 13 pounds, robbing at the same time Mr McDougall, on whom they inflicted about a dozen lashes with a bullock whip, observing, that he had been very fond of flogging whilst overseer of an iron gang. After remaining about fifteen minutes, they proceeded to the red house, on the Maitland Road, from whence they took a double barrelled gun, a saddle, and a small sum in silver - then to Mr Garrett's station, taking possession of a cheese. It was then dark, and three or four of the party were drunk. Mr. Dunlop, after various efforts to obtain men and arms, could only succeed with Mr. Eyles, and as pursuit of the bushrangers under such circumstances was useless, both started for Maitland, where, with a jaded horse, Mr. D. only arrived between two and three o'clock next morning, instantly proceeding to the quarters of the mounted police, who, with utmost alacrity, proceeded in what appeared the most efficient manner, to track and search for the robbers. The result is as yet unknown to us.

From observations made by one of the robbers relative to Mr. Davis as a master, it is evident that an understanding exists between them and the convicts of the district. Mr Dunlop has already appointed an extra-judicial day for a thorough investigation of all matters, and the conduct of constables, ticket-of-leave men, and convicts on the late occasion.

**AUSTRALIAN**  
**December 26th 1840.**

**MAITLAND.**

*(Extract of a Letter dated Dec 23.)*

The ruffians and marauders who, I may say, have had possession of this part of the country for some time, have now reached Scone, and it is reported here that the villains have shot a young man of the name of Graham, at Mr Thomas Dangar's station. It is said that he fired first on them, when they were about thirty yards distance from him. They immediately returned the fire, and shot the unfortunate young man through the back, who, within a few minutes after, expired. After the occurrence, it is reported they said, "they rather would have lost a thousand pounds than an affair of this kind should have happened; and now, as we have commenced murdering, it matters little what may follow, as our lives are now at last forfeited."

The next post will furnish further particulars.

**SYDNEY MONITER**  
**December 28th 1840.**

Colonial Secretary's Office,  
Sydney, 26 December, 1840.

**Fifty Pounds Reward,**

or,

AN ABSOLUTE PARDON AND PASSAGE TO ENGLAND.

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Whereas it has been represented to the GOVERNOR that on the 21st instant, an attack was made upon the Township of Scone, by a party of armed Bushrangers, who brutally murdered Mr. John Graham, Clerk to Mr. Dangar; His Excellency the GOVERNOR, with a view to a speedy apprehension of the guilty parties, directs it to be notified, that a Reward of Fifty Pounds will be given to any individual if free; or application will be made to Her Majesty for Her approbation and allowance of an Absolute Pardon with a Passage to England, to any Convict who may give such information (or private information to any Police Magistrate) as may lead to the Apprehension and Conviction of any of the parties concerned in the Murder in question.

By His Excellency's Command,  
E. DEAS THOMSON

**SYDNEY MONITER**  
**December 29th 1840.**  
**Bushrangers Captured.**

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**THE BRISBANE WATER GANG.**

We have much pleasure in announcing the capture of a gang of bushrangers, who have for some time kept several districts in alarm; but the outrages of late committed by them in the district of Brisbane Water, caused the pursuit of them, which has terminated in their capture.- This band of ruffians was headed by a man who is said to have escaped from Newcastle, and is known in the districts he has infested as Jew Davies; and his companions are named Shea, Everett alias Rugg, Chitty, and Glanville. The party of mounted police that left Sydney last Saturday week for Brisbane Water, made forced marches (as they thought) upon the bushrangers, but Davies or some of his gang got intelligence of their pursuers, and they accordingly obtained fresh horses (which they stole) at every station they came to, by which means they left the police far in the rear, as they had not the advantage of changing their horses. Mr. Day, the Police Magistrate of Maitland, got intelligence that the bushrangers were in the district of Maitland, and he consequently armed fourteen Ticket-of -leave holders, and went in pursuit of them, and after a rather lengthy chase, came up with them; but the desperadoes were nothing daunted, notwithstanding the number they had opposed to them, and immediately opened fire upon their pursuers, but without effect. The fire of the bushrangers was returned by the party under command of Mr. Day, when Davies and Shea were wounded, and their companions surrendered. A party of mounted police from Brisbane Water arrived in the Maitland district, and Davies and his gang were handed over to them, and they (the bushrangers) were lodged in Sydney Gaol this morning, at one o'clock, having been brought in under escort of Lieutenant Chambrie, Sergeant Pheany, and two troopers of the mounted police. [The property said to have been taken from various stations by Davies' gang is much exaggerated.]



**SYDNEY GAZETTE.**  
**December 29<sup>th</sup> 1840.**  
**BUSHRANGING.**

No matter how much the public press may have exposed the notorious and disgraceful neglect of the Government of New South Wales, in not taking more active steps to put a stop to the barbarous and blood thirsty career of those banditti, who infest Australia, we mean the bushrangers; our legislators still continue to enjoy that quiet apathy concerning the good of the community, and more particularly that of the Up-country settlers, which has so long distinguished them. The present state of the Colony demands that we should not forsake a subject of so much vital importance to its best interests - the lives and well being of the Colonists. It is, and has always been the first duty of the public press, to redress the grievances of every state of society, and if its feeble voice (for feeble it is considered by our Colonial rulers) can lay open any path or plan by which the evil may be remedied, it is likewise our duty to do so. The latter is not however our intention; at this present moment to presume to give advise to the Legislative Council of New South Wales, would be indeed a thankless task. But we would draw their attention to the awful responsibility which they incur both in the eyes of God, and their fellow men, when they can sit at ease, and hear with carelessness, and without affording succour; of the knife of the murderer being at the throat of the settler, and the brand of the incendiary about to destroy all he has in this earth the loss of which, will send him and his family on the world "to prey at fortune." Can they not imagine what the feelings of a settler who from comparative property has raised himself in this "Land of Promise," to a reasonable independence - can they not imagine what must be his feelings, when he sees all he possesses in the world destroyed before his eyes? We should not like to transcribe what those feelings would be! Surely the present want of labour in this Colony is enough without this still more grievous calamity, which not only affects their properties but their lives. Our rulers must look to this, justice tells them so to do, humanity impels them on, and the Christian religion which they believe, or profess to believe, has commanded them so to do.

The *Herald* of Saturday last, contains a fearful account of the ravages of these fiends in the shape of men - but we will give it as it originally appeared:-

"The Rubicon is past-and human blood is now shed by one of the most lawless gangs of bushrangers that ever infested the Hunter. 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's River bushrangers. My last letter feebly narrated the career of this gang at the Wollombi; of their assault on the late constable M'Dougall, and the murderous attack on one of Mr. Crawford's men; of their rencontre at the Red House, and other particulars of their misdeeds. This, though not so full of particulars, will be more full of horror. It appears that, on leaving the Wollombi, they were joined by six others, thus making their number ten, when they proceeded to Scone, simultaneously attacking the Inn of Mr. Chivers and the stores of Mr. Thomas Dangar; their approach was however observed by a young man, clerk to Mr. Dangar, named Graham, who injudiciously armed himself with a pistol, which he fired at the advancing party, when one of them (Marshall it is thought) levelled his gun and shot him

dead at the door of his master's house, whose property he was defending. Davis, the chief of the robbers, on hearing the report, came forward; he seemed to regret it much, but I will quote his own words,--"I would give £1000, that this had not happened, but as well a hundred now as one." We may therefore expect that this one murder mentioned, is the precursor of others, each more sanguinary than the other. The last report we have had of them is at the Page.

#### (ANOTHER ACCOUNT)

Seven desperate bushrangers are infesting this district. They came from Jerry's Plains via Muswell Brook. They went to Mr. Dangar's farm on Monday morning, and took a fine grey horse and several light articles, such as watches rugs, &c. They then proceeded to Scone--and called at Chivers, who they robbed of about £70, bailed up the people, and broke what fire arms were in the house. While this was being done some of the party went over to Dangar's stores, one went to the back and another to the front of the house. Mr. Graham, the Clerk took up a piece and fired at the fellow in front but missed him. He then ran away to the constable, but one of the villains shot him dead in the middle of the road; and thus is another valuable life lost from the lawless state of the country. The marauders then mounted and proceeded towards the Page. Mr. Day has arrived from Muswell Brook with a number of ticket-of-leave men, and is on his way after them. The magistrates have sent a note with the constables for all ticket men to muster, and form as many parties as possible; some are going by the Cedar Bush, the Wybong and Gammon Plains, and from the activity of the arrangements, hopes are entertained of their speedy capture.

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#### WOLLOMBI

I am sorry to have occasion to inform you that the neighbourhood has been for a third time within the period of 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 open; 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 shew them the road to my brother's station (Illalong), about 5 miles distant.

I forgot to say that the conduct of two of the Wollombi district constables on the premises was disgraceful in the extreme; worse if possible, than that of the bushrangers; as the spirits, &c., were handed out of the house by bushrangers these *pseudo* protectors of the peace received them, knocked the necks from the bottles, and drunk the contents till they became in a state of beastly intoxication. The conduct of these vile constables on this occasion ought to become the subject of strict inquiry; they appeared to be with the

bushrangers "Hail fellows well met." At Illalong, the bushrangers, after making their usual inquisitorial inquiries, asked if there was not a bell on the premises? On being answered in the affirmative, they ordered one of the assigned men to break it to pieces, which was apparently very willingly done; after ordering corn for their horses and ransacking the house they pressed the services of one of the men to conduct them to Mr. J. M. Davis's, about two miles distant; they found Mr. D. just sitting down to dinner, having, as a guest, Mr. Dunlop the police magistrate, who, armed with a pair of small pistols, resisted the first intruder; but upon seeing, immediately after, five others enter the room prudently desisted. After ordering Mr. D. and his guest to "bail up" in the room, the rascals sat down to the savoury viands and cracked their jokes with as much ease and familiarity as consisted with convict dignity,--observing to Mr. Dunlop (at the same time applying a quissing glass to his eye) it was the first time they had had the pleasure of meeting him at dinner; but they intended *honouring* him again with their company on Christmas day. After remaining about an hour and a half on the premises and committing the usual spoliation, and making the servants drunk, they took away three of Mr. Davis's horses; they then proceeded to the Rising Sun Inn, kept by Mr. Pendergrass, whom they robbed of £13 cash, here they met with Mr. John M'Dougall, who keeps the inn at the township, and for some alleged offence stripped him and tied him up, two of them inflicting a most unmerciful lashing; had it not been for the interference of Mr. P. it is probable they would have taken Mr. M'Dougall'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 in a state of intoxication, so that in 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.

I cannot conclude without making a few remarks respecting the praiseworthy conduct of our P.M., Mr. Dunlop, who, under the cover of night, and in danger of falling in with his late quondain companions, rode to Maitland for the purpose of obtaining the services of the mounted police; as these were proceeding from Maitland to Black Creek, they were met by a gentleman from the latter place, from whom information was given, which I flatter myself will lead to their detection.

It is reported they have since robbed the mail on its way from Darlington to Maitland."

With these articles, we conclude. They will surely convince His Excellency of the necessity of immediate and powerful measures being taken for the destruction of these ruthless men - men, (who if they deserve the name,) have thrown both the laws of man and of God at defiance. Surely the Governor is now convinced that the press does not (as he once stated before Council) exaggerate the reality of these dreadful proceedings? With all due deference to His Excellency, we would observe that in scenes like these, reality cannot be exaggerated! The *Herald* of Saturday "hopes that the Governor will offer large rewards for the apprehension of these ruffians, and that a free pardon and a passage to England would tempt many resolute men to endeavour to apprehend the murderous villians." We perfectly agree with our cotemporary in this remark. Desperate diseases require desperate remedies, and we can think of no disease more desperate than the one in question.

[Since writing the above, news has been received that most of the gang has been captured by the Mounted Police and others. Davis was dangerously wounded in the shoulder.]

**SYDNEY HERALD**  
**December 29th 1840.**

**STATE OF THE COUNTRY.**

We have much pleasure in announcing that, principally through the activity of Mr. E.D. Day, the gang of marauding ruffians who have long infested the Hunter's River districts have been captured, and may be expected in Sydney today or to-morrow. The ticket-of-leave-men that assisted in the capture will, of course, receive pardons, and we hope that something will be done by the residents at the Hunter to shew their opinion of Mr. Day's meritorious services. This is virtually another reflection against Mr Robertson, the Police Magistrate of Scone, who ought to have taken the field instead of allowing any other party to capture these disturbers. We do not say Mr. Robertson refused to go out with the party, but we do say that His Excellency will not do his duty by continuing Police Magistrates in their situations who do not attempt to capture the bushrangers in their districts.

**HUNTER'S RIVER BUSHRANGING.**

I now write to inform you that Mr. Day went out after the bushrangers, and assisted by Mr. White, Superintendent to Mr. Eales, and a party of ticket-of-leave men, they succeeded in capturing the gang of armed ruffians who have committed such depredations. Davis and Marshall are both taken, as well as Shea and the others. They fired two shots at Mr. Day, fortunately without effect, when Davis received a wound in the shoulder and was taken; the others gave in. Mr. Day, and also Mr. White, to whom the district is most deeply indebted for his bravery, will probably receive some most signal offering from the residents of the Hunter as a tribute to their exertions. There is already a meeting convened for the purpose.

(Another account.)

Mr. Day, Police Magistrate, who happened to be at Muswell Brook, got information of the bushrangers about nine o'clock on Sunday evening, when he immediately called upon some gentlemen in the neighbourhood, as well as some ticket-of-leave men, and by seven next morning (Monday), was in hot pursuit of the miscreants; meantime at four o'clock, the bushrangers, now eleven in number, robbed Juranville, the seat of William Dangar, Esq., and by six o'clock made their appearance at Scone, and robbed Mr. Thomas Dangar's Stores, and Chiver's; a respectable young man, named Graham, Mr. Dangar's clerk, attempted to protect his master's property by discharging a pistol at them, and then ran toward the lock-up to alarm the Police; one of the villains immediately mounted his horse, pursued, and shot poor Graham dead on the spot. After finishing this robbery they deliberately mounted their horses, and proceeded toward the Page, at which place they robbed the Inn and Store. Mr. Day and his party being all day in hot pursuit, but a heavy rain and the rapid rate at which the bushrangers travelled, by exchanging horses with every one they met, prevented their being overtaken until they arrived at Doughboy Hollow, more than fifty miles from Muswell Brook, over the Liverpool Range. When Mr. Day and his party overtook them, they immediately took to the trees, and having previously tried and cleaned their guns, exchanged eighteen shots,

when three of them being wounded, they threw down their arms and surrendered. Too much credit cannot be given to Mr. Day, to whose gallant and determined conduct their capture is mainly to be attributed; nor must the gentlemen who so well seconded him be forgotten - they are Messrs. Edward White, Richard Dangar, Edward Warland, and John Gill, two ticket-of-leave men, named Evans and Daws, were also entitled to all praise. The bushrangers fought in the most determined manner: the Captain of the gang, who is a Jew, twice took a deliberate aim at Mr. Day, but fortunately missed him. They were taken in just eleven hours after they had committed the murder of Graham, who was a respectable young man and most deeply regretted; six of the villains are now safe in the lock-up at Scone, and will be committed today (Wednesday). One of the scoundrels unfortunately escaped during the engagement. During the last day of their career they wore flying ribbons and flags, and sent the Police word to bring the dead cart with them when they came in pursuit.

(Another account.)

Wollombi, December 19. - On Wednesday last, an unusual stir in our Police establishment evinced to the good folks of this place that there was something more than common in the wind; two Constables who had been reaping laid down their sickles, which they had used for their own benefit, and resumed their carbines for the good of the public; many were the opinions as to their destination, as they were seen fearfully armed moving in the direction of Maitland, followed next day by our Police Magistrate, but suspense soon gave place to wonder, when we heard that the two constables were caught in bed by six armed bushrangers in one place, and the Magistrate going to dinner in another. As to particulars. About sunrise on the 17<sup>th</sup>, six mounted bushrangers made their appearance at a station belonging to C.E. Close, on the Wollombi, and there found our two constables in bed; they broke their fire-arms, compelled them to carry corn up a steep mountain to feed their horses, and left them handcuffed together; they then proceeded to the farms of Messrs Robert and Thomas Crawford; from the former they took a horse, and at the latter they regaled the servants with the spirits found on the establishment; their next visit was to Mr. J.M. Davis, where they sat down very composedly to a dinner prepared for the family, having first "bailed up" Messrs. Davis, Dunlop, and the servants, they took three horses with them, and arrived in full gallop at the Rising Sun Inn kept by Thomas Prendergast; there they recognised a Mr. J. McDougal, whose activity in the capture of such ruffians has secured for him a dangerous notoriety, and on this occasion nearly cost him his life, for on perceiving him they set up a hideous yell, and exclaimed "we have got you at last," and immediately one of them plunged a dagger at his breast which he luckily avoided; they then stripped and flogged him until they glutted their revenge, and then told their victim that on their next visit they would burn his house, and call on the Bridges (men who have become marked by them for taking the bushrangers last year) to serve them in the same manner; they robbed Mr. Prendergast of thirteen pounds, and darted away at full gallop; we have since heard of five other robberies committed by them before daylight, concluding a day of plunder unequalled in the annals of bushranging, at least unknown in the Wollombi, until we got under the nominal protection of a police establishment which is worse than contemptible.

(Another account)

Mr. Day had information on Sunday night, that bushrangers were at Muswellbrook, and threatened to attack the settlers there; they passed Muswellbrook and Aberdeen, attacked William Dangar's place, at Dartbrook, which they robbed, broke fire arms, stole a mare, and destroyed a great deal of property, furniture, &c. Then went to T. Dangar's store, which they also robbed, destroying much property, and killed Mr. Graham; they attacked Chivers, whom they robbed, destroyed the arms of two of the border police who were in the home at the time; then went to Messrs. Paterson and Goldfinch, whom they plundered; then to Nortly, whom they robbed of money; after feeding their horses they went towards Ranges, and robbed two young men on the road with cattle, and took fire arms and money; they were dressed in Leghorn and Manilla hats, decorated with red and pink ribbons, and Ruggy wore the death flag, shewing no quarters, being black handkerchief attached to his hat. They arrived at Page's River Inn, where there were about thirty people, who they divided between the house, verandah, and store. Four attacked the Inn, and three the store. They robbed the store of about 5 pounds worth of property, and also, some money from the Inn, and destroyed all the fire arms, being twelve stand. They fired twice at a young man belonging to Mr. Single, between the Inn and the store, but the ball glanced off without wounding. They took refreshments at the Inn and had their horses well groomed. They then proceeded to the plains. Mr. Day's party, comprising Mr. Richard Dangar, Mr. Edward White, Dr. Gill, Mr. Warland of Page's River, and some ticket men; then pursued the marauders from Muswellbrook, and came up with them at Doughboy hollow, near sun down.

The bushrangers were encamped, but as soon as they saw the party they retreated; Davis the jew fired two shots at Mr. Day; Davis was wounded, and after firing five shots was captured. The leader of the party was also wounded and secured; Shea presented his piece at Mr. White, at whom he fired one shot from a double-barrel-gun, and one from a pistol. Three others were taken after an exchange of about thirty shots. The ticket men behaved gallantly. Mr. Day then had them handcuffed and secured.

Mr. Robertson was not there, nor any from Scone; a large sum of money was found on them, with watches, and other valuable trinkets, seven capital horses, saddle bags, &c.; each had a fowling piece, and some rifles, pistols, &c.; altogether fifteen stand of arms.

COLONIST.

December 29<sup>th</sup> 1840

***DOMESTIC INTELLIGENCE***

**Muswellbrook, December 23, 1840** – I hasten to inform you of the disturbed state of the district, owing to the extensive robberies that are being daily committed by bands of armed bushrangers; and I am sorry to inform you, that murder has at last been added to the black catalogue of their crimes. They committed several robberies on their way up, and robbed the inn at Cockfighter's Bridge, on Saturday, the 20<sup>th</sup> instant, from whence they proceeded to Muswellbrook, where they encamped within a mile of the town, from twelve o'clock on Sunday until sunset,- they there bailed up two men who were going out with rations to a station of Sir Francis Forbes' close at hand and kept them until they were ready to leave. The information reached this place soon after their departure and during the night an armed party was organised by Mr. Day, who proceeded at their head on the following morning at seven o'clock, on their tracks towards Invermein. It is too true they have left their track of blood behind them, having attacked Mr. Dangar's store, plundered it, and *shot dead* Mr. Graham the storekeeper; they there attacked the inn opposite and robbed it of 70 pounds in cash, and many other articles, threatened the life of a Border policeman who was sleeping in the house, and broke to pieces his musket and pistols – they then proceeded on their way towards the Page River, and, the last news we have got, is, that Mr. Day with an increased party of thirty men were in hot pursuit of them Dr. Little's old farm, about eight miles from Invermein; and as the villains are not aware of the party being after them, it is expected they will either be captured or annihilated. The district was never known to be in such a state of excitement, and this cold-blooded murder of poor Graham has added fuel to the fire. Surely, Mr. Editor; it is time the strong arm of law intervened to put down this reckless state of the convict population. This town is guarded night and day, to protect its peaceable inhabitants from the inroads of these disturbers of society. – *Correspondent.*



## AUSTRALIAN

December 29th 1840.

### CAPTURE OF BUSHRANGERS.

We are happy to be enabled to announce, upon the authority of private letters received in town, that the notorious gang of bushrangers which has of late infested the districts of the Lower Hunter has been captured.

The particulars of the case, so far as we have been, up to this moment, enabled to gather them, are as follows. We cannot pledge ourselves to the exact accuracy of all the details, but the substance of the case is undoubtedly true.

That very meritorious public officer Mr Day, the Police Magistrate of Maitland, set out on Monday last, together with Mr White, of the Australian Agricultural Company, and at the head of a party of twenty men, with the determined intention of apprehending and bringing to justice the gang which had committed such extensive havoc. The bushrangers were at this time known not to be in the Maitland district, but Mr Day, with his usual spirit, determined notwithstanding, to seek them out elsewhere, in order that under no circumstances should they ever again disturb the district under his control.

On reaching Muswellbrook, he received intelligence that they were then somewhere on the Peel River.

After four days continued search, the party fell upon them accordingly, at Peel River, and an engagement took place. The bushrangers were found to be seven in number, and completely armed. Mr Day, being desirous of capturing them alive, refrained from firing as long as he could. The men of the gang, however, got behind some trees, and fired upon the party. One of the ringleaders fired twice at Mr Day, and the second ball is said to have grazed his ear. He then fired in return, and shot the man in the shoulder, who, it appears, got away, but is supposed to be mortally wounded. Four of the gang were taken, and two others escaped, besides the wounded leader.

The Police Magistrate's party obtained possession of, we believe, 500 pounds in cash, which had been secreted, as well as fifty stand of arms.

Mr Holden, also, the Police Magistrate of Brisbane Water, had been out for three days in search of the same party, and had traced them as far as the Broken-back Range. Mr Dunlop likewise had taken active steps in the Wollombi district.

We cordially congratulate the Maitland public upon the circumstance of their possessing so spirited and able a Police Magistrate as Mr Day. The inhabitants of Muswellbrook parted with that gentleman, we have good reason to know, with much regret. It is impossible that too high an estimate can be placed upon this gentleman's services.

We take this opportunity of stating once and again, that it is to the civil, and not so much to the military power, that settlers should look for the suppression of bushranging outrages. If, following the laudable example now set them, magistrates were unanimously determined to exert themselves with activity in putting down the banditti system, it is competent to them entirely to achieve this result. We say, that let there be *fewer* magistrates, but let them, if they zealously do their duty, receive a *higher* rate of pay: this the people, so far from grudging, would cheerfully acquiesce in. We hope that Mr Day

will receive for his valuable services some public manifestation of regard; and his Excellency's attention may well be drawn to the propriety of rewarding the ticket-of-leave men, and other prisoners of the Crown, who may have been engaged in this affair. A judicious measure of favours bestowed on occasions like this, is always productive of a good result: and we hope that this intimation may be productive of a good effect.

## AUSTRALASIAN CHRONICLE

December 29, 1840.

**Bushrangers Captured.** —We have pleasure in stating that the six notorious bushrangers who have been actively employed on the Hunter for some time past were last night brought into town and lodged in goal by Lieut. -----, Sergeant Feeny, and a party of the mounted police, having been captured by the police magistrate, Mr. Day and fourteen ticket of leave men, who were raised by him for that purpose. They were brought yesterday from Muswell Brook, and entered Sydney singing a chorus, the purport of which we could not make out..

## COLONIST

December 30<sup>th</sup> 1840.

**Bushranging.** - On Monday night last, the bushrangers who have for sometime past infested the Hunter's River district, were lodged in gaol. The following will give our readers some information relative to their capture: - Mr. Day, Police Magistrate, who happened to be at Muswell Brook, got information of the bushrangers about nine o'clock on Sunday evening, when he immediately called upon some gentlemen in the neighbourhood, as well as some ticket-of-leave men, and by seven next morning, (Monday) was in hot pursuit of the miscreants; meantime at four o'clock, the bushrangers, near eleven in number, robbed Juranville, the seat of William Dangar, Esq. and by six o'clock made their appearance at Scone, and robbed Mr. Thomas Dangar's stores, and Chivers's; a respectable young man named Graham, Mr. Dangar's clerk, attempted to defend his master's property by discharging a pistol at them, and then ran toward the lock-up to alarm the police; one of the villians immediately mounted his horse, pursued, and shot poor Graham dead on the spot. After finishing this robbery, they deliberately mounted their horses, and proceeded toward the Page, at which place they robbed the Inn and Store, Mr. Day and his party being all day in hot pursuit, but a heavy rain, and the rapid rate at which the scoundrells travelled, by exchanging horses with everyone they met, prevented their being overtaken until they arrived at Doughboy Hollow, more than fifty miles from Muswell Brook, over the Liverpool Range. When Mr. Day and his party overtook them, they immediatly took to the trees, and having previously tried and cleaned their guns, exchanged eighteen shots, when three of them being wounded, they threw down their arms and surrendered. Too much credit cannot be given to Mr. Day to whose gallant and determined conduct their capture is mainly to be attributed; nor must the gentlemen who so well seconded him be forgotten - they are Messes. Edward White, Richard Dangar, Edward Warland and John Gill; two ticket-of-leave men, named Evans and Dawes, are also entitled to all praise. The bushrangers fought in the most determined manner; the Captain of the gang, who is a jew, twice took deliberate aim at Mr. Day, but fortunately missed him. They were taken in just eleven hours after they had committed the murder of Graham, who was a respectable young man and most deeply regretted; six of the villians are now safe in the lock-up at Scone, and will be committed today (Wednesday). One of the scoundrels unfortunately escaped during the engagement. During the last day of their career they wore flying ribbons and flags, and sent the police word to bring the dead cart with them when they came in pursuit.

**SYDNEY HERALD**  
**December 30<sup>th</sup> 1840.**

**HUNTER'S RIVER BUSHRANGERS.**

The scoundrels who have so long infested the districts of the Hunter are at length safely lodged in Sydney Gaol, thanks to the activity of Mr. Day. As desperate diseases require desperate remedies, we think the crimes of these vagabonds have been so notorious, that a Special Commission should be issued to try them, and if found guilty, they should be, with as little delay as possible, executed near the spot where they murdered Mr. Graham; they should not be kept in Gaol until the ordinary sessions, but, while all men's mind are directed to the atrocity of their crimes, they should hear that the punishment due to those crimes has overtaken the miscreants who committed them.

**SYDNEY HERALD - ADVERTISEMENT**  
**December 30<sup>th</sup> 1840.**

Whereas, two horses of the following description were taken from my house, at Wyon, Brisbane Water, on the 16<sup>th</sup> of December, by a party of bushrangers, this is to give notice, that the one who will bring the said horses to Wyon, shall receive a reward of Ten Pounds, or two pounds will be paid for each horse, for such information as may lead to the recovery of the horses. A grey horse about sixteen hands high, four years old, brand on the near shoulder WWD, and IMP on the off shoulder. A bay mare about fourteen or fourteen and a half hands high, rising four years old. Supposed to be in foal, branded DW on off shoulder.

C F Solling, Wyon, Brisbane Water.  
December 19, 1840.

**SYDNEY HERALD**  
**December 31<sup>st</sup> 1840.**

### **HUNTER'S RIVER BUSHRANGERS.**

We give, in another place, a detailed account of the capture of these marauding vagabonds, written by a person who was present and assisted. We have received nearly twenty accounts of the capture, and there is not one that does not reflect upon Mr. Robertson for his supineness. To allow a Police Magistrate belonging to another district to scour that part of the country which it was Mr. Robertson's especial duty to keep in order, and not to proffer to assist the gentleman who was obviously doing that which he ought to have done himself, was conduct which, we have no doubt, before this the Governor has demanded an explanation of. Want of energy and decision we imagine are faults not likely to find much favor in the eyes of Sir G. Gipps. There is another point too on which all the communications agree: and that is in praising Mr. Day, whose activity, courage, and perseverance have often been shown, but never so conspicuously as on this occasion. "Fortunate indeed," says one correspondent, "are we to possess one Magistrate on the Hunter who has judgment to guide him, and courage to act in time of need." With this sentiment we entirely agree, and we are glad to find that the settlers at the Hunter are about to present Mr. Day with some token of their esteem. We hope it will be of a value proportionate to his services and their wealth.

### **MUSWELL BROOK**

On Sunday last, the 20<sup>th</sup> instant, information was received by Mr. Day, who fortunately for the inhabitants of the Hunter's River districts happened to be here, that the bushrangers had visited a station of Sir Francis Forbes, distant about three miles from this place, and bailed up the persons there in order that a report might not reach Muswell Brook, and kept them so until nearly sundown, when they departed.

On the bushrangers quitting the station, a person named Jones, holding a ticket-of-leave, lost no time in reporting the matter to Mr. Day, who with that energy and decision so peculiar to him, immediately determined on pursuit, to carry which into effect, he caused information to be forwarded to the surrounding settlers of the contiguity of the bushrangers, and requested their co-operation and assistance in the pursuit of the following morning (Monday.)

On Monday, the 21<sup>st</sup> instant, Mr. Day was joined by Mr. Edward White, Mr. R.C. Dangar, also, by the Chief Constable, John Nolan, Peter Daw, Martin Kelly, William Evans, William Walker, the five latter are ticket-of-leave holders, Martin Donohoe, who is an assigned servant, and a black boy. The party proceeded in a direction likely to fall in with the tracks of the bushrangers, in which they succeeded not quite a mile from Muswell Brook, and continued on that track for about five miles, when they were informed the bushrangers had crossed the Hunter at Aberdeen the previous night; on receiving the intelligence the party in pursuit pushed on in the direction of Scone, when after crossing the Hunter, the party met a man who had been despatched from Scone, for the purpose of reporting at Muswell Brook the robbery at Mr. William Dangar's, at Turanville, that of the Inn at Scone, from which they took 70 pounds, as well as Mr. Thomas Dangar's store, where the bushrangers, in addition to their other atrocities added

that of murder - having taken what they wanted from Mr. Dangar's, they were on the point of quitting when a young man named Graham, clerk to Mr. Thomas Dangar, imprudently fired a pistol at one of them, who deliberately shot him on the spot - he survived but twenty minutes. On hearing these particulars Mr. Day's party proceeded as quickly as possible to Scone; on reaching which Mr. Day proceeded to the Court House, where the Police and two other Magistrates were then sitting, and a number of settlers at the time, both in and about the Court House, who, it were only reasonable to suppose, were equally interested in the capture of the bushrangers with Mr. Day and those then in pursuit, but strange to say no exertion was made, no notice of the occurrences above stated forwarded to the surrounding settlers, nor could Mr. Day obtain a horse, although applying for one to the settlers then at Court!

At this time, Mr. E. Warland, Robert Evans, John Teely, the latter are ticket-of-leave holders, and one of the border police, joined Mr. Day's party, who now proceeded with the utmost dispatch to Page's River, distant from Scone about twenty five miles; on reaching which they ascertained that the bushrangers had been there about three hours before, and robbed Mr. Atkinson's Inn, as well as Mr. Rundle's store; the bushrangers did not appear to be in a hurry when at Mr. Atkinson's, as they stopped to refresh, and made themselves as comfortable as circumstances would permit; they also committed some robberies on the way from Scone to Page's River. Being now nearly confident of falling in with the bushrangers, Mr. Day's party halted a few minutes at Page's River, which became imperative from the party being completely drenched with rain, and the arms, from damp, were obliged to be re-loaded and put in order. They were then joined by Dr. Gill, and proceeded over the Liverpool Range to Dough Boy Hollow, distant about six miles from Page's River; on arriving at which some drays were observed encamped down the creek; the party proceeded towards the drays, and soon after saw some horses, and directly came in view of the bushrangers. It was now six o'clock. Mr. Day and his party dashed on at full gallop, cheering as they went; the bushrangers stood to their arms and took trees. Robert Chitty was first taken; he fired one shot and was not allowed time to reload until secured; Davis and Marshall (the latter the leader of the gang, and murderer of Mr. Graham) were next secured, Davis fired four shots, in two of which *he took deliberate aim* at Mr. Day. Marshall fired two shots; Shea and Ruggy ascended a hill overlooking the combat, and from thence fired ten shots. The bushrangers fired in all eighteen shots during the capture, fortunately not one of which took effect. Thus in less than five minutes were five of these seven secured who have so long and so wantonly acted as they thought proper - and had it not been for the prompt and energetic conduct of Mr. Day, seconded so zealously as he was, this gang would still have been roaming through the country carrying on their system of plunder and destruction.

The next morning there were sent five men and two black boys in pursuit of the two scoundrels who escaped during the fight, when after having gone about eight miles, they came up with and secured another, named Glanvill; he acknowledged to have fired one shot. The number of shots fired by Mr. Day's party has not been ascertained; Mr. Day wounded Davis in the shoulder; he also had a ball through his trousers. Shea has been wounded in the calf of the leg. The party who made the capture remained for the night where they had made it, and escorted their prisoners to the lock-up on the 22<sup>nd</sup> instant; when within thirteen miles of which they met a party forwarded by Mr. Robertson to



assist in escorting them, as he considered, no doubt, according to his usual clear way of thinking, that a party who after riding fifty miles in eleven hours, and were able to capture them, would not be able to take care of them. I believe Mr. Day would not sit with him on the bench next day.

Mr. Robertson was unable to commit the bushrangers from the Scone Bench, although the murder was witnessed, and witnesses in attendance to prove it and the robberies; they were however ultimately committed from Muswell Brook Bench on Thursday. There were found with the bushrangers seven horses, nine double barrelled guns and rifles, a great many pistols, several watches, sixty or seventy pounds in money, and a great many other articles.

A committee has been appointed to present Mr. Day with a piece of plate on the occasion. Upwards of 100 pounds was subscribed at the Upper Hunter, and a very large sum is expected, as the settlers feel very grateful to Mr. Day for his exertions.

**SYDNEY GAZETTE**  
**December 31<sup>st</sup> 1840.**

**Capture of the Bushrangers.** - The news of the capture of the notorious band of bushrangers at the Hunter having reached Sydney at a late hour on Monday last, precluded us from giving any thing further than a mere announcement of their being taken. We have now great pleasure in laying before our readers as nearly as we can gather the whole particulars of the case. On Sunday night, about nine o'clock, Mr. Day, Police Magistrate, received intelligence that the bushrangers were at Muswell Brook, and that they had threatened to attack the settlers there. He immediately called upon some of the neighbouring gentlemen, and some ticket of leave men, and about seven o'clock next morning they departed in pursuit of the gang. By this time the gang amounted to eleven men, and had been committing depredations on every side. They had robbed Juranville, the residence of William Dangar, Esq. about four o'clock in the morning, and at six o'clock they were at Mr. Thomas Dangar's stores, where the murder of Mr. Graham took place, the particulars of which we have given in a former publication. Having committed this robbery and murder, the miscreants deliberately mounted their horses and proceeded towards the Page, where they robbed the inn and store. Mr. Day and his party being all day in hot pursuit. The falling of a heavy rain, and the rapid rate at which the ruffians travelled, prevented their being overtaken until they arrived at Doughboy Hollow, over the Liverpool Range. When Mr. Day's party came up to them, they immediately took to the trees; Davis, the Jew, fired two shots at Mr. Day, which, however we are glad to say had no effect. Davis was then severely wounded in the shoulder, and, after five shots having been fired was captured. After eighteen shots had been fired, and two of the others wounded, they laid down their arms and surrendered. Their capture was effected exactly 11 hours after the murder of Mr. Graham. The ruffians were then handcuffed and taken to the lock-up in Scone. We are sorry to state that one of the miscreants effected his escape. They were committed for trial on Wednesday. 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. It would be impossible to bestow a more than just quantity of eulogy on Mr. Day for his gallant and manly conduct in the whole affair, for to his courage and determination is the whole mainly to be attributed. The gentlemen who accompanied him are likewise deserving of the highest praise; their names are Messrs. Edward White, Richard Dangar, Edward Warland, and John Hill. Two ticket of leave men named Evans and Daws, acquitted themselves in the most gallant manner; in fact the whole party deserve the highest credit. 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 all laughing, singing and cracking jokes, as merrily as if they were enjoying themselves in a public house. We never in our lives saw such a fearful example of human depravity. We hope that no time will be lost in bringing them to trial, as there is no doubt but they will be found guilty, we hope their execution will not be delayed. It is almost a crime to suffer such ruffians to

exist. We would not however, run the risk of taking them to the scene of their crimes, but have them executed in Sydney. By the *Moniter* of yesterday we are informed that Curran, another notorious bushranger has been captured in Marulan. It is but justice to the settlers to say that not one of these men were captured by the Mounted Police.

**SYDNEY MONITER**  
**January 1st 1841.**

**SCONE**

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To the editor of the Sydney Monitor and Commercial Advertiser.

Sir - I dare say you have heard 'ere this of the capture of the gang of bushrangers who have so long infested this part of the country with such impunity. They visited this township on the morning of Monday, the 21st, where after having committed two robberies, they closed their proceedings here, by committing murder; the victim was clerk to Mr. Thomas Dangar, whose store they robbed. The young man was generally quiet and unoffending, but in defence of his charge, he fired a pistol at one of the bushrangers, who shot him dead on the spot. This occurrence, with the two robberies stated, took place within one hundred yards of the Police Office. Now this is a Police Station - we have a gentleman called a Police Magistrate - I dare say he is paid - a chief, and four ordinary constables, with a thickly inhabited neighbourhood, from which a person would infer that measures were taken for the purpose of bringing these villians to justice, or stopping their career of crime. No such thing - Mr. Robertson, good easy soul, was bewildered - how bushrangers could have the audacity to come into a township where he resided, went beyond his comprehension, acute and extensive though it be - It may have been owing to this surprise that no exertions were used, no intimation given to the surrounding settlers of the dangers with which they were threatened, until Tuesday, when the bushrangers had had time to be at Liverpool Plains. There was one messenger despatched to Muswell Brook, for the purpose of reporting there the occurrences at Scone, when at that very time Mr. Day, and a mounted party "volunteers" had been four hours on the track of the bushrangers. Whence arises this apathy, in cases of this description, where decision and promptitude are so essential, to see them wholly wanting; or if possessed in the smallest degree, not called into requisition? must create, to say the least of it, surprise, if not distrust and suspicion. If Mr. Robertson had a strong objection to come personally in contact with the bushrangers, (which it is affirmed he had, as the bushrangers from one of the farms which they had robbed, took a small whip, as the fellow said, for the sole purpose of horsewhipping him) where were his constables? where were the settlers? and, more particularly, could not Mr. Robertson muster in two hours, at least 50 ticket-of-leave holders. On Monday after the commission of the robberies and murder as stated, in the very township of Scone, a Court had been assembled for the despatch of the ordinary business of the district. It was numerously attended, there were two magistrates on the bench with Mr. Robertson, besides a number of settlers at Court. Mr. Day and his party reached Scone during the sitting of the Court, when the former proceeded to the Court house, expecting he would be able to get a horse which he required, for a person journeying with him, no horse could be got, and Mr. Day proceeded without this person.

Now, contrast this conduct of Mr. Robertson with that of Mr. Day. The latter not being connected with Muswell Brook; he happened to be there when he heard of the bushrangers, and he immediately took measures for following them up, go where they would; and for this purpose, although but recently off a journey of his own, two horses were the first made available for the wants of the party, and before sundown, on Monday

the 21st, succeeded in capturing six out of seven, and after a discharge of 18 shots on the part of the bushrangers, fortunately without affect. This is the kind of man required for a police magistrate.

The bushrangers were escorted to Scone, where, after an investigation of five hours, owing to some legal difficulty, it is said, Mr. Robertson could not commit them, although a host of witnesses were in attendance to prove both murder and robberies, but I am inclined to think he adopted the famous Sir Roger's maxim, "that much could be said on both sides." Mr. Day would not sit with Mr. Robertson.

The prisoners were ultimately committed from Muswell Brook, on Thursday.

Yours, very truly.

AN OLD SUBSCRIBER.

December 26th, 1840.

**SYDNEY HERALD**

**January ? 1841.**

*To the Editor of the Sydney Herald.*

Mr. Editor, - I have just read an article in the *Sydney Gazette* of yesterday, in defence of Police Magistrates generally, but particularly Mr. Robertson, the incumbent of Scone. About the time that article was written by his friend and namesake, Mr Robertson himself communicated to the Governor, he "had received *private information* that *five or seven* bushrangers had robbed a sheep station at Muswell Brook, belonging to Sir Francis Forbes, and *he intended to proceed in pursuit of them to-morrow*, but neither on this, or the former occasion had he received any information from the Police at Muswell Brook." Now Mr. Editor, this censure implied on Mr. Allman, a brave, active, and intelligent magistrate, ought not to pass unnoticed. I will, therefore, contrast the services of these two *paid magistrates*, and let the public judge of their efficiency.

About ten days ago Mr Allman received information that Sir Francis Forbes' station near Muswellbrook had been robbed; he immediately assembled a force and pursued the robbers, and in two or three hours after the robbery had been committed the offenders were in his custody with all the plunder. Had he waited till *tomorrow*, as Mr. Robertson did, many other depredations might have been committed by the same party before they were secured. Mr. Robertson is easily imposed on; and in all probability the "private information" he has received alludes to the same robbery, and *tomorrow* he is going to pursue the persons who have been safely lodged in gaol the last ten days. What Mr. R. means by "the previous occasion" I do not comprehend; I will however show you what his conduct was at Scone on the 21st of December, when the bushrangers robbed Mr. Wm. Dangar's house, Mr. Thomas Dangar's store, Chivers the innkeeper, and shot Mr. Graham. These all occurred early in the morning, close to the residence of the Police Magistrate, and when Mr. Day and his party arrived about three hours after these outrages, he was found writing very composedly fifty yards from the spot where the dead body was lying, and had made no arrangements for the capture of the murderers, nor did he accompany Mr. Day in the pursuit, nor even send one of his constables. The murderers were secured by Mr. Day's party the same evening at a distance of 70 miles, and brought back to Scone, but not committed for trial by Mr. Robertson. They were remanded from that bench to Muswellbrook, and there committed. This, I believe, was reported to government, yet, to the surprise of the whole colony, Mr. Robertson is still in office; he may, however, expect to receive a letter to the following effect in the course of a few weeks from the Colonial Secretary: "Sir, the Governor having laid before the Legislative Council the estimates for the year 1842, one of the members moved for a report of the efficiency of the Hunter's River Police, and requested to know why Mr. Day captured so many bushrangers in your district without your assistance. I have the honour to inform you, by direction of his Excellency, that the supplies having been voted for the ensuing year, your name does not appear in the list; I have therefore to make known to you that your salary having closed, you may consider yourself discharged from the public service. I have the honour to be, &c.,"

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15th January, 1841.

**NSW GOVERNMENT GAZETTE**  
**January 19th 1841.**

*Police Office,  
Muswellbrook, 24th December, 1840.*

The undermentioned property taken in the possession of Bushrangers, on Monday, the 21st December, are in charge of the Chief Constable, and can be seen on application at this Office, -

One percussion double-barrel fowling piece, steel mounted, no maker's name  
One ditto ditto ditto, Southall maker, A.D. on silver plate  
One ditto ditto ditto, Wood, Worcester  
One ditto ditto ditto, brass mounted, H. Sturm a Suhl, on barrels  
One percussion rifle, brass mounted, maker's name De' comyn Kiobenhavn  
One ditto ditto, brass mounted  
One single barrel fowling piece, percussion Lock, Moore maker  
One ditto ditto ditto, Levick maker  
One ditto ditto ditto, Bradney maker  
One percussion rifle, Wood, Worcester  
One pair percussion pistols, Nock maker.  
One pair pocket pistols, flint locks, Smith, London  
One pair percussion pocket pistols, Smith, London  
One pair ditto ditto, no name  
One pair ditto ditto, H. Smith, London  
One pair ditto ditto, C. & F. Sham, London  
One pair pistols, spring bayonets, Ryan and Watson  
One double-barrel percussion pocket pistol, Birch, London  
One ditto ditto, flint ditto ditto, Turner and Co.  
One Silver mounted pistol, Baker Maker  
One percussion pistol  
One flint-lock pistol  
Four powder flasks  
Five bullet moulds  
Two pair handcuffs  
Six saddles, one by Toole, London; one by Early, Maitland  
Five saddle bags  
One pair holsters, patent leather top  
Seven spurs  
One drab top coat, large cape  
One silver watch, gold chain, four seals and two keys  
One silver double cased watch, J. Hurtly, maker  
One silver watch, No. 4222, C. Slater, London  
One silver watch, Larpint and Furgusson, Kiobenhavn on dials  
One silver watch, No. 5625, A. Harris, High-st., Paisley  
One silver guard chain  
One gold or guilt chain

One gold seal, with cornelian stone and keys, one ring, one key, "a hand holding a key"  
Two pair gold earrings in red case  
One gold seal, with a crest and key on steel chain  
One seal and two keys on ring  
One silver eye glass frame  
One silver medallion  
One mourning ring, George Mompisson, Ob. 23 Oct. 1763 AE 64  
One plain gold ring marked "C.F. S \_\_\_\_d, 12th December, 1835"  
One gold ring, "J.M.D. to J.W."  
One gold ring, broken, "Flora" on back  
Five gold rings, one set with a small red cornelian stone  
One gold brooch set with amethysts, hair in centre  
One large silver brooch, white chrystal  
One hair guard chain  
One microscope, three sliding glasses  
Nineteen purses  
Five knives  
Twelve old coins  
One travelling compass on steel guard chain  
Eight silk handkerchiefs  
One pocket comb  
One small looking glass brass mounted  
One case razors, Holmes & Co.  
Four Certificates of Freedom  
    John Clowvane, Larkins, 1829  
    John Cowen, Marquis Hastings, 1828  
    Hugh Makin, Bussorah Merchant, 1831  
    Michael Duigan, Fergusson, 1829.

**CARDEN J. WILLIAMS,**  
*Clerk of Petty Sessions.*



## **SYDNEY HERALD**

January 2<sup>nd</sup> 1841

### **BUSHRANGING.**

One of the evils, inseparable from the state of society in this Colony, and its dependencies, is the insecurity of life and property caused by lawless men, who procure a precarious subsistence by their depredations. It is quite in vain to think that this state of things can be altogether got rid of; for so long as there are desperadoes, who would rather obtain a livelihood, however dangerous, by daring outrages, than they would submit to orderly conduct, so long will there be thieves and robbers and housebreakers - in one word, Bushrangers.

In all other Colonies, in America and in Africa, it is the same, and even in civilized Europe itself, more particularly in Greece, Italy, and Spain, - though instances are far from being rare in the United Kingdom, where the same spirit of lawless dishonesty is more or less abroad, and is ever and anon bursting forth and bringing distress and death into the bosom of families who least expected to become its destined victims. While human nature remains in its present state of depravity, - while men, obeying the impulse of their evil passions and propensities rather than reason and religion, will break loose from society, and band themselves together in unhallowed confraternity with kindred criminals, - we may expect - nay, we may be certain, that our lives and property can never be quite secure.

But though the evil seems in its nature to be part and parcel of the state of all society, from the inherent depravity of mankind, there may be various degrees of this evil. It may be fostered by circumstances into formidable magnitude, and it may be diminished by other circumstances, so as to reduce the probabilities of insecurity to an insignificant fraction. In Italy, at present, it may be quite unsafe to travel without an armed escort from Naples to Rome, or in Greece, from Athens to Corinth; while it may be rare to hear of a highway robbery in France, on the road from Calais to Paris, or in England, on the road from Dover to London - formerly, and at no great distance of time, almost as much infested by highway men, as Italy is now by banditti, or Greece by brigands, or the Sierras of Spain with Guerrillas.

Looking homewards to our own country, here in Australia, a similar state of things to that in Greece, Italy, and Spain, is, we regret to say, but too obviously prevalent, is the recent outrage of the Bushrangers, forces itself with pain upon our attention; and it has now reached a height which demands the most prompt and vigorous measures to diminish, as far as it can be effected, the growing evil, though, we fear it is quite impossible to put it down altogether. We shall therefore briefly advert to the most probable means, by which this may be efficiently accomplished.

Though our circumstances, in this Colony, are very considerably different from those of England, when the great roads, particularly near London; were infested with highwaymen and footpads; yet as human nature is the same all over the world, the means, which have

worked so well there, would most probably, with such modifications as circumstances render necessary, work well in Australia.

The first and most powerful of the measures resorted to in England, for diminishing highway robberies, at such notorious places as Gad's Hill, Shooter's Hill, Wimbledon Common, and Hounslow Heath, was the establishment of a strong Mounted Police force, or Horse Patrol, with stations placed in all the noted places of the highwaymen's resort. This force, being always kept on the alert, particularly about dawn and dusk, as well as all night, rendered it next to impossible that any lawless desperado, however dextrous at disguises and clever at escapes, could not for many days continue to commit robberies, and at the same time elude their vigilance. It was not long, therefore, after the establishment of the Horse Patrol in England, till the highways were rendered comparatively safe, and it was thought no more dangerous to go over Shooter's Hill, or to cross Hounslow Heath, than to walk along Cheapside or the Strand. The highwaymen were so closely watched, and so hotly pursued, that by far the greater number were speedily taken, and suffered for their crimes. The remainder, thus driven from the highways by the efficient Police, were compelled to alter their tactics, and to join the kindred confraternity of Housebreakers.

The horse patrol, so powerful on the highways, was comparatively inefficient against the more secret and uncertain operations of the house-breakers; and as all the lawless vagabonds of the metropolis now took to this lag, as it was termed in their technical slang, and the cottages, villas, and mansions, within twenty miles of London, nightly became the scenes of open attack or secret burglary, - and consternation, was spread widely abroad amongst the higher classes of the rural population. Something became necessary to be done; some measure of similar efficiency to that of the establishment of the Mounted Police was rendered imperative to be had recourse to, and that speedily, or otherwise no man who occupied a respectable farm house, or a cottage home, could go to sleep with his family without the fearful apprehension of being probably murdered in his bed before morning.

It was this state of things, this insecurity of life and property, in the suburban and rural districts near London, which led to the establishment of local or district associations, amongst the inhabitants themselves, for the purpose of devising the best means to put down, or at least to diminish, the alarming burglaries. These local and district associations, which are still kept up - and which it will always be necessary to keep up, while we believe they act almost always without any mutual dependence or intercommunication - have all proceeded upon the well known principle of working on human cupidity by offering large rewards, not only to constables and others who may apprehend the burglars, but to the accomplices and pals of these that may split, as it is termed, and turn approvers, to bring their former associates to condign punishment.

This system of rewards, offered by such private associations, is always, in all flagrant and notorious cases, backed by the Home Secretary offering from the treasury equal or similar rewards, for the apprehension and conviction of criminals, and it has been found to work with very great effect; so much so, indeed, that the occupant of a solitary cottage or a villa on Wimbledon or Finchley Common, Hounslow Heath, or Epping, or Hainault Forest - all formerly notorious for burglaries and house-breaking, may now go to sleep with as

little comparative fear, as he can ride home from London after dusk, any time during the night.

Now, what our countrymen have done with so much effect at home in England, we see no reason why they may not do here in Australia; for though many of the circumstances here are confessedly not a little different from what they are at home in England; yet the principals of human nature, the only basis which can be gone upon, are precisely the same all over the world - namely, the fear of punishment, or of death, and the hope of gain or other advantage, influencing those who commit the crimes, or those who may be instrumental in their capture. We cannot indeed hold out expectations, which we fear could not be realized, of quite putting down bushranging in Australia, even by the most energetic application of the two measures that have worked so powerfully in England, but we have not a shadow of doubt, that the homes of our settlers, as well as the public roads, might be rendered greatly more safe and secure than they are at present, by a vigorous and systematic adoption of these two measures :- the Government co-operating, as at home, in rendering all possible assistance, and the associations, mutually aiding one another to watch the very beginnings of every new gang of bushrangers in their work of iniquity, and to follow them up with keen and unceasing pursuit, so as to prevent their fraternity waxing so strong in numbers as to become formidable in strength.

At an early day we shall take up these two measures more minutely and separately, and show first, what we think the Government ought to do; and secondly, what the settlers themselves ought to do, in a work that concerns them so nearly. In the mean time we will feel greatly obliged, by well authenticated information being communicated to us, of the activity or the supineness of individuals in the magistracy or the police, that we may hold up the one to the public praise and merited eulogium, while we may visit the other with obloquy and blame according to their deserts.

**SYDNEY HERALD**  
**January 5<sup>th</sup> 1841.**

The bushrangers on the Hunter are at length taken, after a long career of crime; they wound up their robberies with a bloody murder, and with a desperate attempt at murdering the party who succeeded in capturing them.

It is perhaps useless now to enter into the causes that permitted so large a body of men to roam the country, unscathed, unresisted, for so long a period, to the injury of the settler, and the dread of all honest men. Discord raged, and peace and security were becoming by-words of the olden time; when, as good fortune willed it, these outlaws passed within two miles of Muswellbrook - not daring (mark this fact.) not daring to pass through its streets as they had done through other towns, but sneaking through the bush at a goodly and most cautious distance. But why, let us ask, did they avoid this town? We answer, for this especial reason, that they were aware of Mr. Day having established so vigilant a Police, and being withal so active and determined a Police Officer, that they must have been detected had they attempted so rash a step.

The party who succeeded in securing this gang consisted of prisoners, ticket-of-leave men, one of the border police, and some gentlemen amateurs. No person can deny the obligation the Government and the Colony are under to this party, who armed and mounted themselves and risking their lives, took six, out of seven men, prisoners, in the most gallant style.

The Governor is a just man, and wishes to act not only with justice, but, when opportunity offers, with generosity; now, what better opportunity can offer than to reward those who have risked their lives to preserve the peace of their districts, without any idea beyond benefiting their fellow settlers? It would be easy enough to more than satisfy the desires of the convicts and ticket-of-leave holders by giving the one tickets, and recommending the other for conditional pardons; but it would at the same time be gratifying to the gentlemen volunteers, and would also give inducement in future to others, to receive some mark of His Excellency's approval of their conduct. The gentlemen would scorn of course any pecuniary gift; but the assignment to each of a few men would be a great boon to them, and no loss to Government - or some honorary distinction, or public acknowledgement. We through out this hint and hope it will be speedily acted upon.

**SYDNEY HERALD**

January 6<sup>th</sup> 1841

**BUSHRANGING**

*To the Editor of the Sydney Herald.*

Sir, - Observing in the *Herald* of the 2<sup>nd</sup> instant some judicious observations relative to bushranging, and that information is requested relative to the "activity or the supineness of individuals in the magistracy or the Police," I am induced to forward the following copy of a paper now lying at our banks and other places, for signature to which a numerous list of names has been already appended.

Maitland december, 1840.

We the undersigned, inhabitants of Maitland, and the district of Maitland, anxious to testify our admiration of the praiseworthy exertions, and intrepid conduct of E.D. Day Esq., P.M. in the capture of notorious bushrangers who have so long infested the districts of the Hunter, have resolved to present that gentleman with some token, to mark our sense of the services rendered by him, towards the preservation of the peace of the said district.

Subscriptions limited to ten shillings and under that amount.

As this matter is closely connected with the spirit of your observations, it may be worthy of notice, and as it possesses or ought to possess something more than local interest, perhaps Sydney may afford to lend a helping hand in the matter. I am respectfully yours, \_\_\_\_\_ S.

East Maitland, January 3<sup>rd</sup>. 1841.

**SYDNEY HERALD**  
**January 12<sup>th</sup> 1841?**

**SUPPRESSION OF BUSHRANGING.**

*To the Editor of the Sydney Herald.*

Sir, - In your journal of the 2<sup>nd</sup> instant there was an ably written article on Bushranging, and the most effective means of putting it down. As you notified your intention of pursuing the subject - one of such vital importance to every settler, and particularly to the lone and distant one - you will perhaps permit me to offer a few remarks thereupon. A very simple mode, it appears to me, might at least be tried, of checking this great evil. Suppose the Legislature was to confer on every Police Magistrate the power of calling out settlers, in any case of emergency, to meet ready mounted and armed at such points of a district as to him might seem advisable, - very much, in fact, on the plan of the Militia in the West Indies. Let him put himself at their head, direct their motions, and effectually scour the country in every part, which he might easily do, being surrounded by so many who know every hill, dale, and gully; and not a Bushranger could hold out a day without being discovered in his retreat, or tracked till discovered. I can answer for myself, and I think I may confidently do so for most of the settlers on this river, that a call of this kind would be answered with cheerfulness and alacrity; the more so that it would be attended with no expense whatever, for every settler of any standing has at least one horse and a gun in his possession that would answer for such emergencies. During the career of the late desperadoes, several parties *did* go out on their own responsibility; but being without a leader or any proper control, so as to ensure combination in their movements, their efforts were desultory; each man had his own way of thinking - some went one way, some another, and most of them of course found their way home, after a very unprofitable trip. But surely thus aided by all the "fighting men" of the district, and the Mounted Police which might happen to be at his disposal, an active magistrate would very soon rid his district of any pests of this sort - at any rate he would have a better chance of so doing, than by sitting on a bench and sending forth parties of crawling constables on foot, to be a laughing stock even to those they profess to be in pursuit of, who joke at the idea of their going gaping about the country on foot, while they (the bushrangers) dash about at full gallop on the best horses they can find.

Often and often have I heard the remark lately made, "the settlers ought to turn out themselves." Granted, they ought - but it should be systematically. Let it be generally understood that they are to do so by authority; that their efforts are combined; let every man of any substance, in fact, become a mounted policeman, pro tempore, and I will warrant these bushrangers will soon become a dead letter; no body of miscreants, let their daring be ever so great, would think of remaining one moment in a district which at a signal from the Police Magistrate would immediately be swarming with the very men they were seeking to plunder.

It may be said in objection, that some of the Police Magistrates are unfit from age, cowardice, &c., to mount on horseback and scour the country, with all the settlers at their heels. If so, I say, let them transfer their power for the time being to some spirited unpaid magistrate, and the system will work equally well. But depend upon it, Sir, that while the

present stay-at-home system continues to be practiced on all hands, so long will bushranging flourish.

Should you deem these few remarks worthy of insertion, I hope you will suffer them to appear soon, as the subject is one of deepest importance to every settler in the country.

I am, Sir, your obedient servant,

#### AN UPPER PATERSON SETTLER

P. S. I would not have it thought that by the above I wish to cast any slur on the Mounted Police; I consider them a very efficient corps as far as they go, but it is a physical impossibility for one or two men, however active or brave, to scour a whole country effectually, or to be perfectly acquainted with its minutest localities, and it is seldom the police go out in parties of more than that number.

[The above meets our views so far effectually as to the principles on which alone bushranging can ever be suppressed, that a few such sensible and judicious correspondents would save us the trouble of writing out our own views, and would, we have no doubt, also be well received.]

## **SYDNEY GAZETTE**

**January 14th 1841.**

### **POLICE MAGISTRATES**

There is no department of the public service in this Colony so essential to the well being of society as the Police: there are no officers in the public service so infamously paid, and none who are so lavishly abused; and we verily believe, upon the whole, there are no public servants who less deserve censure.

In the first place, a Police Magistrate is expected to be a gentleman by education and general bearing; secondly, he is found fault with if he does not bestow his entire time and talent on the duties of his office, because he is "paid for doing it." He is expected to be "instant in season and out of season!" He is to know, by intuition, the haunts of bushrangers, and to supply in his own person the want of courage in all those who live in his district who may chance to receive an occasional visit from the bushrangers. Three bushrangers, in the middle of noon-day, ride up to a settler's house or hut, as the case may be; they enter and find divers and sundry double-barrelled Manton's, carbines, firelocks, rifle pistols, and blunderbusses; and, possibly, as many hands as arms. No resistance is offered, and none is expected by the bush knights. But why no resistance, where such formidable preparations appear to have been made? Why, the ladies of the establishment might (in the event of resistance being offered) be subjected to ill-usage, and for their sakes, it is considered better, and more judicious, to suffer pillage, than to protect the property. The plundered party meets his friend on his way to the Police Office: "Is not this a pretty business; my house was attacked yesterday, and plundered of every portable thing worth carrying away, by three of those vagabond bushrangers." "Did you show fight?" "No! certainly not! what the devil are the Police paid for? Do you think I am going to run the risk of having my wife abused, my daughter insulted, my horses hamstrung, by attempting to shoot the wretches? Not I. Why does not \_\_\_\_\_ do his duty; is he not "Paid for it" I am going to give notice of the robbery; and what is more, I shall write to the Governor complaining of the neglected state of the district: do you mean to say that if \_\_\_\_\_ did his duty, that these rascals could go at large and rob people with impunity?" His friend replies: "It is an abominable state of things; it is a disgrace to the Government, but so it will be so long as the appointments to such offices continue to be made to suit the interests of private friends: as for me, I am determined never to resist the villains, come when they may; but this I know, if they visit my station I'll take care to show the Police Magistrate up in the public journals. Why what do you think of our Paid minion?" "I do not know." "A few days since I had a party of friends dining with me - in fact they spent the evening with me - they were returning to their place a little elevated to be sure, but not so bad but that they could find their way home; well, a scoundrel of a constable met them, took them in charge, and confined them in the lock-up for the remainder of the night. In the morning \_\_\_\_\_ wrote a note to \_\_\_\_\_, the Police Magistrate, requesting him to order their discharge, stating that as Gentlemen (!) it would be very unpleasant to them to be compelled to appear in open Court on a charge of drunkenness. Well they got no answer, but at ten o'clock they were taken to the Court-house like a pair of blackguards, admonished, and fined ten shillings each; and the impertinent rascal had the audacity to tell them from the Bench, that "he could not, as an upright Magistrate,



allow himself to draw any distinction between the humblest subject in the Colony and the most influential settler, where a breach of the law had been perpetrated; in fact (said he), the more dignified the station in life of the offender, the more severe should be his punishment, for with what show of justice can I punish a poor ignorant labourer or ticket of leave man for getting drunk and behaving disorderly, if I allow a gentleman to do so with impunity?"

My dear fellow, I have seen enough of that sort of clap trap. His Worship wishes people to believe that he is an impartial magistrate, and that he holds the scales of justice with blinded eyes; but the truth is, he wishes to court popularity among the scum of the soil. A case happened the other day with me, which ought really to be made public. I took a fellow of mine to court for behaving insolently to \_\_\_\_\_ and because the marriage ceremony was never a part of our contract, I am d\_\_\_\_\_d if he did not dismiss the case; the fact is, that the rest of the fellows finding that their fellow servant got the better of me, they are now one and all as insolent as you please. Things are come to a pretty pass, I think, when a puppy of a Police Magistrate, is to ask you in open court, whether you are married, or "whether you are living in a state of open \_\_\_\_\_." The fact is my dear fellow, that these chaps are appointed to paid magistracies, not to protect the peace of the country, or to keep the convict servants in order, but to provide them with a means of living at the expense of the public and to be a spy upon the actions of gentlemen settlers.

Of course our readers will readily perceive that we have adopted the foregoing dialogue as an illustration. We do not pretend to say that we have related facts, but we have not the slightest hesitation in saying that the imaginary dialogue we have introduced, bears but too close a resemblance to the truth; and we confess we have been led to make these observations in consequence of the repeated attacks we have seen, very recently made upon the paid magistracy. One would suppose that country gentlemen (at least some of them) think that a Police Magistrate is sent to a district to obey the wishes and caprices of those who happen to be in point of wealth, somewhat removed from the rank of hard working, operative farmers; that in fact, the Police Magistrate is to be a watch dog on the premises of every respectable settler, to frighten away bushrangers, and on the Bench he is to sit, and hear the complaints of masters, and to punish servants as their masters may desire.

Unquestionably the Police Magistrate of any district is in duty bound to use every means in his power, to preserve the peace and order of his district; and if bushrangers intrude, it is expected that he will use all diligence, in endeavouring to capture them; but we have yet to learn that it is absolutely the duty of a Police Magistrate, to go out in person, in search of bushrangers. Is he to aid and assist to capture the villains, and then sit on the Bench to Commit them for trial? It is his duty when information is given him, that bushrangers are in his district, to send his constables out in search of them, and to communicate to the Government the state of his district, and the necessity (if any) of having a stronger force placed at his disposal. In dispensing justice, from the Bench, he has no right to violate the law, to favor any man, or set of men. What would be the state of the country, were the preservation of peace, and order, dependent upon the attention of the unpaid magistracy? What, for example, would the settlers upon the Hunter do, particularly those who live between Muswellbrook and the Page? There is not one

resident territorial Magistrate living in the district, and if we are correctly informed, there is not a settler in that district, of sufficient standing in society to be placed in the commission of the peace, now that Captain Dumaresque has left that part of the Colony.

We remember that about fourteen or fifteen months since, very great complaints were made in the Scone or Invermein district, of the want of an efficient magistrate; and now that a Police Magistrate is stationed there, we hear of nothing but complaints of his want of courtesy, of his overbearing disposition, of his inattention to the wishes of his most respectable neighbours. We have instituted enquiries, and if our information be correct, we are inclined to believe, that the greatest fault that can be laid to the charge of Mr. Robertson, is his inflexible determination, to maintain the proper dignity of the Bench, and to dispense justice impartially. We really think that settlers generally, would best consult their own comfort and safety, by aiding and assisting Police Magistrates, rather than by endeavouring to bring them into disrepute, by petty annoyances, and by anonymous scribbling in public journals. Our surprise is, that gentlemen can be found to accept the office, when we reflect upon the nature of the duties to be performed, and the inadequacy of the salaries paid to them. We repeat it, that the Police Magistrates of this Colony, are the worst paid, and the hardest worked officers, under the Crown. We think a treasury clerk or a D.A.C.G. infinitely better off, than any Police Magistrate; the former classes have, literally speaking, no rank to support, while the latter ought to be on terms of equality with the first men in the Colony.

We do not adopt the cause of the Police Magistracy, in obedience to any private influence. We have no end to serve in so doing; we take their part as a body, because we think the press ought to support them, rather than decry them. If a specific charge can be brought against any one of them, let it be, and let the delinquent receive the full measure of his deserts; let the press brand the incompetent, the negligent, or the corrupt public servant, with the opprobrium he may deserve; but to bring wholesale charges against men, without hearing both sides of the question, is not only ungenerous, but cruel. We have not been behind our cotemporaries in the severity of our censures, when we thought censure was merited, nor shall we ever be, be the offender whom he may.

## **SYDNEY GAZETTE**

**January 19th 1841.**

### **Police Magistrates.**

We perceive in the Herald of Saturday that a correspondent of that journal seems to attribute our vindication of the Police Magistracy to motives which we thoroughly disclaim. We do not disclaim our acquaintance with Mr. Robertson of Scone. Neither do we deny that we entertain feelings of friendship for Mr. Robertson; but we do most emphatically deny that those private considerations induced us to espouse his cause. We repeat, we have made strict enquiries of persons who could have no clue to our motive for the questions we asked, as our own occupation was unknown to the parties spoken to. - We find that Mr. Robertson failed in an endeavour to gratify the ambition of a certain individual, and that individual has thought proper to withdraw his patronage from Mr. Robertson, and not content with so doing, he must also incite others to vex and annoy Mr. R. in every possible way.

The intrepid conduct of Mr. Day, is contrasted with the supineness of Mr. Robertson. It is not our intention to depreciate the value of Mr. Day's services to the public; far otherwise - although we cannot say that we think it is the duty of the Police Magistrate to beat the bush for bushrangers, but to send his underlings. A Police Magistrate in this country, it seems is to perform the duty of a Chief Constable, rather than that of a Magistrate. If it be necessary for Magistrates to go out in command of the Police, we really think the resident territorial Magistrates should do so. The Police Magistrate ought never to absent himself from the district in which he holds his Court. He should be on the spot to receive informations - to swear deponents, and to commit the prisoners when captured. We cannot for our lives, perceive the advantage of conferring the magisterial office upon country gentlemen, if they do not perform the duties imposed upon them, by the commission with which they are invested. If a Police Magistrate in the Colony is invested with the same powers that are intrusted to Police Magistrates in Ireland, they are very much to be blamed for not exercising it occasionally. Were we a Police Magistrate in any of the disturbed districts, we would make a point of summoning every respectable settler in the district to aid and assist the Police force in capturing the bushrangers. We should not content ourselves in summoning the ticket of leave men - every one resident in a disturbed district, has a direct interest in preserving the peace of such districts; and agreeably to the law of England, the Magistrate has power to call upon all loyal subjects, to aid and assist him, upon the peril of their allegiance. The duties of a constable and those of a Magistrate, are incompatible with each other, and cannot be properly performed by one and the same individual.

If Mr. Robertson, or any other Police Magistrate, has been guilty of a neglect of duty, let the parties most interested, and who have suffered loss by his neglect, prefer charges against the Magistrate. Sir George Gipps is not the man to wink at neglect of duty, neither has His Excellency ever evinced a disposition to smother enquiry into the conduct of public officers; but His Excellency has on several occasions most justly remarked - that he cannot, and will not, take notice of vague and general complaints. Let specific charges

be brought under his notice, and he will adopt the only proper steps to bring the party before him to answer for his conduct.

Mr. Robertson's enemies may rest assured that they know very little of their intended victim, if they think that by persisting in their petty annoyances, they will induce him to become a cat's-paw in their hands, or else to resign his appointment; he will do neither. He is ready to defend his conduct before any tribunal that His Excellency the Governor may think proper to appoint.

We have suffered severely for pointing out, and denouncing the imputed conduct of one public officer; but we are ready at all times to defend any public officer, who may deserve it; and equally ready to expose and to denounce the conduct of any functionary, no matter how high, or how low his station, if he conducts himself improperly.

**SYDNEY MONITOR**

**January 22<sup>nd</sup> 1841**

**Wyang.**

To the Editor of the

*Sydney Monitor and Commercial Advertiser.*

Sir, - Considering it a duty due to the public, I beg leave to request that you will permit me through the medium of your paper, to enquire how it was that the party of mounted police, headed by Sergeant Lee, who were in pursuit of the notorious bushrangers "Marshall," "Ruggy" "Shay," "Davis," and "Chitty," on or about the 14<sup>th</sup> December last, allowed them to escape their notice, when they were so close that they captured three of their horses. This occurred at Reid's Mistake Heads. The police party had a native guide - and they must have known that the bushrangers were not far away when the horses, saddled and loaded, were found grazing. The bushrangers said, that the police were so close upon them, that they only evaded them by swimming across the Lake Macquarie. Had the police quietly laid in ambush, they would in all probability have detected the marauders mounting their horses - all throughout, I must confess, that there appears to have been very little military skill, or common forethought shown by this police party.

I remain, Sir, your obedient servant,

A SUFFERER.

## **SYDNEY HERALD**

**January 23rd, 1841.**

### **POLICE REFORM- PAID MAGISTRATES- WHITE SLAVES**

The disgraceful manner in which our rural police is conducted, loudly calls for scrutiny, and for root and branch reformation. Letters exposing magisterial abuses pour in upon us from all quarters, and the columns of the Colonial press teem with complaints from the settlers, not only of neglect and tardy justice, but of marked injustice daily occurring in this department in the interior.

One of the most extraordinary things, is, that men can be found so far lost to all sense of honourable shame as to come forward publicly to defend gross dereliction of duty, and even to attack active magistrates for performing, with spirit, the duties of those who pocket the public money, and either do nothing or perform what they pretend to do, improperly. One of these unblushing defences, signed "Richard M. Dunn," appeared in the Herald of the 16th inst., respecting Mudgee. A previous correspondent of the Herald had stated, that Captain Furlong had been absent from duty more than a month; "O, not at all," replies his defender; "the worthy Captain was not even three weeks away!!" "Not even three weeks!" why in one-twentieth part of that time - in a day - a gang of bushrangers might have formed, in consequence of knowing the absense of the magistrate, and might have spread terror, destruction, and death, over the whole of the district. "Not even three weeks!" It is almost incredible that a man in his sound senses could have ventured upon such a defence. It reminds us, however, that such things are by no means unusual in the Colony, for a defence precisely similar was very recently set up, when certain individuals were accused of getting hold of a few millions of acres of land in New Zealand for some dozen pairs of blankets. "O, no," replied the blanket dealers, "we deny the millions of acres, it was only thousands - thousands, we repeat - not millions; and it was not a dozen pairs of blankets, but a hundred pairs." From these fair dealers and fair reasoners, Mr. Dunn takes his lesson, and tells us that Captain Furlong was not even three weeks absent from Mudgee.

This, however, is far from being the worst feature of the case. Captain Furlong, it appears, went off without leave of absence; for though he enacted the farce of applying for this, he not only did not wait for his Excellency's reply to his application, and posted off to Newcastle, but at the same time, that he might leave no trace at Mudgee of his "whereabouts," he granted his clerk, defender Dunn, permission to go on a visit to Bathurst. Mr. Dunn's words are, "I must inform you, that Captain Furlong, having recieved intelligence of his wife's dangerous indisposition, applied to the Governor for leave of absence; and knowing, that an answer could not be obtained for the space of three weeks, had trusted to his Excellency's goodness in complying with his request, and proceeding immediately to Newcastle to visit Mrs. Furlong in her illness." The event was, that the Governor's goodness turned out to be not trustworthy, as the leave was refused because of the time asked was too long.

Now, if the Governor permits his authority to be played with and trampled upon in this way, by magistrates setting the example of deserting from their posts, for any cause whatever, however urgent it may be (and we fully admit the urgency in the case of a wife

being dangerously ill), he will very speedily have his power set at nought, and will deserve to become the laughing stock of the Colony. A more flagrant breach of duty we never heard of, than that which this defender, Dunn, admits in its fullest extent. It would have served his principal much better, if he had let the matter rest. Now it cannot be passed over, for if the Governor does not speedily and publicly take notice of it, we recommend a meeting of the settlers at Mudgee, to draw up a statement of the case, and to demand immediate investigation.

We are sorry however, to observe a reluctant tardiness in our highest quarters to investigate abuses and to punish official delinquents; for example, in the case of the reported indecent ball at the barracks, which has been more than a week commented upon by the public press, and yet no notice whatever has been taken of it by the proper authorities. We think, indeed, that this is a matter of greater importance to the Colony that it seems to be considered by those who are most indignant at the outrage; for when our newspapers arrive in England, and the gross indecency perpetrated at our barracks becomes paragraphed over the United Kingdom, all respectable families will be deterred from emigrating to a colony where the authorities patronize by their permitting and tolerating the officers under their command openly to perpetrate indecency, thus setting a most demoralizing example before the subaltern and private inmates of the barracks. Till this matter is cleared up, no officer of the 50th will be permitted to enter respectable society either here or in India. Let the uncontaminated officers then at once come forward, and separate themselves from their indecency stained messmates. - But we are forgetting our magistrates and their defenders.

In a contemporary journal, one of these professed magistrate-defenders has been permitted to make himself look as pitifully foolish as we have just shewn the champion of Mudgee. That it is not the Editor himself, but some clerk of the bench, if not a veritable magistrate, mayhap, may be inferred from his talking fluently of Scone and Invermain, as if he resided there. If the Editor do or did reside there, or if he were to make the requisite inquiry, he would soon find, that he was lent his columns to the unworthy purpose of bepraising a magistrate, who, by the express confession of the defender, it is said, that since he has been "stationed there, we hear nothing but complaints of his want of courtesy, of his overbearing disposition, of his inattention to the wishes of his most respectable neighbours." Certainly, every post brings us such complaints, and much stronger ones than those, for his paid defender dared not put the case down in its darkest colours, and represents the complaints as "petty annoyances;" he labours to soften off the harsher tints, and to exhibit this man as the very "mirror of magistrates," to use the words of old Drayton.

This magistrate or magistrate's defender, whoever he may be, has the temerity not only to countenance carelessness, and neglect of duty, but to complain that those inactive and negligent magistrates, are not remunerated, and are ill-paid. "There are no officers," quoth he, "in the public service so infamously paid;" "they are the worst paid, and hardest worked officers under the Crown;" then why not resign at once, if they be dissatisfied with their pay and their hard work; the Governor will readily accept, we think, of such resignations, and if we may advise, he will be in no hurry to fill the appointments up again. There are great numbers of respectable settlers, who are willing to take all the

magisterial duties upon themselves without costing the treasury one farthing: and why, if this be so, continue expensive establishments of inefficient men to waste the public money? But no: his defender says his principal will neither resign nor reform!!!

The defender goes on to say that the paid magistrate “is found fault with, if he does not bestow his entire time and talent on the duties of his office, because he is paid for doing it.” Certainly: and if he is not to do the duty, which he is paid for doing, who, we ask, is to do it? The defender has the effrontery to tell us, that the settlers themselves should do this duty, more particularly, that they should not disturb him when he is writing important despatches, to ask him to assist them in tracing and capturing bushrangers. It is his duty to sit in his office and write the despatches, or private letters, no matter which; but it is no part of his duty, says the defender, “to go out in search of bushrangers;” far less “to supply in his own person the want of courage in all those who live in his district.” No not if he be a coward, we should say, or if he complain, that his pay is barely sufficient to keep him in stationary for writing letters and despatches, when other magistrates are heading the settlers, and capturing bushrangers within a few gunshots of him.

The facts are, “on the 21st of December the bushrangers robbed Mr. William Dangar’s house, Mr. T Dangar’s store, Mr. Chivers the innkeeper, and shot Mr. Graham. All this occurred early in the morning close to the residence of the police magistrate at Scone; and when Mr. Day and his party arrived about three hours after, Mr. R. Was found writing very composedly fifty yards from the spot where the body was lying, and had made no arrangements for the capture of the murderers, nor did he accompany Mr. Day in the pursuit or even send one of his constables.”

What will this puerile defender say to Mr. Day’s having actually gone through the district where the paid police magistrate of Scone was quietly writing despatches, and having actually captured desperadoes who had committed murder near his own residence? If Mr. Day exceeded his duty in this, let him bear the blame; and if the Scone Magistrate performed his duty, let him by all means receive due praise.

The drivelling folly of the defence meets us at every line in flat contradictions: for instance, the defender says, “if bushrangers intrude, it is expected he (the unpaid Magistrate) will use all diligence in endeavouring to capture them; but we have yet to learn, that it is absolutely the duty of a police magistrate to go out in person in search of bushrangers.” That it is his duty to use all diligence to capture them, though he is not to beat the bush for bushrangers, but to send his underlings to go in search for them. Save us, say we, from all such friends.

We suppose the Scone Magistrate and his friend, if they really be twain, will think that the Goulburn Magistrate showed supererogatory courage for which he does not receive adequate pay in the circumstance mentioned in the following communication to the Australian:-

This district has been for some time infested by bushrangers, among whom I may mention the notorious Curren, lately apprehended. The object of my letter is to acquaint you that, on the first of this month, being muster day, our worthy police magistrate, G. Stewart, Esq., selected twenty-four of the most likely ticket-of-leave men, and divided them into six parties for the purpose of scouring the bush; himself heading one party, the Chief



Constable another, and constables belonging to the district taking a party each, since which the district has become quite tranquil; and I am of opinion, if the same measures were taken in other quarters, the career of these desperadoes would be but of short duration, and the honest settler would rest in security.

Again, Mr. Allman recieved information that Sir F. Forbes station near Muswellbrook had been robbed. He immediately assembled a force and pursued the robbers, and in two or three hours after the robbery was committed, the offenders were in his custody with all the plunder. As in the other case, the Scone magistrate was in the meanwhile writing dispatches to the Governor that he would "set out in pursuit to-morrow!" Mr. Allman did all that was necessary while Mr. R was writing. This is the true sort of activity - a praiseworthy counterpart to that of Mr. Day; but when we hear of people being paid for performing a particular duty, and refusing to perform that duty after they have made a bargain so to do, and been paid too before hand, we know what every honest man will think of the transaction; though these hireling defenders do exclaim that "they are the worst paid and hardest worked officers of the Crown."

If Police Magistrates are to be paid, let the settlers themselves have a voice in their appointments and in their dismissals also. The settlers are surely the best judges of the sort of magistrates they want. If these were the regulations, we should soon cease to hear the accusations which are loudly made against the magistrates "for living at the expense of the public," and being Government "spies upon the actions of gentlemen settlers:" - we use the very words of the defender "spies"!!! What! spies in Australia? And in the persons of police magistrates? The thing is altogether monstrous, and upon good proof of the fact, the settlers ought not to submit to the outrage for a single day. Spies, indeed! Why, the very idea of the French system of espionage should rouse every true Australian, to do his utmost to deracinate and annihilate the merest germ of so dreadful an evil, the instant it appears.

It has been reported to us on good authority also that Coroner's Inquests are grossly neglected by paid magistrates. One flagrant case, amongst others, is that of a convict servant having had so much rum given him by his master as to cause death; and in the same district, Wollombi, another man died through drunkenness; yet were there no inquests held in either case. Pray, may we ask Mr. Dunlop, whether he knows any of these circumstances? and if so, why was it that no inquest was held?

We observe, in the simple defender of the magistrate of Scone, a strong leaning towards the prisoners of the Crown. This he has, in common with the writers who are, day after day, insulting every respectable person in the Colony by representing both the settlers in the country and the inhabitants of the towns, all and every one indeed who employ servants, as nothing better than swindlers, and the free servants and the prisoners of the Crown as white slaves. We shall very soon, when we can spare room, say a few words on these same white slaves and the white slave holders, and task-masters; the swindlers aforesaid, speculators, and adventurers, who are all about, it is averred, to run away from the Colony !!! We have only room, at present, to say that it is an outrageous libel on every employer of workmen and servants here; and that we know of no white slaves in the Queen's dominions, (particularly here, where every steady workman may soon rise to affluence,) except the masters.



## **SYDNEY GAZETTE**

**January 26th 1841.**

### **Police Magistrates v. Sydney Herald.**

As our cotemporary seems to exonerate us from the charge of setting up a puerile defence of the paid Magistrates of the Colony, and to impute the act of kindness to some Clerk of a Bench, or to some paid Magistrate, we suppose we may be allowed to imagine a similar case for our cotemporary. We therefore presume, that not the Editor of the Herald, but some aspirant to magisterial honors, has been the writer of the various articles in which the conduct of the paid magistracy has been most brutally and disgustingly assailed. We are willing to believe that the Editor of a journal which is presumed to echo the sentiments of the principal settlers in the Colony - a journal which is supposed to have the confidence of the Local Government, would not lend himself or his talents, to so ungenerous a task as that of victimizing two or three unfortunate men, simply because they receive some two hundred and fifty pounds per annum, out of the public Treasury, for filling, next to that of the hangman, one of the most invidious offices under the Crown.

Whoever may have been the author of the articles to which we have alluded, one thing is quite certain, that he has not taken the most judicious steps he could have taken to bring the offenders to task. We do not wish to undervalue the weight of the influence which the Herald exercises over the Governor, and the Government - it may be exceedingly great; - but we know how we should proceed, were we living in the district of Invermain, if we thought the conduct of the Police Magistrate unbecoming. The conduct which has been, and is imputed to Mr. Robertson in particular, must be notorious, consequently there could and can, exist no difficulty, in procuring sufficient evidence to prove Mr. Robertson's incompetency and general unfitness for office. Why then are not specific charges drawn up, and presented officially to His Excellency, with a request from the memorialists to have the charges duly investigated by a commission? Can the writer in the Herald imagine, that Sir George Gipps, or any other Governor will, upon the mere authority of a newspaper, take upon himself, the invidious task of calling public officers to task, whenever a Private Correspondent chooses to assail them through the columns of a newspaper.

We can assure our cotemporary that we have no desire to quarrel with him, neither is it our intention to bandy unkind expressions - they tend to no good result. We are as independent in the assertion of our principals, as any of our cotemporaries, and we are as little disposed to conceal, or even to cloak the official failings of public servants as the Herald. We can look back to the pages of the Gazette, and from them to the Standard, and in them we can trace sufficient proof of our entire independence. We will fling off all disguise. We wrote the articles which seem to have offended our cotemporary, and we are prepared to sustain the arguments therein contained. And we do not hesitate to state, that if a certain individual had attained the goal of his ambition, which is to take his place among the J.P.'s of the Colony, that Mr. Robertson's delinquencies would never have been made the subject of comment in the Sydney Herald. We do not impute to our cotemporary any unfair motives; we believe that he believes the statements to which he

gives publicity. He will pardon us for saying that we do not believe those statements. We have correspondents in the vicinity of Scone, on whose veracity we may be permitted to say we can place as much reliance as our cotemporary does in his; and our correspondent assures us that Mr. Robertson is a very efficient Police Magistrate, and a most attentive Magistrate, and that he devotes more time to the duties of his office than many of the clerks in the public offices of Sydney. Yes, we do say that the salaries paid to Police Magistrates is infamously small; and our surprise is, that gentlemen can be found to accept the office for the remuneration. No doubt our cotemporary is perfectly correct when he says that there are plenty of persons who would accept the Commission of the Peace without imposing any burthen on the Treasury; but the question is, are those persons of a standing and character to entitle them to the confidence of the Government.

A Magistrate ought to be a man of some education, and in his appearance and manners he ought to resemble a gentleman. He ought to be a man of untainted moral reputation, and in some degree acquainted with the common law; his personal character and bearing should give weight to his office. Mere wealth, in this Colony more especially, is no security or guarantee for the capacity or character of any individual.

To cut the matter short, we have only to say that until the charges alledged against Mr. Robertson have been proved, we shall take the liberty of denying the correctness of those that have been imputed to him. Our style may be puerile, unphilosophical; nay, it may be downright nonsensical in the estimation of our cotemporary; be it so, we should be sorry to change it for that of our cotemporary. We make no pretensions to literary superiority; our chief aim is to deliver our opinions in language capable of being understood by all who can read. We never aim at the flowers of composition; neither do we consider it any merit to sacrifice truth to an antithesis. Our duty we conceive to be, to write so as to be easily comprehended. We spent some little time at a University, but although the tree of knowledge was accessible to us, we left much of its fruit for others to cull.

A paid advocate we never have been, and what is more, we never will be. When we dare not write freely our own sentiments, we shall be silent.

SYDNEY HERALD

Feb. 1<sup>st</sup> 1841.

UPPER PATTERSON

Bushranging. -- In one of your numbers of last week, I perceive a letter signed "*An Settler on the Upper Patterson*," and as in inserting it you say your columns are open to such communications, I venture to address you on the same subject.

It is well known that amongst the hills that divide the Paterson and Williams Rivers, a party of Bushrangers have had their resting place these two years past, and from this they made their descents on the Hunter, where they perpetrated their robberies, and it is only lately that emboldened by impunity they have turned their lawless hands on the settlers of the district of their domicile. The party consists of four, has sometimes reduced to only two, but is always headed by the same man, the well known "Blacksmith," a runaway some years ago from Mr. Cory of the Paterson, and who is intimately acquainted with all the passes and ranges of that country. It is well ascertained that their den is amongst the ranges immediately adjacent to Wallarobba Hill, between Mr. Barnett's sheep station and Mr. Pilcher's farm -- eight or nine miles from Paterson Bench, and the same distance from the Dungog Bench, and on the verge of the public road from the one township to the other. Perhaps the Police Magistrates of these districts may not have known what many others less interested knew, that such men were resident in their districts; or may have felt that their means were inadequate to attempt a capture. At all events little or no pursuit has been mentioned lately, when after some outrages a few ticket of leave holders were sent out on search, but as a matter of course; their search was abortive. At present even a semblance of a desire to take the marauders has died away, and they are still in their haunts, doubtlessly concocting fresh incursions.

I perfectly agree with your correspondent that it would be judicious and most likely an effective step, for the Police Magistrates of these two districts to call upon the settlers to meet them on a certain day, and simultaneously approach the ranges from all sides, and thus at once purge their districts of the banditti that have so long infested them.

A NORTHERN RIVER SETTLER.

[If the haunts of the Blacksmith's gang are so well known, there must be gross negligence somewhere, if they are not speedily taken. Ed.]

## SYDNEY GAZETTE

February 2<sup>nd</sup> 1841.

### THE TWO MESSRS. ROBERTSON !!

We are not in the habit of criticising the writings of others - we mean in a literary sense - but the letter headed as above is so rich a specimen of *prose composition*, that we cannot debar our readers from a share of the amusement we have enjoyed from its perusal. Truly the writer of this said letter must be a most finished scholar. The letter, however, shall speak for itself. We transcribe it in its literal form as it appeared in the *Sydney Herald* of Friday, 29<sup>th</sup>; and if the charges it speaks of are drawn up in a style of equal elegance, we hope His Excellency will cause the *precious document* to be framed and glazed at the public expense.

### THE TWO MESSRS. ROBERTSON !!

*To the Editor of the Sydney Herald.*

Sir, - The above named individuals, the defender and the defended are equally worthy of some notice. The one a late inhabitant at Newcastle, the other a resident at Scone. The former refers us to the columns of the *Standard* and *Gazette* for a specimen of his principals; the follies of the latter may be seen by reference to the records of the Court over which he presides. In the *Sydney Gazette* of yesterday, there is another article about Police Magistrates, in which the Editor of that Journal recommends that charges should be made against Mr. Robertson of Scone, and to show you *Howe* readily his recommendation was adopted, - that publication issued from the press at an early hour in the morning, and at nine o'clock the charges were delivered to the Governor agreeably to the Editor's suggestion, the result of which shall be communicated to you in due time.

The greatest curse that can befall a man is the officious interference of unwise obtruders, which frequently makes him exclaim, "save me from my friends!!" In the present instance, Mr. R. of Scone will have reason to exclaim, save me from my namesake!!!

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Sydney 27<sup>th</sup> January, 1841.

If Mr. Robertson of Scone, has cause to exclaim, "*save me from my friends*," the *nameless* writer of the above epistle ought certainly to feel obliged to us. We are very happy, upon Mr. Robertson's account, that his enemies have at length been driven to act a manly part. We know nothing of the nature of the charges which have been preferred against Mr. Robertson. If they should prove to be of moment, we shall most likely see them; and the *learned* letter writer, whoever he may be, may rest assured that we shall deal with them with as much impartiality as if Mr. Robertson were a perfect stranger. It would seem by the closing paragraph of the \*\*\*\*\*'d letter, that he fancied we would rather shun than invite enquiry into the imputed conduct of Mr. Robertson. He never was

more mistaken. We are anxious for a most full and complete enquiry; and, if it were possible, when the inquest on Mr. Robertsons' official conduct is concluded, we should like to hold a second inquest on the private motives of the party, or parties, who seem to be so anxious to crush Mr. Robertson. We should like to go a step or two further; we should like to enquire into the private characters and conduct, domestic habits, &c. &c. &c., of certain parties whom we suspect to be at the head and tail of the present affair. We shall reserve ourselves, however, for the present. We shall not spare Mr. Robertson if it should appear that his past conduct is deserving of censure; and should it prove to have been otherwise, his enemies may rest assured of our not forgetting them.

## SYDNEY HERALD

February 1841

### Scone

*To the Editor of the Sydney Herald.*

Sir, - Your columns have lately contained a few trifling strictures upon some of the proceedings of the Police Magistrate of Scone, which slight as they were, appear to have excited the ire of his namesake, the Editor of the *Gazette*, who in the warmth of his friendly zeal, declares himself ready to run a tilt against all comers. I cannot resist the temptation of splintering a lance upon this doughty hero, although, as none but those of gentle bearing should mingle in knightly quarrel, perhaps some excuse may be required for my entering the lists. Your contemporary, in a late number, made the sweeping averment that the whole district from the Muswellbrook to the Page, did not contain one man who could be deemed a gentleman. Now as men in these matters generally speak from their own feelings and associations, I think I may as well adopt his own style of writing, and *Grant* his proposition; for being a resident in that devoted district, and a constant ear and eye-witness of the very gentlemanly proceedings of the Police Magistrate, and also remembering perfectly the very gentlemanly writings and subsequent gentlemanly conduct in a recent luckless affair of his Sydney namesake, I agree with them that in the whole of that extensive district, they could not meet with *their* match. But to proceed to his last matter, - The Editor states, that his friend will rejoice at an investigation into his conduct - that he scorns the idea of his actions being involved in obscurity. If so, allow me to ask whence his hatred of the '*Day*'? Why such intemperance, when his most trifling action is commented upon? Why such official fury, or rather such fury at officials, when only a gleam of *Day*-light is thrown upon his proceedings?

The Editor, in the vehemence of his zeal, calls for the charges, the "precious document," as he calls it, to be framed and glazed, doubtless for the purpose of transmitting the honours of the Clan to future generations. Does he know what he is asking for? Does he think that charges of incapacity, of rashness, of frantic violence, of intemperance, of personal violations of the law he is sworn to administer, do indeed constitute a coronal of gems which a man should feel proud of wearing, and should be anxious to hand down as an heir-loom to his descendants? But your contemporary need not despair; our immortal Poet has pretty accurately characterized the tricks of men "clothed with a little brief authority;" and this extract from the works of the Bard of Avon will sufficiently delineate the characters of the two Dromios for the benefit of their posterity. Need I say more - it may suit your contemporary for a time to consider vacillation as indicating decision. The procrastination till "*tomorrow*" of what should be done today, as prudence. The hasty calling of an entire district to arms on vague and silly rumours, as calm deliberate energy - the assumption of the custody of the public money (leaving the responsibility with another) as a wise stroke of financial polity. It may suit the Editor for a season to take this view of matters, but I doubt much if even the comparative elegance of the writings of the *Gazette* will win over the public to adopt his opinions.

SCRUTATOR.



## SYDNEY GAZETTE

February 9th 1841.

### SCONE - "SCRUTATOR."

In the Sydney Herald of Thursday, Feb. 4th a letter appears signed "Scrutator," - the writer seems to be out of temper, and is angry with us, because we think proper to say, that if a Public Functionary misconducts himself in the discharge of his public duty, that those who are affected by such misconduct, ought to prefer charges against such offender in an official manner. A Police Magistrate is peculiarly an Officer of the Executive: and the Governor is the party to whom he is personally responsible; consequently, if any complaint is necessary it should be made formally to the Governor. As well as we can remember, this has been our argument from the beginning.

Scrutator - Who ever he may be; should remember that one thing is essential to all arguments - and that one is Truth; Scrutator misrepresents what we said respecting the absence of resident gentlemen in the district to which he professes to belong. We have not before us, the number, which contains the remark alluded to by Scrutator; but our memory enables us to repeat in substance, what we wrote upon the subject. We said "that if we were Correctly Informed there is not a person residing in the district of sufficient standing to induce the governor to give the commission of the Peace to, now that Captain Dumeresque had left it" we may be in error, yet it seems strange, that the governor does not create a few Territorial Magistrates in the district if suitable persons are resident in it.

Scrutator says "I cannot resist the temptation of splintering a lance upon this doughty hero, although as none but those of gentle bearing should mingle in Knightly quarrel, perhaps some excuse may be required for my entering the lists." The modest admission contained in the foregoing paragraph does in some measure qualify our repugnance to couching a lance with one, of whose Heraldic bearing we know nothing, or with one, who for aught we know to the contrary, is not encumbered with such a distinction.

"Remembering perfectly the very gentlemanly writings and subsequent gentlemanly conduct in a recent luckless affair of his Sydney namesake, I agree with them, that in the whole of that extensive district they could not meet with their match." We think "Scrutator" propounds a truth in this latter paragraph, that few would feel disposed to question who know both parties.

Scrutator makes frequent allusion to Mr. Day the Police Magistrate of Maitland, in the course of his witty tirade we have never questioned the official zeal of Mr. Day, on the contrary, we have commended it. We have reason to believe that Mr. Day is a most useful, and energetic public servant. If we fully comprehend "Scrutator" he charges the Police Magistrate of Scone - with the following crimes - Viz. Incapacity - Rashness - Frantic Violence - Intemperance a Violator of the Laws he is sworn to Administer. If the Police Magistrate of Scone is guilty to the extent described, we have no hesitation in saying, that he is totally unfit to retain the office to which he has been appointed. But to accuse a man of crime is one thing, to convict him of it is another.

"It may suit your contemporary for a time to consider vacillation as indicating decision. The procrastination till *"tomorrow"* of what should be done today, as prudence. The hasty

calling of an entire district to arms on vague and silly rumours, as calm deliberate energy - the assumption of the custody of the public money (leaving the responsibility with another) as a wise stroke of financial polity. It may suit the Editor for a season to take this view of matters, but I doubt much if even the comparative elegance of the writings of the *Gazette* will win over the public to adopt his opinions.”

The full force of the foregoing passage in “Scrutator’s” letter we confess our inability to comprehend. “Vacillation” has seldom been imputed to us, nor can we perceive that the charge lies at our door in the present instance. We do not understand what Scrutator means, where he says “the assumption of the custody of the public money (leaving the responsibility with another) as a wise stroke of financial polity!” As we confess our entire inability to construe the meaning of this passage, we must pass it by. Scrutator imputes motives to us, certainly not the most creditable to our consistency. - why, or wherefore we cannot imagine. It has been our aim to act impartially and to reason independently. We have nothing to gain by adopting a more tortuous course. We have no hope of succeeding to any Government appointment, and unless some such latent motive could be traced to us, we cannot see what we have to gain by adopting an unmanly and despicable line of policy.

The ungenerous allusion made by Scrutator to a circumstance (which however blameworthy in the eye of the law,) involved no dereliction of honorable and manly principle, but too plainly proves the disposition of our anonymous calumniator. The affair to which Scrutator alludes, has, we are happy to say, attracted the attention of some of the leading journals at home - and so far as we have been able to ascertain the opinions of our British contemporaries, we think may lay the “flattering unction to our soul,” and say, that we have not disgraced ourselves in their opinion.

It is neither just nor generous to impute dishonorable motives to a public writer, without having at least apparent grounds for so doing. Most men, and more particularly public men have a strong motive for endeavouring to sustain a character, and although it has never been our aim to court popularity, with any party, whether in or out of power; we have nevertheless studied to steer a course capable of defence. We did not connect ourselves with the public press of the Colony ignorant of the arduous duties we should have to encounter. We did not expect to recline upon a bed of roses; neither were we so foolish as to imagine that independence of principle would effectually screen us from implications derogatory to that independence we so much admire. At the same time, when our independence of principle is called into question, it would be no more than fair to assign an apparent reason for so doing.

We are taunted with being the “doughty champion” of our namesake of Scone. We would as far as lay in our power, defend “Scrutator,” if we knew him, and that we thought that he was undeservedly assailed. We repeat that if the charges alleged against Mr. Robertson are fully, and satisfactorily proved, before a competent tribunal, “Scrutator” will find that we shall not be behind any of our contemporaries in placing our sentiments upon the record.

By some it may be considered, as indicative of political independence, to assail the character and conduct of all Government officers - we think differently. We would not screen the faults of any public officer, any more than “Scrutator” - we have never done so.

The comparative elegance of our style has often been levelled at public delinquents, but never without a real or apparent cause.

## **SYDNEY HERALD**

**February 23 1841.**

**The Hunter's River Bushrangers.** - These desperadoes will be tried to-morrow. It is expected that this trial will be one of considerable interest, as Davis the leader of the gang is said to have given information as to the parties who harboured him and the rest of his gang. Several persons have already been apprehended on the information thus given. The greatest scoundrel of a gang generally manages to slip his neck out of the halter.

**SYDNEY GAZETTE**

**Feb. 25th 1841.**

**Mr. Robertson of Scone.**

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In Saturday's *Herald* the following preface introduces to its readers no less than five letters, written it would seem, by the "*most respectable settlers in the country,*" Observe readers, the *superlative* degree is applied to the writers in the following elegant specimens of "POLITE LITURATURE" We here present them, in their native simplicity, and in their primitive beauty - taking for granted that the *Herald* has printed them verbatim, according to the MSS, without alteration or emendation, by the printer's devil, or any other funtionary of the office,

AUSTRALASIAN CHRONICLE Feb. 25<sup>th</sup> 1841.

CRIMINAL SITTINGS - Wednesday, Feb. 24, 1841.

(Before his Honor the Chief Justice)

John Shea was indicted for the wilful murder of John Graham, by shooting him, on the 21<sup>st</sup> of December, 1840, at St. Aubins, near Scone; and John Marshall, James Everett, Edward Davies, alias Wilkinson, Robert Chitney, and Richard Glanville, were indicted for being present as accessaries, aiding and abetting. A second count charged the murder to some person unknown; and all the prisoners as being present aiding and abetting.

The Attorney General opened the proceedings, and said that all the prisoners had originally come to the colony convicts, and were assigned to different persons; and he was sorry to find that no reformation had taken place in their characters, although they had been allowed that indulgence which the law held out as an encouragement for good behaviour to persons in their situation. He believed also that in the case of the prisoners he might say that they were, especially Glanville, as comfortably situated in their respective services as persons in their circumstances had a right to expect. He then stated the facts of the case, and called

**Edward Daley Day, Esq., P.M., who was examined by Mr. Therry,** and said, that on the 21<sup>st</sup> of December he was at Muswell Brook; and, in consequence of information which he had received on the previous evening, he collected a party of mounted men, and started about seven o'clock on Monday morning in pursuit of some bushrangers, in the direction of Scone, passed through that place, and came up with them about fifty miles from Muswell Brook, and thirty-six from Scone, at a place called Doby Hollow; about half a mile from the road the witness and his party saw about six or seven men rushing to the opposite side of the gully; they galloped in amongst them, and shots were fired on both sides; he particularly observed Davies, who ran to gain the cover of a large tree, when Mr. Day fired at him, and Davies returned the shot; he then gained the tree, and rested his gun on the fork of the tree, and again fired at witness, who was not more than twenty yards from him; witness immediately returned the shot, and wounded the prisoner in the shoulder. Shea, Marshall, Everett, Davies, and Chitty were captured almost immediately after; they had in their possession ten or eleven guns; a great number of pistols, and seven horses with bridles and saddles. Witness sent out two parties at daylight the next morning, and Glanville was brought in by one of them. During the night the prisoners Davies and Marshall kept them awake with talking; they were all, in fact, very communicative, and, without any questions to induce them to make any confessions, they gave a history of their proceedings. Shea said distinctly that he was the man who shot Mr. Graham; it was no use saying anything more about it, for he was the man who shot Mr. Graham, and no one else. Davies said that he would always oppose the shedding of blood, for he knew if they once committed a murder they would not reign a week; whilst saying so he looked at the other four men, and said, you now see we have not reigned a day. Marshall said he would shoot any man who attempted to oppose him, and Graham was a very foolish young man, and he could not expect anything else, when he

fired amongst so many armed men, Shea then said he would shoot his own father if he attempted to shoot him. Some of them said that up to that morning they had done nothing, in all the robberies they had committed, that could affect their lives. Shea acknowledged that he had fired six shots, Davies said he had fired four, Everett said he had fired two, and Chitty afterwards said that he had fired one. They appeared to be quite pleased at the resistance they had made, and said, if they could have got hold of the two men of their own party who had deserted, they would rather have shot them than anybody else; they called them recruits, and not tried men. There were with him, Mr. Edward White, Mr. Shinquin, chief constable of Muswell Brook; constable Nolan; Walker, Dawe, Evans, and Kelly, ticket-of-leave holders; and an assigned servant named Donohue. He was afterwards joined by Mr. Richard Dangar and one of his assigned servants, Dr. Gill, and Mr. Warren. The ticket-of-leave holders all behaved admirably. They found upon the prisoners some trinkets, watches, and about £60 or £70 in bank notes, silver, and sovereigns. At the time witness and his party came upon them, one of them was casting bullets, and another making cartridges; they said they had never before left their camp without a sentry stationed about half a mile from the camp to give the alarm, and they said they only left off firing when all their ammunition was expended.

**Cross-examined by Mr. Purefoy, who appeared for the prisoner Davies.** It was clear daylight, about six o'clock in the evening, when witness and his party came up with the prisoners, who might have seen the party about half a mile before it reached them. They afterwards said they saw the party at the time it turned from the road, but, not thinking it to be in pursuit of them, they took no notice of it; they said they did not expect to be pursued that day, and they intended to shift their camp at night, as they knew very well that the country would be up in arms after them the next day. Witness thought that Everett also said he was opposed to the shedding of blood.

**Cross examined by Shea.** - Witness thought Shea and all the rest were quite sober that night, they did not, in fact, appear to have been drinking.

**Re-examined.** - The horses appeared to be very jaded; they said they had taken the grey mare from Mr. William Dangar's that morning; they appeared very merry, and said they would much sooner be hanged than go to Norfolk Island for life.

**James Duchaw, sadler, Scone, examined by the Attorney General.** - Was in the employ of Mr. Thomas Dangar, recollected the morning when John Graham was shot; he was Mr. T. Dangar's clerk, and was about twenty-three or twenty-four years of age; it was on the 21<sup>st</sup> of December, on a Monday morning; witness had seen Mr. Graham that morning, a little before seven; in about a quarter of an hour after, as he was at his work, witness saw a strange man come into the yard on horseback, and just before that a number of horsemen passed the yard gate. When the man went into the yard, he sung out "cook, cook, come out here;" and witness then said to the man who was in the shop with him, "they are bushrangers." He thought so because the man had a very wild appearance, and came galloping into the yard; he saw no ribbons about the man, and he could not say that any of the prisoners were the same man. Witness then ran out the back way for the police, and as he was running through the bush, he saw Graham running in the same direction on the road; Graham afterwards walked, and then started off running again, and he staggered. Witness had heard two shots fired; as he came near Graham, he said to

witness, "Saddler, Aim shot through; I am a dead man," and witness got up to him as soon as he fell. Witness turned round, and saw a man about five or six rods from him; he called out to witness, "come back here, or I'll blow your brains out." He was on horseback, and armed, but witness could not identify him. He asked Graham also to go back, but he said he could not, as he was shot through; he then ordered witness to march on, and they left Graham lying there. When they got back, witness saw another man standing at Mr. Dangar's store door, apparently armed and keeping guard; another man came out of the store; the rest were down at the inn. One of them came out with some bracelets, and the one who was standing guard trampled on them, and they were broke. The man who brought the witness back said there was a man shot, and the time for them to stop was short. He then galloped off up the road. Witness was so much alarmed that he did not know any of the men' he was ordered to stand at a tree opposite Dangar's store; they went down to Mr. Chiever's, about five or six rods off, on the opposite side of the road; one house could be seen from the other, and if the talking at one place was loud, it might be heard at the other; the men might be there for about a quarter of an hour or twenty minutes; they all went off together from Chiever's door on horseback; there were seven of them, and they were all armed. The whole of Mr. Dangar's family were in the house at the time; as soon as they were gone away, witness ran up to Graham; he was still alive, but quite insensible. There was a large wound in the small of his back, and some blood on his shirt; he did not live more than ten minutes after.

**Cross-examined by Mr. Purefoy.** - Witness could not swear who fired the shot; he only heard two shots fired. It might be about a hundred rods from Mr. Dangar's store to the place where witness saw Graham; a person could not be seen or heard, unless he shouted very loud, or stood on the fence, from the stores to the place where Graham was; or a person might be seen at that distance on horseback. Witness did not examine the pistol which was lying by the side of Graham, and could not tell whether it was loaded or not.

**Elizabeth Chievers, wife of John Chievers, Publican of Scone,** remembered seeing some men go to Mr. Dangar's house on the morning of the 21<sup>st</sup> of December; she heard the noise of horses' feet and on looking out of the window she observed three men, having the appearance of gentlemen, who rode up to Mr. Dangar's gates, and one of them dismounted and went in, one of them had a light coloured ribbon in his hat, and she thought on that account they were bushrangers; she turned round to go out of the room to see if they were bushrangers, but as she was going towards the door a man came and said, "Well, mistress, what have you got for us?" Witness asked him what he wanted, and he said money, and he knew that she had plenty, and he must have it; Glanville was the man. This witness also identified Marshall and Everett, and said she believed Davies was also there; on looking at him again she said she was sure that he was the man who was standing at the bar door with ribbons in his hat. Glanville was armed with two guns, and several pistols in his belt. The witness then sat down, and Glanville told her to get up and give him the money, as he had not long to stop; she then gave him the cash box out of the bedroom window; there was in it about thirty £1 notes, two £10 notes, half a sovereign, and about £20 in silver; there were also some orders, but he said they were of no use to him, but he took the money and went round the place to see if he could find any fire-arms; he then called Ruggy, and the prisoner Everett came and asked what was in the



cash box, and witness told him that the other man had taken it all. Everett then went towards the mantelpiece and took two bullet moulds, and a gun from the fire-place. In looking about the prisoner Everett found a fiddle and called out, "Morey, can you play the fiddle?" to which some one answered, "no; but I should like to have a bugle." She went down then to the kitchen, where some persons were bailed up, and saw Davies standing armed at the bar door; she said she was afraid, and Davies said he would not hurt her, and at the time showed her a pistol; at the same time Marshall came into the room with a gun in his hand and said, "Is it all right here?" to which Davies replied, "Yes; but he's a government man." They went out soon after and called the policeman; witness followed them to the door, and then saw five or six men with broken firearms; they soon after that rode away past Mr. Dangar's as fast as they could, and she counted seven of them; at the time witness went to the door she saw three other men bailed up under a tree opposite Mr. Dangar's house. During the time she was in the bedroom she heard three shots fired, and she saw the body of Graham brought down about two hours after the men had gone; while they were in the house she heard one of them say "Is he settled?" and another replied, "Yes; it is all right;" she did not know what they meant then, but she afterwards thought it referred to Graham being shot. Mr. Chievers was not at home at the time.

This witness was cross-examined at considerable length by Mr. Purefoy, but nothing new or material was elicited.

**Cross-examined by Marshall** - The first time she saw him was when he came into the room; he was then in his shirt sleeves with a broad leafed hat and ribbon on it.

**Re-examined** - There did not appear to be two parties of them, they all seemed to be acting in concert.

**William Day, cook at Mr. Chievers**, remembered some persons on horseback coming to Mr. Chievers on the 21<sup>st</sup> December; one of them came into the yard and held a pistol to his head; the prisoner Everett was the man; he was dressed in a dark coat and a Manilla hat with pink ribbon on it; he was then taken into the bar and bailed up with the rest. A man in the passage said "Is that fellow all right?" witness supposed that referred to Graham, as he had seen a shot fired by a man who stood in the road opposite Mr. Dangar's house; the shot was fired at Mr. Graham; I saw him running along the road and the man who fired at his was about twenty yards from him; witness saw that before Everett came up to him. He thought he heard a shot fired and that caused him to look towards the building, and then he saw the second shot fired; he thought it took effect from seeing Graham slacken his pace all of a sudden; he did not see him fall, for he was instantly accosted by Everett; witness thought when the man said "Is that fellow all right?" he alluded to Graham; as soon as he could he made his way out the backway to call the police, and as he was returning he saw seven men riding along the road about three or four hundred yards from the house, and he had no doubt but they were the same men who had been at Dangar's and Chievers': witness could not say which was the man who fired, but he had a light coat on.

**Cross-examined** - Witness might be about a hundred yards from the man who fired at Mr. Graham at the time he fired; he was then standing quite still; did not see a pistol fired by Mr. Graham; there appeared to be two parties of them, one at Dangar's and the other at Chievers', it was about seven o'clock in the morning, and there might be a

distance of about fifty or sixty yards between the houses; a transaction might be going on in one house and a party in the other not know anything of it.

**Re-examined** - From what he said, the men at Dangar's and at Chievers' seemed to be all of one party.

**Joseph Chievers, brother of Mr. Chievers, publican of Scone**, was at his brother's house on the 21<sup>st</sup> of December, and saw Marshall, Everett, Davies, and Glanville there. Marshall inquired if it was all right about half an hour after the other three had been there; he was in the bar when he asked that question, and some one answered "Yes, it is all over." Witness had heard two or three shots fired; and about half an hour after the shots were fired they all went away seven in number. Everett met him in the yard, with a pistol in each hand, and ordered him to bail up in the bar. Davies kept the bar door. He saw Graham when they brought him down on a board.

**Thomas Dangar, storekeeper at St Aubins, near Scone**, said he remembered the men coming to his house, and one of them knocking at the bedroom door. Upon opening it Marshall entered the room, and asked if that young man (meaning Mr. Graham) was witness's son; he (witness) answered no; and Marshall said that the young man had fired at them, and they would have his life. Witness did not hear any shots fired at them, and they would have his life. Witness did not hear any shot fired. Marshall asked for the keys, and they were delivered to him. He took some watches and bracelets, which latter witness afterwards found had been trampled to pieces. Marshall said if witness left the room he would shoot him. He left some valuable property behind him, and did not stay more than two minutes in the room. He appeared to be alarmed after Graham had been shot.

The prisoner Marshall, in cross-examining this witness, admitted being in the bedroom and questioning Mr. Dangar, as stated.

**Thomas Dangar, aged eleven years**, proved that the prisoner Chittley was the man who rode into the yard and called out "Cook, cook;" and that he was the man who rode on towards the township. The witness also saw Marshall in his father's bedroom, and heard him ask if that young man (Graham) was his son, and say that he had shot at them, and they would have his life, or words to that effect. Marshall afterwards went through the yard, and said to the cook, "It is through you the other man got away." Witness afterwards supposed that the prisoner, in saying that, alluded to Mr. Graham. Witness saw Mr. Graham dead about an hour after.

**Sarah Dangar, wife of Mr. T. Dangar**, was then called, and corroborated the evidence of the above witnesses in every particular, and also said that she heard the report of a gun three times. She also identified the prisoner Marshall, but could not identify any of the others.

**William Jones, fencer**, remembered being in the bush on the 20<sup>th</sup> of December last, where he fell in with seven men, six of whom then stood at the bar. One of the prisoners, whom he knew, desired witness to go down to the creek in the shade. When he went down he saw six more sitting on the grass. Marshall and Everett went up to his hut, and asked what beef he had. He showed them what he had cooked; and they asked him if he had not any more, and he told them none cooked. They took what was cooked, and had two or three pots of tea. They were all armed, and they left him about sundown.

It was about twelve o'clock in the day when he fell in with them. He heard of Graham's death the morning after.

On this witness retiring from the box Everett said he hoped he (the witness) would be the next man who would be shot, and all such b----y dogs.

**John Paterson, a settler living about four miles from Scone**, recollected seven bushrangers coming to his house, on the 21<sup>st</sup> of December, all armed and mounted. All the six at the bar were there. They staid about five minutes, and took a horse from him, and appeared to be very much agitated. Some had hats, and others not; one man had blue ribbons in his hat. He heard of Mr. Graham's death in the course of the day. They took a pistol from his as well as the horse.

**James Norrie** remembered seven bushrangers calling at his house, about eleven miles from Scone, on the 21<sup>st</sup> of December, on horseback. The prisoners at the bar were there; they breakfasted at his house, and paid for what they had. He held their horses at the door, and they told him he was to look out, and give them due notice if he saw anybody approach. Witness thought it was Davies who said to him, "Go into the house; we can shoot a man in a minute; we have shot one already." He had seen Davies before; he had stopped at his house once or twice before.

**Cross-examined** - He would not positively swear that Davies was the man who said they had shot one already; but he believed he was. The man who said so was quite sober, and the others were in the house at the time.

**Richard South, publican at Page's River, twentyfive miles from Scone**, remembered the prisoners calling at his house about twelve o'clock on the 21<sup>st</sup> of December. They bailed up all the family, and broke up some fire-arms. Marshall said he would deal with witness before he went away. Marshall, Shea, and Davies had stopped him about three weeks before on the road, and robbed him of his horse, saddle, and bridle. While they were at his house he heard a shot fired, but could not tell who fired it. When they went away they left a horse behind them.

**Isaac Haig, surgeon of Red Bank, near Scone**, examined the body of Graham, and proved that his death was caused by a gun-shot wound in the cavity of the chest, which was filled with blood. The ball had entered in the back of the deceased, a few inches from the spine, and had penetrated the chest. He opened the body, but the ball could not be found.

**John Nolan, constable of Muswell Brook**, was one of the party who went with Mr. Day to apprehend the prisoners; witness fired some shots, and Everett and Shea fired at him; about sixteen or seventeen shots were fired at their party by the prisoners; they captured five of them, and the next day they took Glanville on Liverpool Plains; he was then unarmed; he said that he was not present when Graham was shot.

This closed the case for the prosecution and Mr. Purefoy then addressed the jury on behalf of the prisoner Davies, contending that he was not present at Dangar's robbery at all, much less at the murder of Mr. Graham; but that from the evidence it was clear that during the whole time he was at Chievers', and that the transactions were entirely distinct from each other, and there had been no evidence whatever to show that the party at Chievers' had any participation in the robbery and murder which was committed at Dangar's. The learned gentleman further urged the fact that Davies, who it had been assumed was the leader of the band, had expressly and distinctly avowed his

disapprobation of the shedding of blood; and it was also in evidence that the party with whom he was at Chievers' conducted themselves in a quiet manner, and that Davies himself had assured Mrs. Chievers that no one should be hurt. The learned gentleman then commented at some length, and concluded by saying that he could safely leave the case in the hands of the jury; but he must contend that there was no evidence to fix the murder on his client.

The other prisoners made no defence, with the exception of Everett, who said he was innocent of the murder.

Thomas Walker was called as a witness for Davies, but did not appear.

The Attorney General briefly replied to the remarks made by Mr. Purefoy.

His Honor summed up at great length, and said the case was one of the most important which had come before the notice of that court during the present sittings, or perhaps during the last two or three sittings; and the only question to which the jury would direct their attention was that of murder. They were not to take into account the numerous robberies which the prisoners had committed; for they were not being tried for being bushrangers, but on a capital charge of murder; that, therefore, was the question to which the jury would direct their attention. His Honor then laid down the law, and stated, that though a party of men might go out to commit a felony, and a part of them should, during the transaction, commit a second felony, they would all be liable to be called to an account for it; and quoted a case, in which he was retained for the defence some years ago, of a party of young men going to rob a certain house, and one of them taking with him a loaded blunderbuss; and that, on arriving near the house where they intended to commit the burglary, some alarm was made, and the occupier threw up the window to see what was the matter, when one of the young men, who was nephew to the person, immediately shot him; and, though none of the other prisoners were near him at the time when he fired, some of them being even at the back of the house, seven of them were tried, condemned, and executed, along with the actual murderer. If, therefore, the jury were satisfied that the prisoners were all of one party, and that the locality of the houses was such with reference to each other that the party who were in one could be cognizant of what was going on in the other, they must return a verdict accordingly. His Honor then read over the whole of the evidence, commenting on it as he went along; and said, if the jury were satisfied that two distinct felonies had been committed, and that the party engaged in one had nothing to do with, or were not cognizant of what was done by the others, they would then be justified in making a distinction. If they were satisfied that Davies, Glanville, and Everett were not present at Dangar's robbery, in that constructive manner which the law required, then they would make a distinction in the cases; and that appeared to be the only point for their consideration, and if they were satisfied upon that point, then he (the Chief Justice) did advise the jury to acquit those men of that charge. The jury then retired, and after a consultation of three-quarters of an hour returned a verdict of guilty against all the prisoners.

The Attorney General then prayed the judgment of the court upon the prisoners, and his Honor, in a very impressive manner, passed sentence of death upon them all.

The trial, which appeared to excite great interest, was not concluded till nearly eight o'clock in the evening, and the court was densely crowded throughout the whole of

the day. The prisoners all appeared to look upon the proceedings with the most perfect indifference.

SYDNEY MONITOR

February 26<sup>th</sup> 1841.

***Supreme Court - Criminal Side.***

Before the Chief Justice and the following Jury, Robert Ball. \_\_\_\_\_ Brown, John Barnes, William Barker, James Bridge, Robert Best, J. N. Brown, Charles Blakefield, John Beeson, J. Byrnes, Thomas Bray, and S. A. Bryant, Esqrs.

John Shea, convict per Calcutta, was indicted for the wilful murder of John Graham, by shooting him at St. Alban's, on the 21<sup>st</sup> December; and John Marshall, convict per Clyde, James Everett, convict per Mangles, Edward Davies, otherwise Wilkinson, convict per Camden, Robert Chetty, convict per Sophia and Richard Glanville, convict per Lord Lyndoch, were indicted for being present, aiding, abetting and assisting in the commission of the murder. A second count stated the murder to have been committed by some person unknown, and charged all the prisoners as accessories.

The trial, which occupied the Court during the whole day, attracted hundreds to hear the evidence, and the Court was crowded to excess throughout the proceedings. The jury retired about six in the evening, and were absent upwards of an hour, and on entering the jury box, returned a verdict of guilty against the prisoners. His Honor made a lengthy address to the prisoners, after which sentence of death was passed on them in a most impressive manner. The prisoners, with the exception of Davis, seemed quite indifferent to their fate, some of them even went so far as to "show off" and joke with their friends during the time of their trial.

## SYDNEY HERALD

Feb. 25th 1841.

### LAW INTELLIGENCE.

Supreme Court, - Criminal Side.

Before the Chief Justice and the following Jury; ..... Robert Ball, ---- Brown, John Burnes, William Barker, James Bridge, Robert Best, J.N. Browne, Charles Blakefield, John Beeson, J. Byrnes, Thomas Bray, and S.A. Bryant.

*John Shea*, convict per *Calcutta*, was indicted for the wilful murder of John Graham, by shooting him at St. Alban's, on the 21st December; and *John Marshall*, convict per *Clyde*, *James Everett*, convict per *Mangles*, *Edward Davies*, otherwise *Wilkinson*, convict per *Camden*, *Robert Chetty*, convict per *Sophia*, and *Richard Glanville* convict per *Lord Lyndoch*, were indicted for being present, aiding, abetting, and assisting in the commission of the murder. A second count stated the murder to have been committed by some person unknown, and charged all the prisoners as accessories.

The Attorney General stated the case. He said that the whole of the prisoners at the bar stood charged with the wilful murder of a young gentleman named Graham. All the prisoners were convicts assigned to different individuals. Shea was assigned to Mr. Pilcher, Everett was assigned to Mrs. Muir, Marshall was assigned to Mr. Elliott, Davies was assigned to Mr. Sparke, Chetty was assigned to Mr. Chapman, and Glanville was assigned to Mrs. Hely. All the prisoners therefore came out to the Colony to be punished for their crimes, and had had extended to them the indulgence of being assigned to individuals, who, by the Government regulations were bound to treat them with a leniency and kindness unknown to the law except in modern times, a leniency and kindness which they had no right to expect. Upon this however the prisoners appeared to have set no value, but showed themselves to be incorrigibly bad, for they had combined together to keep the whole country from the sea coast to Liverpool Plains, in a state of terror and confusion, and excite a degree of fear in the breasts of all Her Majesty's subjects residing in that part of the country. It would be necessary to trace a part of the prisoners' career. He found them at Brisbane Water where they were joined by Glanville who was in Mrs. Hely's service, and what took place there shows that persons of this description could not go through the country unless they were harboured by the assigned servants in the different districts, and others who are regardless of the peace of the country or hope to make a profit by the plundering carried on. Glanville was in a comfortable place; more so than a man in his position had a right to expect, but he took, what in this country has always been considered the first step to the gallows (and in this case he had no doubt Glanville would find it a truism.) he took the bush, and joined the other desperate men. After scouring the country with an audacity that had never been equalled, decorating themselves with ribbons, and when one horse was tired, taking another, they, at length, arrived at Scone. On Sunday, December 20th, the prisoners were all seen together not far from Scone, prosecuting their desperate designs. On the morning of the 21st they entered the town of Scone, or rather the village, for there are very few

houses in it; they were all well mounted, and Glanville rode into Mr. Dangar's store yard, with some of the party, and others went to Chivers' public house, which is only separated from the store by a road; the party thus separating, some to rob one house and some the other: they were however still all within call, and within reach of each other, so as to give assistance should there be any resistance likely to frustrate their designs. The person the prisoners were charged with murdering was Mr. Dangar's storekeeper, and was following his occupation when the party came in. The report of the party being out had previously reached there, and from their dress and from Marshall being decorated with ribbands, they at once suspected who they were. Graham took up a pistol, the first thing that came to hand; it was not certain whether he fired it, but whether he did or not made no difference, for when a party of men leave their service, and go out on an expedition of this kind they are beyond the pale of law, so far as this, that every man is armed with authority to apprehend a bushranger, and to do so has all the authority of an officer of justice. Mr. Graham immediately directed his steps to the lock-up, which was not far distant, it being natural that he should alarm the Police, when, as he was rounding a corner, not far from Mr. Dangar's house, more than one shot was fired at him, but only one hit him near the spine, when he fell down and almost instantly expired. While this was going on the party were robbing Chivers's and Dangar's; the shots were heard and Marshall came in and said the fellow was settled; some one asked if he was dead, and Marshall replied, yes, he's all right. Mr Dangar's son was in the store at the time, and it would appear that they had mistaken Graham for him, for one of them inquired whether it was not Mr. Dangar's son that was shot, and upon being told that he was not, Marshall said, "Well, he fired a shot at us, and we fired one at him." The jury would of course take the law upon the matter from the Judge, and they would find it was what common sense would point out that it ought to be. When a number of men go out with the intension of committing a felony, and are armed to the teeth with swords, guns, and pistols, what do they take them for but to use them if they are thwarted in their designs: to take life if it be necessary to resort to their arms in prosecution of their designs. Up to the 21st of December it would appear that no resistance had been offered to the prisoners; they had escaped with impunity, but that only made them more reckless and daring. He would state briefly the proofs of the prisoners' guilt, which he intended to submit to the jury. The prisoners were all together on the evening of the 20th of December before they entered Scone and would show that seven men rode into Scone and that some of them went to Dangar's and some to Chiver's and all the prisoners would be identified except Shea; but immediately afterwards, on the same day, Shea would be identified as committing various robberies with the party, on their way to Page's River, near where their career ended. Mr. Edward Denny Day, formally the Police Magistrate of the district, but then Police Magistrate of Maitland, acted on the occasion with activity, zeal, and intrepidity, which will reflect honor on him to the longest day that he lives. Mr. Day, hearing that the party were within a day's ride of him, although he was not in his own district, and it was not strictly his duty to do so, was so zealous that he stepped forward and collected a number of ticket-of-leave and free men together, where assistance was readily given, and went in pursuit. They arrived at Scone shortly after the murder was committed, and hearing of that dreadful circumstance only added to their zeal and more recruits were added to the party. They followed the bushrangers very closely, tracing them by the robberies they



committed, until at length they came up with them, when a fire was discharged by all the prisoners, but fortunately with no fatal effects. The prisoners afterwards boasted that they fired fourteen shots at the gallant band. Davis, who was sort of leader fired two deliberate shots at Mr. Day, whom he knew to be key-stone of the whole party, but Providence so ordered it, that Mr. Day's life was saved, and Mr. Day's fire wounded Davis. This shows the desperate characters of the pursuers, and puts beyond all praise the courage of the party, to whom the country and society are indebted for the capture of the party, and doubtless for sparing many lives. When the bushrangers' ammunition was exhausted, they were taken with the exception of two, one of whom was captured next day, and the other, if not apprehended before this, he had no doubt will shortly be taken. The indictment in the first place charged Shea with having fired the shot, Shea having told Mr. Day that he did so; he took upon himself the credit of taking the life of this young gentleman, and although others also wished to have credit of having sent a fellow creature suddenly out of the world with all his sins upon his head, Shea persisted in stating that he was the man. The second count charged some person to the Attorney General unknown with having fired the shot, but it mattered not, in the eye of the law who did so, for all the aiders and abettors are equally guilty. All persons who go out with a common design to commit an unlawful act, are equally guilty of whatever is done in the prosecution of their common design. When the party rode away after committing the murder, the seventh man who had been watching, joined them, and as he had been keeping guard all the time it showed the connexion between the parties. It was unnecessary for him to say more upon the law of the case, that they would learn from His Honour, but they would find that no matter what part they took in the transaction all were equally guilty. The result of the case he hoped would be a further proof that the first step to the gallows is for a convict to become a bushranger, and that however long he may escape with impunity, the law is strong enough and is sure eventually to overtake and punish him.

Mr. E.D. Day deposed, I am Police Magistrate of Maitland; shortly before then I was Police Magistrate of Muswellbrook; on the 21st December I was at the latter place on my private business, I do not think there was any Police Magistrate then in Muswellbrook; it was about nine in the evening of the 20th I received the information, and collected a party of ten mounted men, and set out in the direction of Scone, at seven A.M. of the following morning, and as we went along the road, we heard of their robberies; we came up with them at Do Boy Hollow, about thirty miles from Scone, and found them about half a mile off the road; we saw some drays, a fire, also some horses teathered and a number of men in shirt sleeves, making a rush to the opposite side of the Hollow; we galloped in among them, and after a good deal of firing we took five of them; Davis is one; I saw him fire, he rushed up the opposite side of the gully in order to cover himself from our fire; I fired and he returned it at me after he got under cover of the tree, he fired again at me, resting the gun in the fork of the tree 20 yards from me. (Mr. Purefoy submitted that this was not evidence of the charge in the indictment. The objection was over ruled,) five of them were taken in five minutes after we came on them; they had ten muskets and a great many pistols; all were taken but Glanville, who was taken next morning; I held out no inducements to them to confess; they were very communicative and kept us awake all night; Davis and Marshall gave me a history of their proceedings, voluntarily, after I had

taken down their names. (Mr. Purefoy submitted, that what the prisoners said could not be evidence against them unless they were previously cautioned; the objection was overruled.) Shea said he was the person who shot Mr. Graham, and no one else, and it was no use denying it; I heard of the murder before we came up; Davis said he had always opposed the shedding of blood, for he knew if they did so, they would not reign a week; as he said this he looked on the others and said, you see we have not reigned a day; Marshall said he would shoot any man that fired at him, and that Graham was a foolish young man and could expect nothing better for firing among so many armed men; Shea said, he would shoot his father if he fired at him. More than one of them said, that up till that morning they had done nothing to affect their lives; there were eleven guns taken, and upwards of twenty pistols found on the ground; Davis, Shea, Marshall, and Everett, all acknowledged having fired four or five shots each, and Chitty acknowledged to having fired one shot; the party who joined me were Edward White, Mr. Richard Dangar, Dr. Gill, Mr. Warran, Mr. Sinken, and the Chief Constable of Muswell-brook; the following ticket-of-leave men were with me when we took them - Walker, Dawe, two Evans; Mr Dangar's ticket-of-leave man, an assigned servant named Donahoe, with a border police man, none of my party was wounded, but Davis, Marshall, and Shea were wounded among the prisoners; when we came on them, Davis was making cartridges, and another was casting balls; they told us they did not expect to be pursued that day; but that they thought the whole country would be up in arms against them next day; they said they intended to leave that camp next day; they told us that they would rather have shot the two of their party who got away, than their pursuers; they called them their recruits, and not tried men of the gang; they had some trinkets and between 70 pounds and 80 pounds in cash.

Cross-examined - I think I did not say that our party fired first; they saw us half a mile off, before we went in upon them; Davis said he always was opposed to the shedding of blood; Everett might have said the same thing; they seemed to have made up their minds that they had committed an offence which forfeited their lives, and that there was no use in concealing it; Davis said he had ordered the party not to shed blood.

Cross-examined by Shea - You did not appear to be drunk, you were evidently sober.

Re-examined by Mr. Therry - Davis took deliberate aim at me through the fork of the tree and fired twice at me; their horses were very much jaded; they had seven, and we got four more, which they had changed; Davis set the party a laughing by telling a story that he had failed to break the bell that called him to work; we learned from them that the men at the drays, near where we took them, had beat them off; they all said they would rather be hanged than go to Norfolk Island; Mr. Day said the ticket-of-leave holders and the assigned servants had got promises of pardons.

James Jewshaw examined - I am a saddler in the employ of Mr. Thomas Dangar; I knew John Graham, the store-keeper, he was about 20 years of age; I saw him before seven o'clock on the morning of the 21st December; I saw a man come into the yard on horseback, and about a minute before I saw a number of horsemen pass the gate; the man on horseback called out, "Cook, cook, come out here;" I said to a man working with me, "these are bushrangers," as he galloped so unceremoniously into the yard; I cannot say if he is among the prisoners; I cannot say if any of them were there; I put down my work

and went out by the back way to tell the police; I went by the bush road, and I saw Graham on the road, I saw him run and then walk; I heard two shots fired, and saw Graham fall; he had a pistol with him; I went up to him, he said, "saddler, I am shot through, I am a dead man;" after he said this I turned round, and saw a man with a gun who said to me, "come back here, or I shall blow your brains out;" he was on horseback; he had one gun before him and another by his side; I went back with him, he wanted Graham to go back with him, but he told him he was unable to do so; when we got back I saw an armed man on guard at the store door, and another armed man came out with some bracelets in his hand, he threw them on the ground and the other trod on them; the man that took me back, said to the others, the man was shot and there was no time for delay; they then went off; the man who took me back had a fustian coat on; I was so much frightened I can't recognise any of them; I was made to stand by a tree opposite Mr. Dangar's store; they went down to Mr. Chiver's, on the opposite side of the road; people talking loud can hear from one home to the other, they are in sight of each other; he told the man at Dangars that the man was dead; from the time they came till they went away might be about fifteen or twenty minutes; I saw seven men leave Mr. Chiver's house; Mr. and Mrs. Dangar and their son were at home, as I saw them after; Mr. Chivers was also at home as soon as they went away. I went up to Graham, he was alive but senseless. He died about ten minutes after.

Cross-examined - The place where Graham died was about one hundred rods from Mr. Dangars door; I did not examine the pistol Graham had; they did not appear frightened when going away; they went leasurly.

Re-examined - When I saw them afterwards at the Police Office none of them had on a fustian coat; when taken they had ribbons in their hats.

Mrs. Chivers deposed - My husband is a publican in Scone; on the morning of the 21st December I saw three men like gentlemen ride to Mr. Dangar's, one of them rode into the yard and the other dismounted; I saw one of them had ribbons of a light colour in his hat; when I saw that I thought they were bushrangers and on my going to the door to see if it was so, one of them came up and said, well than, what have you got here for us; I asked him what he wanted, and he said he wanted money, he knew we had plenty of it and must have it; it was the tall man who said this (Glanville); he had a piece and several pistols stuck round his belt; he told me to get up and get the money, as he had not much time to stop. I got the cash tin and put it out to him at the window, there was 30 pounds in 1 pound notes, a 10 pound note, a 2 pound note, and half a sovereign, with about 20 pounds in silver, there were some orders in the box, but he said it was of no use to take them, he then demanded the watches, and I told him there was none; he then began looking for fire arms, and called out Ruggy, when the short man (Everett) came in, and took the cash box, and asked me about it, when I told him that the tall man had just taken all he wanted from it; he then took two bullet moulds, an old blunderbuss, and a piece, and afterwards seizing a violin, he called out "Mori, can you play the fiddle?" and one of them answered, "no, but I want a bugle;" I afterwards saw Marshall among the party where the inmates and people in the place were bailed up, among the rest was a border police man, who they told it was a good thing for him that he was an assigned servant; I saw five or six men at the door loading firearms; they soon after mounted and galloped off; when a little way off

I counted seven; they went off as quick as possible; I saw a man with a blue cap on, one of the gang had three or four men bailed up, he was armed, he went with the other men; I heard three shots fired apparently near us; I saw Graham alive at sundown on the preceeding night, he was then well and alive; I saw him brought down dead of a gun shot wound near the small of his back; I heard two of the gang talking about something after the shots were fired, when one said what had been done, on which one said he was settled; and it was replied, that it was all right.

Cross-examined. - Davis was at the bar when I came out of my bed room and told me I need not be afraid, as no one should hurt me; while standing at my bar he had ribbons on his hat; I could not recognise Davis at the Police office as he was there bare headed; I knew him when I saw him with his hat on after being at the Police office; Davis was very civil to me he did not offer any violence; they were all very civil, and said they would not hurt any one; they were about half an hour at my place; I do not know who fired the shots, I only heard the report, I can say they were all one party, and must have divided before they came to our house; they all went away together; from the noise of the horses' feet there must have been more than three men; six left my house when they went away, and the man at the tree made seven; Davis might have been in my bar all the time, and when the shots were fired.

Re- examined not above two or three minutes elapsed before the time I saw the party riding into Mr. Dangar's and the man coming to my room for the money.

The court adjourned for ten minutes.

William Day, examined - I was cook at Mr. Chiver's on the 21<sup>st</sup> December last; about 7 A.M., some men came to the place, at first but one or two came, one of them collared me in the stockyard; he had a pistol in each hand and clapped them to my head; Everett was the man; he had on a Manilla hat, with party coloured ribbons in it; I was bailed up, they then went and told another man, the milkman, that they were bushrangers, and if he resisted they would shoot him, and he was also bailed up with me; I saw a shot fired about 100 yards off along the road from Mr. Dangar's house, I saw the party who fired it; it was at Mr. Graham, he was running from Mr. Dangar's; the party who shot at him was about 20 yards from Graham; I thought I heard a shot fired, and then I saw the person who ran after Mr. Graham fire; I thought Mr. Graham was hit as soon as the shot was fired after him, he was running before, but after the shot he writhed his face and slackened his pace; immediately after my attention was called off to Everett; I heard afterwards some parties whom I cannot identify, asking if the fellow was all right, who was told he was; I got clear and ran for the police, where within about three hundred yards of the road, on my return, I saw Everett and six otjer mounted men getting along the road.

Cross-examined. - I do not know that Mr. Graham had a pistol; I do not know that there were travellers at Mr Chiver's house on the night before the morning when Mr. Graham was shot. Two or three went to Mr. Dangar's, and two or three to Mr. Chivers' house; the two houses are not more distant than fifty or sixty yards; one may go the distance in half a minute; but they are so situate, that a circumstance may occur at the one which might not be observed at the other.

Re-examined. - I think the parties were acting in concert together at the two houses, as, when I saw them leaving, they were all in company, and had their arms similarly slung.

Joseph Chivers, barman to his brother. - I recollect the bushrangers coming to my brother's house; I saw Everett and Davis, who were at the bar door, and the tallest man was also with them; Marshall was also there; it was he that asked if it was all right; I heard the answer - "yes, it is nearly so;" I heard some firing, two or three shots; It was after the firing I heard the question, and the party went off soon after. Everett bailed me up - he found me a seat; Davis was the man who kept me bailed up till the party went off; we can hear a call between the two houses.

Cross-examined. - I believe the party had not been in Dangar's above two or three minutes until I was bailed up; Davis, after taking charge, was over me until the party went off; we can speak from one veranda to the other, and get an answer; it was before I was bailed up that I heard the shots; there were three of them; there is a garden and pailing in front of each house. I am five feet and a half high; I can't say how many times the length of my body is a measure of the distance between the two houses.

Thomas Dangar. - I am a store keeper, at St Alban's adjoining the township of Scone; I was at home on the 21st December, about 7 A.M. I heard a horse enter my yard, and saw it was a grey one; and one of my men was holding it; soon after I heard a person trying to make an entrance into my bed room; when either Mrs. Dangar or myself opened it; and a man entered, the prisoner Marshall; and asked if the deceased was my son; as he had fired at them, and would have his life; I told him he was my storekeeper, he demanded the keys, in order to obtain my cash box; he then took the box which contained orders only, he said they were of no use to him; he then took two watches and a lot of gilt of bracelets; my little boy was afterwards brought into the same room, and bailed up with me; I know that the deceased was speaking to my boy a few minutes before he was shot, and that he had two loaded pistols, both of which I saw after his death one of them was discharged; he slept on the counter for the protection of the store.

Cross-examined - I can only identify Marshall he was the man who bailed me up, and put the musket to my breast.

Examined by Marshall - you only demanded money from me; you told me to sit still.

Thomas Dangar, 11 years of age, son of the last witness - I was in the kitchen when the bushrangers came to the house; I saw the man Chitty come into the store, he called cook, cook, and gave the horse to the cook to hold; I saw Mr. Graham a few minutes before, he was asking for the key of the shop, he then disappeared; In a few minutes after, I heard a bushranger asking my father who a man was, as he had fired at them, and they would have his life, or shoot him for doing that; Marshall told my father to stand up, and searched his pockets; I heard no shots fired; I saw Mr. Graham dead about an hour afterwards; the cook was struck by Chitty with the gun to cause him to go to the place he wanted him, which was under the tree; in front of the house.

Mrs. Sarah Dangar, wife of Mr. Thomas Dangar, one of the preceding witnesses, deposed as follows: I heard one shot on the morning, and soon after I heard two others; I soon after saw the prisoner Marshall at my bed room door; he asked if the man was there who had

fired at him, as his life was not worth a straw whoever he was. Before he got into the bedroom I saw the same prisoner, Marshall, bailing up our cook. The prisoner Marshall demanded the money in the house from Mr. Dangar; he then got the cash-box, and looked it over, and said that the contents were no good; he then insisted that we had more money in the house; I then told him we had another cash box, which I gave him; he took a one pound note from it, and said he would take it with the watches; he also took a quantity of bracelets from the store, and gave them to another stange man who came in saying, "why are you so long here? the fellow is down," soon after which they left the place. There were seven men who rode off after the robbery from our house, and amongst them was the prisoner Marshall.

William Jones, splitter and fencer, deposed: - I was in the bush on the 20th December last, about two miles from Muswell Brook, and I met seven men in the bush, six of whom are the prisoners at the bar; one of them, the sixth man, Chitty, directed me to go down to the creeks as a prisoner, and I was detained by them till sundown; they took my mate also and a shepherd, and asked us if we heard anything of them as bushrangers, and I told them not much. They had a pack horse and seven saddle horses; they took the beef in the hut and walked off with it; they offered no violence.

After this witness had left the box, the prisoner Everett said, "I hope that you will be the next that is shot and every b----y dog like you."

Mr. John Paterson - I live four miles from Scone; all the prisoners called at my premises about 9 A.M., on the 21st December, and robbed me of a horse and pistol, they appeared very much agitated; they took the horse from the door, they compelled my man to saddle the horse, and they took it with them.

James Norrie, I am a settler in the vicinity of Scone, the persons came to my house on the 21st and had their breakfast; they frightened me very much; Davis told me to go in as he would shoot a man in a moment; they had shot one already; they told me to look out and give them warning if I saw any one coming from the same direction they had come from.

Cross examined. I had some knowledge of Davis; I had seen him before; he had had some refreshment before at my house; I have no doubt as to Davis being the man who spoke to me, but I cannot swear to him. They left a 1 pound note to pay for what they had; they offered me no violence.

Mr. Richard South, Publican, of Page's River; seven men came on horseback to my house about noon, on the 21st December, and bailed us all up, and broke some fire arms I had in the house; Marshall told me he would deal with me before he left the house; he had robbed me three weeks before, when aided by Shea and Davis; I heard a shot fired at Mr. Rundell's store, after a man on horseback, the man showed me his pocket through which the shot had gone without injuring him.

Mr. Issac Haig, surgeon, deposed - I was called on the 21st to examine the body of a young man named Graham, who had died from internal hemorrhage, caused by a gunshot wound, the whole of the left cavity was filled with blood, the ball had passed in at the back about two inches from the spine, and had lodged in the muscles in the chest. I made a post mortem examination of the body of Graham, but did not find the ball; death

had evidently been caused by the gun-shot wound, and medical aid could not have availed.

James Nowlan, constable, who was of the party who apprehended the gang corroborated the evidence of Mr. Day, and was one of the party who took Glanville on the succeeding day, who afterwards shewed where he had flung his arms; this witness was of opinion that the first shot was fired by the bushrangers, who had their arms with them, and commenced firing on Mr Day's party as soon as they (the bushrangers) took to the trees.

This closed the case for the Crown. Mr. Purefoy in an able address on behalf of the prisoner Davis, contended that there was no evidence of such a constructive presence as would warrant the jury finding his client guilty of being present aiding and abetting; he also submitted that the discrepancies between the charges set forth in the information, and those contained in the evidence were fatal. He also insisted on the distance between the houses, as a proof that to such constructive presence had been made out, as was necessary to warrant the jury in finding them guilty of being aiding and abetting in both the felonies, and called on the jury to give the benefit of any doubts they might have respecting the guilt of the prisoner to his client. The prisoner Davis stated that he had subpoenaed a witness named Walker; he was called, but did not appear.

The Attorney General, said 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 a 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 accomplices.

His Honor the Chief Justice in putting the case to the jury, remarked that in whatever way the present case was viewed, it was a most serious charge; whether as regarded the prisoners, the public safety, or the maintenance of the laws, it was the most serious case which had been presented to the Court during the present, he might with safety say, during the last three or four criminal sessions. The jury would bear in mind what had been so ably impressed on them by the counsel for the prisoners, viz. - that they were not trying them for being bushrangers, nor for being illegally at large with fire arms in their possession, but for aiding and abetting in the crime of murder; all with the exception of one of the prisoners were indicted for this offence, the remaining one by the first count of the indictment, was charged with being the principal in the commission of the murder. With respect to the legal principle introduced in the case submitted to the jury, he felt it his duty to inform them, that it was a broad principle of the British law, that if any body of persons went out to commit one felony and another takes place, they are then all alike liable to the law for being accessories, His Honor here cited a case in which when he was a young man, nine young men in London went out to commit a burglary on the house of an uncle of one of the burglars, when the nephew went with the rest armed with a

blunderbuss, and shot his uncle at the window, and seven out of the nine were executed for the murder, although it was proved that none of them were armed but the nephew. He also called on the jury to dismiss all prejudice from their minds, either in favor of or against the prisoners, he was the more anxious to impress this principle on the minds of the jury, as it might be that the very case in which they were now called to pronounce a verdict on, was one which had been made a matter of outcry, even by a portion of the public press, in order to impugn the due administration of justice, and solemnly implored them to try the case purely by the evidence adduced in support of the allegations contained in the indictment. He then went over the whole of the evidence commenting on the different parts which contained either direct or inferential evidence, for or against all or any of the prisoners; and remarked that he trusted the government would see the propriety of rewarding in the highest degree, those ticket-of-leave men and assigned servants who had behaved in such a becoming manner, by perilling their lives immediately when called on to put down such a system of rapine and blood as was charged against the prisoners.

The Attorney General informed His Honor, that all the men he referred to had received free pardons.

His Honor said he was most happy to hear that this was the case, as he was of opinion that it was a very judicious mode of teaching assigned and ticket-of-leave convicts to earn good characters for those they had lost, by preserving the lives and properties of the rest of the Colonists. He also pointed out to the jury, that the evidence which had been given of the subsequent proceedings of the party, had been put in for the purpose of enabling them to judge whether or not, the two parties before the attack on Dangar's and Chivers' premises, had not been in leagion before the said attack was made which had been planned by the whole gang, and carried simultaneously into effect for the purpose of aiding and assisting each other. He also called the attention of the jury to the evidence given in favor of Glanville, who when taken on the 22nd December, denied being present at the time when the shot was fired, and knew not of his own knowledge who had shot the deceased. It was also worth while for the jury to consider, whether this circumstance could not enable them to distinguish between the case of Davis and Chitty, and that of Glanville; also whether Marshall, by being present at both houses, was not a sort of link by which they kept up a co-operation between both parties, in order to enable them to aid and assist each other, and informed them that they were all equally concerned in the robbery of both houses, as well as of the other acts, provided the jury were convinced that they had separated themselves into two parties for the purpose of effecting their unlawful purposes. His Honor concluded by informing the jury, that if they entertained any well grounded doubts of the guilt of any one of the prisoners, that they would give them the benefit of it; at the same they were bound to apply the evidence to the counts charged in the indictment, and if they found that the latter was established by the testimony brought before them, they were bound by their oath to find the prisoners guilty.

The jury retired at a quarter past six, and returned at half past seven, with a verdict of guilty against all the prisoners.

After silence had been proclaimed, His Honor the Chief Justice, placed the black cap on his head, and called over the prisoners by name, to which most of them in the most



careless manner replied either "here" or "here sir." He then proceeded to inform them that the last scene but one of their guilty career had now arrived; that he was sorry to perceive from the hardened manner in which they had answered even the last interrogatory which was likely to be addressed to them, that they were all so callous and careless of the sentence that the justice of their country through him was to award to their crimes; he could not close his eyes to the fact that their guilty career had been checked by the praiseworthy exertions of a distinguished and praiseworthy magistrate, who, on hearing of their open violations of the laws had at great personal risk, and with the most commendable activity and exertion, put an end to that course of iniquity which they had so recklessly commenced. He had some reason to doubt that when they had commenced their fearful course of iniquity and crime, whether they had meditated murder, but still such was the end of it, for a most respectable jury had after a long and patient investigation of all the circumstances of the case, not only against them as a body, but also against them individually, found each of them guilty of that awful crime they were charged with as having committed. It was a mournful reflection that such crimes as that which they had been convicted of, were only to be traced to the neglect of the principles of religion and morality; and tended, however unfounded to bring discredit on the Magistracy and Police of the districts where they occurred. It could be no reflection on the laws of the Colony, that such awful crimes as that which the prisoners had been convicted of were but too common amongst us, as whenever these laws were appealed to, they were invariably found to be strong enough to punish the guilty, as well as afford protection to the innocent, whenever the transgressors were subjected to their influence. It was not to be tolerated that bands of men who had been sent hither for the twofold purpose of enduring the punishment of their crimes in their native lands, and also for the purpose of trying what secondary punishment could do in the way of effecting a reformation of them, and converting them from vicious to virtuous citizens, were to be allowed to roam armed over the country, plundering the homes of the peaceful and well disposed portion of the inhabitants with impunity, and setting the laws of God and man at defiance, by shedding the blood of those who, as in the present instance, attempted to protect the property of those who entrusted it to their care. The prisoners at the bar had had a long and ample opportunity of reformation afforded them, which by their own deliberate acts they had cut themselves off from in this world and which acts of theirs had also been the means of numbering their days. He was sorry to see six apparently young men thus cut off, at a time when, by pursuing another line of conduct, they might have been in the fair way to be returned to society with regained character, as he was happy to say thousands had been before them, with even less means than the prisoners. Although he addressed them as a judge, he could not avoid declaring his feelings as a man, when dooming his fellow creatures, as in the present instance, to an untimely end, which had been caused entirely by their own wicked acts. He felt it to be his duty solemnly to warn them, that there was not a shadow of reason for any of them hoping that the awful sentence he was about to pronounce on each of them would be either delayed, mitigated, or changed. From the outrages which had been committed of late by persons like the prisoners, setting the laws at defiance and carrying on the practice of bushranging, it had become necessary whenever the blood of a human being was shed, to visit that crime on the heads not only of the principals, but of all who should be convicted of aiding and abetting in the perpetration of

such a crime, and therefore as the sincere friend of the individuals at the bar, he solemnly counselled them to make the best use of the brief space of time that would be afforded to each of them on this side the grave, to which their crimes had borne them with such deplorable rapidity, ere they had apparently attained the prime period of manhood. He could solemnly assure them that the light of the day would soon for ever close on each of them; the game of their guilty career was now up, and they would ere long have to stand before the Author of their being, to answer not for one, but for every guilty act which they had committed. It had been said by some of them that they would prefer the doom about to be awarded to them to that of being transported for life to Norfolk Island, and it had been given in evidence that such was their boast to the gentlemen who had been the means of checking their guilty career; their awful wish he could assure them should be gratified, in order to make an example of them to deter others from pursuing such a course of guilt and crime as they had plunged into. As their time was short, he would not harrow their feelings (if any they had) with a recapitulation of the enormities they had been guilty of, but trusted that they would employ the few moments which were still granted them to make peace with their Creator, and to show by their contrition (when they made their exit from this world) an example that would be the means of inducing their, as yet undetected fellows in crime, to the belief that no one could act as they had done, and quit the world without earnestly desiring that they had done otherwise. His Honor then passed sentence of death on the prisoners in the usual form.

During the course of the day the prisoners Everett, and Shea, behaved with all but disgusting levity. From the awful manner in which Davis changed his appearance when he heard the foreman of the jury pronounce him guilty, it was evident he had all along anticipated an acquittal. During the time the jury was retired to consider their verdict, these three appeared to be quite unconcerned laughing and chatting to such of their friends and acquaintances, as they recognised among the crowd which was intense during the whole time of the trial. In order to put a check to such unseemly conduct, they were ordered into the cage till the jury returned; when they began quarrelling among themselves, all of them assailing Davis, and charging him not only with being the cause of their ruin, but also with being the means of injuring some parties who had harboured and otherwise assisted them, when Davis heard his sentence he was seen to shed tears, while some of the others observing Mr. Lane the Superintendent in Hyde Park Barracks, in Court, vented their anger in wishing he might break his neck. The whole were removed to the gaol about fifteen minutes after sentence had been passed, each pair being handcuffed between three constables, and some hundreds of persons marching along with them. We observed during the day, an unusual number of assigned servants and ticket-of-leave holders intensely listening to the proceedings.

**SYDNEY HERALD**  
**February 27th 1841.**

As a number of the junior members of the profession of the law have expressed a desire to obtain a statement of the points of defence, in the case of the seven bushrangers, by Mr. Purefoy, on Wednesday last, we subjoin the following, which we believe contains the legal points which that gentleman urged.

Mr. Purefoy, on behalf of the prisoner Davis, addressed the jury in an able and powerful speech of considerable length, the learned gentleman contended, first, that all the prisoners were out that day with a two-fold object in view, each distinct from the other, viz: to plunder the houses of Chivers and Dangar; that each had a separate part allotted him previously, and that those engaged in the robbery at Dangar's were in no way whatever, at the time, connected with those engaged in the robbery at Chivers's public house, that, therefore, as the two felonies were perfectly distinct and separate, one from the other, those engaged in the one, could not be said to be actors, or abettors, to those engaged in the other. The learned counsel next contended, that as the houses of Chivers and Dangar were sworn to be upwards of 200 yards apart, and that persons engaged at one, could not be heard or distinctly seen at the other, that there was not such a constructive presence as would render those at Chivers's aiders or abettors to those at Dangar's, at which latter place the murder was committed; lastly, the learned counsel cited a case from Foster's Crown Law, to shew that where several go out with intent to commit a felony and that one commit murder, the rest will not necessarily be guilty of murder, unless there be evidence to shew, that all consented to it, or that it was committed in order to carry into effect the common purpose in which they were all engaged. The learned gentleman concluded his very able and ingenious address to the jury, by informing them, that if they entertained any doubt whatever as to Davis being present at the murder of Graham, that they were bound to give the prisoner the benefit of that doubt, and acquit him of the capital charge.

**SYDNEY HERALD**  
**March 17th 1841.**

**Execution of the Six Bushrangers.** - The gang of ruffians recently convicted in the Supreme Court, of bushranging and murder, and who, for several months previously had infested the Hunter's River district (even extending their depredations to Brisbane Water), paid the forfeit of their lives on the scaffold, in the rear of Sydney Gaol, yesterday. The malefactors were all transported felons from the Mother Country, and their names, ages, &c. Were as follows:- Edward Davis, aged 26, arrived in 1833, per ship *Camden*; Robert Chitty, 37, arrived in 1829, per *Sophia*; James Everett, 25, arrived in 1832, per *Mangles*; John Marshall, 27, arrived in 1832, per *Clyde*; Richard Glanville, 31, arrived in 1831, per *Lord Lyndoch*; and John Shea, 27, arrived in 1837, per *Calcutta*. These men terminated a long series of systematic burglaries and wholesale plunder, by the more heinous crime of deliberate murder. They attacked on the 21st December last, the station of Mr. Dangar, at Scone, and meeting with some opposition from Mr. Graham, (Mr. Dangar's storekeeper), one of the ruffians followed the unfortunate young man into the bush, and deliberately shot him. The notoriety which the crimes of these men has attained drew together a large concourse of spectators to witness their execution. The entrance to the Gaol, in George street, was besieged for admission long before the arrival, at nine o'clock, of a strong military guard from the barracks, and so great was the pressure of the crowd, that it required the unremitting exertions of Captain Innes to preserve order. At ten minutes past nine, the culprits were strongly pinioned, and conducted from the cells to the area in front of the drop, where they knelt down. Chitty, Everett, Marshall, and Glanville, were attended by the Rev. William Cowper and the Rev. John Elder. The Rev. Mr. Murphy, Catholic Priest, accompanied Shea; and Davis (being of the Jewish persuasion), was attended by Mr. Issacs, Minister of the Jewish congregation in New South Wales. All the culprits (if we except Everett), deeply lamented their having committed the crimes for which they were about to die, and acknowledged the justice of their sentences. Everett ascended the scaffold hurriedly, and in an evident state of excitement. He was followed by Chitty, Marshall, and Glanville, all three of whom, on reaching the scaffold sung the first verse of the Morning Hymn, to be found in many editions of the book of Common Prayer, commencing "Awake my soul, and with the sun." This act of devotion, we have since heard was entirely spontaneous, not having been suggested, or even expected by either of the reverend gentlemen, who attended to administer the consolations of religion according to the rites of the Protestant Church. The ropes were speedily adjusted, and the white caps drawn over the faces of the wretched criminals; in the short interval which elapsed before the withdrawal of the fatal bolt, Marshall and Glanville were engaged in loud and apparently fervent prayer, and we observed the culprit Davis (who was attired in a suit of morning), thank the Jewish Minister for the attention paid him in his last moments. The struggles of all the men were of short duration; the immense crowd dispersed peaceably. It will be remembered that these men were apprehended, chiefly through the active exertions of Mr. Day, Police Magistrate, Maitland.

**AUSTRALIAN**  
**March 18<sup>th</sup> 1841.**

**Execution.** - The Hunter's River bushrangers, six men in number, who are under sentence of execution, were warned on Thursday evening last, by the Sheriff, not to entertain the smallest hope that the order for their execution on Tuesday morning next would neither be deferred nor rescinded. The Executive Council, which sat on Saturday last relative to the case, on receiving the Judge's report, were unanimously of opinion that the extreme sentence of the law ought to be carried into effect upon each individual culprit. Towards Davis public sympathy seems to be a good deal excited. The culprits have been attended for several days past by the ministers of their respective persuasions. Their execution will take place in the Sydney gaol, at the usual hour, on Tuesday morning next. [Since writing the above we learn that a very urgent appeal has been made to the Executive, particularly in behalf of Davis. The friends of this unhappy criminal relied mainly on the point adduced in evidence, that he was averse to the shedding of blood; but the Council, in having their attention addressed to the point immediately refer to the evidence of Mr. Day, who swore that Davis placed a musket in the fork of a tree and took deliberate aim at him twice to take his life. We hate public executions; but the question arises, whether the public justice of the country would be satisfied by foregoing the Judge's sentence. For the present we forego answer.

### **Australasian Chronicle - March 18<sup>th</sup> 1841**

**EXECUTION** - On Tuesday morning the six bushrangers, James Everett, Robert Chitty, John Marshall, Richard Glanville, John Shea, and Edward Davies, who were convicted at the last criminal sittings of the wilful murder of John Graham, at Scone, on the 21<sup>st</sup> December last, all paid the forfeit of their lives by expiating their offences on the scaffold. An immense crowd was collected to witness the last awful scene of these men's career, as they had been long notorious for the many burglaries which they had committed in various parts of the interior, but chiefly in the Hunter's River district. At a few minutes past nine o'clock the wretched men were conducted from their cells to the area in front of the drop, where they knelt for some time in the exercise of their devotions. Chitty, Everett, Marshall, and Glanville, were attended by the Rev. Mr. Cowper and the Rev. John Elder; Shea by the Very Rev. Mr. Murphy; and Davies, being of the Jewish persuasion, was attended by Mr. Isaacs, the Jewish Rabbi. They all appeared to be deeply impressed with a full sense of their awful situation, and paid the greatest attention to the instruction and prayers of their spiritual attendants. After about ten minutes spent in devotion they arose, and Everett in a very hurried manner ran up the steps leading to the scaffold, and was followed by Chitty, Glanville, and Marshall; they all four in a loud and clear voice sung the first verse of the hymn commencing -

“Awake my soul, and with the sun.”

Shea was the next to ascend, and Davies, who was dressed in a suit of mourning, was the last to ascend; he cast his eye with a keen penetrating glance upon the crowd assembled in the gaol yard as if to recognise any acquaintance, and then with a firm step mounted the ladder. A few minutes more were spent to devotion, and then the ropes were adjusted and the caps drawn over their faces; they still continued (particularly Everett and Glanville) in loud and apparently fervent prayer till the bolt was drawn, and they were launched into the presence of their Maker. They all died almost without a struggle. They had long been a terror to the inhabitants in the district of the Hunter, and it is to be hoped that the awful example which has been made of them will deter others from the pursuing such lawless practices.

SYDNEY GAZETTE

*March 18 1841.*

**Execution of the six Bushrangers.** - On Tuesday last, as early as 6 o'clock, vast crowds of persons were seen hastening to the vicinity of the awful scene. About 9 o'clock the rocks, the windows, and roofs of the houses near the gaol were filled with persons intent on witnessing the last tragical exit of these unfortunate men, who by their evil deeds and lawless crimes, brought upon themselves a violent and an early death. At present we defer offering our opinion upon capital punishment, but will on a future occasion allude to it. As we had no reporter present, we cannot give (were we inclined as we are not,) all the disgusting details which usually accompany reports of this kind, our respectable readers will not, we feel convinced, ask it of us - suffice it at present to state that the men met their deaths (as we are told) with firmness and resignation, and showed signs of great contrition for their past deeds of wickedness. Chitty, Everett, Marshall, and Glanville were attended in their last moments by the Rev. Mr. Cowper and the Rev. Mr. Elder. Shea being a Roman Catholic was attended by the Rev. Mr. Murphy, and Davis being a jew, by Mr. Issacs, Minister of the Jewish Synagogue. These men it will be remembered murdered Mr. Graham, at Scone, on the 21<sup>st</sup> December last, and were captured the day following by Mr Day, the Police Magistrate.

## THE TEMPERANCE ADVOCATE

*March 18<sup>th</sup> 1841.*

**Execution of Six Bushrangers** - These men who were convicted of the murder of Mr Dangar's storekeeper, at Scone, last month, yesterday morning paid the forfeiture of their lives to the outraged laws of their country. The Rev. W Cowper and another Clergyman, the Rev F Murphy, and Mr Issacs, of the Jewish persuasion attended them to the place of execution; they appeared to feel deeply penitent, with the exception of one, whose conduct was not at all in accordance with the awful solemnity of his situation. It was a melancholy sight to see so many men in the prime of manhood thus hurried into the presence of their Maker, to give an account of the deeds done in the body



## SYDNEY MONITOR

*March 17<sup>th</sup> 1840.*

### News of the Day.

**Execution.-** The last penalty of the law was carried into effect yesterday upon the persons of John Shea, John Marshall, James Everett, Robert Chetty, Richard Glanville, Edward Davies alias Wilkinson, convicted at the late sittings of the Criminal Court. Shea for the murder of John Graham, and the others as accessories, whilst out plundering in the bush. As the clock struck nine, the prisoners were ushered into the Gaol yard, - Shea attended by the Roman Catholic Clergyman, and the others, with the exception of Davies, by the Rev. Mr. Cowper. Davies, being a Jew, received spiritual consolations from his Rabbi. The prisoners all appeared very penitent, praying incessantly until the drop fell, when their earthly career was closed forever. None of the culprits spoke a word to the multitude assembled to witness their exit from this world. [The outrages of these men will be long remembered by the inhabitants resident in the districts to the northward; and it is to be hoped their fate will have a beneficial effect, in deterring others from adopting the same lawless course, be their circumstances what they may.]

## AUSTRALIAN

**March 18<sup>th</sup> 1841.**

We are extremely disgusted at the following very disgraceful circumstance: On Tuesday, near about the middle of the day, an open cart was despatched from the Gaol to the Burial Ground, containing the six naked coffins of the hanged bushrangers, nailed up, and huddled one across another, with the names of each of the unhappy tenants *chalked* on the outside. They were thus dragged through George Street, when their bodies were hardly cold, with no more ceremony or decency than if so many bales of goods were being delivered at a warehouse. Such an occurrence argues a horrid callousness of mind, a total want of any sense of commonest decency, which is really disgusting to contemplate. We do earnestly hope that such a thing will never again be permitted on future occasions.

**SYDNEY HERALD**  
**Late October 1841**

**CATTLE STEALING**

*Henry Denny* and *William Bramble* were placed at the bar to take their trial for feloniously stealing two oxen at Brisbane Water, the property of Joseph Weller. They pleaded not guilty.

**The Attorney General**, in stating the case, said, he should give but a brief outline of the circumstances constituting the offence of the prisoners. They were both living in the neighbourhood of Brisbane Water. The cattle in question were at the time of their being taken away, the property of Edward Weller, and when stolen were depasturing at a place called Wellersley Farm. He, the Attorney General, was very sorry that the approver he must call as evidence should stand in such a situation as that he then occupied; for he was of very respectable parentage, his father being Police Magistrate of the district in question. Notwithstanding this circumstance, the young man had been in the habit of associating with persons much his inferiors in rank, although not in education, for his education had, he (the Attorney General) regretted to say, been much neglected. Among others of his low associates, the prisoner Denny at the bar was one. After the cattle were stolen, they were driven by the offenders to the place of a Mr. Freeman, who lived near the spot in which the cattle were depasturing. From thence the cattle were again taken by Denny alone, and some of them were killed at the place of the latter, others were sold, and the proceeds of those sold were divided among the prisoners.

The Attorney General called first,

John Davies, labourer, who deposed that he had been off and on in the service of the prisoner Denny for several years at Brisbane Water. Knew Wellersly Farm. Mr. Renwick lived about twenty miles from Reid's Mistake. Knew of the Messrs. Weller having cattle in that neighbourhood. They were at Denny's place. When the cattle were brought there, witness was living at Henderson's station. It must have been a twelvemonth before the last Maitland races. The cattle were branded with J.W. Denny himself had cattle on the same run. A party of the name of Warner, brought a lot of cattle to where he, witness, was. They were bullocks and cows, and marked J.W. Saw Warner and Denny mark with their respective initials the unbranded calves of the cows brought by Denny and Warner. Considered the cattle were not honestly come by. He, witness, had no portion for himself, nor any tip to induce him to be silent.

Cross examined by Mr. Foster: Thought the circumstances took place about eighteen months ago. Was present at the killing of the cattle. Saw the hides cut up and destroyed. Warner told witness the cattle were stolen, but he was not the first party who had told him so. Witness never got any thing by the matter. Prisoners killed and cut up the cattle in the most open manner. Never had any quarrel with his master. Of course he always obeyed his master's orders, whatever the orders were. Could not have shot Mr. Foster, if his, witness's master, had instructed him to that effect. Would have taken or killed Mr. Foster's or any other man's cattle, if he had been told to do so by his master. Had laboured under inabilities. By that word meant derangement of his intellects.

By the Attorney General: Had never been in a lunatic asylum. Had had much business once in Sydney as a ginger beer brewer's clerk, and the oppressive duties of that

office had driven him into a state of insensibility. Had taken in his time a reasonable quantity of ginger beer.

James Warner, examined by the Attorney General: Knew the prisoners, recollected in 1839 going to Wellersly Farm in company with Denny and Bramble. It was five or six miles from Renwick's. They took about fifteen head of Mr Weller's cattle, knew whose cattle they were, from the information of Renwick, junior. They drove the cattle to Reid's Mistake, and there placed them in a paddock for a few days, after that they drove them to Denny's - and from Denny's to Freeman's place, they then drove them to Battly's to see them. They sold some of them to Mr. Battly, and told him the cattle were there own. The proceeds were divided between himself and his associates. Those that were not sold except two, were killed at Brisbane Water, and the two were broken in as working bullocks. There was a bull-calf among them which Denny had for himself, and sold.

Cross examined by Mr. Foster: Had been tried, found guilty, and punished, for horse stealing.

James Freeman, is an overseer at Mr. Henderson's, had seen the last witness Warner at his master's place, at the time in question. He was with the prisoner Denny. They came to the place of the witness's master with the cattle, and Denny left by himself with the cattle. They were branded as before described. Witness thought from the JW on the cattle, that they belonged to Warner.

Cross examined by Mr. Foster: JW was Warner's brand. Could not say whether all were thus branded. Warner stated openly the cattle were his, and he was driving them to Brisbane Water, in order to sell them.

Mr. Renwick being called and examined by the Attorney General, stated he was a farmer at Wellersley Farm. The cattle in question belonged to Mr Weller, and they had been placed under his, witness's, care. Witness missed cattle from time to time for seven years. Missed about thirteen or fourteen in the April of 1839, and never saw any since, save two of them at the Police Office, of Brisbane Water: was quite certain that the two there seen by him, were two of those which had been taken from his place.

Mr. Battley proved that the cattle had been sold to him by Warner, and witness had had no hesitation in purchasing them, because he knew that Warner was the son of their late police magistrate. This closed the case for the prosecution.

Mr. Foster submitted that there was no case to go to the jury, the only evidence bearing upon the case being given by accomplices, and the case of the King v. Nokes in Carrington and Payne's reports, was authority to show, that any number of accomplices will not suffice to convict a prisoner, unless their evidence is confirmed in some part by other testimony.

The Chief Justice overruled the objection, on the ground that he thought it was for the Jury to consider, whether corroborative evidence had not been afforded by other witness.

Mr. Foster then addressed the Jury for the prisoners: the object of which was, to impress upon the Jury that Denny had been acting quite innocently in the affair, having believed, when driving away the cattle, that they belonged lawfully to Warner.

The Chief Justice in summing up, said; that there was no doubt that Warner and Davies had been accomplices in the theft for which the prisoners were indicted. And the

rule of law was, that the evidence of accomplices must be confirmed by other evidence in some material part. The question, then, in the present case was, had there been any such corroborative evidence? It was of the utmost importance that every legitimate means should be resorted to, for repressing a practice from which the settlers in this wild and open country were so very liable to suffer. Had Warner's evidence been confirmed by the evidence of any other untainted party? The learned Attorney General sought to confirm that evidence by the evidence of Mr. Freeman, who had said, that Denny was in company with Warner when the cattle were taken to the place of Freeman. If they believed, as they might perhaps believe, as so ably put by Mr Foster for the prisoner, that Denny was merely assisting Warner to drive away the cattle, believing they were Warner's, Denny must have the benefit of this doubt.

The Jury retired from the box, and in a few minutes returned into Court, with a verdict of *Not Guilty*.

Henry Denny was then indicted for stealing an ox, the property of Edward Turner, of Maitland, value 15 pounds on the 15th of April last. The same evidence as had been given in the preceding case was again tendered by the Attorney General.

The jury retired for about five minutes and returned a verdict of *Guilty*.

The Attorney General prayed the judgment of the Court.

The prisoner called on the chief constable of the district to give him a character, when the latter informed the court that the prisoner was reputed to be one of the most notorious cattle stealers in the district, and was a well known harbourer of bushrangers.

His Honor then addressed him in nearly the following terms: Henry Denny, - Justice has at length overtaken you, and it appears from what I have heard, you are a most notorious character, and it is necessary for the public safety to make an example of you. You have carried on a career of crime for several years, but fortunately for the community, you have at length been detected, and convicted on the clearest evidence. The sentence of this Court therefore is, that you be transported to a penal settlement for the period of fifteen years.

The Attorney General then proceeded with the gaol delivery as follows:- *George Coulson, Thomas Wilson, and William Brown*, all in charge for cattle stealing from Brisbane Water, were ordered to enter into their own recognisances to be of good behaviour for 12 calendar months; *Thomas Gee*, ticket of leave holder, was ordered to return to Hyde Park Barrack, and another prisoner, whose name did not transpire, who had been connected with the above prisoners, forming in all a gang of eight cattle stealers, was ordered to be detained for further evidence, as he was not committed but merely in custody on a magistrate's warrant. *James Warner*, who had been already convicted of horse stealing, for which he had undergone 12 months' imprisonment, and who had been connected with the Brisbane Water cattle stealers, was admonished by his Honor and discharged on his own recognisance of 100 pounds. *John Davies*, a freed man, also belonging to the gang, was at the same time cautioned and discharged on his own recognisances for a like sum.

**NEWCASTLE MORNING HERALD**  
**July 20th 1891.**

**DEATH OF AN OLD IDENTITY**

I have to record (writes our correspondent at Swansea, Lake Macquarie) the death of the oldest resident in this district, viz, Mrs. Mary Ann Freeman, at the ripe age of 86. The old lady retained all her faculties to the last. She was one of those busy, wiry little women, who could never remain a moment in idleness, but be continually employed in making and mending for her grand and great-grandchildren. Mrs. Freeman came to the colony sixty-five years ago. Soon after arrival she married James Freeman, had many ups and downs in those early days, and at last herself and husband settled down at a place then known as "Cabbage Tree" (now the residence of Mr. E.J. Hargraves, son of E.H. Hargraves, the first gold discoverer in Australia.) Mr. and Mrs. Freeman remained at "Norahville," where they kept a dairy farm for over twenty years, rearing a family of six daughters and one son. The late Mr. John Taaffe, of Swansea (who died six years this month,) better known all over the district as "Jack the Native," married the eldest; and Mr. Thomas Boyd, at present pilot at Lake Macquarie Heads, the second. There are alive forty-two grandchildren, and forty great grandchildren. During the old people's residence at Cabbage Tree they had several visits from bushrangers. On one occasion the Marshall gang, including the notorious "Jew Boy," paid them a visit. Mr. Freeman was from home when they arrived. Marshall was leader of this gang, and finding only Mrs. Freeman at home, the following conversation occurred :- "Have you any corn for my horses?" Mrs. Freeman: "No, sir." Marshall: "This is the first time I have known Cabbage Tree to be without corn." Mrs. Freeman: "We have a good paddock, sir" Marshall: "That will do. Do you know who I am?" Mrs. Freeman: "No, sir." Marshall: "Well, I am Marshall, the bushranger. Do not be alarmed: we only want tea and shelter for the night. But, beware of betraying us." It was customary for one of the gang to keep watch whilst the others slept, and this night it happened to be the "Jew Boy's" watch, who, when he thought all hands were asleep, made insulting overtures to Mrs. Freeman (who was sitting up, waiting her husband's return.) These she strenuously resisted. Marshall, who happened to be awake in the next room, heard all, rushed out, covered the Jew Boy with his revolver, and would have shot him dead, only for the timely intervention of Mr. Freeman, who arrived on the scene in the nick of time for the Jew Boy. Marshall was depicted by the old lady as a gentlemanly fellow, never on any occasion allowing any of his gang to molest females or use violence unnecessarily. For the last ten years the old lady has resided with her eldest daughter, Mrs. E. Taaffe, at Swansea, where she has had every care and attention which loving hands could bestow in her declining years. The remains were buried to-day, in the Church of England burying ground, Belmont Cemetery, the last rites of the Church of England (of which the old lady was a member) having been performed by the Rev. G.M. Brown, incumbent of Belmont parish. There was a large attendance of relatives and friends, including grand and great grand children. And thus another connecting link of the past has gone.

Swansea, 17th July.