

Articles from The Chronicle 2015

Murder aboard the CALEDONIA stolen from Amity Point in Moreton Bay December 1831

Contributed by Marilyn England.

The following account is taken from letters and reports sent to the Colonial Secretary, Sydney, by the Commandant of the Moreton Bay Penal Settlement.

The theft of the ship Caledonia from Amity Point in 1831 was one of the most brazen, and ultimately it was an extremely murderous act performed by some of the convicts of Moreton Bay. A number of stories have been written about the theft but below is the story in the words of Commandant James Clunie in a letter sent to his superiors in Sydney. His report goes to great lengths to prove that Clunie himself was not responsible for the lax supervision of convicts which allowed this act of piracy to be carried out.

"Sir, It is with much regret I am under the necessity of reporting to you for the information of His Excellency, The Governor, the unfortunate seizure of the schooner Caledonia by eleven convicts at this settlement and the consequent escape of the latter under the following circumstances.

Early on the morning of the morning of the 16th ultimo I heard that the above vessel had arrived in the bay, and as I received no communication from you authorizing her to touch at this place, and suspecting she must have been unauthorised, I lost not a moment in proceeding to meet her with a view of preventing smuggling and ordering her off immediately; at the same time I learnt that the object of her coming here was to take away a boat belonging to the late ship, America.

As the wind proved for sometime rather unfavourable, I could not reach the vessel before it was dark, when I found she was anchored near Amity Point, which it may be necessary to mention, is about fifty miles from the settlement and of which place the pilot resides with seven prisoners as a boat's crew and three soldiers.

The vessel being anchored some distance from the shore and it being dark, it would have been impossible to have sent her off that night and I therefore delayed communicating with her till the morning which I was more particularly induced to do, from finding that the pilot had obtained from her some spirits and was not only drunk himself, but had also given spirits to two of the soldiers who were likewise intoxicated. The Pilot himself was in a most outrageous state, he had locked himself into his quarters and being unable to let himself out, had fired a pistol through the door which fortunately did no harm, and as he soon after apparently went to sleep I did not think it advisable to interfere with him till he became sober.

I also had the two soldiers put to bed, and taking their arms into the place where I intended to remain, directed the other soldier, who was perfectly sober, to keep a look out during the night in front of our quarters, and in doing so I candidly acknowledge I directed his attention more to looking after the arms than the prisoners, as I must confess I did not suppose any danger was to be apprehended from so few unarmed men. When the boats were secured, and as I heard that the schooner had a crew of nine free men, I lay down to rest.

Shortly after this the boat belonging to the America arrived, but I was not informed that in consequence of the unfavourable wind, more men came with her than I had ordered, and I only directed a soldier who came with her to assist the other in looking out during the night.

There being no opening in the back part of our quarters, unfortunately their sole attention was directed to the front, [in the meantime] some of the prisoners made a hole under the foundation of the Pilot's house, got up through the brick floor, and took out two musquets, some pistols and ammunition, which it appears the pilot got from the shipwrecked crew of the America and had kept without my knowledge, or permission.

The prisoners then contrived to get into a separate building where the oars, sails etc. were locked up, and the night being very rainy, with much thunder and lightning, without being observed they launched a small boat with muffled oars, got on board the schooner, seized the man who was looking out and got possession of the vessel without any resistance.

At this time it was nearly daybreak and the vessel being observed to move, the alarm was given, but the prisoners had taken the precaution to conceal all the other oars, so that the vessel having the wind and tide in her favour, before any attempt could be made to retake her, had got to too great a distance and had sent on shore in a boat the owner and all the crew except the Master whom they kept to navigate the vessel, none of themselves being capable of doing so, and only two of them being at all sailors.

In case His Excellency should think sufficient precautions have not been taken to prevent an occurrence of this kind, I beg leave to state that at the settlement, where there are many desperate characters and where we possess the means of securing boats under a military guard, there is no possibility of such an event occurring, while at Amity Point, there not being sufficient force to admit of a military guard, the only boats capable of going to sea have been hauled up under a shade, from which they cannot easily be launched and their oars, masts, etc. secured under lock and key.

We have also trusted a good deal at Amity Point, to the prisoners employed in boats, being the best characters we have, to them not being sailors, and to them not being able to procure provisions or any other thing necessary for going to sea. On this present occasion I would have taken a military guard with me to put on board the Caledonia but I expected to send her off immediately. I was not aware she was such a small vessel and under ordinary circumstances no one at this place has ever considered a military guard on board vessels so far from the settlement necessary, more especially as it is contrary to my positive orders to the pilot of vessels stopping at Amity Point at all on their arrival, and of course a military guard cannot be put on board there without their either stopping till one is sent from the settlement, which would be defeating the object, or keeping constantly a larger military force at Amity Point than could at all times be conveniently spared.

As you will perceive by the accompanying distribution of the military force independent of this, there is not the slightest risk of a large vessel being taken there, and I never thought of making provision against breaches of so many orders resulting in the Pilot to have brought in the Caledonia as he did contrary to orders. Still, if he had obeyed my instructions by not keeping her at Amity Point or by observing the matter of the regulations for penal settlements, or my orders that no prisoner should be admitted on board any vessel whatever, or if he had not had the arms in his possession, or even if he had not been so drunk as to be incapable of taking care of them, this unfortunate event could never have occurred, and having already had occasion to report his irregularities, I have forwarded him to Sydney and appointed the free seaman named in the margin [William Morris] to perform his duties till the pleasure of His Excellency The Governor is known.

As it is evident from this unfortunate occurrence that increased vigilance and preventions are necessary at Amity Point, and as the breaking up of the establishment at Dunwich will have a few soldiers disposable, it is my intention to increase the military force stationed at Amity Point, and enlarge the quarters occupied for the military there so as not only to accommodate the additional men, but also the sails, masts and oars of the boats, which I think will prevent a future occurrence of a similar kind, and at the same time

enable a guard to be put on board any vessel at Amity Point. Upon this subject I have only further to add, that I have sent the two soldiers to Sydney for trial and that as the crew of the Caledonia had no possible means of existing, I have been under the necessity of directing the Commissariat Officer to supply them with rations taking the owner's receipt for the same for which he engaged to pay."

The next part of the story comes from George Browning, the Captain of the Caledonia who was taken prisoner by the convicts. It is dated 17 May 1832. The object of the voyage was to procure the wreck of the ship America lost on Loo Island and knowing there was no fresh water to be got on the island, the Caledonia had put into Moreton Bay for the purpose of filling up.

Mr. Browning relates his story: *"When lying abreast of Point of Amity Island at Moreton Bay, eleven men came on board in a whale-boat before daylight; and the watch on deck, instead of giving the alarm, was so frightened that he ran below. The men, on coming aboard, observed [to the crew] they were so numerous that it was useless to make any resistance, but promised, if the crew remained quiet, to put them on shore. The crew, consisting of eight men, were landed accordingly, but I was [forced to remain] to navigate the vessel. After the vessel was taken I was called by William Evans [the convict ringleader] and asked if I was Master. He began to question me about navigation and said I could not go on shore. All the rest of the crew consisting of eight persons were put into the pilot boat which was astern of the vessel. I made two attempts to jump into the boat but was forcibly taken back and a musquet put to my head to shoot me if I did not remain quiet. When about twenty miles off the land at sea they told me to steer to Rotumah where they understood they might get an opportunity of going away and said they would get some natives and give me the vessel back, but on the least discovery of falsehood they would end my existence. Evans and Hastings acted as Mate and Second Mate, telling me I was to be Captain. None of them knew anything about seamanship but Hastings and Evans. Seven or eight days after leaving, Evans called me to the helm and told me if I moved from there he would blow out my brains. Most of the other men were below. Evans, Hastings and William Smith then stepped forward after loading all the firearms and called up John McDonald, and shot him through the head with a pistol; it was Evans that shot him. Hastings then shot William Vaughan but did not kill him, taking two of his fingers off and grazing his skull; they then threw him overboard. He caught hold of the pennant hanging overboard and William Smith then cut it and I saw no more of him. Another man named Connor was called up and made to jump overboard without shooting him, a fourth called John Smith was called up but after some begging was spared. Things went on more quietly till we made New Caledonia; nothing happened particular except threatening me*

[that] if I got on any reef I should soon meet my fate.

When, at New Caledonia Port St. Vincent they got four casks of water, the night before leaving Evans and Hastings quarrelled; it was about drinking grog. Hastings was to be landed, which was done, and the natives being cannibals, no doubt but he is eaten before this. From New Caledonia we passed the New Hebrides and from thence to Rotumah, nothing of any consequence happening, except occasionally threatening me with death if they saw a ship of war or other vessel to injure them.

Seven weeks after leaving we made Rotumah and I expected they would kill me as I had noticed them two or three days before whispering to each other a great deal. Some distance from Rotumah a canoe came off to us with a person called Emery, a white man, then I was placed below, but shortly afterwards was allowed to come on deck, but was so narrowly watched I could not get an opportunity of informing him. We got two casks of water and holed up in a bay about two miles from shore. About 12 hours after a Barque hove in sight and they told me they would not stop [there] any longer.

Evans took Emery on shore in the boat and one of the men named Harry ran away and stopped on the island after telling a man called John Ready [that he had] stopped on Rotumah. Ready told Evans about it, I understood afterward they had intended to kill Harry before he got away on the island. There were two men left to guard me with firearms. They told me I must go to Wallis Island, land them in the boat and I should have the vessel back with three Rotumah women kept on board at night. Before I expected to make Wallis Island I overheard Evans and others say they intended scuttling the vessel with myself and the women in her, and afterwards was told this by Watson, Hogg and John Smith. They behaved kind to me the whole of the voyage.

I missed Wallis Island and fell in with the Navigators where they intended to scuttle the vessel and did so [presumably the women went down with the ship]. Watson, Hogg and Smith got into a large canoe and were taken to shore by the natives. I could not get away. The following day [after] the three men left [we were] about 18 miles off the land [when] the vessel went down and I was taken into the boat to pull [to help get it] ashore as the wind was strong off the land.

After landing, the [native] chiefs separated us, and eight days after I was taken on board the Barque Oldham of London. I informed the Captain and Officers [about events and] they secured Evans but could not get any more [of the remaining escaped convicts]. I made out a statement which I gave to the Captain of the Oldham, a copy of which I gave to Mr. Oliver the Surveyor,

directly I saw him.

Evans, after being 29 days on board the Oldham, escaped into the water, but the tide was running very strong; I am nearly certain the man must have been drowned. I have been unwell since I came on shore, otherwise I should not have been so long in writing."

Thus ends the murders of several convicts by their fellow convicts following the theft of the Caledonia. It appears that only four of the eleven convicts who originally took the ship survived the ordeal, three on one island and one on another island, or did they? Were the natives on those islands cannibals? Did they finish them all off?

The Judge Willis Case Books

<http://www.historyvictoria.org.au/willis/book%2011.html>

I came across this web-site which may be of interest to some readers. The Royal Historical Society of Victoria, in 1909, came into the possession of five criminal case books and one civil case book, as well as other papers, belonging to the first Judge in Port Phillip, Judge John Walpole Willis. The case books date from March 1841 to July 1843.

They provide an amazing insight into life in this part of what was then part of the colony of New South Wales. There are 26 hand-written books making up the collection.

On this web-site you can find transcriptions of the cases. There is also a name index to consult! Some of the original cases have been digitised and are available on the site.

Judge Willis was born in England in 1793 and admitted to the Bar in 1816. While practising law he also wrote legal text-books. He married the daughter of the Earl of Strathmore in 1824. In 1827, he went to Upper Canada but was not popular because he had been appointed from England and was not a local. After some controversy he returned to England in 1828, leaving his wife and son in Canada. (The marriage was dissolved by an Act of Parliament in 1833.)

He was offered an appointment as a Judge in British Guiana in 1831 and aspired to become Chief Justice there. That did not eventuate and he returned in 1836 on sick leave. He married a widow and prepared to return to British Guiana, but the Governor made representation to the Colonial Office asking that he not return because other judges found him difficult to deal with. The problem was solved when a judicial vacancy

arose in New South Wales. He arrived in November 1837 and, before long, was openly attacking Chief Justice Dowling in Sydney. His health was also of concern. His views on Catholicism caused Archbishop Polding to ask for him to be removed to London as no Catholic would receive impartial justice with him as Judge.

With the population of Melbourne increasing, it was decided that a resident Judge should be appointed so that cases did not have to be heard in Sydney or by a circuit Judge. Willis arrived in Melbourne on 10th March 1841. It is probably not surprising that he had his own ideas of how the Court would operate. He was not averse to addressing jury panels before trials began. He questioned the qualifications of the Police Magistrate who resigned as a result. His conduct was the object of criticism in the local newspapers. In late 1842, he applied for sick leave but was refused. A public meeting was held in May 1843 at which citizens showed their concern. Willis was cautioned, but soon after he was removed from office and returned to London in July 1843 to challenge the removal. A decision in 1846 was that it had been an illegal decision and he was to be paid in arrears as long as he resigned. Willis remained in England and died there in 1877. Purely at random I have chosen the trial of Henry Agnew for assault on 26th April 1841. He was found guilty and was to be imprisoned in the Melbourne Gaol for six months and pay a fine of £50, remaining in gaol until the fine was paid.

Sarah Chant had been Agnew's servant for about a fortnight but had left due to "ill usage". She claimed it was an "improper house" and when she would not sign a paper to live there, she was knocked down and kicked in the face and the side. The prisoner declared he only pushed her. The Doctor saw Sarah in the Watch House and said she had exaggerated the wounds received. Witness Ann Edward was also a servant there and saw Agnew shove Sarah against a sofa.

The *Port Philip Gazette* reported that "the neighbourhood of Little Bourke Street was alarmed by the shrieks of murder proceeding from a female who ran for shelter into Mr Clark's Italian Warehouse". Sarah Chant who had "arrived by the Fergusson" had been enticed by Mr Agnew who had been well known in Van Diemen's Land "where he obtained a free pardon for shooting a bushranger who attacked the premises of his master". Agnew wanted Chant to sign an agreement for three months but she refused. She claimed he violently kicked her. The *Port Philip Herald* reported that Agnew ran a brothel.

Agnew defended himself. He was released in November 1841 when the fine was remitted, but was sentenced to transportation for seven years for perjury by Judge Willis in September 1842.

Another random example is that of the trial of **Thomas Leahy** who was charged with murdering his wife with a bayonet. He was tried before Judge Willis on 15th May 1841.

The Judge's case book reveals that there was a folded sheet of notes in the back of the case book, and this contained further notes regarding Leahy's trial. Judge Willis said that drunkenness was no excuse for committing a murder. The notes he kept made reference to the laws relating to drunkenness. There were also notes relating to the evidence given by a Chinaman named John Horn, who was sworn in - not by placing his hand on a Bible, but by the breaking of a plate! "If I tell a lie I go all as same as plate". Apparently the Chinese tradition would have been to swear upon the breaking of a saucer, but as no saucer could be found, a plate was used. Although the prisoner pleaded innocent to murder, he was found guilty and was sentenced to be executed. There was considerable delay in fixing a date for his execution. A recommendation for mercy, supported by Judge Willis, saw the sentence altered to transportation for life. The alteration to the sentence, however, had to be confirmed in London.

Rev Ralph Mansfield - editor of Australia's First Magazine

The **Australian Magazine or Compendium of Religious, Literary and Miscellaneous Intelligence** was published in May 1821. It was founded by the publisher Robert Howe and two Wesleyan missionaries. The editor was Reverend Ralph Mansfield who wanted to produce a journal with information on what he believed were important topics for the well-educated citizens of the colony. The other founder was Reverend Carvosso, who had arrived in May 1820 and was actively preaching between Parramatta and Richmond. The aim of the magazine was to include not political or controversial topics but rather biographies of eminent men, theology, philosophy, poetry, religious articles and news from England and Europe. The concept of such a publication had the approval of Governor Macquarie.

Exploration within the colony had begun, and a reprint of John Oxley's "*Journal of two expeditions into the interior of New South Wales, undertaken by order of the British Government in the years 1817-18*" was included in the first issue. The magazine also reported on the Charles Throsby expeditions of 1817 and 1821. The information revealed by such explorations was helpful to settlers who were seeking good grazing land.

Useful agricultural tips were also included in this ambitious scientific magazine.

As early as 1821 the colony's first scientific society was formed – the Philosophical Society of Australasia – even though there were few scientists, either professional or amateur, residing in New South Wales or Van Diemen's Land. The concept for the magazine was good and the content was of a serious nature, but the English committee of the Wesleyan Church did not think it was appropriate for a Wesleyan missionary to be editing such a magazine. After only 14 volumes, publication of the magazine ceased in September 1822 as support from the Wesleyan Church Committee was withdrawn. Possibly it would have been doomed to fail at that particular time anyway. The news they hoped to include took a long time to travel across the sea to New South Wales. The number of subscribers would have been limited, and the price of one dollar was somewhat prohibitive.

But throughout the 1820s there was a growing number of people in the colony who had a thirst for scientific and literary articles. The appointment of Governor Thomas Brisbane (in December 1821) coincided with more scientific literature gradually becoming available in the colony. The new Governor had a very great interest in astronomy.

Other changes occurred after the magazine was abandoned. In 1824, the abolition of local press censorship meant that newspapers and journals began to surface. Reverend Mansfield struggled with the whole administration of the Wesleyan Committee and he briefly went to Van Diemen's Land to continue his missionary work. He resigned from that vocation in 1828 and returned to Sydney where he continued to preach until his stipend from the Wesleyan Church Committee ceased and he was forced to find another means of income. On 1st January 1829 he became joint editor of the Sydney Gazette with Robert Howe who had an association with the Wesleyan Church. He had published the first hymn book issued in the colony – *An Abridgement of Wesleyan Hymns* in 1821. Tragically, Howe accidentally drowned in Sydney Harbour just a month after the partnership was formed so Ralph Mansfield found himself being the sole editor until June 1832. He found himself embroiled in political matters during Governor Darling's term, and when Governor Bourke took office in 1831 he printed the very first issue of the Government Gazette.

In 1833, Mansfield became editor of another scientific journal – *The New South Wales Magazine*. *The Australian*, on 17th January 1834 announced that Number 6 of the periodical had appeared after a short delay and that it completed Volume 1. Despite that newspaper's criticism of earlier issues because of its emphasis on political issues rather than scientific and

literary articles, the editor said of Mansfield - *We hope the public will not allow the Magazine to languish and die for want of that support to which, when all is said that can be, he is entitled.*

The Reverend wrote articles for the Colonist in the ensuing years. He also widened his interests by becoming involved in a number of different companies – Australian Gaslight Company, Australian Steam and Conveyance Company, Australian School Society, Sydney Floating Bridge Company, and Royal Exchange Company. He also became the secretary of the Baptist Church. In 1841, the new owners of the Sydney Morning Herald had been impressed with Mansfield's capabilities and appointed him as editor of their newspaper. He held that position until 1854.

The Methodist, on 6th August 1904 printed the following recollection of Ralph Mansfield (written in 1871) under the heading *The Old Mission House in Prince-street – As I was walking down Prince-street a few days ago, I observed that workmen had just begun to pull down the old Mission House. My feelings were peculiar. That old house was associated in my mind with a crowd of tender recollections, extending over more than half a century. It was my first home as the head of a family; my first home in New South Wales. There, with the wife of my youth, fresh from dear old England, I took up my abode in the month of September, 1820.*

His first wife died in 1831 and seven of their eight children had died in infancy. He married again the following year and had ten more children! At age 81, on 1 September 1880, he died at Parramatta. His wife died in 1888.

Australian Dictionary of Biography on-line

Journal of the Royal Australian Historical Society June 1986 Vol 72 Part 1 –
Forgotten Australian Journals of Science and their editors.

Trove newspapers on-line

Governor Bourke's Church Act of 1836

http://www.sl.nsw.gov.au/discover_collections/history_nation/religion/places/act.html

The above link will allow you to actually read a digitised copy of the Governor's Church Act of 1836 – An Act to promote the building of Churches and Chapels, and to provide for the maintenance of Ministers of Religion in New South Wales.

Sir Richard Bourke was Governor from 1831 to 1837 and, in that time, the

population of the colony increased rapidly, as did its economic growth. Towards the end of his term, Bourke introduced the Church Act in an attempt to promote religious tolerance. Up until 1836, the Anglican Church was predominant in the colony. By allowing other denominations to receive support, Bourke diminished the power of the dominant church, and also encouraged new building projects.

Initially the Act was intended to include the Catholics and the Presbyterians. Later it was extended so that the Jews, the Wesleyans and the Baptists were eligible. This meant that subsidies were distributed on an equal basis. It also inadvertently encouraged the building of new schools.

The Church Act of 1836 provided subsidies for the building of churches, dwellings for the ministers, and for the salaries of the ministers. A minimum of £300 had to be raised by a community to attract the subsidy. Under the Act, land grants could be made available for not only the churches but also their schools. Once the churches or chapels were constructed, at least one-sixth of the seating inside had to be marked with the words “free seats” and they were specifically to be set aside for the use of poor people, and no payment for these seats was to be accepted.

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