



In this entertaining and original work, wilderness walker, inveterate traveller and award-winning writer Peter Macinnis uncovers our earliest and little-known practitioners of the art of bushranging – and finds that most were murderous thugs with few saving graces.

Along the way he finds a few endearing ones, such as Moondyne Joe and Diver Fitzgerald, who were scallywags rather than villains. Plus there were a few who affected a gentlemanly front, a sort of false gallantry that did not sit well with their thieving ways.

Curiously, the word 'bushranger' did not originally mean an Australian highwayman, rather somebody capable of living in the bush. But were the early bushrangers even capable of surviving in the bush, and what were their motivations for taking part in this deadly game?

Take a journey with one of Australia's most accessible history and science writers into an early Australia that extends beyond the Wild Colonial Boy, Ben Hall and his friends, Thunderbolt, Moonlite and the Kelly Gang.

Peter Macinnis has been a teacher in the classroom and an educator at Sydney's Powerhouse and also the Australian Museum. He has written more than 45 books, most on science and history, many of which have won awards. Peter lives in Sydney, and he has just finished a companion volume on our hunger for gold.



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AUSTRALIAN HISTORY



NOT YOUR USUAL BUSHRANGERS PETER MACINNIS

**NOT
YOUR USUAL**

**BUSH
RANGERS**
PETER MACINNIS





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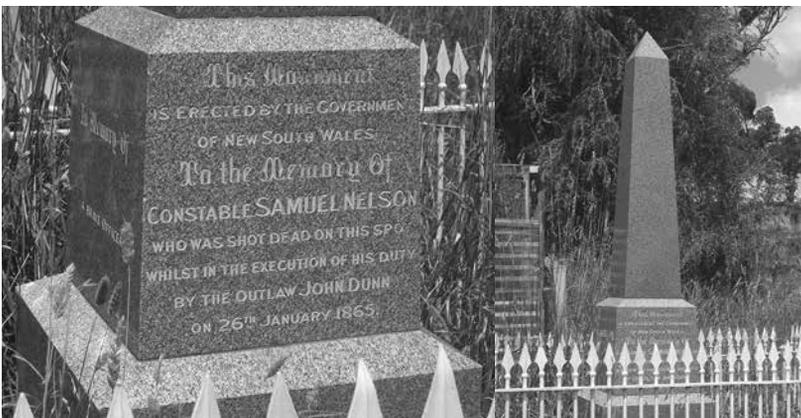
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INTRODUCTION

Some of the books I write happen because somebody asked me to write them. Those are always fun, but my favourite books are the ones that begin as an itch of curiosity which becomes a temporary obsession that erupts into an essay which later balloons out into a whole book.

This curiosity-driven book happened because I like to take breaks when I am driving. On the road between Sydney and Canberra, my usual break points are one or more of a coffee cart, a book barn, a part of the old highway, and the town of Collector, which has a pub with nice food.

Stretching my legs outside the pub one day, I spotted a curious memorial. I wandered over and found that it commemorates the shooting of Constable Samuel Nelson by the outlaw John Dunn in 1865. I like to think of myself as fairly well-informed about



The memorial to Constable Samuel Nelson, Collector, NSW.

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Australian history, but while Dunn's name rang a bell, I had no other knowledge of him. That was the itch of curiosity that started me off.

Looking into the matter at home, I learned that Dunn was a bushranger from the high period of bushranging, which ran from about 1860 to 1880, and he rode with people I certainly knew about. All the same, he wasn't one of the usual small bunch of bushrangers that the Australian-in-the-street knows about.

I wondered how many other bushrangers there were, and that began the temporary obsession that ended up giving me, and you, this book.

Who were the usual bushrangers?

Most Australians think they know what bushrangers were and how they operated. When you come down to it though, our ideas are often a long way from the truth.

There are several reasons for this. To begin with, several generations of bushrangers operated for almost a century. The times changed, and conditions changed with them. So naturally enough, their methods changed as well. Some bailed up coaches and mail carts, some robbed settlers' drays, others preferred holding up isolated stations.

A number of bushrangers worked rather like English highwaymen, robbing people who were alone, but other bushrangers kidnapped groups of travellers and sometimes used them as bait to lure new victims. One gang even turned to piracy in the 1850s.

We only ever hear of the few bushrangers who won the attentions of the press – and the papers printed the stories that sold papers best, so we are more aware of the actions and statements of the vicious killers and boasters who courted publicity. The gentle ones and the drifters weren't worth mentioning, not even the nice chap who was pardoned for his crimes because he was good at escaping.

Another aspect was that the journalists and correspondents who wrote the stories often got their material from old bush characters

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who were quite happy to spin a good yarn. After that, an ambitious rural ‘stringer’ might decide the story was a bit dull, so names might be made up, such as ‘Cursed Jack’ and ‘Hellfire Tom’. We will meet those two characters later, but you are unlikely to meet them anywhere else.

Later still, there were books and films about the lives of the bushrangers, and even television series. These gave sanitised accounts, just as the press of the nineteenth century had done before them. You can make money by telling tales of brutal murderers, but you can make more by writing about brave and handsome heroes dashing through the bush.

The records give us the names of quite a few minor bushrangers, but there were many others who were never identified, or whose work was blamed on the more prominent rogues. On a quick count, this book mentions the names of 150 different bushrangers, refers to another 150 bush-dwelling thieves who were never named, and about 40 other people who might (or might not) have been bushrangers for a short time.

Yet if you asked a group of average Australians to name Australia’s bushrangers, they would trot out the same very short list. They would mention the Kelly Gang, Ben Hall and ‘Mad Dog’ Morgan. If they were pushed, they might add Frank Gardiner, Captain Thunderbolt and the Wild Colonial Boy.

The more informed among them might tell you that the Wild Colonial Boy was probably based on John Donohoe, and they might mention Captain Moonlite, while Tasmanians would tell you about Martin Cash. People in Western Australia may know of Moondyne Joe, but that is probably about as far as most Australians could go.

That barely scratches the surface. The vast majority of our bushrangers were either anonymous from the start, or their names have been allowed to sink into obscurity. They are not your usual bushrangers – and some of them were very unusual indeed.

This book examines the more interesting of the many, many other bushrangers who flourished over almost a century from

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1788 to 1881, and even a few beyond this period, and the waves of bushrangers who operated at different times. It looks at what drove them, and what happened to them, before, during and after their bushranging days.

You will find many more contrasts than similarities in their careers. There was actually no such thing as a *usual* bushranger.

A note about spelling

Styles and standards of spelling change over time. In the eighteenth and nineteenth centuries, many Australian writers and newspapers regarded ‘honor’, ‘favorite’ and ‘labor’ as correct spellings. This is why the Australian Labor Party uses its unexpected spelling – and some of these forms appear in the quotations used throughout.

Equally, people sometimes used incorrect spellings for names of people and places. Even the highly educated Reverend Dr Lang used two different spellings for Goulburn in one letter in which he described what it was like to be bailed up.

To the best of my recollection, I have changed none of these – but I did check all the unusual spellings against the originals and confirm the variant forms. In a few cases, I have added notes inside quotations – these all appear in square brackets.

People’s names are another spelling challenge, especially when it comes to names starting with ‘Mac’ and ‘Mc’ which were rendered in accordance with three overlapping but incompatible fashions. The aim in each case was to render Scots and/or Irish names so English speakers could manage them.

The oldest fashion was to represent the Mac (son of) with M’, so that some of my antecedents were occasionally referred to in their day as M’Innis, M’Intyre and M’Kay, but they mostly appeared as (or became) Macinnis, Macintyre and Mackay.

Later arrivals, especially those who learned to read and write towards the end of the nineteenth century followed a third style, and appeared as McInnis (or McInnes), McIntyre and McKay. The various styles were often mixed, as in the twentieth-century shipping line McIlwraith M’Eacharn.

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English names were also variable, and newspapers often forced people's names into the paper's own preferred style, but rather than change anything, I have left the names exactly as they appear in the source documents.

CHAPTER 1

THE FIRST BUSHRANGERS

Until about the 1860s, bushrangers were usually convicts or ex-convicts.

Australia was founded as a convict settlement, and although we imagine early Sydney as a sort of giant gaol, the convicts in the First Fleet actually outnumbered their guards by a ratio of about three to one. There were no cells for the convicts to be kept in, and from the start, the colony functioned as an open gaol where convicts fended largely for themselves, and were expected to behave themselves while being free to run away.

While the convicts could run, there was nowhere to hide, except in the first days of the new colony, when nobody knew how to find their way around in the bush. Things changed when the new arrivals realised there were tracks through the bush, and that brings us to the very first bushrangers – though the term had a different meaning in the first years of the colony.

When the faster ships of the First Fleet reached Australia in January 1788, they anchored in Botany Bay, waiting for the other vessels to arrive. Within a day or two, some of the officers had gone ashore and examined the ground near Botany Bay.

They found only sandy soil and no water supply large enough for a settlement of 1200 people – especially as the settlement was likely to grow in the years to come. Clearly, Botany Bay was no place to start a colony.

A boat was sent to explore a harbour just up the coast to the north. James Cook had passed the entrance to this port in 1770 without looking in, but he named it Port Jackson. Today, we call it Sydney Harbour. This was a far better place for a settlement, and orders were given to move just a few miles north.

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As the fleet was preparing to set off for Sydney Cove in Port Jackson, two other ships appeared out to sea. Quite a few Australians know that these were commanded by Jean-François de Galaup, comte de Lapérouse, whose name lives on in the suburb of La Perouse on the northern side of Botany Bay.

Most of the Australians who know about the arrival of the French say that if Lapérouse had arrived a few days earlier, we would all wear berets, speak French and eat croissants. Nothing could be further from the truth, and the evidence is there in the records.

Lieutenant Philip Gidley King, who in 1800 would become the third governor of the colony, knew all about the French and Lapérouse, even before seeing the ships. He wrote in his journal that the ships flew the French flag and that one of them ‘wore a *chef d’escadre’s* [commodore’s] pennant’. From this, he said, they realised that the ships must be *La Boussole* and *L’Astrolabe*, ‘under ye orders of Monsieur de La Perouse, on discoveries’.

In other words, the English naval officers knew, well in advance, that they might see Lapérouse’s ships at Botany Bay, and they had instructions to greet the French in a friendly way. Time was pressing though, so the First Fleet sailed for Sydney Cove, leaving the French in Botany Bay to repair their ships and their boats, and to get some fresh water and maybe some fresh meat.

There was some formal contact with the French over the next few weeks. Lapérouse and his ships disappeared after leaving Botany Bay, but before he sailed away, he visited Sydney and left letters and reports to be forwarded home to France. The first contact between the British and the French was far less official than the meeting to give those papers to the first governor of New South Wales, Arthur Phillip.

The First Fleet began landing its human cargo in Sydney on 26 January 1788, and on 1 February, Lieutenant King and Lieutenant William Dawes, a marine officer, set off in a cutter, sailing north to the Heads before turning south to Botany Bay. There was a southerly wind blowing, which helped the crew at first, but they had to row all the way down the coast, once they left the harbour.

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They arrived in Botany Bay at 10 a.m., had a friendly visit, and then Lapérouse told them of an earlier unofficial visit, made by our very first bushrangers. Lapérouse told the officers that a number of convicts had already walked overland from Sydney Cove, following the clear bush tracks of the original inhabitants of Australia.

Reaching the French ships, the convicts had begged to be taken aboard, but the French commander had sent them off with threats, though he kindly gave them some food so they could get safely back to Sydney Cove. Although these escapees stole nothing, they were bushrangers, in the sense that the word was used back then.

Until about 1805, when people in Sydney spoke of bushrangers, they generally used the word differently from the way we do now. To the early colonists, bushrangers were men who ‘ranged the bush’, finding their way through the scrub and home again, a matter that wasn’t too hard in a country that was populated and occupied by people whose feet had left easy tracks to follow. Later, white explorers often used much the same method as these first bushrangers, travelling along ‘native roads’, the tracks worn through the bush by generations of Aboriginal feet.

Meanwhile, back at Botany Bay, Lapérouse and his officers decided that what the convict visitors had done in one direction, Frenchmen could do in the other. So three of Lapérouse’s men walked over the same tracks and popped, unannounced, out of the bush at Sydney Cove. Score one to the bushrangers as way-finders – or maybe allow them to score two points, because the French had also ranged the bush! Faced with the inevitable, Governor Phillip sent a horse over to Botany Bay, so Lapérouse could ride over in style and visit the new colony.

The old sense of ‘bushranger’ lived on. In November 1805, Governor King wrote to Sir Joseph Banks, describing the people he had sent out to find a way over the Blue Mountains. The men came back, complaining that they had trudged over rocky ground, heath and bogs, before they got tired and went back to the Hawkesbury River. King told Banks: ‘The whole of their story is so

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contradictory that I should not have inserted these particulars but to prove what little confidence can be put in this class of what is locally termed bushrangers.’¹

So in 1805, bushrangers did not *have* to be thieves, robbers and runaways, but the tide was changing, and before the year’s end, the sense of ‘thieving scoundrel, roaming the bush’ had largely replaced the earlier meaning.

The old sense must have lingered alongside the new, given a *Sydney Gazette and New South Wales Advertiser* report on 29 March 1807, where the bushranger John Campbell appears to have been living in the bush as a labourer, rather than as a robber:

Yesterday a Bench of Magistrates assembled, before whom appeared several settlers at and about the Northern Boundary, charged with having employed John Campbell, a bush ranger, in contempt of established local Regulations to the following effect, viz. “No person is to be employed unless he produce his certificate, if a freeman, or his ticket of leave if a prisoner: penalty to be levied on the employer 5£, and 2s. 6d. [2 shillings and 6 pence] for each day the man has been employed.” The parties had nothing further to offer in extenuation than that the person whom they had so employed had imposed himself upon them as a free man; but as it was nevertheless their duty to have demanded his certificate or pass, wherein, by his own declaration, all the parties had failed, the penalty was exacted, and the prisoner John Campbell committed to close custody.

Yet, looking back, the man who was very definitely the first bushranger in the *criminal* sense, had already been dead and buried for more than eleven years.

Black Caesar

The man the colonists all called Black Caesar was John Caesar in the official records. His usual name tells us one of the few things we know for certain about him: he had dark skin. Some people said

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he came from Madagascar, but slave owners often gave their slaves the names of ancient Romans. So the name 'Caesar' may have meant that he or his parents had been slaves at some stage. All we can say is that he was one of at least four people believed to be of African origin in the First Fleet. The others were John Williams (or 'Black Jack'), Daniel Gordon and Samuel Chinnery.

In 1786, Caesar was a servant in England, living at Deptford, now a suburb of London. On 13 May, he was on trial, charged with stealing £12 from a dwelling house, and he was found guilty. At that point, he had a stroke of luck, because many burglars back then were sentenced to hang for taking far less valuable loot.

Instead, he was given seven years in gaol, sent to the hulk *Ceres*, and then shipped off to Botany Bay in the First Fleet transport *Alexander*. In the new colony, Caesar was known at first as a good worker. Judge Advocate David Collins wrote in his story of the early days, *An Account of the English Colony in New South Wales*: 'This man was always reputed the hardest working convict in the country; his frame was muscular and well calculated for hard labour; but ... his appetite was ravenous, for he could in any one day devour the full ration for two days.'²

Caesar's problem was that everybody got exactly the same rations, the same amount of food each day. Because he was big and toiled hard, Caesar was always hungry, so he stole food. On 29 April 1789, he was tried, found guilty of stealing, and given a life sentence. Two weeks later, he stole a gun and some food, and 'went bush'.

Caesar stayed close to the settlement, probably so he could steal food or tools. As a result, he was captured on 6 June and sent to work in chains on Garden Island. His task was to grow vegetables, and he was allowed to eat some of what he grew, on top of the usual rations. He behaved well, and soon he was allowed to work without the chains. On 22 December, he stole a musket, an iron pot and a canoe and went off into the bush again.

He now found himself up against the same problem that all the bushrangers faced: getting enough food. None of them knew

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how to find bush tucker, and so they had to steal. Caesar stole from settlers' gardens and he also robbed Aboriginal people of their food, but while this annoyed the Indigenous Australians he robbed, they weren't all unfriendly to him. On 31 January 1790, he was brought into the settlement by some of them after they found him near Rose Hill with spear wounds. They helped him journey back to Sydney so he could give himself up and get medical help.

Caesar's wounds healed, and he was sent to Norfolk Island for three years, where he farmed. Then he was sent back to Sydney and stayed quiet for more than a year, but in July 1794, he took off into the bush again. He was soon caught and punished, but he took his flogging without reacting, beyond declaring, 'All that will not make me better.'

Caesar escaped again in December 1795, and became one of probably six to eight escapees who were loose in the bush at the time. Even so, everybody in the colony blamed Caesar for all of the subsequent thefts. They complained bitterly of having suffered quite enough from Caesar's thieving ways.

Important people, meaning the ones who had something worth stealing, demanded that action be taken against such rogues. On 29 January 1796, Governor John Hunter offered a reward of 5 gallons (23 litres) of spirits for Caesar's capture. Our first bushranger had barely a fortnight left to live, hiding out in the bush near what is now the Sydney suburb of Strathfield.

David Collins told the story of Caesar's end:

On Monday the 15th a criminal court was held for the trial of two prisoners, William Britton a soldier, and John Reid a convict, for a burglary in the house of the Rev. Mr. Johnson, committed in the night of Sunday the 7th of this month. The evidence, though strong, was not sufficient to convict them, and they were acquitted. While this court was sitting, however, information was received, that black Caesar had that morning been shot by one Wimbow. This man and another, allured by the reward, had been for some days in quest of him.

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Finding his haunt, they concealed themselves all night at the edge of a brush which they perceived him enter at dusk. In the morning he came out, when, looking round him and seeing his danger, he presented his musket; but before he could pull the trigger Wimbow fired and shot him. He was taken to the hut of Rose, a settler at Liberty Plains, where he died in a few hours. Thus ended a man, who certainly, during his life, could never have been estimated at more than one remove above the brute, and who had given more trouble than any other convict in the settlement.³

John Wilson

When the convicts of the First Fleet came ashore, they had little idea of where they were in the world, and for a short while, those who ran away thought China was nearby – or at least within walking distance. Just a few hills away and they would be in another country, they told each other.

Perhaps they believed it for a while, but then they switched to a more promising tale. This concerned a mythical colony of white people, vaguely located ‘three or four hundred miles south-west of Sydney’. There were even written travel instructions circulating, complete with a compass rose to make the instructions appear absolutely genuine.

Nobody had been there, so the ‘route’ was drawn with no knowledge of the country. We know now that a south-west path running that far would take escapees through the rugged Snowy Mountains and down into eastern Victoria, somewhere between Albury, Shepparton, Sale and Mallacoota. The country on the way is not for the fainthearted, but nobody knew that at the time.

Governor Hunter was a decent sort of person. As an educated man, he knew there could be no mysterious white civilisation out in the wilderness. He worried that many gullible convicts would die in agony or end up returning to an almost equally agonising punishment after pointless travels.

He wrote to a magistrate at Parramatta, instructing him to go to where most of the believers were working. As it would

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be impossible to reason the convicts out of their beliefs, the magistrate was to tell them that four chosen men would be allowed to start out and satisfy themselves of the impossibility of escape in that direction. More importantly, three experienced men would be sent with them as guides, to make certain that they returned safely.

On the day, a large mob turned up, all agitating to be allowed to go, but in the end they selected four of their number. The convicts were determined not to be fooled by the governor. They had hatched a cunning plan to hijack the expedition, with a larger body absconding, meeting the explorers at a pre-arranged spot, murdering the guides and then proceeding to the safety of the fabled white colony.

Luckily for them, this scheme was discovered and four soldiers were added to the party, scotching the plot. One of the guides was a former convict named John (or James, according to some accounts) Wilson, who had spent much of his time with the Aboriginal people. Wilson was a bushranger in the old sense of the word. He had served his time, but then largely turned his back on those of his own nation and learned to live in the bush, taught by his new friends.

His friends gave him an Aboriginal name and people said his body was 'marked and scarred after their fashion', which, taken together with his being named, suggests that he was an initiated man. Wilson came back to visit the whites from time to time and told tales of wonders he had seen in the bush, but the settlers in Sydney all thought he was a liar

It didn't matter. Wilson knew his way around the bush, so he went with the party when they set out on 14 January 1798. Ten days later, the soldiers returned with three of the convicts. The soldiers had been instructed to return when they reached the foot of the mountains, but the three convicts said they had seen and suffered enough, and begged to be allowed to return with them.

The rest of the party arrived back at Prospect Hill, on the outskirts of the settlement, on 9 February, praising Wilson for

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keeping them alive. They said they had seen creeks and a large river, but like Wilson's yarns, some of their tales now had to be taken with a grain of salt.

They claimed to have met few 'natives', but said those they saw were dressed in skins from head to foot (unlikely in summer), and they reported seeing a fat mountain wallaroo. They returned with a specimen of a lyrebird and reported dining on 'a kind of mole', apparently a wombat, but that was the limit of their achievements.

Wilson died soon after, speared by Aboriginal people for breaking one of their customs in attempting to take a woman as his wife. (As an accepted member of the Aboriginal community, he was expected to know and obey these customs, but it seems that even if he knew, he did not obey.) In Wilson, Australia lost either a good bush wanderer or an excellent storyteller, or maybe both. He remains as a good example of what the early bushrangers (in the original sense) could do.

Life as a convict

The future of a convict was supposedly left in his or her hands. The well-behaved and obedient convict could hope for advancement and a degree of freedom. On the other hand, the sulky, disobedient or lazy convict could expect punishment. It was the 'carrot and stick' model.

There was one catch: too many of the free people thought the idea was to beat the convict with the stick and then to belt him or her with the carrot as well. Convicts found the model more the sort of thing that donkeys encountered, where the carrot was dangled on a stick attached to the donkey. As the donkey moved forward, so did the carrot, so the reward was always out of reach.

There were three targets for an assigned convict. The first was a ticket of leave, which gave the prisoner, while still technically a prisoner, the right to live free and earn wages, or to work in a trade or to start a farm, but only within a particular district. A format for a ticket of leave was published in Sydney's only newspaper, the

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Sydney Gazette and New South Wales Advertiser, on 23 March 1806, after this introduction:

THOSE Male and Female Prisoners who remain under Sentence of the Law, and have been indulged with Permission to get their own maintenance on Tickets of Leave, and who have not appeared according to the Order of the 8th instant, will be put to Government Labour if they do not give their Names in on or before the 31st instant, when Tickets of Leave, according to the following form, will be given to those whom the Governor may consider deserving a continuance of that indulgence . . .

Spaces to be filled in on the printed form included name, the English court the person was sentenced at, the ship he or she was transported in, the date on which the sentence expired, and the date of issue. The tickets were all numbered as well.

No. ___ Prisoner's Ticket of Leave. THE Bearer, ___ convicted at ___ came in the ___ time expires ___ 180_ (or prisoner for life), has the GOVERNOR'S Permission to gain his Livelihood by honest means; but if he demands extortionate pay for his labour, or transgresses any of the Orders and Rules of the Colony, he will be recalled to Government Labour, and such other punishment be inflicted on him as the case shall merit, and as the Magistrates may award: and of which all Officers, Settlers, Cultivators, and every other Individual is to take notice.

Over the years, the system evolved, but a set of proposed rules for granting a ticket of leave, published in the *Sydney Gazette and New South Wales Advertiser* on 8 November 1826, will give you a sense of the uphill battle that convicts faced, and how the struggle was used to set them against the bushrangers who had probably once been their fellow convicts.

Stripped of the official language, a prisoner sentenced to seven years' transportation had to serve four years with one master, or

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five years with two. A prisoner sentenced for fourteen years had to serve six years with one master, eight years with two, or ten years with three. A lifer needed to serve eight years with one master, ten years with two, or twelve years with three.

In those cases where the change of service was not due to any fault of the convict, this first requirement could be worked around. Equally, prisoners assigned to 'government work' were to be treated as if they had been assigned to a master, which was fair.

Then came the 'extras'. A convict who caught two runaways who had been absent not less than forty-eight hours; caught one bushranger or felon; or who brought to justice a receiver of stolen property, gained a credit of six months' faithful service, and this credit could be increased by making extra captures.

Convicts seeking a ticket of leave were to apply to the nearest bench of magistrates at stated periods. The magistrates were to investigate the merits of the applicants and to consult with the benches of the districts in which the prisoners may have previously lived.

If the prisoner's master thought the prisoner undeserving, he was to advise the bench to this effect, though there would no longer be a requirement that the master certify the prisoner as deserving, a statement that suggests some masters did, in fact, support prisoners' requests.

Tickets were for a single district, the same one covered by the bench of magistrates granting it, and ticket holders were to be mustered, either quarterly or half-yearly, by the nearest magistrate. The governor's permission was required for any ticket holder wanting to move to another district. Magistrates could, however, give passes to allow travel out of the district for up to one month.

Ticket holders who caught runaways, or bushrangers, or gave information leading to the conviction of receivers of stolen property, or of persons harbouring prisoners, were to be rewarded by an extension of their tickets to two or more districts.

There were more conditions: ticket holders living 'within four or five miles' of a place of divine worship had to attend church

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every Sunday. Repeat absentees were to lose their tickets. Even if you managed to win your ticket, there were many, many ways to lose it again, as we can see from a surviving list of cancellations.

On 1 April 1841, the tickets of leave granted to thirty convicts were cancelled for various reasons. Just over half of the tickets were cancelled for alcohol-related causes. A notice in the *Sydney Herald*, on 24 April provided full details.⁴

There were eleven cases of drunkenness, two of drunk and immoral conduct and one each of being drunk and disorderly and being drunk and assaulting a constable. Another gave rum to a prisoner, while two forged letters saying that their wives had died in England, documents that would have allowed them to marry in Australia. Others stole horses, went missing, gave shelter to bushrangers or escaped prisoners, or were found to have been involved in assault, or improper or disorderly conduct.

One way and another, the odds were stacked against the convicts, but there was always a glimmer of hope. The next step up was a conditional pardon, which made the convict free, but not permitted to return to England or Ireland. A ticket-of-leave holder might be granted a conditional pardon after six years, but only after furnishing ‘the most satisfactory testimonials of uninterrupted good conduct for a period of six years’ from the date of his or her ticket.⁵

Finally, there were absolute pardons, which allowed the former prisoner to return to his or her home, though these were usually only granted after an act that their fellow prisoners would regard as treachery. An absolute pardon allowed the ex-convict to leave Australia, but there were all sorts of requirements in the way of gaining that reward.

The easiest way to win either sort of pardon was to report, and usually give evidence against, other convicts who had committed an offence. By 1800, the following scale of rewards was on offer for informants: a prisoner would get a conditional pardon, an emancipated person would get an absolute pardon (meaning they could leave the colony), while a free person would get a reward of £10.

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By 1813, the demand for conditional pardons was so high that Governor Lachlan Macquarie announced in the *Sydney Gazette and New South Wales Advertiser* on 9 January that applications for pardons would only be accepted on the first Monday in December. Any mistake in the paperwork meant the holder of a ticket of leave would have to wait another year. Most importantly, each application had to be accompanied by certificates of good character from the local clergyman and principal magistrates.

The proclamation finished with a warning: ‘And the Clergymen and Magistrates throughout the Settlement, are hereby strictly enjoined not to sign or grant such Certificates to any Persons with whose real Character they are not well acquainted, which Certificates must express their considering the Applicants sober, industrious, and honest.’

That wasn’t the end of the story. Governor Macquarie wanted a lot of public works completed: the colony needed roads, bridges, churches and public buildings, so in 1816, he announced that there would be no tickets of leave at all granted that year, because all the convicts were needed for public service.

Of course, if the governor decided to reward a convict who delivered up one or more bushrangers, that was still a choice he was free to make, but there was only one way out of the penal system – obedience. Life as a convict was far from pleasant.

The floggings

We will meet William Page shortly, but on the day after he was hanged for his bushranging exploits in 1806, two other convicts were sentenced to be flogged: Felix Donely was ordered to receive 500 lashes for stealing, and James McCraner 200 lashes for petty theft.

There was nothing unusual in this because convicts had much the same status as slaves, with one exception: slaves had to be paid for, so their owners looked after them. A dead or broken slave had to be replaced, and that cost money, but a dead or broken convict would be replaced by the government.

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Convicts were assigned to their masters or mistresses. They received no wages, though they were fed and given some sort of shelter. Assigned servants (convicts) had to do what they were told, when they were told, and they were allowed no insolence, no laziness and no slacking. The convicts could also be victimised.

The master or mistress could complain about the slightest misbehaviour and a complaint could lead to a lashing or, much worse, transportation to a penal colony such as Newcastle, Port Macquarie, Moreton Bay, Norfolk Island or Van Diemen's Land (as Tasmania was called then). Penal colonies were places where convicts who committed extra crimes could be sent. Short of hanging or transportation to a penal colony, the only other punishment was the lash, and it was widely used.

A penal colony was intended to provide hard labour for the worst class of convict. Ordinary infractions by convicts were punished by hard labour in irons or even in 'double irons', and many of the early roads were made by 'ironed gangs'. Being sent to a penal colony was a further punishment handed out to secondary offenders – and the key word was punishment.

The first Australian penal colony was 'Botany Bay', meaning Sydney, at first, and then a wider spread of New South Wales. Before long, convicts were committing offences which did not merit a hanging, but required that they be transported (again!), so secondary penal colonies were set up, and white settlement spread.

Soon after Van Diemen's Land was settled, New South Wales already had its first penal colony, in the form of the coal mines at Newcastle, established first in 1801, but opened as a penal colony in 1804. Later on, Port Macquarie became a place of harsh punishment, followed by Moreton Bay (the future Brisbane) in 1824, and a reopened Norfolk Island in 1825. Both Moreton Bay and Norfolk Island carried fearsome reputations for punishment. (The words of 'Moreton Bay', probably written by 'Frank the Poet', appear in Appendix 1. While the account of conditions may not be balanced and accurate, they give us a sense of what convicts believed to be the situation there.)

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Van Diemen's Land (or VDL) was established in 1803, originally as a place of punishment, and 'Vandemonians' (a word that seems to have become popular around 1825 to indicate the criminal classes of that colony) were sent on from what was then the only penal colony, 'New South Wales' (meaning Sydney).

Just as New South Wales had grown from a penal colony to a major settlement that needed its own penal colonies, so did Van Diemen's Land. From about the same time that 'Vandemonians' were mentioned in print, middle-class residents of Van Diemen's Land started calling the settlement Tasmania, a name that was only officially recognised thirty years later.

There were a few brighter spots among the penal colonies. Sarah Island was set up in Macquarie Harbour on Tasmania's west coast as a place where boats were built out of Huon pine, cut by convicts who were chained. While Sarah Island was considered the harshest of all the penal colonies, there are legends of convicts reoffending in order to be sent there, so they could learn a trade.

Aside from that, the weather on Tasmania's west coast, in the face of the 'Roaring Forties' was foul for much of the year. There were strong tidal currents in the narrow harbour entrance (called Hell's Gate) and strong prevailing westerly winds that made leaving the harbour a challenge in the days of sail. For the very worst of the worst criminals, nearby Grummet Island was used for solitary confinement of those who offended on Sarah Island.

In 1839, a new prison, a sort of secondary penal colony, opened on Cockatoo Island in Sydney Harbour, and Jackey Jackey Westwood and Thunderbolt were both there at times.

Overall, the penal colonies were places of cruel and unusual punishments, ranging from short or inadequate rations to floggings, beatings, solitary confinement, arbitrary charges and sentences that might include hanging. The only way to reform criminal minds then was by unceasing cruelty and suffering. It was little wonder that the wild bush had its attractions for desperate men.

In about 1824, a convict working on a road gang on the western side of the Blue Mountains found a gold nugget. By 1851, the story

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had slipped from the memories of all but a few old colonists, and one of them wrote to the *Sydney Morning Herald* on 20 May to say that the convict's 'reward' was a flogging. Still, even without knowing that story, people were well aware that any convict who got attention for any reason was likely to be lashed. It was the normal thing.

If flogging had ever served to prevent crime, the Australian colonies would have been bastions of ethical and moral supremacy, as indeed would the British army and its Royal Navy. The 'cat' used was normally the standard military and naval whip, though as Governor Macquarie noted, the whip used at Macquarie Harbour in Van Diemen's Land was a heavier device known as the thief's cat, or double cat-o'-nine-tails. It had the same number of 'tails', but each of these was a double twist of whipcord, and each tail had nine knots.

The bolters

The idea behind the convict system was to reform criminals, but this was supposed to be achieved by a combination of faint promises of kindness and large amounts of cruelty. Sadly, the vague promises rarely won the convicts over, and the cruelty just made them more obstinate, or more willing to die, taking their chances on the run, generally as bushrangers.

Looking at the evidence, it is no surprise that many convicts found the going too hard and 'ran', or as the locals called it, 'bolted' – and so they were known as bolters. Once they bolted, the escapees had to make a choice. They could steal a boat and try to leave Australia, or they could try to get away on a ship, or they could take to the bush and survive as best they could.

Stealing a boat was fine in theory, but the boat had to be large enough to survive storms on a long voyage. The escapees also needed a navigator, maps and instruments; they needed tools, food and water – and a lot of luck. Only one group is known to have escaped as far as Timor by boat. For most convicts, it was too risky, and probably impossible.

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Getting onto a ship was not the best of choices either, because all ships were searched before they left port, as the *Sydney Gazette and New South Wales Advertiser* reported on 29 March 1807:

[Thomas] Shirley and another prisoner found on board the *Star* when about to sail, were brought before the Bench with four others taken from on board the *Lucy* the morning of her departure, and severally charged with having attempted to escape the colony; and the charge being fully substantiated, they were ordered 200 lashes.

So taking to the bush was an attractive choice. Most convicts were willing to explore all the options, and among those, going bush meant they could make it back to a settlement again and take their punishment if they could not make a go of it. Besides, going bush offered a bolter the option of getting onto a ship later, when all the fuss had died down.