

Australian Jewish Historical Society

JOURNAL AND PROCEEDINGS.

Vol. IV.

1956.

Part V.

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Edward Davis

Life and Death of an Australian Bushranger.

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*(Read before B'nai B'rith Sir John Monash Lodge,
Sydney, 4th July, 1956.)*

Australia has witnessed two periods of bushranging, both of them brief and perfectly distinct from each other. The first period consisted of a transplantation by convicts of the English "Highway-robbery" to the newly founded colony, and lasted from the beginning of last century to the end of the 'forties. The second period, featuring the Australian-born bandit and starting with the gold rush of the 'fifties, lasted until the Kelly Gang was captured in 1879.

Nearly all the bushrangers in the first period were escaped convicts who, in despair over brutal treatment or simply inspired by the desire for freedom, sought their salvation in the flight into the bush. But the bush was empty, and there was nothing to support the escapees. In order to exist, they had to rob the wayfarer on the highways or the settlers on their farms. This was the only means of keeping them alive.

Most of them were young men, some of them only boys. Chased by the authorities, they became desperados; they robbed and murdered until the arm of justice reached them and took them to the gallows. A whole literature has been built up around them. They became the inspiration for popular history and fiction. The importance of bushranging in Australia has been much exaggerated, and fills in reality only a very thin page in Australian history.

What part has the Jewish community played in this story? The Jewish community in Australia can be very proud of its record. It has produced great statesmen

and generals, merchant princes, and initiators of cultural activities.

But Jews are like any other people, neither angels nor devils. Although the criminality among Jews in the Diaspora has been, and still is—except perhaps in the U.S.A.—especially low, we have to recognize that we find among Jews, if not many murderers, yet criminals and offenders against the laws protecting public and private property.

The great economic depression into which England was thrown through the French Wars cast its shadow also over the English Jewish community. Poverty was widespread and the way open to delinquency. The first Jews came to this country as convicts.

The Convict Age of Australia has become history, and the Jewish convict belongs to Australian history in the same way as the English or Irish. There is no need to be ashamed of this past, especially as most of the crimes for which these Jews had been condemned to transportation were trivial.

The convicts' life was extremely hard. They were either employed in Government enterprises or allotted as servants to free settlers under the assignment system, which lasted until 1841.

Some assigned servants were little more than slaves. Punishments were immediate and cruel. Shall we wonder that under these circumstances also one of the Jewish convicts escaped into the bush, and that, because of his superior intelligence and education, he became not only an ordinary bushranger, but a leader of men, the founder of what was called by the people the "Jewboy Gang"? It was only natural that this should happen, and it happened indeed.

However, Edward Davis, the only known Jewish bushranger on the Australian mainland, was not a highwayman like all the others. He was a distinct personality who merits our sympathy in spite of his deeds, because we will recognise in him the Jew who, even in the circumstances into which the tragedy of his life had been thrown, had not forgotten the teachings of his faith.

Little has been published about this Jewish bushranger. An article by Mr. S. Stedman in the *Australian Jewish Forum* of 1948,¹ "The Jewboy Bushranger," as well as an article which appeared recently in the *Sydney Jewish News*,² relied mostly on second-hand and often wrong information, and left many questions open and

unanswered. Most historians who wrote about bush-rangers mention Davis, but they have generally copied from each other. The accounts are often vague and mostly unreliable.³ Mr. Frank Clune, in his well-known book, *Wild Colonial Boys*, has dealt in a chapter with Davis' Gang. To find out the truth about Davis, it was necessary to consult original sources.

Mr. Stedman has stated that nothing is known about his life prior to his transportation to Australia, and of the crime of his youth which led to transportation. The facts, however, are available.

When we open the Old Bailey records of 1832, we will find that a 16-year-old lad named George Wilkinson, late of Ealing, a labourer, was indicted for stealing, on 28th February, "one wooden till, value 2 shillings, and 5 shillings in copper money, the property of Phillis Hughes." He was committed on 29th March, 1832, by W. Clay, Esq., and tried on the charge on 7th April before Mr. Justice Alderson.

The Old Bailey Papers⁴ have preserved for us an account of the trial. Here we read that the witness, Sarah Hughes, told the judge what follows :—

"I am the daughter of Phillis Hughes; we live at Brentford. On the 28th of February I was in the parlour, and heard money rattle. I looked through the window, and saw the prisoner in the shop with the till in his hand — he saw me, then put it down, and ran off, and I after him — I never lost sight of him till Hughes stopped him; he moved the till about two yards — there was about 5s. 5d. in copper in it."

William Hughes deposed : "I live near the prosecutrix. I was at my door. I saw the prisoner run out of the prosecutrix's shop, and stopped him. I am quite certain of his person."

And what was the prisoner's defence ? The young lad claimed that he was innocent. "A lady in Gravel-lane missed her son for a fortnight, and sent me to look for him at Brentford. I heard an alarm, and saw the lad run out of the shop — I immediately pursued, and was taken."

The judge did not believe him. He was convicted and sentenced to transportation for seven years.

In the printed Calendar of Prisoners in the Newgate Prison, George Wilkinson is listed in May, 1832, as in the

Hulks under sentence of transportation; and in July, 1832, his name disappears, presumably because he had been transported.

This seems to have nothing to do with Edward Davis, the Jewboy. It has, however, very much to do with him, because George Wilkinson and Edward Davis were the same person.

When, on 17th February, 1833, the ship *Cambden* arrived in Sydney Cove,⁵ she had on board a number of free settlers as well as 198 convicts.⁶ Among the convicts two were listed as Jews. The one was a certain Raphael Gabey, a native of Amsterdam, whose profession was entered as tobacconist, and who was under sentence of transportation for 14 years for pickpocketing.⁷ The other was the young man named George Wilkinson.

The particulars of the convicts were recorded in the "Indent of Convict Ships" of the year in which the ship arrived, a book in manuscript which recorded the initial information about the individual convict. In this book were later also recorded further details, such as evasions and condemnations.

The initial information, corrected and extended, was then yearly reprinted in books called "Names and Description of all Male and Female Convicts arrived in the Colony of New South Wales" during the particular year.

In both books for 1833 we find a detailed description of our man, which reads as follows⁸ :—

"Age 18; able to read and write; religion, Jew; single; native place, Gravesend; trade, stable boy; tried at Middlesex 5th April, 1832; sentenced to 7 years; former convictions 7 days; height 4 feet 11½ inches; complexion, dark ruddy and much freckled; hair, dark brown, to black; eyes, hazel; particular marks or scars, remarks, nose large; scar over left eyebrow."

It follows the description of very peculiar tatooings: "MJDBN inside lower left arm, EDHDM love and anchor lower left arm, 5 blue dots betwixt thumb and forefinger of left hand."

And to this, in the printed indents, the following words are added: "Father, Michael John Davis, 3 years; Mother Anna Davis, April 1832."

Both indents give as the reason for his condemnation that he "robbed a till."

We perceive from the description that he was of rather small stature. As his trade is noted as "stable-boy"—a rather unusual occupation for a Jew—and he was later

to be known as an excellent horse-man, he might have intended to become a jockey.

The former conviction of 7 days must have been a very trifling matter, if one considers the fact that another convict on his ship had been deported for 14 years for having stolen a toothpick—probably made of silver or ivory.

Although the indents mention that he "robbed a till," we have heard from the mouth of the witness Sarah Hughes that he only attempted to steal the small moneybox worth 2 shillings, and which contained 5 shillings in copper. And for this attempt, which, as we know, he denied, he had been condemned to 7 years of transportation.

I have pondered about the meanings of his tatooings. Tatooing was a common practice at this time, and most of the convicts had tatooings. We do not know, of course, if he had these already when he was jailed, or if he had acquired them at Newgate prison or during the journey to Australia. I am rather inclined to believe the latter possibility. The anchor is generally the emblem of a sailor and not of a stable boy. The initials on his arms point clearly to a love affair. As for the 5 blue dots between thumb and forefinger, this pattern of dots is generally regarded by experts⁹ as symbols of a group or gang to bind their members together. As I have found evidence that several convicts on the *Cambden* had similar dots as tatooings, it might well be that there already he got together with men who decided to keep together as a gang in the colony.

Manuscript and Printed Register differ, however, from each other in a major point, and that is the way in which the identity of this particular convict was recorded.

In the Manuscript his name is still listed as George Wilkinson, but underneath this name, initialised by the Registrar, a second name is added, to wit, "Edward Davis"; whilst in the Printed Register he appears now as "Edward Davis, alias George Wilkinson."

We can only guess what might have happened.

We may assume that, when apprehended, he had given his name as George Wilkinson. We do not know the reasons for this subterfuge. Was he ashamed to go to prison? Did he want to spare his Jewish parents the shame of seeing their son in jail? We do not know if his parents ever knew about the tragic fate of their son. They might have believed that he had disappeared like

many others in the man-eating slums of London. His parents must have been people of some standards, who had given him an education, because he could read and write—an ability which hardly half of the number of the convicts of the *Cambden* enjoyed.

What had induced him to reveal his identity, or how had the subterfuge been discovered? Again we can only guess.

He had always been proud to be a Jew, and, even when condemned and transported, did not hesitate to profess his faith. However, the name "George Wilkinson" might have sounded singularly "un-Jewish" to the Registration Officer in Sydney, and he might have pressed the boy to reveal the truth. He might perhaps have asked him for further information concerning the initials on his tattooings, which did not coincide in any way with the initials of the name George Wilkinson. And so the name Edward Davis may have come to light.

According to Mr. A. J. Gray, Honorary Registrar of the Royal Australian Historical Society, an authority on early convict history, fictitious names, recorded at trial and in embarkation lists, were generally dropped after arrival in Australia in about as many cases as they were retained, and came to be used as real names.

And now the question arises: Was even Edward Davis his "real" name?

Edward gave Gravesend, a small town in Kent, near London, as his native place. Was this information, which does not appear in the George Wilkinson files in England, not only another means to hide his true identity?

Dr. Cecil Roth, in his book, *The Rise of Provincial Jewry*, which accounts for all pre-1850 Anglo-Jewish communities, and which is also filled with notes relating to scattered Jewish families in this period, does not mention Gravesend. Dr. Roth has assured me that he did not find Jews there before the late 19th century, nor any Jewish navy-agents, nor names reminiscent of Davis' family.

These facts were also confirmed to me by the local authorities of Gravesend, who have done everything possible to further my researches.

It might in this connection be mentioned that the "information" about the names of the two parents, which do not appear in the first indent, must have been given by Davis himself, because it is practically impossible that a reply to an enquiry in London could have reached Sydney



"THE SURPRISED BUSHRANGER"

in time to be printed in the second indent. The fact that the parents are mentioned at all is extremely unusual, and nearly without parallel in the indents of this time. It might well be that Edward, when pressed by the registration officer to reveal his identity, concocted a new story and phantasy names for his parents.

These "remarks" about his parents consistute indeed an enigma, and are open to interpretation.

What is the meaning, for example, the words "3 years" after the father's name? Will this say that his father had once been sentenced to 3 years' jail, which, as Dr. Roth remarked, was not much of a sentence at this time? Mr. Gray was of the opinion that the word "deceased" might have been forgotten between the father's name and the "3 years." He also suggested that Michael John Davis might have been his step-father, and that for 3 years. The first names, "Michael John," were actually not common among Jews. Edward might have merely adopted the name Davis, an adoption which he may have found quite convenient.

The greatest puzzle is offered by the last two words of the "Remarks," viz., "April 1832." In April, 1832, Edward Davis was at Newgate prison. I cannot think of any connection between his parents and this date. There is a possibility that these "remarks" about the parents, which in the second indent are in no way separated from the description of the tattooings, were not remarks at all, but part of the tattooings and engraved at Newgate Prison in April, 1832, to keep the memory of his parents alive.

In this case, Davis would indeed have been his real name.

We will probably never be able to clear up these mysteries, and we have to accept his name as Edward Davis, the name under which he has gone down in history.

After his arrival in Sydney Harbour, Edward was taken to Sydney Town and put to work. But not for very long.

Edward Davis was governed by an indomitable spirit of independence. Maybe, he was obsessed by the idea that he had been wrongly condemned and deported. Convict life, to work in chains under the whip of a spiteful overseer, seemed to have been unbearable to him.

And so we see that the Manuscript Indent of the *Cambden* convicts records such an impressive list of

evasions. A similar one is hardly to be found in any other indent of the time.

Eleven months after his arrival, on 23rd December, 1833, he used the Christmas period, in which the rum-sodden guards became slacker in their attention, to escape from the Hyde Park Barracks. He was caught and condemned to twelve further months of deportation.

He was sent to Penrith, from where, two years later, on 1st December, 1835, he absconded again. Apprehended, he was again condemned to twelve more months of convict life.

Mr. Stedman mentioned in his essay that "there is reason to believe that he was assigned to a farmer."

This was indeed the case. Newspaper reports confirm the fact that he was assigned as a servant to Edward Sparke, a pioneer who in 1825 had been granted land at Hexham, near Maitland. The records do not mention the date of his assignment, but it may be assumed that it took place after his second escape in 1835.

Convict servants were generally objects of unscrupulous exploitation, and who knows if his Jewish faith did not contribute to his misery—if his master did not make life for him still more miserable because he was a Jew?

On 10th January, 1837, he ran away for the third time—or, as the indent said, "absconded illegally"—and, being caught, added two more years to his register. It seems that he was taken back to Sydney. But not for long. On 21st July, 1838, he absconded for the fourth time, and, although he was again condemned to two more years, this time he remained at liberty until a cruel fate made an end to his ambitions.

He found an easy refuge in the bush of that part of the country which he knew well enough from the time of his assignment at Hexham, the Maitland district, and it was there half a year later he suddenly emerged as "Teddy the Jewboy," the leader of a gang of bushrangers consisting of convicts who, like himself, had deserted from the farms of their masters.

Reports of the activities of the Davis Gang in 1839 are scarce. Boxall noted rightly that "in the early years of Australian settlement bushranging was one of the normal conditions in the colony, and therefore attracted little notice. Even the exploits of such heroes of the road like Mike Brady, the Jewboy, and Jackey-Jackey were very briefly related in the press."

It seems that Davis formed his gang in the summer of 1839 in the Northern Districts of New South Wales. For two long years the gang maintained a reign of terror from Maitland over the Great Northern Road to the New England Highway, in the Hunter Valley, and down to Brisbane Waters near Gosford.

According to Mr. Stedman, their lair was in Pilcher's Mountain, four and a half miles south of the township of Dungog, from where they made sudden raids on townships or settlements or ambushed travellers on the road.

The "Jewboy Gang," as it was soon called by the people—although the word "Jewboy" is nowhere to be found in the contemporary press—consisted mainly of run-away convicts and convict servants, but varied in number. Some convicts joined the gang for some time, then gave themselves up, whilst others replenished the ranks of the desperados.

Nearly all the outrages committed in the lower Hunter Valley in 1839 are ascribed to the Jewboy gang, although it is not always clear it was really Davis' gang which had committed the robbery.

On 12th January, 1839, they stuck up and robbed Mr. Biddington's servant near Wightnab's station on the Namoi River, some distance lower down than Tamworth,¹⁰ and the *Sydney Gazette* of 3rd April, 1839, reported: "The Country between Patrick's Plain and Maitland has lately been the scene of numerous outrages by bushrangers. A party of run-away convicts, armed and mounted, have been scouring the roads in all directions. In one week they robbed not less than seven teams on the Wollombi Road, taking away everything portable."

Either Davis or other members of his gang, or perhaps independent bushrangers who were only supposed to belong to the Davis Gang, travelled considerable distances from the Great Northern Road.

The description given by the *Sydney Gazette* points very clearly to Davis' gang, as Edward and his men were always mounted. Edward, the former stable-boy, took a special delight in horses, and saw that his companions were excellent riders.

During the winter months of 1839 numerous attacks on stations near Maitland are ascribed to the gang, and in 1840 they were so firmly established in the district, and so well known all over the country, that Boxall could write about the leader that, "next to Jackey Jackey, and perhaps

Mathew Brady, more yarns have been told about the Jewboy, this hero of the roads, than of any other bushranger in the pre-gold digging era." Boxall calls Davis "one of the most notorious of the early bushrangers of Australia."

It has been said of Davis that he played the part of an Australian Robin Hood, and that "if he stripped the rich, he went out of his way to relieve the misery of the assigned servant."¹¹ And this was a perfectly true statement. There is no doubt that Davis, with his unhappy memories of an assigned servant, tried as much as he could to help his former mates, and that, on the other hand, he could rely on their assistance.

"The flogging by the Jewboy of a squatter of Wollombi at the public triangle, and with the public flagellator's cat," said Boxall, "enshrined him as a hero in the heart of a certain class of the community"—the class of the convicts, servants and ticket-of-leave men to whom he belonged.

No wonder that these people acclaimed him and supported him wherever he went, and that the newspapers complained that "the Davis gang was doubtless helped by convict servants, as they showed great knowledge of the robbed establishments and families."¹²

— During the year 1840 the Jewboy gang committed numberless depredations. It was said that any man riding along the road near Murrurundi or Quirindi, or between these places and Tamworth, was almost certain to lose his horse and whatever property he might have about him.¹³

One of the stories told of Edward Davis was that he "rounded up" the chief constable of the district with a party of constables and volunteers who had gone out to seek for him, and, after having "yarded them like a mob of cattle," took their horses and whatever money they had and rode away.¹⁴

It is understandable that, under these circumstances, the common people in New South Wales, who never liked the "Cops," laid an aureole around the Jewboy's head, and that he encountered great sympathy, if not among the robbed settlers, but from the convicts and assigned servants, who, after all, made up a great part of the population at this time.

Whilst in 1839 the identity of the gang could often only be guessed, now that the gang seemed to be clearly identified, the Sydney press began, during the second half of 1840, to relate its exploits with more details than before.

Davis had obviously no scruples against robbing his

co-religionists. In November, 1840, he entered the inn of the well-known innkeeper, Henry Cohen, at Black Creek, near Maitland, "which," said the *Herald* on 23rd December, 1840, "is not only a public thoroughfare, but perhaps one of the most frequented roads of the Colony," and completely ransacked the place.

In this article, and in a previous one of 15th December dealing with this unexpected attack, the *Herald* mentioned expressly the obvious friendship between the Davis gang and the convicts and bullock-drivers of the district, most of whom were ticket-of-leave men. "On their arrival they shook hands with them, treated them to brandy and enquired after acquaintances, both male and female, and in fact showed such an understanding between the parties, that Mr. Day (the Police Magistrate of Muswellbrook) cancelled two of their tickets." The article also mentioned that the robbery at the inn took place in the presence of twenty-six men, the majority of whom were convicts.

It might also be of some interest that the correspondent of the *Herald* pointed out the "injurious influence of this bushranging on immigration," and said that "he knows a person who hesitated to recommend a voyage to this colony, only because of bushranging at the Hunter. . . ."

The complaints about the "bushrangers at the Hunter, Lake Macquarie and Maitland," where at least ten horses were stolen,¹⁵ some within a few miles from Maitland, became now numerous and very detailed. We find authentic reports about the Jewboy and his gang which make sometimes quite amusing reading. Take, for example, the story of good Dr. McKinlay as related in the *Herald* of 10th December, 1840, by a reporter from the Williams district :—

The bushrangers who were at Newcastle lately, and more recently at Pilchers' 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 29th November Dr. McKinlay, a medical man who was proceeding with a guide towards Mr. Chapman of the Grange, from Mr. Coar at Wallaringa, to visit a lady reported to be ill, was "bailed up" with his guide and commanded to "bundle back" to Mr. Coar's at Wallaringa again, otherwise his brains would be blown out. Being unarmed, he made no resistance. They all proceeded 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 intercession of Mr. Coar's man (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. They were detained prisoners until the morning and then marched off towards Mr. Chapman's.

Their (i.e., the bushrangers') attire was rather gaudy, as they wore broad-rimmed Manilla hats, turned up in front, with abundance of broad pink ribbons, satin neck-cloth, splendid brooches, all of them had rings and watches. One of them (a Jew, I believe) wore five rings. The bridles of the horses were also decorated with a profusion of pink ribbons. The leader was formerly an assigned servant to Edward Sparke Esq. of the Upper Hunter, and another (named Shea) was lately an assigned servant of Mr. Coar; the third, I believe, a Jew named Davis, a very wary, determined fellow.

[Here the correspondent of the *Herald* made a mistake, because it was Davis himself who had been Mr. Sparke's servant.]

They "bailed up" Mr. Chapman and his men in the backyard, but took nothing of consequence save two saddles, saddle-bags, bridles, tea, sugar, brandy, etc., and they caught 2 mares, when Robert Chitty, one of Mr. Chapman'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 that they have kept their word.

They then went on robbing the people on the highway. Immediately after they had left the Chapmans, they met a man of Mr. Lord's, of whom they took a horse and 11 shillings. They cut open a carpet bag which he had, then gave him a kick in the ribs and dismissed him. Then they met a Mr. Morrison from Namoi, whose horse they took. They then proceeded to Mr. Walker's at Brookfield, from whom they took about £37 in money and refreshments, and a mare from the Reverend Mr. Comrie who was present, but which they left on the road, not far off. After having robbed the station of Mr. Timothy Nolan, on whom they had a great "down," for they fixed a saddle on his back, flogged him and took £5, a horse and a gold watch, they tried to have their horses shod at a small settler's place, because the man was said to be a smith. They were however disappointed, because he had neither nails nor money. Back they went again to Walker's, had some refreshments; and the Dungog postman, chancing to pass through that direction at the time, they "bailed him 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 to him. They then made for Paterson, and in the afternoon robbed Mr. Jones (Settlers' Arms) of about L.30. They then crossed the river and have not since been heard of.

The correspondent complained then that there was no detachment of mounted police permanently stationed in the district. If such a troop would be provided, this

would be "the only sure method of eradicating recurrences of this nature."

In the same number of the *Herald*, a correspondent from Paterson reported that "the bushrangers are very troublesome in this district, and have shot many cattle and horses and otherwise harrassed the settlers."

No wonder the settlers complained after such a day "Well spent" by the bushrangers !

However, through this report of a man who was most certainly not on the side of the bushrangers, we gain the impression that these criminals were not hard-boiled robbers. Indeed, from the description we may say that they were juvenile delinquents, the forerunners of teddy-boys and bodgies, and that, although they were armed to the teeth, these arms were more used to frighten people and shoot cattle and sheep than for murderous purposes. And as to-day cars are stolen by boys and left somewhere on the road, so these young men—all of them, with few exceptions, like the 37-year-old Chitty, were between 20 and 30 years of age—stole horses and left them again to the owner. And yet, there is a profound difference between the bodgies and teddy-boys and the men of the Jewboy's gang. Davis and his men, in their romantic attire, felt themselves as the "Chevaliers of the road." They were gallant to the ladies and distributed part of their booty to their "brethren," the convict servants. I think, if it is not too much to say of them, that they at least tried to imitate Robin Hood.

On 26th December, 1840, the *Australian* reported from Wollombi :—

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.

On Friday 18th December 1840 six armed men entered the hut of Mr. Close's stockmen where they found the stockman and 2 constables who had been sent by Mr. Dunlop to the district, in bed.

They broke the constables' muskets, took their handcuffs, pouch-belts and ball-cartridges, 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 5 horses hobbled and tethered. The robbers having breakfasted on what appeared new made bread, etc., descended from the mountains and proceeded in the direction of Mr. Crawford's of Brown Muir, bringing with them the two constables handcuffed. On the way, they apprehended another person 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. The others proceeded to break open drawers, drinking themselves, and compelling all the

men and women to drink large quantities of wine and spirits. After remaining two or three hours, having 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.

The two constables, of course, went with them. As for these guardians of the law, one may hear what the *Herald* of the same day has to say of them :—

The conduct of the two Wollombi District constables on the premises was disgraceful to the extreme, worse possibly than that of the bushrangers; as the spirits etc. were handed out of the house by the 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.

One of Mr. Crawford's men they took out with them to point out the way to Mr. Crawford's establishment at Ettalong, from whence they took a horse, leaving another, and provisions, and after having the farm-bell taken down and broken, and after having their horses fed, making presents of tobacco to the servants, they proceeded to Glenmore. Here, strange to relate, the first intimation of their approach was Mrs. Davis (of Glenmore) exclaiming to Mr. Dunlop (the police magistrate of Maitland), who arrived about half an hour previously, "There is a drunken constable!" Mr. Dunlop started from the 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 to Mr. Dunlop, when instantly five others started forwards 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 and Mr. and Mrs. Davis imploring him not to sacrifice them as well as himself, Mr. Dunlop flung his pistols across the passage in the bed-room.

Mrs. Davis was a delicate lady within a few weeks of confinement, and a young lady, her friend, was in violent hysterics. Mr. Dunlop implored the ruffians on the ladies' account, but they replied, "Let them be 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 in 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 have presented a pistol at me, and I ought to shoot you." Mr. Dunlop 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 at Christmas day." After searching over the home and taking some rings and trinkets, they proceeded to despatch the eatables that were on the tables, making themselves free off the sideboards, and carrying out a considerable portion, which, it was afterwards evident, they distributed amongst Mr. Davis' convict servants.

They cracked their jokes with as much ease and familiarity as consisted with convict dignity, observing to Mr. Dunlop (at the same time applying a quizzing glass to his eye) it was the first time they had the pleasure of meeting him at dinner.¹⁶

Finding neither money nor arms in the house, Shea ordered two of the others to get the horses ready, and to be sure to take

the best. They chose three of Mr. Davis' best, leaving the same number, two of which they said were from Brisbane Waters, and "when we change yours, we'll tell you 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 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's public house, from whom they took L.13, robbing at the same time Mr. McDougall, on whom they inflicted 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 15 minutes, they proceeded to the Red House Inn on the Maitland Road, from whence they took a double-barrelled gun, a saddle and a small sum of 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 vain efforts to obtain men and arms, seeing that the pursuit of the bushrangers was useless under such circumstances, started for Maitland with Mr. Eyles and alarmed the mounted police, who, with the utmost alacrity, proceeded in what appeared the most efficient manner to track and search for the robbers. From observations made by one of the robbers to Mr. Davis, it is evident that an understanding exists between them and the convicts of the district.

The gang, which consisted at this time of seven members—Edward Davis, John Shea, John Marshall, James Everett, Robert Chitty, Richard Glanville, and a seventh man—was now near Maitland.

In the morning of Sunday, 20th December, Captain Horsley, of Woodbery, Hexham, on the Hunter River, about five miles from Maitland, was awakened by the barking of his dogs, when the bushrangers entered his house and forced him and his wife to get into bed, lie down and cover their faces with a pillow. They demanded the keys, and, on being told where to find them, opened drawers and cupboards, and made bundles of money, clothes, jewellery and plate. They collected all guns and pistols in the house and went off, being disturbed in their work.¹⁷

Later on in the day, they were all seen near the little township of Scone.

And now the short career of "Jew Davis," as according to the *Sydney Monitor* of 29th December, 1840, he was called in the district, drew to a dramatic end—a conclusion which he might have feared all the time, and which was, under the circumstances, probably inevitable.

We have seen that the gang was heavily armed, and that in several cases they had threatened people "to blow their brains out." But we have also seen that these words

were only empty threats, and that, so far, nobody had been killed by Davis or his men. Unlike all other Australian bushrangers, the Jewboy gang had so far avoided murder. There is not the slightest doubt that this was due to the personal influence of Davis.

As Mr. Stedman has rightly pointed out, it cannot have been the fear of capital punishment which induced Davis to refrain from shedding blood. "The punishment for continuous robbery on the highways would have been severe enough." They would have faced deportation to Norfolk Island, to a living death. Davis insisted that his companions should preserve clean hands, at least in respect to murder, and resort to violence only for the preservation of their own lives and liberty.¹⁸ "One can easily assume that there was still Jewishness enough in Edward Davis to respect the sanctity of human life, to think of the commandment, 'Thou shalt not kill.'"¹⁹

But his companions in crime, with all the respect for human life with which he might have imbued them, and in spite of all the warnings which he might have given them, were desperados and lost control of their nerves, and so the inevitable happened—murder.

On Monday, 21st December, at 4 o'clock in the morning, they²⁰ robbed Juranville, the seat of Mr. William Dangar, at 6 o'clock entered the village of Scone.

Various reports exist about the tragic events at Scone which led to the downfall of Edward Davis and his gang. There was at this time no provincial press to record such happenings, and either meagre or widely exaggerated accounts were, about a week later, rushed into print of the Sydney press.²¹

A clear picture of what has really happened can, however, be drawn from the depositions of the eyewitnesses given at the following inquest at Scone, the original minutes of which were fortunately preserved,²² or at the subsequent trial in Sydney.

At their arrival at St. Aubin, as this part of Scone was then called, the bushrangers divided. Marshall, Shea, Chitty, and the seventh member of the gang whose name cannot be with certainty ascertained—Mr. Clune calls him Bryant, but I have found no proof for this assertion—rode into Mr. Thomas Dangar's store yard, whilst Davis, Everett and Glanville entered Mr. Chivers' public house, the "St. Aubin Arms."²³ The inn was only separated from the store by the road, so that the bushrangers were still within

a call and within reach of each other, able to give assistance should there be any resistance.

When they entered the store, the storekeeper's clerk, a young man of 23 or 24 named John Graham, who had shortly before come to Australia from Inverness in Scotland, recognized them by their gaudy dress and at once suspected who they were, because he had already heard of their approach.²⁴ Graham took a pistol, the first thing that came to hand, and fired a shot at one of them.²⁵ Then he ran out of the store and directed his steps to the nearby lock-up to alarm the police. As the bushrangers saw this, one of them ran after him, pursued him about twenty yards and then fired at him. Graham staggered, but continued to run,²⁶ followed by the bushranger, who fired a second time at him. Graham fell down and expired after some minutes.²⁷ Shea later confessed that he had fired the shots.

Whilst this was going on, the party in the "St. Aubin Arms" took possession of the house, entered the various rooms and, after robbing them, took all firearms out and broke them outside the house. Mrs. Chivers later told the magistrate at the inquest how Glanville entered her bedroom and more or less forced her to hand over to him the money box, which contained £70.

Davis himself did not take part in the robbery of the house, but, as it suited him in his position as the leader, let his men do the dirty jobs. Whilst they were turning the house upside down, he chatted amiably with his involuntary hostess. And how he behaved may best be seen from Mrs. Chivers' account at the trial: "Davis was at the bar when I came out of my bedroom, and told me not to be afraid, as no one would hurt me. While standing at my bar, he did not offer any violence; they were all very civil, and said they would not hurt anyone. Davis might have been in my bar all the time and when the shots were fired."²⁸

Suddenly this idyll at the bar was interrupted by the shots outside.

After he had shot Graham, Shea returned to the store and sent Marshall on horseback after him. After Marshall had found Graham dead, he went to the public house. Reports about his conversation with his companions in the inn are contradictory. According to some reports, he was asked by one of his mates "if that man was alright," that is, if he was "settled," and Marshall answered that he

was.²⁹ Much more probable is, however, what Mrs. Chivers said about it at the inquest. "Whilst I was speaking with Davis," she told the magistrate, "Marshall came in and said, 'Is it alright here?' and Davis said, 'Yes.'" This is of some importance, because later at the trial the first version of the conversation was adopted and explained in such a way as to prove the mutual understanding of the bushrangers about the murder of Graham.

Nothing was, however, farther from the truth. The bravado with which Shea had killed the young man gave way almost immediately to great consternation and deep despair.

Davis, on hearing the report, came forward. He seemed to regret it very much and said: "I would give £1,000 that this had not happened; but as well a hundred now as one."³⁰ But the others claimed: "Now, as we have commenced murdering, it matters little what may follow, as our lives are at last forfeited." Davis was perfectly aware that this was the end of his adventure.

They hastily made a bundle of such articles as took their fancy and left the township. The time from their first arrival until they went away, according to the statement by Mr. James Jushan at the inquest, did not exceed twenty minutes.

Mr. Boxall tells us that they then went to Captain Pike's station and seized the overseer, taking him with them. When they were far enough in the bush, they formed themselves into a "court" and tried him for "want of feeling." He was found guilty and sentenced to receive three dozen lashes, "which he got in good style."

As this tale by Mr. Boxall is not to be found in any newspaper reports of these days, and as neither Captain Pike nor his overseer were later called as witnesses at the trial, this episode had probably taken place at an earlier period. The bushrangers were now surely not in the mood for such pranks, and, above all, they were in a hurry to get away.

The *Herald* reported³¹ that they went from Scone at about 9 a.m. to Messrs. Paterson and Goldfinch, whom they plundered; then to James Norrie, whom they robbed of money and where they had breakfast, for which they paid him £1!

Later, at the trial, Paterson deposed that the bushrangers were very agitated; and Norrie told the court that Davis had told him to go into the house, as he would shoot

a man in a moment—they had shot one already. But under cross-examination he had to recognize that it might not have been Davis who had said that, but one of the others.³²

They told Norrie to look out and give them warning if he saw anyone coming from the same direction they came from. They were extremely nervous. After feeding their horses, they went towards the ranges and robbed two young men on the road with cattle, and took their fire-arms and money.

They still wore their "gaudy dress," "Leghorns and Manilla hats, decorated with red and pink ribbons," but it was not any more a gay ride into adventure—it was a gloomy procession, and one of them, "Ruggy," which was Everett's nickname,³³ "wore the death flag, showing no quarters, being a black handkerchief attached to his hat." About noon they arrived at Atkinson's Page River Inn, which they had robbed three weeks before. There were about thirty people, whom they divided between the house, the verandah, and the store which they robbed. They took refreshments at the inn, had their horses well groomed, and then proceeded to the plains.³⁴

They went to one of their hiding places, the so-called Doughboy Hollow, near Murrurundi, six miles from the Page River and thirty miles from Scone. They knew that they would most certainly be followed and that the police were after them. If the Police Magistrate of Scone, Mr. Robertson, who was later heavily attacked by the press for his inertness in the whole affair, did not pursue them, Mr. Holden, Police Chief of Brisbane Waters, and Mr. Dunlop of the Wollombi District, who had not forgotten the insult inflicted on him, were on the march, and so was a troop from Sydney. So far they had escaped the police by a simple stratagem. After the news of their continuous robberies in the Hunter District had reached Sydney, a party of mounted police had left Sydney on 19th December and had made forced marches (as they thought) upon the bushrangers. But Davis or some of his gang got intelligence of their pursuers, and they accordingly obtained fresh horses 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. None of these troops was able to find them.

But they found their master in Captain Edward Denny Day. Captain Day, a former officer of the 46th

and 62nd Regiments,³⁶ had, after his discharge in October, 1837, been appointed Police Magistrate at Muswellbrook. In March, 1838, he purchased land in Maitland and went there to live and farm. On 20th December, 1840, Mr. Day was on private business at Muswellbrook when he received the information of the whereabouts of the Davis gang. There was at this time no police magistrate at Muswellbrook. Davis heard that the bushrangers had visited the station of Sir Francis Forbes, three miles from the place. Mr. Day was a very resolute man. He immediately requested the co-operation of the settlers in the pursuit, and on Monday, the 21st, was joined by Mr. Edward White, Mr. Richard Dangar, Mr. Sinken, the Chief Constable, and five ticket-of-leave men—John Nolan, Peter Daw, Martin Kelly, William Evans and William Walker. Martin Donohue, an assigned servant, and a black boy as tracker completed the party. After five miles, he was informed that the bushrangers had crossed the Hunter River at Aberdeen the previous night, and when the party crossed the river it was reached by a man from Scone reporting the tragic events of the early morning.

On hearing this, Day proceeded at once to Scone and to the Court House, where Mr. Robertson, the Police Magistrate, and two other Magistrates were sitting. However, no great assistance was given to him by these authorities, whose attitude remains inexplicable to this day. He could not even obtain a new horse. One can only guess that the Magistrates and the settlers at Scone were still afraid the bushrangers might return and take revenge if they helped the pursuers. They obviously believed that it was impossible to apprehend these men, who for two years had escaped any attempt by the police to capture them. Mr. Day was now joined by four more men—Mr. E. Warland, two ticket-of-leave men (R. Evans and John Teely), and one of the Border Policemen. The party went down to the Page River, where they halted after a 25-mile ride. They were drenched by rain. The arms were wet and had to be dried and re-loaded. Here they were joined by Dr. Gill, and proceeded now over the Liverpool Range to the Doughboy Hollow, which was about six miles from the Page River.

It was six o'clock in the afternoon when they fell upon the bushrangers. When Mr. Day and his party arrived at the clearing, they saw some drags, a fire, and some horses tethered, and a number of men in shirt sleeves. As the

bushrangers later told him, they had not expected to be pursued this day, but, because they thought that the whole country would be up in arms against them the next day, they had intended to leave their camp at sunset that evening. They must, however, have realised that the days of easy roaming through the country were over, because Davis was employed making balls and casting cartridges.³⁷

Day and his men dashed on them at full gallop, in a real wild-west manner, cheering as they went. When Davis saw them arrive he knew that the game was up, and he and his gang made a desperate stand.

The bushrangers fought in a most determined manner. They stood to their arms, and some of them took to the trees. Shea and Everett ascended a hill overlooking the combat, and fired from there. Davis rushed to the opposite side of the gully in order to cover himself from the fire, and opened fire from there.³⁸ And now it came to a "duel" between the two leaders.

"I fired," said Mr. Day, deposing at the trial,³⁹ "and he returned it at me. After he got under the cover of the tree, he fired again at me, resting the gun on the fork of the tree." One of Davis' balls grazed Mr. Day's ear, whilst Davis himself was wounded in the shoulder. Marshall also was wounded. It was quickly over. The bushrangers had to surrender when they run out of ammunition. They were not prepared for a long siege, and, although they had many guns, they had only few balls. Chitty was taken first. Five of the gang, including Davis, were taken in five minutes. Glanville got away, but was captured the next morning five miles from the spot, being tracked down by the black boy who had accompanied Mr. Day's party. The seventh man of the gang escaped, although some papers asserted that he was mortally wounded.⁴⁰

Although the *Australian* reported that, according to its informants, Mr. Day had obtained possession of £500 in cash and of 50 guns, the *Monitor*⁴¹ warned the public that the "property said to be taken from various stations by Davis' gang is much exaggerated." In reality, not much more than £70 was found on them, as well as some trinkets, eleven guns and about 20 pistols, which were probably merely "decorations" belonging to their attire, as they had no ammunition for them.⁴² In a letter to the Attorney-General, despatched on 26th April, 1841, by the Police Office at Scone, Mr. George Chivers, publican at



"STUCK UP"

St. Aubin, later claimed that "the £70 found in possession of the bushrangers was the same money which had been taken by them the same day from his money box," and asked for its return.⁴³

This leaves the question open : What had happened to all the money, plate, and other things which Davis and his gang were supposed to have collected by their robberies ? They cannot well have spent all this money. The truth was probably that either these reports about their robberies had been grossly exaggerated and the bushrangers had in reality only taken what they needed to subsist, or that they had distributed part of their spoil among convicts and assigned servants, as they had done with provisions and other objects.

After the capture, Mr. Day did not hold out any inducements to them to confess. This was not necessary, because they were communicative and kept him awake all night. Davis and Marshall gave him the history of their proceedings voluntarily, after he had taken down their names. Shea confessed that he had shot Graham, and no one else. More than one of them said that up till that morning they had done nothing to affect their lives, and Davis pleaded over and over again that he had always been opposed to the shedding of blood, for, he said, if they did so, they would not reign a week. As he said this, he turned to his comrades, looked at them and exclaimed bitterly : "You see, we have not reigned a day."

The next morning the six bushrangers were taken back to Scone, and on 23rd December, 1840, in the presence of Mr. J. A. Robertson, J.P., Police Magistrate at Scone, an inquest was held on the death of the unfortunate Mr. Graham, and they were charged with murder and robbery.⁴⁴ Mr. Robertson, who had done nothing to assist Mr. Day—and the papers said that Mr. Day refused to sit beside him—was unable to commit the bushrangers from the Scone Bench, and on the insistence of Mr. Day the case was remanded to Muswellbrook and the depositions forwarded to the Police Magistrate of that town.⁴⁵

The bushrangers were taken to Muswellbrook and committed there on 24th December, 1840.⁴⁶ The affair was, however, taken out of the hands of the local Magistrates and transferred to Sydney.

Mr. Day was lauded everywhere for his resoluteness, and later presented by the residents of the Scone District with a service of plate for his gallantry.⁴⁷

When the news of the capture of the bushrangers arrived in Sydney, a party of mounted police from Brisbane Waters was sent immediately to the Maitland District, and Davis and his gang were handed over to them. Under the escort of Lieutenant Chambrie, Sergeant Pheany, and two troopers, they were brought to Sydney, and on 29th December, at one o'clock in the morning, lodged in Sydney Gaol.

The capture made a great noise in Sydney, and the *Sydney Herald* of 30th December suggested that, "in view of their serious crimes, a 'Special Commission' should be issued to try them, that, if they were found guilty, they should be executed near the spot where they murdered Mr. Graham, and they should be not kept in gaol until the ordinary sessions."

This suggestion, however, did not find favour in the eyes of the Magistrates, and the ordinary course of justice was followed.

On 24th February, 1841, the gang was committed for trial at the Supreme Court before the Chief Justice, Mr. Justice Dowling, and a jury of twelve. The trial attracted great attention. An unusual number of assigned servants and ticket-of-leave holders was observed intently listening to the proceedings.⁴⁸

The newspapers mentioned expressly that the prisoners appeared in the dock in prison garb, with the exception of Davis, who wore a black suit. Davis was also the only one who had a counsel for the defence. Mr. Purefoy appeared for Davis, and tried in vain to save his life.

One may well ask who had given him the dark suit, and who had paid the expenses of the lawyer. I believe that we can quite surely assume that it was the Jewish community, less probably from a sentiment of solidarity with Davis than to spare the community the disgrace of seeing for the first time in the history of the colony a Jew hanged in public in Sydney.

John Shea was indicted for the wilful murder of John Graham, and the others—Edward Davis (otherwise Wilkinson), John Marshall, James Everett, Robert Chitty and Richard Glanville—were indicted for being present, aiding, abetting and assisting in the commission of the murder committed by some person unknown, and all the prisoners were charged as accessories.

The Attorney-General, stating the case, pointed out that the whole of the prisoners were convicts assigned to

different settlers. They had, he said, set no value on the fact which had assured them a leniency and kindness unknown to the law except in modern times, but had combined together to keep the whole country, from the sea coast to the Liverpool Ranges, in a state of terror and confusion.

The worthy lawyer, in praising the system of assigned servants, had obviously overlooked the fact that an assigned servant was often very harshly treated by his master.

Tracing the progress of the bushrangers, he said that, after scouring the country with an audacity that has never been equalled, decorating themselves with ribbons and, when one of the horses was tired, taking another, they at length had arrived at Scone, a small township 184 miles north of Sydney. Relating the incident in which Mr. Graham was killed, he pointed out that Davis was "a sort of a leader," and that no matter who fired the shot at Graham they were all equally guilty as aiders and abettors, no matter what part they took in the transaction. Whether Graham had fired the first shot or not made no difference, he said, for when a party of men leave their service and go out on an expedition of this kind they are beyond the pale of the law, to this extent, that every man is armed with authority to apprehend a bushranger, and to do so has all the authority of an officer of justice.

After that, Mr. Day deposed and gave an account of the capture. Cross-examined by Davis' counsel, Mr. Day readily admitted that Davis had said to him that he had always been opposed to the shedding of blood, and that he had ordered his men not to shed blood. But with this crime, they had committed, said Mr. Day, an offence which forfeited their lives; there was no use in concealing it. They all had said after their capture that they would rather be hanged than go for life to the dreaded Norfolk Island.

Several witnesses were then heard, and the previously related account by Mrs. Chivers threw a significant light on Davis' personality. It seemed clear from Mr. Day's deposition that Davis had not been present at Mr. Dangar's store when the murder was committed, and this gave Mr. Purefoy material for his defence of Davis. After Messrs. Paterson and Norrie had been heard, the case for the Crown was closed.

Mr. Purefoy now, "in an able address on behalf of Davis," contended that there was no evidence of such a

constructive presence as would warrant the jury in finding his client being guilty of being present, aiding and abetting. He insisted on the distance between the houses as a proof that no such constructive presence had been made out, as was necessary to warrant his client being found guilty of the alleged aiding and abetting the murder. He called on the jury to give the benefit of any doubt they might have respecting the guilt of the prisoner to his client.

Davis then stated that he had subpoenaed a witness named Walker; he was called, but did not appear.

The Attorney-General, in reply, said that he would restrict his observations to the case of Davis. It was proved, he said, that at the time of the murder Davis was aiding and abetting, so far as to be acting as a sentry for the parties bailed up in Mr. Chivers' bar when the murder was committed. 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 felony 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 equally guilty as accomplices.

The Chief Justice, in putting then the case to the jury, said that it was the most serious case which had been presented to the Court during the last three or four criminal sessions. He stressed the same points as the Attorney-General, and emphasised the fact that it was obvious that both attacks—that on Dangar's and that on Chivers' premises—had been planned by the same gang and carried simultaneously into effect. He concluded by informing the jury that, if they entertained any well-grounded doubts of the guilt of any of the prisoners, that they should give them the benefit of it; but that at the same time they were bound to apply the evidence to the count charged in the indictment, and, if they found that the latter was established, to find the prisoners guilty.

The jury retired at 6.15 p.m., and returned at 7.30 p.m. with the verdict of guilty against all the prisoners.

After silence had been proclaimed, the Chief Justice placed the black cap on his head, called over the prisoners by name, and informed them that the last scene but one of their guilty career had now arrived. In a lengthy discourse, he spoke of the unlawfulness of their doings. He closed by saying that some of them had said they would prefer

the doom to that of being transported to Norfolk Island. Their awful wish, he could assure them, would be gratified in order to make an example of them to deter others from pursuing such a course of guilt and crime as they plunged into. He trusted that they would employ the few moments which were still granted them to make peace with their Creator. His Honour then passed sentence of death on the prisoners in the usual form.

The prisoners, especially Davis, had not expected this verdict. During the course of the day, 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 were retired to consider their verdict, these three appeared to be quite unconcerned, laughing and chatting to such of their friends and acquaintances as they recognized 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 with being the cause of their ruin, but also with being the means of injuring some parties who had harboured and otherwise assisted them.

From this it became clear that the "Robin Hood" attitude of Edward Davis had brought to him the friendship of many of the assigned servants who, as related before, had filled the room in which the trial was held. That, on the other hand, his companions in crime, whose ideal he had been until this day, fell upon him, is not astonishing. Now, the "Jew Davis" had to be the scape-goat and the source of all trouble, as so often in history.

"When Davis heard the sentence, he was seen to shed tears, while some of the others, observing Mr. Lane, the Superintendent of Hyde Park Barracks, in court, vented their anger in wishing he might break his neck. The prisoners were removed to gaol about 14 minutes after sentence had been passed, each pair being handcuffed between 3 constables and some hundred persons marching along with them. . . .⁴⁸

Time went on, and the date of the execution approached. The friends of Davis, however, had not yet given up hope of saving his life. We read in the *Australian* of 13th March, 1841 :—

The Hunter River bushrangers who are under sentence of execution, were warned by the Sheriff not to entertain the smallest hope that the order for their execution would either be deferred or rescinded. The Executive Council which sat relative to this case, on receiving the Judge's report, were unanimously of the 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. We learn that a very urgent appeal has been made to the Executive Council particularly on behalf of Davis. The friends of this unhappy criminal relied mainly on the point adduced in evidence that he was adverse to the shedding of blood, but the Council in having their attention addressed to the point, immediately referred to the evidence of Mr. Day, who swore that Davis placed a musket in the fork of a tree, and took deliberately aim at him twice to take his life.

So for the *Australian*. According to Mr. Frank Clune, "Sydney sentimentalists had attempted to have the bushrangers reprieved."

The Minutes of the Executive Council⁴⁹ reveal, however, that it was the Governor himself⁵⁰—maybe under public pressure or on behalf of influential members of the Jewish community—who tabled a report of the Chief Justice about the case, and "that a petition from one of the bushrangers, Edward Davis, was laid upon the table." It seems, therefore, that Davis himself originated the petition, probably on the advice of his counsel. "The Council, after an attentive and mature consideration of the cases of the several prisoners," decided, however, that "the sentence of the law be allowed to take its course."

A curious fact about these Minutes is that, contrary to all other minutes, they are not dated and bear the very unusual notation, "Members present not given." Did the members of the Executive Council shirk the responsibility of the condemnation? If the Council refused to reprieve Davis for the reasons mentioned in the article of the *Australian*, it had reason for this attitude, because these reasons were very lame. The fact that Davis had fired on Mr. Day when he was attacked stands in no relation to the murder of John Graham, at which he had not even been present and which he had sincerely condemned and regretted. It seems that the *Australian* also was not too sure about the question if justice would be done in executing Davis, who was obviously innocent of Graham's death, because the paper finished its article saying: "We hate public executions, but the question arises whether the public justice of the country would be satisfied by fore-

going the Judge's sentence. For the present we forgo answer."

After the Executive Council had spoken, there was no hope any more, and on 16th March, 1841, the bushrangers were led to the gallows at the rear of the old Sydney Gaol in Lower George Street. The scaffold was erected over the footpath in Harrington Street.

The execution proved to be a great spectacle for the population. With difficulty only had the journalists succeeded in entering the prison. Let us hear the *Australian's* reporter :—

Long before the hour named for bringing the culprits from their cells, to be placed on the last stage which they were destined to tread, the gallows yard was thronged with persons who had availed themselves of their acquaintance with the gaoler, to obtain admittance. At half past eight o'clock about the gaol doors were congregated a dense group of persons who edged in abreast and defied a passage or approach of the gaol doors. At nine o'clock the Captain's guard was drawn up. The yard was emptied of its prison inhabitants and the two sides being roped off, presented a wide and ample theatre in which the last sad solemnities of a scene were to be enacted, to which a concourse of some thousand spectators from without and within had been collected. The neighbouring Church Bell tolled, which was the signal. The Reverend M. Cowper appeared, leading or rather conducting Marshall, Everett, Chitty and Glanville; Shea was accompanied by the Reverend Father M. Murphy and Davis by Mr. Isaacs, the reader of the Synagogue. Davis was attired in a black suit. The other culprits appeared in the usual prison dress assumed on public executions.

Decidedly this was the most pitiable and melancholy exhibition of its kind. They were all young men. On this trial there was a degree of recklessness and hardihood manifested; not so now—if for five of these unhappy men, it may be judged from the fervour of their devotions, greater manifestations of penitence were never displayed, nor could any Christian minister record of the awful obligation enjoined on him, to cultivate repentance, a death scene more contrite. Davis, in truth, it must be said, appeared with a mind unsettled; the enquiring eye turning in glances round the yard, and then upon the group of some hundreds of spectators assembled on the hill above, seemingly in search and recognition of some friend or acquaintance. In health and strength and energies, to all which the buoyancy of almost youth, scarcely arrived at the prime of manhood, these six unhappy men saw placed before them their coffins, and suspended from the beam of the scaffold the ropes. The Deputy Sheriff read the warrant, that further time could not be stayed, the culprits rose and one by one mounted the platform. Davis remained last.⁵¹

All the culprits, except Everett, deeply lamented their having committed the crimes and acknowledged the justice of their sentence. Everett ascended the scaffold hurriedly and in an evident state of excitement. He was followed by Chitty, Marshall and Glanville, all three of whom sung spontaneously the Morning Hymn, found in many editions of the Protestant Book of Common Prayer, "Awake

my soul and with the sun." 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 Davis thank the Jewish minister for the attention paid to him in his last minutes.⁵²

None of the culprits spoke a word to the multitude assembled to witness their exit from this world.⁵³ The men met their death with firmness and resignation and showed great contrition for their past deeds and wickedness.⁵⁴

There is in the Mitchell Library an old newspaper cutting with an obituary for Mr. William George Mathews, who had arrived in the colony as a free settler in 1834 and became Overseer of Convicts, and later a gaol clerk. In his obituary it was stated that he had acted as a gaol clerk at this execution, and that "on more than one occasion he had detailed the particulars of the scene." According to Mr. Mathews, one of the culprits, probably Everitt, "behaved with great levity." "He flung his shoes among the persons assembled, saying that he would make a liar of his mother, who always said that he would die in his shoes, meaning that he would be hanged." Of Davis, Mr. Mathews said that he "was the only repentant man of them."⁵⁵

Mr. Frank Clune tells a story which stands in a strong contrast to all contemporary reports. "On the scaffold," he tells us, "the Jewboy asked the hangman for a smoke. 'I'd like to have a whiff before I leave for Kingdom come,' said he, and the hangman obliged him."⁵⁶ I have found this story nowhere confirmed. Apart from the contradictory reports of all eye witnesses, it is hard to believe that a man like Davis, who remained a Jew to the last minute of his life, should have used words which occur only in the terminology of the Christian ritual.

All of the witnesses were deeply impressed. "It was a horrible sight," said another eye witness, Mr. Morris Asher, in his *Reminiscences of an Octogenarian*.⁵⁷ "All the men were good-looking young fellows. They were all repentant, and said that it was through bad treatment that they took to the bush. This doubtless was so, for the treatment of prisoners generally in those days was, to say the least, very cruel."

"The clergymen having remained with the wretched men, as long as the terms of the warrant would allow, the

executioner proceeded to his office of placing the caps over their faces and thereby closing upon them for ever the light of this world. At this dreadful juncture, the clergymen attendant, two of whom were observed with tears trickling down their aged cheeks, took an affectionate farewell. The signal being given by the Deputy Sheriff, the bolt was of a sudden withdrawn and the six misguided young men were launched into eternity."⁵⁸

"The struggles of all the men were of short duration."⁵⁹ "The bodies, having hanged the usual time, were consigned to the respective coffins."⁶⁰ "The immense crowd dispersed peacefully."

In Mr. Stedman's article there is a quotation from the *Australian* of 17th March, 1841, as follows: "At 12 o'clock an open cart moved off from the jail. In it were six coffins, uncovered, huddled across one another, and on the lid, in chalk, the names of the dead occupant. Up George Street they jolted, the bodies being scarcely cold—no ceremony, no decency, like bales of goods to a warehouse."

The gloomy description might have been true. I have, however, looked in vain for the quotation in the *Australian* of 17th March, for the simple reason that this newspaper did not appear on this date, and I have not found this account in any of the Sydney newspapers. Mr. Stedman concluded his story in saying that the six men were buried in one grave at the Sandhills, now Devonshire Street, the cemetery of the poor and the nameless. Convicts covered up the graves, and the story of the Jewboy bushranger became history.

In reading this story, I wondered that the Jewish community, which had obviously done its utmost to save Davis' life, should have allowed his burial in a common grave together with his Gentile companions. But the Devonshire Street Cemetery had long ceased to exist, and it seemed that one would have to accept Mr. Stedman's account.

In 1955, however, a plan of the Jewish section of the Devonshire Street Cemetery, which was by no means only a cemetery of the "poor and nameless," as it was in 1844, was discovered by workmen under the vestibule of the Great Synagogue. On this plan, Edward Davis is shown as buried by himself in a corner of the graveyard, and the date of death is the date of his execution. So Edward Davis had in death been united with his people.

What shall we say about him ? How shall we judge him ? Was he really a criminal ? Did he deserve his fate ?

What we know about him shows him as not very much more than a misguided youth who, during his career of delinquency, had yet preserved a certain dignity which might have been inspired by the Jewish teachings of his early life.



SIR JAMES DOWLING
Chief Justice of New South Wales.

He was not only a belated Robin Hood who thought that he would be allowed to play the benefactor to his suffering brethren ; he was also the victim of an antiquated system and of particular circumstances, and maybe even of false interpretation of the law. In his struggle for freedom he was a pathetic personality.

I would like to close this story with the quotation of a letter which a contemporary of Edward Davis, the bush-

ranger Westwood, called "Jacky-Jacky," and like him a youth transported at the age of 16, wrote from the condemned cell to a former chaplain :—

"The spirit of the British Law is reformatory. Years of sad experience should have told them that, instead of reforming, the wretched man, under the present system, led by example on the one hand, and driven by despair and tyranny on the other, goes from bad to worse, till at length he is ruined body and soul. Out of the bitter cup of misery I have drunk, from my sixteenth year, ten long years. The sweetest draught is that which takes away the misery of a living death. It is the friend that deceives no man. All will then be quiet. No tyrant will there disturb my repose."

"What can," asked Mr. W. F. Fitchett in his *Story of the Bushrangers*,⁶¹ "be said of a system which branded an English boy of sixteen as a convict and in the brief space of ten years set him on the gallows with the rope around his neck and such a message as the sentence I have quoted on his lips?"

ACKNOWLEDGMENT.

I wish to acknowledge the valuable assistance given me by Miss P. Mander-Jones, Librarian of the Mitchell Library, Sydney, and by the Trustees and the Staff of the Mitchell Library, and I am also very much indebted to the following persons for their help : Mr. D. J. Benjamin; Mr. A. J. Gray, Hon. Registrar, Royal Australian Historical Society, Sydney; Mr. F. W. Harrison, M.A., LL.B., Town Clerk of Gravesend, England; Mr. E. M. Moore, Borough Librarian of the Central Public Library, Gravesend, England; and Dr. Cecil Roth, Oxford, England. The photographs which illustrate this paper have been made available by courtesy of the Mitchell Library.

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- ¹ *Australian Jewish Forum*, Vol. VIII., No. 67, p. 21.
- ² *Sydney Jewish News*, February 10, 1956.
- ³ e.g. George E. Boxall : *History of the Australian Bushranger* (London, 1899).
- ⁴ Old Bailey Sessions Papers, 1831-2, p. 381.
- ⁵ Mr. Stedman stated that Davis arrived in 1833 on the ship *Sophia*. This is an error. The *Sophia* arrived in Sydney on July 16, 1832 (*The Australian*, July 20, 1832). No record could be found of this ship touching Sydney in 1833.
- ⁶ Two convicts had died during the journey.
- ⁷ Gabey, of whom nothing more is known, died in 1844.
- ⁸ "Indent of Convict Ships, 1832-33," pp. 171-2 (MS. in the Mitchell Library). Davis had Standing No. 33-493, Indent No. 122. "Names and Descriptions of all Male and Female Convicts arrived in the Colony of New South Wales during the year 1833," pp. 29-30 (with permission of the Trustees of the Mitchell Library).

- 9 Hanns Ebensten : *Pierced Hearts and True Love—History of the Origin and Development of European Tattooing* (London, 1953).
- 10 Boxall, *op. cit.*
- 11 Stedman, *op. cit.*
- 12 *Sydney Herald*, December 8, 1839.
- 13 Boxall.
- 14 W. H. Fitchett : "The Story of the Bushrangers" in *Life*, 1909, p. 492.
- 15 *Sydney Herald*, December 8, 1840.
- 16 *Ibid*, December 26, 1840.
- 17 Boxall, *op. cit.*
- 18 F. J. B., "Historic Maitland" : *Sydney Mail*, May 2, 1906.
- 19 Stedman, *op. cit.*
- 20 *Sydney Herald*, December 29, 1840.
- 21 The first newspaper at Maitland appeared shortly after these events in 1841.
- 22 See *Scone Advocate*, 1920.
- 23 Testimonial of Joseph Chivers at the inquest at Scone on December 23, 1840 (*Scone Advocate*, August 20, 1920).
- 24 *Sydney Herald*, December 29, 1840; *Australian* December 23, 1840.
- 25 *Sydney Herald*, December 31, 1840.
- 26 Testimonial of William Day, cook to Mr. Chivers, at the inquest.
- 27 On the west wall of the Church of St. Luke at Scone is a memorial tablet dedicated to the memory of John Graham.
- 28 *Sydney Herald*, February 25, 1841.
- 29 Deposition of William Day at inquest.
- 30 *Sydney Herald*, December 26, 1840; *Australian*, December 29, 1840.
- 31 *Sydney Herald*, December 29, 1840.
- 32 *Australian*, February 25, 1841.
- 33 That "Ruggy" was not the surname of an imaginary eighth member of the gang, as Mr. Clune believed, but Everett's nickname, becomes absolutely clear from Mrs. Chivers' deposition at the inquest.
- 34 *Herald*, December 29, 1840.
- 36 Ben W. Champion : *Captain Edward Denny Day, of the 46th and 62nd Regiments*.
- 37 *Sydney Herald*, December 29, 1840; *Australian*, December 25, 1841.
- 38 *Sydney Herald*, December 31, 1840.
- 39 Deposition of Mr. Day at trial : *Sydney Herald*, February 25, 1841; *Australian*, February 25, 1841.
- 40 Mr. Clune stated that the gang had eight members, and that two escaped. But he counted "Ruggy" as one of them. (See 33.)
- 41 *Sydney Monitor*, December 29, 1840.
- 42 Deposition of Mr. Day at trial.
- 43 *Scone Advocate*, August 3, 1920. Smith : *Peeps at the Past*.
- 44 *Scone Advocate*, August 20, 1920.
- 45 *Ibid*.
- 46 *Herald*, December 31, 1840.
- 47 *Herald*, February 25, 1841.
- 48 *Herald*, March 25, 1841.
- 49 Minutes of the Executive Council, Vol. 5 (1837-1841). Minute No. 6.

⁵⁰ Text of the minutes is as follows: "His Excellency the Governor laid upon the Council the Report of His Honor the Chief Justice on the case of six prisoners capitally convicted before him at the Criminal Sessions of the Supreme Court in which sentence of death has been passed and His Honor being introduced explained the circumstances attending those cases. The Council after an attentive and mature consideration of the cases of the several prisoners and of a petition from one of them Edward Davis which was laid upon the table by His Excellency advised as follows. John Shea, convicted of the wilful murder of John Graham, and John Marshall, Edward Everett, Edward Davis, Robert Chitty and Richard Glanville convicted of being present, aiding and abetting the murder all sentenced to suffer death, that the sentence of the Law be allowed to take its course. Assembled at 2 o'clock, adjourned sine die."

⁵¹ *The Australian*, March 18, 1841.

⁵² *Ibid.*

⁵³ *Sydney Herald*, March 17, 1841.

⁵⁴ *Sydney Monitor and Commercial Advertiser*, March 17, 1841.

⁵⁵ Mitchell Library Newspaper Cuttings, Vol. 116, p. 110 (F991, 1, N.).

⁵⁶ Frank Clune: *Wild Colonial Boys*, p. 72.

⁵⁷ *Sydney Mail*, July 31, 1907.

⁵⁸ *Australian*, March 18, 1841.

⁵⁹ *Herald*, March 17, 1841.

⁶⁰ *Australian*, March 18, 1841.

⁶¹ *Life*, 1910, pp. 491-2.