

‘Who’ll come a Waltzing Matilda with me?’  
Stock Theft and Colonial Relations in  
Van Diemen’s Land.

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A thesis submitted as part of the requirements for the degree of  
Bachelor of Arts with Honours in History  
School of History and Classics  
University of Tasmania  
November, 2002

I certify that this thesis is all my own work, except as indicated and acknowledged, and that I have not submitted it for any other award.

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~ Introduction ~  
‘History on the hoof’

Between 1787 and 1852, 16,280 men and 920 women were transported from Britain to Australia for the crime of stock theft.<sup>1</sup> The majority of the men, 10,280 were from England, aged in their early twenties and were single.<sup>2</sup> 100 women and 6,240 men were sentenced to transportation for life for these crimes.<sup>3</sup> It is somewhat ironic that they should become the founding fathers and mothers of a nation, which should celebrate stock theft as one of its key iconic symbols. The words of ‘Waltzing Matilda’ describe in verse the complex and often ambivalent role that stock and stock theft played in forging colonial social relations. All of these are themes which are central to this thesis. It focuses on these issues, in a more broader sense and argues that sheep, cattle and horses were a form of property around which many social, economical and political relations were based. Furthermore, it explores the fact that stock was an especially important delineator of social relations on the colonial frontier. It is a story that transcends the usual boundaries of class and race, but it does not preclude them either.

Livestock, in colonial Van Diemen’s Land represented more than just the obvious. They represented the medium through which people bettered their lives. They represented an ‘El Dorado’, equivalent to gold in a largely cashless society, and helped people achieve their dreams through the status and the opportunity they conveyed. Like other moveable property, livestock could be traded either legitimately or illegitimately through stock theft and black markets. This is not a ‘moral’ story. Stock in great numbers were driven off to be slaughtered or sold again. This, however, forged an identity, not merely in terms of the physical act itself, but more in terms of what it represented.

This is where the myth of ‘El Dorado’ and livestock have unlikely parallels. Their link is in the fact that just as the name ‘El Dorado’ ‘...has come to be applied to ... opportunities for acquiring sudden wealth’,<sup>4</sup> livestock also represented this. Stock symbolised the same ideals, but were utilised by the people who contested them for

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<sup>1</sup> L.L.Robson, *The Convict Settlers of Australia: An Enquiry into the Origin and Characters of the Convicts Transported to New South Wales and Van Diemen’s Land, 1787-1852* (Melbourne, 1965), pp.192, 187.

<sup>2</sup> *Ibid*, pp.195, 197.

<sup>3</sup> *Ibid*, pp.205, 194.

<sup>4</sup> <http://www.eldoradoinc.com>.

different reasons. They assisted in opening up new pastures. Simon Cubit contends that cattle were one of the most significant suppliers of information of the area between the Mersey and Meander.<sup>5</sup> He further claims that Bengal cattle flourished in the climate which prompted settlers to push the frontiers in search of new land.<sup>6</sup> John West also supports this idea, stating that wild cattle were better guides than hunters were.<sup>7</sup> In 1824, on the Meander, only two herds of cattle and one of sheep were pastured west of the river.<sup>8</sup> Three years later, there was an estimated twenty thousand head of cattle grazed on the Western rivers and on all the significant plains on the Westward.<sup>9</sup>

The geographical boundaries of this thesis are limited to those of the colony itself. A time frame has also been applied to concentrate on a specific instance in the colony's history. In two decades, between 1820 and 1830, Van Diemen's Land experienced considerable upheavals and disruptions to society. The prevalence of bushranging meant that most of the colony was in a state of anxiety in the 1820s. From 1824-1831, the colony experienced its' own 'Seven Year War', as the expansion of settlement into the Midlands was vigorously contested by the Aboriginal inhabitants of the island. This was a period that also saw the introduction of the post-Bigge report assignment system which changed the direction of the colony, and enabled a land owning gentry to establish themselves.

Due to the constraints of time, some broader aspects of the study have not been included in this discussion. Primarily this includes the killing of stock as a means of resistance by the Aboriginal peoples of Tasmania who, for over twenty thousand years, had been the custodians of the land. They had fired the plains as a method of hunting and in doing so encouraged regeneration. They engaged in land management practices which ensured the land and all it supported was never exhausted. However their claim to the land was challenged by European settlement in general and the post-1820 pastoral expansion into the Midlands in particular. Aboriginal peoples resisted this incursion in a

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<sup>5</sup> S.Cubit, 'Squatters and Opportunists: Occupation of Land to the Westward to 1830', *Tasmanian Historical Research Association* 34, no.1 (1987), p.9.

<sup>6</sup> *Ibid.*

<sup>7</sup> J. West, *History of Tasmania, with copious information respecting the colony of New South Wales Victoria South Australia &c. &c. &c.* (Sydney, 1971), p.59.

<sup>8</sup> Cubit, 'Squatters and Opportunists', p.9.

<sup>9</sup> *Ibid*, p.11.

number of ways, including economic warfare.<sup>10</sup> It was through the medium of livestock maiming and other methods, such as crop burning and homestead destruction, that Aborigines attempted to drive the settlers off their land.<sup>11</sup> In eighteen years, between nine hundred and fourteen hundred livestock were killed, with a combined value that can be measured in thousands of pounds.<sup>12</sup>

While it was also omitted, the issues of colonial policing and laws relating to stock theft are also important aspects of this topic. The colonial police force was often staffed by convicts and was viewed as unreliable, inefficient and corruptible, disliked by free and convict alike. For example, Stefan Petrow makes the point that the future of their careers relied on their 'ignorance' of entrepreneurs who had interests in the sly grog trade.<sup>13</sup> This is only one example of how the police were often made to ignore illicit activities. There is no doubt that this occurred in relation to stock theft as well. Furthermore, the scarcity of police officers across the Central North meant that the detection of stock thieves was almost impossible.<sup>14</sup>

The first chapter will explore colonial social relations which had their basis in livestock, especially master-servant relations, and more broadly between gentry and small-scale emancipists. In acknowledging the different classes and groups involved, the way in which these people viewed livestock also provides a meaningful context in which to explore the colonial frontier political economy, including the substitution of meat based rations for wages. This is a chapter which raises some of the complexities of colonial social relations and will provide the necessary background for the subsequent discussion of stock theft.

While stock theft is discussed in detail in chapter two, it is important to note that this thesis does not seek to pass moral judgement. In fact, it is based on the premise that

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<sup>10</sup> H.Reynolds, *The Other Side of the Frontier: Aboriginal Resistance to the European Invasion of Australia* (Victoria, 1990), pp.9, 70-71, 77; L.Ryan, *The Aboriginal Tasmanians* (St.Leonards, 1996), pp.139, 141; S.Breen, *Contested Places: Tasmania's Northern Districts from Ancient Times to 1900* (Hobart, 2001), p.25; L.Robson, *A History of Tasmania: Volume One* (Melbourne, 1983), p.217; J.West, *The History of Tasmania*, pp.31-32.

<sup>11</sup> J.Connor, *The Australian Frontier Wars: 1788-1838* (Sydney, 2002), pp.84-90.

<sup>12</sup> This estimation derived from N.J.B Plomley, *The Aboriginal/Settler Clash* (Hobart, 1992), pp.56-99; S. Morgan, *Land Settlement in Early Tasmania: Creating an Antipodean England* (Cambridge, 1992), p.155; West, *History of Tasmania*, pp.290-291; *Hobart Town Gazette* 8<sup>th</sup> November 1815.

<sup>13</sup> S.Petrow, 'Tolerant Town, Model Force: The Launceston Municipal Police, 1853-1898', *University of Tasmania Law Review* 16, no.2 (1997), pp.259-60.

<sup>14</sup> Breen, *Contested Places*, p.119.

such acts of retrospective moralising are not a legitimate area of historical inquiry. Instead it seeks to look at the causes of stock theft and the way in which the destruction, or illegal acquisition of livestock helped to shape colonial social relations. It is argued that animal maiming and theft were often used as methods of revenge against masters who had allegedly treated their servants badly, although this was by no means the sole motivating force.<sup>15</sup> The chapter proceeds to examine the extent to which stock theft, and to a lesser degree, animal maiming, can be included as acts of resistance. It outlines the methods employed by stock thieves and explores the targeting of large landowners. It also identifies the official and unofficial responses to stock theft. Throughout this chapter suitable comparisons are drawn between the situation in Van Diemen's Land and similar ones in North America and South Africa, signalling the contested position of livestock on other settler frontiers.

The last chapter takes the form of a case study. It focuses on an incident that took place in Ross in 1834 where sheep belonging to large landowners were killed, skinned and fed into the black market. Those suspected of killing these sheep were men on the Ross Bridge Gang. Clear inconsistencies appear in the story which are noted and explained and questions are asked regarding motives of both the landowners and the government. The case study seeks to explore the role livestock played economically and politically at a micro level, while focusing on particular issues. Stock theft was not a crime limited to assigned servants and ticket of leave men, but was spread over all levels of convict society. It also involved complicated social and political interactions between a diverse range of colonial players. Furthermore, as convicts were fed meat based rations, negotiating about the quantity of those rations spilled over into the expropriation of livestock, which could be seen literally as a wage on the 'hoof'. Clearly, colonial involvement at all levels with livestock was not a simple matter.

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<sup>15</sup> See A. Harris, *Settlers and Convicts: Recollections of Sixteen Years Labour in the Australian Backwoods, By an Emigrant Mechanic* (Melbourne, 1964), p.188; A. Atkinson, 'Four Patterns of Convict Protest', *Labour History* 1, no.37 (1979), p.40; T. Dunning and H. Maxwell-Stewart, 'Mutiny at Deloraine: Ganging and Convict Resistance in 1840s Van Diemen's Land', *Labour History*, 82 (2002).

## ~ Livestock and Social Relations ~

In terms of this thesis livestock is defined as ‘...the horses, cattle, sheep, and other useful animals kept or bred ...’ for domestic purposes.<sup>1</sup> While pigs, poultry and goats could all be included within a definition of livestock, this thesis will focus on those animals which were of major economic and social importance to the colony.<sup>2</sup> Economically, they were not just cultivated for meat and wool, but a whole range of products which were invaluable, given that other substitutes were not readily available from the main sources of industrial manufacture. As a verse written on the cover of Banjo Paterson’s *Old Bush Songs* claims

*Stringy-bark will light your fire  
Green hide will never fail yer,  
Stringy-bark and green hide  
Are the mainstay of Australia*<sup>3</sup>

Paterson’s poetic claim is supported by a clergyman writing in the 1850s,

The hide is kept to be cut up for ropes. In this colony everything is held, tied or mended by green hide. Our loads of wool are tied by green hide; our bullocks and horses are roped with green hide; our horses are tethered with green hide; our saddles and bridles are mended with green hide; our milch cows are leg-roped with green hide; our door hinges and clasps are made of green hide; our house frames and roofs are secured with green hide; our harness and bullock chains are mended with green hide; our wheat is led home tied with green hide; our wheel washers are made of green hide; green hide, instead of canvas, covers the stretcher on which we sleep; of green hide we make sieves; of green hide we make halters and lunging ropes. With green hide many a convict has been taught obedience.<sup>4</sup>

Aside from this considerable contribution, tallow, leather, glue, soap, grease, salves, containers, drinking vessels, knife handles, combs, draught pieces, dice, sheepskin clothing, chaps and parchment were by-products of cattle.<sup>5</sup> In addition, both cattle and

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<sup>1</sup> *The Macquarie Dictionary* (New South Wales, 1991), p.1037.

<sup>2</sup> On 25<sup>th</sup> August 1829, bushrangers William Stewart, Samuel Crowden, William Sainter, John Morton and Thomas Lawton returned to Claggan, home of their master Major McLeod. When he would not respond to their demands for him to show himself, they took one of his prize horses and threatened to shoot it. H. Maxwell-Stewart and B. Hindmarsh, ‘This is the Bird that Never Flew: William Stewart, Major McLeod and the Launceston Advertiser’, *Journal of Australian Colonial History*, 2, no.1 (2000), p.4.

<sup>3</sup> as cited in R. Ward, *The Australian Legend* (Melbourne, 1966) p.87.

<sup>4</sup> as cited in J. Perkins and J. Thompson, ‘Cattle Theft, Primitive Capital Accumulation and Pastoral Expansion in Early New South Wales, 1800-1850’, *Australian Historical Studies*, 111 (1998), p.302.

<sup>5</sup> R.W. Slatta, *Cowboys of the Americas* (New Haven, 1990), after p.146, Perkins & Thompson, ‘Cattle Theft’, p.302; F. Starr, ‘Vagabond Sports’, *Australiana*, 20, no.4 (1998), pp.96-97; Deeds and Titles Office.

horses were used to transport goods and people, clear the ground of stumps and till the soil. They worked alongside the manual labour of convict teams as the major source of muscle power. It is clear how valuable livestock was to society. Not only did they provide material goods, they were symbols of status also. The number of stock one owned, and more importantly, their breed, were critical social delineators. It has long been believed that the type of vessel one arrived in was the determinant of social status. When John Mitchel reported in his *Jail Journal* of a visit he made to a colonial home, he wrote that the hostess was

...very attentive to us; and to show me she is a person of respectability, she took an early occasion of informing me that she “came out free”; which in fact is the patent of nobility in Van Diemen’s Land. Here a freeman is a King ...<sup>6</sup>

While this is important, however, it was not the only determinant of status. Neither, according to Maxwell-Stewart, was land. He suggests that the ‘... size of land holdings is a poor indicator of economic status’,<sup>7</sup> mainly because in many cases, grazing took place on crown land. The number of stock one owned, however, was widely used as a determinant of colonial wealth and respectability.

Horses were a particular case in point. In Van Diemen’s Land, they were rare, because of their price, which meant that only the wealthier settlers could afford them. Accordingly they became symbols of affluence and respectability. The colonial hierarchy also prevented lower classes from possessing horses, as the gentry were loath to pass on anything that might raise others onto a similar footing. Furthermore, if emancipists and convicts were to have horses, they would then have access to mobility that could provide a major threat to the political stability of the colony especially in the case of bushranging.<sup>8</sup>

The main focus of this chapter will be on how social relations were forged through an involvement with livestock. While the role that stock played in defining cultural social relations is important to any understanding of colonial Van Diemen’s Land, it is also necessary to recognise that this was no by means unique. Similar relations

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<sup>6</sup> J. Mitchel, *Jail Journal, Commenced on Board the Shearwater ...*, (Dublin, no date), p.231.

<sup>7</sup> H. Maxwell-Stewart, *The Bushrangers and Convict System of Van Diemen’s Land, 1803-1846*, (Edinburgh, 1990), p.170.

<sup>8</sup> H. Reynolds, *Fate of a Free People: A Radical Examination of the Tasmanian Wars* (Victoria, 1995), p.71.



occurred in the early days of the Cape Colony in South Africa between the Khoi servants and their Dutch masters.<sup>9</sup> It occurred in England with the Enclosure Act<sup>10</sup>, and on the cattle stations in northern Australia, between the Aborigines and their white masters.<sup>11</sup> It was also an unescapable fact of life in the ranch economies of California, southern Brazil and Argentina where stock played a similar role in defining relations between ranchers and their Indian, or mestizo, wage peons and slaves.<sup>12</sup> In Van Diemen's Land stock was particularly important in defining the relationship both between the master and his convict servants, and the landed gentry and small scale emancipist farmers. Accordingly, these social groups will be the subject of considerable discussion. An exploration of these relationships can shed light, not only on the way the groups interacted, but more importantly, on prevalent attitudes of social relations, remuneration for labour and the operation of 'moral' and political economies.

In identifying the main colonial groups this thesis focuses on it is also important to note that they each viewed livestock differently. Thus, their actions and justifications for, and understanding of these actions were a reflection of their differing world-views. The landed gentry saw their livestock in terms of a means of wealth and status, especially in a society where cash was scarce, and where the majority of the population were convicts. Though they assumed this role here, many of the colonial landed gentry came from, at best, middling farming stock. They used colonial livestock as props to distance themselves from, and widen the gap between, their own class and small scale farmers, just as their womenfolk wore bright and elaborate clothes to distinguish themselves from women of lower classes.<sup>13</sup>

<sup>9</sup> R.Viljoen, 'Aboriginal Khoikhoi Servants and their Masters in Colonial Swellendam, South Africa, 1789-1795', *Agricultural History*, vol.75, no.2 (2001), *passim*.

<sup>10</sup> E.Hobsbawm, *The Age of Revolution: 1789-1848* (London, 1992), p.188.

<sup>11</sup> A.O.Neville, Chief Protector of Aborigines from 1916-1940 wrote that the '...Aboriginal people's natural propensity to stay in the country on which the stations had been built was exploited by employers, who provided only for their 'bare existence', 'destroyed family life, robbed them of women and then 'discarded [them] in old age'. This is despite the fact that they were a superb breed of cattlemen in a class of their own. See M.A.Jebb, *Blood, Sweat and Welfare: A History of White Bosses and Aboriginal Pastoral Workers* (Western Australia, 2002), p.158-9; G.McLaren, *Big Mobs: The Story of Australian Cattlemen* (Fremantle, 2000), pp. 52-3.

<sup>12</sup> R.D.Salvatore, 'Models of Labour Control in Cattle-Ranching Economies: California, Southern Brazil and Argentina, 1820-1860', *The Journal of Economic History*, 51, no.2 (1991), pp.441-3.

<sup>13</sup> M.Maynard, *Fashioned from Penury: Dress as Cultural Practice in Colonial Australia* (Cambridge, 1994), p.100.

James Mudie, in his evidence to the Molesworth Committee described Australia's upper class as 'the ancient nobility'.<sup>14</sup> The term implies an oldness and greatness which many had manufactured. The McLeods of Claggan and Tallisker, near Evandale, assumed a higher status than was afforded them in Britain when they arrived.<sup>15</sup> William Field, head of the locally famous landowning family, was involved in supplying the commissariat with meat, was a publican and a merchant. He also was a shareholder in the Tasman Bank and a race horse breeder. He asserted that he had three thousand cattle, two thousand sheep and twenty-three horses with cash and possessions equal to the value of ten thousand pounds. He called himself a gentleman and when he died he left to his four sons holdings to the value of three hundred thousand pounds, including at least four large estates. Yet Field had not come to Van Diemen's Land a free man, but shackled in a convict ship.<sup>16</sup> Indeed many of the elite arrived as convicts. Richard Dry of the Quamby estate, is another example. He left his son an eighteen thousand acre estate when he died. He too was a convict, though tried for political reasons and admittedly the son of a gentleman farmer.<sup>17</sup> James Cubit, a labourer in County Antrim, Ireland, is another case in point. He was transported for stealing a sheep and sentenced to seven years.<sup>18</sup> In such a position and even with an economic windfall, 'new money' still did not earn one respect, and that gap could not be bridged in one lifetime. Yet after his sentence expired, he became a considerable landowner and achieved status of his own as one of the oldest established names in the Deloraine district. More to the point, he accomplished this status through land and livestock. Here were men who assumed the status of gentlemen but had arrived as convicts. Their rise to colonial respectability, however, was symptomatic of the way in which colonial gentry achieved elevated status, not through birth, but through the careful assemblage of the necessary props. The gentry dominated 'society', believed themselves to be the natural leaders of it and tried to shape it.<sup>19</sup> Accordingly, Thomas Reibey, of Entally near Hadspen, built a church, a mechanics institute, created a mutual benefits society and created allotments on which small tradesmen could establish

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<sup>14</sup> M. Roe, *Quest for Authority in Eastern Australia: 1835-1851* (Melbourne: 1965), p.35.

<sup>15</sup> Maxwell-Stewart & Hindmarsh, 'This is the bird that never flew', p.9

<sup>16</sup> Breen, *Contested Places*, pp.41-42.

<sup>17</sup> *Ibid.*, p.51.

<sup>18</sup> Convict Department Records: CON 23/2.

themselves.<sup>20</sup> Richard Dry also contributed to his community in having built a school building, a parsonage and a church.<sup>21</sup> These contributions to colonial society can be read as cultural markers, designed to inculcate the message that social status was first and foremost a product of moral industry. This is also evidence of the paternalism of that class and their belief that it was their duty to better those in the classes beneath them. Furthermore, like true paternalists, they believed wholeheartedly in manifest destiny and that God had created such a hierarchical society because it was both a necessity and beneficial.<sup>22</sup>

As Boyce claims, the suggestions of Commissioner Bigge validated the government's wish to withdraw their provision from small-scale landowners, and for the seizure of the Aboriginal hunting grounds.<sup>23</sup> These were granted to British settlers with at least five hundred pounds in capital who were drawn to the Cape Colony, New South Wales and Van Diemen's Land by the attraction of cheap land and cheap labour.<sup>24</sup> Indeed Bigge effectively changed the direction of the colony when he recommended that emancipists not be given small land grants and in future this class should be re-positioned as a source of labour rather than small-scale producers. He wanted to recreate another England where the division between the owners of the estates and their servants would come to match that in legal status also.<sup>25</sup> Accordingly from this moment, land grants increased. From settlement to 1820, grants had amounted to 57,423 acres yet between 1817 and 1822, 66,000 acres were granted.<sup>26</sup> In 1823, grants of 441,871 acres were made and eight years later, nearly one and a half million more had been alienated.<sup>27</sup> Hartwell claims that in six years, Governor Arthur had granted over a million acres of crown land,

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<sup>19</sup> Breen, *Contested Places*, p.51-2.

<sup>20</sup> *Ibid*, p.51.

<sup>21</sup> *Ibid*.

<sup>22</sup> D.Roberts, *Paternalism in Early Victorian England* (America, 1979), p.3.

<sup>23</sup> J.Boyce, 'Journeying Home: A New Look at the British Invasion of Van Diemen's Land: 1803-1828', *Island*, 66 (1996), p.54.

<sup>24</sup> Maxwell-Stewart & Hindmarsh, 'This is the bird that never flew', p.9.

<sup>25</sup> J.B. Hirst, *Convicts and their Enemies* (New South Wales, 1983), p.88; AG.L Shaw, *Convicts and the Colonies: A Study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the British Empire* (London, 1971), p.105; B. Fletcher, *Landed Enterprise and Penal Society: A History of Farming and Grazing in New South Wales before 1821* (Sydney, 1976), p.177; R.M. Hartwell, *The Economic Development of Van Diemen's Land: 1820-1850* (Melbourne, 1954), p.35.

<sup>26</sup> Hartwell, *The Economic Development*, *ibid*.

of which only three and a half per cent was cultivated.<sup>28</sup> In Deloraine, in 1858, five men controlled sixty per cent of the land there.<sup>29</sup> The expansion into the Midlands was also accompanied by a vast increase in capitalist pastoral based farming. This is especially true of the district of Macquarie where the average land grant was almost seven hundred and fifty acres, and the highest was fourteen hundred.<sup>30</sup> Among the large landowners in the South Esk district, the average was similar.<sup>31</sup> Throughout the settled districts of the island up till 1822, there were seventy-five landowners who owned in excess of three hundred acres, while seventeen owned over a thousand acres. Thus capital and large land grants were irrevocably linked. Furthermore, stud owners were able to develop and improve fleeces for export, especially after the 1820's when a constant stream of Merinos, Saxons and Leicesters from New South Wales, England, Ireland and Germany were imported.<sup>32</sup>

This gulf was further broadened by the stock bloodlines. Benjamin Horne, William and George Parramore and George Meredith of the Ross district all established studs of pure Merino and Saxon sheep, the former coming from the Van Diemen's Land Company's bloodlines and the latter being imported from England.<sup>33</sup> In keeping these bloodlines pure, fences were needed, so not only did these sheep set their owners apart from those who reared Bengal for meat, but clear divisions appeared on the landscape in the form of the trappings needed to maintain them. Numbers of stock also played an important role. Even as early as 1808, privately owned stock accounted for the majority of the market. Ten years later, free settlers with over five hundred acres owned nearly half the cattle and over sixty per cent of the sheep.<sup>34</sup>

The way in which small-scale farmers viewed livestock differed again from that of the gentry. Small producers could not afford to invest in their farms, therefore

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<sup>27</sup> Boyce, 'Journeying Home', p.54.

<sup>28</sup> Hartwell, *The Economic Development*, p.39.

<sup>29</sup> Breen, *Contested Places*, p.50.

<sup>30</sup> G.W.Evans, *A Geographical, Historical and Topographical Description of Van Diemen's Land, with Important Hints to Emigrants and Useful Information Respecting the Application for Grants of Land* (London, 1822), reprint (Melbourne, 1967), p.130.

<sup>31</sup> *Ibid*, p.134.

<sup>32</sup> Hartwell, *The Economic Development*, p.112.

<sup>33</sup> *Australian Dictionary of Biography: 1788-1850. Volume 1* (Melbourne, 1966), p.314.

<sup>34</sup> B.Fletcher, *Landed Society*, pp.90, 182.

expensive boundary hedges and enclosures were rare.<sup>35</sup> While the gentry raised their sheep for wool exports and for their value as studs, small-scale farmers produced their stock for meat, sold on the local market. But it was much more than that. For these people, most of who were either ex-convicts or children of emancipists, livestock provided a means of an independent income and an escape from waged labour. Small-scale farmers also saw livestock as both contested, and an opportunity for illegal economic gain as stolen stock often laundered through the flocks of emancipists.

Assigned servants saw stock differently. Primarily, for shepherds and stockmen, it was the product on which their labour was expended and through which they derived income in the form of a ration. From the point of view of the master it made sense to try and get convicts to identify their well being with the well being of the flocks and herds they tended. This was especially important since stock was the point of the master's vulnerability. It was also a form of wage accumulation. Through the black market, shepherds were able to exchange stock for goods, such as clothes, better food and tobacco. A reversal of this supports the statement. When James Forest, assigned to Henry Clayton of Norfolk Plains, was working four miles from the home farm, he was approached by Thomas Pawley, a bushranger. Forest allowed him to eat there and Pawley asked if he could have some trousers and shoes. When Forest refused, Pawley offered some sheep he had hidden in the bush to Forest if he would give him shoes.<sup>36</sup>

While clearly all three groups viewed livestock differently, they all shared one common goal; stock was an important adjunct to negotiating a path through colonial life. Yet the gap that divided these three colonial social groupings cannot be ignored. At its widest point, the gulf encompassed two relationships, that of the gentry and small-scale farmers and that of master and servant. With the previous discussion in mind, it is easy to see why animosity occurred, especially between the gentry and emancipists. The former distanced themselves by way of material props as much as they could. There was a real fear in Van Diemen's Land that there would be little distinction between the master

<sup>35</sup> W.G.Rimmer, 'The Economic Growth in Van Diemen's Land, 1803-1821' in G.L.Abbott and N.B.Nairn (ed), *Economic Growth of Australia 1788-1821* (Melbourne, 1969), p.354.

<sup>36</sup> E.Fitzsymonds, (ed) *Brady, McCabe, Dunne, Bryan, Crawford, Murphy, Bird, McKenny, Goodwin, Pawley, Bryant, Cody, Hodgetts, Gregory, Tilley, Ryan, Williams and their associates: Bushrangers in Van Diemen's Land, 1824-1827, From James Calder's Text of 1873, Together with Newly Discovered Manuscripts* (Adelaide, 1979) p.146-7.

and his servant, or the gentry and those of other independent means. This was often the case of the free man with his small run and his assigned servant who did the same work, shared the same huts, wore the same clothes and ate the same food.<sup>37</sup> Thus the trappings of wealth and status were essential. Furthermore, they needed to exaggerate this gulf by adopting an 'upper class' view towards the emancipists, even though in many cases they implemented the same practices, especially in regard to stock appropriation and agistment processes.

In most cases, emancipists started out with small grants, of between twenty and eighty acres, but without the benefit of being granted a larger amount of land could only afford to take up a small run. At Norfolk Plains, disregarding the larger land grants of William Whyte and A.W.H Humphrey, the average land grant was forty-three acres.<sup>38</sup> Curr estimated that the outlay for a flock of sheep and shepherds for two and a half years would be eight hundred pounds, putting this well beyond the reach of most small scale farmers.<sup>39</sup> These were often emancipists who may have been given stock while they were assigned and had no land to run it on.<sup>40</sup> In cases such as this, or when settlers had a disproportionate number of livestock and land, they grazed them on 'the thirds', on crown lands.<sup>41</sup> Such a practice is also known as squatting and is an Australian historical institution, making up part of that unique ethos that 'Waltzing Matilda' resides in. In some cases men advertised if they were going to do this, but the majority did not.<sup>42</sup> This angered landowners to such a degree that they too advertised their intention. On 19<sup>th</sup> October 1822, John Raine Esq., G.W. Evans, G.W.Owen Esq, Charles Beechey and C.Connolly cautioned others against grazing sheep or cattle on their land, promising prosecution if they found stray livestock. They also gave accurate descriptions of the position of their runs so that no mistake could be made regarding stock that strayed. While this is instructive enough of attitudes towards emancipists, it was the way in which ex-convicts were viewed which tells the real story.

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<sup>37</sup> J.Duxbury, *Colonial Servitude: Indentured and Assigned Servants of the Van Diemen's Land Company, 1825-1841* (Victoria, 1989), pp.38-9. See also B.Hindmarsh, 'Beer and Fighting: Some Aspects of Male Convict Leisure in Rural Van Diemen's Land', *Journal of Australian Studies*, 61 (2000), p.24.

<sup>38</sup> Evans, *A Geographical, Historical and Topographical Description*, p.135.

<sup>39</sup> Curr, *An Account of the Colony of Van Diemen's Land: Principally Designed for the use of Emigrants* (London, 1824), reprint (Hobart, 1967), p.8.

<sup>40</sup> Maxwell-Stewart, *The Bushrangers and the Convict System*, p.173.

<sup>41</sup> Curr, *An Account of the Colony of Van Diemen's Land*, p.78.

P.P King declared that squatters harboured runaways, stole and received stolen goods, sold spirits and assisted bushrangers.<sup>43</sup> Curr claimed also that ticket of leave men were most involved in theft, that they set themselves up near large landowners and never want for meat. He further described them as ‘...generally intoxicated and always idle’.<sup>44</sup> Although damning, these accounts simply cannot be compared to the tirade unleashed in the journals of the Land Commissioners. These comments are worth quoting at length.

We beg to impress on His Excellency’s Mind, the injustice done to the respectable Emigrant by these shameless fellows, the former takes his Grant ..., is obliged ...to fence his premises from these marauders, has Quit Rent to pay and to employ Government men at heavy expense, his Flocks encrease (sic), his original Grant will not maintain them, he applies for leave to run them on Crown land, he is refused, in the course of a Week perhaps, he finds this very land occupied by some impudent Fellow ... with a large Flock of Sheep on the Thirds. This Intruder pays not one farthing towards the exigencies of the Colony in any shape or way, except when he goes to market with the Sheep or Cattle that he has purloined, then indeed fifty, one hundred pounds, are trifling sums expended on Rum and Brandy, in every other instance he may ...be termed a complete Outlaw, he is occupied solely roaming about watching his Neighbor’s (sic) Flocks and Herds, in order that he may pick up Stragglers; should they be unbranded, he soon collects them into his Stock yard ...’.<sup>45</sup>

Yet the Land Commissioners left their most scathing criticisms for last.

...fence your land, rouze (sic) yourself from your drunken Couch, send no more for Rum, attend to your men, instead of dosing away your existence in so brutal a manner ... This is the language we should make use of to these demoralizing (sic) Settlers, these curses to everything like civilized (sic) Society. How many instances have occurred where one of these fellows, in a thickly settled district has sown a few acres of Corn, for the whole and sole purpose of entrapping the Cattle of the neighbourhood in order that he may live upon the trespass money ...<sup>46</sup>

Clearly as the Land Commissioners continued their travels, their argument became louder and bitterer. And this sentiment was not isolated to this commentator alone. This view prevailed because there was no place for a class of emancipist and subsistence farmers within the settled and ordered ideal of the gentry. They visualised ‘...a powerful gentry, settled on extensive acres granted them by the crown and made productive by the labour

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<sup>42</sup> *Hobart Town Gazette Supplement*, October 191822. See for case of Joseph Howell of Salt Pan Plains.

<sup>43</sup> Roe, *Quest for Authority*, p.50.

<sup>44</sup> Curr, *An Account of the Colony*, pp.39-40.

<sup>45</sup> A. McKay (ed), *Journals of the Land Commissioners for Van Diemen’s Land: 1826-28* (Hobart, 1962), p.54.

<sup>46</sup> *Ibid*, p.85.

of Britain's criminals'.<sup>47</sup> No doubt they would rather have preferred these people as tenants of their own estates. 'As the cockatoo came from the lower classes as seekers of independence, it is natural for the squatter to resent them'.<sup>48</sup> While this is said in a mainland context, it could easily be transposed to that of the gentry and the emancipist. No doubt the Archers and the like of Van Diemen's Land would have preferred a model similar to that of Camden, land controlled by the gentry, with tenantry and a village; the classic squire and village scenario.<sup>49</sup> Roe claims that while on the mainland there was an opposition to the growth of a yeoman class, in Tasmania the gentry were more benevolent to the emergence of a dependent tenantry.<sup>50</sup> Connell and Irving further suggest that 'pastoralism under the gentry created a polarised, patriarchal society in the countryside, a deep gulf of status, property and power separating the workforce from the rulers'.<sup>51</sup> Yet Roe also asserts that they were not as supportive to any other form of small-scale farming.<sup>52</sup> Moreover most gentry had engaged in the practice of squatting themselves at some stage as the date of granting title took place two or three years after the land was first occupied.<sup>53</sup> Needless to say there was a difference between views held on squatting by the gentry and lower order pastoralists. Each justified their position in their own self-righteous language.

The gulf between master and convict shepherd was just as wide. Primarily, the livestock which was both the livelihood of the master and indirectly of the servant was the medium through which these men were linked. Undeniably the task of guarding another man's stock was not just an assigned task, it was a lifestyle. This lifestyle, more often than not, took place on the frontiers of a master's estate and meant the lifestyle experienced by these men varied from that of their 'home farm' counterparts. Distance, according to Duxbury,

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<sup>47</sup> Roe, *Quest for Authority*, p.36.

<sup>48</sup> G.A.Wilkes, *The Stockyard and the Croquet Lawn: Literary Evidence for Australia's Cultural Development* (Melbourne, 1981), p.41.

<sup>49</sup> A. Atkinson, *Camden: Farm and Village Life in Early New South Wales* (Melbourne, 1992), *passim*.

<sup>50</sup> Roe, *Quest for Authority*, p.50.

<sup>51</sup> R.W. Connell and T.H. Irving, *Class Structure in Australian History: Documents, Narrative and Argument* (Melbourne, 1980), p.53.

<sup>52</sup> *Ibid.*

<sup>53</sup> N.J.B Plomley, *The Aboriginal/Settler Clash*, p.12.



was one of the most pervasive features of the workforce and in a situation in which management and control were divided, it undermined the hierarchy of authority and thus the basis of discipline.<sup>54</sup>

It is a strange paradox indeed that those who looked after the master's investment in livestock were the most difficult to supervise and had the greatest freedom over their own lives. They utilised this liberty to its full extent, absenting themselves from work to meet others to gamble and drink, to attend cockfights and to brew liquor.<sup>55</sup> These were all ways of establishing normalcy into an otherwise regimented existence. But in regards to responsibility, and thus a wieldable power, shepherds and stock keepers were blessed with both.

There is no doubt that this relationship was perhaps a tentative one, based as it was around the welfare of the animal. If the master pushed his shepherds too far, the latter could respond in a way that would leave no question as to where the balance of power lay. Yet conversely the master could wield a sword just as effectively. This balance of power shifted several times. Perhaps this relationship is better described by Alan Atkinson who suggests that convicts and masters occupied a relationship '...which for its simplicity, rivalled that which a mouse might form with a cat'.<sup>56</sup> In some regards both groups fit the profile of both the cat and the mouse, the tormentor and the tormented swapping roles as the relative bargaining position of each party waxed and waned. A master's power, knowledge and control, though not as effective on the far reaches of his estate, was nonetheless still felt. In one example two stockmen on Mike Howe's Marsh were put on short rations by their master. They later claimed that they were only kept alive by provisions supplied by Matthew Brady and his fellow bushrangers.<sup>57</sup> Harris also cites an example where a shepherd was given twice as many sheep as he could handle, in this case eight hundred, in densely wooded and steep country. He explains the situation. The master would object if the flock was not allowed to spread. In this case he would accuse the shepherd of not letting them feed well. If the shepherd was a free man, his

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<sup>54</sup> Duxbury, *Colonial Servitude*, p.6.

<sup>55</sup> B.Hindmarsh, 'Beer and Fighting', p.16.

<sup>56</sup> A.Atkinson, 'Four Patterns of Convict Protest', p.28. Dyster also refers to a similar situation in an urban context. See B.Dyster, *Servant & Master: Building and Running the Grand Homes of Sydney, 1788-1850* (New South Wales, 1989), p.59.

wages would not be paid. If he was a convict, he would be flogged. Yet alternatively, if he allows the flock to spread, loses sight of them or allows dingoes to get among them he is similarly punished. Again the master can use this digression as testament to a bad character and this delayed the receipt of a ticket of leave in order to retain the man as cheap labour.<sup>58</sup> This was not only unique to Australia. In California, *rancheros* resorted to intimidation and fiscal incentive to enslave Indians as cheap labour and offered material goods.<sup>59</sup>

Yet when livestock were used as a medium for resistance, then the shepherds took on the persona of the cat, toying with their master. Alexander Harris, in his memoirs, tells of an old shepherd who claimed ‘... he could have saved hundreds of sheep from death, but would not because his master flogged him if he was right or wrong’. Only when their death would cast question on him did he save them. Otherwise he did not bother.<sup>60</sup>

Atkinson developed a protest model as a method of analysing convict resistance strategies. It involved four aspects, namely attack (which was an outright dismissal of authority), appeal to authority, withdrawal of labour and compensatory retribution.<sup>61</sup>

While the incident recalled by Harris clearly belongs in the last of these categories, livestock often featured in all four forms of protest, although compensatory retribution, or using a supplementary code of punishment to punish their masters, was perhaps the most widespread. While in most cases it is impossible to determine the motives behind offences against stock, such as mutilation and loss, there is strong circumstantial evidence to suggest that convicts were sometimes motivated by revenge. Accordingly when John Taafe’s tobacco ration was removed he punished his master by losing all of his cattle.<sup>62</sup> Similarly when John Karney’s master shot his sheepdog, Karney responded by shooting sixteen pounds worth of his master’s sheep.<sup>63</sup> Furthermore, when Thomas Holden’s mistress reneged on her promise of a premium share of the lambs he had reared that season, he took a knife to three of her rams saying ‘...he would take good care that she

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<sup>57</sup> H.Maxwell-Stewart, “‘I could not blame the rangers ...’: Tasmanian Bushrangers, Convict and Convict Management’, *Tasmanian Historical Research Association*, 42, no.3 (1995), p.115.

<sup>58</sup> Harris, *Settlers and Convicts*, p.182.

<sup>59</sup> R.D.Salvatore, ‘Models of Labour Control in Cattle-Ranching Economies’, p.445.

<sup>60</sup> Harris, *Settlers and Convicts*, p.188.

<sup>61</sup> *Ibid.*,

<sup>62</sup> Atkinson, ‘Four Patterns of Convict Protest’, p.40.

<sup>63</sup> *Ibid.*,

should not have many from his flock the coming season'.<sup>64</sup> The message in this case was clear, but it may also be assumed that Holden paid dearly. It is perhaps important to remember that the master usually had the final say. That revenge was garnered through stock was no coincidence. As the last case clearly showed, they were acts designed to wreak as much havoc and cause as much damage as possible.

Others plundered their master's flocks and herds for more pecuniary gain. Stolen stock could be fed into the black market, but it could also be used to supplement rations thereby effectively reducing the shortfall between free and convict wages by clandestine means. At the micro-level, however, stock helped to define master-servant relations in that it played an important part in the way that convict labour was remunerated. As a rule assigned servants would refuse kangaroo meat if it was included as part of their ration. Their quarrel was not with the meat itself, but of the method in which it was obtained, usually during the master's leisure time. They believed in the principle that fresh meat should come from the master's flocks, or at his own expense, not from the fruits of his gentlemanly pursuits.<sup>65</sup>

The issue of rations versus wages opens up a whole new matter, because with either comes the propensity for trade on the black market. Curr reported that it was normal for the master to give his servants tobacco and clothing which when subtracted from their wages were priced at exorbitant rates. Thus a black market could be fuelled by local price inflation.<sup>66</sup> Black market activity was extensive in convict Van Diemen's Land and stock theft often became entangled in wider more intricate networks of clandestine dealing with this.<sup>67</sup> Peter MacFie claims that the black market made the trade in stolen sheep more appealing.<sup>68</sup> Assigned servants to Richard Morgan Junior, part of the sheep stealing clan from Kangaroo Bay, were charged with stock theft. Their master protested, saying he had sold the men sheep in lieu of wages. They were later slaughtered illegally.<sup>69</sup> Harris justifies this by saying '... common sense could not expect convict

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<sup>64</sup> *Ibid.*

<sup>65</sup> H. Maxwell-Stewart, 'What's That ... You've Got In Your Tucker Bag?: Food and Food Politics in Convict Tasmania', *Tasmanian Ancestry*, March (2000), 20, no.4, p.231.

<sup>66</sup> Curr, *An Account of the Colony*, p.72.

<sup>67</sup> *Ibid.*

<sup>68</sup> Colonial Secretaries Office: CSO 1/749/16135.

<sup>69</sup> P. MacFie, *Stock Thieves and Golfers: A History of Kangaroo Bay and Rosny Farm Tasmania, 1803-1998* (Rosny Park, 2002), p.20.

stockmen, kept by his master without wages and most miserably fed and clad to remain true to his trust under such temptation'.<sup>70</sup> But in several cases masters passively encouraged shepherds 'feloniously killing' livestock by pretending they did not know it went on. They realised this would mean they would almost be assured that work was done.<sup>71</sup> As Genovese points out, in his study of the antebellum South, masters did not mind if their servants stole to feed themselves as long as they did not profit from it.<sup>72</sup> Nothing illustrates these points better than the case of one of the largest sheepholders in the colony of New South Wales arriving at a stockhut to find a freshly slaughtered carcase hanging from the rafters. Instead of berating and punishing his men, he deliberately turned around and would not see it. If he had it would have forced some of his best men to be re-sentenced and perhaps transported.<sup>73</sup>

The value of livestock ensured a keen market and was an incentive for men to use their master's property to generate a wage. This could be seen as a form of counter expropriation which could considerably weaken the shackles of their suppression. Through their own agency, servants could eke out a better existence for themselves. By using stock this way they could create their own wage, be assured they would not go hungry or without clothes, and manipulate their working conditions. For example one settler used to flog men for every single sheep they lost, until they took to 'dogging' the whole lot into the bush whenever they lost one. Through this practice, he changed his system, abandoned flogging and became one of the best masters in the colony. So much so, Harris reports, that two years later in a bushranging attack, his servants risked their own lives to protect him, his family and the property.<sup>74</sup> Thus using valuable possessions such as livestock to defy one's master or make a point could have two purposes or outcomes. It could be, and often was, used to spite him along the lines of compensatory retribution. The master might learn from this or not. There is no doubt however, that in placing shepherds in control of their stock, the advantage was placed in the hands of these men who used it accordingly. A clear indicator of this can be found in one of the immigrant texts of the day: 'a man who begins sheep farming must pay particular

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<sup>70</sup> Harris, *Settlers and Convicts*, p.27.

<sup>71</sup> *Ibid*, p.185.

<sup>72</sup> E.D. Genovese, *Roll, Jordan, Roll: The World the Slaves Made* (New York, 1976), p.600.

<sup>73</sup> Harris, *Settlers and Convicts*, p.186.

attention ...to crossbreeding and improvement of wool, ...as the ultimate profit of his establishment will depend, on his skill in the various crosses'.<sup>75</sup> Accordingly, this dictated the nature of the relationship between the two. Ultimately this chapter has shown that the herds and flocks of the colony were the focus of accommodation and resistance as well as wealth creation, expropriation and status formation.

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<sup>74</sup> *Ibid*, p.188.

<sup>75</sup> R.Dixon, *Narrative of a Voyage to New South Wales and Van Diemen's Land on the Ship Skelton during the year 1820, With Observations on the State of these Colonies, and a Variety of Information, Calculated to be Useful to Emigrants* (Edinburgh, 1822), reprint (Hobart, 1984), p.82.

## ~ Stock Theft ~

A debate raged in Australia at the end of the nineteenth century. Its topic was not on the state of politics, or of the failings of the government, but the qualities of the bushman. It was played out, not on a parliamentary stage, but in the pages of the newspapers of the day and its two main contributors were none other than 'Banjo' Paterson and Henry Lawson. In 'Australian Bards and Bush Reviewers' Lawson wrote,

*But if you should find that bushmen- spite of all the poets say,  
Are just common brother-sinners, and you're quite as good as they,  
You're a drunkard and a liar, a cynic and a sneak,  
Your grammar's simply awful and your intellect is weak.<sup>1</sup>*

In 'An Answer to Various Bards', Banjo replied

*But I "overwrite" the bushmen! Well I own without a doubt  
That I always see a hero in the "man from further out" ...  
And of course, there's no denying that the bushman's life is rough,  
But a man can easy stand it if he's built of sterling stuff.<sup>2</sup>*

Lawson wrote again in 'The City Bushman: In Answer to "Banjo" and Otherwise',

*It was pleasant up the country, City Bushman, where you went,  
For you sought the greener patches and you travelled like a gent ...  
True the bush "hath moods and changes"- the bushman hath 'em too.  
For he's not a poet's dummy - he's a man the same as you;  
Though the bush has been romantic and it's nice to sing about,  
There's a lot of patriotism that this land could do without -  
Droving songs are very pretty, but they merit little thanks  
From the people of a country in possession of the Banks ...  
Where the squatter makes his fortune and "the seasons rise and fall",  
And the poor and honest bushman has to suffer for it all.  
Where the drovers and the shearers and the bushmen and the rest  
Never reach the El Dorado of the poets of the West.<sup>3</sup>*

A lasting impact of this literary exchange is Australia's unofficial national anthem, 'Waltzing Matilda', another 'Banjo' Paterson creation. This folk ballad is sung all over the country, and is more recognisable to most than the more formal national anthem. It has also made an impact on a wider stage, making an annual appearance at

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<sup>1</sup> *A Literary Heritage: Henry Lawson* (Sydney, 1992), p.43.

<sup>2</sup> *A.B. 'Banjo' Paterson's Collected Verse* (North Ryde, 1989), p.145. See also 'The Gundaroo Bullock', p.228.

the Australian Rules Grand Final, but more importantly at international sporting events, such as the Tri-Nations Rugby Series and the Sydney 2000 Olympics. It is more than a song. It is a simple yet common story that exists as a reflection of a way of life long gone. Yet it is also strange that a song about stock theft should be used to celebrate and symbolise 'Australian-ness'.

The legend of the bushman has become part of the Australian character, much like that of the ANZAC. A modern example of this can be found in the latest edition of R.M. William's magazine *Outback*. In the continuing series of 'Legend of the Outback' which has featured men like Sidney Kidman, Tom Quilty and Burke and Wills, the current story is that of Harry Redford, on whom the character of Captain Starlight would come to be based on. Redford stole twelve hundred cattle and drove them two thousand kilometres through unchartered territory from central Queensland to South Australia. One line in the article is particularly interesting and best describes this national 'fascination': 'such is the Australian penchant for anti-heroes that Redford is up there with the best'.<sup>4</sup> Just as the ANZAC myth has been problematised by historians, who point out that the diggers were not all brave and honest men,<sup>5</sup> this thesis will seek to critically examine the legend of the bushman in the context of the early colonial frontier with particular reference to stock theft. There is significant existing literature that has problematised and questioned the factual roots of the bushman legend. James Walter claims that 'one problem in the method of radical nationalists was their failure to account for groups and values that were at odds with the bush ethos', particularly women, Aborigines and that the bulk of the population lived in urban areas predominantly clustered around the coast.<sup>6</sup> Furthermore, the concept of a national identity, with its foundations firmly grounded in the bush ethos, was not a reality in the time frame this thesis occupies. Richard White suggests there was no intentional attempt to build a unique culture until the 1880s, some fifty years

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<sup>3</sup> *A Literary Heritage*, pp.102, 104.

<sup>4</sup> 'Harry Redford: The Man who Became Starlight', *Outback: The Heart of Australia*, Issue 25, Oct/Nov. (2002), p. 70.

<sup>5</sup> D.A.Kent, 'The Anzac Book and the Anzac Legend: C.E.W Bean as editor and image-maker', *Historical Studies*, 21, no.84 (1985), pp.382-3; G.Davison, 'Sydney and the Bush: An Urban Context for the Australian Legend', *Historical Studies*, 18, no.71 (1975), *passim*; Wilkes, *The Stockyard and the Croquet Lawn*, pp.44-55; See also McLaren, *Big Mobs*, p.14 who claims other texts '...embarrassingly romanticise the achievements and qualities of men and animals, or are diffuse and tangential'.

<sup>6</sup> J.Walter, 'Defining Australia' in G. Whitlock and D.Carter (ed) *Images of Australia* (Queensland, 1992), pp.14, 16.

after the focus of this study.<sup>7</sup> He also claims that all Australian national identities are intellectual constructs, and on the whole, are false.<sup>8</sup> The bush legend is perhaps best seen as an invented tradition, in a similar vein to the invented traditions that accompanied the creation of the European nation state in the late eighteenth and early nineteenth century. Hobsbawm contends that invented traditions ‘...occur more frequently when a rapid transformation of society weakens or destroys the social pattern for which “old” traditions had been assigned’.<sup>9</sup> Australia is a perfect example of this. It was the desire to escape from a convict and imperial past, which may have motivated people to create a new set of traditions. Thus the institution of the bushman is synonymous with the growth of a nation, and its identity.<sup>10</sup> Yet what is pertinent to the Van Diemen’s Land situation is the way in which each class reacted to their colonial surroundings. Walter claims they did this in two ways, either by rejecting all things European to emphasise their uniqueness or by retaining that British essence. This can further be represented as the ‘Aussie ocker’ versus the blue bloods or ‘old boys school’ of the middle and upper classes.<sup>11</sup>

Yet Hirst contends that the title of pioneer could be used to paper over differences in status, implying a mythical egalitarianism that never existed.<sup>12</sup> One need only to look to the way in which land was disposed of and granted to be aware of this. Stockmen and shepherds and settlers alike were not all part of a brotherhood of men committed to building the foundations of a great nation. Indeed, in Van Diemen’s Land, convict stock-keepers were widely blamed for harbouring bushrangers and runaways, and generally put their distance from their masters and the law to good use. More importantly, many stole. They stole the cattle and sheep that would become the backbone of the economic success of the country. The reasons for such theft are many, as were the methods employed.

<sup>7</sup> R.White, ‘Inventing Australia’, *ibid*, p.25.

<sup>8</sup> *Ibid*, p.23.

<sup>9</sup> E.Hobsbawm, ‘Introduction: Inventing Traditions’, in Hobsbawm and T.Ranger (ed) *The Invention of Tradition* (Cambridge, 1984), p.4.

<sup>10</sup> International examples of invented traditions include Scotland, whose highland tradition was manufactured in the 1760s by Sir John and James Macpherson. The word ‘kilt’ did not emerge until 1727 and specific clan tartans surfaced in 1819. The traditions of Wales were manipulated, attacked and adapted by the British, until what was remaining was discredited as baseless myths. When cultural traditions were revived, a new tradition emerged. See H.Trevor-Roper, ‘The Invention of Tradition: The Highland Tradition of Scotland’, *Ibid*, pp.15-41, & P.Morgan, ‘From a Death to a View: The Hunt for the Welsh Past in a Romantic Period’, *Ibid*, pp.43-100.

<sup>11</sup> Walter, ‘Defining Australia’, p.17.

<sup>12</sup> J.B.Hirst, ‘The Pioneer Legend’ in *Images of Australia*, p.207.



Russel Ward has argued that stock theft was an ‘...outback institution ...’, and that it grew into a ‘...universal and irresistible’ outback custom’.<sup>13</sup> The less well-known legends of our country are testament to this. In McQuilton’s work, *The Kelly Outbreak*, stock theft was described as ‘...a lively intercolonial trade ...’ and Bogong Jack’s involvement as a regional tradition.<sup>14</sup> Ward even went as far as saying that in the 1870’s in western New South Wales, sheep stealing was an accepted custom.<sup>15</sup> That was also the case in Tasmania. Daniel Griffin, writing under the pseudonym of ‘The Tramp’ in the *Daily Telegraph* wrote that ‘...cattle stealing was not by any means an uncommon offence in this colony, although the penalty, if detected and convicted was death’.<sup>16</sup> In some ways, stock theft cannot be comparable with the same practice in Britain. Although it took place there, it occurred rarely, and theft was usually confined to one or two beasts.<sup>17</sup> However in Tasmania whole flocks were driven off and slaughtered. For instance William Trimm, who had a free pardon, was executed on 10<sup>th</sup> June 1818, after he was caught stealing two hundred sheep from Mr Styles and Mr Troy at the Coal River. Hermes, Greek god of thieves, was certainly not smiling on him that night.<sup>18</sup> Furthermore, Anthony Fenn Kemp was relieved of over two hundred sheep and George Farquarson, a free man, also paid the ultimate price by stealing four hundred sheep from Mr Jones of Jericho.<sup>19</sup> These numbers are quite extensive and would have made up a substantial part of a flock or herd. No one could afford to lose stock on this scale. In a society where stock played a far more important role, theft of livestock was more prevalent than in Britain. While according to Robson’s data, thirteen per cent of male convicts transported from Britain and Ireland were found guilt of stock theft, the indicators are that over twenty-one per cent of prisoners re-transported to Norfolk Island penal station were stock thieves (See Figure 1). Similarly twenty per cent of those executed in Van Diemen’s Land between 1818 and 1830 were found guilty of stock theft (See Figure 2).

<sup>13</sup> Ward, *The Australian Legend*, pp.160-161.

<sup>14</sup> McQuilton, *The Kelly Outbreak: 1878-1880* (Melbourne, 1979), p.53.

<sup>15</sup> *Ibid.*

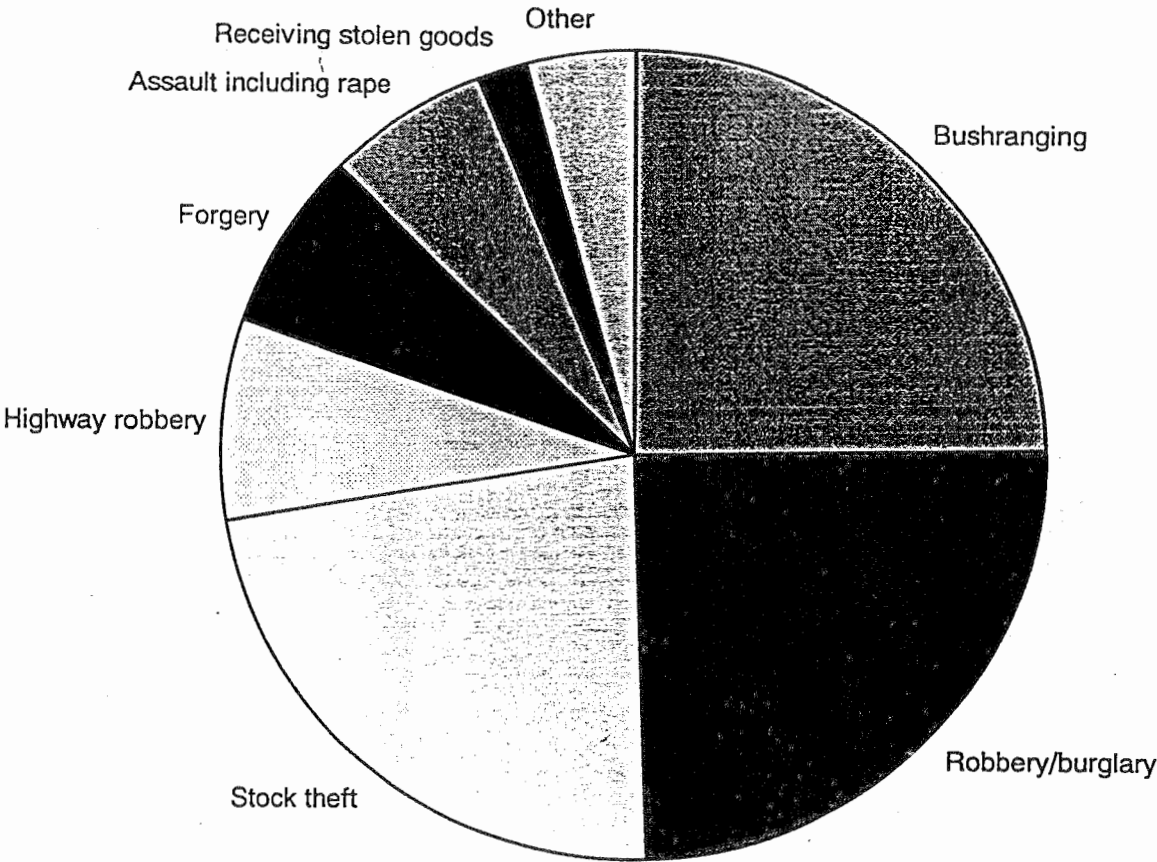
<sup>16</sup> L.Meredith and D.Griffin, *Early Deloraine: The Writings of Louisa Meredith and Daniel Griffin*, (Launceston, 1985), p.24.

<sup>17</sup> Morgan, *Land Settlement in Tasmania*, p.127.

<sup>18</sup> <http://library.thinkquest.org/23057/seven/hermes.html>.

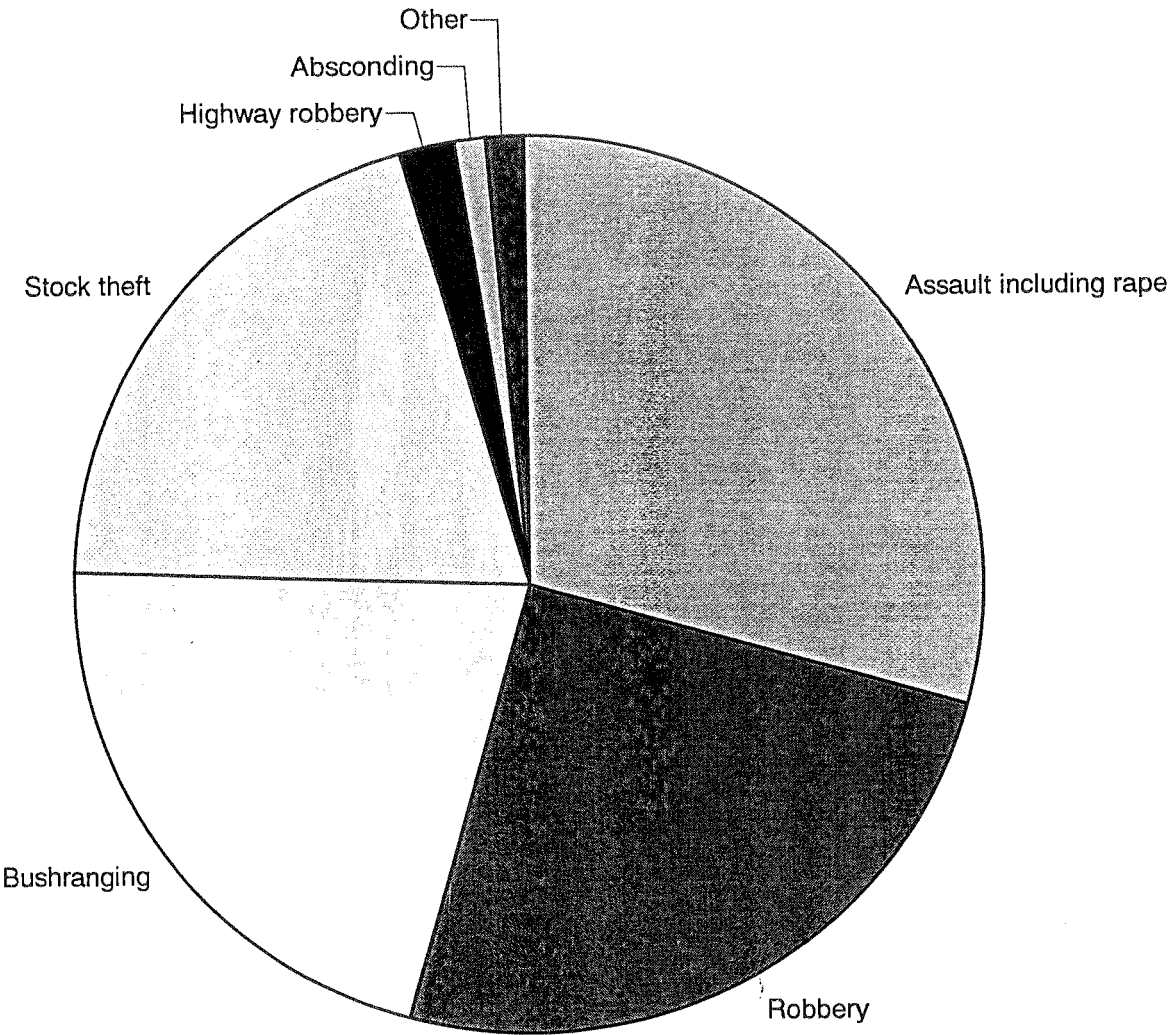
<sup>19</sup> B.Riessuet, *Tasmanian Executions:1806-1946*, Supreme Court Register, SC 41/2.

Figure 1: Offences for which convicts were re-transported to Norfolk Island Penal Station



Source: Convicts transferred to Van Diemen's Land on the *Lady Franklin* to Van Diemen's Land, 1846 (AOT, CON 33).

Figure 2: Offences for which convicts were executed in Van Diemen's Land, 1818-1830



Source: Brian Ricusset: Database, *Tasmanian Executions*

The world of the stock thief was a complex one, not just in terms of the methods involved, but more importantly in terms of the multiple causes which lay behind it. John McQuilton suggests that stock theft can be broken into three distinct categories. For some, he claims, it was a way of feeding the family and being able to survive, a practice that was tolerated to an extent in some areas on the mainland.<sup>1</sup> Perhaps it could be assumed that men like Arthur Dicker and George Gardner, bushrangers who were both executed for the offence of shooting a steer and stealing the carcass, were attempting to do just that and substitute their diet with fresh meat.<sup>2</sup> It was also likely that Charles Colclough, William Weston and Allan Carswell who stole a sheep the value of ten shillings did so with subsistence in mind.<sup>3</sup> In several cases, convicts were forced to steal stock to survive, just as a riot in Kent, England in the 1590's was attributable to starvation.<sup>4</sup> There is a well-established literature on such practices. Runaway slaves fed off cattle, pigs and poultry from different plantations as they moved further north.<sup>5</sup> Genovese identified hunger as one of the primary motives behind the theft of livestock in the antebellum South.<sup>6</sup> Thomas Boyer in 1841 stole a lamb from John Aldridge of Grange Farm, Colby, England to feed his wife and six children who were living in the Bourne Union Workhouse.<sup>7</sup> John Baptist, a convict sent to Van Diemen's Land, stole a pig and iron pot from Reverend William Connolly.<sup>8</sup> Khoikhoi labourers left in charge of the farm when their masters visited others for days were forced to turn to stock to survive since they were deprived of their normal rations.<sup>9</sup>

McQuilton's second category was stock theft motivated by defiance and revenge as well as an occasional source of extra income.<sup>10</sup> Christopher Hill claims that in Essex poachers were very particular in what they hunted, targeting mainly royal parks and forests.<sup>11</sup> In one case in Tasmania, one hundred sheep were butchered

<sup>1</sup> McQuilton, *The Kelly Outbreak*, p.55.

<sup>2</sup> CON 31/9, p.65.

<sup>3</sup> *The Tasmanian*, March 28<sup>th</sup> 1828, vol.2 no.54.

<sup>4</sup> C.Hill, *Liberty Against the Law: Some Seventeenth Century Controversies* (London, 1996), p.98.

<sup>5</sup> D.Usher Jr., *Indians, Settlers and Slaves in a Frontier Exchange Economy: The Lower Mississippi Valley before 1783* (North Carolina, 1992), pp.186-7.

<sup>6</sup> E.D.Genovese, *Roll, Jordan, Roll*, pp.603-4.

<sup>7</sup> T.Negus, 'The Sheep Stealer', in *Tasmanian Ancestry*, vol.20, no.4 (2000), p.249.

<sup>8</sup> Offences tried in the Lower Court, AOT, LC219.

<sup>9</sup> Viljoen, 'Aboriginal Khoikhoi servants', p.37.

<sup>10</sup> McQuilton, *The Kelly Outbreak*, p.55.

<sup>11</sup> Hill, *Liberty Against the Law*, p.98. The Waltham Black Acts are also an example of this. See E.P Thompson, *Whigs and Hunters: The Origins of the Black Act* (Middlesex, 1977).

and thrown to the pigs. The message was unmistakable.<sup>12</sup> When he stole one hundred and fifty sheep from Thomas Wells, Robert Oldham was asked what would become of the flock's shepherd. He justified it by saying '...it would be a long while before they would be missed, if ever ...', and that he had just seen Mr Wells' new house.<sup>13</sup> In a British context, Hay suggests that attacks against the game laws were '...among the few *free* expressions of the labouring poor'.<sup>14</sup>

Similar motives would apply to the more coercive colony of Van Diemen's Land. In the majority of occasions, it was men with capital, of land, stock and money, who were targeted, although there was a degree of under reporting from the smaller stockowners. George Meredith Esq. was raided at least twice. Matthew Brady marked his property for plunder as soon as it was safe to do so,<sup>15</sup> and John Banks, James Amos and Thomas Roebuck were all charged and acquitted with stealing five of his calves.<sup>16</sup> Furthermore, Edward Lord was attacked at least four times. In 1818 Joseph Trimby and his sons stole one thousand sheep, co-jointly owned by David Gibson and Lord.<sup>17</sup> Thomas Keane and Thomas Butler in 1823 stole two hundred sheep from John Beamont, Thomas Wells and Lord.<sup>18</sup> They exchanged them for goods to at least three different men, John Avery, Edward Evans and William Davis.<sup>19</sup> In 1821, Michael Dunn, Samuel Robinson and Walter Archibald stole one hundred sheep the property of Lord<sup>20</sup> and seven years later, David and James McGuire, William Dorrell and James Gurragan stole three horned cattle, the joint property of Sir John Owen and Lord.<sup>21</sup> Thomas Wells, clerk to Lieutenant Governor Sorell, also lost another one hundred and fifty sheep in February 1822, stolen by Robert Oldham, James Comerford and Robert McMahon.<sup>22</sup> There is strong evidence to suggest that men of

<sup>12</sup> Curr, *An Account of the Colony*, p.38.

<sup>13</sup> *The Tasmanian*, March 21 1828 vol.2, no.56.

<sup>14</sup> D.Hay, 'Poaching and the Game Laws on Cannock Chase' in Hay, P.Lineburg, J.Rule, E.P.Thompson, C.Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth Century England* (Middlesex, 1975), p.252.

<sup>15</sup> Fitzsymonds, *Brady*, p.59.

<sup>16</sup> *The Tasmanian*, February 29 1828, vol.2, no.53.

<sup>17</sup> M.Tipping, *Convicts Unbound: The Story of the Calcutta Convicts and their settlement in Australia* (Victoria, 1988), p.177.

<sup>18</sup> I.Schaffer and T.McKay *Exiled! Three Times Over: Profiles of Norfolk Islanders Exiled in Van Diemen's Land: 1807-1813* (Hobart, 1992), p.41.

<sup>19</sup> Supreme Court Registers, AOT, SC 41/2, *Ibid*.

<sup>20</sup> *Hobart Town Gazette Supplement*, March 1821.

<sup>21</sup> *The Tasmanian*, March 21 1828, vol.2, no.56.

<sup>22</sup> *Hobart Town Gazette*, March 1 1823, vol.8, no.356; Rieusset, *Tasmanian Executions; Historical Records of Australia Series III: Despatches of Papers Relating to the Settlement of the States. Volume iii. Tasmania: January-December 1820* (Sydney, 1921), p.221.

status were targeted more frequently than small-scale settlers. E.P Thompson has argued that similar attacks in Britain often stemmed from a personal dislike. Thus, Sarah, Duchess of Marlborough and ranger of Windsor Little Park, was not targeted by 'The Blacks', a group who defied game laws in England. Thompson claims this suggests Sarah was a good ranger and did not, like others, use her position to benefit herself.<sup>23</sup> He also contends these were acts of retribution that were intended as political statements.<sup>24</sup> Hay claims such targeting had more to do with class conflict: 'farmers protested against the despotism which allowed gentlemen to flatten their crops in pursuit of hares but forbade yeoman even to buy them'.<sup>25</sup>

In Van Diemen's Land, the motive for targeting the upper class could have been driven by similar forces. Men saw the gentry as an easy target, because of the extent of their lands and their numerous herds of flocks. While Paula Byrne claims that the most likely subjects of bushranging attacks were small settlers, this appears not to be the case in Van Diemen's Land.<sup>26</sup> This is an idea that will be developed in the next chapter. However it is undoubtable that thoughts of resistance, defiance, or even an 'us and them' mentality may have driven these men to pursue this course. The maiming of livestock took this ideal one step further and were examples of extreme cases. In 1831, Hugh Graham was before the magistrate under the suspicion of '...having maliciously wounded his masters Cow with an Axe'.<sup>27</sup> However, as a qualifier to this argument, it must also be noted large landowners were not the only class that thieves targeted. On March 18<sup>th</sup> 1828, Henry Cooper was charged with stealing one wether, the value of twenty shillings, belonging to Daniel Sayers, a labourer of New Norfolk.<sup>28</sup> Furthermore, John Lousdell stole a steer in 1829, worth four pounds, which belonged to Sarah Smith.<sup>29</sup>

McQuilton's third purpose looks as the possibility of theft as a livelihood.<sup>30</sup> Perkins and Thompson contend that cattle theft often brought a prompt cash return. Otherwise they were slaughtered and eaten. Stock theft also became a form of '... original capital accumulation in an economy possessing abundant land and very

<sup>23</sup> Thompson, *Whigs and Hunters*, p.96.

<sup>24</sup> *Ibid*, p.104.

<sup>25</sup> Hay, 'Poaching', p.191.

<sup>26</sup> P.Byrne, *Criminal Law and Colonial Society: New South Wales, 1810-1830* (Cambridge, 1995), p.135.

<sup>27</sup> Maxwell-Stewart, *The Bushrangers*, p.123.

<sup>28</sup> *The Tasmanian*, March 21 1828, vol.2, no.56.

<sup>29</sup> SC41/1.

<sup>30</sup> McQuilton, *The Kelly Outbreak*, p.55.

limited liquid capital.<sup>31</sup> These cases are quite easy to locate, especially in the newspapers of the day. ‘Fifty Pounds Reward’, the bold letters scream, ‘Missing lately from the run of W.H.Glover Esq. J.P ... 450 ewes and wethers’.<sup>32</sup> ‘Stolen or Strayed, 81 ewes and 24 wethers, missing from John Dunn’s flocks running on the estate of Reverend Youl, Symmons Plains ... Marked D on left ear and notch in ear’.<sup>33</sup> ‘\$400 Reward. Lost from Lovely Banks, 150 Sheep, some slit in left ear, some in right’.<sup>34</sup> Such large numbers can leave little doubt that these stock were destined for the black market, often finding their way into other flocks, or sent to the slaughterhouses of the south. The Morgan family operated a stockyard and eventually a slaughterhouse at Kangaroo Bay.<sup>35</sup> When they realised they could profit from an involvement in the lucrative stock industry, they did not distinguish between the slaughter of legal or illegal stock.<sup>36</sup> Many found this indifference appealing, including R.W.Loane, one of the biggest suppliers for the government’s meat contract who in 1819 was charged with slaughtering cattle illegally.<sup>37</sup> According to MacFie, the stock theft industry in this area increased from 1812 onwards.<sup>38</sup> He identifies three southern family clans involved in theft including the Morgans, the Crahan family in the Derwent Valley area and another headed by John Crute in the Pittwater region.<sup>39</sup> Tipping also identifies the Trimbys as an ‘... incorrigible family of sheep stealers ...’ who stole over twelve hundred sheep in the north of the colony.<sup>40</sup> These families and others engaged in stock theft often intermarried and in doing so strengthened their network of contacts.<sup>41</sup> For people like the Morgans and their servants, who were also involved, as a matter of livelihood, connections and networks were clearly essential.

Hay suggests that poachers were ‘... not only stealing a valuable kind of social capital: they were also debasing its coinage. By supplying the black market they allowed tradesmen and Londoners to play country gentlemen at the dinner table’.<sup>42</sup> While the subject here is of venison and its social importance, this argument

<sup>31</sup> Perkins & Thompson, ‘Cattle Theft’, p.290.

<sup>32</sup> *The Tasmanian*, October 18 1827, vol.1, no.1.

<sup>33</sup> *Ibid*, March 7 1828, vol.54, no.2.

<sup>34</sup> *Hobart Town Gazette*, May 13 1826, vol.523, no.11.

<sup>35</sup> MacFie, *Stock Thieves and Golfers*, p.12.

<sup>36</sup> *Ibid*, pp.11-12.

<sup>37</sup> *Ibid*, p.12.

<sup>38</sup> *Ibid*, p.14.

<sup>39</sup> *Ibid*, p.16, *HRA III ii. Tasmania: July, 1812-December, 1819*, p.282.

<sup>40</sup> Tipping, *Convicts Unbound*, pp.162, 177.

<sup>41</sup> MacFie, *Stock Thieves and Golfers*, p.16.

<sup>42</sup> Hay, ‘Poaching’, p.247.

could easily be adapted to colonial Van Diemen's Land, especially since in the early years of the colony there was a scarcity of beef and mutton. When Thomas Keane and Thomas Butler stole two hundred sheep, one hundred and fifty ewes, forty lambs and nine rams, William Davis was charged with receiving one hundred sheep with a combined market price of over one hundred pounds. Davis in fact exchanged a pair of bullocks worth twenty-five pounds and clothes valued at ten pounds for the stolen haul, or approximately just under one third of the market value.<sup>43</sup> This transaction severely 'debased the coinage', illustrating that the trade could be just as lucrative for the receivers as well as the thieves themselves.<sup>44</sup> This was especially the case when Merinos, or Leicesters, which had high stud and wool values were exchanged for cash on the basis of their much-reduced value as meat.

While McQuilton's three types of stock theft can all be found in colonial Van Diemen's Land, it is clear that his system of classification is far from exclusive. Thus, for example, it is clear that people also stole to increase their own flocks. Abraham Abrahams is a good example of this. While he arrived as a convict on the *Lady Castlereagh* in 1818, having been transported for seven years, he was a free man when he was executed nine years after he arrived. On 7<sup>th</sup> July 1821 he was charged with sheep stealing and sent to the public works. On September 30<sup>th</sup> 1827, he was under examination on charges of stealing a mare the property of Mr. Saltmarsh and another the property of Mary Smith. Less than two months later he was charged with feloniously stealing and riding away on a mare the property of Thomas Gourlay and was executed on 15<sup>th</sup> November 1827.<sup>45</sup> Yet this official version, taken from his conduct record, is a detached account and does not embrace the folkloric tone of later stories. 'The Tramp' referred to Abrahams as 'An Enterprising Jew'.

Abrahams ... started from down country early in the twenties with a few head of his own cattle, which ... he augmented by the addition of a few more from any place en route until he crossed the Meander, by which times his herds, like those of his prototype, Jacob, 'grew to be a great many'. Even if there were no sons of Laban to complain that he had taken their father's cattle, there were not wanting those who thought that the new colony did not offer sufficient scope for such an enterprising fellow as Abraham Abrahams, who about this time must have thought of starting a stud of horses ...<sup>46</sup>

<sup>43</sup> Schaffer & McKay, *Exiled!*, p.42.

<sup>44</sup> The 150 ewes were valued at 150 pounds, 9 rams at 50 pounds and 40 lambs at 20 pounds. SC41/2; *Hobart Town Gazette*, 2<sup>nd</sup> July 1824.

<sup>45</sup> CON 31/1, p.7.

<sup>46</sup> *Daily Telegraph*, Saturday 14<sup>th</sup> October 1893; Meredith & Griffin, *Early Deloraine*, p.24 – In the Old Testament, Laban was father-in-law to Jacob who married both his daughters, Leah and Rachel. Jacob worked for Laban for twenty years, tending his flocks, and was never paid for this work. When



Other stockmen also engaged in this practice. As Perkins and Thompson report, 'stockmen on one station often arranged the exchange of unbranded cattle with those of others to minimise detection on the basis of the colouring or other characteristics of the cattle'.<sup>47</sup> They further claim that 'more than half of the stockmen who located themselves as squatters after working for awhile as hired hands possessed stolen stock'.<sup>48</sup> However this is more a reflection of practices rather than purpose. Tipping also argues that respectable settlers were not averse to appropriating cattle that strayed.<sup>49</sup> Perkins and Thompson also claim that the stockmen followed by example. It was '...very seldom that a squatter killed his own beast when he could get one of his neighbours'. Accordingly, it was not hard to see how men were influenced when they saw how a lot of their employers worked.<sup>50</sup>

Just as stock theft was motivated by different factors, the methods employed also varied. These techniques were known colloquially as planting, duffing and gully raking. Planting was a process whereby cattle were stolen and then hidden until a reward was posted and then claimed.<sup>51</sup> It could be quite a lucrative business. The Government and General Order of 9<sup>th</sup> December 1813 outlined rewards for locating lost stock, in this case fifteen of the government's cattle and one hundred of Corporal Hestie's sheep. For the discovery of any of these animals, a free man could expect to receive a cow from the government herds. A convict would be given the strongest recommendation for a conditional pardon and encouragement as a settler, while a bushranger would be pardoned for the '...Great offence he has committed ...'.<sup>52</sup>

A variation of planting can be seen in the case of George Richardson. Richardson had been given four hundred pounds by James Scott Esq., principal surgeon of the Colonial Establishment, to purchase some sheep. Instead he stole over one hundred and fifty sheep the property of Mr. Stocker. Two shepherds, John Poole and another men named Brunton, had witnessed him in the act. Richardson had also told Thomas Long, the approver, that he was going to commit the crime and was to

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Laban asked Jacob how much he owed him, Jacob said he preferred to take very black lamb and speckled and spotted goat. Even though he agreed to this, Laban removed all the animals so marked and took them away. Yet Jacob ensured that when future animals bred they would be spotted or speckled in colour. For himself he took the strong animals and left Laban the weak. When Laban's sons discovered this they cried, 'Jacob has taken everything that belonged to our father'. (Genesis 29-32).

<sup>47</sup> Perkins & Thompson, 'Cattle Theft', p.297.

<sup>48</sup> *Ibid.*

<sup>49</sup> Tipping, *Convicts Unbound*, p.161.

<sup>50</sup> Perkins & Thompson, 'Cattle Theft', p.298.

<sup>51</sup> *Ibid.*, p.291.

get five shillings a head for his part in it. Yet it was not until the declaration that a reward was on offer that these men came forward and gave information. Scott had ordered Richardson to buy some sheep and from this purchase, sixty sheep were to be delivered to Mrs Burns of New Norfolk. When he discovered that Richardson had not done this, Scott told him to take the sixty sheep out of his own flock and Richardson came back with a receipt from Mrs Burns' shepherd. Yet the judge found that Richardson had not taken the sheep out of Scott's flock because the amount had not changed. Furthermore, Richardson had bought no extra sheep as he was ordered to do so. Thus it can only be assumed that he kept this money and stole another man's sheep to make up the quota.<sup>53</sup>

The second method, as outlined by Perkins and Thompson, was duffing. This involved the theft of stock, with an intention of changing the brand for either slaughter or to incorporate into another herd or flock.<sup>54</sup> In the case of animals destined for slaughter, skinning also achieved this aim. Depending on the age of the stock they were either immediately slaughtered or driven up to twenty miles a day to stock another herd.<sup>55</sup> Furthermore the method of branding, or in this case, re-branding, was an intricate process. Perkins and Thompson describe it neatly.

If too much pressure was applied with the branding iron, the brand tended to run and become indecipherable with the growth of the beast ... Where too little pressure was applied, the iron ... singed the hair to form ... a hair brand which ... disappeared as the beast matured.<sup>56</sup>

They cite the example of Sir John Jamison whose brand was 'TJ' but was often altered to 'TB', by his employees in a conspiracy against him at musters. They cooled the 'J' when the brand was heated so it formed only the letter 'T'. The 'J iron' was allowed to cool enough so when applied, it only formed a hair brand which would soon grow out.<sup>57</sup> Testimony to this practice and different owners, legal or illegal, was the example of the cow with seven brands on it.<sup>58</sup> Bogong Jack was reputed to be able

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<sup>52</sup> *HRA III iv: Tasmania 1821-December, 1825*, p.719.

<sup>53</sup> *Hobart Town Gazette*, March 1 1823, vol.8, no.356.

<sup>54</sup> Perkins & Thompson, 'Cattle Theft', p.292.

<sup>55</sup> *Ibid*, p.293.

<sup>56</sup> *Ibid*.,

<sup>57</sup> *Ibid*, p.294.

<sup>58</sup> *Ibid*, p.295.

to alter the appearance of a horse completely by the use of bleaches and dye.<sup>59</sup> While it was important to disguise brands if the stock was to be resold, it was not as important if slaughter was the intention. In these cases, ears that bore the brand of the owner were simply cut off, or the skins were removed completely and then hidden. A similar incident will be explored in the case study following this chapter. Strategies to combat duffing could be quite bizarre. Perkins and Thompson refer to the growth of 'brand fetishism', a characteristic of the United States, where brands were extended to names of ranches which were viewed as equivalent of a medieval knight's armorial bearings. The status that was conveyed in belonging to such a ranch was why this was so embraced. One reason why this perhaps never reaching the same heights in the Australian colonies was because there was no consistency with brands. One man, Leonard Cheltham had five different brands for his cattle.<sup>60</sup>

Perkins and Thompson also point out that duffing was especially prevalent among the convict and emancipist population.<sup>61</sup> In one sense this assertion could unsettle the stereotype of the convict as unskilled and lazy. Peter Harrison and Edward Curr perpetrated this stereotype. The former claims that many ex-convicts who had been given grants of land, were expert at altering brands because they could not afford to buy stock.<sup>62</sup> Yet it has already been established that the art of branding was one that needed a degree of skill. Duffing appears to have been rife as Giblin in *The Early History of Tasmania* acknowledges.<sup>63</sup> The Land Commissioners summed up the practice in their own unique way.

...such Men as Simpson, Ritchie, Stocker, Gibson [and] Field ...who possess themselves of immense Tracts, and who do not even support one Stock-Keeper, winking as many of them do, at these Ruffians marking and branding everything they can pick up as their own ...<sup>64</sup>

Further evidence of the prevalence of duffing can be found in descriptions of the state of stolen sheep. When Edward Lord had one hundred sheep stolen from him by Dunn, Robinson and Archibald, their ears were in a terrible state when they were recovered as were those of the one hundred and fifty sheep Oldham, Comerford and

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<sup>59</sup> P.Morgan, *The Settling of Gippsland: A Regional History* (Traralgon, 1997), p.81. Bogong Jack was also involved in planting and gully-raking. See P.Morgan, 'The Van Diemen's Land Factor in Early Gippsland History', *Tasmanian Historical Studies*, 6, no.2 (1999), p.159

<sup>60</sup> Perkins & Thompson, 'Cattle Theft'.

<sup>61</sup> *Ibid*, p.296.

<sup>62</sup> Morgan, *Land Settlement*, pp.127-8.

<sup>63</sup> Giblin, *The Early History of Tasmania* (London, 1939), p.165.

<sup>64</sup> McKay, *Journals of the Land Commissioners*, p.25.

McMahon stole from Wells.<sup>65</sup> When four bullocks stolen by George Eldridge and James Woodward were recovered, two beasts still retained the 'R' brand of Thomas Ritchie, while on the other two, there were blanks where the brand should have been, implying that they had originally been hair branded.<sup>66</sup> Joseph Trimby and his sons were sentenced to fourteen years transportation to Newcastle Penal Station, not only for receiving stolen sheep, but for altering brands on the two hundred sheep they had stolen from David Gibson, Robert Campbell and Edward Lord.<sup>67</sup>

The third method was gully raking, and as Perkins and Thompson claim, almost entirely the conception of 'currency lads'. It demanded the skills of the mounted stockmen armed only with a stockwhip, to round up wild cattle that evaded a muster.<sup>68</sup> Perkins and Thompson estimated this figure to be ten per cent of the herd.<sup>69</sup> The objective of gully raking was to build up a herd or flock coupled with a view to selling on the black market or slaughtering. When Commissioner Bigge examined Roger Gavin and asked him of the methods thieves engaged in, he replied '...it is supposed they drive them into some place of concealment out of the ordinary Tracks ...'<sup>70</sup> Curr even reported an incident that involved all three methods. He claimed that the strongest sheep always led the flock, so the thieves knowing this, isolated the leaders from the rest of the flock. If they were to be killed, this was carried out immediately. Otherwise they were driven to an isolated spot and had their brands changed or ears cut off. After they had recovered, they either resurfaced in the flock of another farmer or were sold back their to their original and unsuspecting owner.<sup>71</sup>

The geography of the land was also an important factor. Evetts Haley in *The XIT Ranch in Texas* claimed that the type of country influenced the incidence of cattle theft and cited the Great Plains of America as an example of an area where rustling never became profitable.<sup>72</sup> Parts of Van Diemen's Land, especially on the Westward, west of Deloraine, were exactly the opposite. While there are substantial plains in that area, they are bordered by thick-forested hills that give way to mountain ranges. If

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<sup>65</sup> *Hobart Town Gazette Supplement* March 1821 & March 1 1823, vol.8, no.356.

<sup>66</sup> *Ibid.*, March 8 1823, vol.8, no.357.

<sup>67</sup> Tipping, *Convicts Unbound*, p.162.

<sup>68</sup> Perkins & Thompson, 'Cattle Theft', p.297.

<sup>69</sup> *Ibid.*

<sup>70</sup> *HRA III iii*, p.360. See also Morgan, 'The Van Diemen's Land Factor', p.159. Bogong Jack was involved in stealing horses from Gippsland, re-branding them in the hidden gullies of the Australian Alps and then selling them in northeastern Victoria and the Riverina.

<sup>71</sup> Curr, *An Account of the Colony*, pp.36-8.

<sup>72</sup> as cited in Perkins & Thompson, 'Cattle Theft', p.297.

cattle were taken onto the Central Plateau, a long plain that sits atop the Great Western Tiers and stretches all the way to Ouse in the south, they could be driven undetected to the slaughterhouses or another part of the colony.<sup>73</sup>

Yet while in Bathurst, New South Wales, an association was formed to combat this practice, other landowners were often silent. According to Perkins and Thompson, there was a fear of vengeance from cattle thieves who made a public example of any stockowners who actively challenged them.<sup>74</sup> These men were also highly organised, as MacFie observes. He contends that while cattle were more valuable, it was difficult to control and conceal them, so sheep stealing not only appealed to assigned servants, but small scale-settlers also. Sheep were taken from flocks at night and driven overland through the bush.<sup>75</sup> The Land Commissioners also made mention of similar networks.

...to some Fellow with a bad character, and a small Grant, with a good Run attached, will he repair, the stolen Sheep are first put into the most inmost recesses of the Tier, completely out of the view of everyone untill (sic) their fresh Ear Marks are quite healed, they are then produced without fear of detection. By means of these small grants, the System of Sheep Stealing is fully organized (sic), those stolen from the North are driven to the South and vice versa. A constant communication is kept up, and ...the practice is carried on to a woful (sic) extent.<sup>76</sup>

This was another case that combined duffing with gully raking.

Indeed Samuel Guy believed that thieves could not be detected once they had taken to the bush, because their tracks were so well concealed.<sup>77</sup> Furthermore in a return to the case of the 'Enterprising Jew', Abraham Abrahams executed for horse stealing, it appears he confessed that he had hidden '...among the Hills at the opposite side of the Port Sorell Creek, several Cattle, which have not yet been found'.<sup>78</sup> Of the three methods, duffing and gully-raking were the most prevalent in Van Diemen's Land.

There are many ways in which the government and settlers responded to stock theft. These perhaps could be measured in terms of official and unofficial reactions, that is, those made by people in official positions and those made by the landowners themselves. Officially, the registration of stock brands and reform in this area, as has

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<sup>73</sup> S.Cubit, *Snarers and Cattlemen of the Mersey High Country: The Lees of Lees Paddocks* (Launceston, 1987), p.31.

<sup>74</sup> Perkins & Thompson, 'Cattle Theft' p.298.

<sup>75</sup> MacFie, *Stock Thieves and Golfers*, p.15.

<sup>76</sup> McKay, *Journals of the Land Commissioners*, p.64.

<sup>77</sup> Morgan, *Land Settlement*, p.128.

<sup>78</sup> McKay, *Journals of the Land Commissioners*, p.79.

been established, was a highly necessary course of action. Thus Lieutenant Governor Sorell determined that stock should be inspected under the order of a magistrate and that owners should use one mark, namely their initials. Though stockowners could decline to have their stock inspected and withhold information, by doing so they were unable to sell their meat to the government stores. This also affected future deals. Cutting off the ears of sheep was also banned.<sup>79</sup> Obviously to refuse to have stock inspected would be incongruous to a livelihood dependent on government stores. As Giblin states 'it was little likely that the higher order of landowners would oppose a law so manifestly advantageous to their interests ...'.<sup>80</sup> Yet problems did exist with this system, as A.W.H.Humphrey testified.<sup>81</sup> The government store itself opened up to competitive tendering in 1822 and the minimum weight requirement for tenders increased. This excluded small-scale suppliers from trading at the store and the bushrangers and thieves who had been supplying these men, also suffered.<sup>82</sup>

Unofficially, the responses to the problem of stock theft were varied. Even where thieves were discovered, prosecution was rare, especially in the early days of settlement.<sup>83</sup> In the words of Gavin, a district constable: 'poor men, who lose their sheep, would much rather put up with loss, ...than go to any further trouble or expose themselves to further loss by going to Sidney (sic)'.<sup>84</sup> At one end of the scale vigilantes and posses were set up. In the United States, ranchers lynched thieves.<sup>85</sup> However levels of retributive violence on this scale appears to have been absent in Australia, although Agricultural Associations, consisting of members of the gentry, who saw themselves as arbiters of the community, formed posses to suppress theft.<sup>86</sup> In 1842, three squatters from the Yass district took the law into their own hands and went in search of stolen stock and returned with eight hundred head of cattle and seventeen individuals.<sup>87</sup>

Yet just as many, if not more stockholders were too afraid to be seen to actively oppose those involved in stock theft for fear or reprisal of their own stock.<sup>88</sup>

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<sup>79</sup> Giblin, *The Early History of Tasmania*, pp.164-5.

<sup>80</sup> *Ibid.*, p.165.

<sup>81</sup> *HRA III iii*, p.280.

<sup>82</sup> Maxwell-Stewart, *The Bushrangers*, pp.199-200.

<sup>83</sup> Morgan, *Land Settlement*, p.128.

<sup>84</sup> *HRA III iii*, p.360.

<sup>85</sup> Perkins & Thompson, 'Cattle Theft', p.299.

<sup>86</sup> Roe, *Quest for Authority*, p.38.

<sup>87</sup> Perkins & Thompson, 'Cattle Theft', p.299.

<sup>88</sup> *Ibid.*, p.298.

It is a measure of how stock influenced society that threats were carried out. Even more so, it is an indicator of the significance of stock theft and the black market that people resorted to such action. According to MacFie, John Wade and Daniel Stanfield were repeatedly robbed, while magistrate Humphrey had sheep stolen and haystacks fired by George Watts, a bushranger and member of Mike Howe's gang.<sup>89</sup> This situation can also be paralleled with that of poachers in England. As Christopher Hill argued: 'no magistrate ... dared proceed against smugglers or his house might be burnt down'.<sup>90</sup> Finally, settler responses were often subdued somewhat because of their own involvement in the practice.<sup>91</sup>

Ultimately this chapter has shown that stock theft was not a uniform thing. Indeed it could never be. Methods and purposes varied from district to district and over time it was also established that every class, from the convict through to the gentry, was involved in some way. One of the reasons for this was the value of stock to colonial society. It also became clear that an invented tradition of the bush, bushman and stock theft had obscured the role that stock played in the formation of the early colonists social and economic relations.

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<sup>89</sup> MacFie, *Stock Thieves and Golfers*, p.20.

<sup>90</sup> Hill, *Liberty against the Law*, p.112.

<sup>91</sup> Perkins & Thompson, 'Cattle Theft', p.298.

## ~ Case Study ~

Up until this point the cases that have been examined have been firmly located within the private sector. A hitherto unexplained feature of stock theft, however, has been the interaction between ganged convicts and the pastoral sector.<sup>1</sup> This dimension of colonial stock theft will be explored through the use of a case study. The chapter will develop the discussion on disguising brands and also looks more fully at the issues of black, 'moral' and political economies of stock theft.

The story unfolds as follows. During the winter of 1834, in the township of Ross and its surrounding areas, the large landowners of the district were in a state of alarm. They alleged that members of the Ross Bridge Gang had absconded from their barracks, had stolen their sheep and were skinning them to avoid detection. This meat, they alleged, was then sold on to the townspeople.<sup>2</sup>

Richard Fowler, a convict attached to the gang, stated that on the 13<sup>th</sup> July 1834, he saw three men, James Hogg, Charles Day and Joseph Miller, return to their hut in the barracks with a sheep. The next day he saw Peter Cashem, another man from the same hut, walking into Ross with a bag upon his back filled with what Fowler supposed was meat. Fowler subsequently met Cashem near the government blacksmith's shop and noticed the bag was empty. The Monday after this, Fowler went to the store whereupon the storeman, James Colbeck, quickly covered some meat with a cloth as soon as he entered. Fowler then told Mr. Atkinson, the superintendent of the gang, that he believed Colbeck and the blacksmith, John Dykes, had bought meat from the convicts.<sup>3</sup>

A month later, on 12<sup>th</sup> August, Shadrick Purton, a free man, saw a man resembling Hogg driving a flock of sheep towards the bend of the river. When they were sufficiently cornered, Hogg rushed in and fell upon one of them.<sup>4</sup> Purton went straight to Charles Hardinge, the convict overseer, who called for a muster of those at the barracks.

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<sup>1</sup> An exception to this is P. MacFie, 'Dobbers and Cobbers: Informing and Mateship on the Grass Tree Hill Road Gang', *Tasmanian Historical Research Association*, 35 (1988), *passim*.

<sup>2</sup> CSO 1/749/16135 AOT, pp.214-216.

<sup>3</sup> *Ibid*, p.193.

<sup>4</sup> *Ibid*, p.197.



When they did not find Hogg, Purton told Atkinson, who upon hearing the circumstances claimed he had always suspected Hogg but could never prove it.<sup>5</sup>

In his statement of 10<sup>th</sup> September Hogg made some interesting revelations. He claimed that at the beginning of June, five men including Richard Fowler and himself, left the barracks at nine o'clock at night, and killed six sheep belong to Mr. Kermode. He claims that after the meat was taken back to the barracks, a portion was eaten and the rest received by Hardinge who sold it to men such as John Kitchen and John Fromingham. Hogg claimed he could prove that himself and others killed sixty sheep, all the property of Kermode, from the beginning of June till he was gaoled at Campbell Town.<sup>6</sup>

Kermode and the other landowners were clearly alarmed by Hogg's revelations. On 11<sup>th</sup> September Kermode wrote to the Colonial Secretary expressing his concerns.<sup>7</sup> On the subsequent day a meeting was held at the Ross Hotel which was attended by several landowners, Atkinson, Mr. Horne (the district magistrate) and John Leake (the police magistrate). The people of the township were questioned in order to try and identify free participants in the black economy network.<sup>8</sup> On 20<sup>th</sup> September, another meeting was held from which emerged plans to erect a wall around the barracks since the men escaped through the windows of the huts. It was suggested that the men should receive indulgences, such as tea, sugar and tobacco, which would remove temptation to obtain them illegally. The settlers also drew up a list of convicts they wanted removed from the gang, including Hardinge.<sup>9</sup> On 16<sup>th</sup> October, Kermode wrote again to the Colonial Secretary questioning the findings of the meetings and reminding him that this was not the only case where men from gangs were not secured at night and meat had been found in their possession.<sup>10</sup> He also claimed that three men, Tapp, Wright and Arnold, were in the habit of delivering meat at prices significantly under the market value.<sup>11</sup> On 20<sup>th</sup> October, Atkinson admitted that men who absented themselves from the barracks could have done so after muster or when there was time between the leaving of

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<sup>5</sup> *Ibid*, pp.198-99.

<sup>6</sup> *Ibid*, p.239.

<sup>7</sup> *Ibid*, pp.225-6.

<sup>8</sup> *Ibid*, pp.227-8.

<sup>9</sup> *Ibid*, pp.232-34.

<sup>10</sup> *Ibid*, p.215.

<sup>11</sup> *Ibid*,.

work and the eight o'clock muster. He believed their method was to knock down the sheep near the stone quarry and go back later at night for the meat.<sup>12</sup>

Both the Colonial Secretary, John Montagu, and John Leake, found that all the people who were suspected of receiving meat from illicit quarters had fully exonerated themselves.<sup>13</sup> They also declared that no credence could be applied to Hogg's statement.<sup>14</sup> Leake claimed that the only case of sheep theft attributable to the gang that he was aware of, was that of Hogg and Jones, when they killed one ewe belonging to Horne. Yet there was no evidence of stealing it, only the intent to do so.<sup>15</sup> Leake suggested that while sheep stealing existed, the situation was not as serious as had been imagined.<sup>16</sup> A simple enough story it would seem. Yet there are clear inconsistencies here.

Garran and White contend that '...sheep were not stolen for indiscriminate slaughter and ...sheep stolen for meat would generally have been wethers which produced better mutton ...'.<sup>17</sup> Most of the landowners targeted by the Ross Gang, however, did not run Bengal wethers, favoured for meat supply, but improved stock valued for their wool clip. William Kermode's 'Mona Vale' property, for example, was an important stud in 1830's, which was based on Van Diemen's Land Company's bloodlines.<sup>18</sup> John Leake and the Parramore family had also imported Saxon sheep in the 1820's and had gone on to establish important studs, at Wetmore and Beaufront.<sup>19</sup> While these were expensive stock in regard to their capital cost they had a limited value as carcasses. In terms of the black market economy, Bengals were more lucrative. Perhaps that is why Samuel Gordon stole fifty Bengal wethers from James Gordon and why the majority of sheep stolen were of similar breeds.<sup>20</sup> While it is likely that improved breeds were targeted merely because they were the easiest to access, the issue fuelled tensions within the area and focused the attention of the local gentry on the administration and organisation of the gang. However,

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<sup>12</sup> *Ibid*, pp.201-2.

<sup>13</sup> *Ibid*, pp.223, 226.

<sup>14</sup> *Ibid*, p.240.

<sup>15</sup> *Ibid*, pp.223, 227.

<sup>16</sup> *Ibid*, p.227.

<sup>17</sup> J.C Garran and L. White, *Myths, Macarthurs and Merinos* (New South Wales, 1985), p.59.

<sup>18</sup> C.Massy, *The Australian Merino* (Victoria, 1990), p.73.

<sup>19</sup> *Ibid*, p.71.

<sup>20</sup> SC41/1-2.

it does not negate the possibility that the thefts were linked to the operation of a wider moral economy.

Serious inconsistencies also emerged over the number of skins involved. The official voices in this story claim that only one incident involving one ewe could be attributed to the gang. Yet interestingly, Horne, a magistrate and large landowner, supported Hogg's statement and also claimed that Hogg could show where three hundred skins were buried.<sup>21</sup> Furthermore Horne himself mentioned he had located over one hundred skins in an excess of five different spots.<sup>22</sup> Kermode also stated that while he offered a reward for the recovery of his sheep, he only located skins in tree hollows and holes in the ground.<sup>23</sup> Furthermore, on the strength of Fowler's statement, twenty skins were located and dug up.<sup>24</sup> Clearly this practice was not restricted to the one ewe Hogg and Jones were prosecuted for.

There is also serious disagreement over the dates upon which stock was plundered. Hogg and Jones were committed for stealing stock on the 18<sup>th</sup> August.<sup>25</sup> Fowler, whom Leake was inclined to believe, claims he witnessed the theft on July 13<sup>th</sup>.<sup>26</sup> Purton contends it was 12<sup>th</sup> August and Hogg himself says it was between the beginning of June until he was gaoled at Campbell Town.<sup>27</sup> According to Leake and Montagu only one of these dates could be correct, because they were convinced that only one sheep had been slaughtered. Horne claimed it was the first date, yet Leake himself stated that he '...believes solely on the authority of Richard Fowler, a prisoner and witness against Hogg ...',<sup>28</sup> which would have placed the theft on the 13<sup>th</sup> July. There is a suggestion here that government officials down played the extent of stock theft by the Ross gang in order to limit the payment of damages to private settlers who had lost property at the hands of public works convicts.

Furthermore, the gang itself had a reputation for illegal activities. Horne believed Hardinge, the overseer, was heavily involved and Hogg also implicated him in his own

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<sup>21</sup> CSO 1/749/16135, p.209.

<sup>22</sup> CSO 1/749/16135, p.211

<sup>23</sup> *Ibid*, p.226.

<sup>24</sup> *Ibid*, p.204.

<sup>25</sup> *Ibid*, p.210.

<sup>26</sup> *Ibid*, p.193.

<sup>27</sup> *Ibid*, pp.197, 239.

<sup>28</sup> *Ibid*, p.202.

statement.<sup>29</sup> Though largely neglected by historians, it appears that complaints of gangs with meat were not unfounded. Thus, for example, Jeremiah Wilson, of the St.Peters Pass road party, was found at daybreak in the midst of Joseph Ellis' flock, unable to give a satisfactory account of why he was there.<sup>30</sup> Furthermore, gambling was rife amongst the gang as was drinking rum, often in company of the overseers.<sup>31</sup> Money was in plentiful supply and because mechanics were allowed to work for themselves Saturday afternoons, they were also well clothed.<sup>32</sup> When James Button hired himself out for work, the superintendent, Mr. Atkinson, paid him in rations such as tea, tobacco, sugar and clothing, most likely in the hope that it would not be lost in gambling.<sup>33</sup> As Button claimed, 'there is not a beggar gambling on the gang'.<sup>34</sup> The source of the rum is interesting. Members of the townsfolk obviously provided it, establishing a link between the convicts, the overseers and the town. This was not an isolated case. G.W. Evans, himself a target of stock theft, reported of a situation where bushrangers forced two government servants to a place known colloquially as 'the tallow-chandlers shop' to render down beef fat for three days. Initially Evans questioned the ability of their being able to acquire such a quantity. He eventually surmised they got it from '...persons in and near the settlements, who are leagued with them in the way of bartering one commodity for another'.<sup>35</sup> This also occurred in other places of imprisonment. Linus Miller traded nine evening meals for a pair of knee breeches with a convict known as Timothy Greedy, when in the Hobart Penitentiary in 1841.<sup>36</sup> Yet in the case at hand, livestock became an important way of gaining goods when otherwise isolated from the established channels of distribution, and especially when these goods were priced at a premium.<sup>37</sup> It seems unlikely that the acts of stock theft perpetrated by the Ross gang were isolated events. The evidence suggests that they were part and parcel of an extensive set of black market transactions which linked ganged convicts, superintendents, townsfolk and the surrounding pastoralists.

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<sup>29</sup> *Ibid*, pp.211, 239.

<sup>30</sup> Offences of convicts re-transported to Macquarie Harbour: Supplied by H.Maxwell-Stewart.

<sup>31</sup> CSO 1/775/16555, p.145.

<sup>32</sup> *Ibid*, p.175.

<sup>33</sup> *Ibid*, p.154.

<sup>34</sup> *Ibid*, p.165.

<sup>35</sup> Evans, *A Geographical, Historical and Topographical Description*, p.104.

<sup>36</sup> Maxwell-Stewart, 'What's That You've Got in Your Tucker Bag?', p.231.

<sup>37</sup> Perkins & Thompson, 'Cattle Theft', p.302.

Food and clothing shortages were problems which plagued gang organisation. As Backhouse and Walker observed

Many prisoners are sent to the Chain-gang, ...almost destitute of clothing; and arriving after the regular time of supply, they remain long, almost in a state of nudity. Many come also with very bad shoes, and suffer much in consequence from the nature of work they are engaged in.<sup>38</sup>

In fact, Hogg, Day and George Scott, all from hut number three, had on March 4<sup>th</sup> 1834 all been charged with refusing to work because they had no bedding.<sup>39</sup> Maxwell-Stewart argues that 'black economies are important to the unfree', because they are liberating.<sup>40</sup> Thus to such men, the black market may have represented an unofficial means of restoring official rights in much the same way as Atkinson has written of mainland convicts and Genovese of slaves.<sup>41</sup> It seems extremely likely that the nightwatchmen and overseers like Hardinge were also involved and that bribes were used to pay for their silence. Why otherwise would so many of those suspected of being implicated in illegally receiving meat suddenly be exonerated?

E.P.Thompson has argued that some actions such as poaching and food rioting can be read as a defence of their traditions and customs, and that these acts received the support of the wider community.<sup>42</sup> As Erin Idhe puts it in an Australian context, moral economy entailed all sections of the community having a clear sense of their customary rights.<sup>43</sup> Other definitions of a moral economy employed by Australian historians include the defence of a socially defined wage, that is one sufficient to support a working man and his family. Both Alan Atkinson and Ben Maddison have directly applied moral economy to nineteenth century Australia.<sup>44</sup> The idea of a moral economy does not merely reside in a western consciousness. The Mardudjara people of the Gibson Desert, Western Australia, for example, abide by *julubudidi*, a word close to the English version of law. It

<sup>38</sup> as cited in MacFie, 'Dobbers and Cobbers', p.116.

<sup>39</sup> CON 31/19; p.7, CON 31/10, p.56; CON 31/39, p.91.

<sup>40</sup> H.Maxwell-Stewart, 'Convict Workers, 'Penal Labour' and Sarah Island: Life at Macquarie Harbour, 1822-1834, I.Duffield and J. Bradley (ed), *Representing Convicts: New Perspectives on Convict Forced Labour Migration* (London, 1997), p.151. See also R.A Radford, 'The Economic Organisation of a P.O.W Camp', *Economica*, 12 (1945), *passim*.

<sup>41</sup> Atkinson, 'Four Patterns of Convict Protest', *passim*; Genovese, *Roll, Jordan Roll*, *passim*.

<sup>42</sup> E.P.Thompson, *Customs in Common* (London, 1991), p.188.

<sup>43</sup> E.Idhe, "'A Smart Volley of Dough-Boy Shot': A Military Food Riot in Colonial Sydney", *Journal of Australian Colonial History*, vol.3, no.2 (2001), p.24.

<sup>44</sup> Atkinson, 'Four Patterns', *passim*; B.Maddison, "From 'Moral Economy' to 'Political Economy' in New South Wales, 1870-1900", *Labour History* 75 (1998), *passim*.

is a '...body of jural laws and moral evaluations of customary and socially sanctioned behaviour patterns'.<sup>45</sup> The Walbiri, north of Alice Springs, have their djugaruru, which is '...an established and morally right order of behaviour'.<sup>46</sup> Can the idea of a moral economy be used to help explore the role that stock theft played in the everyday world of ganged politics in Ross? Convicts believed that they were entitled to a wage that reflected the work that they undertook.<sup>47</sup> That many of them participated in the plunder of sheep from neighbouring pastoralists is not inconsistent with a view of moral economy. Many of the men in the gang had experienced assigned service and all convicts were aware of the benefits that derived to the private sector from their labour. In a sense, they were 'robbing Peter to pay Paul'.

An alternative reading was that this was a case of immoral, rather than moral economy, where blatant plundering for profit was the aim and the perpetrators were not mindful who suffered from their clandestine plundering. It is also possible that large landowners were simply a target because they had more sheep and skimming a few off the flock would be less noticeable. Horne, according to Leake, had about five thousand sheep.<sup>48</sup> He also had good reason to protest, having been targeted in the past. In 1829, J.Stimpson was transported to Macquarie Harbour for stealing a sheep from him.<sup>49</sup> Kermode also claimed that he and other stockholders had suffered and continued to do so.<sup>50</sup> He stated that Tapp, Wright and Arnold

had been lately in the habit of delivering meat by cartloads at Ross and considerably under market prices. How then, may I ask could the parties purchasing suppose the meat to have been honestly obtained?<sup>51</sup>

Yet perhaps this is the most revealing part of his correspondence to Montagu.

I wish you had confined your answer to the evils I have had to complain of and not to have shown a disposition to soften my losses by making Road parties better than they really are, thereby casting a doubt as to the truth of my statement.<sup>52</sup>

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<sup>45</sup> H.McRae; G.Nettheim; L.Beacroft, *Aboriginal Legal Issues* (North Ryde, 1991), p.203.

<sup>46</sup> *Ibid.*

<sup>47</sup> as cited in Maxwell-Stewart, *The Bushrangers and Convict System*, p.119.

<sup>48</sup> CSO 1/749/16135, p.203.

<sup>49</sup> SC41/1;Public Records Office CO 280/20 AOT. Supplied by H.Maxwell-Stewart.

<sup>50</sup> CSO 1/749/16135, p.224.

<sup>51</sup> *Ibid.*, p.214.

<sup>52</sup> *Ibid.*, p.216.

This exchange suggests that the real issue was one of control. The presence of chain and road gangs was often contested. Some settlers welcomed their presence as this helped to ensure that vital infrastructure was completed, thus helping to further their own private interests. Others were more ambivalent. A member of the landed gentry, whose estate the new road ran through, complained of the cost of having to re-fence his land. He claimed that in a similar instance in England, the government would have paid the tax for improving his estate, as well as compensation. He questioned the possibility of reimbursement.<sup>53</sup> By emphasising the gang's involvement in the theft it was possible to highlight the extent to which they were 'morally deprived'. Men like Kermode, Horne and Parramore, who had been targeted by the gang, could exaggerate this point to their own advantage for the purpose of strengthening their case for government compensation. Their actions could also be read as an attempt to try and get the gang moved on to another location, or even effect the position of the entire road so they did not have to pay for expensive new fences to protect their investment in improved stock. Therefore by playing down the severity and number of the attacks, and effectively denying there was a black market economy, it could be hoped that the fears of local landowners would be pacified. If news of the extent of livestock slaughter and the resultant settler response was to reach other rural districts, alarm and uproar against gangs might prevail. It was imperative that the colonial government showed that they had control, especially after the recent hostilities with Aborigines and bushrangers, and also show that the gang posed no threat to the surrounding communities.

The second part of the answer is perhaps the most important as motives from both sides becomes clear. This is revealed in two words, government compensation. The government would try as hard as they could to play the situation down to lessen the amount of compensation they might be liable to pay if stock were proven to be stolen, especially if improved stock were concerned. Conversely the landowners themselves were expressing their alarm as loudly, and as often as possible, to put together a case for compensation. Horne and Kermode were probably both guilty of this even though they must have been aware that many of the losses that they claimed had occurred at the hands of stock thieves could possibly be put down to natural causes. As Leake says, 'every

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<sup>53</sup> Supplied by H.Maxwell-Stewart.

sheep owner keeps an account of his sheep as to numbers, but from frequent casualties which do not come to his knowledge, the numbers seldom tally with the account and in large flocks the difficulty of keeping an exact account is increased'.<sup>54</sup>

Finally, it is important to locate this case within McQuilton's classification system. Since the motivations of the men on the gang can only be assumed, the task is equally hard to determine. The most plausible conclusion is however, that all three factors in McQuilton's typology were probably at play. The revenge factor is the most difficult to sustain. Larger landowners were probably targeted because they were visible, close by and 'rich'. There is room to deploy both moral and immoral economy here, depending on one's viewpoint. McQuilton's first tenet could also be applied, but again only in a limited way. The men would have used the meat to feed themselves at times, but could not have eaten anything like the numbers that were reported as stolen. This leaves his third category, that is, making a livelihood out of the exchange of stock. This is the most probable motivation, because through a black market economy, other goods could be procured, as could money and the establishment of favourable networks. These men could also derive a sense of independence from such actions. However it should be noted that such an interpretation is not necessarily inconsistent with the notion of the operation of a moral economy. This is especially true in a society where labour was nakedly exploited through the substitution of rations for wages, the value of which fell far below the value of the labour performed. Participating in the black market also instilled some normalcy into their lives.

Thus this case did not focus solely on theft alone, but the more subtle message, of what theft could mean for gangs, the community and ultimately, the government. It is also further proof that stock theft was not uniform or systematic and that there are many ways in which it can be viewed and perhaps more importantly, that a surprising range of colonial questions revolved around the contested issue of stock.

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<sup>54</sup> *Ibid*, p.202.



## ~ Conclusion ~

This thesis has used two approaches. The first of these examined livestock in the context of a form of colonial property and the role that the ownership of cattle, sheep and horses played in the shaping of colonial identities. In his award-winning book, *The Transformation of Virginia*, Rhys Isaac argued that people's reported actions could be read in the same way as any other archival record. Isaac claims that

society is not primarily a material entity. It is rather to be understood as a dynamic product of the activities of its members- a product profoundly shaped by the images that participants have of their own and other's performances.<sup>1</sup>

In summary, Isaac's argument is that from a close reading of the letters, diaries, government orders and newspapers, which recorded people's actions, a model of society can be recreated. Another way of putting this is that people's reported actions can be read as statements of intent. He prefaced his remarks, however, with this warning: 'ethnographers cannot understand and translate action-statements unless they have some comprehension of the culture ...'<sup>2</sup>

This thesis has attempted to follow Isaac's approach. It has employed an exploration of the multiple meanings of livestock in colonial society as a process to understanding important aspects of colonial culture. It has been argued that livestock played an essential role in the economic, social and political development of the colony. They signified riches, both for those seeking to exploit them legally and illegally, revenge, exploitation, survival and opportunity. Through them, the path to status was assured, and they became the focus of wealth creation and accommodation. Livestock was also, however, often contested property. The gentry viewed stock as material props to aid their climb to wealth and status. For them, stock meant bloodlines and studs. Assigned servants, however, were more aware of the opportunities that stock presented for ration bargaining and black economy dealing. Thus, livestock was not only crucial to capital formation, but played an important role in the delineation of colonial class and labour relations.

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<sup>1</sup> R.Isaac, *The Transformation of Virginia: 1740-1790* (North Carolina, 1982), p.324.

<sup>2</sup> *Ibid*, p.325.

As this analysis implies, livestock was often exploited to employ resistance tactics and also obtained the role of portable property that could be expropriated. It was argued that there were two different sets of colonial relations at play, that which existed between the gentry and small-scale settlers, and that between masters and servants. Stock played an important role, not only in defining the relationships between these parties, but also in understanding the way in which tensions were played out. While this section of the thesis attempted to read stock maiming and theft as action statements, it also employed a variety of methodological approaches to aid this process. These included McQuilton's typology of the purposes of stock theft, Atkinson's model of convict protest and Perkins and Thompson's analysis of the methods of theft.

'Translation ...', according to Isaac, '...is the fundamental task of ethnographers, and in its inherent perplexities lies their greatest challenge'.<sup>3</sup> The examination of stock theft by members of the Ross gang served to reinforce Isaac's statement. The lesson to be drawn from this analysis was that it would be hazardous and superficial to apply any single approach to stock theft in isolation of other ways of analysing what were often complex interactions. By contrast the application of multiple approaches can help to expose the many different motives that may have helped shape events. This was a world where urban commercial interests were pitted against those of the pastoral sector and where stock, and its real or alleged trafficking between sectors, was used as a moral lever to influence power. A central aspect of this was the way in which stock theft and related black market transactions linked townspeople, officials, the local gentry and members of a road gang in a strange and complex web of motive and counter motive.

At a micro-level, the chapter also tried to explain the complex question of moral versus immoral economies. While it tried to suggest that there was room to employ both interpretations, it indicated that what appear to be simple questions often become far more complicated when applied to unfree societies. Whereas members of the gang stole meat, they were also supplied with meat through a government ration in a process through which their labour was expropriated. It could thus be argued that there were two forms of theft which moved in opposite directions.

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<sup>3</sup> *Ibid*, p.324.

Finally, it is perhaps worth ending by pointing out that in some respects little has changed. Even in this technologically advanced society, stock theft continues, assisted by more refined methods and highly organised groups who dispose of their spoils in the same way, through the black market. Indeed perhaps surprisingly, livestock is being stolen at a higher rate than ever before. Mr. de Hayr, the Tasmanian Farmers and Graziers Association executive officer, claimed sheep theft has increased by three hundred per cent in the last three years, while one Southern farmer lost between seven and eight hundred sheep in one night.<sup>4</sup> Modern examples of this age-old practice, and the reality of the impact of such a loss for farmers, tends to change the way the stock thieves are viewed. They cannot be dismissed in the same blasé larrikin tradition exemplified by Paterson's 'Waltzing Matilda'. For when one is confronted with the impact of theft in contemporary society, the effect is much more sobering. This was equally true of colonial society where the effect of stock theft hardly resembled the fabled tone of popular literature. Nonetheless, the paper trail has provided a window to that time, and captured the essence of particular key factors that impacted upon this society.

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<sup>4</sup> 'Thieves target farms', *The Sunday Examiner*, February 17, 2002, p.7

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