12th Regiment of Foot

Service in Australia and New Zealand 1854 – 1867

Eureka, Lambing Flat and the New Zealand Wars

Volume 1 / 2

By Ken Larbalestier, May 2013.
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Ken Larbalestier
May 2013
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Background

When I first attempted to trace the movements of my great grandfather, Private Martin Daley, I found that precious little had been written on the 12th Regiment (East Suffolk)’s service in Australia and New Zealand, and that most articles referred generally to the military or troops.

I have undertaken this work as a “first pass” to detail the officers and men of the 1st Battalion 12th Regiment, and to chronicle their service in Australia and New Zealand. To assist research and family historians, I have in most instances reported the Regiment’s activities directly from source documents by year.

Basically history is a story of people; and this is the way the 12th Regiment, 1st Battalion’s, history will be presented in this book.

Introduction

Australian colonies were garrisoned on rotation by British regiments between 1788 and 1870. Apart from the defence of the colonies, the Regiments were also involved in surveying, exploration, police duties and the supervision of convicts.

Of all the British Regiments that served in Australia, only the 12th Regiment can claim that it restored order in a rebellion as well as in civilian riots. The 12th Regiment (1st Battalion) was engaged in the rebellion at the Eureka Stockade in 1854, and the 12th Regiment was engaged in restoring order after the riots at the Lambing Flat goldfields (1861 - 62) and the Brisbane Bread Riots (1866). The 12th also fought in two of the three Land Wars in New Zealand (1860 - 67).

In appalling weather conditions, the Battalion undertook the longest winter march by any British regiment in Australia when a detachment of fifty-one men returned from Lambing Flat to Sydney in August 1862. The march, exceeding 240 miles (400km), was completed in thirteen days with a rest of only one day.

And in April 1863, the 12th permitted the Sydney press to attend the General Court Martial of one of its Officers, Captain Saunders, who had intended to shoot his commanding officer for taking liberties with Saunders’ wife. The taking of liberties, however, was not proved. The “story” was subsequently retold in almost every Australian newspaper of the day, humiliating the officer and family on a grand scale. The transcript of the trial has given us a rare insight into the character of the Officers and men, and the administration of a Battalion. To improve his case, Colonel Hamilton imprisoned Private James Bevil for his "honesty" albeit as a lesson to others who might give contrary evidence, and persuaded the Court not to hear the evidence of Mrs Saunders.

The Regiment had a long lasting and positive impact on the township of Young (formerly Lambing Flat) which is apparent even today. Out of the lawlessness of the gold rush in 1861-62, the 12th provided stability. And in the midst of abject poverty and misery experienced by many of the diggers, the 12th’s Officers and wives, in particular the Wilkie family, provided financial assistance and support. After Captain Wilkie’s sudden death in February 1862, his wife Margaret raised significant funds and had erected the first substantial Anglican Church in Young and a school in surrounding districts, and later, she assisted in the development of the first Nursing School in Sydney. (Mrs. Wilkie had been trained by Florence Nightingale in England.)
Most Significant Military Contribution To Australia

The 12th Regiment’s most significant military contribution to Australia was its role over six years from 1860-1866, in the formation and development of the second Volunteer movement, notably the NSW Volunteer Corps, the Tasmanian Volunteer Corps, the Western Australia Volunteer Corps and to a lesser extent, the Queensland Volunteer Corps. The Regiment provided both leadership and resources at all levels of the Volunteer movement. This laid the foundation for self-sufficiency in defence and the raising of colonial permanent forces after the British garrison had withdrawn in September 1870.

When the British regiments withdrew from Australasia in 1870, the Regiment’s legacy was further reinforced by the role played by one of its former Captains, John Soame Richardson. After having fought in the New Zealand Land Wars (1860-61 and 1863-64), Richardson resigned from the 12th Regiment in 1864, and was appointed commandant of the permanent and volunteer military forces of New South Wales in 1865, and in 1885, with the rank of Colonel commanded the New South Wales military contingent to the Soudan. After the war, Richardson was appointed to a joint United Kingdom/Colonial commission inquiring into the defences of Thursday Island (Queensland) and King George’s Sound (Western Australia). Richardson, an esteemed soldier in his lifetime, had laid the foundation for what was to become a decade later in 1895, the Australian Commonwealth Military Forces. He retired in 1892.

The 1st Battalion 12th Regiment

In the eleven years prior to departure for Australia, the 1st Battalion 12th Regiment spent five years in Mauritius and South Africa (1843-47), four years in England (1848-1851) and the following two years in northern Ireland (1852-53).

The Regiment’s official history makes no mention of any skirmish undertaken by the 1st Battalion in South Africa. In the immediate six years prior to departure for Australia, the 1st Battalion was at “home” (England and Ireland) and engaged in normal garrison duties, recruitment and training.

Structure of the Regiment

The following outline is a simplified structure of the 12th Regiment in 1854 –

<table>
<thead>
<tr>
<th>HQ (England)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reserve Battalion (South Africa)</td>
</tr>
<tr>
<td>1st Battalion (Australia)</td>
</tr>
<tr>
<td>Depot (Walmer, England)</td>
</tr>
</tbody>
</table>

| Lieut Colonel |
| Major |
| Captain |
| Captain |
| Captain |
| Lieut |
| Lieut |
| Lieut |
| Lieut |
| Lieut |
| Lieut |
| Lieut |
| Lieut |
| Adjutant |
| QM |

Admin Stores
Regiment Strength

The 12th Regiment’s strength varied according to its requirements as defined by the War Office.

1858 – 1,074

1863 – 1,023 (39 officers, 58 sergeants, 25 drummers, and 900 rank and file, 1 school master)

1866– 790 (39 officers and 750 other ranks, 1 school master)

Over 1,980 all ranks passed through the 1st Battalion in service in Australia and New Zealand between 1854 - 1867. This number of men represents turnover and should not be confused nor compared with the strength of the entire Regiment.

Structure and Pay Rates

The following is an extract from the South Australian Advertiser, 18th February 1860, which describes the South Australia’s Militia Proclamation Acts and the regimental structure and pay scales for the Volunteer soldiery. The structure and pay rates are assumed to be based upon those of British Regiments at the time.

“Three Militia Proclamations appeared in the Government Gazette of January 26th, instant, and as it is the determination of the Executive to enrol, if not to embody, the militia, our readers will doubtless be interested in understanding the nature of the law upon this question, and of their own personal liability…

The organisation of the militia is as follows: when the numbers enrolled in the several districts admit of it, the men will be formed into companies, of not more than 100 nor less than 50 private men in each company; one captain, one lieutenant, and one ensign being appointed to each company. The companies will be formed according to their numbers, into corps, battalions, or regiments; that is, when there are less than four companies in a district they will form a corps; where four companies and less than eight - a battalion ; and where eight companies and up to 12 - a regiment.

A regiment of not less than 800 private men will have one Colonel, one Lieutenant-Colonel, and two Majors; a regiment or battalion of not less than 400 private men will have one Colonel, one Lieutenant Colonel, and one Major; a battalion of less than 400 men will have one Lieutenant Colonel and one Major; and a corps of three companies, one Lieutenant Colonel or Major but no other field officer. In districts where there are not militiamen enough to form a corps, an independent company may be formed, consisting of not more than 100 nor less than 50 men; and contiguous districts of this description may combine to form corps, battalion, or regiment…….

The pay under the Act of 1854 has been greatly reduced by the Act of 1859, and now stands as follows, payable only when the force is embodied for actual service or called out for training:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Rate of Pay per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td>Colonel</td>
<td>£1 0s 0d</td>
</tr>
<tr>
<td>Lieutenant Colonel</td>
<td>£0 15s 0</td>
</tr>
<tr>
<td>Major</td>
<td>£0 12s 6d</td>
</tr>
<tr>
<td>Captain</td>
<td>£0 10s 0</td>
</tr>
<tr>
<td>Lieutenant</td>
<td>£0 6s 3d</td>
</tr>
<tr>
<td>Ensign or Second Lieutenant</td>
<td>£0 6s 0</td>
</tr>
<tr>
<td>Ensign and acting as Adjutant Paymaster</td>
<td>£0 7s 6d</td>
</tr>
<tr>
<td>Paymaster</td>
<td>£0 10s 0</td>
</tr>
<tr>
<td>Quartermaster</td>
<td>£0 6s 0</td>
</tr>
<tr>
<td>Surgeon</td>
<td>£0 10s 0</td>
</tr>
<tr>
<td>Rank</td>
<td>Pay</td>
</tr>
<tr>
<td>-----------------</td>
<td>-------------</td>
</tr>
<tr>
<td>Sergeant Major</td>
<td>£0 5s 6d</td>
</tr>
<tr>
<td>Sergeant</td>
<td>£0 5s 0</td>
</tr>
<tr>
<td>Drum Major</td>
<td>£0 4s 6d</td>
</tr>
<tr>
<td>Corporal</td>
<td>£0 4s 0</td>
</tr>
<tr>
<td>Private</td>
<td>£0 3s 6d</td>
</tr>
<tr>
<td>Drummer</td>
<td>£0 3s 6d</td>
</tr>
</tbody>
</table>

**The Men, the Soldiers, their Stories**

Each of the more than 1,980 soldiers in the 1st Battalion (1854-1867) has a story to tell.

Private Cole and Drummer Marsland both enlisted as boys in Australia and yet their experiences are quite different. At the age of fourteen, Cole enlisted in Hobart in 1856 and, at the age of nineteen, embarked for Auckland in 1861 to fight the feared Maori and was discharged in New Zealand in 1867 prior to the Battalion returning to England.

John Marsland, son of Sergeant John Marsland, enlisted at the age of fourteen in Sydney in 1860. Promoted to Drummer, he was also employed as a Letter Carrier in Sydney while HQ embarked for the New Zealand Land Wars. He left Australia, aged twenty, in November 1866 to rejoin HQ in New Zealand and returned to England with the Battalion in May 1867.

Some soldiers, such as Private John Hall, were killed in action within one month of landing on Australian shores at Eureka. Some would die together in accidents, many would die alone in the Regimental hospital. Private William Arthur left a widow in Sydney, having only enlisted one month prior to his death.

Private (860) James Prudden made his fourth and last desertion and finally escaped in Auckland, New Zealand.

The Astbury family were teachers to the Battalion's children through it all, from beginning to end.

**Invalids**

Over eighty soldiers were invalided and most returned to England. Rather unexpectedly, most of the invalids occurred during periods of inaction. For example, sixteen were invalided from Hobart in 1857, twenty-nine from Sydney in 1859 and four soldiers were invalided from Perth. Only eighteen appear to have been invalided as a result of action in New Zealand.

**Deaths**

The Battalion suffered a large number of deaths not associated with action. Considering the young age of the members and their fitness, ninety-eight men from all ranks died of natural causes or from accident between 1854 and 1867. This is equivalent to losing an entire company.

In addition, there were a number of deaths from drowning, predominantly in New Zealand. Twelve whilst crossing rivers and four overboard whilst on voyage. Thirteen soldiers were killed in action. More died from drowning than were killed in action in New Zealand.

**The Impact of Change**

The change of location, whether from Cork to Melbourne, from Sydney to Auckland or from Auckland to Portsmouth, precipitated numerous forfeiture of pay, desertions and discharges. The occasion of a ship's disembarkation always triggered activity that resulted in punishment for minor offences. The cells were full of soldiers who had just come ashore. Those that landed in Auckland in 1861 on the ship *Henry F. Fernie* displayed similar behaviour to those that had landed seven years earlier in Melbourne in 1854 on the ships *Camperdown* and *Empress Eugenie*. Ten percent were tried and placed in cells upon landing, confined to ship or confined to Barracks. The OIC on board *Henry F. Fernie* adopted another penalty and removed “grog” privileges for five days.

**The Impact of Weather**

The vagaries of the weather were accepted as part of military life, notwithstanding the regimental band’s performances “weather permitting”. Though not of the same extremes of Europe or other
environments, how grand it must have felt to disembark after sailing for over eighty days through equatorial regions and then having braced the roaring forties in the bitterly cold and treacherous Great Southern Ocean. Trudging wearily along bush tracks to Ballarat or Lambing Flat or marching at night through a New Zealand winter. The march from Lambing Flat to Sydney was subjected to a violent storm and snow covered roads that quickly turned to bog; the men huddled around fires and slept cramped on kitchen floors for comfort and warmth. Men from all ranks recount sleeping in rain and snow, and wintering for three months in tents in New Zealand was miserable.

To quote Lieutenant Boulton at Meremere, New Zealand, before the battle of Rangiriri –

    dusk now approaching, we proceeded to make large fires and be as comfortable as possible, with nothing to eat and no blankets on a very cold night with occasional showers.

**Lance Corporals**

Lance Corporal is the lowest ranking non-commissioned officer in the British Army, between Private and Corporal. Lance Corporal was an appointment rather than a rank, given to Privates who were acting NCOs, and could be taken away by the soldier's commanding officer; whereas a full Corporal could only be demoted by court martial.

In the infantry, a Lance Corporal usually serves as second-in-command of a section. It is also a rank commonly held by specialists such as clerks, drivers, signallers, and mortarmen.

Only six Lance Corporals have been identified: 2925 Frederick Dutton, 2865 William French, 1431 Henry Morris, 849 Robert Robertson, 96 Henry Charles Scarfe and 3081 George Sharpe.

The appointment was not identified through the Pay Rolls and Musters which refer only to the rank of Corporal. The use of the appointment appeared solely in official enquiries such as that of Inquests, the “Official Losses at Ballarat” and the General Court Martial of Captain Saunders. In the case of Robertson, the appointment appeared in his letters home (see below).

**Promotions**

While numerous officers and men were promoted one or even two ranks during their service in Australia and New Zealand, only a few soldiers were promoted three ranks. Drummer (2553) Robert Griffin was promoted through the ranks to Sergeant and Private (3329) Samuel Adair achieved Colour Sergeant.

However, the career progression of Private (796) Alexander Kirkland was exceptional. Kirkland enlisted in Sydney in July 1861, was promoted to Corporal in Sydney on the 9th August 1862, within nine months to Sergeant on the 15th May 1863, then within three months to Colour Sergeant on the 15th August 1863 before leaving Sydney for New Zealand. (PRO3724, PRO3725 and PRO3726)

    Note: the South Australian Register, 29th December 1863 reported: Adelaideians in New Zealand. From private letters received from New Zealand, we learn that …Mr. Alex Kirkland, who was also a Drill Instructor on the Volunteer Staff in this Colony, has re-entered the Army, having joined the 12th Regiment Foot, and already become become a Colour-Sergeant in the same.

In 1870, James Asbury received the New Zealand War Medal for participating in the 3rd New Zealand Land War.

**Women in the 1st Battalion**

The Regiment employed two assistant School Mistresses during its stay in Australia.

Mrs. Anne Astbury (wife of the School Master James William Astbury) was employed as assistant School Mistress from 1859 until 1861. From 1862 until the Regiment’s departure from Australia in 1866, she was employed as a “Monitress” for the school.
Mrs. Margaret Edmonds was employed as an Assistant School Mistress in 1860 and worked with Mrs. Astbury.

While stationed at Victoria Barracks, Sydney, Anne had four children - Paul (1858), Pauline (1860), Phoebe (1862) and David (1865). Pauline and Phoebe later died in Paddington in 1862 and 1865 respectively. Anne and her family returned to England from New Zealand with the Regiment in May 1867.

A Letter Home

The following letter was written by Corporal (849) Robert Robertson 99th Regiment. Robertson was one of 185 volunteers of the 99th Regiment who transferred into the 1st Battalion 12th Regiment on the 1st November 1855 while stationed in Hobart, Tasmania, and prior to the 99th’s departure from Australia to England. Robertson transferred into the 12th Regiment on the rank of Private with regimental number 3716.

The letter has been reproduced with the permission of Alexander Page-Robertson, a direct descendant of Robert.

From Corporal R. Robertson
99th Regiment
Brigade Office
Sydney New South Wales
23rd July 1845

Robert Robertson Esq.
Banker
Blairgowrie, Perthshire, Scotland

Dear Father,

I believe this is the first letter I have wrote you since my arrival in this Colony and my reason for doing so now is to know how you are all getting on, more especially if you have heard from my brother James lately or not. As for myself I have enjoyed good health, since my arrival here, having never had a day’s sickness. My wife & family are also in the enjoyment of good health. I have now two sons the elder named after you, who is now about 2 years of age, & was born at sea is really a fine child, the younger named Nicholas after my wife’s father. You strongly advised me against getting married, but I assure you that it was the best job I could have done as I never was so happy nor so contented in my life before. I cannot say too much in my wife’s praise who is in every sense of the word a good and faithful wife to me.

When I arrived in this Colony I landed at Parramatta where I remained only a few days when I was sent to Norfolk Island the farthest distance from England a soldier can be sent to (at least in the British Possessions). I remained there for a period of 12 months where I was in charge of the Military Hospital and was really very comfortable. Norfolk Island is a Penal Settlement for prisoners of the very worst description, and of course the duty there, was very severe and vigilant.

I had the pleasure of sailing in the same ship to Norfolk as Dr. Allan McLaren – who to use his own words used to be ‘reeking about the North Seas in a schooner’. He promised to take a letter for you but he never called for it and it was never sent. I landed in Sydney from Norfolk in the beginning for (sic) February1845 and was only a few days here, when I got a situation in the Brigade Office with 9d per diem. All this I can attribute to nothing also than my marriage having more mouths to fill than my own.

I am now in this situation about 7 months – altho’ I as yet have not seen one half of Sydney. I have seen a good number of Blairgowrie folks here, but I have formed no acquaintance with any of them, merely bid them good day or so in passing.

David Constable I have only seen 4 or 5 times altho’ he is in a shop not more than 20 yards from our Office. I do not think he is doing very well here. When I first saw him he was in business on his own account in Parramatta. What reason he assigns for leaving that I cannot pretend to say, but he is now a shop-man to a Mr. Mitchell here in a very small concern. Mr. McLaren, John McLaren the tailor’s son, I see often as he has occasion to come to our Office. He is doing very
well & reports say he is worth money. Be that as it may, he is highly respected, he has five or six houses of his own & rides his own horses. He frequently gives me a Perthshire paper to peruse in which I sometime see your & Alexander’s names mentioned principally in Assurance Companies. You would scarcely believe what pleasure I enjoy in perusing a paper from my own Country.

I have formed no acquaintance with any of the Blairgowrie people here principally because soldiers are not so much respected here as at home & as I earn an honest livelihood by my profession they at least the one half of them cannot say the same thing. I have never seen Mr. McPherson Esqr. altho’ I know where he lives and have occasion to write to him sometimes on business. I would not call on him for a world & I am sure I do right in keeping aloof from all my former Blairgowrie acquaintances for more reasons than one.

The provisions in this Colony are very cheap compared with home, but this being the winter season, they are dearer than in summer. The present price being for bread, best 3d per 2 lb, beef 2d per lb, sugar good 3d – tea 1/6, butter ¼, potatoes 3/-per per cwt. Summer price bread 2d per 2lb, beef 1/2 per lb, sugar & tea stationary, butter 1/- &. &. It is perfectly astonishing to see how cheap things in general are here but it is easily accounted for. People in trade here get credit from home, sell the goods for little or nothing & turn bankrupt. There are in Sydney this moment upwards of 150 sale rooms open every day & night selling all kinds of articles by auction.

From the newspapers you would have an account of the disturbance in New Zealand. Troops are withdrawn from this Colony for the protection of the settlers. There are 800 or more from this Command under the direction of our Colonel in New Zealand, 200 men of the 99th Regiment the remainder are of the 55th and 96th Regiments. There was one engagement by which 8 soldiers were killed & 35 wounded. We are anxiously waiting for further particulars as Colonel Despard & 600 were within 7 miles of Heki’s, the tribal chief’s Pah or stronghold awaiting to attack it. The great difficulty the Troops labour under is there is the want of canons (sic) & transport or conveyance of any sort. I of course am exempted owing to the situation I hold from all such expeditions.

Perhaps you will think it strange when I inform you that at this moment the weather is so cold that I can hardly hold the pen in my hand.

In conclusion, I sincerely hope that you are enjoying as good health as I wish. You will be kind enough to write as soon as possible giving me an account of how Messrs James, Alex & David are getting on, not forgetting your young family. Mrs Robertson desires to be very kindly remembered to you all.

I remain dear father, your affectionate son

Rob Robertson
Direct No. 849 Corporal R Robertson
Brigade Office 99th Regiment
Sydney, New South Wales

Another letter home by Private Robert Robertson

The following is a scanned image of an envelope containing a letter from Robert Robertson, now a Private in the 12th Regiment. Note that the date stamp is the 11th January 1856 and was passed on by Lieutenant Colonel Perceval, CO 1st Battalion 12th.
My Dear Alexander,

In my last to you I informed you I was about being transferred to the 1st Battalion 12th Regiment, they have arrived from Victoria. I have now found them. In your future letters you will address me as belonging to the Corps. I also mentioned in my last, that I had paid to the Manager of the Union Bank the sum of £100 for which I hold his receipt. And there is an arrear of Interest due on the whole sum now in your hands, you will be so good as acquaint me what has been done in the business.

Myself with all the family are well with the exception of my younger son James who unfortunately fell down the stairs in the Barracks and broke his leg at the thigh - he is now getting better, after lying 6 weeks and through that accident, his mother has been unable to do anything to the support of the family.

I am anxious that I should hear from you about James and also David, all the other members of the family.

My wife, self and all my family send their best regards to you, Mrs Robertson and all your family and acquaintances in Blairgowrie.

I am dear Alexander
Your Affect Brother
Robt. Robertson
1st Batt 12th Regiment

**Wives and Families**

Perhaps the most significant social difference between the British Army and the Royal Navy is that the soldier’s family was allowed to accompany him whereas the sailor could take neither kith nor kin.

The first three ships (*Gloucester, Camperdown* and *Empress Eugenie*), that brought the Regiment to these shores, disembarked seventy-nine women and eighty-eight children. Private Marsland disembarked in Hobart from the ship *Gloucester* with his wife Agnes and three sons in May 1854 and a fourth son was born two months later.

Very little is known of the wives and families of the Officers and men. They were accommodated in the Hobart and Melbourne barracks upon disembarking, but what happened to them when the men were relocated to Ballarat, Castlemaine and Sandhurst? Captain Wilkie’s wife and Sergeant Marsland’s family were also camped at Lambing Flat but the newspapers don’t appear to record their journeys. Families lived in Victoria Barracks in Paddington, Sydney; children were certainly born there, and this presumably was the same in Brisbane, Fremantle and Hobart. An accommodation allowance of 2d per day was payable to married soldiers if they had to find lodgings elsewhere when the Battalion was in barracks.
The widows of Officers, such as Wilkie and Kempt, returned to England but what happened to Mrs Hoare, who lost her husband on the voyage to Australia? And what of the widows of other soldiers? Mrs Groundsell, upon the drowning of her husband, married again to Private Strahan, another soldier of the 12th.

The wife of an Officer sometimes employed the wives of soldiers. Mrs Saunders (wife of Captain Saunders) employed both Mrs Marsland as midwife and Mrs Bell as maid.

What impact did the loss of income have on a family whose father may have been sentenced to a forfeiture of pay or confined to cells?

Officers had quarters within the Barracks and accommodation was provided for other ranks depending upon their function. Mrs Wilkie shared a bark hut with her husband while Mrs Marsland shared a tent with her husband on the Lambing Flat goldfields. Mrs Saunders and her three children were accommodated for several months in hotel rooms near Wynyard Square in the heart of Sydney town. QM Laver recounted, during Captain Saunders’ court martial in May 1863, that -

The quarters given to you [Captain Saunders] about January last consisted of one room facing to the back. At that time there was one half of a house occupied by a young married Officer (a Captain and his wife) without children.

As to the remaining half of that house, I cannot state positively whether the four rooms were, or were not, all occupied by the other married Captain. I think he had three.

One subaltern Officer with his family occupied four rooms at the same time. I am not quite certain whether the Adjutant was in the Barracks at the time. I find, on reference to my books, that that Officer was in the Barracks, and that he occupied four rooms. The Mess Sergeant had four rooms. The married subaltern Officers had two rooms each.

The Victoria Barracks are estimated to accommodate fourteen officers, exclusive of the Field Officers. There were then about sixteen Officers in the Barracks.

The newspapers of the day are silent on the movements of soldiers’ families during action. The papers vividly record detachments marching to Ballarat and to Lambing Flat or to a ship for embarkation to war but there is no mention of the family. I have presumed that some of the families joined their soldier after departure. Mrs Wilkie and Mrs Marsland were at Lambing Flat. Sergeant Yalden, who had sailed to Taranaki in 1860, had two children born in New Zealand, in 1863 and 1865.

However, families struggled financially in war. Two articles appeared in 1860 entitled “The Distressed Wives and Children of the Men of the 12th Regiment” reacting to the impact of the absence brought on by the New Zealand wars.

The character of the Battalion changed during its station of thirteen years as the earlier arrivals were replaced. As war approached, the drafts of new soldiers from England arrived as single men.

The Soldier’s Children

I have been asked “what happened to the soldier’s children?” Unfortunately, I have no stories even from within my own family. Suffice to say that they probably attended their own school, most likely a single classroom within the Barracks, rather than attend a local community school and I imagine that they lived and played within the Barracks or Camp such as those on the gold fields. The extent of what the children may have witnessed at the convict settlement of Port Arthur is unknown; most certainly they would have seen convicts in leg irons and chain gangs.

Three children, related to the Regiment, are buried at Port Arthur, Tasmania. Marguerite Annabelle Wilkie (daughter of Captain John Lunan Wilkie), Mary Reilly (daughter of Sergeant (3346) James Reilly) and James Goddard (son of Private (3323) James Goddard). James Reilly had been promoted to Corporal just two days prior to his daughter’s death. Wilkie was promoted to Captain two months after his daughter’s passing.

Being a man’s world and a way of life, did the soldier know how to associate and talk with women, did he know how to look after children, did he save his money or drink it? Was the
family greatly affected by the father’s disciplinary background? I imagine so, but each man and child is different and each is differently affected for better or for worse.

Sound for children, as for all of us, has a great impact - the sound of gunshots and canon, of marching feet and the band, perhaps the sound of chains but surely the sound of commands issued during a parade and a sham fight. The sound of the evening bugle as the Colours were lowered. How grand to have a seen a parade in Victoria Barracks Paddington or at the Domain in Sydney, Walmer Depot and Chatham, England.

**Sons who Enlisted**

The total number or even names of the sons, that were eligible to enlist, are unknown. Only one boy, John Marsland, followed his father into the Army during the thirteen years that the Battalion was stationed in Australia. Sons of officers, Olivey and Vereker, enlisted when the father was in England.

**Deserters**

Approximately 350 out of 1,989 soldiers deserted, or 17%. Deserters, when captured, had the letter ‘D’ tattooed under their left arm. Over the years the rewards offered for the apprehension of deserters decreased from £25 to £15 on the 1st January 1854; to £10 on the 11th April 1856; and finally to £2 on the 1st January 1857. On the 6th June 1871, the Victorian Police Gazette published the following -

*Cessation of Apprehension of Deserters.* The Imperial Authorities having intimated that in consequence of the withdrawal of Her Majesty’s Troops from Pacific Colonies it is not considered expedient to claim for further service any man who may be found in such Colonies in a state of desertion from their Regiments, the members of the police force are informed that it is no longer necessary for them to take steps to apprehend such men whom they may find in Victoria.

While the Payrolls do recall the return of some deserters, most vanished into the local communities. The loyalist communities of Adelaide, Auckland, Brisbane, Fremantle, Hobart, Melbourne and Sydney did not turn on them, they were not defiled and they were not despised. These men have contributed to the development of Australia and New Zealand and we are grateful.

There is evidence of comraderie amongst deserters and those who stayed within such as between William Colvin and John Birch. As always, the men judge their own.

**Australian and New Zealand Recruits**

Sixty-nine (69) men enlisted into the 12th Regiment; sixty-six (66) when the Regiment was stationed in Australia and three (3) when it was stationed in New Zealand.

<table>
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</tr>
<tr>
<td>1856</td>
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<td>Hobart</td>
</tr>
<tr>
<td>1858</td>
<td>4</td>
<td>Sydney</td>
</tr>
<tr>
<td>1859</td>
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<td>4</td>
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<tr>
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</tr>
<tr>
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</tr>
<tr>
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</tr>
<tr>
<td>unknown</td>
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</tr>
</tbody>
</table>
Examples of Australian recruits into the 12th Regiment include:

Barrett, William (born London, Middlesex), Private (722), enlisted Sydney, NSW, 2 July 1860, and deserted from Brisbane Detachment of the 12th Regt, 14 May 1861.

Devine, Archibald (born Plymouth, England), Private (836), enlisted 17 February 1862, Sydney, NSW, and deserted from Brisbane Detachment of the 12th Regt, 20 February 1863.

Graham, Robert (born Ireland), Corporal (1074), enlisted NSW, 27 August 1863, and discharged in New Zealand, 20 April 1867.

Prince, Edward Charles (born Alexandria, Sydney, NSW), Private (253), enlisted Sydney, NSW, 4 March 1859, and deserted at Pokeno, New Zealand, 26 May 1862.

Memorials to the Regiment in Australia

The Regiment has six memorials in Australia: two obelisks and a headstone for the fallen at the Eureka rebellion, Ballarat, Victoria; a baptisimal font for Captain Littlehales in the Cathedral Church of Christ the King, Ballarat; the Memorial Church of St John the Evangelist to Captain Wilkie at Young, New South Wales; and lastly, a memorial tablet to Captain Wilkie and Lieutenant Oliver at St James Church, Sydney.

Technology

While the Battalion adopted the more accurate Enfield musket (rifle bore) in place of the 1842 Pattern musket (smooth bore) during its term of service, more dramatic changes in technology are better exemplified by transport and communication.

In 1854, one hundred and seventy soldiers of the Battalion embarked on a transport ship that took ninety-four days to sail from Cork to Sydney. Ten years later, detachments ventured on clippers that sailed further in much lesser time. The clipper, Silver Eagle, embarked with 450 passengers and took only eighty-three days to reach New Zealand.

But sail gave way to steam. The warship HMSS Fawn was a “a fine vessel fitted with an auxiliary screw, with engines of 100 horse power and steams at nine knots”, while the steamship Annette has every modern mechanical convenience, its propeller “being constructed to lift at pleasure.” However, in 1863, nothing could compare with the iron screw steamship HMSS Himalaya carrying 1,200 passengers and crew from England to Melbourne in sixty days. The Himalaya was 375 feet in length and had two steam engines capable of 325 horsepower and thirteen knots.

As the telegraph pushed its way through Australia, the detachment of the 12th at Lambing Flat was exchanging telegrams with HQ on its return to Sydney in August 1862.

Conditions of Service

In 1854, enlistment in the Army was for ten years, or twelve in the case of war. The recruit received a bounty of £2, which was decreased to £1 after 1861. The pay of a Private soldier was one shilling per day, with an allowance of one penny (1d) per day termed “liquor money;” out of which he paid 8d. per day messing, washing 1s.3d. per month, sheet washing 2d., hair cutting 1d., and barrack damages an average of 4d. per month, the soldier getting the balance by daily payments, which usually came to about 4d. if no other necessaries were required.

These conditions were grossly inadequate and it is not surprising that “No rations, no soldiers” became the rallying cry of disgruntled soldiers in Hobart when their conditions of service were reduced in March 1858.

Esprit de Corps

A significant strength of the British military system has always lain in the fact that Regimental roots were planted deep into the countryside such as that of Suffolk. This ensured the closest possible link between civilian and military worlds and built up a unique county and family ‘esprit de corps’. A Cockney Regiment, a West County Regiment and a Highland Regiment differed from each other greatly, though they fought side by side in scores of battles. In spite of miserable
conditions and savage discipline, a man often felt he belonged within the Regiment - he shared
the background and the hopes of his fellows.

While this may have been the overall intent of the recruitment system, perhaps only a quarter of
the rank and file of the 1st Battalion 12th Regiment, recruited between 1850 and 1865, were from
East Suffolk.

**Superstitions**

Lieutenant Colonel Webb’s “History of the 12th Regiment” doesn’t record any superstitions but
there is one that might have been common across all Regiments. Colonel James Alexander, CO
2nd Battalion 14th Regiment, wrote in his book “Incidents of the Maori War, New Zealand, in
1860-61” published 1863 -

> When we crossed the line [the Equator], Neptune did not appear on deck in troopships.
> His presence is considered dangerous, as he does not agree with soldiers and he might
> become jealous of their attentions to his Amphitrite and who, like a turkey, might have
> been attracted by the red tag.

**Errata and Omissions**

Each Payroll Clerk had his own distinctive writing style. Some had pride in clarity, others were
artistic while only one clerk’s handwriting can be described as scrawl in ink. Almost all clerks
held true to the soldier’s surname but several spelt phonetically, Burkett became Birkett.
Regimental numbers were often difficult to read; two became three, a six looked like a four, eight
became zero.

I have not reviewed most newspaper resources, especially the Empire (New South Wales), and
newspapers of Western Australia, South Australia, Tasmania and New Zealand. There is probably
a lot more background material of the Regiment’s station to be gleaned from these sources.

The Payrolls and Musters for Sydney and Brisbane Australia from April 1865 to March 1866
have not been microfilmed and are not readily available for research in Australia.

In almost all cases, I have not used quotation marks to indicate explicit quotes from newspaper
articles, magazines and books.

**The Last word from a Soldier of the Twelfth**

Sergeant (663 / 665) Patrick Kearns (retired), employed as the porter at Parliament House
Queensland between 1880-1908, observed on life in the British Army to a columnnist for the
weekly magazine The Queenslander on the 30th November 1885 -

> There is no other field where the virtues of character, manliness and religious principle
> are so severely tested. And there, as everywhere, the fittest man will survive and succeed.

**Conclusion**

Our lives are not marked so much by great people as by ordinary men and women doing
extraordinary things. Volunteering for duty, with the risk of death in the most remote British
Colonies, was extraordinary.

They did their duty as the colonies evolved towards nationhood.

KEN LARBALESTIER
I wish that I had known them as youths at Eureka……I wish that I had known them as young men. Good god, what an adventure.

Drummer (3059) John Eagan, born Athlone Ireland, enlisted as a Boy on the 10th February 1852, aged thirteen. He embarked from Cork for his new posting to Ballarat Victoria, and became the first military casualty at Eureka in November 1854 at age fifteen. After Ballarat he was posted to Hobart where he was promoted to Private and then Sydney. Eagan was reappointed Drummer and presumably not sent to the 2nd New Zealand Land war because of poor health. He died, aged 21, at Victoria Barracks, Paddington, in Sydney on the 8th September 1860.

Sergeant (2553) Robert Griffin enlisted as a Boy, aged fourteen, on the 28th April 1848 in England and was twenty years of age when posted as a Drummer to Ballarat during Eureka. After Ballarat, he was stationed at Fremantle then Sydney, and later fought in the 3rd New Zealand Land War. While several officers and soldiers were promoted two ranks, Griffin was one of only a few soldiers to have been promoted three ranks during the Battalion's service in Australia and New Zealand. After re-enlisting in 1864, he was promoted to Sergeant in June 1865. He returned with the Battalion to England in May 1867.

Figure 1: Suffolk Drum

The echoes of our drums were heard down cobbled Chatham lanes
Our loved ones grieving to hear us go.
The echoes of our drums were heard before the changing dawn
The blue Eureka standing tall against the red.
The echoes of our drums were heard around Waikato's raging torrents
Though the rhythm of the haka more chilled us to the bone.
The echoes of our drums were heard across the Barrack's green
When the Colours were lowered once for all and the band played auld lang syne.
The echoes of our drums were heard down cobbled Chatham lanes
Yet all that our loved ones longed to hear were the echoes of our voice, not the echoes of our drum.

KL
PART 1

SERVICE IN AUSTRALIA 1854 - 1866
Australian Colonies

Each State began as a separate British Colony.

In 1901 the six Colonies formed a Federation of six States – the Commonwealth of Australia.

In London in 1787, the boundary of New South Wales was set as a line through the continent at 135 degrees of longitude. After the founding of the colony of New South Wales in 1788, Australia was divided into an eastern half named New South Wales and a western half named New Holland, under the administration of the colonial government in Sydney.

In 1828, the boundary was moved across to 129 degrees of longitude and the western part became Western Australia.

In 1825, the colony of Van Diemen's Land was proclaimed a separate colony from New South Wales, with its own judicial establishment and Legislative Council. The colony was renamed Tasmania in 1856 and Hobart Town was renamed Hobart in 1875.

In 1836 South Australia took a 'bite' from New South Wales.

In 1851, the British Government separated the southern area from New South Wales, proclaiming a new Colony of Victoria.

The establishment of Queensland in 1859 divided the remainder of New South Wales into two. The western border of South Australia was adjusted in 1862 to align its border with Western Australia.

In 1863, the northern part of the continent became known as the Northern Territory of South Australia; but was still part of South Australia.
The States

From 1788 to 1859, Britain established six separately governed Australian colonies – though one of them, South Australia, was called a province to distinguish it as a place for free immigrants, not convicts. The six colonies were not constitutionally connected to each other, but to Britain. Each Colony had a parliament, courts and a constitution, and the laws of each were subject to the laws of the British Parliament and courts.

The office of Governor-General

The office of Governor-General was used during colonial times in Australia. Sir Charles FitzRoy (Governor of New South Wales from 1846-1855) and Sir William Denison (Governor of New South Wales from 1855-1861) carried the additional title of Governor-General because their jurisdiction extended to other colonies in Australia. Later each Colony was granted its own governor and the title of Governor-General lapsed until the establishment of the Commonwealth in 1901.

Head of State

From 1837, when she came to the throne, Queen Victoria was the sovereign of each Colony and in 1901 she also became Head of the Federation of States which formed the Commonwealth of Australia.

The Commonwealth

The Colonies formed the six States: New South Wales, Victoria, Tasmania, Western Australia, South Australia, and Queensland. Three weeks after they were united as the Commonwealth of Australia under the new Constitution, King Edward VII became Head of the Commonwealth of Australia when his mother, Queen Victoria, died on 22 January 1901.
Places that became of Interest to the 12th Regiment
1854

“we are standing on the brink of a great event.”

**Stations**
The 1st Battalion was stationed in Tasmania (Hobart and Port Arthur) and Victoria (Ballarat, Castlemaine, Melbourne and Sandhurst).

**Background**
Earl Grey, Secretary of State for War and the Colonies, defined Britain’s regional security concerns in two letters to Sir Charles FitzRoy, Governor of New South Wales and also Governor General of Australia and New Zealand. These letters are referred to as Despatch Military Nos. 2 and 3 of the 24th and 30th November 1846. (Refer to Historical Records of Australia, Apr. 1847.)

These letters and FitzRoy’s response provide the background to understanding the military deployments to Australia that remained essentially unchanged over the next seven years. In Despatch Military No. 2, Earl Grey also advised FitzRoy that there should be no alteration in the amount of force in Tasmania, Norfolk Island, South Australia and Western Australia. In his response to Grey, Despatch 100, FitzRoy indicated where these forces would be concentrated –

Sir,

I have the honor to acknowledge the receipt of your Lordship’s Despatches “Military” Nos. 2 and 3 of the 24th and 30th November [1846], communicating to me the determination of Her Majesty’s Government to increase the military force in New Zealand with the least possible delay and instructing me to make immediate arrangements with the Officer Commanding the troops in this Colony for sending the whole of the disposable force now serving here to Wellington with the utmost practicable dispatch.

With reference to these instructions, I beg to transmit copies of communications which have passed between Lieut. General Sir Maurice O’Connell and myself on the subject by which your Lordship will perceive that the Lieut. General proposes, as soon as transport can be procured, to send the whole of the 58th Regiment now in this Colony to New Zealand, retaining here the 99th Regiment.

This arrangement will increase the force in New Zealand (including Sergeants and Drummers) to 1,935 men of the Regular troops exclusive of Artillery and Marines, and will leave New South Wales with only 830 rank and file, or, with Sergeants and Drummers, 887 men, a number that will not be more than sufficient for the duties which are absolutely required to be performed by the military.

These duties will be the protection of Sydney, the Convict Guards over the stockades at Blackheath and Newcastle, a detachment at Melbourne, lately increased to 100 men on the earnest representation of Mr. LaTrobe and rendered necessary by the occasional religious riots between the lower orders of the Catholic and Protestant portion of the Town, and another detachment at Moreton Bay which it is advisable to keep there to prevent the aggressions of the Blacks who are numerous in that vicinity, and have on several occasions shown a disposition to hostility, which I am of opinion, it is more desirable to keep in check by a small military force than to run the chance of collision.
between these people and the settlers, and the consequent retaliatory proceedings which would ensue.

The Detachments hitherto stationed at Bathurst and Port Macquarie have been directed to be immediately withdrawn, that at the latter place being no longer required as the Convict establishment there has been broken up.

In case your Lordship should desire an explanation of my reasons for considering the presence of the military force of not less than 600 men in Sydney and its immediate vicinity to be indispensable, I beg to observe that this number will not be more than sufficient to furnish the necessary guards over the Commissariat and Treasury, and those over the Convicts in the Woolloomooloo Stockade and at Cockatoo Island and magazine on Goat Island. Moreover, although the lower classes in Sydney are generally well behaved and orderly, yet your Lordship must be aware that there are many desperate ruffians amongst its population, and I am very much disposed to believe the knowledge that where there is a strong Military force at hand has much to do with the preservation of the public peace. I am informed that, on more than one occasion, mobs of the most turbulent character have assembled which it has been found totally beyond the power of the local Police to overawe and nothing but the interference of the Military has dispersed.

I believe that there is every disposition on the part of the Legislative Council to maintain a respectable Police Force in Sydney and throughout the Colony; but unfortunately the present high price of labour renders this impracticable; when men of the class from which such a Force would be found can obtain high wages as labourers or mechanics, leaving them a considerable portion of their time at their own disposal, it is not to be expected that they will enter a service, which is irksome in its duties, and which subjects them to the restraints of discipline. Wherefore the Sydney Police, although adequate to the ordinary duties required of it, is not, and cannot be made as efficient as it ought to be.

I may mention incidentally that such is the demand for labour that no soldier stationed in this Colony finds the slightest difficulty in obtaining a loan of money for the purpose of purchasing his discharge; and this practice has been carried to such an extent as to cause serious inconvenience to the service, and complaints on the part of the Commanding Officers of Regiments.

It is right that I should also mention that, exclusive of the specie in the Colonial Treasury and Military chest, I am credibly informed that there are nearly seven hundred thousand pounds in specie in the different Banks in Sydney; and I need not point out to your Lordship the inducement that the knowledge of this fact would be for plunder, should the mob of Sydney ever get beyond the control of the Executive Power.

Under these circumstances, I trust your Lordship will believe that I have not wished to retain a larger force in the Colony than is imperatively necessary.

I have etc
Charles A. FitzRoy

Introduction

Australian colonies were garrisoned on rotation by British regiments between 1788 and 1870. Apart from the defence of the colonies, the Regiments were also involved in surveying, exploration, police duties and the supervision of convicts. However, convict transportation to NSW had ceased in 1840 and by 1849 for Tasmania. Whereas for Western Australia, transportation commenced in 1850 and concluded in 1868. Guards were still required in Tasmania until 1865 when 1,200 convicts were transferred following the closure of the prison on Norfolk Island, New South Wales, in 1856.
In 1853, after six years at “home”, the 12th Regiment received orders that it was to undertake garrison duties and relieve the 99th Regiment in Australia. From 1854 to 1866, the 1st Battalion of the 12th Regiment performed this role and kept law and order in the Australian goldfields.

**Arrival of the ship Gloucester**

Embarkation to Australia commenced when a company of the 1st Battalion 12th Regiment proceeded from Chatham, England to Cork, Ireland and sailed on the 18th January 1854 in the freight ship *Gloucester*. Captain Hutchins, Lieutenant Cole, Ensign Wilkie, four sergeants, 102 rank and file, thirteen women and sixteen children arrived one hundred days later in Hobart, Van Dieman’s Land (later named Tasmania), on the 29th May 1854. (PRO3715 WO 12/2971 page 439)

Prior to embarkation, Private (3180) John Fee was sentenced in Cork on the 14th February 1854 to eighty-four days imprisonment and served out this sentence upon arrival in Hobart.

The Hobart Town Daily Courier, 30th May 1854, reported under the heading of General Intelligence Arrival of Troops that -

“the 12th will relieve the 99th Regiment which will return home. The HQ of the Regiment may be daily expected as they were to sail eight days after the departure of the first division.”

On 1st June 1854, The Hobart Courier advised –

“the first detachment of the 12th Regiment was landed yesterday from the *Gloucester*, and escorted to the barracks by a detachment of the 99th, to the tune of the British Grenadiers. The men, to use an “Irishism”, are mostly boys, and are evidently very raw recruits. Their appearance yesterday was certainly not very imposing; but great allowance must be made for the effects of a long voyage.”

Figure 3. Uniforms of the 12th Regiment.

**Disembarkation of the Troops**

The detachment of the 12th Regiment, which arrived in the *Gloucester*, landed yesterday between the hours of one and three, being conveyed from the ship in a large flat-bottomed barge, towed by a five oared whale-boat. The landing took place at the steps opposite the Ordnance Stores, in the neighbourhood of which a considerable crowd had assembled.

The band of the 99th was in attendance to escort the new arrivals to the Barracks on the New Wharf, where they will, for the present, be quartered. The "men", if an Irishism may be excused, seem to be mostly boys, raw recruits, who had joined “jost” (before departure). They appeared yesterday for the first time in a span-new regimental uniform of glowing scarlet and but little skill had been exercised in distributing the “spits” which in most instances were far from suiting the wearers. Men with a tendency to obesity, increased by the inactivity of landsman's life at sea, were squeezed into clothes that might have been "admirable fits," for British soldiers of less extensive proportions; whilst on the other hand, habiliments that would have looked well on a warrior of the Fall-Staff School hung but loosely on some haggard form, on which sea sickness had made terrible inroads.

The appearance of the soldiers was certainly not of a very imposing or prepossessing character, but the affair had all the traditional disadvantages of a "first" appearance, and probably our new
friends may improve on acquaintance. A little drilling may work wonders; but as a point of commencement in the march of improvement, we would suggest particular attention to the order of the repeated to an awkward squad, "Dress up!" Turning from the men to their accoutrements, we notice several improvements, and that some are armed with men’s rifles in the proportion of twenty-four to a company. (Hobart, Colonial Times, 1st June 1854)

Disembarkation of the Troops

The first division of the 12th Regiment, which arrived in the Gloucester on the 30th, was, on the 1st last, about two o'clock, landed at Battery Point, where they were met by some of the officers and the band of the 99th. After the muster-roll had been called over, they proceeded, headed by the band playing "So Our Conquering Hero Comes," along the wharf to the old wharf Barracks, where they were met by the gallant Colonel of the 99th and Lieutenant Colonel Ainsworth. The men having been drawn up in rank were dismissed to their quarters, loudly cheering as they went. (The Argus, 6th June 1854)

Note: the song “So Our Conquering Hero Comes” may be an extract from Handel’s Judas Maccabaeus (1746).

Anglesea Barracks, Hobart

Anglesea Barracks, Hobart, which was built in 1811 and is the oldest military barracks in Australia. The Barracks contained numerous small buildings consisting of the hospital, the officers' quarters and mess, the officers' married quarters, the two storey soldiers’ accommodation built in 1850, the drill hall and jail.

Since the 99th Regiment was also stationed in Hobart, it appears that the detachment of the 12th Regiment was accommodated in barracks near Battery Point, Hobart.

Corporal Marsland’s wife, Agnes, gave birth to a son William on the 21st June 1854 at Anglesea Barracks.

Discipline upon Arrival

Problems erupted shortly after arrival and plagued the company during its two months in Hobart. In July 1854, four soldiers forfeited between two and four days pay, one soldier was sentenced to twenty-one days in the cells, and four soldiers were sentenced by garrison court martial to 168 hours (twenty-one days) hard labour. Private (3166) Robert Tudball was sentenced by garrison court martial to eighty-four days imprisonment. (PRO3715)

The Argus reported on 6th June 1854 - it is stated that some low characters in certain disreputable pothouses have already begun to take advantage of the young recruits belonging to H. M. 12th. On Wednesday night there were several public disturbances where these men were and in the neighbourhood of the Cornish Mount, two of their number were so severely wounded as to have to be conveyed to the hospital.

Move from Hobart to Melbourne then to Castlemaine and Sandhurst (Bendigo)

On the expected arrival of the Headquarters (HQ) at Melbourne, Captain Hutchins and company removed from Hobart to Melbourne and arrived on the 14th August 1854. The Argus reported –

the steamship, Iron Tasmania, departed Hobart on the 9th August with Captain Hutchins, 103 rank and file, 13 women and 16 children.

Soon after the company’s arrival in Melbourne, discipline problems again erupted. Five soldiers deserted, two were imprisoned for eighty-four days and two more were awaiting garrison court martial. (PRO3715 WO 12/2971 page 575).

Families Affected by the Absence of their Soldiers to the War in New Zealand

The St. Andrew's Society of Launceston has commenced a subscription in aid of the fund for the relief of the wives and families of the men engaged in the war. The limitation principle is very
properly dispensed with, and to good account, for the first list of thirteen names only shows a contribution of upwards of one hundred guineas, a sum which would take one hundred Hobart Town subscribers of the maximum figure as at present fixed. (Hobart Courier 17th August 1854)

Promotions

Twelfth Foot - Major Thomas Brooke to be Lieutenant Colonel by purchase vice St. Maur, retired; Captain John Francis Kempt to be Major by purchase vice Brooke; Lieutenant Thomas George Vereker to be Captain by purchase vice Kempt; Ensign Morley Caulfield Saunders to be Lieutenant by purchase vice Vereker; Coningsby Michael Harward, gent., to be Ensign by purchase vice Saunders, May 19. (Hobart Courier 17th August 1854)

Gold Rush and Growing Civil Unrest in Victoria.

The company was divided into two detachments and stationed at Castlemaine and Sandhurst (now called Bendigo) to maintain law and order on those goldfields. Lieutenant Wilkie, who was stationed at Bendigo, would seven years later, command a detachment to quell civil unrest at the NSW goldfields township of Lambing Flat. (PRO3714)

The first major discovery of gold in Victoria was in early August 1851 at Buninyong, near Ballarat. Two months later it was discovered at Bendigo. By mid-1853 around 60,000 diggers and their families were on the Victorian goldfields - nearly 23,000 of these were at Bendigo.

In late 1851, the Government attempted to halt the rush to the goldfields by increasing the cost of the miner’s licence. The proposal so outraged the diggers of Castlemaine that a huge meeting of between 10,000 and 15,000 people was held on the 9th December 1851 on Agitation Hill. As opposition increased around the other goldfields, the Governor revoked his decision on Christmas day 1851. Further huge anti-licence meetings were held at Castlemaine in May and December 1853.

In June 1853 an anti-gold licence association was formed at Bendigo to give voice to the diggers' many grievances about their conditions. The association drew up a petition calling for a reduced licence fee, improved law and order, the right to vote and the right to buy land. The petition was signed by over 5,000 diggers from Bendigo, Ballarat, Castlemaine, McIvor (renamed Heathcote), Mount Alexander (renamed Stawell) and other diggings. The “Bendigo” goldfields petition was brought to Melbourne and presented to Lieutenant Governor Charles Joseph LaTrobe on the 1st August 1853. Most of its demands, including the reduction in the licence fee, were rejected.

The detachments of the 1st Battalion 12th Regiment were marching into cauldrons of festering tension and bitterness. The stage was being set for a confrontation but where?

Detachment leaves Hobart to Replace Military Pensioners on the Gold Fields in Victoria

The company of the 12th Regiment, now quartered in Hobart Town, here received the route for Ballarat, and leave hence by the Iron Tasmania next Wednesday. The reason assigned for this sudden removal is, that the engagement entered into by the Government with the Pensioners, at present doing duty on the diggings, expires on the 31st instant, all of whom have in a body refused to renew their engagements, unless a considerable increase to their already rations income is allowed. This unreasonable demand has been very properly rejected, and they will be relieved in due course. (The Hobarton Mercury, 5th August 1854)

A detachment of the 12th Regiment, consisting of 67 men and 1 sergeant, under the command of Lieutenant Cole, arrived on Monday to relieve the body of Pensioners who have for some time been stationed here. The veterans departed on the afternoon of the same day. (From Bendigo Advertiser. The Argus, 9th September 1854)

Arrival of the ship Camperdown

On the 1st July 1854, HQ and three companies of the 1st Battalion embarked from Cork on board the transport ship Camperdown. They disembarked 110 days later at Melbourne, Victoria, on the

As advised in the Colonial Secretary’s correspondence, VPRS 1189, Box 140, H54/11.594.

Colonial Secretary
Melbourne
19th October 1854

Sir,

I do myself the honour by direction of the Major General Commanding to report for the information of His Excellency the Lieutenant Governor, that the Head Quarters 12th Regiment 1st Battalion under the command of Major Kempt consisting of the number specified in the margin (1 Field Officer, 2 Captains, 4 Subalterns, 3 Staff Officers, 4 Staff Sergeants, 13 Sergeants, 6 Drummers, 298 rank and file, 41 women, 37 children), disembarked from on board the ship Camperdown and marched into Barracks yesterday afternoon.

I have the honour to be Sir
Your most obedient humble servant
William F. A. Wallace
Grenadier Guards
Assistant Military Secretary

The Argus newspaper reported on the 18th October -

the wind was blowing a strong gale from the north and the Camperdown, a troop ship, has been pushed ashore at Swan Spit within Port Phillip Bay. The agent offered to tow her off at high tide but was refused. The Commander-in-Chief, having expressed the greatest anxiety to have immediate steps taken for the preservation of life and property.

Stranded on an exposed sandbar during a gale was dangerous and on the next day, Thursday 19th October, the Argus advised -

the Camperdown got off yesterday morning at 5am having been on shore since 10am Tuesday morning. The steamers Lowestoft and Manchester were despatched to her assistance. Captain Nelson of the 40th Regiment accompanied by the Lloyd’s agent on the Lowestoft, came to attend to the immediate necessities of the troops. The Commander of the forces having made every possible arrangement for the emergency, upwards of 300 of the troops being placed in such a perilous position. The Camperdown brings independently of Officers, 17 sergeants, 13 corporals, six drummers, 285 privates, 39 women and 37 children.

Commanding Officer

HQ had arrived without its commanding officer, who was on extended leave, and Major John Francis Kempt acted in this position. Until formerly appointed as replacement, Lieutenant Colonel J.M. Perceval CB would remain with the Reserve Battalion at the Cape of Good Hope in South Africa until August 1855. The Reserve Battalion had been sent to South Africa to fight in the Kaffir War.

Arrival of the ship Empress Eugenie

The second division of the 1st Battalion, consisting of two companies, under Captain Richard Atkinson, embarked at Cork, Ireland, on board the transport ship Empress Eugenie on the 30th July 1854, and disembarked ninety-four days later at Melbourne on the 3rd November 1854 with 10 sergeants, 167 rank and file, families and 34 children. Passengers included Captain Atkinson

Two soldiers, Private (2897) Alfred Snell and Private (1146) John Hoare died at sea on the 1st and 14th October respectively, while two soldiers died upon arrival in Hobsons Bay, Melbourne, on the 4th and 7th November respectively, Private (2953) Walter Willoughby and Private (2305) John Smith. (PRO3714 WO 12/2971 page 144) Given the dates of these four deaths, it is presumed that the soldiers were on board the Empress Eugenie.

The Argus reported on the 4th November 1854 -

the troops were very healthy and the vessel [presented] an appearance of cleanliness and order unequalled by any troop ship that has entered Hobson’s Bay and [reflected] the greatest credit on the Commanding Officer and Dr Rogers.

As advised in the Colonial Secretary’s correspondence, VPRS 1189, Box 140, J54/12.340.

Colonial Secretary
Melbourne
4th November 1854

Sir,

I have the honour by direction of the Major General Commanding to report for the information of His Excellency the Lieutenant Governor, that a Detachment of the 1st Battalion 12th Foot: strength as per margin (2 Captains, 5 Subalterns, 1 Staff Officer, 10 Sergeants, 1 Drummer, 166 rank and file, 25 women, 35 children) under the Command of Captain Atkinson arrived in Hobsons Bay yesterday afternoon per ship Empress of Eugenie and will disembark on Monday next and proceed to the Barracks in Melbourne occupied by the Head Quarters of that Regiment.

I have the honour to be Sir
Your most obedient humble servant
William F. A. Wallace
Grenadier Guards
Assistant Military Secretary

Confinement to Ship

Over five hundred soldiers from the Camperdown and the Empress Eugenie were now in Melbourne after ninety-five days at sea, over half of whom survived a harrowing gale for two days. The first muster of these soldiers in Australia recorded forty-one men confined to ship for minor civil offences, presumably soldiers from the Empress Eugenie. These soldiers did not disembark until after the 5th December. (PRO3714)

Some of the more serious offences were -

1962 Sergeant John Hodgson  - nineteen days in confinement and demoted to Private
2981 Sergeant C. Chamberlain - demoted to Private
3327 Private John Hoggett   - seventy-four days in confinement
3267 Private Thomas James   - seventy-four days in confinement
3310 Private William Martin - thirty-two days in confinement
3205 Private James McLean   - fifty-five days in confinement
2613 Private William Rowley - four years penal servitude and discharged; and
3313 Private William Stocker - sixty-one days in confinement.

The offences may have been between rival companies since two Sergeants were disciplined.

To Chamberlain’s credit, he worked his way back. While stationed in Perth, he was promoted to Corporal and finally in 1859 to Sergeant. Hodgson remained a Private.
Battalion Paymaster

On the Pay Rolls and Muster Lists for this period May - December 1854, Paymaster Kyffin was listed as “absent without leave” prior to embarkation for Australia. (PRO3714, 3715) Captain Thomas George Vereker performed the function of Paymaster at various times over the next twelve months until a replacement was found.

The Exhibition in Melbourne

The Argus reported on 7th November 1854 that yesterday's returns show a marked increase in the attendance. Eleven hundred and fifty persons, exclusive of the holders of season tickets, visited the Exhibition during the day. The details of the attendance were as follows: Day visitors (adults), 600, at 2s.6d, £75.11s. 6d. Evening visitors (adults), 417, at 2s. 6d., £52.2s. 6d.; children, 26, at 1s. 6d, £1.19s. Total amount received at the doors during the day, £137 8s.

The Band of the 12th Regiment, directed by Mr. Callen, attended in the evening and performed the following morceaux:

<table>
<thead>
<tr>
<th>Overture</th>
<th>Martha</th>
<th>Floton</th>
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<tr>
<td>Selection</td>
<td>Rigolotto</td>
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<td>Polka</td>
<td>Waterloo</td>
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<td>Selection</td>
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<td>Waltz</td>
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<td>Quadrille</td>
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<td>Polka</td>
<td>Downshire</td>
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Muster October – December 1854

The muster for October - December 1854 records that Drummer (3392) John Hogan came as a Boy. He was still a Drummer when he returned to England in 1867. Laver was promoted from Sergeant Major to QM prior to embarkation in 1854, Private (3307) William Butwell deserted Ballarat, Private (3396) John Markham died in Melbourne and Private (1383) William Muskett died in Hobart on the 1st September 1854.

Private (1146) John Hoare, who had died at sea, had brought out his wife Ellen with the Regiment. Private (2572) George Hayhoe, who died in Melbourne on the 17th November, had also brought his wife Amy. Both soldiers died without leaving a will. (PRO3714).

Eureka Stockade Rebellion

It is ironic that the only losses in action to the 1st Battalion, for more than fifty years, were at the hands of their own countrymen, fellow Europeans, Canadians and Americans (black and white) in one of their own Colonies, Australia. And while the Regiment may have won the rebellion at Ballarat, the miners won the peace.

On the 23rd May 1851, Governor FitzRoy of NSW proclaimed the Crown’s right in common law to all the gold in New South Wales and threatened to prosecute anybody who sought or dug it out without permission. The Executive Council authorized a system of licensing and gold seekers had to take out a licence at thirty shillings a month (at a time when a rural labourer was paid about 20 shillings per week and keep). The severity of the fee was meant to discourage labourers from leaving their jobs. This licence became known as the Miner’s Right.

The Victorian Government introduced the same system of gold licensing on 1st September 1851.

At Ballarat, as elsewhere, there was no system set up to administer the new laws, and meetings of diggers became the law. A diggers’ meeting in September 1851 resolved to pay no more than five shillings a month for the licence. At this time there was an estimated 6,000 men on the Ballarat fields, and of these, fewer than 3,000 had paid their fees by October.
Governor LaTrobe had only forty-four soldiers in all Victoria and only two policemen in Melbourne, as most had deserted to go the diggings. He feared an onrush of anarchy and sought reinforcements from Tasmania and New South Wales. He also petitioned the authorities in England to send at least one regiment who could be relied on not to desert.

Governor FitzRoy of New South Wales sent thirty soldiers in 1852 while thirty military pensioners, who had retired to Tasmania, signed on to work as policemen in Victoria for one year. In his recount, Raffaello Carboni, a leader of the rebellion, referred deridingly to the Tasmanian "traps" (foot Police) as Vandemonians.

On the 1st January 1854, the Corps of Enrolled Military Pensioners had deployed seventy-four rank and file plus one Captain, six sergeants and two drummers. The Corps was withdrawn from Ballarat in September 1854. (VPRS box 138 Return of Troops file 53/C 12.781) Some of the Pensioners at Ballarat may have been retired members of the 12th Regiment. (Refer Appendix 4.)

Then came the formation of the mounted police, and twelve officers and 250 troopers became its nucleus. A new body called the Gold Commission was formed with a force of goldfields' police. It was this force and its officers that antagonised many of the miners in a practice that became known as “hunting the digger” for their licences.

The new Governor of Victoria, Sir Charles Hotham, who had replaced LaTrobe in June 1854, had inherited a financial disaster. The State owed the banks £400,000 and the revenue from licences of the more than 15,000 men working the goldfields at Ballarat would be required to repay most of that debt. Soon after taking office, Hotham toured the goldfields and after hearing accounts of the miners’ grievances, he appointed a “commission of inquiry, composed of gentlemen who are believed to possess the confidence of the public”. In a dispatch dated 18th November 1854, Hotham also ordered an inquiry into general charges of official corruption at Ballarat.

Under examination by a Select Committee into the resignation of the State’s Colonial Secretary, the private secretary to Sir Charles Hotham, Captain Kay RN said on the 2nd July 1867 - the reason for ordering more vigilance in the collection of the licence fee, so far as I know, was the falling off of the revenue from that source. Sir Charles Hotham disliked the licence fee and I know in Downing Street he was told before he came here that in consequence of what had taken place already in regard to this licence fee, the question was not very likely to be settled without a fight. He told me more than once on board the ship coming out, and in conversation together he formed his plan of action in event of such an emergency arising.

The main mechanism for the collection of Government revenue on the goldfields was the "Miner’s Licence", which entitled the holder to work a single twelve foot (3.6 metre) square "claim", and on which a flat monthly fee of thirty shillings was payable, regardless of the amount of gold recovered.
However, the primary cause of the Eureka rebellion was not the monthly cost of the miner’s licence but the wrongful arrest during a licence hunt, and the subsequent conviction for assaulting a trooper [policeman] of a crippled, non-English speaking Armenian servant of the local Roman Catholic priest, Father Smyth. The secondary cause was the dismissal of a murder suspect with “police connections” for the death of a miner at The Eureka Hotel.

In addition, the humiliating collection methods employed by the corrupt local police only inflamed the situation. The miners, who were forced to pay the licence, did not have the right to vote and could not by other means influence the government of the day. They also wanted the abolition of property qualifications for members of parliament.

As there was insufficient police to quell the miners' growing rebellion against an "unjust law", the military were requested to assist the civil authorities of the local police and Gold Commissioner.

**Forced March to Ballarat**

As advised in the Colonial Secretary’s correspondence, VPRS 1189, Box 140, H54/11.649.

Assistant Military Secretary’s Office
Melbourne
20th October 1854

Sir,

I am directed by the Major General to acquaint you for the information of His Excellency the Lieutenant Governor, that a Detachment of the 12th Foot strength as per margin (1 Captain, 1 Subaltern, 3 Sergeants, 1 Drummer, 86 rank and file) under the command of Captain Queade of that Corps will march from Melbourne on Saturday morning the 21st instant en route for Ballarat in accordance with His Excellency’s desire.

William F. A. Wallace
Grenadier Guards
Assistant Military Secretary

Three days after the ship *Camperdown* arrived in Melbourne, a detachment of eighty-six rank and file with one subaltern, three sergeants and one drummer, under Captain William Henry Queade of the 12th Regiment, proceeded from Melbourne on the 21st October to the goldfields at Ballarat and arrived four days later on the 25th October. The American, Freeman Cobb of Cobb and Co, provided wagons and coaches, to transport the soldiers to Ballarat.

And on the 27th November, another detachment of the 12th, under the command of Captain Atkinson, was dispatched, express in carts, to Ballarat (a forced march of 115 kms in two days over hot and dusty roads), to reinforce existing detachments of the 12th and 40th Regiments.

In addition to the goldfields, the soldiers were guarding in the township of Ballarat their camp, the Bank of Victoria, the Officer’s mess, the Commissariat and the Government Surgeon’s house.

**Miners attack and wound Drummer Eagan**

The miners were the first to attack when the second detachment of the 12th Regiment entered the goldfields (the Melbourne road went through the diggings) and, in attacking the rear cart of the detachment, wounded its Drummer Boy (3059) John Eagan on the night of the 28th November 1854.

Raffaello Carboni, an Italian miner at the Eureka Stockade rebellion, wrote in his diary (Chpt 25)-

you may judge of the conduct of some Officers sent to protect the Camp by the following-

On Tuesday Evening (November 28th), about eight o’clock, the Twelfth Regiment arrived from Melbourne. The expert cleverness of the Officer in command, made the soldiers, riding in carts drawn by three horses each, cross the line exactly at the going-
ahead end of the Eureka. An injudicious triumphant riding, that by God’s mercy alone, was not turned into a vast funeral.

From my tent, I soon heard the distant cries of “Joe!” increasing in vehemence at each second. The poor soldiers were pelted with mud, stones, old stumps, and broken bottles. The hubbub was going on pretty desperate westward of the Hill and we had hard work to preserve the peace; but at the upper end of the Hill, the game was going on upon a far more desperate scale.

It appears that a party of "gravel-pits" men had been in the bush for the purpose. They stopped a cart, pulled the soldiers out, robbed them of their ammunition and bayonets; in short, it was a hell of a row. All of us camping on the Hill were talking about this cowardly attack, when a detachment of said soldiers came up again, and the Officer, a regular incapable, that is, a bully, with drawn sword began to swear at us, and called all of us a pack of scoundrels.

He was, however, soon put to rights, by the whole of us then present offering ourselves to look out for the missing soldiers; and eventually, one of them was discovered in a deserted tent, another was found in a hole lower down the Warrenheip Gully, and so on. This disgraceful occurrence, coupled with the firing of guns and pistols, kept up the whole of the night, did not give us cheering hopes for the next day.

In Chapter 71, he recalled a fellow miner named Thomas Dignam -

a serious-looking, short, young chap, a native of Sydney, who hated all sorts of rogues, because he was honest in heart. He brunted courageously the mob fury on Tuesday evening, November 28th, on the Eureka, and actually saved at the risk of his own life, the life of a soldier of the 12th Regiment on its way to Ballarat.

Lance Corporal (3081) George Sharpe and Assistant Surgeon George Arden were examined under oath by the Board “appointed to consider claims for compensation for losses sustained during the Ballarat riots.” (VPRS Box 253) Arden said -

I was in company with the detachment of the 12th Regiment proceeding to Ballarat the latter end of November last, the detachment was commanded by Captain Atkinson. On the night of the 28th about 9 or 10 o’clock we got into the diggings. We had drays and it being quite dark and the horses jaded, we were marching very slowly. As soon as we got into the diggings a mob of diggers collected and assailed us with cries of Joe! Joe!

I was on the middle cart, Captain Atkinson was with the first cart and Lieutenant Paul with the last. We were pelted with large stones and bottles. We had not stopped anywhere before we were assailed. The drivers knew the way. One of the carts was capsized, the driver and two men were severely injured, the men were turned out and ordered to load.

We found two men missing and a party went back to find them. They were laying off the road badly wounded.

When the soldiers turned out and loaded the crowd dispersed. Lieutenant Paul was ordered on with the carts. We were shortly after joined by the 40th men from the camp. During the disturbance several shots were fired by the diggers, but the military never returned the fire. I am quite confident that not a shot was fired by the military. Our Drummer Boy was shot in the leg.

The Mount Alexander Mail newspaper reported the mellee of Tuesday the 28th November 1854 and advised that “One Drummer Boy was shot in the thigh”.

During this attack, the 12th Regiment lost two Lovells 1842 New Line Pattern muskets worth £2 17s and 3d each, and among other things, one bayonet. The Colony of Victoria paid for these losses (VPRS 1189 box 142 55/R 11.613). Note that “Lovell ” referred to the spring loaded bayonet catch and not the musket itself.
Oath under the Flag of the Southern Cross

The Mount Alexander Mail newspaper reported on Thursday the 30th November that –

On this day a most disgraceful act was committed by three of the foot police, who followed a runaway unlicensed digger (a prisoner) amongst a thick cluster of tents, in which were several men, women and children; and I saw one of them deliberately fire at the digger, who was subsequently apprehended. Providentially none of the inmates of the tents were wounded. Shortly after this occurred, knots of diggers might be observed at all points, in earnest conversation, and it appeared to be generally understood that a monster meeting would take place at Bakery Hill at 3 o’clock; and at that hour an immense muster of diggers were collected, the majority of whom were armed.

Carboni recalls in his diary (Chapter 37) at sunset on Thursday 30th November, the miners rallied at the Stockade after raising a flag -

“Peter Lalor, our Commander-in-Chief, was on the [tree] stump, holding with his left hand the muzzle of his rifle, whose butt-end rested on his foot. A gesture of his right hand, signified what he meant when he said, ‘It is my duty now to swear you in, and to take with you the oath to be faithful to the Southern Cross. Hear me with attention. The man who, after this solemn oath does not stand by our standard, is a coward in heart. I order all persons who do not intend to take the oath, to leave the meeting at once. Let all divisions under arms “fall in” in their order round the flag-staff.’

The movement was made accordingly. Some five hundred armed diggers advanced in real sober earnestness, the captains of each division making the military salute to Lalor, who now knelt down, the head uncovered, and with the right hand pointing to the standard exclaimed in a firm measured tone -

We swear by the Southern Cross to stand truly by each other, and fight to defend our rights and liberties.

A universal well rounded "Amen" was the determined reply, some five hundred right hands stretched towards our flag.

The earnestness of so many faces of all kinds of shape and colour; the motley heads of all sorts of size and hair; the shagginess of so many beards of all lengths and thicknesses; the vividness of double the number of eyes electrified by the magnetism of the Southern Cross; was one of those grand sights, such as are recorded only in the history of the Crusaders in Palestine.”

Reinforcements

The Mount Alexander Mail reported on Friday 1st December that –

about 1,000 armed diggers arrived from Creswick, but no collision occurred on this day, business and digging were, however, entirely suspended, and all on the tiptoe of expectation.

Military reinforcements were dispatched on Friday 1st December - Major General Sir Robert Nickle with the Headquarters of the 1st Battalion 12th and 40th Regiments, a strong mounted police force and accompanied by forty sailors and officers with four cannons from HM ships Electra and Fantome. The 800 reinforcements took no part in the Eureka engagement since they arrived two days after the engagement on the 5th December 1854.

Hyman Levinson, newly arrived watchmaker at Ballarat, wrote in his account dated 1901 -
The miners held a council of war and concluded that they would not allow reinforcements to arrive. It was decided to intercept them on the Melbourne Road outside of Ballarat.

**The Attack on Sunday the 3rd December 1854**

The Argus reported on Saturday 2nd December 1854 -

we are standing on the brink of a great event. What the next 48 hours will bring forth I feel will form a page in the future history of Victoria.

A reporter for the Mount Alexander Mail wrote on Saturday night that -

I threw myself on my stretcher without undressing, as did also many hundred others, none knowing at what hour the alarm might be given. Overcome with fatigue, I slept soundly until four o’clock.

While the greater part of the miners’ force was waiting outside Ballarat to intercept the reinforcements, the soldiers and police attacked the Eureka stockade before sunrise at 4am on Sunday the 3rd December 1854 and put down the rebellion. The attack was over in twenty minutes.

The following recounts an eye witness report from a Canadian, Samuel Huyghue, chief clerk to the Gold Commissioner drafted November 1857 and completed 10th December 1884 (NSW State Library manuscript A1789 and microfilm CY347) -

…….a hot dry wind had been blowing for two days…….foreboding ill…

Reliable information having been obtained that the insurgents, numbering between four and five hundred, had taken up and were fortifying a position at the Eureka lead, …it was resolved to attack them at once, without waiting for reinforcements. Accordingly a division consisting of sixty-five bayonets of the 12th Regiment under Captain Queade and Lieutenant Paul; eighty-seven of the 40th Regiment under Captain Wise and Lieutenants Bowdler and Richards; thirty sabers of the mounted portion of the 40th Regiment under Lieutenants Hall and Gardyne; twenty-four of the foot police……with seventy of the mounted police and accompanied by Captain Pasley Royal Engineers and Commissioner Amos, the latter acting as guide. The whole force was commanded by Captain Thomas, 40th Regiment.

The irregular enclosure of the stockade comprised about an acre, and consisted of strong fencing forming a breast work in some places nearly seven feet high. This was composed of various materials, such as felled trees, branches and bags of sand and towards the road, partly overturned carts. But for the most part, it was constructed of thick slabs which were used to line the deep shafts. These were placed crosswise, fixed firmly to the ground and pointed at the ends…….There was also an entrenchment dug within while further cover was provided by means of strips of bark etc. placed over the triangular spaces at the base of the slabs to shelter the pike men.

The final disposition for attack was now made by the government force and after strict orders to let the insurgents fire first, and to wait for the sound of the bugle, they advanced beyond the hotel and again waited.

Captain Thomas and Mr Hacket (county court judge with a copy of the Riot Act in his pocket) rode forward to reconnoitre. The latter gentlemen had been specially instructed to accompany the column in order to read the Riot Act before proceeding to extremities. This he was prevented from doing for no sooner were their approaching figures observed from the entrenchment than fire was opened on them at a distance of about 150 yards.

A great commotion was now heard within the Stockade and the soldiers were ordered to advance. The mounted 40th at once commenced to skirt and hem in the enclosure to the left, while mounted police filed off in like manner to the right, leaving the front clear to
the operations of the infantry. The regulars forming the storming party then deployed with the foot police in front, also in skirmishing order.

The first shot was fired from the southwestern corner of the Stockade and it passed over the heads of the mounted police. Close upon this came a volley discharged by the regulars who were now advanced some 30 or 40 yards and the signal for assault being given, the troops delivered a volley in reply and advanced at the double…….

A second volley was then fired from the barricade which told severely on the troops, several of whom fell. The point of attack was well defended by the rebels and their fire as simultaneous as that of drilled troops. Its severity caused the Queen’s troops to waiver and many of them held back, especially the raw recruits who were mere boys in fact…..These however were soon rallied and brought again to the front by Captain Wise, while Captain Thomas, dismounting led the assault in person.

The palisade was reached and some hand to hand fighting took place between bayonet and pike, but only for a few moments as the assailants began scrambling over the defences, for the rebels soon gave way and the troops crossed the barrier under a desultory fire……

……and thus within twenty minutes the entire space within the Stockade was in possession of the troops and firing had ceased with the exception of an occasional shot from a trooper (mounted police) in pursuit of a fugitive beyond.

……but in the pitiless chase many innocent as well as guilty were shot down or sabred.

The foot police behaved with conspicuous gallantry…..were the first to surmount the barricade. One of them named John King from Mayo in Ireland particularly distinguished himself by climbing the flag staff amidst a shower of balls and capturing the rebel flag.

This was a white cross, starred at the center and at each point on blue ground, representing the Crux Australis (southern cross) the symbol of the revolutionary league…….

The dead and wounded were brought in afterwards in carts and the spectacle was one never to be forgotten. The excited bare necked soldiery (they wore no stocks that morning), the long line of downcast and tattered captives; the dead soldiers stretched stiff and silent in carts, their showy uniforms a mockery now – and more than all, the group of wounded lying half naked and panting at the end of the Commissariat office. Most wretched and pitiable objects these were, disfigured with cuts and blood stains, the round blue holes in their flesh, already swollen, where a bullet or bayonet entered, attracting the eye with a horrible fascination.

The following account is from a soldier of the 40th Regiment -

As a military man, and one who took a most prominent part in all the military movements of that day, I beg leave to offer a remark upon the statement made by the Government officer of the Camp [not referring to Huyghue]. The small force consisted of detachments of the 12th and 40th Regiments, and a few troopers and foot police, the whole under the command of Captains Thomas and Wise, and a Lieutenant of the 12th, I forget his name.

The order to fall-in and be silent was given, and when Captain Thomas had spoken a few words we were put in motion, led by Captain Wise. The party had not advanced three hundred yards before we were seen by the rebel sentry, who fired, not at our party, but to warn his party in the Stockade. He was on Black Hill. Captain Thomas turned his head in the direction of the shot, and said -" We are seen. Forward, and steady men ! Don't fire; let the insurgents fire first. You wait for the sound of the bugle." When within a short distance of the Stockade, the insurgents fired. Captain Wise fell, wounded mortally. The same volley wounded the lieutenant of the 12th, already spoken of, and three of his men;
two killed, one wounded of the 40th - Privates Michael Rooney, Joseph Wall, killed; William Juniper, badly wounded.

The Camp officer says the police were the first to enter the Stockade. He is wrong. There was not one policeman killed or wounded during the whole affair. When Captain Wise fell the men cheered, and were over in the stockade in a second, and then bayonet and pike went to work. The diggers fought well and fierce, not a word spoken on either side until all was over. The blacksmith who made the pikes was killed by Lieutenant Richards, 40th Regiment. Honor to his name - he fought well and died gloriously.

It was rumored that at that time the police were cruel to the wounded and prisoners. No such thing. The police did nothing but their duty, and they did it well for men that were not accustomed to scenes of blood or violence.

To my knowledge there was only one wounded man despatched, and he kept swinging his pike about his head as he sat on the ground. His two legs were broken, and he had a musket ball in his body. He could not live, and it was best to despatch him. His name was O'Neill, a native of Kilkenny, Ireland. I heard this statement from a sergeant of police, and I know it was correct.

Figure 4: Taking the Eureka Stockade

(Author’s note - there is an apparent discrepancy between Huyghue’s account, the soldier of the 40th Regiment’s account and Carboni’s recount with respect to who first mounted the barricade and captured the flag. Since revolvers and muskets of this period required time to reload, it is also unlikely that the flag was taken amidst “a shower of balls”. Writing well after the event, I think Huyghue may be turning the legend into fact by so dramatically naming a Policeman.)

Huyghue, concluded –

that night we were again under arms, as constant rumours of an intended attack kept us on the alert. This is exhausting work, and a severe trial, especially for the military, as the men have had no rest for several nights. Indeed, no one within the lines has undressed for the last four nights at the very least.

Carboni wrote in his diary (Chapter 57) –

the red coats were now ordered to fall in, their bloody work was over and were marched off. Dragging with them the Southern Cross.

Figure 5. The torn Eureka Flag
Courtesy of the Ballarat Fine Art Gallery

(Note that cuttings from the flag were taken by others as souvenirs.)
Fatal Collision Ballarat Monday, 3 a.m.

The Hobart Courier Friday 8 December 1854 dramatically reported -

At the above hour a gentleman arrived at this office who had ridden through express, leaving Ballarat at half-past-one yesterday. He brings us the following disastrous report:

(From our own Correspondent.)

At four a.m. this morning (Sunday) the Troopers advanced on the right of the Warraneep Gulley, and another division on the left of the Eureka line, encompassing the camp of the diggers. A shout was raised, and after a sharp firing of about twenty minutes the Troopers called to the soldiers, who were advancing, that it was all over.

The camp of the diggers was constructed of piles of slabs collected from the neighbouring holes.

I enclose the official return, as known at 9 a.m. Tomorrow you shall have the real truth. I do not believe but that the loss of the military, to say nothing of the wounded, is considerably more than acknowledged.

Ballaarat
December 3rd, 1854

Sir,

I have the honour to inform you that the casualties on the part of the military are 1 Private of the 12th Regiment killed, 2 Privates of the 40th killed, Captain Wise of the 40th is dangerously wounded; Lieutenant Paul of the 12th, seriously wounded. Several Privates of 40th and 12th more or less wounded. No official return has yet been made, but the correspondent of the Argus can have it tomorrow by applying at the camp.

One hundred and twenty-five prisoners made, but the casualties on the part of the insurgents are not known. I have the honor to be, Sir,

Your most obedient servant,
Robert Bede,
Resident Commissioner.

In the case of Captain Wise, amputation is considered necessary, he having received two wounds in the leg. This is but the beginning of the end. The reporter of the Ballarat Times has been taken, and his life was with difficulty saved from the hands of the infuriated soldiers. A coloured man, recognised by a soldier, would have been shot in the camp had it not been for the officers. Nearly all the ringleaders are taken.

Fifteen are lying dead in the Eureka camp. Sixteen are dangerously wounded. A German has received five different wounds. The Eureka Camp, as well as the stores and tents in the neighbourhood, have been burnt to the ground, and considerable loss of property has ensued thereby. A former reporter for the Sydney Morning Herald, a Mr. Haslam, was shot in the shoulder by the troopers.

The London Hotel is the chief repository for the dead and wounded. The troopers swept the diggings, and are making several captures now at the moment of writing.

The most harrowing and heartrending scenes amongst the women and children I have witnessed through this dreadful morning. Many innocent persons have suffered, and many are prisoners who were there at the time of the skirmish, but took no active part.

10 a.m. Several wagons containing wounded and confiscated property have passed on their way to the Camp. At present every one is as if stunned and but few are to be seen about.

The flag of the diggers, "The Southern Cross," as well as the "Union Jack," which they had to hoist underneath, were captured by the Foot Police.
Had the diggers fired longer, the loss to the military would have been immense, and they, as it was, acted with a precision and a regularity admired even by the officers of the military.

Report says that only a small division of the diggers were attacked this morning, merely a guard of relief enough to protect the Eureka Camp. Of the rest, some were off duty, but the majority were in the bush, and guarding the roads to Melbourne and Geelong.

Martial Law proclaimed at Ballaarat.

Assistant Military Secretary to Colonial Secretary, reporting arrival of the troops at Ballaarat, and of the state of affairs at that gold field. 5th December, 1854.

No. 1
Camp, Ballaarat
3rd December, 1854

Sir,

I have the honor to report, for the information of the Major General, the following details relative to a collision that took place this morning between the troops under my command and the Ballaarat rebels.

The Major-General has already been made aware of the fact that a large number of disposed persons have for some time been openly organising, drilling, and equipping themselves, with the undisguised object of attacking Her Majesty's troops, and, if possible, subverting Government.

During the night of the 1st instant, frequent signals were observed passing from tent to tent around the Camp, and several shots were fired over the heads of the sentries. I therefore considered it necessary on the following day to issue a public notice –

"That no light would be allowed in the neighbourhood after eight o'clock; that no discharge of firearms would be permitted on any pretence; and that persons disobeying these orders would be fired at."

This notice produced the desired effect. Early on the 2nd instant, information reached me that the rebels were forming an entrenched camp at the Eureka Diggings, about a mile and a half from our Camp, with the avowed intention of intercepting the troops, under the Major General's command, en route from Melbourne.

In the coarse of the afternoon, Mr. Commissioner Amos, in charge of the Eureka Station, arrived here, and reported that an armed party of the rebels had marched up to his Camp, taken him prisoner, and subsequently released him, but kept possession of his horse. During the whole of that day strong parties of insurgents were parading the diggings in our direction, many of them in sight of the Camp, robbing stores, collecting arms, and forcing people to join their ranks.

I did not consider it prudent to attack them, as they were not collected in any one spot, and the safety of the Camp would have been risked had a larger party of the force been withdrawn. I determined, however, to attack their camp at daylight the next morning. For this purpose the troops (detailed in the margin) were ordered to assemble at half-past two o'clock a.m. At three o'clock I left with this force, handing over the charge of the Camp to Captain Atkinson, of the 12th regiment, with the remainder of the troops and police.

HM Force 50 (all rank) with Lieutenant Hall and Lieutenant Gardyne
Mounted Police 70 (" " Sub-Inspectors Furnell, Langley, Chomley, and Lieut. Cassack
12th Regiment 65 (" " Captain Queade and Lieutenant Paul
40th Regiment 67 (" " Captain Wise, Lieutenant Bowder, Lieutenant Richards
Foot Police 24 (" " Sub-Inspector Carter
Total Troops: Mounted - 100. Foot - 176.

Accompanying us were Mr. Commissioner Amos, who acted as a guide, Messrs. Hackett, P.M. and Webster, Civil Commissary, all magistrates,
In excellent order and with perfect silence the force arrived. In about half an hour, in front of the entrenchment, and about 300 yards from it, under cover of a rise of the ground. The detachments of the 12th and 40th Regiments extended in skirmishing order, each having its proper support.

Part of the mounted force of military and police moved towards the left of their position to threaten its flank and rear, the remainder of the mounted force and the Foot Police were kept in reserve; we then advanced quietly towards the entrenchments, where the revolutionary flag was flying.

At about 150 yards we were received by a rather sharp and well directed fire from the rebels, without word or challenge on their part. Then, and not till then, I ordered the bugle to sound the "Commence Firing." For about ten minutes a heavy fire was kept up by the troops advancing, which was replied to by the rebels. During this time I brought up the infantry supports and Foot Police. The entrenchment was then carried, and I ordered the firing to cease. All persons found within the entrenchment were taken prisoners, and many of the fugitives were intercepted by the cavalry.

I afterwards brought the infantry and a portion of the Mounted Police, in charge of the prisoners and wounded to Camp, directing the remainder of the cavalry to recover the Government Camp at the Eureka, which was about 500 yards from the place where we then stood, and which was reported to be in possession of the Insurgents. They found it had been occupied by them during the night, and that it had subsequently been deserted; the whole force accordingly returned to the Camp.

The number of prisoners brought in was 125; a few of them, however, I ordered to be released, as I was not satisfied they had been in the entrenchment, although they were in the immediate neighbourhood. Several have been taken since on the charge of Insurrection, which makes the number now in custody 114.

The behaviour of the troops and Police, both officers and men, in this skirmish was very good; and whilst I hope the Major General will be pleased to convey to His Excellency my appreciation of the conduct of the whole Police force under my command, I feel it right particularly to notice the extreme steadiness of the Foot Police under Captain Carter, who were brought up with the supports to carry the entrenchment.

I am most desirous of acknowledging the great assistance I have received in this affair and all the arrangements connected with my command, from Captain Pasley, R.E., who was good enough to act as my Aide-de-Camp on this occasion, and who joined the skirmishers in their advance. Mr. Webster remained under fire the whole time, giving me the benefit of his services. Mr. Hackett, the Police Magistrate, remained with the infantry, and Mr. Amos guided the cavalry to their position.

I cannot omit from my despatch the expression of my deep regret at the dangerous wound received by Captain Wise of the 40th Regiment, who, remaining at his post after getting a slight wound, fell on the inside of the entrenchment when conspicuously leading his company to the attack. Lieutenant Paul, 12th Regiment, also received a severe wound, but continued to do his duty in the ranks. The number of killed and wounded on the side of the Insurgents was great, but I have no means of ascertaining it correctly. I have reason, however, to believe that there were not less than thirty killed on the spot, and I know that many since died of their wounds.

Amongst these and the persons in custody several leaders of the Insurrection appear, two of whom lie dangerously, if not mortally wounded, in hotels near the spot.

The effect of this blow has been that the Police now patrol in small bodies the length and breadth of the Ballaarat gold fields without threats or insults. To such of the wounded as have not been removed, I have sent medical assistance, and I have caused the unclaimed bodies to be taken away and buried in the Cemetery.

I have, etc, J. W. Thomas, Captain Commanding Troops at Ballaarat.
The Official Report on Eureka by the Military

(Sydney Morning Herald, 19th December 1854) By the courtesy of Colonel Macarthur, Deputy Adjutant-General, we have been favoured with the following official account of the encounter of the military with the diggers at Ballarat, on the 3rd instant:

General Order - No. 163
Head Quarters, Camp, Ballaarat
December 9, 1854

The Major General has had under consideration the report of Captain Thomas, 40th Regiment, respecting a sharp encounter which took place at dawn, on the 3rd instant, about one mile and half from this Camp, between a body of insurgents and part of the troops then at Ballarat.

The party in this affair was composed of one subaltern and 65 of other ranks of a detachment of the 12th Regiment, under Captain Queade; one subaltern and 30 of other ranks of the military mounted force, under Lieutenant Hall, 40th Regiment; and one subaltern and 87 of other ranks of a detachment 40th Regiment, under Captain Wise; together with six officers and 94 mounted and foot constabulary. Captain Pasley, the Royal Engineers. Lieutenant Richards, 40th Regiment, and Sub-Inspector Taylor, were Captain Thomas's orderly officers on this occasion.

The force thus constituted, advanced steadily until they received the fire of the rebels, and then stormed an extensive barricade which these had for some days constructed and held as a stronghold.

In their headlong flight before the vigorous assault of the troops, they met with severe and merited chastisement. Thirty are believed to have been killed and a much larger number wounded.

This salutary lesson to the traitors and anarchists, then banded together for the subversion of law and order has, the Major General regrets to learn, not been effected without Captain Wise, 40th Regiment, Lieutenant Paul, 12th Regiment, being severely wounded and the casualties contained in the subjoined list.

Sir Robert Nickle will not fail to submit the names of the killed and wounded for the consideration of the Right Honourable the General commanding in chief, in order to their being transmitted to their respective parishes, so that friends and kinsmen may become acquainted with their gallantry.

While here with the troops, the remembrance of these brave men will be kept alive in the sections of which they form a part. Like them, whether in splendid triumphs or in minor affairs, it is the good opinion of the officers, non-commissioned officers, and privates to which he belongs, that every true soldier should seek to obtain. The Major General considers that Captain Thomas deserved the utmost praise for the secrecy which he maintained while planning this energetic attack, as well as for the promptitude with which it was accomplished when planned.

On an occasion when all are reported to have behaved well, both soldiery and police, it would be invidious to made distinctions; but this much may be affirmed, that, while the troops dealt heavy blows on the insurgents, they were not unmindful of the protection of their wounded officers on the field.

List of casualties incurred by the force under the command of Captain J. W. Thomas, 40th Regiment, in the attack on the rebel camp at Eureka, on the 3rd December, 1854:

12th Regiment.
Lieutenant W. H. Paul severely wounded
Private William Webb mortally wounded, since dead
<table>
<thead>
<tr>
<th>Name</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robert Adair</td>
<td>severely wounded</td>
</tr>
<tr>
<td>John Smith</td>
<td>severely wounded</td>
</tr>
<tr>
<td>Felix Boyle</td>
<td>severely wounded</td>
</tr>
<tr>
<td>William Buttwell</td>
<td>very severely wounded</td>
</tr>
<tr>
<td>Timothy Galvin</td>
<td>severely wounded</td>
</tr>
<tr>
<td>William French</td>
<td>severely wounded</td>
</tr>
<tr>
<td>40th Regiment.</td>
<td></td>
</tr>
<tr>
<td>Private Michael Rooney</td>
<td>killed</td>
</tr>
<tr>
<td>Captain H. C. Wise</td>
<td>dangerously wounded</td>
</tr>
<tr>
<td>Private John Bryne</td>
<td>severely wounded</td>
</tr>
<tr>
<td>Henry Colles</td>
<td>slightly wounded</td>
</tr>
<tr>
<td>William Juniper</td>
<td>severely wounded</td>
</tr>
<tr>
<td>Bernard O'Donnell</td>
<td>severely wounded</td>
</tr>
<tr>
<td>Joseph Wall</td>
<td>mortally wounded, since dead</td>
</tr>
<tr>
<td>Patrick Sullivan</td>
<td>slightly wounded</td>
</tr>
</tbody>
</table>

By command, (Signed) E. MacArthur, D.A.G.

Casualties

Twenty-one miners were killed, twelve wounded and one hundred and fourteen prisoners were taken.

Assistant Surgeon Arden most probably tended the dead and wounded, both civilian and military. The number of soldiers killed and wounded during the attack were -

12th Regiment

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Name</th>
<th>Condition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>3280</td>
<td>Private Felix Boyle</td>
<td>gunshot wounds, died 10 Jan 1855, age 32 yrs, born Ireland</td>
<td></td>
</tr>
<tr>
<td>3295</td>
<td>Private John Hall</td>
<td>gunshot wounds, died 31 Dec 1854, age 30 yrs, born Ireland</td>
<td></td>
</tr>
<tr>
<td>3301</td>
<td>Private William Webb</td>
<td>gunshot wounds, died 5 Dec 1854, age 19 yrs, born England</td>
<td></td>
</tr>
</tbody>
</table>

Wounded

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Name</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>3329</td>
<td>Private Samuel Adair</td>
<td>gunshot wound to the hip</td>
</tr>
<tr>
<td>3307</td>
<td>Private William Butwell</td>
<td>compound fracture of arm</td>
</tr>
<tr>
<td>2865</td>
<td>Private William French</td>
<td>gunshot wound in hip</td>
</tr>
<tr>
<td>3028</td>
<td>Private Timothy Galvin</td>
<td>gunshot wound in neck and ear</td>
</tr>
<tr>
<td>3335</td>
<td>Private John Smith</td>
<td>gunshot wound in thigh</td>
</tr>
</tbody>
</table>

Private Felix Boyle was recorded as the first military casualty of the attack. He was struck by a musket ball in the nose and mouth, severely shattering his lower jaw. Complications set in and he died over a month later. Sergeant (2929) William Alderton was the informant on the death certificates of Privates Boyle and Webb.

40th Regiment

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Name</th>
<th>Condition</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>3356</td>
<td>Captain Henry Wise</td>
<td>gunshot wound through head, died 21st December 1854, age 26</td>
<td></td>
</tr>
<tr>
<td>3357</td>
<td>Private Denis Brien</td>
<td>died 3rd December 1854</td>
<td></td>
</tr>
<tr>
<td>3358</td>
<td>Private Michael Rooney</td>
<td>gunshot, died 3rd December 1854, age 21 yrs, born Ireland</td>
<td></td>
</tr>
<tr>
<td>3359</td>
<td>Private Joseph Wall</td>
<td>gunshot &amp; spiked, died 3rd Dec 1854, age 20 yrs, born England</td>
<td></td>
</tr>
</tbody>
</table>

Wounded

<table>
<thead>
<tr>
<th>Name</th>
<th>Condition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private John Byrne</td>
<td>flesh wound in neck and leg</td>
</tr>
<tr>
<td>Private Henry Colles</td>
<td>gunshot wound in side</td>
</tr>
<tr>
<td>Private William Juniper</td>
<td>compound fracture of leg by gun shot</td>
</tr>
<tr>
<td>Private Bernard O’Donnell</td>
<td>gunshot wound in neck</td>
</tr>
<tr>
<td>Private Patrick Sullivan</td>
<td>gunshot wound in arm</td>
</tr>
</tbody>
</table>
Funerals

Huyghue recalled in early December -

the interment of the bodies took place the same day. The soldiers were buried with military honours. The insurgent dead, enclosed in rough coffins, were placed in a separate grave, the burial service being read over them by the clergyman to whose faith they respectively belonged. And here a singular contretemps occurred.

Having concluded, as they thought, the last office to their fallen comrades, the military commenced their march back to Camp. When at the entrance of the cemetery they were met by a conveyance carrying yet another dead soldier who, through some misunderstanding or failure of arrangement, had been overlooked. Here a halt was made and after a short parley with the Catholic priest, who accompanied the remains, the procession faced about and returned to perform a second time the funeral obsequies.

Later in February 1855, Private Boyle received more than an ordinary military funeral. Captain Queade reported that he had paid six pounds for Boyle’s coffin. British War Office regulations, he pointed out, stated that the sum to be paid for a soldier’s funeral should not exceed one pound fifteen shillings. “I have also to add that the sum paid was the lowest at which a coffin could be obtained,” Queade advised. The Auditor General of Victoria saw no objection to accounts of this nature. His recommendation, that the cost of the coffin should be paid by the Military Commissariat, was approved by Lieutenant Governor Hotham on the 15th February 1855. (VPRS 1189 box 141 55/L 1626)

Soldier’s Memorials

Erected by the State of Victoria in 1879, the Soldier’s Memorial in the Old Ballarat Cemetery bears the following inscription –

Duty

In this place with other soldiers and civilians of the military camp then in Ballaarat were buried the remains of the British soldiers Henry Christopher Wise Captain, Michael Roney and Joseph Wall, Privates of the 40th Regiment and William Webb, Felix Boyle and John Hall, Privates of the 12th Regiment who fell dead or fatally wounded at the Eureka Stockade in brave devotion to duty on Sunday, 3rd December 1854 whilst attacking a band of aggrieved diggers in arms against what they regarded as a tyrannous administration.

Not far west from this spot lie the remains of some of the diggers who fell in their courageous but misdirected endeavour to secure the freedom which soon afterwards came in the form of manhood suffrage and constitutional government.

The memorial at the site of the Eureka Stockade in Ballarat reads –

This tablet was erected by the Eureka Improvement Committee 1923.

To the honoured memory of the heroic pioneers who fought and fell in this sacred spot in the cause of liberty and the soldiers who fell at Duty’s call.

Diggers

W. Emmerman  Lieut. Ross
J. Diamond  J. Robertson
T. O’Neill  Fenton
J. Donaghey  E. McGlyn
W. Clifton  J. Haynes
E. Quin  P. Gittins
W. Quinlan  T. Mullins
J. Hafele  S. Green
J. Crowe  R. Julien
Place Names

Three Avenues, within the Old Ballarat Cemetery, have been named after soldiers of the 12th Regiment - Boyle Drive, Hall Drive, and Webb Drive respectively.

Police Court Proceedings

A Police Court was held in mid December to determine whether the 114 men arrested during and after the rebellion should be committed for trial. Based on these proceedings, thirteen prisoners were remanded to be tried for high treason. The prisoners included Raffaello Carboni and James Campbell. Sixteen soldiers of the 40th gave evidence, but only one soldier from the 12th Regiment was called. Private (1272) John Sullivan gave evidence against James Campbell, a native of Kingston, Jamaica -

received orders to fix bayonets to charge. Saw Campbell run from one tent to another. Cannot say whether he was armed. It was inside the stockade. Was close to Captain Wise, who had fallen. Took up his ground beside him. Then returned home.

The order "Fix bayonets!" was understood and obeyed. As he charged, Private John Sullivan saw a miner, Campbell, run from one tent to another within the Stockade in an effort to secure cover. He didn’t appear to be armed. He then heard a muffled cry and turned to find Captain Wise, who had been severely wounded. Wise beckoned him on but Sullivan stood by his side and defended him until relieved.

Aftermath of Eureka

In the days and weeks that followed the rebellion, there was a groundswell of public indignation in Melbourne as well as in Ballarat against what was seen as a brutal over-reaction in a situation essentially brought about by the actions of Commission and Government officials. When thirteen of the imprisoned stockaders were tried for treason in Melbourne early in 1855, all were acquitted to great public acclaim. The promised commission of enquiry into the administration of the goldfields eventuated, and was scathing in its criticism of the handling of the affair.

The Miner’s Licence was replaced by an export duty on gold and a Miner’s Right which cost a small annual fee. A system of mining wardens replaced the gold commissioners, and police numbers were cut drastically. After the establishment of the Legislative Assembly in 1856, the rebel leader Peter Lalor was representing Ballarat in the Legislative Council.

The effect Eureka had on mining laws, of equality within society, the legislative administration and the influence upon subsequent generations of Australians has been profound.

The impact on the Regiment was subtle. Fifty-six soldiers deserted in the pay quarter January – March 1855 from all stations. Of the fifty-six, fifty were English, six were Irish. (PRO3714, WO2971, Page236).

Twelve months later, Sir Charles Hotham died on the 30th December 1855.

Eureka, with its potent symbolism, has acquired an aura of excitement and romance that has continued to stir the imagination of the Australian people.
Those Who Fell at The Eureka

The Argus printed the following letter 23rd February 1867:

To the Editor of the Argus. Sir, the other day I was at the old cemetery of Ballarat, looking at the graves of dead friends of early days, with such thoughts and recollections of a dozen or so of years ago as the occasion might warrant. I had not visited the place for some years, and could not leave without visiting two enclosures. What I saw there I will tell you.

In the first was a stone monument, surmounted by emblems of grief not inelegantly carved, and on a sort of pedestal a base-relief representing Victoria weeping, sculptured with a certain grace of outline. On one side was the following inscription:

“Sacred to the memory of those who fell on the memorable 3rd of December, 1854, in resisting the unconstitutional proceedings of the Victorian Government. This monument was presented by James Legget, of Geelong, to the people of Ballarat, and by them erected on the 22nd March, 1856.”

On other sides were inscribed the names and birthplaces of the twenty civilians who met their fate in that day's struggle. I remember well when thousands of hardy diggers marched in mournful procession to the cemetery to inaugurate that monument. For years after, on the anniversary of the Eureka disaster other mourning processions would go the same journey, to deck the memorial with crape; but the practice has long died out, and few remain with personal recollections of the event thus commemorated, and consequently a just appreciation of the feelings, which prompted those who resisted, or the grievances they found so oppressive. Now the monument is weather-stained; the enclosure is patchy, weedy, and neglected; and the rotten fence scarcely promises to last through the winter.

The other enclosure I visited was set apart for the graves of the military, who in those troubled times were stationed on Ballarat. Among the rude tombstones were two which had a deep interest for me. One consisted of a coarse slab, scarce better than a paving flag, supported by rough-hewn blocks of blue-stone to a few inches above the surface. On it is cut this inscription:

“Sacred to the memory of Captain Henry Christopher Wise, of Her Majesty's 40th Regiment of Foot, who died on the 21st December, 1854, aged twenty-six years, of wounds received while in the execution of his duty on the morning of the 3rd of the same month. Also to the memory of Privates Michael Rooney and Joseph Wall, of the 40th Regiment, who gallantly fighting, were killed on the same day.”

The other grave, not more ornamental because it has an upright stone slab with a few vulgar conventional nourishes at its head, is inscribed thus:

“Sacred to the memory of Captain G. R. Littlehales, 12th Regiment, who died 12th February, 1855, aged twenty-nine years and nine months; also, of Privates William Webb and Felix Boyle, who died from the effects of gunshot wounds received in discharge of duty on the 3rd of December, 1854; also, of Private John Hall, who died December 31, 1854.”

Like the other enclosure, this is in a weedy and thoroughly dilapidated state, unrelieved by the mean appearance of the graves, and the rough decaying fence; and I cannot refrain from letting my mind revert to a certain magnificent memorial structure in the Melbourne Cemetery. As most of your readers will remember, it is not difficult to connect the whole of them by the same link of feeling.
But, Sir, in venturing to ask that something may be done to cause these monuments in the old Ballarat Cemetery to be kept in a decent state, I must also impress the fact that the feelings and passions which were rife when they were erected have long since died away. We can only remember that the dead thus variously commemorated came to their end because of their unselfish fulfilment of what they deemed their duty. On the side of the defenders of the Eureka Stockade, all that was exaggerated and wrong is forgotten; and we must bear in mind that it was not for love of gain, but feelings allied to the noblest instincts of our nature, that they fought, and fighting bravely, fell. I can add that, whoever were blamed for their conduct in that fight, it was not the military. They stormed the stockade, bore the brunt of the encounter, but never fired an unnecessary shot, nor struck a needless blow. The soldiers slain by the fire from within were heartily mourned, and the fate of Captain Wise - so young, gallant, and generous - was esteemed a public calamity.

Would not the people of Ballarat do well if, unsuccessful as to other memorials, they take some step to keep these in a condition worthy the circumstances of which they are nearly the sole token? Inasmuch as the Eureka affair was the culminating point of much misgovernment, and the event which gave Birth to an improved and improving “gold fields” system, surely a memento of its heroes should be respected and made permanent. A few pounds for iron fences, and, perhaps, a little more, and the thing is done. As soon as the matter is taken up by those who have a greater right to do so than I, my cooperation shall be prompt. I remain, Sir, faithfully yours, D. D. W. Victoria Street, Melbourne, February 19.
THE SOLDIERS OF BALLARAT AND EUREKA

Who were the soldiers of the 12th Regiment at Eureka

The Payrolls and Musters for the period October-December 1854 (PRO3714) only provide details of soldiers who were posted to Ballarat and it is not possible to identify those men who were actually in the field on that fateful day.

The men, that were stationed at Ballarat in the months of October and November 1854, are named in the following table along with some personal details. (The reinforcements, that arrived in December, have been excluded). In all, there were 165 soldiers, yet only 65 were in the field –

- 2 Captains
- 3 Lieutenants
- 1 Assistant Surgeon
- 1 Colour Sergeant
- 6 Sergeants
- 7 Corporals
- 3 Drummers and Fifers
- 141 Privates.

Which Ship did they Arrive on in Australia

I have assumed that those soldiers posted to Ballarat before the 4th November 1854 disembarked from the ship Camperdown and I have assumed that all soldiers posted to Ballarat after the 4th November 1854 disembarked from the ship Empress Eugenie.

Private (959) George Swatman was the only soldier from the ship Gloucester.

Who were the Killed

Private (3280) Felix Boyle, born Fermanagh Ireland, trade of carpenter, enlisted originally with the 10th (North Lincolnshire) Regiment and served with that regiment for fourteen years, mainly campaigning in India. For this service he received the Sutlej campaign medal (1845-46) with the bar Sabroon and the Punjab campaign medal (1848-49) with the bars Mooltan and Goojerat. He was discharged from the 10th Regiment with a military pension. On returning to Ireland, he re-enlisted on the 26th August 1852 with the 12th Regiment that was stationed and recruiting in Belfast. He departed on the troopship Empress Eugenie and disembarked at Melbourne on the 6th November 1854. Boyle was aged thirty-two at time of death on the 10th January 1855.

Private (3295) John Hall arrived on the ship Camperdown and was stationed at Ballarat. Hall, labourer, born Kilkenny Limerick, had enlisted on the 3rd October 1853, and was aged thirty at time of death on the 31st December 1854.

Private (3301) William Webb arrived on the ship Empress Eugenie and was stationed at Ballarat. Webb, labourer, born Hartfordshire England, had enlisted on the 6th October 1853, and was aged nineteen at time of death on the 5th December 1854. (PRO3714)

All three men died from their wounds.

What happened to the Wounded

Lieutenant William Henry Paul took leave while posted in Launceston, Tasmania, in June 1856 and presumably returned to England (PRO3716).
Private Samuel Adair had enlisted on the 19th December 1853, one year before Eureka. He was promoted through the ranks to Colour Sergeant on the 1st November 1863, served in the second New Zealand Land war and took discharge in New Zealand on the 10th June 1866 (PRO3730).

Private William Butwell transferred to the 40th Regiment on the 1st December 1855 while still posted at Ballarat and prior to the Regiment leaving Victoria (PRO3715).

Drummer John Eagan, born Athlone Ireland in 1839, enlisted as a Boy on the 10th February 1852 aged thirteen. He was promoted to Private shortly after the Eureka Rebellion and re-appointed Drummer in May 1856. Between 1854 and 1860, Eagan had been confined to cells on a couple of occasions and had also been on Sick Report in February 1860. Eagan was not sent to the New Zealand Land War in July 1860, probably because of his poor health. Aged twenty-one and single, he died on the 8th September 1860 at Victoria Barracks Sydney and was interred in the Roman Catholic burial grounds. (PRO3721, NSW Death Certificate 1860 / 002463)

Private William French was promoted to Sergeant and served in the third New Zealand Land War. He returned to England with the Regiment on the 3rd May 1867 (PRO3731).

Private Timothy Galvin was posted to Fremantle, Western Australia, from whence he returned to Sydney in March 1863. Galvin, born County Cork, aged thirty-six, died at Victoria Barracks on the 13th May 1863 (PRO3725).

Private John Smith committed a civil offence in Melbourne, was discharged and transported back to England on the 3rd December 1855 (PRO3715).

**Birth Place**

Birth details of only twenty-seven soldiers could be obtained from the Payrolls and Musters, Police Gazettes and NSW Death certificates.

Twelve soldiers were born in England, fifteen in Ireland.

**Ages**

Most of the soldiers were under twenty years of age. Refer to Appendix 4.

**Enlistment Details**

Enlistment details were obtained from the Payroll records of deserters, discharged soldiers and from those who died. Details from Enlistment records of 1853 were also kindly provided to me by Mr Bill Birch. Enlistments have now been obtained for seventy soldiers.

**Military Experience** - most of the soldiers (85 out of 133) were inexperienced, having less than two years service prior to Ballarat.

<table>
<thead>
<tr>
<th>Enlistment Year</th>
<th>Soldiers</th>
<th>Enlistment Year</th>
<th>Soldiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1833</td>
<td>1</td>
<td>1845</td>
<td>1</td>
</tr>
<tr>
<td>1834</td>
<td>5</td>
<td>1846</td>
<td>1</td>
</tr>
<tr>
<td>1835</td>
<td>2</td>
<td>1847</td>
<td></td>
</tr>
<tr>
<td>1836</td>
<td>3</td>
<td>1848</td>
<td>1</td>
</tr>
<tr>
<td>1837</td>
<td>3</td>
<td>1849</td>
<td>2</td>
</tr>
<tr>
<td>1838</td>
<td>8</td>
<td>1850</td>
<td>1</td>
</tr>
<tr>
<td>1839</td>
<td>6</td>
<td>1851</td>
<td>10</td>
</tr>
<tr>
<td>1840</td>
<td>3</td>
<td>1852</td>
<td>23</td>
</tr>
<tr>
<td>1841</td>
<td>1</td>
<td>1853</td>
<td>62</td>
</tr>
<tr>
<td>1842</td>
<td>1</td>
<td>1854 (Note)</td>
<td>2</td>
</tr>
<tr>
<td>1843</td>
<td>1</td>
<td>1855</td>
<td>1</td>
</tr>
<tr>
<td>1844</td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note - Private (3101) Patrick Flynn enlisted in Waterford Ireland on the 22nd June 1854, as the Battalion was preparing to embark from Cork for Australia.
Soldiers at Ballarat and Eureka

Place of Enlistment - twenty-five soldiers enlisted in England, sixteen soldiers had enlisted in Ireland. It is reasonable to assume that the majority of the soldiers at Ballarat were English.

Trades - only thirty-eight enlistments provided trades and these records indicate that most of the soldiers were unskilled (28 labourers).

Missing Payrolls and Musters

Microfilm copies of the Payrolls and Musters for the period Sydney and Brisbane May 1864 to March 1865 were not available at the time of publication. The last entries for Colour Sergeant Casserly, Sergeant Earl, Private Hawthorne and Private Parkhouse had the men posted to Sydney in 1864, while Private Shanahan was in Brisbane 1865.

Ballarat and Lambing Flat

Of the 113 men that were deployed seven years later to Lambing Flat in 1861, only seven men had been stationed at Ballarat –

Captain R. Atkinson
3035 Private Andrew Canty
2945 Private George Fuller
3328 Private Charles Haddon
3296 Private John Melton
3172 Sergeant William Earl
3342 Private John Parkhouse.

Ballarat, Lambing Flat and the New Zealand Land Wars

Private (3328) Charles Haddon is the only soldier to have served at Ballarat, Lambing Flat (after the first riot) and the New Zealand wars (third). Private Haddon had enlisted on the 28th November 1853 and was discharged in New Zealand on the 21st March 1866 (PRO3730).

2nd New Zealand Land War

Of those soldiers posted to Ballarat only twenty-seven went to the second New Zealand Land war in 1860. Only one soldier from the 12th Regiment was killed in action during this war and by coincidence that soldier had also been stationed at Ballarat during Eureka.

Private (3090) Edward Archer survived Ballarat only to be Killed in Action in the second New Zealand Land war on the 23rd January 1861. Born Essex, trade of labourer, Archer had enlisted on the 13th May 1852 (PRO3721). Soon after the occupation of No. 1 Redoubt, a great stir was observed for two days in and about the Te Arei position, and it was reported that large Maori reinforcements had arrived from Waikato. Shortly before 4am on the 23rd January, the enemy made a determined attempt to seize the redoubt, when they were repulsed with great loss.

3rd New Zealand Land War

Forty soldiers from Ballarat served in the third New Zealand Land war in 1863. Of these, Corporal (3240) Norgrove was wounded in the Battle of Rangiriri and later took his discharge from New Zealand in May 1865.

The following sixteen of these forty soldiers had also served in the second New Zealand Land War -

3329 Private Samuel Adair
1654 Private John Barrow
1512 Color Sergeant John Casserly
3152 Private Josiah Collins
3009 Private James Dow
3308 Private John Doward
3243 Private John Duke
3281 Sergeant William Lawrence
3221 Private John Manning
3065 Private Henry Payne
3183 Private Samuel Reynolds
2976 Private Jesse Spalding
3217 Corporal John Thompson
3216 Private Andrew Walker
3194 Private James Wright
3322 Sergeant Charles Yalden.

Of these sixteen, Private Doward was wounded in the Battle of Rangiriri and returned to England from New Zealand as an invalid in June 1864.

**New Zealand War Medal**

The New Zealand war medal was issued in 1869 to soldiers who had actually been under fire or otherwise conspicuous for distinguished service in the field. A soldier who was on the Regimental strength in 1869 was deemed “effective” and entitled to receive a medal bearing the date showing when he served in New Zealand. “Non effective” soldiers were, as a rule, those who were no longer in the Army when they applied for the medal and they received an undated medal.

Private (1874) James Wagstaff was the only soldier who was at Ballarat and was still serving in 1869. After Ballarat, Private Wagstaff was posted to Fremantle, Western Australia, where he stayed until returning with the detachment to Sydney in 1863. He performed various garrison duties in Sydney and with the remainder of the Sydney detachment, rejoined HQ in New Zealand in November 1866 (PRO3730). After six months in New Zealand, he returned to England with the Regiment in May 1867. He took discharge on the 28th September 1869. (AJCP M973)

**Entitlement to Land in New Zealand**

Private (3065) Henry Payne was the only soldier stationed at Ballarat who also claimed a remittance for land in New Zealand under the Naval and Military Settlers' and Volunteers Land Acts 1889, 1891 and 1892. Refer to chapter 1889-NZ.

**Summary of the Soldiers**

From the above analysis, most of the soldiers were young, unskilled labourers, and English. While they may have received musketry training, above all, they were inexperienced in warfare. As Samuel Huyghue, Chief Clerk to the Gold Commissioner, noted -

> A second volley was then fired... Its severity caused the Queen’s troops to waiver and many of them held back, especially the raw recruits who were mere boys in fact…

My great grand father, Private (3187) Martin Daley, was only nineteen when he was posted to Ballarat in November 1854. He had enlisted on the 1st March 1853 in Dublin, Ireland.

<table>
<thead>
<tr>
<th>Outcome</th>
<th>From Australia</th>
<th>From New Zealand</th>
</tr>
</thead>
<tbody>
<tr>
<td>Returned to England</td>
<td>18</td>
<td>12</td>
</tr>
<tr>
<td>Returned to England as Invalids</td>
<td>12</td>
<td>2</td>
</tr>
<tr>
<td>Returned to England on Leave</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>Killed in Action</td>
<td>3</td>
<td>1</td>
</tr>
<tr>
<td>Died</td>
<td>14</td>
<td>-</td>
</tr>
<tr>
<td>Discharged</td>
<td>23</td>
<td>28</td>
</tr>
<tr>
<td>Transfers to Other Regiments</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>Deserters</td>
<td>38</td>
<td>-</td>
</tr>
<tr>
<td>Unknown (Sydney and Brisbane)</td>
<td>5</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>120</td>
<td>45</td>
</tr>
</tbody>
</table>
1855

Stations
South Australia (Adelaide), Tasmania, Victoria and Western Australia (Fremantle and Perth).

Troop Movements
Troop movements within Australia and New Zealand had to be approved by Army HQ Australia/New Zealand. As advised by QM Laver in Captain Saunders’ court martial -

(the CO did not have )…..the power to allow any soldier to leave New South Wales without the approval of the Major General.

The Regimental Band
The Argus reported on Friday 12th January 1855 under Domestic Intelligence – Military Music –

Major Kempt, commanding the detachment of the 12th Regiment, at present stationed in Melbourne, has kindly consented to allow the splendid band of the Regiment to play once a week in the Richmond Paddock, near the Botanical Gardens. The band, which is under the direction of Mr Callen, will accordingly attend at half past four o’clock this afternoon and every Thursday afternoon for the future.

On the 13th January, the Argus advised under Military Music –

we have already stated that the Band of the 12th Regiment will perform every Thursday afternoon, commencing at half past four o’clock, at the Richmond paddock, above the Immigration Barracks, outside the Botanical Gardens. The band of the 40th will play every Saturday afternoon at half past four o’clock, on the ground of the Melbourne Cricket Club.

The Argus further reported under Music in the Government Paddock –

the band of the 12th Regiment played yesterday evening, in the Government Paddock, a selection of favourite airs, under the able direction of their band master Mr Callen. So few of the public were present that we think it probable they were not aware of the circumstance. From the subjoined programme of the performance of yesterday evening, it will be seen what a treat may be expected on similar future occasions by all lovers of good music – Programme – Overture, Maroo Spada, Auber; waltz, Reussen; Lieder, Gungl; selection, Giraida, Adam; quadrille, Military Strauss; cavatina, Tutto e sciolto (sonnambula) Bellini; polka, Zerlina, Etting.

Band Masters – Mr Callen and Mr Prince
The band’s performances were a regular event, followed a similar pattern and were often advertised. The calibre of the band, all brass and drums, and the calibre of the conductor were exceptional. All music sheets were hand written and had to be arranged for each instrument section.

Band Master, Mr. George Douglas Callen, also known as David Callen, came with the Battalion from England. Callen was trained at the British Army School of Music, Kneller Hall. He was Band Director for the Battalion in Sydney which implies that he later sailed with it from Melbourne to Hobart and from Hobart to Sydney.

Callen was dismissed for breach of contract and replaced by Mr. Henry Prince in 1863. It is not known whether Henry Prince was related to Private Edward Prince, who enlisted in Sydney in 1859.
Callen became the director for the band of the 1st Battalion NSW Volunteer Rifles (SMH 12th December 1863) and performed similar concerts. He was appointed Bandmaster of the permanent Army band established at Victoria Barracks, Sydney. He held that post until 1879, by which time he had produced a highly efficient band, at that time considered to be one of the best in Australia.

**Request for Clemency of the Eureka Rebels**

The Argus reported on the 13th January 1855 under The Ballarat Insurgents –

we understand that a public meeting for the purpose of petitioning His Excellency to proclaim a general amnesty with reference to all concerned in the late insurrection will take place this afternoon, at three o’clock on the open space by the side of St Paul’s church.

Governor Hotham refused the request for amnesty in the same month.

**The State Trials of High Treason**

The Argus reported on Saturday 13th January 1855 –

it is generally believed that the Ballarat [Eureka] prisoners will be tried on Tuesday.

Proceedings in the trials, which had enormous public interest, began on the 22nd February 1855. The prisoners were placed at the bar and answered to their names. As they had already received a full written copy of the charges against them, a summary was read by the Associate:

Prisoners at the bar, the charge against you in the first count of the information to which you are now called to plead is, that you did, on the 3rd December, 1854 (being at the time armed in a warlike manner), traitorously assemble together against our Lady the Queen; and that you did, whilst so armed and assembled together, levy and make war against our said Lady the Queen, within that part of Her dominions called Victoria, and attempt by force of arms to destroy the Government constituted there and by law established, and to depose our Lady the Queen from the kingly name and her Imperial Crown.

In the second count you are charged with having made war, as in the first count mentioned, and with attempting at the same time to compel by force our said Lady the Queen to change her measures and counsels.

In the third count the charge against you is, that having devised and intended to deprive our said Lady the Queen of the kingly name of the Imperial Crown in Victoria, you did express and evince such treasonable intention by the four following overt acts:

1st That you raised upon a pole, and collected round a certain standard, and did solemnly swear to defend each other, with the intention of levying war against our said Lady the Queen.

2nd That being armed with divers offensive weapons, you collected together and formed troops and bands under distinct leaders, and were drilled and trained in military exercise, to prepare for fighting against the soldiers and other loyal subjects of the Queen.

3rd That you collected and provided arms and ammunition, and erected divers fences and stockades, in order to levy war against our said Lady the Queen.

4th That being armed and arrayed in a warlike manner, you fired upon, fought with, wounded, and killed the said soldiers and other subjects then fighting in behalf of our said Lady the Queen, contrary to duty and allegiance. In the fourth count the charge against you is, that having devised and levied war against the Queen, in order to compel her by force and constraint her measures and counsels, you did express and evince such
treasonable and divers acts, which overt acts are four in number, and the same as those described in the third count.

The Argus Reported on the 28th March 1855 under Verdicts are Returned -

the jury retired, but in about seven minutes came into court and returned a verdict of not guilty in reference to all the prisoners, who were immediately discharged.

However, the Editor of the Ballarat Times newspaper was given three months imprisonment for sedition.

**The Birch Brothers**

Corporal (3252) James Birch and Private (3242) John Birch were twin brothers born in Dungannon, County Tyrone in July 1833. Both disembarked from the ship *Camperdown* on the 18th October 1854. James was married with a young son, Charles, and was stationed in Melbourne. His son later died in December.

John, however, was dispatched to Ballarat in the detachment of the 21st October and was stationed there during Eureka and later deserted on the 13th January 1855. Private John Birch was described as aged 22 years 7 months, height 5' 6"", fresh complexion, brown hair, grey eyes, born Tyrone, occupation brass founder. In 1880-81, he was living in Snake Valley near Ballarat and later died in Bendigo in 1900.

James was demoted from Corporal to Private in February 1855, possibly in connection with his brother's desertion, and served with the Regiment, including New Zealand, until his discharge at the end of 1861.

**The Battalion Paymaster**

The problem of not having a permanent Paymaster was resolved on the 6th April 1855, when Captain Walter Rice Olivey transferred into the position from the 11th Regiment, allowing Captain Vereker to focus on operational activities. (PRO3715)

Captain Olivey would rise to become Colonel Sir Walter Rice Olivey KCB, Chief Paymaster, Army Pay Department. His family motto was “the importance of truth and foresight.”

**Broken Tranquility on the Gold Fields**

The Argus reported on the 1st January 1855 –

The soldiers of the 12th, who took part in the "affair" on the Eureka on the 3rd, feel much aggrieved that, while the other troops engaged on that day have been removed from Ballarat, as well as the mounted troopers and foot police, that they alone should be kept at their station, known as they are, both by name and individually, to many hundreds on the gold-fields. They seem to fancy they will become objects of vengeance to the people in consequence. It appears to me absurd to entertain such a feeling, fraternising with the miners as the soldiers do, talking, smoking, and inspecting the washing stuff with the eyes of connoisseurs.

There have been several fights with the soldiers at some of the public houses, which is the sole cause of ill-feeling; but in every garrison town in England and elsewhere, there will be these collisions always. Perhaps the recent death of Captain Wyse coupled with the usual salutation of "Joe," with which a detachment of troops on the morning of his funeral was greeted, on its way to town, may account for this feeling, rapidly, I hope, dying away. The miners themselves are getting rather ashamed of this cry, as senseless, as it has proved itself obnoxious.
Food Rations

On the 6th December 1854, martial law was declared and no supplies could be brought into Ballarat. With the arrival of eight hundred reinforcements without Commissariat, the supply of food became desperate. Martial law was removed on the 16th December.

With the wounded soldiers of Eureka recovering in hospital, and the diggings relatively quiet, the process of patrolling the District soon became routine. Apart from the sense of being left on the diggings, the only other issue to galvanise the soldiers into action arose in January 1855 when it was learned that a special “extra” ration for soldiers from the Victorian Colonial Government had ceased. Lieutenant Colonel Thomas Valiant of the 40th Regiment, in command of the troops at Ballarat, advised Major General Nickle of his misgivings in a confidential dispatch on the 15th January. Colonel Valiant noted that meanwhile he had authorised a continued supply of rations, but at a reduced rate (VPRS 1189 Box 141 55/L 2599) -

I fear that the discipline of the Troops will suffer if the rations are reduced, or an equivalent in money is not granted them, and that desertions will ensue. Indeed, I may add that three men of the Regiment under my command deserted on Saturday, avowedly from this cause, and that another man has gone this morning.

Everything is far dearer here than in Melbourne. Even a glass of beer costs the men four times as much as in Town. In Melbourne, they drink a quart of porter for 10 pence, here they pay four shillings a bottle for it. As it is, the Gold fields, as a quarter, are much disliked – how much more so will it become on the reduced ration.

The soldiers complain that the police, who had the same rations as themselves, have had their ration taken from them, but receive an allowance of 2s 6d a day in lieu, whereas nothing has been given them for their loss.

The extra quantity of ration costs the Government about one shilling a day, which would not be too much to pay the soldiers extra, while serving on the Gold Fields.

The Troops say it is very hard to suffer their loss, at a time too, when they have done their duty and have received the thanks of the Government and Legislative Council. I am aware that the feeling on the part of the soldiers, on this subject is so strong, that I deem it my duty to bring the matter to the immediate notice of Sir Robert Nickle.

Major General Nickle forwarded this correspondence to Victoria’s Colonial Secretary, with his own strong recommendation to maintain the extra rations.

Note – from the official summary of costs of the Ballarat Riots, see below, extra rations were maintained but only up to April 1855.

The emotional subject of food rations arose again in Hobart in 1858 with dire consequences for some of the men.

Relocation to Sandridge - Harbour Defences

A party consisting of 25 men of the 12th Regiment left their Melbourne quarters yesterday morning for Sandridge, to assist in the structure of a six gun gabion battery, about to be erected on the beach, in such a position as to be able to co-operate with another at Gellibrand's Point. It is also intended to build a barracks and powder magazine in the former locality. (From Sydney Morning Herald, September. 8th, The Maitland Mercury & Hunter River General Advertiser 19th September 1855)
Movements between the Goldfield Towns and Melbourne

On the 5th March 1855, the Headquarters and two companies of the 1st Battalion returned from Ballarat to Melbourne, and were joined on the 31st March by one company from Castlemaine and Sandhurst (Bendigo). The three companies already stationed in Melbourne were dispatched “on turn about” to Ballarat, Castlemaine and Sandhurst respectively.

This rotation may have been a means of reducing the financial burden on the men, as discussed above.

On the 30th August and the 20th September, the companies on detachment to Ballarat and Sandhurst were withdrawn and rejoined Headquarters.

On the 14th November, the company at Castlemaine rejoined Headquarters.

No more detachments from the 12th Regiment were sent to the Victorian goldfields.

The Cost of Eureka

A report (an official government “blue” paper) was presented to the Victorian Legislative Assembly on the 18th December 1855 that recorded a Petition for Compensation from 752 signatories.

Another report (an official government “blue” paper), entitled “1855-56 Victoria Ballaarat Riots Expenses of Troops and Police” was printed on the 17th March 1856 and presented to the Victorian Legislative Assembly. The following details have been extracted from the report -

23-25th October 1854 – hire of wagons, F. Cobb & Co, conveyed 105 soldiers £840
27th November 1854  – hire of wagons, Train & Co, 6 wagons £600
January 1855          –  soldiers’allowances £174
March 1855          –  Field allowances £162.15
April 1855          –   soldiers’ Ration money £475.12.

Death of Captain Littlehales

I am sorry to announce the death of Captain Littlehales, of the 12th Regiment, which took place at the Camp here on the night of the 12th inst. He had been suffering from dysentery (which has been very prevalent for some time, owing to the very changeable weather), and colonial fever supervening, proved too much for his strength of constitution to bear up against. He was buried on the 13th with military honors. (Ballaarat. February 15, The Argus 19th February 1855)

Captain George Littlehales (born Winchester, England, unmarried) died in Ballarat on the 12th February 1855, aged thirty-one. Payroll and Muster, PRO3714, states that he left no will. A large baptismal font was donated to the Anglican Cathedral Church of Christ the King, Lydiard Street Ballarat -

in memory of G. R. Littlehales Feb. 12th 1855….[from] his loving parents.

In Winchester Cathedral, England, the Littlehales’ family graves lie in the flagstones within the floor, just above the stone of Jane Austen. The inscription on Captain Littlehales’s stone reads –

Captain George Richard Littlehales of the 12th Regiment who died in camp at Ballarat, Victoria, Australia, the 12th February 1855 and was there buried. Aged 31 years.

His tombstone has long since been replaced and, although his death is not related to Eureka, it has been commemorated along with the deaths of Privates Hall and Webb with a shared headstone laying in the Old Cemetery in Ballarat. This headstone reads –

To the memory of Captain G.R. Littlehales 12th Regiment who died February 12th 1855 aged 29 years and 9 months also of Privates William Webb and Felix Boyle who died
from the affects of gunshot wounds received in discharge of duty on the 3rd December 1854 also of Private John Hall who died December 31st 1854.

First Recruit

Patrick McCormick, age and height unknown, enlisted on the 2nd July 1855 in Melbourne. He received a bounty of £6 as well as 18s 6d for bringing money and attesting. (PRO3715). Private (3456) McCormick was discharged on the 2nd July 1862 from Perth.

Appointment of the New Commanding Officer

Colonel J. M. Perceval CB assumed command of the 1st Battalion on the 15th August 1855.

The New Colony of Tasmania

On the 26th November 1855, the Colony of Van Diemen's Land officially became known as Tasmania and elections for parliament were held the next year in 1856.

Inspection of the Troops

On the 27th November, the 1st Battalion was inspected by Colonel E. Macarthur, Deputy Adjutant General, commanding the Australasian forces.

Transfer to South Australia

On the 1st November, “A” Company under Lieutenant Saunders embarked from Melbourne on a coastal steamer for Adelaide, South Australia, to relieve a company of the 40th Regiment. The company was made up of three officers and forty-seven soldiers from the ship Empress Eugenie and thirty-four soldiers from the ship Gloucester. (PRO3716)

Sunday November 4, 1855 – The steamer White Swan from Melbourne. Passengers – Lieutenant Saunders, 12th Regiment in the cabin, 1 drummer, 55 rank and file, 11 women and 17 children of the 12th Regiment in the steerage. (Adelaide Observer, Saturday 10th November 1855)

The 40th Regiment returned to Melbourne on the White Swan 8th November 1855. (Adelaide Observer, Saturday 10th November 1855)

The White Swan was a screw steamer of 335 tons, built at Glasgow, Scotland, in 1854. Her engines were of 72 h.p. When on a passage from Auckland to Wellington, via Napier, the White Swan was totally wrecked at Uruti, about 30 kms south of Castlepoint, on 29th June, 1862.

The Detachment of the 12th Regiment occupied the stone Barracks in Flinders Street, Adelaide. The Barracks had been completed in 1851 and had rooms for 100 men, offices and apartments for married couples. The Detachment later removed 340 kms south-east to Guichen Bay, Robe, to control and protect the influx of Chinese gold miners that were entering the Victorian gold fields through Robe, South Australia.

Sunday 9th December 1855 – The steamer Havilah from Melbourne. Passengers – Captain Vereker and lady (12th Regiment) ...one Private (12th Regiment) and child in steerage. (The Adelaide Observer, 15th December 1855 – Shipping Intelligence)

The Havilah, the steamer, came up the Gulf on Sunday in fine style under steam and canvas and by firing guns and appearing gaily dresssed in flags conveyed the news that she had the mail from England and the news of the fall of Sebastopol. (The Adelaide Observer, 15th December 1855 – Miscellaneous)
Havilah was an iron steamship (301 tons, 2 cylinder making 55 horsepower) and schooner rigged of three masts. She serviced Melbourne and Adelaide in 1854 as a passenger vessel, and in 1884, she was converted into a collier for the haulage of coal from Port Kembla to Sydney, and was later converted into a hulk prior to 1900, effectively ending her status as a ship. Records state she was broken up in 1911. Havilah apparently means "Land of Gold".

Founding of South Australia

A group in Britain led by Edward Gibbon Wakefield wanted to start a Colony based on free settlement rather than convict labour. Wakefield suggested that instead of granting free land to settlers as had happened in other colonies, the land should be sold. The money from land purchases would be used solely to transport labourers to the Colony free of charge, who were responsible and skilled workers rather than paupers and convicts. Land prices needed to be high enough so that workers who saved to buy land of their own remained in the workforce long enough to avoid a labour shortage.

In 1834, the South Australian Association, with the aid of such figures as the Duke of Wellington persuaded British Parliament to pass the South Australia Colonisation Act 1834. The Act stated that 802,511 square kilometers would be allotted to the Colony and to be convict-free. The plan for the Colony to be the ideal embodiment of the best qualities of British society, that is, no religious discrimination or unemployment. The province and its capital were named prior to settlement. The Act further specified that it was to be self-sufficient; £20,000 surety had to be created and £35,000 worth of land had to be sold in the new Colony before any settlement was permitted. These conditions were fulfilled by the close of 1835.

The first settlers and officials, in nine ships consisting of 636 people, set sail from London for South Australia in early 1836. South Australia became a self-governing Colony in 1856 with the ratification of a new constitution by the British parliament. A bicameral parliament was elected on 9th March 1857, by which time 109,917 people lived in the Colony.

Chinese Gold Diggers

In 1855, Victoria introduced a landing fee of £10 to curb the numbers of Chinese arriving. Over the next two years to avoid this, ships landed the Chinese at Port Adelaide and Guichen Bay (Robe) in South Australia. From there the Chinese made their way on foot to the Victorian
goldfields. Not all went to Victoria, some walked to the copper mine at Burra, South Australia. Again South Australia benefited. On arrival the Chinese hired guides and purchased supplies - food, tents, shovels, mining cradles, etc, thus helping South Australia's economy. Many thousands landed at Port Adelaide. Some forty five ships landed more than 20,000 Chinese at Robe.

Lieutenant Saunders and twenty five men from the Detachment of the 12th Regiment were dispatched from Adelaide to Guichen Bay (Robe) to control the influx. The Chinese endured overcrowding on the ships, the handicap of being landed miles from their goal, and danger. Three of their ships were wrecked in Guichen Bay, Duilius, Phaeton and Sultana. However all passengers landed safely. Encouraged by Victoria, the South Australia government later imposed a Poll tax on Chinese and limited the number and proportion of Chinese on board ships. Soon the streets of Robe were deserted.

**Garrison Theatricals**

On Tuesday next an amateur performance will take place at the Queen's Theatre, in aid of the Patriotic Fund. The comedy of “Used Up”, and the farce of “Box and Cox” will be represented on the occasion. The Band of the 12th Regiment will be in attendance. Single tickets, half a guinea; family tickets (to admit five), two guineas. (The Argus 27th June 1855)

**Financial Support from the Freemasons in South Australia**

In connection with this effort to increase the Patriotic Fund, it may be mentioned that, a sum of money was subscribed chiefly by the Freemasons, to admit thirty-four Privates and six non-commissioned officers of the 12th Regiment, now stationed in Adelaide, to the pit of the Victoric Theatre, to witness the performance in aid of the Patriotic Fund. The remaining twelve Privates were also franked for the evening. (Military. The Sydney Morning Herald 25th December 1855)

**Cost of the Military**

Legislative Council - Estimates 1855 - Naval and Military Establishments: £173,647.19s.8d, being £4,120.7s.11d. for the colonial pay and contingencies of the headquarters staff; £1,3091.1s.8d for the staff and regimental contingencies; £55,726.9s.5d for the pay and allowances of five companies of the 12th Regiment and five companies of the 40th Regiment; etc (The Argus 4th May 1855)

**Appointment of Dr. Dick**

The following new appointments appeared in yesterday's Government Gazette: …Dr. William Dick, Surgeon of the 12th Regiment, to be a visitor of the Yarra Bend Lunatic Asylum, vice Dr. O'Mullane resigned. (Govt Gazette - New Appointments. The Argus 21st July 1855)

**Surgeon of the 12th Regiment Shot in Melbourne**

A most outrageous case of "sticking-up" occurred this morning between twelve and one o'clock, just opposite the military barracks, on the south side of the Bridge.

Mr. Dick, the Surgeon of the 12th Regiment, was walking along the road to his quarters, in company with a gentleman resident at St. Kilda when they were suddenly stopped by two men, who presented pistols and demanded their money. Dr. Dick, half-thinking that it was a mere drunken freak, replied in an off-hand manner, that he should give no money, when both scoundrels fired. The bullet of the one passed through the hat of the St. Kilda gentleman, while that of the other struck Dr. Dick in the head, inflicting a severe wound.

A call was made for the guard to turn out when the murderous ruffians ran off, but they turned again at a few yards distance and each discharged another shot. The bullet was extracted about an hour later from the head of Dr. Dick, but he still remains in a very precarious condition. One of
the assailants was a tall man, the other very short but the darkness of the night, will too probably, prevent their capture or recognition. (Domestic Intelligence. Murderous attack on the St. Kilda Road. Surgeon of the 12th shot. The Argus 21st July 1855)

New Roman Catholic Chapel

A bazaar in aid of the funds for the erection of a new Roman Catholic Chapel was held yesterday at St. Francis's Hall, Elizabeth Street, Melbourne.

The bazaar was originated by the Rev. Mr. McEvoy, and was warmly supported by the ladies of the congregation of St. Francis' Cathedral. The hall was decorated for the occasion with a great deal of taste, under the direction of Mr. Byrne, and the decorations, assisted in their effect by the showy yet tasteful style in which the stalls were arranged, presented a very pleasing scene.

A fixed price was charged for admission to the bazaar, and, although the sum demanded was very small, nearly £10 was taken at the doors in this manner during the day. … The Band of the 12th Regiment was in attendance during the day and contributed greatly to the inspiriting nature of the scene.

The design for the chapel was opened to competition. The successful architects were Messrs. George and Schneider. The plan of the edifice is in the early English style, and the building when erected will be a very handsome addition to the architecture of this city. (The Argus 5th October 1855)

Destructive Fire at the Eastern Market, Melbourne

Another extensive fire occurred in the city yesterday afternoon, about half-past twelve o'clock, and resulted in the destruction of no less than twelve shops and dwelling houses, and of goods and moveable property to a large amount. The scene of the conflagration was the block of ground upon which the Eastern Market formerly stood, and the buildings which were consumed consisted of a row of shops fronting Bourke Street and others in their rear.

The fire originated in a wooden building having a canvass roof, and occupied by Mr. James Banwell as a board and lodging house, and, it is said, was caused by the chimney taking fire and the roofing igniting. Although the wind was light and the alarm was quickly given, almost numbers of the buildings on the block were burnt down within ten minutes from the first breaking out of the flames…. The flames were distinctly visible from almost every part of the city, and attracted an immense concourse of spectators. A detachment of the 12th Regiment with fixed bayonets were drawn up in front of the burning buildings, and rendered effective service in keeping off the pressure of the crowd from those working the engines. There was also a large body of police of the A and C divisions, who exerted themselves in a highly praiseworthy manner in keeping order and assisting in saving property. We have not been able to obtain an estimate of the amount of the loss caused by this disaster, but it must be to the extent of several thousands of pounds. (The Argus 31st October 1855)

A Voice from the Ranks

To the Editor of the Argus. Dear Sir, I have heard that the soldiers of the 12th Regiment is accused of making targets of the wild fowl of the Gardens, but I am sure they are allowed to make targets of them as well as the lowliest order of Melbourne town; so I am sure soldiers is none the worst in Melbourne, for between sticking up and murder, there is a dirty lot in it.

A Drummer of our Regiment was absent the other day, and he happened to be a little the worst of spirits, and his side belt happened to slip off his shoulder, and he came to next morning, and he was deficient of his side belt and he was tried by a Regimental Court Marshall, and got 28 days
hard labour for it; so that shoes that there is worse in Melbourne then soldiers, because they have
to do there Duty as they had to do, they are imposed upon as Blagards in Melbourne, and if
soldiers were out of this Colony, I don’t no what ye would do between sticking up and murder; it
would be a nice place I am sure, so for the wild fowl it is nothing to cast up to Her Majesty's
Gallant 1st Battalion 12th Regiment of Foot, or East Suffolk Regiment. My Dear Sir, I would be
very much obliged to you if you would publish this.

I Remain Your Humble Servant,
A Soldier of Her Majesty's Gallant 1st Battalion 12th Regiment, Melbourne, Victoria. Princes
Bridge Barracks, Melbourne, August 13th, 1855. (The Argus, 13th August 1855)

**Cricket with the Emerald Hill Club**

A cricket match was played on Saturday between eleven of the 12th Regiment and the same
number of the Emerald Hill Club, on the ground of the latter, near the Sandridge Road Turnpike.
The result was in favour of the civilians, who won by eight wickets, their victory being partially
attributable to the disadvantage their opponents labored under from the ground being too slippery
for running or fielding with ease without spiked boots.

The bowling of Mr. Hogan, and the batting of Messrs. Astley, Whitmore, and Wooldridge, on the
part of the Regiment, were very good. On the side of the Club, Messrs. Ellis, Stevens, and
Hancock made their respective scores quickly; the bowling of Messrs. Ellis and Biers was
effective, the "slows" of the latter evidently puzzling the batters. We believe the return match will
be played on the same ground next Saturday. The scores were as follows: (The Argus 4th
December 1855)

<table>
<thead>
<tr>
<th>Twelfth Regiment</th>
<th>Emerald Hill Club</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1st Innings</strong></td>
<td><strong>1st Innings</strong></td>
</tr>
<tr>
<td>J. Astley</td>
<td>T. H. Davis</td>
</tr>
<tr>
<td>run out</td>
<td>b. Hogan</td>
</tr>
<tr>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>H. Clarke</td>
<td>W.R. Cotterill</td>
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<tr>
<td>bd. Biers</td>
<td>b. Wooldridge</td>
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<tr>
<td>5</td>
<td>3</td>
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<tr>
<td>H. Prince</td>
<td>M. Ellis</td>
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<tr>
<td>not out</td>
<td>ct. Simpson, b.</td>
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<tr>
<td>0</td>
<td>17</td>
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<tr>
<td>T. Donohoe</td>
<td>T. Hancock</td>
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<tr>
<td>ct Cotterell, bd Ellis</td>
<td>b. Hogan</td>
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<tr>
<td>2</td>
<td>2</td>
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<tr>
<td>J. Hogan</td>
<td>Gregory</td>
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<tr>
<td>bd. Ellis</td>
<td>run out</td>
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<tr>
<td>3</td>
<td>2</td>
</tr>
<tr>
<td>W. Wooldridge</td>
<td>Whitley</td>
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<tr>
<td>bd Ellis</td>
<td>ct. Donohoe, b.</td>
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<tr>
<td>8</td>
<td>Hogan 2</td>
</tr>
<tr>
<td>H. Hogan</td>
<td>J. Fraser, ct.</td>
</tr>
<tr>
<td>ct. Nicholas, bd Ellis</td>
<td>Prince, b.</td>
</tr>
<tr>
<td>0</td>
<td>Hogan 7</td>
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<tr>
<td>J. Whitmore</td>
<td>H. Biers</td>
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<tr>
<td>ct. Gregory, bd Biers</td>
<td>b. Hogan</td>
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<td>2</td>
<td>2</td>
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<tr>
<td>J. Simpson</td>
<td>W. Stevens</td>
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<tr>
<td>ct. Simpson, bd Biers</td>
<td>not out</td>
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<tr>
<td>2</td>
<td>10</td>
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<tr>
<td>J. Judd</td>
<td>Nicholas</td>
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<tr>
<td>ct. Stevens, bd Ellis</td>
<td>b. Hogan</td>
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<tr>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>J. McDaniel</td>
<td>F. Walsh</td>
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<tr>
<td>bd. Biers</td>
<td>b. Wooldridge</td>
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<tr>
<td>0</td>
<td>3</td>
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<tr>
<td>Bye</td>
<td>Wide balls</td>
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<tr>
<td>1</td>
<td>2</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
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<tr>
<td>30</td>
<td>65</td>
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<table>
<thead>
<tr>
<th>2nd Innings</th>
<th>2nd Innings</th>
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<tbody>
<tr>
<td>J. Astley</td>
<td>W. Ellis</td>
</tr>
<tr>
<td>std. Whitley, bd Biers</td>
<td>not out</td>
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<tr>
<td>11</td>
<td>3</td>
</tr>
<tr>
<td>H. Clarke</td>
<td>T. Hancock</td>
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<tr>
<td>run out</td>
<td>not out</td>
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<tr>
<td>0</td>
<td>10</td>
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<tr>
<td>H. Prince</td>
<td>Whitley</td>
</tr>
<tr>
<td>bd. Biers</td>
<td>b. Wooldridge</td>
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<td>2</td>
<td>2</td>
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<tr>
<td>T. Donohoe</td>
<td>W. Stevens</td>
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<tr>
<td>ct. Stevens, bd Ellis</td>
<td>not out</td>
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<td>1</td>
<td></td>
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<tr>
<td>J. Hogan</td>
<td>McDaniel</td>
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<tr>
<td>run out</td>
<td>b. Wooldridge</td>
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<tr>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td>W. Wooldridge, run out</td>
<td>Wide ball</td>
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<tr>
<td>4</td>
<td>1</td>
</tr>
<tr>
<td>H. Hogan</td>
<td>Total</td>
</tr>
<tr>
<td>bd. Biers</td>
<td>16</td>
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<tr>
<td>7</td>
<td></td>
</tr>
<tr>
<td>J. Whitmore</td>
<td>First Innings</td>
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<tr>
<td>run out</td>
<td>65</td>
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<tr>
<td>11</td>
<td></td>
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<tr>
<td>J. Simpson</td>
<td>Grand Total</td>
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<td>run out</td>
<td>81</td>
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<tr>
<td>2</td>
<td></td>
</tr>
<tr>
<td>J. Judd</td>
<td></td>
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<tr>
<td>bd. Ellis</td>
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</tbody>
</table>
The return cricket match between the 12th Regiment and the Emerald Hill Club was played on Saturday, when the latter was again victorious, winning by six wickets. Mr. Hogan's bowling was certainly excellent, the only one who could stand long against it in the first innings of the club being Mr. Hancock, who was in throughout the innings, and carried his bat out for a score of twenty eight, of which twelve were obtained from three hits. The fielding on both sides was very good, particularly that of Mr. Fraser, two of whose catches would have done credit to “Lord’s”. Only one bye was given throughout the match. (The Argus 13th December 1855)

**Transfer to South Australia**

On the 1st November, a company under Lieutenant Saudners embarked on the steamer *White Swan* from Melbourne for Adelaide, South Australia, to relieve the 99th Regiment.

The company was comprised of five sergeants, four corporals, one drummer, fifty five rank and file, eleven women, and seventeen children of the 12th Regiment. (Shipping Intelligence, South Australian Register, 5th November 1855)

**Transfers to Tasmania**

On the 2nd November, a company under Captain William James Hutchins embarked from Melbourne for Launceston, Tasmania, to relieve the 99th Regiment. This company was comprised mostly of soldiers who had earlier arrived on the ship *Gloucester* and had already served in Tasmania. The company consisted of two Sergeants, three Corporals and forty-seven Privates, and was administered by the 99th Regiment and appears on their Payroll (PRO3904).

**Relocation to Tasmania**

The *Windsor*, which recently arrived in our port, brought to this Colony the remaining companies of the 40th Regiment, numbering some 400 strong, and commanded by Major Neale. A company of the Regiment left the Spencer Street barracks on Tuesday morning for Castlemaine, where they relieve a company of the 12th. Another company of the 40th is expected every hour to arrive from Adelaide, and the effective force of the Regiment will be about 800 rank and file and officers.

The 12th Regiment will proceed shortly to Van Diemen's Land, the 99th, which Regiment now garrisons the island, being ordered home. We hear, however, that a mere skeleton only of the corps will return to England, 200 of the men having volunteered to join the 12th and 100 to join the 40th Regiments.

The departure of the 12th will take place as soon as some repairs required by the transport ship have been effected. (Military. The Sydney Morning Herald 12th November 1855)

The Headquarters and four companies remained in Melbourne until the 20th December, when they boarded the transport ship *Windsor* for Hobart Town, Tasmania, where they arrived on the 29th December. Three companies (with Headquarters) disembarked on the 31st December and moved into Anglesea Barracks, in relief of the 99th Regiment.
Transfer to Western Australia

The fourth company, under Captain Palmer, continued on the ship *Windsor* to Swan River, Western Australia, in relief of a company of the 99th Regiment. The company had three officers, one assistant surgeon and eighty-seven soldiers.

Twenty-six of these soldiers had been present at Eureka and came off the ship *Camperdown*. Fifty-seven other soldiers had arrived on either the *Empress Eugenie* or the *Camperdown*. Only five soldiers came off the *Gloucester*.

On Christmas day, the 25th December 1855, Private (3306) Shane Smith died at sea on the ship *Windsor*.

From a cursory review of the Payrolls and Musters of the detachment at Perth, it was characterised by a two year posting cycle for Officers, assistant surgeons and non-commissioned Officers. While a few soldiers transferred back to HQ Sydney and others returned to England as invalids, the great majority were not rotated. This isolation must have had an impact on the men. Soldiers that took their discharge at Perth sailed to England without returning to HQ Sydney with the exception of Sergeant Stewart.

While there were few desertions in Perth, floggings and lengthy convictions were issued routinely. This punishment was not apparent at the other remote garrisons of Adelaide, Hobart and later Brisbane. Lengthy convictions were issued in Hobart in 1858, but this was an exception. The most common form of discipline at HQ Sydney was the forfeiture of pay.

The Founding of Western Australia

The British government agreed to found the Colony of Western Australia as the first free settlement in Australia, and the first settlers arrived in Perth in June 1829. Perth’s ‘port’ was at the foot of William Street, and provided the people of Perth with trading links with the greater coastal port settlement of Fremantle and the inland village port of Guildford. Western Australia was the last of the Australian colonies to receive its own Constitution and become self-governing. The British Government finally granted self-government to the Colony in 1889.

In 1849, there were fewer than 5,000 people in the Swan River settlement (Perth) in Western Australia with major townships of Albany, Bunbury, Fremantle, Perth and York. Men outnumbered women by two to one. The dominant need had been for male labourers, now for the first time, there was an official call for female servants in large numbers. Scarcity of women servants would remain a perennial problem for that Colony. The arrival of convicts in 1850 brought about a greater inequality of the sexes.

By 1868, when transportation ceased, 9,700 convicts had been sent from Britain.

Between 1853 and 1863, large contingents of Irish girls and women came to Western Australia, selected mainly from orphanages and poorhouses of Cork and Dublin. The vessels, that brought them, attracted men who saw the girls as prospective wives and consequently, these vessels became known as ‘the bride ships’. A couple of these women married men from the 12th Regiment.
Desertions

The soldiers reacted against the relocations to Tasmania and Western Australia with their feet. Twenty-two deserted before embarkation from Melbourne, and Sergeant (2914) Charles Rootes and Corporal (3234) John Moulines transferred to the 99th Regiment (PRO3715), which was returning to England.

Seven soldiers, all originally from the ship Gloucester, deserted shortly after arrival in Adelaide.

Port Arthur, Tasmania

The 12th Regiment provided a small number of guards to the penal settlement at Port Arthur on the south-east coast of Tasmania from 1854 until 1863 when they were withdrawn and their function replaced by Police.

The establishment, growth, and change of Port Arthur is a reflection of the social changes occurring within England during this period. Descriptions of the horrors (dissections of the executed, floggings and recounts of the desperate attempts to escape) together with the industry of the convicts, remodeling and eventual closure of the prison are well documented in the book “Port Arthur: A Place of Misery” by Maggie Weidenhofer (1990).

The hated stain of convict transportation did not end with the last transport in May 1853, when in that year there were 16,745 male and female convicts in the colony of Tasmania. In 1857, four years after transportation ended, a census of Tasmania recorded that 50% of all adults and 60% of adult males were convicts or ex-convicts. The majority of convicts were employed by settlers.

At Port Arthur and in the colony generally, prisoners in chain gangs were a common sight and sound, and one that few people could easily forget. In Hobart, Launceston, Oatlands and other towns, men in chain gangs were undergoing colonial sentences and gangs of up to two-hundred men were passing almost continually along the Colony’s roads. At the first sight of chain gangs, a feeling of horror crept over the visitor “the clanking of chains was dreadful, being heavy the noise is so great that it is heard from a considerable distance.”

In 1831, a settlement was founded on a remote peninsula, about 100 kms south of Hobart, that would be both a sawing station for the provision of timber to the Colony as well as a prison. The settlement was a natural penitentiary, located at the end of a peninsula, with a protected harbour and bounded by mountains covered in dense forest and bush. The settlement was named Port Arthur after the colony’s Lieutenant Governor, Sir George Arthur.

The Governor intended the prison to act as a deterrent for repeat offenders and it became a place of misery in which execution, severe flogging, hard labour and the wearing of heavy leg irons were the preferred forms of discipline. During the 1840’s, coinciding with more enlightened methods of penal discipline in Britain, several of the cruelest and most humiliating punishments had ceased. Stone breaking while chained in a small stall, dragging a log of wood chained to leg irons and flogging were no longer practiced. However, the treadmill replaced stone breaking and solitary confinement was still in use.

The coal mines, 29kms distant at Plunkett Point, were mined by convicts who had committed offences at Port Arthur. Sentence to these low underground shafts was regarded as worse than flogging. The use of mining as a penal discipline lost favour in England not because of its depravity but because it was thought that private enterprise could mine and produce coal more efficiently. The mines were sold in 1848.

In 1853, Port Arthur held about 700 convicts. During the late 1850’s, the “Probation” Stations around Port Arthur were becoming “invalid” stations for the aging convict population. In 1857, Port Arthur became home to these invalids who lived in the original prisoner barracks. In 1861, there were 517 convicts of whom forty-two were over the age of sixty. In addition, there were 275
invalids and paupers of whom seventy-eight were over the age of seventy. The invalids were given light duties since “they’ve no home but this and the commandant makes them do something.”

In 1857, eighty-seven mentally ill ex-convicts were transferred to Port Arthur. Of these men, nine were over the age of fifty. The criminally insane were described as of “two dispositions – they cowered and crawled like whipped fox-hounds to the feet of their keepers, or they raged, howling blasphemous and hideous imprecations upon their goalers.”

The settlement had no walls and the means of escape were by swimming, boat, through the rugged bush into the hinterland or bypassing the guards located at Eagle Hawke Neck which was the name given to a wide, heath covered sand bar that connected the peninsula to the coast.

In the 1850’s, the 12th Regiment maintained a guard house and eighteen guard dogs at Eagle Hawke Neck. The dogs were chained to stakes at intervals across the “Neck” and chained to platforms in the water in the small bays on either side of the “Neck”. The Commandant, James Boyd, reported that “many of them [the dogs] have not been off the chains for years and are consequently very savage.” The watch dogs became renowned in the Colony.

James Boyd, a Scotsman, was the civilian Commandant between 1853 and 1871, after having gained experience at Pentonville prison in England, and the prisons in Tasmania at Maria Island and Hobart. Private (3226) James O’Donnell married Rachel Waters, who was maid to Boyd’s children, in July 1857.

Isle of the Dead, Port Arthur

Across the harbour from the settlement of Port Arthur is a small island that was selected as a burial ground. The island was named Opossum Island then later Dead Island, and is now known as the Isle of the Dead. Some 1,100 convicts and free men are buried on the island including Private (3018) William Smith and Private (3717) John Strahan (formerly of the 99th Regiment).

Three children, related to the Regiment, are also buried on the island. Marguerite Annabelle Wilkie (daughter of Captain Wilkie) is the youngest recorded burial on the island. Only six hours old when she died from “feebleness of health” on the 4th August 1858, Marguerite was laid to rest the following day. Her birth and burial are recorded in the Church of England registers for Port Arthur. Mary Reilly (daughter of Sergeant (3346) James Reilly) died on the 2nd January 1861. James Reilly had only just been promoted to Corporal on the 30th December 1860 (PRO3722, page 238A). He had been stationed at Ballarat during the Eureka Stockade and later served in the 3rd New Zealand Land War prior to returning to England in 1865. James Goddard, aged eleven months, was the son of Private (3323) James Goddard. The Church of England Baptism register for Port Arthur records that James Goddard was the son of James and Jessey Goddard nee Oliver, abode Eagle Hawk Neck. Born 13th December 1855. The Church of England Register of Burials on the Isle of the Dead records that James died and was buried on the 14th November 1856.

The books (“Isle of the Dead, Port Arthur” by Richard Lord, and “Isle of the Dead, Port Arthur’s Burial Ground” by Walter Pridmore) provide descriptions of the head stones –

In memory of James Goddard  
Son of J. Goddard, Private 12th Regiment  
Died 16 Nov 1856 aged 11 months

The Holy Bible
Sacred to the memory of William Smith
Private 12th Regiment
Who died at Eagle Hawk Neck 24th Dec 1856
Aged 23 years
Erected by his company as a mark of respect.
Marguerite Annabelle Wilkie, Died 4th August 1858
Suffer little children to come,
Unto me and forbid them not
For of such is the kingdom of God.

Sacred to the memory of Mary Reilly
Daughter of James and Mary Ann Reilly
Died 2nd January 1861. Aged 10 weeks. Amen

**Musters**

Private (3229) John Byers, who had been at Ballarat during Eureka, deserted on the 23rd August 1855 (PRO3715).

Private (3307) William Butwell transferred to the 40th Regiment on the 1st December 1855 while stationed at Ballarat.

Private (3335) John Smith committed a civil offence, was discharged and transported back to England on the 3rd December 1855. (PRO3715)

Within twelve months of its arrival, the ranks of the 1st Battalion had been reduced by 20% (three killed in action, three dead, one hundred deserted). New drafts were required.
1856

Stations
South Australia, Tasmania (Eagle Hawk Neck, Hobart, Launceston, Oatlands and Port Arthur) and Western Australia.

Battalion Strength
A letter, dated 31st October 1856, from the Horse Guards to the General Officer Commanding at Melbourne notified that it was intended to send two companies of the 12th Reserve Battalion in South Africa to Australia. These soldiers had been fighting in the Kaffir War.

The Reserve Battalion returned to England where it was reformed into the 2nd Battalion.

Tasmania
Payrolls PRO 3715 and 3716 WO12/2973, identified the following troop dispositions in convict related duties –

<table>
<thead>
<tr>
<th></th>
<th>Eagle Hawk Neck</th>
<th>Port Arthur</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jan - Mar</td>
<td>52 (1 Lt, 1 Sgt, 2 Cpls, 48 Ptes)</td>
<td>80 (2 Capt, 1 Col Sgt, 2 Sgts, 5 Cpls, 70 Ptes)</td>
</tr>
<tr>
<td>April - June</td>
<td>54 (1 Lt, 1 Ens, 2 Sgts, 2 Cpls, 48 Ptes)</td>
<td>70 (1 Capt, 1 Lt, 1 Col Sgt, 1 Sgt, 5 Cpls, 61 Ptes)</td>
</tr>
<tr>
<td>July - Sept</td>
<td>45 (2 Ens, 1 Sgt, 3 Cpls, 39 Ptes)</td>
<td>79 (1 Capt, 1 Lt, 1 Sgt, 4 Cpls, 72 Ptes)</td>
</tr>
<tr>
<td>Oct - Dec</td>
<td>39 (1 Lt, 1 Sgt, 1 Cpl, 36 Ptes)</td>
<td>82 (1 Capt, 1 Lt, 1 Ens, 1 Col Sgt, 1 Sgt, 2 Cpls, 75 Ptes)</td>
</tr>
</tbody>
</table>

In 1856, fourteen soldiers (one Sergeant, two Corporals and eleven Privates) were stationed at Launceston while between fourteen and twenty-one soldiers were stationed at Oatlands.

The Military in the Australian Colonies
There are several rumours afloat about the movements of the 12th Regiment, which has just arrived amongst us. We understand the fact to be that it is under orders to proceed home as soon as it can be relieved by a militia regiment. This, however, may not happen for three years, unless the authorities are more expeditious than in the case of the 99th, which has been under similar orders for the last seven. Hobart Town Courier. (The Empire, 14th January 1856)

Troop Movements

Two detachments of the 1st Battalion, under Ensigns Fitzgerald and Williams, proceeded from Hobart on the 1st June 1856 to Eagle Hawk Neck and Port Arthur on the Tasmanian Peninsula.

Aide-de-Camp Governor of Tasmania
Lieutenant Saunders was appointed Aide-de-Camp to the Governor of Tasmania.
Marriage of Captain Wilkie

Venerable the Archdeacon Davies, assisted by the Rev. T. J. Ewing, John Lunan Wilkie, Esq., of H.M. 12th Regiment, eldest son of the late Major Wilkie, 92nd Highlanders, to Margaret, second daughter of the late Charles McLachlan, Esq. (Colonial Times and Tasmanian 23rd April 1856)

On the 22nd instant, at St. David's Cathedral, by the Venerable the Archdeacon Davies, assisted by the Rev. T. J. Ewing, John Lunan Wilkie, Esq., of H. M. 12th Regiment, eldest son of the late Major Wilkie, 92nd Highlanders, to Margaret, second daughter of the late Charles MacLachlan, Esq. (The Hobart Town Daily Courier 23rd April 1856)

Marriage of Lieutenant Munro

At St. Luke's, Campbell Town, on Monday, the 6th instant, by the Right Rev. the Lord Bishop of Tasmania, assisted by the Rev. W. Brickwood, J. C. Munro, Esq, Her Majesty's 12th Regiment, youngest son of the late Major Sir G. G. Munro, Poyntzfield, North Britain, to Emily Abigail, eldest daughter of T. Mason, Esq., Police Magistrate. (The Hobart Town Daily Courier 9th October 1856)

Administration of Remote Detachments

The challenge for HQ would remain for its duration in Australia - how to effectively manage detachments that were 4000 kls distant (Perth), 1500 kls distant (Adelaide and Hobart) and 1000 kls distant in the case of Brisbane from Sydney. Operational and administrative management were devolved to the local field officer.

The detachment at Eureka in 1854 came under the operational command of the 40th Regiment. The company of the 12th Regiment in South Australia came under the administrative command of Major Nelson of the 40th Regiment as from October 1856. And in 1859, the 40th Regiment provided the Paymaster for the detachment in Hobart. The detachments at Brisbane and Perth, however, held local command.

This system was common practice amongst all regiments, for at times, the 12th Regiment likewise managed detachments of the 11th, 14th, 65th, 70th, 99th Regiments, Royal Artillery and others.

Western Australia

The company, that had left for the Swan River, reached its destination on the 9th February 1856.

Private (3292) James Jeffrey drowned in Perth on the 18th December 1856.

A letter from a bandsman of the 99th Regiment to a resident in Hobart Town, has been handed to us for perusal, and from it, we are permitted to make the following extract. The letter was posted at Freemantle, Western Australia, and is dated – Ship *Windsor*, 14th February, 1856.

We arrived here on Thursday, the 7th inst, after a very uncomfortable passage of twenty-seven days, but thank God, without sickness. We have stayed in harbour for the remainder of the time. As soon as we dropped our anchor, boats came off from shore to us with the most beautiful grapes, bananas, and water melons possible. You may suppose we availed ourselves of the opportunity to get some. On the next day the party of the 12th Regiment left the vessel for Perth….. (The 99th Regiment. Hobart Colonial Times, 2nd April 1856)
Refurbishment of the Officers’ Barracks, Perth

Commissariat – Tenders in duplicate will be received by the Deputy Commissary General at his office, Perth, until noon on Tuesday, the 9th May of December next, from parties willing to furnish all the materials and perform the whole of the work required in the following services –

1st – putting down a 12 inch brick barrel drain between the corner of the new Barrack room, Perth, and the Commissariat dung pit. The line will be pointed out by the Acting Ordnance Clerk of Works.

2nd - tenders to state the price per yard. The total length of drain required about 210 yards. The work to be completed within three weeks of the acceptance the tender, which is not to include labourer work, which will be supplied. The contractor to work the hours of the Convict Depot, Mount Eliza.

2nd – for the erection of a Guard Room and privy on such part of the lot known as Perth Building Lot T2, as may be herein pointed out.

3rd – for painting the whole of the internal and external wood and iron work of the Powder Magazine at Perth.

4 – for making good defective brickwork, and plastering the walls of the Magazine and Magazine Yard.

5 – for putting in an underground drain along the basement on the north east and west sides of the Commissariat Store, at Perth.

6 - for supplying two ladders.

7 – for painting externally, the wood and iron work of the Officers’ Barracks, Perth.

8 – for cleaning and colouring internally, the Officers Barracks, Perth.

9 – for painting, internally, the wood and iron work of the Officers’ Barracks, Perth.

Plans and specifications may be seen and any other information obtained on application to Mr Sherwood, acting Ordnance Clerk for Works, Perth. Payment will be made on the production of the certificate of the Commanding Royal Engineer that the work has been satisfactorily performed. War Department Western Australia, Perth Nov 24th 1856.
(Perth Gazette, 28 November 1856)

Volunteers from the 99th Regiment

Prior to the 99th Regiment returning from Hobart to England, 185 volunteers transferred to the 12th Regiment on the 1st November 1855. This transfer appears on the 99th’s Payrolls and Musters in November 1855 (PRO3904) but does not appear on the 12th’s until January 1856 (PRO3716).

One of the volunteers was Private (1671) William Lisby who was immediately employed as the Battalion’s Pay Clerk.

Three Corporals, Timothy Bourke, Thomas Hawkes and Thomas Ruddle, reduced their rank to Private in order to transfer across. All three quickly regained their rank. Hawkes was promoted to Sergeant and became Drill Instructor of the Queensland Volunteer Rifle Corps.

Just under one third of these soldiers had taken discharge by the end of 1857.

Upon the arrival of the 12th’s detachment in Western Australia in March 1856, twelve soldiers from the 99th Regiment, who were stationed there, transferred to the 12th Regiment.
New Uniform

The Hobarton Mercury reported, under Local Intelligence, on Monday the 19th May 1856 -

On Friday the men of the 12th Regiment appeared for the first time in their new uniform from a pattern designed, we believe, by Prince Albert. Instead of the close jacket, the men now wear a scarlet surtout, which we must confess, is anything but graceful or appropriate to the garb of a soldier. The men as they passed along the street, were gazed at by the citizens, and remarks anything but complimentary, were made on the new uniform.

Sham Fight in the Domain, Hobart

Yesterday a grand affair came off in the Domain by a "sham" fight between the 12th Regiment and the men of *HMS Juno*, now in this port. The military marched from the Barracks shortly after ten o'clock preceded by their fine Band, whose spirit-stirring strains were heard far and wide through the city. The day being fine, a very large concourse of persons assembled in the Domain, and appeared to enjoy the mock contest with evident zeal and hilarity. So soon as the troops arrived at the appointed spot, the battle commenced with cannonading from the *Juno*, under cover of which, the gun boats made for the land. Then the engagement raged in good earnest, and after a number of evolutions on both sides, too elaborate for our peaceful comprehension, the naval warriors were driven to their boats, and the military heroes gained the victory. The Regiment then returned to the Barracks; the Band playing the most enlivening and joyous marches. (The Hobarton Mercury, 26th March 1856)

Charge of Stabbing one of the Military

A man named John Sullivan yesterday underwent examination at the Police Court, before Mr. Burgess, on a charge of feloniously stabbing and wounding John Kelly of H.M. 12th Regiment, on the 10th instant, being one of the race days.

Mr. Knight appeared for the defence. It appeared that Prosecutor and other soldiers engaged to get into the prisoner's cart at New Town about six o'clock in the evening, but a dispute arose as to the fare, when, according to the evidence of a Corporal named O'Keefe, the prisoner drew a knife and stabbed Kelly in the thigh.

Cross-examined. I told the Sergeant Major of my Regiment that Sullivan stabbed Kelly. It was at eight o'clock the same evening I told him. I made this charge at the Police Office. I did not strike Sullivan with a stick. I noticed no man strike him. Talbot or Sheppard might have struck him without my knowing it. The soldiers did not upset the cart but such a thing might have happened as the tailboard being tilted up by a man getting into the cart at the back. I came to the office on the evening of the 10th to complain of prisoner having taken half-a-crown for the fare of a shilling, and refusing to give the change, but I gave no information about the stabbing at that time. When Sullivan stabbed Kelly, Sullivan was out of the cart and standing. I and the other soldiers had not Sullivan down on the ground kicking him. I positively swear I did not touch him. I had a stick in my hand when I came from the races.

Dr. Dick of the 12th Regiment, deposed that he examined Kelly about nine o'clock on the evening of the 10th at the Regimental Hospital, and observed an incised wound over the left hip, which took a direction upwards, and glanced towards the bone about two and a half inches deep and three quarters of an inch wide. The wound was inflicted by a sharp instrument; a knife might have done it. It was not a dangerous wound, but must have been inflicted with great violence.

Cross examined. Kelly was drunk. The wound would have been more rugged had it been inflicted with any part of a glass bottle; had he fallen on a sharp instrument placed vertically the wound might have been inflicted in that way.
Thomas Kelly was the next witness. He deposed that he was at the races on the 10 inst. He came away at 5 o'clock by himself. He stopped at the "Maypole" and had been drinking during the day. Saw Corporal O'Keefe speaking to Sullivan. Corporal O'Keefe demanded of Sullivan his change for half a crown and Sullivan said he had given him no half crown. Witness told him to give the man his change. Sullivan asked what he had to do with it, and told him to keep away or he would stab him. He said no more, but up with a knife and stabbed him in the left hip, and then ran away towards the "Maypole." Witness walked about half a mile, and made the best of his way home in a cab. Witness could almost swear it was a knife, but he did not see it.

Cross examined. I was on the road when he struck me. I did not go near the door of the "Maypole" at all. The Corporal and me were the only persons present with Sullivan. No one went towards town with me. I called out "I'm stabbed." I did not hear Sullivan call out "Murder." I saw no one disarm Sullivan. O'Keefe was sober. I had white trousers on; they are not here.

This being the evidence for the prosecution, Mr. Knight called attention to the discrepancy in the evidence as to the spot where the alleged stabbing took place, and to the fact that the trousers were not forthcoming. He also commented on the extraordinary circumstance that no one should have attempted to disarm Sullivan if he had inflicted the stab as alleged, and, on the other points in the case.

The following witnesses were then called for the defence.

John George Wheatley, veterinary surgeon, Macquarie Street, deposed that, on the evening in question, he was at the "Maypole," and saw Sullivan with a cart close to the door. Witness saw five or six soldiers come along from the direction of the race ground. Sullivan standing holding his horse's head. The soldiers asked him to take them to town; he said he couldn't, when they insisted upon going. Four of them got into the cart by the front; but another one got in behind, when the bellyband broke, and tilted the cart, and let them all out behind. No money passed between them. The people began to laugh, and one of the soldiers caught hold of Sullivan, and struck him on the head with a stick. The man was one of those that had got into the cart.

Witness believed Corporal O'Keefe was the man who struck him with the stick. Sullivan fell down, and three more of the soldiers fell on him kicking him. Sullivan called out, "Murder" and "Constables." One of them had his belt off and struck Sullivan with it. The mob rushed out of the house, when Sullivan called "Murder," and the soldiers then ran away, one of them ran through the house to the back, pursued by a man, and knocked down some children in the house. One soldier ran down the Risdon Road and two took the road towards town. Sullivan did not stab Kelly, nor any one else. All he had in his hand was a whip.

William Hackett, stonemason, Macquarie Street, gave evidence of a similar description.

D. C. Hamilton was called to produce the Occurrence Book, and to prove that Corporal O'Keefe made a report to him of a soldier having been stabbed on the New Town Road, "near the Toll-bar," (that being at variance with the evidence that the affair took place opposite the Maypole Inn.)

In reply to Captain Power (who is on the Bench with Dr. Brock and the Chief Police Magistrate) witness said the report in the Occurrence Book was not read to O'Keefe.

Mr. Knight said he had an additional witness to prove the same as Wheatley and Hackett, but he should not trouble their Worships with him.

Their Worships appearing to think it desirable, the witness, John Handley, was sworn, and deposed that Sullivan did not strike either of the soldiers, but one of them struck Sullivan, and that neither of the soldiers said he was stabbed. Sullivan called "Murder" and for the Police.
The Justices were of opinion the case should go to the Attorney General, but allowed bail, the accused himself in £200, and two sureties in £100 each. The Corporal and Kelly were bound over to appear and prosecute at the sessions. (Hobart Colonial Times, 22nd April 1856)

**Extensive and Calamitous Fires**

We regret to have to record one of those conflagrations which, when they do happen in Hobart Town, which fortunately but seldom, are extensive and calamitous in their result.

About three o’clock Saturday morning, as Constables Barr and Elliott were passing along Liverpool Street, they observed smoke issuing from the rear of the Waterloo Arms followed by flames. They immediately gave the alarm, aroused the inmates and the neighbouring inhabitants and in a few minutes the butcher’s shop at the corner of Argyle Street and the back portion of the public house, including the stable and kitchen were on fire.

The engines, after some delay, were sent for and arrived a considerable time after the fire broke out and when they did arrive, more than a quarter of an hour had elapsed before water could be obtained, as the pipes were empty; when they did arrive, one plug opposite Mezger and Bastion’s was too large for the hose of the engine and had to be broken off by the Police before a drop of water could be obtained. In the meantime the flames were raging with violence………

A detachment of the Military was on the spot, but did not arrive till an hour had elapsed from the commencement of the conflagration, which is somewhat surprising as so great a glare must, or ought to have been, decried from the Barracks, long before that time… (Hobarton Mercury 26th May 1856 – Local Intelligence)

**Was the 12th Regiment ever in Canada or America**

The Water Police took a man, who gave his name as John Bell, out of the Lady Bird on Thursday, as she was leaving for Melbourne. He produced a seaman’s discharge, bearing the name of Samuel Goodchild, who, it seems, is employed on board the Government tug. On being brought before the Police Magistrate yesterday, Bell said he had been a soldier in the Twelfth Regiment, in upper Canada, from whence, he said, he was transported. He now professed to be a Conditionally Pardoned man, but he had no certificate to that effect.

The Gazette contained a description of a runaway closely corresponding to Bell’s appearance. He evidently gave a false account of himself, as he could not state the name of the place in Canada from which he was transported, alleging as an excuse that he left his Regiment as a boy - a very unlikely circumstance. But the most suspicious part of it was that the 12th Regiment, it is believed, never was in America. Bell was remanded for further enquiry. (From Launceston. Hobart Colonial Times, 13th May 1856)

**All Saints Church**

The Bazaar in aid of All Saints Church was held yesterday in Mr Guesdon’s new auction room Collins Street and, notwithstanding the inclemency of the weather, it was numerously and fashionably attended. A portion of the band of the 12th Regiment was in attendance and played several favourite pieces of music.

The following Ladies presided at their respective stalls: Lady Young, Mesdames Allport, Gellibrand, Dobson, MacDowell, Searle, Wright, Matson, Carter, Elliston, Tapfield, Pogson, Hall and Lindsay………we must mention, however, a very neat water coloured drawing of the new church designed by Mr Coote, the architect; it is a simple Parish Church of the early decorated style of English architecture. (Hobarton Mercury 11th June 1856 – Local Intelligence)
Military Review - Celebrating the end of the war with Russia

On Friday a review of the troops took place in the Domain before His Excellency, and the usual military staff. The troops marched to the Domain from the Barracks shortly before two o’clock in full military array and preceeded by the fine band of the Regiment.

Shortly after two, the Vice regal cortege left Government House in the following order: - the Aide de Camp led the way, followed by His Excellency and Colonel Perceval, Lady Young being on horseback between them. The Adjutant General and the Staff Officer, Major Russell, followed by two Orderlies, completed the cavalcade and on its arrival on the parade ground, a salute was fired by two howitzers, placed in front of the troops, which was responded to by a feu de joie and three cheers for Her Majesty.

The troops then performed the usual evolutions and in a very masterly manner, to the great satisfaction of His Excellency and the officers. There was a large concourse of persons present, including the most elite of our citizens and the principal Government officers, a holiday having been given to the various departments, after twelve o’clock. The day was fine and the whole affair went off with great éclat. (Hobarton Mercury 4th August 1856 – Local Intelligence)

Ball at the Anglesea Barracks

The Band of Her Majesty’s 12th Regiment gave a Ball at the Barracks on Friday evening last. Dancing commenced before nine o’clock in the evening and was maintained with great zeal till an early hour. This was not surprising for who could resist dancing whilst listening to such strains as we know the Band of the 12th to be capable of producing. The best proof of the enjoyment experienced, especially by the fairer portion of the company, might easily be conjectured from the evident reluctance shown in putting an end to the night’s enjoyment. In our younger days – but never mind. (Hobarton Mercury 20th August 1856 – Local Intelligence)

Performances of the Band of the 12th Regiment

Band 12th Regiment - Barrack Square. 3 o’clock pm, Thursday, November 13th, 1856. Mr. Callen, conductor. (Hobart Town Daily Courier 12th November 1856)

Programme:

<table>
<thead>
<tr>
<th>Overture</th>
<th>Otello</th>
<th>Rossini</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grand Selection</td>
<td>Der Freyschiitz</td>
<td>Weber</td>
</tr>
<tr>
<td>Waltz</td>
<td>Dream of the Ocean</td>
<td>Gung’l</td>
</tr>
<tr>
<td>Selection</td>
<td>Le Domino Noir</td>
<td>Auber</td>
</tr>
<tr>
<td>Quadrille</td>
<td>Souvenir Militaire</td>
<td>Callen</td>
</tr>
<tr>
<td>Polka</td>
<td>Louis d'Or</td>
<td>Schroeder</td>
</tr>
</tbody>
</table>

Band 12th Regiment - Barrack Square. Thursday, 20th November, 1856. Conductor, Mr. Callen. (Hobart Town Daily Courier 19th November 1856)

| Overture                  | Nabucodonosec            | Verdi                    |
| Selection                 | LaFavorita               | Donizetti                |
| Waltz                     | Souvenir d'Amour         | Callen                   |
| Selection                 | Rigoletto                | Verdi                    |
| Quadrille                 | Marion                   | Herfurth                 |
| Polka                     | Zerlina                  | Ettling                  |

God save the Queen.

Military Ball and Supper

The foregoing account of a Ball given at Hobart Town, Tasmania, by the non-commissioned officers of the 12th Regiment appears in the Hobart Town “Daily Courier”: 
The non-commissioned Officers of the 12th Regiment now in garrison entertained their comrades and many of their military friends at the Barrack School room last night. The room selected for the ball was illuminated by chandeliers and greatly adding to its attractions, was a transparency by Sergeant Storey, on the sides of which appeared the royal banner of England, the flags of the Allies and the colours of the 12th. On the walls various flags were displayed, the left centre flag having in its centre a star of words, interwoven with emblems of victory and flowers emblematical of peace. At the upper end of the room, immediately behind the orchestra, was placed a scarlet escutcheon with V.N. in centre on a red ground surmounting the word “Peace”, the letters being formed of flowers. On the right side, from the laurel covered entrance upon a simple shield the substantive numerals “XII” stood in bold relief upon the dark drapery surrounding it. The decorations of the room were, as might be supposed, designed in a soldierly and appropriate taste.

Soon after Colonel Perceval and his lady, R.W.R Oliver Esq, Paymaster and lady etc. entered the “Assembly Room”. The arrival of the highly esteemed and gallant Colonel and his lady was the signal for general acclamation. The senior non-commissioned officer present advanced and tendered to the Colonel the wine cup which was passed to Mrs Perceval, Mrs Oliver and Mr Oliver. Colonel Perceval drinking to the health of his comrades in arms briefly stated the great pleasure he had in witnessing the happy assemblage and expressed his wish that such re-unions might be more frequent. Upon the departure of the gallant Colonel, he was accompanied to the door by the soldiers present, and so soon as he had taken his leave a round of applause showed the gratification which the visit had afforded.

The ball then commenced and was continued with great spirit until a late hour when Mr Marsden of the Canteen, to whose care the Commissariat arrangements had been entrusted, announced supper. Refreshments of every description had been amply provided during the continuance of the dance, but upon the supper table there appeared, a display of excellence, which did the highest honour to the hospitality and liberality of the gallant non-commissioners of the 12th.

Supper being concluded, the glasses being charged, the usual military and patriotic toasts were drunk and acknowledged after which dancing resumed. The fascinating amusement did not weary out the votaries of Terysiehors until a very early hour in the morning when the happy assemblage shook hands mutually pleased with the gallant efforts of their host and with the very gratifying success with which the entertainment was crowned. (Perth Gazette, 31 October 1856)

**Death by Drowning in Perth**

We regret to have to report two deaths by drowning on Wednesday afternoon. One case was that of a soldier belonging to the 12th Regiment, bathing with two others near the island below the Causeway; neither of the men were able to swim and the poor fellow who was drowned got into a deep hole; the others made desperate efforts to save their comrade, and in doing so had a narrow escape themselves. The body was recovered by Captain Palmer, who dived for it, and was taken to the Jetty by the Water Police boat, which happened to be at Perth, when the alarm was given; and immediately started for the scene of the accident. (The Perth Gazette and Independent Journal of Politics and News 12th December 1856)

**Enrolled Pensioner Guards**

In 1850, as a part of its emigration policy, the British Government in England began to send out parties of military Pensioners (retired soldiers) to Australia and by 1864 when the policy ended, the influx of Pensioners and their families had resulted in an increase in the Western Australian population of over 2,000 people of which 1,100 were Enrolled Pensioner Guards.

The Pensioners were recruited to accompany convicts on their voyages to Western Australia and in many cases their families travelled with them. They were not retained as permanent convict
guards after the voyages. Generally they sought work amongst the free settlers in the Colony, but were always on hand to help in case of an outbreak among the prisoners.

To encourage them to stay in the Colony, they were offered an allotment of ten acres of land which they could select and lease for seven years and then own freehold. As an extra incentive, a gratuity of £10 was given to each of them and they were promised the use of convict labour to help clear the land.

When the Governor of Western Australia wrote to England seeking reinforcements for the garrison of regular soldiers he found that owing to political unrest in Europe all he was offered was a suggestion to make use of the Enrolled Pensioner guards in the Colony and enrol them as an auxiliary force to the existing regular soldiers.

Accordingly, the Governor established the Enrolled Pensioner Force and at one time the unit numbered over 600 men. They assisted the detachment of the 12th Regiment in the various garrison duties and finally assumed full responsibility when the 12th Regiment left Western Australia in 1863.

**Enrolled Pensioner Guards from the 12th Regiment in Western Australia**

Enrolled Pensioner Guards were deployed on all of the thirty-six occasions in which convicts were transported from England and India to Western Australia. The Guards were all Enrolled Pensioned soldiers who came from numerous Regiments and other military units within the British Empire.

The following retired soldiers of the 12th Regiment served as Enrolled Pensioner Guards:

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Rank</th>
<th>Convict Ship</th>
<th>Arrival in Western Australia</th>
<th>Comments</th>
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<tr>
<td>Barrett, Joseph</td>
<td>45</td>
<td>Private</td>
<td>Hougoumont</td>
<td>9th January 1868</td>
<td></td>
</tr>
<tr>
<td>Byrne, Laurence</td>
<td>42</td>
<td>Private</td>
<td>Clara</td>
<td>13th April 1864</td>
<td>aka Bryan; 1861 Chelsea Pensioner</td>
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<tr>
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<td>wife</td>
<td>Clara</td>
<td>13th April 1864</td>
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<td>41</td>
<td>Private</td>
<td>Norwood</td>
<td>13th July 1867</td>
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<tr>
<td>Hay, James</td>
<td>40</td>
<td>Private</td>
<td>Norwood</td>
<td>13th July 1867</td>
<td>Died in WA 1867.</td>
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<tr>
<td>Jones, Samuel</td>
<td></td>
<td>Private</td>
<td>Norwood</td>
<td>13th July 1867</td>
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<tr>
<td>Killagallon, Michael</td>
<td>45</td>
<td>Private</td>
<td>Racehorse</td>
<td>10th August 1865</td>
<td>aka Killgallon; Served 5 years in Army service in Australia 1854-1859.</td>
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<tr>
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<td>10th August 1865</td>
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<td>10th August 1865</td>
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<td>13th May 1851</td>
<td></td>
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<td>13th May 1851</td>
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<td>13th May 1851</td>
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<td>Mermaid</td>
<td>13th May 1851</td>
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Review and Inspection of the Enrolled Pensioner Forces, Perth

The Review and Inspection of the Pensioner Forces took place on Friday at the usual place when a great deal of powder was burned and the men complimented by the Governor for the manner in which they had performed the evolutions and the decreased amount of drunkenness among them during the past year. (Perth Gazette, 17 October 1856, Domestic Sayings and Doings)

Court Martial of Captain C. V. Foss, Staff Officer of Enrolled Pensioners, Perth

Yesterday a General Court Martial composed of the following Captain H. Wray RE, President, Deputy Commissary General W.P. Mends, Captain Palmer 12th Regiment, Assistant Surgeon D.F. Rennie OMD, Lieutenant Leeson 12th Foot, Assistant Surgeon Arden, 12th Foot, Ensign Harward, 12th Foot, Dr Galbraith officiating, Deputy Judge Advocate, assembled at the Council Chambers in Perth for the trial of Captain Christopher Vaughan Foss, Staff Officer of Pensioners on the following charges – first charge - with conduct highly unbecoming the character of an officer and a gentleman; second charge - with conduct disgraceful to the character of an officer and a gentleman; third charge – with having whilst under arrest at Fremantle, for the offences set forth in the second charge, absconded there from and proceeded to Garden Island and from whence he was brought back on the 16th July 1856 in the custody of the Water Police. Mr Howell acted as legal adviser to Captain Foss. (Perth Gazette 1856, Court Martial)

Arrival in Hobart of the ship Lancashire Witch

In consequence of an Order from the Horse Guards, the whole of the men of the Depot of the 12th Regiment, under nineteen years service, are to be immediately inspected at Chatham, previously to their embarkation for Australia, to join the Headquarters of their corps. (The Moreton Bay Courier, 10th May 1856)

A draft of eighty-seven soldiers under Sergeant (2864) Lawrence arrived on the ship Lancashire Witch in Hobart on the 28th August 1856 (PRO3716 WO12/2973 page 65). Lawrence returned to England and came back to Australia on a second tour of duty as a Private on the Donald Mackay.

Private (3479) William Brissington was a member of this draft and had enlisted on the 10th January 1856. He was killed in action at the skirmish of the Gate Pa, New Zealand, in 1864.

Discharges in Hobart for Military Colonisation

Eight men of the 12th, now on duty here, are to be discharged on the 1st, and we believe that eight are to follow on the first of every succeeding month to make room for recruits who are volunteering from the Militia in England. As all these so discharged are well conducted steady men, all brought up to some trade, they will be valuable as settlers throughout the Colony and we hope that every facility will be given to them in establishing themselves amongst us. There are
scarcely any who form more valuable members of a new country. (Hobart Mercury 29th August 1856 – Local Intelligence)

**Removal from Tasmania to South Australia**

The guard at Oatlands, Tasmania, comprising thirty-four soldiers under Lieutenant Cole, removed to Hobart for embarkation to Adelaide, South Australia, on the 9th January 1856. (PRO3715)


In this guard were twenty-nine volunteers who shared a bounty of £30 for volunteering (PRO3716 WO12/2972 p209)

Cole returned to Hobart on the 25th January. Lieutenant Williams was posted to Adelaide in June 1856.

At the end of March 1856, the Detachment, stationed at Adelaide, consisted of 1 Captain; 1 Lieutenant; 5 Sergeants, 4 Corporals, 1 Drummer and 90 Privates. (PRO3716) Of this complement, ten soldiers deserted and one Private had died.

**Private (3312) James Bryan**

Deserter from the 12th Regiment of Foot. A young man, named James Bryan, was brought in from Gawler Town last evening, and is now in custody of the Police, charged with deserting from the 12th Regiment of Foot on the 30th December last. (South Australian Register, 7th March 1856)

**Dinner at Government House, South Australia**

In consequence of the recent family bereavement sustained by Lady MacDonnell, the usual annual ball was not held at Government House. But His Excellency entertained a large party of gentlemen at dinner in the evening...12th Regiment Captain Vereker, Captain Saunders... The dinner was laid in the new ball room in the western wing of the building, and was of a most sumptuous description. (South Australian Register, 7th March 1856)

**Parade in the Gun paddock, South Australia**

The Peace. On Monday morning, a little before noon, the Adelaide Volunteer Artillery paraded in the Gun paddock, under command of Captain Torrow, and shortly afterwards Captain Vereker came upon the ground with a detachment of the 12th Infantry, who formed to the eastward of the guns. At the same time, His Excellency the Governor-in-Chief arrived, as also Major Moore of the 11th Regiment, Commander of the Forces; Mr. Beresford, Private Secretary; Mr. Matita, Assistant Commissary-General and Aide-de-Camp; Inspector Hamilton, and several other gentlemen. Mr. Burton also made his appearance in a four-wheeled carriage, drawn by two of his trained horses, and accompanied by the brass band attached to the Circus. An immense concourse of people was assembled, and at 10 o'clock precisely, the royal standard of England was hoisted at the Government flagstaff. (South Australian Register, 8th July 1856)
Destructive Fire in Adelaide

Yesterday about 1 o'clock a fire broke out in a stable at the back of Lane's Royal Hotel, Hindley Street, which proved to be one of the most alarming and extensive conflagrations that ever occurred in the city. Upon the alarm being given, Mr. Carvosso promptly directed the bell of his establishment to be rung, and the Cornwall fire engine to be removed to the spot where the fire was raging. The flames were at that time confined to the stable; but they so completely possessed the building, that two horses and a valuable retriever dog could not be rescued, and were burnt to death, the next engine arriving was the London Company's, brought up from Messrs. Barlow's manufactory, Hindmarsh Square, by Mr. Rounsevell with surprising speed, and following it were the police engine, Mr. Nitschke's engine; and one belonging to Mr. Magarey. ....

The engines continued to be worked with a will; and, besides the influence thus gained over the flames, a vast number of buckets and ladders were put into requisition, and considerable assistance was thus given. ........Among names which must be mentioned are those of Captain Vereker, Inspector Hamilton, Inspector Reid, Sergeant-Major Hall, Sergeant Badman, and there
might be given a host of others, who appeared untired in their endeavours to promote order and preserve property. The military rendered good service, but were withdrawn before their services perhaps could be well dispensed with. The total damage caused by the conflagration has not yet been estimated, but it has been roughly guessed at over £100,000—a loss distributed among several persons; and it is alleged that only a small portion of that value is covered by insurance. (South Australian Register, 17th November 1856)

**Theatricals, South Australia**

The first of a series of amateur theatrical entertainments was performed on Monday evening at the Long Room of the military Barracks, by a number of the men belonging to the 12th Regiment, now stationed in Adelaide.

The room was crowded from end to end. The scenery, property, dresses, and the whole of the paraphernalia appear to have been prepared expressly for the purpose. The pieces selected were “The House of Ettrick Vale” (a drama in three acts) and a farce entitled “Honest Thieves.” The several performers succeeded in giving great pleasure to a numerous auditory. The occasional tearing of a passion to rags to very tatters, was believed by various smart repartees, keen satirical inuendoes, broad jokes, Irish blunders, grotesque incidents, and laughter-provoking comicalities. (South Australian Register, 3rd June 1856)

**Port Arthur - Escaped Convicts from the Rock Quarry**

As there has been a great deal said in reference to the rising of the Quarry gang at Port Arthur, we give the following correct version of the affair which we have received from our own correspondent.

On Friday last between the hours of three and four in the afternoon a rush was made by eight or nine of the penal servitude men upon the Constables who were stationed to guard them. The Constables fired, but without inflicting any injury upon the men. I was immediately on the spot, and we fortunately succeeded in capturing six of them. Two of them, however, named Patfield and Moran, got clear away. Patfield is a very dangerous fellow.

They were chased from Eagle Hawk Neck, and it appears made their way to the sheep runs near the Coal Mines. We never heard of or saw them afterwards till last evening (24th) when they were taken at the sheep farm. Of what use was the Military which are stationed here I know not. On this occasion they took no part further than coming out of the Guard room to witness the fun.

I am afraid we shall have warm work here during the ensuing summer. They have begun early. We are now getting rid of all the men who received only short sentences, and they are being replaced by men whose period of punishment is more extended. There is no hope held out to any of these fellows; and I have heard some of them declare that they would rather be shot in compassing their escape than remain here.

Dido and Flaherty are going on very steady at present. There cannot be a question, however, as to the necessity of at once placing a guard of Military over these men. (Hobarton Mercury 29th September 1856 - Local Intelligence)

**Inquest into the Death of Private William Smith – Eagle Hawk Neck, Tasmania**

Private (3018) William Smith died on the 24th December 1856. A review of the payrolls (PRO3716) reveals that Private Smith was either in hospital (presumably that at Port Arthur) or in confinement (military prison) for the preceding six months. An inquest held on the 25th December 1856 into Smith’s death found that he “did die by the visitation of God in a natural way and not otherwise”.

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Army does not hold inquests into a death unless it wants to allay suspicions and this is the first known inquest for the 1st Battalion 12th Regiment when in Australia.

PRO 3716 records that Smith was born in Surry, trade labourer and that he had enlisted on the 1st December 1847 (presumably at Chatham). His wife Sarah was living in Antrim Belfast at the time of his death. Private Smith was buried on the Isle of the Dead at Port Arthur and his headstone reads -

Sacred to the memory of William Smith
Private 12th Regiment
Who died at Eagle Hawk Neck 24th Dec 1856
Aged 23 years
Erected by his company as a mark of respect.

Inquest into the Death of Anna Maria Dutton

An inquest was held at the Greyhound Inn, Antill Street, yesterday afternoon, before A. D. Jones, Esq., on the body of Anna Maria Dutton, an infant daughter of Lance Corporal Dutton of H. M. 12th Regiment, aged 12 weeks, who died suddenly in the Barracks on Wednesday last. After hearing the evidence of Dr. Dick, Surgeon to the Regiment, the Jury returned a verdict that death ensued from natural causes. (The Hobart Courier, 31st October 1856)

Mounted Orderlies and Mounted Police

The Police Recruiting Act was passed in 1853, and as a result, Police were recruited from England, Ireland, Wales and Scotland. Free passage to Australia was exchanged for a minimum of three years Police service. The first recruits of the Police Recruiting Act arrived in Australia in 1855.

However, the Mounted Orderlies and Mounted Police were drawn from the military although the Mounted Police was a civil unit.

Private Hugh McMasters re-transferred to the Mounted Orderlies between July and September 1856.

Private (1376) James Ford joined the Mounted Police on October 1856 then spent the next two months in the barracks hospital (PRO3716). He later died in Hobart on the 9th October 1857.

In 1856, by attrition, the Military Mounted Police was being phased out. Six remained on strength up until September, 1856 having being attached to colonial civilian units for a short period up until the unit left Australia.

Incidentally, the 11th/99th Military Mounted Police fought at Eureka alongside the 12th Suffolk Regiment.

Battalion School

Private (3458) Ross Smith was appointed Assistant in school between October and December 1856. Smith was a member of the draft from the ship *Lancashire Witch*. He died in the Regimental Hospital, Victoria Barracks Sydney, on the 4th July 1862.

When Private (3252) James Birch took discharge in Sydney in 1861, he became a NSW prison warder and policeman for a year or two then sought employment as a school teacher. Birch stated in his application for a teaching post in the NSW school system in 1864 that he had four year’s teaching experience in the 12th Regiment. He implied that he had helped to teach under someone else, presumably James Astbury. James Birch spent the rest of his working life as a teacher.

Lunatic Asylum
Private (1328) John Casey was confined to the New Norfolk Lunatic Asylum in Hobart during March 1856. The Catholic Bishop of Hobart was appalled by the condition of the asylum and was instrumental in changes being made. He later criticized the condition of asylums and penal establishments in New South Wales. Refer to 1863.

**Masonic Function**

On Tuesday last, the Brethren of the Tasmanian Operative Lodge, No. 3. 4. 5 celebrated the festival of St. John, their Patron Saint, by dining together at the lodge room Argyle Street. The Lodge was previously opened at the mystic hour of "high twelve", with the accustomed forms and ceremonies. The banquet, prepared under the superintendence of Brother Basstiun, was altogether of the most *recherche* description, comprising every delicacy, and in profusion: we need not add that the guests did ample justice to it, the Brethren mustering about fifty-five.

The usual loyal and Masonic toasts were given, and cordially responded to, when the Brethren were gratified by the delightful performance of Brother Thomas on the harp, accompanied by Brothers Harbottle and Bryant on the violin and piano-forte. The Brethren in full Masonic costume, and the members of the 12th Regiment in uniform, imparted a very imposing appearance to the whole, and the company separated after the enjoyment of a very agreeable reunion. (The Hobarton Mercury, 27th June 1856)

**Regimental Band**

The Battalion’s band often played for the public, for example on the 5th, 12th, 19th and 26th November and on the 10th December 1856. These occasions were advertised in the Hobarton Mercury under Local Intelligence - The Band, and the following is representative -

The talented band of HM 12th Regiment will perform in the Barrack Square tomorrow afternoon (Thursday) the following choice selection: - overture, Il Tancredi, Rossini; grand selection Il Travetore, Verdi; quadrille Carneval, Lumbye; cavalina Tutto e scioto, Ballant; waltz Rinnemmun *an-P-ter-hof*, Gung’l; polka Jenny L’Hirondelle, Lachner; God Save the Queen. Conductor Mr Callen.

**Regimental Hospital**

Private (1786) John Moran was appointed Hospital Attendant between January and March 1856.

**Queen Victoria’s Accession to the Throne**

A Garrison Order has been issued, directing, that at noon today, a Royal Salute will be fired from the Prince of Wales Battery in honour of the Queen’s accession to the throne, and on Saturday the 28th instant, a similar demonstration will be made in honour of Her Majesty’s coronation. (Hobarton Mercury 20th June 1856 – Local Intelligence)

**The Nightingale Fund**

Last Evening the adjourned Public Meeting, for the purpose of promoting the objects of the Nightingale Fund, and to express sympathy with the desire of the British people to acknowledge the noble and disinterested exertions of Miss Florence Nightingale, and her associates, in the Hospitals of the East, took place in the Hall of the Mechanics' Institute, that building having been deemed more appropriate for the occasion than the City Mart, in Macquarie Street, where the meeting was originally intended to be held.

Among the gentlemen present were the worshipful W. G. Elliston, Mayor of Hobart Town; the Lord Bishop of Tasmania; Messrs. H. Hopkins, T. D. Chapman MLC; B. W. Nutt, Whitcomb, W. Rout. W. Robertson, D'Emden, Kilburn, Morgan, Atkins, Colonel Perceval, Major Kempt, Capt. Miller, Captain Fenton, MLC; Revs. Messrs. G. Clark; F. Miller, Gellibrand, Downes, Dr. Hall, &c, &c. There was also a large assemblage of ladies. The hall was not, however, so crowded as
might have been expected, had the weather been more propitious for the meeting. The Governor in Chief was not present as was anticipated, and in His Excellency's absence on the motion of Mr. Chapman, MLC, his Worship the Mayor was called upon to take the chair, which he did amid much cheering.

His Worship said it was, as they were aware, a public meeting, called by him, as Mayor of the town, in accordance with a requisition sent to him by some merchants and other individuals of his city, in order to enable the inhabitants to express their sympathy with Miss Florence Nightingale for her noble exertions on behalf of the sick and wounded soldiers at the seat of war,...........

(Hobart, The Colonial Times, 16th July 1856)

**Corporal Hawkes apprehends a Deserter**

James Gibson, a stout young fellow, twenty five years of age, was brought up before Mr Burgess yesterday, charged with deserting from the 99th Regiment, at Launceston in March 1855. The prisoner was apprehended by Corporal Hawkes now of the 12th but formerly of the 99th Regiment, on Tuesday at the canteen in the Military Barracks. Usual enquiries having been made, he was remanded to the Barracks for trial by Court Martial.  (Hobarton Mercury 25th July 1856 – Local Intelligence)

**Smashing Windows**

James Johnson and Richard Callaghan, Privates of the 12th Regiment, were charged at the Police Office with breaking, on the 18th instant, two sashes and ten panes of glass, of the value of fifteen shillings, the property of George Purser of Goulburn Street.

It appeared from Mr Purser's statement that Callaghan came to his house shortly before ten o'clock, pretending to be drunk; he said he would break everything in the place but the witness put him out, and locked the door; Callaghan then commenced throwing stones which broke the windows; witness went for the Guard. And during his absence, the defendant (Johnson) finished the work Callaghan had begun.

This part of the case was proved by Constable Ward, who saw him break the windows and who took him to the Barracks; Callaghan was apprehended by the Guard in Macquarie Street. Both of the defendants were strangers to the complainant.

Johnson denied the charge and Callaghan said he was in Barracks before the time mentioned by the complainant. Callaghan was fined 6s and Johnson was discharged as Mr Burgess did not consider the evidence against him sufficient for a conviction. (Hobarton Mercury 23rd July 1856 - Local Intelligence)

**Soldiers' Wives**

We have heard of an "old divine" who, in the course of an attempt to warn the female members of his flock against the fascinations of a marching Regiment, said, that, in his opinion, the great tempter did not first come to Eve, serpent-like,

"Fold above fold a surging mass, his head
Crested aloft, and carbuncle his eyes;
With burnished neck of verdant gold, erect
Amidst his circling spires, that on the grass
Floated redundant” etc etc.

But in a red coat garnished with gold lace and epaulettes. The preacher's intention was to inveigh against the basiliak-like fascination which a fine Regiment exercises on the nurse maids, and so on, and to deter them from believing their flatteries, or yielding to their suggestions. He might
have chosen a much better means of arriving at the same end. The simple details of the trial of a soldier's wife would have served his purpose far more effectually. Let us illustrate this.

It must be very well known that, during the stay of the 99th Regiment, in this town, a store, erected by Mr. Knight upon the New Wharf, was occupied by the government as a barrack for married men, their wives, and children. While this was the case, the government supplied the inmates with fuel, water, and bedding; and they were enabled to eke out a tolerably comfortable subsistence.

The soldier's pay is seven shillings a week - one shilling a day. To this must be added his rations, 1 pound of bread, 1 pound of meat, 3 and half pounds of coal, etc. His wife, if borne on the ration returns, receives half this allowance, and his children above a certain age also receive a proportionate ration. And this is all.

The washing for the men is given to the women as a sort of perquisite, and averages to each about fifteen shillings a month, or washing for ten men, out of which she has to provide her own soap, soda and water. While, however, the married men were in barracks, they were just enabled to make both ends meet.

Since the arrival of the 12th Regiment, circumstances have much altered for them. The stipulated allowance to a married soldier living out of barracks is two-pence a day, lodging money; he draws his rations of food and fuel, as also those of his wife and children, but no more.

On the arrival of the Lancashire Witch, the store, already mentioned, was taken for the use of the married men as before, but on last Friday or Saturday, the first fortnight having expired, possession of the store was again given up to the landlord, and the married men were turned out into the town, to find lodgings where and how they could.

For the sum of twopence per day, one shilling and twopence per week, or three pounds eight shillings sterling money of the Great British realm per year, twenty families - some with four, others with five and even six children were turned adrift to find lodgings. The other wants of a soldier's family, not already enumerated, must be provided from the soldier's pay.

Now, while we are quite indisposed to assign a greater efficacy to the utterances of the press than to the arguments of the pulpit, very certainly this simple detail will have a much greater tendency to deter generously natured nurse maids from listening to the flattering tale of hope in a scarlet coat, than any half-dozen sermons, though written with the logical acumen of Wheatley, or preached with the fervour of Spurgeon. It is so, and that is a fact.

Three pounds and a half of coal per diem! We question whether Mr. Dear, in his interesting experiment at the Mechanics' Institute, on the manufacture of gas, with a small iron stove and six tobacco pipes, did not use more than double this quantity of the best British coal. If any of our lady readers should wish to know exactly what can be done with this amount of fuel, let her tell Susan or Betty to take the scuttle down stairs, and weigh the amount exactly of three pounds and a half, and then, without troubling the kitchen range, suppose she tries to make the most of it upon the parlour fire for the rest of the day; it is wonderful how - if she restricts herself to this allowance, and no more - it is wonderful how adroit she will become in the use of the tong, and even cinders will have a miraculous value in her eyes for ever after – cinders! a single cinder will!

Three pounds eight shillings, sterling money, of the great British realm, for the soldier to provide a lodging for his family! The lowest, filthiest, most depraved, irreclaimable, and abominable lodging house in Hobart Town exacts its sixpence a night for a single bed or rather for we like to speak with sufficient distinctness - sixpence for each occupancy in whole, or in part, of each single bed.
But the married soldier, with his wife and his four or five or six children has only his government allowance of two pence to find lodging for them all with. Or suppose, which is possible, that he takes a room at about six or seven shillings a week to lodge his family; he has then one or two shillings, and two pence a week to provide shoes, socks, frocks, coats, jackets, bibs, tuckers, lollies, toys, petticoats, belts, caps, hats, bonnets, marbles, buttons, gum rings, rattles, and the other thousand necessaries of infant or childish life; if we suppose the ration of fuel and food sufficient to feed and warm them; that bedding and furniture have been magically provided by the beneficent fairies, and that Providence retains the rains of heaven for him in a natural reservoir, for he certainly cannot purchase a water barrel.

Really these details will not bear exposition. They read like a satire, and seem too ridiculous in their meanness to be true. But it is so; and such men, and their wives went to Varna, and thence to Sebastopol; these men are of the bravest that ever trod a battle plain; they will tread their round, and wake, and watch, and risk fever attacks, and ghastly shot wounds, and sabreings, and death; and never murmur.

Wife may be wandering houseless and homeless, children may be starving with cold, or huddle together and wonder why father's industry does not bring more bread, but they will not complain. Call them forth and they are ready, at a moment's notice, to put foot where no other living soldier can, they will hold the Redan for you, at startling sacrifice of blood and life, and let the Frenchmen enter the Malakoff.

We scarcely remember any subject, which has come under our consideration, that has more distressed us than this one.

The difficulties in the way of obtaining correct or authentic information are incalculable. Military men are notoriously so averse to the interference of civilians in any matters connected with the details of their profession that it is almost impossible to arrive at anything like true ideas on the subject. Application to the military authorities on the matter is hopeless.

Again the soldiers themselves will not afford the information that they could give, from the same just disinclination to admit others to their arcana. But we believe that what we have said of the circumstances of these married soldiers families is strictly correct and may be relied upon.

The next question, is, as to what shall be done to remedy this; for we cannot suppose that a Colony which sent twenty-five thousand pounds sterling to the Patriotic Fund will for an instant consent to suffer some twenty such families to remain in the condition in which they are. Mr. Knight, with praiseworthy liberality, has placed his store for the present at the disposal of those who choose to remain there.

They have offered him their lodging money as rent, but he has of course refused to accept it. His care for them has not ended there, but we believe we must consult his own feelings if we refrain from any further particulars. But it cannot go on so. It will never do to leave the British soldier dependent upon alms. It will never do to let him feel that so long at we can extract all we require from his thews and sinews, and depend on his subordination and courage. His wife and children have no claim upon us. Humanity, and what it is sometimes stronger than humanity, self interest and shame forbid it.

Without ascribing any blame to Colonel Perceval, we do not know that he deserves it - the question may very fairly be asked whether, when Colonel Despard could make his men more comfortable, Colonel Perceval cannot? And should this representation fail to obtain a mitigation of their hardships for the soldiers' wives of the 12th Regiment, we shall then appeal to public philanthropy on their behalf. (Hobart Colonial Times, 23rd July 1856)

A Daring Attempt at Forgery
A man named James Denis, a writer at the Barracks, who is a “pal” of Schuh’s, sent word round to Baily, yesterday, while the forgery case was proceeding at the Police Office, that he could identify the cheque if he saw it. No sooner was it handed to him than he made an attempt to swallow it. The Constables were upon him in a moment. They threw him on the floor and succeeded in reproducing the document, but in a mutilated state. The man is of course in custody. (Hobarton Mercury 15th October 1856)

**Hobart Town Regatta**

This favourite festival came off yesterday with its pristine *eclat*………The Flotilla started at ten minutes before ten with His Excellency and Lady Young, accompanied by a distinguished party of fashionables; the band of the 12th Regiment was in attendance and enlivened the scene with some fine music. We counted nearly sixty boats as forming this nautical procession. Having arrived at the Regatta ground, preparations were immediately made for the commencement of the races………(Hobarton Mercury 5th December 1856)

**Charge of Felony**

James Labburn was charged with stealing a box, containing a quantity of wearing apparel, belonging to James Reardon, and other property, including £9 10s. in bank notes and silver, belonging to Jane Shepherd; and Joseph Westbury was charged with receiving the box, knowing it to have been stolen.

James Reardon, Private of the 12th Regiment, identified the box produced as his property. His name had been removed from it. On Monday week last he was living in a two-roomed house in Acland Street. The box was in the back room at half-past 7 o'clock. At that time he left the house for the Barracks. The box was removed during his absence.

Jane Shepherd, single woman, resided with the prosecutor's wife. She identified the box as belonging to the last witness. About 3 o'clock in the afternoon of Monday, March 21, she placed some articles of dress in it belonging to herself, and others the property of Mrs. Reardon. She identified two dresses and various other articles of female attire produced as her property. Some other articles of clothing, a gold ring, and a black pocket book, containing £9 10s. in notes and silver, belonging to her, were missing. She saw the book in the house about half-past 7 o'clock in the evening. She left the house at that time with Mrs. Reardon. The door and windows were left fastened. They returned in about half an hour and found the door broken open, and a candle burning on the table. The box was gone. She saw the prisoner the following evening, who, in reply to her question, “Are you the young man who took away the box?” said, “Oh yes, It's very convenient; I know all about it.”

Sarah Reardon, wife of the first witness, identified a number of articles of wearing apparel produced as her property. They were in the box on Monday evening, March 21, when she left the house with the last witness. Her evidence was in general corroborative of that of her female companion.

Police Constable Fitzgerald deposed to his having searched the prisoner's house the previous evening. He did not find the missing property. Went to the Station house, where were the prisoner and two soldiers were with the two female witnesses. The prisoner said his name was Green. He also denied any knowledge of the box, but afterwards he said he knew where it was and that in the morning he would inform him where it was to be found. Locked the prisoner up for the night. At 12 o'clock the prisoner gave the name of Joseph Westbury as having received the box. The latter was then brought up on the charge of receiving the goods, knowing them to be stolen. Examination continued: He saw the prisoner Westbury, who informed him that he had purchased the box and its contents of Labburn, and had agreed to pay him 12s. for it.
Police Corporal Dalton deposed that the prisoner Labburn admitted at the Police office the previous evening that he knew where the box was, and would get it in the morning if allowed to be at liberty. He afterwards said it was in the possession of a man named William Green, living in Haines's Cottages, witness and Constable Fitzgerald went to Haines's Cottages, but could not find any person by the name of Green living there. On returning to the Stationhouse, the prisoner offered to accompany the Police to his own house in order that they might search it. They went to a house situate between Franklin and Grote Streets, but could not find the missing property. They then took the prisoner into custody. He again said he would get the box in the morning.

Police Constable Fitzgerald recalled: The house where the box was found that morning was the same as that which was searched the previous evening by himself and Corporal Dalton.

Richard Vaughan was called for the defence. He stated that he had known the prisoner Labburn for more than two years. He believed him to be a very honest man. By His Worship - Saw the box produced at the prisoner's house that morning. There was no attempt made to conceal it.

The prisoner Labburn declined making any statement. Westbury said he had been working with Labburn, who offered to sell him a box of clothes. He went to see it the previous evening, and agreed to give him 12s. for it. He took it home. His wife did not approve of the bargain. He consequently took the box back again to Labburn's house.

Both the prisoners were committed for trial. Bail was allowed on behalf of Westbury. (Police Courts. Adelaide. South Australian Register 4th April 1856)

The Second Recruit

Boy John Cole, aged fourteen, was the Battalion's second recruit on the 24th November 1856 in Hobart. No bounty was paid. Cole received one shilling for “Bringing Money and Attesting”. His Regimental number was 2. (PRO3716) The Hobarton Mercury reported, under Local Intelligence – Enlisting, on Wednesday the 26th November 1856 –

A lad named John Cole was duly sworn in before Captain Bateman yesterday to serve Her Majesty as a soldier in the 12th Regiment. The little fellow went through his exercises in a very smart and soldierly manner, and judging from appearance, won golden opinions from the portly Sergeant who stood looking on with evident approval.

The named Captain was not on the Battalion’s payroll (PRO3716) for this period. Captain Bateman was probably from another Regiment.

Cole, born in Hampshire, England, was discharged in New Zealand on the 4th May 1867. (PRO3731)

Provost Cook

Private (1006) George Glading was appointed Provost Cook in October 1856. He had been posted to Ballarat in 1854 during Eureka and returned to England with sixteen other “Eureka Stockade Rebellion: Veterans” in March 1857.

Staff Servant

Staff Servant Private (2394) William Seager received a free discharge on the 30th September 1856 in Hobart. Seager, born Limerick, had enlisted on the 10th April 1846. He was replaced by Private (3640 / 2023) Arthur Higgs who was appointed Staff Servant in October (PRO3716).

Musters
Hobart –

Twenty-three soldiers took discharge between July and September 1856 while another thirty-one soldiers left between October and December 1856. Most of these soldiers were formerly with the 99th Regiment.

Several soldiers, formerly of the 99th Regiment, purchased their discharge from the 12th. Privates Leary and Cashman paid £4 while Corporal (2327) McSweeney paid £7 in August 1856.

Private (3261) William Bird purchased his discharge for £20 on the 31st December 1856. (PRO3716)

Private (1985) Timmons was discharged with twelve months pay on the 30th November 1856 after having enlisted for ten years (PRO3716).

Private (2536) Henry Riddle, formerly of the 99th Regiment, was with his wife, Maria, in Hobart when he died on the 20th October 1856. Riddle, born in Clare, tailor by trade, had enlisted on the 25th May 1848 (PRO3716).

Drummer (3059) John Eagan was promoted to Private on the 29th October 1856 (PRO3716 WO12/2973 page 104).

Colour Sergeant (1298) Flynn was demoted to Sergeant on the 16th January 1856. He resigned in 1857.

Privates Ing (Jorg) and Jewell were absent at the same time in Hobart from the 10th to the 30th June 1856 and were deemed to have deserted from the 10th June (PRO3716). Both had been stationed at Ballarat during Eureka.

Sergeant (2699) Michael Moran was in the Regimental hospital from June to August and died on the 17th September 1856. Moran, born Ballyhohan Ireland, labourer, had enlisted on the 21st December 1848. He left a will and bequeathed his effects to his wife, Jane, who was with the Regiment (PRO3716).
1857

Stations

South Australia (Adelaide and Quicken Bay), Tasmania (Eagle Hawk Neck, Hobart, Launceston and Port Arthur) and Western Australia.

Tasmania

Payrolls PRO 3717 and 3718 WO12/2974, identified the following troop dispositions in convict related duties –

<table>
<thead>
<tr>
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<th>Eagle Hawk Neck</th>
<th>Port Arthur</th>
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<tr>
<td>Jan - Mar</td>
<td>52 (1 Lt, 1 Sgt, 2 Cpls, 48 Ptes)</td>
<td>80 (2 Capt, 1 Col Sgt, 2 Sgts, 5 Cpls, 70 Ptes)</td>
</tr>
<tr>
<td>April - June</td>
<td>54 (1 Lt, 1 Ens, 2 Sgts, 2 Cpls, 48 Ptes)</td>
<td>70 (1 Capt, 1 Lt, 1 Col Sgt, 1 Sgt, 5 Cpls, 61 Ptes)</td>
</tr>
<tr>
<td>July - Sept</td>
<td>45 (2 Ens, 1 Sgt, 3 Cpls, 39 Ptes)</td>
<td>79 (1 Capt, 1 Lt, 1 Sgt, 4 Cpls, 72 Ptes)</td>
</tr>
<tr>
<td>Oct - Dec</td>
<td>39 (1 Lt, 1 Sgt, 1 Cpl, 36 Ptes)</td>
<td>82 (1 Capt, 1 Lt, 1 Ens, 1 Col Sgt, 1 Sgt, 2 Cpls, 75 Ptes)</td>
</tr>
</tbody>
</table>

Fourteen soldiers (one Sergeant, two Corporals and eleven Privates) were stationed at Launceston.

Marriage of Lieutenant Leeson

On the 21st of April, 1857, at St. John's Church, Albany, King George's Sound, Western Australia, Augustus J. Leeson, Esq., Lieutenant H.M. 12th Regiment, to Frances Catherine, second daughter of George Cavenagh, Esq., of Richmond, Victoria. (Argus 15th May 1857)

Marriage of Lieutenant Saunders

Morley Caulfield Saunders, born 1830 in Saunders Grove County Wicklow, Ireland, father Lieutenant General Thomas Stratford Saunders, was the grandson of Lady Stratford and the grand nephew of the Earl of Aldborough (Dublin, Ireland).

After almost a year away from Adelaide at Guichen Bay, Lieutenant Saunders returned to Adelaide in December 1857 for his wedding and was replaced temporarily by Lieutenant Williams; whereupon he returned to Guichen Bay in January 1858. (PRO3718)

Saunders married Henrietta Hindmarsh Howard, aged nineteen years, on the 22nd December 1857 in Adelaide, South Australia.

On the 22nd ultimo, at Trinity church, Adelaide, by the Lord Bishop of Adelaide, assisted by the Very Rev. the Dean (stepfather of the brides), John Williams, Esq., Blackrock, to Isabel Barbara, and Morley Caulfield Saunders, Esq., HM. 12th Regiment, to Henrietta Hindmarsh, second and third daughters of the late Rev. Charles Beaumont Howard, A.M., first Colonial Chaplin of South Australia. (South Australian Register, 23rd December 1857 and The Hobart Courier, 6th January 1858)

Two daughters were married at the same time - a great family occasion. It is assumed that Henrietta’s godfather was Governor Hindmarsh. Their home in June 1860 was in the City of Adelaide - Town Acre 690; Grace Montgomery Mirryatt, Isabella Barbara Williams, and Henrietta Hindmarsh Saunders; Residence, Brighton. (The South Australian Advertiser 15th June 1860.)
Saunders had the following children while stationed in Australia:

- Grace I., born 1858, Victoria Barracks, Paddington, Sydney;
- Florence, born 1860, Hobart, Tasmania;
- Lucy Henrietta, born 1862, Victoria Barracks, Paddington, Sydney; and
- Morley Howard, born 1864, Glenelg, South Australia.

After leaving Australia in late 1865, Saunders had four more children:

- Charles Howard (born 1867, Bareilly, West Bengal, India);
- John;
- Stratford; and
- Arthur James Neville (born 28th July 1870 at Baltinglass, County Wicklow, Ireland).

On 6th January 1877, the South Australian Register reported the death of Mrs. Saunders:


Mrs. Jane Saunders, mother of Captain Saunders, died on 22nd November 1862 in 57 Leinster Road, Rathmines, Dublin and gave administration of her probate to her son.

Captain Saunders retired from the British Army on 30th June 1881. Refer London Gazette 30th September 1881 pages 4895-4897.

Reverend Charles Beaumont Howard (born in 1807, Dublin, Ireland) was appointed by the Bishop of London as Colonial Chaplain in South Australia in February 1836. He sailed with Governor Hindmarsh and the first settlers of South Australia on the ship *Buffalo* in July 1836, and arrived at Adelaide on 28th December 1836. There was no building in Adelaide suitable for the holding of a service, so Howard borrowed a large sail from a ship, and with his friend Osmond Gilles, the Colonial Treasurer, dragged it seven miles from the sea on a hand cart, converted the sail into a tent, and held service in it. A wooden church was afterwards sent out from England, but its frame was so flimsy that Howard decided to have a stone church built. On 26th January 1838 the foundation stone was laid of the Church of the Holy Trinity. For nearly a year he was the only clergyman in South Australia. Howard laboured alone for his church until 1840, when he was joined by the Rev. James Farrell, afterwards Dean of Adelaide. In July 1843 Howard became ill, and he was also much worried by a demand for the payment of the debt on the church, for which he had made himself jointly responsible. He died at Adelaide on 19th July 1843 leaving a widow and four daughters. (Australian Biographical Dictionary)

Under “Progress of the Colony”, the South Australian Register reported on 2nd January 1841:

Trinity church, North Terrace, Rev. Charles Beaumont Howard, incumbent. Trinity church contains about 600 sittings. Service is performed every Sunday at eleven o'clock in the forenoon, and at half-past six in the evening. About 500 persons attend morning service, and from 300 to 400 in the evening, on an average.

**Marriage of Colour Sergeant (2001) Frederick Hodgkins**

On the 13th instant, by special license, at St. George's Church, Hobart Town, by the Rev Henry Phibbs Fry, D.D., Frederick Hodgkins, Colour Sergeant H.M. 12th Regiment of Infantry, to Miss Anne Gibson, only daughter of the late Thomas Gibson, Esq. of Newtown, Montgomeryshire, North Wales. (Colonial Times 15th January 1857)
Marriage of Sergeant (2880) James O'Grady

O'Grady married Mary Murtagh on the 14th March 1857 in Hobart Town. Their first child was born in Hobart on the 17th January 1858 and later they moved to Sydney where they had five more children - Catherine (1859), Edmund (1861), Margaret (1863), Maud (1865) and Fanny (1866).

Marriage of Private (3226) James O'Donnell

O'Donnell married Rachel Waters, aged nineteen years and maid to the children of the Officer in Charge at Port Arthur, on the 27th July 1857 at St. David's Cathedral Church in Hobart Town. Their first child, Henry James, was born the following year.

Child for Lieutenant Munro

Family Notices Birth. At Hobart Town, on the 11th instant, the wife of J. C. Munro, Esq., 12th Regiment, of a daughter. (The Hobart Town Daily Courier 14th September 1857)

Lieutenant Wilkie takes Leave

Wilkie took two months leave from Hobart between July and August 1857. Upon return, he was stationed at Port Arthur in October 1857.

Rifles

The 1842 Pattern musket (smooth bore) was the first mass produced percussion weapon of the British Empire and followed the style of the flintlock Brown Bess musket with a 39" barrel and brass mounts. The Pattern musket was only introduced after the Great Fire of the Tower of London on the 30th October 1841 destroyed over 200,000 Brown Bess muskets, that had been converted to the percussion system, leaving England short of small arms. The Pattern 1842 was highly effective in volley fire and saw service throughout the British Empire. It was imported by both the Union and Confederate forces during the Civil War.

The Regiment used the 1842 Pattern musket at the Eureka Stockade rebellion of 1854.

Figure 6. British Pattern 1842 Percussion Musket. Courtesy of the Australian War Memorial.

RIFLE, a firearm which may be defined as a musket in which, by spiral grooves (cf. Ger. riffeln, to groove) in the bore or otherwise, the projectile is forced to rotate before leaving the barrel. This rotation, maintained during flight, equalizes any irregularities in the form or weight of the bullet, and so lessens the tendency to depart from a straight line, and also in a measure overcomes atmospheric resistance. According to some authorities, rifling was invented about 1520, by Gaspard Koller, a gunmaker of Vienna.

The Enfield rifle, having competed favourably with the Minie and Lancaster rifles in a series of trials, was introduced into the British army in 1855. The Enfield was used during the latter part of the Crimean war, having there replaced the Minie rifle and the percussion musket, and remained
the general weapon of the entire infantry until the introduction of the breech-loader in the year 1867.

The Enfield muzzle-loading percussion musket (rifle bore) with bayonet weighed 9 lb 3 oz., barrel 39 inches; diameter of bore 0.577 inch.; three-grooved, with one turn in 0.78 inch. It fired a bullet of cylindro-conoidal form with hollow base, weighing 530 grains, made up into cartridges and lubricated as for the Minie rifle. This bullet was wrapped in greased paper round the cylindrical part half-way up its length.

In 1857, the 1st Battalion replaced the 1842 Pattern percussion musket (smooth bore) with the Enfield musket (rifle bore). The Enfield became the British service rifle between 1857 and 1866. The Regiment used the Enfield musket at Lambing Flat goldfield riots and the New Zealand Land Wars.

**Location for the Military HQ of Australia - Hobart Town, Tasmania**

The Hobart Town Daily Mercury 6th March 1857 reported –

> consequent upon the arrival of Major General Macarthur, to assume the reins of Government in this Colony on the departure of Sir Henry Young to England, Hobart Town will be made the Headquarters of the Military for the Australian colonies.

Macarthur was appointed Administrator of Tasmania until Young returned.

**The Regimental Band**

Reporting on a concert, arranged to raise funds to assist the survivors of the Indian Mutiny, the Mercury reported on the 20th March 1857 – Music for the Million –

> the third concert will take place tomorrow evening under the distinguished patronage of His Excellency and Lady Young, who will also honour the Theatre Royal with their presence. The selection of music, both vocal and instrumental, has been made with due attention to the occasion, and there have been appropriated to the Military band some of the finest pieces ever composed. Amongst these we may notice a selection from Weber’s celebrated Opera of Der Freischatz, another from Bossine’s beautiful Opera of Guillaume Tell, and a characteristic melange, entitled La Tempete or the Tempest, in which the indications and various movements of a thunder storm will be musically described. We are pleased to find that His Excellency and Lady Young have patronized the “Music for the Million” and we hope their example will be followed by the elite of our society especially when a treat of no ordinary kind has been ordered for their enjoyment.

**Miss Emily Glyndon’s Benefit at the Theatre Royal**

Our accomplished favourite, Miss Glyndon, has announced her benefit for this evening, under the distinguished patronage of Colonel Perceval, and the officers of Her Majesty’s 12th Regiment, now in our garrison. This is a tribute of gallantry, well deserved by our beneficiary, but, irrespective of any patronage, Miss Glyndon, we think, would command a large audience, not only from her particular merits as an artiste, but from the position, which she has always maintained in private life.

As an actress, Miss Glyndon has exhibited a versatility of talent, and a correctness and an ability of delineation of arduous character, which every lover of the drama, and every admirer of the poetic beauties of an author can well appreciate; and it is no small merit in an actress to be enabled successfully, to overcome at all time, and under all circumstances, the difficulties placed in her path: Miss Glyndon, however, has accomplished all this, and we should be ashamed of our community, if they did not mark their approbation of her exertions and her excellencies by sums substantial proof of their commendation.
The performances, selected for the occasion, will bring forward Miss Glyndon in the most favourable position, and ably assisted by Mr. T. Warner, Mr. J. Dunn, and the strength of the company, they cannot fail to gratify the audience; that it will be fashionable, we may augur from the patronage bestowed; that it will be numerous, we may believe, from the good taste and gallantry of a community, which is ever ready to reward merit and talent, in whatever capacity it may be displayed. (The Hobart Town Mercury 1st May 1857)

**The Queen's Birthday, South Australia**

Wednesday being the day appointed for the celebration of Her Majesty's birthday was observed as a close holiday at all the Public Offices, the Banks and most of the private establishments in town. The royal standard was hoisted, as usual, in front of Government House, and shortly before noon the soldiers of the 12th Regiment, together with the Volunteers of the Adelaide Artillery, drew up in the Gun Paddock, where a royal salute and feu-de-joie were fired in honour of the occasion. An immense crowd was attracted to the spot, the weather being singularly favourable for such a gathering. Immediately after the martial display, His Excellency the Governor-in-Chief held a Levee, which was very numerously attended. The following is a list of the gentlemen to whom His Excellency granted the privilege of private entree:.....Captain Vereker, 12th Regiment, Lieut. Saunders, 12th Regiment, Ensign Williams, 12th Regiment..... (The South Australian Register, 14th May 1857)

**Robe, Guichen Bay, South Australia**

Situated on Guichen Bay, about 340 km south east of Adelaide, Robe and the bay were sighted long before South Australia was established by the British. Nicolas Baudin, the French explorer, named it in 1802 after Admiral de Guichen. It was also regularly visited by whalers and sealers before the town was officially proclaimed in 1847, and named after Major Frederick Holt Robe, Governor of South Australia, who had selected the site in 1846.

Soon after the town was proclaimed, woolgrowers moved in and the surrounding area became dotted with homesteads. Business was brisk and bullock teams, bringing in the wool or wheat were a common sight. For many years, until the railway arrived, almost all exports from the south east of South Australia left Robe from one of its jetties. For several years Custom’s revenue collected at Robe was second only to those at Port Adelaide.

The town grew quickly and many Irish and Scottish families arrived in 1855. They were followed two years later in 1857 by 14,500 Chinese (reference Victorian Government Despatch No 118, dated 3rd December 1857) on their way to the Victorian gold diggings. They preferred to walk the 150 km to the gold fields across the Victorian border and avoid paying £10 tax, which they would have to had they disembarked in Melbourne. During 1857 thirty-two British, American and Dutch ships landed the Chinese who often had to pay the locals exorbitant fees to ferry them from the ship to shore and guide them to the Victorian border.

One vessel, the *Young American*, reputedly carried over 1,000 passengers. The reason was simple. Victoria was charging £10 per person for entry to the Colony. This was more than the Chinese were paying for their sea voyage to Australia. On arrival the Chinese hired guides and purchased supplies - food, tents, shovels, mining cradles, etc, thus helping South Australia's economy. Many thousands also landed at Port Adelaide.

**Chinese Gold Diggers**

At one stage some 4,000 Chinese were camped near the town. As some of the locals saw this as a menace and danger to the community, it was decided to call in the 12th Regiment stationed at Adelaide.
In April 1857, Lieutenant Saunders of the 12th Regiment and twenty four men (1 Sergeant, 2 Corporals and 21 Privates) were dispatched from Adelaide to Robe to control the influx.

Encouraged by Victoria, the South Australia government later imposed a poll tax on Chinese and limited the number and proportion of Chinese on board. Towards the end of 1858, the streets of Robe were deserted of gold diggers.

The strength of twenty five soldiers was maintained at Robe, Guichen Bay, up until March 1858.

**Transfer to Guichen Bay, Robe, South Australia**

The steamer *City of Hobart* will leave the wharf for Melbourne tomorrow. Captain Vereker, late of the 12th Regiment, who arrived by the *Black Swan*, returns via Melbourne, to Adelaide, with troops, 36 in number of the 12th Regiment, to assist the military at present stationed at Guichen Bay, in preventing the landing of the Celestials at that port. (The Hobart Town Mercury 7th October 1857)

**Charge of Assault**

Sylvester Bodman, Sergeant of Police, appeared on remand, charged with assaulting Corporal Spence and Privates Rowland and Jess, 12th Regiment, on Friday night, in a booth on the Racecourse. Mr. Smith appeared for the defendant.

Police Constable William Thompson was on duty on the Race course on Friday night, and about 10 o'clock, while near the booth kept by the landlord of the Launceston Hotel, heard a disturbance, and on entering saw Private Jess at full length on the ground, while a civilian and another soldier were fighting farther on in the booth. Witness took hold of the civilian by the back of the coat collar, and found it was the defendant, who said to witness. "Let me go you, or you will be served the same fate." Defendant then followed Jess, who was seated at a table with his head resting on it, bleeding from the nose and mouth, and struck him three blows with his fist on the right and left side of the head, and then said, "I'll show you when fighting begun; that's the way to fight." Rowland retreated into a corner of the booth, when defendant followed and struck him several blows, saying he would kill half a dozen such. Witness also saw a Corporal present, but could not say what his name was, at whom defendant struck across a table. The two Privates were quite sober. Could not say as to the Corporal. Had no doubt defendant was both drunk and mad.

By Mr. Smith: Had been a Police Constable since the 1st of July last. Had been turned out of the force before that time. Did not consider it part of his duty to take defendant into custody when he first saw him strike. The whole affair occupied six or seven minutes. Did not know it was defendant in the room till he (witness) took him by the collar. Witness had been tried for perjury since he had been in the force, but was acquitted. The soldiers did not in any way defend themselves while being struck by defendant. By His Worship - Witness was in uniform, defendant was not.

Police Constable Best corroborated the evidence of the last witness, and stated that the soldiers were sober and the defendant "the worse for liquor and much excited" and, in answer to His Worship, said ten policemen were within call when the disturbance began.

Sergeant Plunkett having spoken to a conversation between himself and the defendant on Thursday evening, stated that he was present in the booth, where he saw him strike one of the soldiers four or five times, and, on his (witness's) way across the Park Lands with them, after the assault, requested them to report the occurrence at the Police Station.

Police Constable Everdale stated that he was in the booth with the last witness and other policemen. The defendant was there, also Private Rowland. The latter was standing at the entrance. Witness asked defendant; "What was the matter?", to which he replied, "These soldiers
were on me at one time," and then went towards the door. Private Jess shortly afterwards came in, when witness heard him say to defendant, "Here is one who can give you a tip, or a clip." Defendant said, "Which?" when Jess pointed to Rowland. Defendant then said to Jess, "Do you mean him ?" (Rowland) and at once struck him. The police then separated them. The Corporal was quite sober. The Privates were half-drunk. Defendant was sober, but excited. Witness saw him half an hour after all was over, when he was quite sober. By his Worship: Only saw defendant strike Rowland one blow, but he might have struck more. There was some blood on Rowland's face before defendant struck him. By Mr. Smith: Just before defendant struck Rowland the latter was preparing to fight, but he did not return the blow. By His Worship: Defendant struck another blow at someone across the table, but witness did not know whether or not it took effect.

Mr. Smith said he would not then call evidence on behalf of the defendant, as he presumed His Worship would send the charge to the Local Court. His Worship said he should. The defendant, by the advice of his solicitor, declined to make any statement, and entered into his recognizances in the sum of £30 to answer the charge at the Local Court. (South Australian Register. 21st April 1857)

**Drunk and Disorderly**

James Lahee and Owen McManus, two Privates of the 12th Regiment, who arrived in the Colony in the Burra Burra steamer, on Saturday morning, were charged with drunken and disorderly conduct, in Hindley Street, the same evening. The former was also charged with assaulting Police Constable Smullen in the execution of his duty, and the latter with attempting to rescue his comrade from custody, and with assaulting Police Constable Price.

Police Constable Smullen stated that he found the two prisoners and another soldier fighting and making a disturbance in Hindley Street on Saturday evening. On attempting to arrest one of them, Lahee struck him a blow on the breast and another in the face. Constable Price came up to assist him, and while removing him to the Station house, McManus came behind and struck him (Price) across the head with his belt.

Police Constable Price and two witnesses corroborated this evidence. His Worship told the prisoners that the soldiers here had generally been very orderly. If they were brought to that Court again they would be severely dealt with. They were fined £2 each. (South Australian Register, 20th October 1857)

**Private (2981) Charles Chamberlain**

Chamberlain had been demoted from Sergeant to Private upon disembarkation in Melbourne 1854 and was posted to Ballarat during Eureka. He was stationed in Perth where he was promoted to Corporal on the 1st June 1857 (PRO3718). He was appointed Hospital Sergeant between October and December 1857.

**Buying a Soldier's Kit**

James Fitzpatrick was charged by Colour Sergeant Gibson with having on the 6th of August purchased from Private Nicholls one pair of boots knowing them to be a portion of the soldier's regimentals. The defendant, who was liable to a fine of £20 for the offence, pleaded guilty to having purchased them, but denied having any knowledge of the articles being the property of Her Majesty's 12th Regiment. It was not the wish of the Commanding Officer to press the charge and the Bench sentenced him to pay a fine of one shilling and treble the value of the articles purchased as a caution. (The Hobart Town Mercury, 19th August 1857)
Military Snobbism

Strange as it may appear, Lady Young's Fancy Dress Ball has gone off with considerable *eclat*, notwithstanding that the Military were not there. It has now been established beyond dispute, that it is possible for a lady's private entertainment to be eminently successful without the countenance of the Officers of Her Majesty's 12th Regiment. To say that they were not missed from the Ball room, would be to state what is not true: their absence was noticed by most of the families present, aye, and noticed, too, with feelings of self-congratulation.

Who are the Officers of the 12th Regiment, we should like to know, that they presume to mark with their displeasure the arrangements made by a lady for the gratification of her guests?

What manner of right have they to assume the airs of superiority and exclusiveness which they have done since their arrival in this Colony? Is it their wealth, or their poverty, that has induced them to insult a lady, by presuming to dictate to her what shall be the arrangements of her own parties?............. (The Hobart Town Mercury, 5th October 1857)

The Amende Honorable

In our last Impression, under the title of “Military Snobbism”, we felt ourselves compelled to animadvert, in severe terms, upon the unwarrantable course pursued by Colonel Perceval, and the Officers of Her Majesty's 12th Regiment, in demanding admission to Lady Young's Fancy Dress Ball in their military costume as a "right."

This matter, it appears, has been referred to the General Commanding the Troops, and, by the last steamer, a despatch has been received by the Governor, as well as by Colonel Perceval, condemnatory of the line of conduct pursued by the military.

On its receipt, we understand, the Colonel, in a graceful manner, waited immediately upon His Excellency, Sir Henry Edward Fox Young, and tendered, to him an apology which apology was, at once, most cordially accepted. A copy of the official Despatch accompanied with a notification of Colonel Perceval’s apology to His Excellency, has been forwarded to the heads of the Military departments under this command.

We are sincerely rejoiced that this truly unpleasant affair has been so promptly disposed of; and notwithstanding the unpleasant nature of the duty we were reluctantly called upon to perform when strongly condemning, as we did, the course pursued by Colonel Perceval and the Officers of Her Majesty's 12th Regiment, still, we are gratified to find that every sentence to which we gave expression has been fully endorsed by the decision of the Major General Commanding. (The Hobart Town Mercury, 7th October 1857)

Boy (Regimental No. 2) John Cole

Cole was promoted to Private on the 25th November 1857 (PRO3718).

Staff Servant

Private (3627) William Garment was Staff Servant between October and December 1857 in Hobart.

Lunatic Asylum

Private (2538 / 2333) Francis Donovan, formerly of the 99th Regiment, was confined to the Lunatic Asylum at New Norfolk between January and March 1857.

The Battalion School

The school master, James Astbury, took furlough between the 1st January and the 19th February 1857. (PRO3716)
The Colonial Times reported on 23rd January 1855:

The Church of England Schools. On Saturday the children of St. David's parochial schools (Harrington Street and Argyle Street) and the Regimental schools, had their annual treat. At eleven, they assembled in the Harrington Street school room to receive their prizes at the hands of His Excellency the Governor; Lady Young, the Lord Bishop, Archdeacon Davies, &; being present. The Bishop s lightly addressed the children and teachers, and the singing classes joined harmoniously in “God save the Queen.”

A procession was then formed, when the little people, accompanied by their teachers, marched to the Franklin Wharf and embarked in the Venus steamer, a plentiful supply of buns, ginger beer, &c., being put on board for their use. His worship the Mayor, Archdeacon Davies, Mr. Henslowe, a number of ladies, Sec, with the teachers, accompanied the picnic expedition to Kangaroo Point, and after spending a few hours in rural pleasures they returned to town well pleased with the enjoyment of the day, and which the propitious weather favoured.

A little boy, five years of age, got astray from his school fellows on returning to the wharf, when a search was made in every direction. Mr. Richards, the master of the school in Harrington Street, proceeded to Kangaroo Point to endeavour to trace the little fellow; His worship the Mayor was also indefatigable in prosecuting enquiries, and, about ten o'clock at night two females called upon Mrs. Richards with the lost sheep, stating they had found him crying near the wharf. Of course he was speedily restored to his anxious parents.

The Regimental schools, referred to above, were those of the 12th and 40th Regiments in Hobart, Tasmania.

Another story from the Colonial Times, relating to the School was reported on 11th July 1856, under “Celebration of Peace” which may have been in commemoration of the fall of Sebastopol:

An interesting assemblage of the children belonging to St. David's and the Regimental Schools took place at Mr. Elliston's City Mart, where about a hundred and fifty boys and girls enjoyed the hospitality of his worship the Mayor, who is one of the Church wardens of St. Davids, and Mrs. Percival, the lady of Colonel Percival etc.

Miss Elliston presided at the .?, and songs and other choral pieces were delightfully executed by the young folk, with the assistance of Mr. Richards the excellent teacher of St. Davids and other friends, who took pleasure in promoting the happiness of those who were gathered together, a most appropriate method of impressing on the youthful mind, the blessings of Peace.

Court Martial Punishment - Flogging

The Perth Gazette reported Friday May 29, 1857 under “Domestic Sayings and Doings” that:

“On Tuesday last, a soldier belonging to the 12th Regiment, an incorrigible thief, received 50 lashes, the sentence of a Court Martial. We believe this is the only instance of corporal punishment which has taken place in our Barracks for several years past.”

Musters

Hobart

Two soldiers died on the 4th November 1857, Private (1376) James Ford and Private (3377) Thomas Peckering. (PRO3718)

Private (1403) John Davis died in Hobart where his wife also resided.
Twenty-two soldiers left the Regiment between January and March 1857 (three died and nineteen were discharged). Of these, four soldiers had purchased their discharge.

Sixteen soldiers returned to England on the 24th March 1857 (PRO3716/2973 page 154). Of these soldiers, the following eleven had been posted to Ballarat during Eureka -

1298 Sergeant Daniel Flynn
1010 Private William Bragg
3149 Private Joseph Forsythe
1006 Private George Glading
1018 Private John Knights
3174 Private John McArdle
1350 Private Thomas McDermott
954 Private Jacob Moore
3215 Private Robert Reid
942 Private Robert Smith
979 Private Robert Watson.

Private (1209) Samuel Parker received a free discharge and twelve months pay from the 31st March 1857 in Hobart. He was born in Suffolk, a labourer and had enlisted on the 23rd June 1839 (PRO3716).

Private (2566) William Davidson was a prisoner in Hobart between July and September 1857 (PRO3717).

Sergeant (2870) Thomas Dawson transferred to the Mounted Police in January 1857 (PRO3716).

**Perth**

Private (1135) Abraham Starling died in Perth on the 8th September 1857. He left no will with the Battalion. His wife received £5.6.9 plus a gratuity of £5.2.2 ¼. Starling had enlisted on the 9th April 1837. (PRO3718)
1858

“Free rations or no soldiers.”

**Stations**

NSW (Cockatoo Island, Goat Island and Sydney), South Australia, Tasmania (Bothwell, Campbelltown, Eagle Hawk Neck, Launceston and Port Arthur) and Western Australia.

**Battalion Strength**

A War Office letter, dated 19th April, directed the establishment of the 1st Battalion to be increased by the addition of a School Master (to be appointed by the Secretary of State for War), and a reduction of two sergeants, two corporals, and 48 privates, making a total of 1074, the above sergeants and corporals to remain as supernumeraries until they are absorbed into the new establishment.

**Troop Movements**

An unnamed Officer, lady and two children arrived in Sydney on the ship *Tasmania* from Launceston having departed on the 6th July 1858 (SMH 10th July 1858).

Sergeant (2929) William Alderton and Corporal (3389) John Finlay sailed from Fremantle to Sydney on the 10th November 1858. Captain Augustus Johannes Leeson returned to England on the 10th November 1858.

Lieutenants Sweeney and John Soame Richardson joined the Battalion from England on the 10th July and 28th September 1858 respectively.

Ensign T.G. Tomlin joined HQ on the 26th July 1858 and Ensign A. Hopper joined on the 11th September 1858. No details of these two postings can be found on shipping arrivals. Tomlin died in Melbourne in March 1859.

**Transfer from Eagle Hawk Neck to Hobart**

The *Culloden*, steamer, Captain Gourley, came up from Eagle Hawk Neck and Norfolk Bay this afternoon. The *Culloden* brings from the Neck 36 men of the 12th Regiment under the command of Captain Miller, who have been stationed at that settlement nearly six months. (The Hobart Courier, 9th September 1858)

**Child for Colonel Perceval**

On the 25th Instant, the wife of Colonel Perceval, C.B., 12th Regiment, of a son. (Births. Sydney Morning Herald 28 June 1858)

His son was named Richard and wife’s name was Katherine. (NSW BDM 3426/1858)

**Child for James Astbury**

On 27th instant, at Victoria Barracks, Sydney, wife of Mr James Astbury of a son (Paul E). (Sydney Morning Herald, 30th October 1858)

**Death of Colour Sergeant (1287) James Moore**

Died on the 10th instant Colour Sergeant James Moore, aged 39 years. Respected by all who knew him, Being a past Master Mason of long standing, the funeral which took place at four
o’clock this afternoon, will no doubt be attended by a large number of the Perth Lodge. (Perth Gazette, 11th June 1858)

Marriage of Major Hutchins

On the 13th instant, at New Norfolk, by the Right Rev. the Lord Bishop of Tasmania, assisted by the Rev. W. W. F. Murray, uncle of the bride, and by the Rev. G. Wright, Major W. J. Hutchins, H.M. 12th Regiment, to Julia Anne, eldest surviving daughter of W. Stanley Sharland, Esq., of New Norfolk. (The Hobart Town Daily Courier 14th July 1858)

Early Visits to New Zealand

Three non commissioned officers sailed from Sydney to Port Cooper [Lytelton Harbour, south island of New Zealand] on the brig Dart on the 11th May 1858 (SMH 13th May 1858). This is the first known occasion in which the Battalion had been to the south island. This may have also been the first visit to New Zealand.

Captain Charles Jocelyn Sillery arrived in Sydney from Auckland New Zealand, having departed 2nd July 1858 on the ship Gertrude (SMH 22nd July 1858).

Both incidents demonstrate an attachment of the 12th Regiment to New Zealand at least two years prior to the New Zealand Land wars.

Assault on Bandmaster

Mr. J. Dixon was fined £5 and costs yesterday at the Police Office for having assaulted Mr. G. D. Callen, Bandmaster of the 12th Regiment. As the defendant pleaded guilty, no evidence was gone into. (The Hobart, Courier, 22nd January 1858)

Death of Private (3504) Heather by Drowning

A Private in the 12th Regiment went over with others to Kangaroo Point to bathe. The deceased, whose name was George Heather, plunged into the water and almost immediately sunk. Every exertion was used to pick up the unfortunate man but without success. The body was recovered this morning, and was taken to H.M. General Hospital. It would seem from the appearance which the body presented that the deceased sank from a sudden attack of cramp. (The Hobart, Courier, 25th October 1858)

Farewell to Drum Major (902) John McDaniel

Hobart Town Daily Mercury 5th February 1858 -

the Sergeants of the 12th Regiment assembled in their Mess Room last evening for the purpose of entertaining Drum Major John McDaniel who is about to proceed to England to be discharged from the service after having served honourably and faithfully for a period of nearly 20 years. He leaves the Regiment generally and deservedly beloved to reap the benefits awarded to deserving soldiers by a grateful country. Drum Major McDaniel is in possession of a Silver Medal and gratuity for meritorious service.

The Payrolls advise that McDaniel left Hobart on the 11th March 1858 and was discharged as an invalid from Chatham Depot England on the 1st June 1858.

Return to England of Invalids from Hobart and Perth

Ten invalids embarked from Hobart for England in February 1858 -

On Tuesday, between 2 and 3 o’clock, the invalids of the 12th Regiment embarked on board the ship Derwent Water on their voyage to England. They were marched down to the wharf from the Barracks, the band playing cheerful airs, and a large concourse of spectators being present. (Hobart Town Daily Mercury 11th February 1858)
Since Major Kempt and Captain Queade took their leave during this Muster period, and although it is not apparent from the Musters, it is presumed that they returned to England with the invalids on the same ship.

PRO3719 records five soldiers returning to England from Perth in January 1858. Two of these soldiers, Private (1124) John Drury and Private (1009) James Nowlan had been posted to Ballarat during Eureka.

**Accidental Capture of a Deserter**

The Hobart Town Daily Mercury 28th January 1858 reported under Police News –

William Burns, prisoner of the Crown was charged with misconduct in having a soldier's smock and trousers in his possession. Constable Gulliford deposed to searching the prisoner's bundle at the New Town watch house and to finding therein the smock and trousers produced amongst other articles which belonged to the prisoner. The prisoner stated that he was merely carrying a bundle for John Collophy. This being at variance with his statement to the Constable that the articles were his own and the clothes moreover being found among his own, the Bench sentenced the prisoner to three month's imprisonment with hard labour.

Private (3365) John Collophy charged on the information of Constable Gulliford with deserting from HM 12th Regiment was remanded to be dealt with by the Military authorities.

**Fire at The Royal Oak Inn**

The Royal Oak Inn, Watchorn Street, was discovered to be on fire a little after one o'clock this morning, and notwithstanding the efforts of the firemen, the house was completely gutted before the fire was thoroughly subdued. Colonel Perceval and a detachment of the troops now in garrison, were in attendance, as well as His Worship the Mayor and other influential inhabitants. The Royal Oak was not a licensed house. We believe it was fully insured. (The Hobart Courier 18th January 1858)

**Death from Morphia**

An inquest was held at Campbell Town on the 21st instant, touching the death of Sarah Wallace, daughter of Sergeant Wallace of the 12th Regiment, and in the service of Dr. Boyd. The girl had been suffering from a whitlow on her thumb, which produced great pain. Miss McAvoy, a young lady residing at Dr. Boyd's, gave her a dose of morphia on Tuesday night, and on Wednesday morning she was found dead in her bed. The jury returned a verdict to the effect that the deceased met her death by the accidental administration of an overdose of morphia, given to her by Miss McAvoy through a benevolent desire to alleviate her sufferings. (The Hobart Town Daily Mercury 24th May 1858)

**Bushrangers**

These lawless scoundrels are still successfully evading the vigilance of the Police, and remain at large in despite of the means taken for their capture. We are glad to hear, however, that three or four Sergeant's parties of the 12th Regiment have been despatched in pursuit of them, and that they are now scouring the country about Oatlands, Bothwell, and Westbury. It is to be hoped that their efforts will be successful, and that the career of these desperate men will be cut short. Rumours reached town on Saturday that they had been seen in the vicinity of Port Frederick. (The Hobart Town Daily Mercury 24th May 1858)
Opera at the Theatre Royal, Hobart Town

Last night, as we predicted, the Theatre Royal was crowded. The pieces performed were selections from the operas of “Elixir of Love” and the “Barber of Seville”. We have no room to particularize the many excellences which marked the performances of these so gifted artistes. The whole was admirable, and elicited loud and reiterated applause. This evening, and for this evening only, the splendid opera of “Ernai” will be repeated, under the patronage of Colonel Perceval and the Officers of the 12th Regiment. We would strongly urge those, who have not yet heard this talented company, to avail themselves of this opportunity. (The Hobart Town Daily Courier 12th January 1858)

The Indian Relief Fund - The Amateur Performance

The reappearance of the gentlemen amateurs of Hobart Town is hailed by us apart from the benevolence of their object, as one of the most important events of the season; and while we congratulate them upon the spirit which has induced them to come forward, we venture to express a hope that the general public will unmistakably second, their generous exertions, and thus enable them to contribute a considerable sum, in aid of the Relief of our unfortunate countrymen who have fallen a sacrifice to the ruthless revenge of the murderous Sepoys of India.

We anticipate the triumphant success of the play from our knowledge of the manner in which the gentlemen who sustain the chief characters have signalized themselves upon the boards; a piece in which the dialogue is so lively and full of punch.....

By the courtesy of Colonel Perceval and the Officers of the 12th, the splendid Band of the Regiment will be present. (The Hobart Courier 1st March 1858)

The Inter-Colonial Cricket Match – Tasmania vs Victoria

Today will mark a new era in the cricketing annals of Tasmania, for today the chosen of Hobart Town will encounter the champions of Victoria flushed with recent triumphs, and burning for a second ovation. The Victorians take the field inspirted by their late victory at Launceston, while the Hobartonians will make a gallant effort to recover the laurels Tasmania has already lost, and to render forgotten the defeat in the northern capital.

The "Great Match" will commence at an early hour, as it is the general desire that the game should be played out in one day if possible; the wickets will accordingly be pitched at half past nine o'clock. No expense or trouble has been spared to render the arrangements complete, and worthy of this interesting occasion; and doubtless numbers of the citizens will gladly avail themselves of the opportunity to witness the fine old English game of cricket in the Domain today, which will recall to the minds of many, similar scene in the mother country.

Sir Henry and Lady Young have signified their intention to be present on the occasion, and we believe that Colonel Perceval has acceded to the application made to him, and that the Band of H. M. 12th Regiment will be in attendance. (The Hobart Town Daily Mercury 4th March 1858)

Refusal to Pay Toll

Hobart Town Daily Mercury 8th February 1858 Police Office - Illegally Demanding Toll –

Mr James Denca, the keeper of the Toll bar on Sandy Bay Road, Hobart, was charged by Mr Inspector Weale with illegally demanding toll from Colonel Perceval of the 12th Regiment while on duty by which he was rendered liable to a penalty not less than 40 shillings, and not exceeding £5. The information was laid under the Mutiny Act of the British Parliament.
Mr MacDowell, who appeared for the defendant before the case was proceeded with wished to address a few words to the Bench. The information, he believed, was badly framed but that he would say nothing more. The defendant, who was sorry for what he had done, was the Toll Keeper of the Brown's River Road and it was not to be supposed that he could be cognisant of the Mutiny Act. The Act of the Colonial legislature regulating the tolls contained certain exemptions which the learned Counsel read from the section but by some strange neglect, military officers were not included; it was not likely, therefore, that the defendant could be aware of Colonel Perceval's exemption. Under these circumstances he, Mr MacDowell, thought that the justice of the case would be met by the payment of costs, the defendant at the same time undertaking not to offend in like manner again.

Colonel Perceval would willingly consent to the proposal of the learned Counsel, if steps were taken to prevent a similar occurrence of the future; he had no wish to prosecute the defendant. All he wished for was that the law of England in this respect should be established and acted upon and that any military officer on his horse whether in uniform or undress should be exempted from the toll. Mr Kilburn wished to know what the undress was. Colonel Perceval said there were several modes of undress; a grey coat, a blue coat, a red jacket and others.

The defendant said, that he was not aware that military officers were exempted.

Mr Tarleton observed, that he himself was aware that Colonel Perceval had spoken to the defendant on the subject and warned him of the course he was pursuing and thought it would have been better if Mr Denca had acted upon that warning. Mr Weale then consented to withdraw the information on payment of costs and it was withdrawn accordingly.

Mr Tarleton let it be distinctly understood not only by you (the defendant) but by every Toll Keeper that all military officers are exempted from toll by the Mutiny Act which over-rides any Colonial Law.

**Discontent amongst the Ranks - Mutiny**

Hobart Town Mercury 8th March 1858 –

certain communications recently left at this office having directed our attention to the subject, we regret to find that considerable discontent prevails among the military at this moment. From all that we have been enabled to gather on the subject, it would seem that the complaints are not by any means unreasonable.

They relate to the conduct of the Home Government and do not in any way affect the friendly subordination of officers and men. Hitherto, the troops in this Colony have been allowed to enjoy the benefit of a free ration, no inconsiderable matter to a soldier, whose pay is never very large. But the Home Government some little time ago, with what to us appears to be an ill judged parsimony, determined upon the retrenchment of this valuable privilege, and issued orders to that effect.

It appears too, that Colonel Perceval who is always spoken of by his men in terms of the highest respect, has hitherto prevented this arbitrary abrogation of the soldiers comforts; but the Order being peremptorily repeated from the War Office in London there is now no alternative but its enforcement.

It will perhaps be sufficient to say that the consequence of this course to the Soldier is to leave him in possession only of one penny per day of his pay. They therefore justly complain.
The matter interests the Colonists materially for it exposes a large number of men to very serious temptations to malpractice.

[Since the above has been in type, we have ascertained that matters have assumed a serious aspect. On Friday one of the companies turned out and exclaimed -

**Free Rations or No Soldiers!**

We’re happy to say however, that the men were induced to return peaceably to their quarters. A Board of Officers is now sitting on the subject and we hope that everything will be satisfactorily arranged.]

Next day, on the 9th March 1858, the newspaper continued under the heading of “The Military” – our remarks published yesterday relative to the disturbances amongst the Military in Barracks, have drawn from Colonel Perceval a letter which we publish below, demanding the names of the parties from whom our information was obtained. And denying that anything but “soldier like” complaints made in a soldier like manner had transpired.

To this communication we have replied and our reply we also insert. It is evident to us that Colonel Perceval had been deceived in this matter and that circumstances which did transpire have been kept from his knowledge or he would have been well convinced that our remarks were not only justified but that the facts were substantially true.

Can Colonel Perceval deny that the whole of the 3rd Company turned out cross-belted and were only induced to return quietly to their quarters by the vigilant intervention of Sergeant Bush? Is this true? If not we shall begin to doubt the accuracy of other statements which have reached us relative to this incipient mutiny.

We shall be sorry at any time to give currency to mis-statements, especially when they are of so serious a nature as these; but when they are brought to us, substantiated fully, as we still think these were, the fear of giving offence by publishing them shall never prevent us from discharging our duty.

To the Editor of the Hobart Town Daily Mercury

Barracks half past 10 o’clock
8th March 1858

Sir, having this moment read in your paper a statement, purporting to be a representation of circumstances which occurred in the Barracks on Friday, the 5th instant, I have now to request that you will furnish me with the name of your informant as although some complaints have been made to me in a soldier like manner, as steps are at present pending to remedy any just grievance, yet I consider it necessary to attach to the individuals the unsoldierlike proceeding represented in your paper that the Regiment which I have the honour to command may not suffer in repute for the misconduct of the few. I would therefore feel much obliged by your complying with my request.

I have the honour to be, Sir,
Your most obedient humble servant
J.N. Perceval
Colonel and Lieutenant Colonel 12th Regiment.

The following reply was returned -

Mr John Davies presents his compliments to Colonel Perceval and begs to acknowledge the receipt of his communication of this morning’s date, requesting to be informed of the name of the party from whom he (Mr Davies) received certain information relative to transactions which are reputed to have lately transpired in the Barracks.
In reply Mr Davies has to express his regret that it is contrary to the custom and the etiquette of a newspaper to give up its authority for any statements which may appear save where the statements made are misrepresentations of alleged facts.

In case in which the Editor has been deceived and entrapped into giving currency to that which is not true, it is usual to give up the authority but not otherwise.

In this present case, Mr Davies regrets that he cannot express himself satisfied that the statements made in this morning’s Mercury are unfounded. And he does not, therefore feel himself at liberty to give up the names of those upon whose testimony such statements were published.

In publishing them, Mr Davies could have no desire to reflect either upon Colonel Perceval or upon the Regiment under his command. And he distinctly wishes it to be understood that he had no such intention.

As however, he is precluded by the circumstances from complying with Colonel Perceval’s request, at present, or until Mr Davies is satisfied that the statements are untrue, he can only express his regret and must refer Colonel Perceval should he feel himself aggrieved by this refusal, to his (Mr D’s) solicitor, Charles Br Brewer Esq, Stone Buildings Macquarie Street.

Daily Mercury office
Monday Morning.

The paper continued on the 10th March 1858 –

An enquiry is now taking place in the military barracks relative to certain very practical complaints made by the soldiers. That great dissatisfaction prevails amongst the men stationed here, we know, and this feeling has grown to a very serious height.

We believe it has arisen mainly from the Horse Guards discontinuing the allowance of free rations to the men. The case as it has been related to us, appears to be one of very considerable hardship.

At a time when a portion of our army is reaping so many laurels, and enduring so much hardship, to save our Indian Empire, it does seem ill advised to carry out such an order as this.

We have no wish, however, to misrepresent the real causes of this incipient mutiny. A Court of Enquiry is now sitting and we have no doubt that some steps will be devised to allay the unmistakable discontent to which the promulgation of this order has given rise.

Note that the above reaction to a reduction in ration allowances was not uncommon. From the time of the First Fleet, British soldiers sent to Australia had regarded a spirit ration as theirs by right. In 1844, it became clear that the colonial government, ever eager to avoid expense, was losing £3,000 each year on the existing system of issuing rum. The soldiers were told that they would receive a monetary allowance which would subsidise the cost of meat and bread, but when the duty on spirits fell and the government decided that it was no longer obliged to pay an allowance, men of the 99th Regiment quartered in the George Street Barracks in Sydney and the 58th Regiment in Parramatta refused to obey orders. The mutinous conduct of the 99th was so serious that the 11th Regiment was brought from Tasmania to Sydney in order to restore discipline amongst the unruly element of the 99th. The rum allowance was not restored.

Note that Sergeant (2379) William Bush later served in New Zealand and returned to England with the Battalion in 1867.
Apparent Military Reaction

Over the next six months, numerous soldiers were in confinement. Each quarter followed a similar pattern with a small number of soldiers sentenced for long periods and several soldiers confined for shorter periods between two and seven days. The longer confinements are detailed below (PRO3719) –

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<thead>
<tr>
<th>Quarter</th>
<th>Name</th>
<th>Days</th>
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<tbody>
<tr>
<td>April – June 1858</td>
<td>3414 Private John Barry</td>
<td>89</td>
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<tr>
<td>June – August 1858</td>
<td>2450 Drummer Patrick Bernard</td>
<td>44</td>
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<td></td>
<td>3414 Private John Barry</td>
<td>85</td>
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<td>3365 Private John Collophy</td>
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<td>2952 Private Robert Dye</td>
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<td>1457 Private James Leonard</td>
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<td>3477 Private John Nichols</td>
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<td>3346 Private James Reilly</td>
<td>50</td>
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<td></td>
<td>3452 Private William Webb</td>
<td>30</td>
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<tr>
<td>October – December 1858</td>
<td>1169 Private James Davey</td>
<td>81</td>
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<tr>
<td></td>
<td>3604 Private John Donacher</td>
<td>40</td>
</tr>
<tr>
<td></td>
<td>3208 Private Robert Grant</td>
<td>38</td>
</tr>
<tr>
<td></td>
<td>3509 Private George Milligan</td>
<td>58</td>
</tr>
<tr>
<td></td>
<td>3141 Private Peter Reilly</td>
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<td>2788 Private Thomas Smyth</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>3418 Private George Towler</td>
<td>32</td>
</tr>
</tbody>
</table>

Private Barry had arrived two years earlier on the ship *Lancashire Witch*. He successfully deserted on the fourth occasion in March 1862 when he was described as 26.2yrs, 5’6”; fresh complexion, dark brown hair, grey eyes; enlisted 12.1.1855, Woodbridge; hawker; born Ballymore, Sligo; Remarks – brand ‘D’ under left arm. Note - apprehended Yass, NSW.

Drummer Bernard arrived on the ship *Camperdown* and fought in the 2nd and 3rd New Zealand Land Wars before taking discharge in April 1867 in New Zealand prior to the Battalion returning to England.

Private Collophy had arrived on the ship *Camperdown* in 1854 and deserted from Sandhurst, Victoria in 1855 and would again desert in 1859 when he was described in the Police Gazette as 22.11yrs, 5’5”; fair complexion, brown hair, blue eyes; enlisted Limerick 28.1.1854; labourer; born Limerick; Remarks – branded with ‘D’ twice under left arm.

Private Donacher joined the Battalion in Hobart from the 99th Regiment with the Regimental number of 817 in November 1855. The Payrolls state that he was in Public Employ. When he took furlough and left the Regiment in Tasmania on the 20th January 1859, his regimental number was 3604. (PRO3719)

Private Dye had arrived in 1854 on the ship *Empress Eugenie* and deserted in 1857 and again in 1860 Sydney, when he was described in the NSW Police Gazette as 27yrs, 5’8”; fresh complexion, brown hair, grey eyes; enlisted 23.4.51, Bury St. Edmunds; labourer; born Harbish Suffolk. He fought in the 2nd New Zealand Land War where he was wounded at the skirmish of Te Arei pa in December 1860. He fought in the 3rd New Zealand Land war and drowned on the 1st June 1864 in New Zealand.

Private Grant had been posted to Ballarat in 1854 and deserted from Sydney in 1859. He was described in the NSW Police Gazette as 23.3yrs, 5’7”; fresh complexion, brown hair, grey eyes;
enlisted 15.3.1853 Bethal Green, Middlesex; labourer; born Westminster; Remarks – branded with ‘D’ twice under left arm.

Private Leonard, born Dublin, had enlisted on Boxing Day 1839 and upon arrival in Melbourne in 1854 was posted to Ballarat during Eureka. He served in the 2nd New Zealand Land War and after returning from New Zealand, died at Victoria Barracks Sydney on the 9th January 1862, aged thirty-nine.

Private Reilly served at Ballarat and was later promoted to Sergeant. He returned to England from New Zealand in 1865 after fighting in the 3rd New Zealand Land War.

Private Milligan had arrived two years earlier on the ship *Lancashire Witch* and deserted from Sydney in 1862 where he was described as 24.11yrs, 5’5”, fresh complexion; light hair; grey eyes; enlisted 13.2.1856 Davenport, labourer; born St. Luke’s London.

Private Nicholls had arrived two years earlier on the ship *Lancashire Witch* and was discharged in Sydney in March 1862.

Private Towler had arrived two years earlier on the ship *Lancashire Witch* and was invalided from Sydney to England in February 1862.

Private Webb had arrived two years earlier on the ship *Lancashire Witch* and served in the 3rd New Zealand Land war and was discharged from New Zealand in April 1867 prior to the Regiment returning to England.

**Mutiny**

This Officer (Colonel Perceval) has proceeded to Melbourne, for the purpose, we are informed, of bringing under the notice of his superior Officer, General Macarthur, certain matters connected with the late incipient Mutiny amongst the troops under his command.

It is evident that the enquiry which has taken place and the trial by a Court Martial of some of the Privates implicated therein have disclosed circumstances of more importance than was anticipated by Colonel Perceval when he informed us that the whole affair merely amounted to a complaint by a few soldiers and which complaint had been made in a soldierlike manner.

The state of discipline in the Regiment caused by the hardships complained of must be serious when Court Martial, General Orders prohibiting any appeal to the press, and personal reference to the General commanding, are found necessary. (The Hobart Town Daily Mercury 24th March 1858)

**Colonel Perceval**

Rumour states, and, we are informed, upon very sufficient grounds, that the 77th Regiment, now stationed at Sydney, has received orders to proceed to China; and it is also whispered that one of Colonel Perceval's objects in proceeding to Melbourne is to try his influence with General Macarthur to have the 12th ordered on to Sydney.

Should this be the cause he has our best wishes for the success of his mission. We heartily trust his request may be granted. In this event the 12th would be relieved here, and we should be relieved also by two companies of the 40th Regiment but, if General Macarthur declines complying with this arrangement, the 40th will proceed to Sydney to relieve the 77th.

Should any arrangement be made by which we shall get rid of Colonel Perceval and his officers, we shall not be very particular as to its nature. There are some changes in life that cannot help being changes for the better, and this would be one of them. (The Hobart Town Daily Mercury 24th March 1858)
Opposition to the Military Appointment as Acting Governor of Tasmania

Sir Henry Fox Young was the former Governor of South Australia. He arrived in Hobart in January 1855, to take up the position of Governor of Tasmania, to find the colonists resentful of limits to their self government. Young resigned in due course in 1861 and returned to London.

The Hobart Town Daily Mercury reported under “Leave of Absence” on the 10th March 1858 –

Thus rather unusual event in the life of a Colonial Governor we find has occasioned considerable excitement amongst the partizans of anarchy and misgovernment. "Great indignation" is of course felt and expressed by the supporters of the epicene proprietors of the Daily Abuse, that so important a subject as a "Governor's Leave of Absence" should not have been made the special subject of a formal Ministerial announcement; and still greater is the indignation of these same worthies, that the commanding officer of Her Majesty's 12th Regiment is not destined to fill the position of locum tenens Governor.

It is hardly necessary for us to state that we neither participate in the regrets or indignation of our fervent but sadly disappointed fellow citizens. The only regret the subject in all its bearings is calculated to create is the simple fact of even for twelve months losing the presence from amongst us of such an able, impartial, and constitutional Ruler-in-Chief as Sir Henry E. F. Young, and, in consequence, the influence and example of his inestimable family.

The temporary absence of His Excellency would indeed be a most serious public calamity, under the existing circumstances of the Colony, had his place been occupied by the commanding officer of a Regiment some of whose officers have openly identified themselves with the gross and base calumniator of Her Majesty's Representative, and whose conduct has reduced, all over the civilized world, the very name of a " Tasmanian gentleman" to the level of a fiction.

The officers of Her Majesty's 12th Regiment must all bear the public odium to which the conduct of some of their members renders them liable so long as no public manifestation of the disapproval of a majority of their number is made; and for this reason alone we owe a great debt of gratitude to Sir Henry Young and his Ministry for preserving us, even for twelve months, from the fatal rule of a military chieftain over whom public report attributes a commanding influence by Dr. Dick.

We are not just in the mood of being dealt with as children. For twelve long months we have struggled hard to rid ourselves from the influence of a world-famed political impostor. Yes have succeeded; and it would ill become the Governor and Ministry, who have been so independently supported by the people in an arduous struggle, to permit the silent but treacherous allies of the public enemy to obtain control over the Executive, and thus provide them with an opportunity of turning a popular victory into a defeat.

Dr. Dick is not destined, we are happy to announce, to be Premier. Such a humiliation is, thank Heaven, not destined for us. There will be no dissolution, no attempt to either bully or cajole, by military force or humbug, the popular heroes who in and out of Parliament have so nobly vindicated their rights and cause, like worthy sons of the free soil from which they have sprung. General Macarthur, the locum tenens, is a man who can be trusted; he has no sympathy with political humbug or glib-tongued ignorance. He will, no doubt, diminish much our regrets at the temporary loss of our present esteemed Ruler; and we have every confidence in him that he will return to Sir Henry E. F. Young his trust unimpaired, if not improved. His Excellency is entitled to the lasting gratitude of the public for his conduct at this great and important crisis in our destinies. He has exhibited a thorough, knowledge of the community whose interests he has been appointed to watch
over; and we trust that when he and his family return to Tasmania he will find a warm-hearted people prepared to recognize his claims upon their gratitude and a public fully "up" to the value of "indignation patriotism."

The Hobart Town Daily Mercury reported on 22nd March 1858 -

Most of our readers will have been taken by surprise at the announcement made by us on Friday, of the revocation by General Macarthur's promise to resume the reins of Governor of this Colony, and of the consequent determination by Sir Henry Young to accept the advice of his responsible advisers, to forego for a time his intended visit to England. A great many surmises as to the real cause of this sudden revocation on the part of General Macarthur.

They were about during Friday and Saturday, and various reasons have been suggested, only to be abandoned as untenable and improbable. We have been at pains to elicit the real truth of the matter; and, although we cannot undertake to assert positively that we are correct, still we have every reason to believe that the facts are as follows.

On the receipt by His Excellency of the despatch from the Secretary of State, sanctioning his visit to England, Sir Henry Young proposed to Colonel Perceval that he (Colonel Perceval) should be his locum tenens during his absence in England; and, we believe, that the Colonel, naturally enough, accepted the offer.

On the matter being communicated to the Cabinet, however, the responsible advisers of His Excellency at once expressed their unwillingness to approve of this step. From what we can learn, the Ministry had no faith in Colonel Perceval's ability to discharge the duties of so important a post; and, on their suggestion, Sir Henry Young communicated with General Macarthur, who, as we have previously announced, consented to assume the reins of Government during His Excellency's absence from the Colony. On discovering this, Colonel Perceval wrote to the General, and complained of having been unjustly treated in the matter urging his right, in terms of the Act, to supply Sir Henry Young's place.

Our readers will at once perceive the delicate position in which General Macarthur was placed, rather than consent to any arrangement that would admit of a misconstruction, or therefore the semblance of an interference with the privileges of one of his subordinate officers, the gallant General has, as we have stated, revoked his consent to assume the Government, and has thus deprived Sir Henry Young of the benefit which was conferred upon him by the despatch of the Secretary of State.

Colonel Perceval has, therefore, gained one concession, and at what a price has he gained it! He has deprived the Governor of the Colony of an opportunity of visiting his native Land, and has rendered the consent of the Secretary of State, who recognised His Excellency's claim, nugatory and useless. What a triumph will this be for Colonel Perceval and the Officers of the 12th Regiment!

We can never suppose for a moment but that the Colonel knew well what would be the effect of his appeal to General Macarthur. With all his vanity he could never have been mad enough to suppose that any responsible Government would accept of his services as the substitute of a Governor. That would have been too ridiculous. Colonel Perceval, and his mentor, Dr. Dick, are not the kind of men to entrust with power of this sort. The Ministry at once saw that it was impossible for them to admit such into their counsels, and, although they deeply deplored that the paltry ambition of Colonel Perceval should be the means of depriving His Excellency of the pleasure of visiting England, they had no
alternative but to advise Sir Henry Young to save the Colony from confusion and disaster by relinquishing his intention.

We regret that circumstances should have rendered such self-denial on the part of the Governor necessary, and we trust err long, that some arrangement may be decided upon which will leave His Excellency at liberty to avail himself of the permission he has received from the Secretary of State. Sir Henry Young's visit to England just now would have proved us the greatest benefit to the Colony, and it is annoying, to say the least of it, that it should be in the power of any man to frustrate an intention so full of promise to Tasmania. Beyond the contempt of the community we can see nothing that Colonel Perceval has gained by his motion.

The Hobart Town Daily Mercury reported on the 9th April 1858 –

The Governor, Sir Henry Young, has determined not to avail himself at present of the consent of the Secretary of State, and will not proceed to England as he proposed to do.

This has arisen through some difficulty raised by his responsible Ministers as to the right of a successor being appointed without their consent. His Excellency, it would seem had asked Colonel Perceval to be his “locum tenens” without consulting his cabinet at all. The exercise of this power they objected to, maintaining that it would be subversive of the first principles of responsible government. They claimed to be consulted in such an important matter and denied the power of any one to claim the position as a “right”, as did Colonel Perceval. And they denied also the power of His Excellency to appoint a “locum tenens” without asking their advice and consent.

With their approbation, the Governor applied to General Macarthur and that gallant Officer consented. Colonel Perceval feeling himself slighted in the matter, remonstrated with the General, pointing out that his accepting the office of Governor would be an interference with his, Colonel Perceval’s undoubted privileges; and General Macarthur rather than lay under any such imputation, revoked his consent and Sir Henry Young has to remain in Tasmania for the present.

Lady Young and family proceeded on Wednesday to Melbourne en route for England. We heartily wish her Ladyship a pleasant voyage.

The 12th Regiment may be the only British Regiment in Australia to have had its most senior Officer offered then denied the position of acting Governor of a Colony. However, Lieutenant Colonel Kempt became Administrator of NSW in 1862.

**Dr. Dick of the 12th Regiment**

In justice to Dr. Dick and the distinguished Regiment to which he belongs, we publish his letter. We regret to say that we are still compelled to entertain a very unfavourable opinion of his connection with the particular incident to which our remarks referred. It’s notorious that Dr. Dick has appeared more than once as a volunteer witness on behalf of a man whose conduct has disgraced the very name of Tasmania, who has given a lie to Her Majesty's Representative, and has terminated a disgraceful career by being, to all intents, branded with the censure of the representatives of the Colony. That man Dr. Dick must have known as one of the principals in the recently terminated case of Gregson and Balfé. He could not but have read the proceedings in the House of Assembly in reference to it, and how he could have afterwards openly associated with Mr. T. G. Gregson we are at a loss to conceive.

The officers and men of the 12th Regiment have deservedly the respect of our citizens, and it was with much regret we found ourselves compelled to notice a fact which has for some time excited
the astonishment of every respectable person in this city, viz. the undisguised association of an officer of Her Majesty's 12th Regiment with Mr. T. G. Gregson.

Will Dr. Dick have the temerity to deny that he was a listener to the obscene remarks of Mr. T. G. Gregson in reference to the Attorney General after the House of Assembly had been cleared of strangers? Dr. Dick must remember that it is owing to the countenance given to Mr. T. G. Gregson by persons occupying the position of gentlemen, he so enabled to inflict such great injury upon the character and interests of the Colony; and Dr. Dick must not grumble if he, as an undisguised sympathiser of this man, has brought upon himself the censuring eyes of an indignant public, who have hitherto abstained from openly pointing at him, through their esteem for every other member of the corps to which he belongs. (Hobart Town Courier 8th February 1858)

**Removal of the 12th Regiment from Hobart to Melbourne**

We understand that the 12th Regiment will embark from Hobart Town for Melbourne on Saturday next. The change of quarters is consequent upon the arrival of the steamer *Megteria* at Melbourne en route to Sydney to convey the gallant 77th to Canton. (Hobart Town Courier 29th March 1858)

The Headquarters of H. M.'s 12th Regiment arrived yesterday by the *Tasmania*, from Hobart Town, for the purpose of replacing the 77th, under orders for Calcutta. The remainder of the 12th (to the number of about 100 rank and file) will come on by the Melbourne steamer, due this evening. It will be seen from another part of our issue, that the 12th has maintained a high reputation in the sister colony for sobriety and general good conduct. (NSW, The Empire, 13th April 1858)

**Newspaper criticises Senior Officers of the 12th Regiment**

The Mercury reported on Wednesday morning the 31st March 1858 –

Our contemporaries were in error in stating that the Officers and men of the 12th Regiment had been ordered for Melbourne. The headquarters only has been requested to hold themselves in readiness to embark, and will embark in all probability, by the next trip of the *Tasmania* for Sydney and not for Victoria, as erroneously stated.

This will necessitate our parting with Colonel Perceval, Dr Dick and the Band. As these gentlemen are going away, we do not wish to write one unkind word concerning them. To say that we shall regret their absence would be to say what we do not feel and what it is just possible we shall not feel. The splendid Band, however, will be a loss.

We should have been well satisfied to have kept them here. It is rarely that a blessing comes but what it is accompanied by some drawback, and so has it been on this case.

These gentlemen will be the first military officers who have left our shores without any regret being felt at their departure. We trust that the lesson which has been administered to them will not have been in vain. If they will but lay aside their absurd notions of superiority over the common run of men, and not sublimate the estimate of their own majesty to such ridiculous extent as they have lately been doing, they will avoid nauseating the good people of Sydney as they have nauseated those in Tasmania.

Our advice is sincere and well meant. We trust it will be received in the same mild, meek and generous spirit in which it has been given.

The Mercury reported on Wednesday afternoon the 31st March 1858 –

The removal of the Headquarters of this Regiment from Hobart Town to Melbourne, it is said, has been decided upon. We do not accept as authentic the alleged causes for this sudden change in the destination of the gallant 12th, which have been so injudiciously
commented upon by our Press contemporaries. The exigencies of the public service require the presence of the 12th Regiment in another place, and as a matter of course they have been "ordered," according to military custom, to "shift their tents."

We cannot say that much loss to the Colony will be a result of their departure. Beyond the necessary expenditure for rations, &c., we cannot perceive any particular advantage their presence in this little island conferred. It is true their officers and men have received, and perhaps justly earned, the warm advocacy of a journal nominally conducted by a person of questionable antecedents; but they must not accept the commendations of such a writer as an indication of the feelings of the public on the subject of the conduct of the majority of the officers of the 12th while in this Colony.

The only matter upon which we can honestly congratulate the officers of Her Majesty's 12th Regiment is contained in the eulogium of their epicene advocate, namely, the confession of the writer, "that he has no personal acquaintance with any of them." This, if true, is a vindication of the Regiment from the hostile strictures passed upon it. No greater compliment could be paid to Colonel Perceval and his gallant comrades than their non-association with the Press representative of as unscrupulous an adventurer as ever imposed upon the credulity of any community.

Had we entertained any feeling of hostility towards Colonel Perceval and his Regiment, it would have been more than satiated by witnessing their humiliation while under the disgraceful ordeal of being eulogised by the Daily News.

This report runs quite contrary to the following "official" farewell address given to Colonel Perceval, refer below. The official version should be treated with skepticism where it comments on the virtues of one man, Colonel Perceval, above all others.

**Colonel Perceval and Her Majesty's 12th Regiment**

On the 9th April 1858, the HQ 1st Battalion, and its Grenadier company embarked from Hobart to Sydney, leaving three companies under Major Hutchins in Launceston and Hobart.

HQ sailed in the steamer *Tasmania* and arrived on the 13th April 1858 in relief of the 77th Regiment. HQ consisted of Lieutenant Colonel Perceval, Lieutenant Fitzgerald, Ensign Oliver, Lieutenant and Adjutant Munro, Paymaster Olivey, Quartermaster Laver, Surgeon Dick, 13 sergeants, 6 corporals, 113 privates, 21 women and 30 children. Mrs Perceval, Mrs Munro, Mrs Olivey and Mrs Laver with her two children were also on board.

Prior to the departure of the Headquarters from Hobart Town, the inhabitants presented the following address to the Battalion on parade, quoted from “History of the 12th Regiment” by Colonel Webb and Sydney Morning Herald 13th April 1858, from the Hobart Town Advertiser, 6th April -

The contemplated departure of the headquarters of H.M. 12th, to replace the 77th in New South Wales, ordered for service in China, naturally suggested the propriety of an address to Colonel Perceval on the occasion, by the inhabitants; and the address having been signed by a number of respectable citizens, yesterday, at half-past two o'clock, was appointed for presenting the same. The weather was not very favourable, but just before the time fixed there was a cessation of the showers, and the officers and men in garrison mustered on the parade ground, at the Military Barracks, forming three sides of a square. The colours of the Regiment were presented, and the band played. Shortly before half-past 2 o'clock, the deputation appointed by the signers of the address, arrived on the ground and, after saluting the gallant Colonel, W. Boys, Esq., M.P., addressed Colonel Perceval as follows:
"I have been deputed by the gentlemen who signed the address to present the same, and I feel proud of the honour. Your sudden departure from the Colony has taken many of the inhabitants by surprise, and there is consequently a smaller number of signatures attached to the address than there otherwise would have been; but we trust this circumstance will not make you for a moment believe that there was any unwillingness to sign it on the part of those who have not had the opportunity; but that you will be assured of the high estimation in which you are held by the great majority of the respectable inhabitants of this island.

Mr. Boys then read the following address:

To Colonel Perceval, C.B., commanding Her Majesty's 12th Regiment of Infantry.

We, the undersigned inhabitants of Tasmania, regret to learn that the headquarters of the Regiment, which you have the honour to command, have been ordered to Sydney, to take the place of the 77th Regiment, about to proceed to the seat of war in China. During the period that you have commanded the Regiment in this Colony it has been eminently distinguished for its good conduct and discipline, and we are sensible of the pains that you have taken to promote temperance and good order in its ranks. To have, at the same time, shown an earnest solicitude for its officers, have rightly discountenanced extravagance, and encouraged them to preserve an honourable and independent bearing.

The troops under your command have been always at the call of the community in every emergency, and the inhabitants of Hobart Town are deeply indebted for the valuable assistance rendered by you upon several occasions of alarming fires. You have been also ready at all times to contribute to social and manly recreations, and have done your utmost to promote public and other entertainments.

The high qualities which you have displayed in the field, and which have been marked by the approbation of your Sovereign, have been, if possible, exceeded by the virtues which have distinguished you at the head of your Regiment in time of peace.

You have combined firmness with modesty of demeanour, and have involuntarily won that respect which never fails to wait upon unpretending worth.

Upon the eve of your departure from amongst us we desire to place upon record the sentiments of this Colony towards you and the officers of the gallant Regiment which you command, and we conclude in wishing you every health and happiness in the new sphere of duty to which you are called.

[Signed by about 150 citizens.]

Colonel Perceval (having received the address) said, "Gentlemen, in returning thanks for the honour conferred on me, I beg to say, aa I am not much in the habit of addressing public assemblies, I have prepared a few words, which you will permit me now to read."

The gallant Colonel then read the following reply:

Hobart Town, 7th April, 1858.

Gentlemen, the address with which you have honoured me, signed by persons of the highest position and respectability, is a flattering testimony to the discipline and good conduct of the soldiers of the 12th Regiment in their name I thank you.

The eulogium passed on myself has reference only to what is the duty of every officer in command, that duty has been performed to the best or my ability, and I thank you for its recognition.
That the Officers of the Regiment should have given any impulse to the social and public amusements at Hobart Town will always be the subject of pleasurable remembrance, and those among us now leaving this Colony experience the regret too familiar to soldiers of friendships hastily severed, and of perhaps a final departure from scenes most agreeably associated with many acts of kindness and hospitality.

In conclusion the officers and men join with me in the expression of our best wishes for the prosperity of Tasmania.

(Signed)
J. H. Perceval,
Colonel and Lieutenant Colonel
12th Regiment

Three cheers were then given with much enthusiasm for Colonel Perceval and the 12th, followed by three cheers for the Queen; the band played "Should Auld Acquaintance," and "God Save the Queen." At the conclusion of the interesting proceedings, the members of the deputation shook hands with Colonel Perceval, and retired. (Sydney Morning Herald 13th April 1858, from the Hobart Town Advertiser, 6th April)

The Sydney Morning Herald (SMH) commented on the 26th April 1858 Notes of the Week –

the majority of the 77th have gone away to [Calcutta] India and the remainder are to follow soon. A party of the 12th with the Headquarters of the Regiment, has relieved them. The departure of the 77th was a very different sort of event from its arrival - no cheering multitudes followed them. But we wish them all good fortune in India. We say again, as we have said before, that as a body they are fine gallant fellows, although there was a bad lot of disorderlies among them, and the black sheep have given a bad name to the entire flock.

Upon its arrival in Sydney, the 12th Regiment was quartered at Victoria Barracks, Paddington and attended services at St James Church in Phillip Street, Sydney and the Garrison church in The Rocks, Sydney.

The following article has been extracted from the book “Military Forces in New South Wales Part 1, 1788-1904” by the Army Museum Sydney Foundation –

Under the supervision of the Royal Engineers, the 12th Regiment supplied fatigue parties for the purpose of leveling off the sand at Victoria Barracks to construct a parade ground. This work was commenced by convicts but they were afterwards withdrawn and the 12th Regiment made an important contribution to the original layout of the grounds.

‘Gold fever’ was forever in the background during the Regiment’s occupation of Victoria Barracks and in order to prevent the men from deserting, they were permitted to work at trades for their own profit. Many of them filled their time making cabbage tree hats (hats made from woven strips of cabbage tree palm leaves), civilian clothes, boot uppers and other commercial products. As a result of these efforts, some soldiers were able to draw considerable sums of money from the Banks upon taking their discharge.

A story is told that Sir Thomas Mitchell, then Surveyor General, was waylaid and robbed by some soldiers of the Regiment in Glenmore Road when returning home from Victoria Barracks after dining with Officers of the Regiment. Sir Thomas was in plain clothes and was not recognised. Being an old soldier himself and an old Peninsular man, he would not identify his assailants.
Regimental Band Displacing Unemployed Musical Professionals

To the Editor of the Sydney Morning Herald. Sir, it is not often we trouble you with our complaints, but we must have our growl with the unemployed. We do not ask for state aid or private subscriptions, but merely for a fair chance of exercising our talents (acquired by years of study) at a fair price.

Our terms have been in accordance with the times, in spite of which we find that on Tuesday next a concert is announced, with but five professional names in the programme; and the following Tuesday a ball, attended by the band of the X11 Regiment.

On both of these occasions there are thirteen persons entirely dependent on their musical ability, "out of work."

These two instances are but a sample of many others where citizens of our class have to provide for wives and families, while those they pay taxes to support are taking from them their means of existence.

They can do it cheaper, because they have neither rent, boarding, or clothing to pay for. By inserting our little grumble you will oblige all. The Musical Profession. Sydney, July 3. (Sydney Morning Herald, 5th July 1858)

Employment of the 12th Regiment in Sydney

Mr. Gordon wanted to know what was to be done with the two companies of the 12th Regiment, and with the Artillerymen? Mr. Cowper said they would have to supply guards for Government House, the Mint, the Commissariat, Goat Island, and other places, and there would be barely sufficient to do this. (Legislative Assembly. Sydney Morning Herald 16th April 1858)

Guard on Goat Island

The 12th Regiment provided a guard on Goat Island between 1858 and 1866.

Goat Island, located in Sydney Harbour, was once the Colony's gunpowder store and the source of the sandstone used in some of Sydney's earliest buildings. Quarried by convict labour, the stone was also used in the island's own structures, including the superb magazine with walls so thick that the temperature inside remains steady, whatever the season. The thirteen hectare island was also the headquarters for the Sydney Water Police who were responsible for the capture of deserters, smugglers and escaped convicts.

Relics of Goat Island's convict origins remain, including a seat carved out of stone by Charles Anderson, who was sentenced to be tied to the rock for two years. Scratchings, made in the guardhouse by sentries from various Regiments, are also in excellent condition.

Construction of the magazine and barrack complex at Goat Island was commenced, using the labour of ironed (convict) gangs, in 1833. The magazine was intended for the increasing stores of gunpowder held in Sydney town for public works and also as a central magazine for the powder stocks of the Army and Navy.

By January 1839, the Goat Island magazine and the adjoining cooperage were completed. The magazine, otherwise known as the Ordnance or Queen's Magazine, was constructed of sandstone quarried on the island and measured 100 feet by 25 feet internally. The magazine was capable of holding 3,000 barrels of gunpowder, and its construction included heavy buttresses supporting a massive arched roof and an intricate ventilation system carved into the sandstone walls.

In 1857, storage space was again a problem at Goat Island and proposals were made for the use of the small magazines attached to the other harbourside fortifications at Fort Macquarie, Fort Denison, Dawes Battery and Kirribilli. When consulted on this proposal, George Barney, the Commanding Royal Engineer suggested, as had the Colonial Secretary in 1848, the use of
Spectacle Island as a site for a new magazine. At this time the amount of gunpowder in store on the Imperial account was 402 barrels, 135 half barrels and 1,473 quarter barrels.

On a March evening in 1866, a shipbroker's office at 17 Bridge Street, Sydney was devastated by the accidental explosion of two bottles of nitro-glycerine. This event appears to have precipitated a decision that the storage of explosives would be removed from the centre of Sydney.

Mounted Orderlies

Private (2992) William Spooner transferred to the Mounted Orderlies on the 7th May 1858 in Sydney.

Indecent Assault – South Australia

Patrick Gillespie, a Private of the 12th Regiment, was charged with committing an indecent assault upon Eliza Jane Robins, a little girl about 10 years of age.

John Hanson Howe, carpenter, said: I was at work at the Police Barracks the previous afternoon, when he heard some children scream, and on looking across the Park Lands, saw a man with white trousers and a red coat leaving some trees near the Frome Bridge road. Went to the children and asked what was the matter, and they told what had taken place. The girl Robins was amongst them. Could not say that the prisoner was the man he saw. Went to work again, and shortly after the girls came to him and said the soldier had come back. Saw the soldier dodging between the trees. Told them to go and tell the Police. They went, but shortly after returned, saying the Police had got their swords out. Went in with them, and saw Sergeant Major Hall, who went after the man.

Eliza Jane Robins said she was gathering bark on the Park Lands on Wednesday afternoon, with five other girls, when the prisoner came to them. (The witness here described the offence, which is unfit for publication). She screamed, and the last witness came to them, but after he had gone, the soldier came back, and she went and told him again. Sergeant Major Hall afterwards took her to find the prisoner. Mary Hobbs, another girl who was present corroborated the last witness's evidence.

Mary Jane Robins said the girl Eliza was her daughter. She was 10 years old in March last. She was brought home on Wednesday evening by Sergeant Major Hall. From what she said she examined her, but found no marks on her person. She said the man had hurt her, but she did not complain of any pain at that time.

Sergeant Major Hall: Apprehended the prisoner on the Park Lands, and told him he must go with him to the Barracks. He said he was too drunk. He was perfectly sober at the time. Told him what he was charged with, and he said he had not seen any girls. Took him to the Station House.

The prisoner, in his defence, made a long statement in order to show that he was not guilty of the charge against him. He said he had been 14 years in the Colony, and his character was good in the Barracks. He was committed for trial at the Local Court of Fall Jurisdiction. (Police Courts. South Australian Register, 8th January 1858)

Note: probably Private (3628) Patrick Gilleese who had transferred from the 99th Regiment into the 12th Regiment, thus substantiating his claim that he had been in the Colony for 14 years.

Assaulting a Railway Guard

Thomas Labee, a soldier of the 12th Regiment, was charged with being drunk and assaulting William C. Robe, a guard at the Railway Station, on Sunday afternoon. The guard stated that when he went to the prisoner for his ticket he told him he had not got one. Told him he must pay one shilling for his fare. A person sitting next him then made some remark, upon which the
prisoner struck him. Told him that no shouting would be allowed, when he turned round and struck witness in the chest. His Worship fined him £1, or in default fourteen days' imprisonment. He was removed by the Police. (The South Australian Register, 9th March 1858)

**Return of the Detachment of the 12th Regiment from South Australia**

The detachment of the 12th Regiment now in Adelaide is about to leave for Sydney. Its place is to be filled by a detachment of the 40th Regiment, under the command of Captain Bligh, who is expected to arrive by the next steamer from Melbourne. En route he will touch at Guichen Bay and leave a party there in the place of that which was sent some time since from Adelaide. (From South Australia, Military Movements. The Argus 12th April 1858)

These soldiers embarked (from Port Adelaide) on Sunday morning on board the *Havilah* for Melbourne. Hundreds of persons had assembled on the wharf to witness their departure. After the soldiers had been mustered and inspected by the officer, a liberal supply of bottled ale and porter was presented to them – chiefly by certain of the fair sex, and the tops of the bottles being adroitly struck off with the bayonet, the “barley bree” was imbibed with an amusing disregard of the sanguinary consequences resulting from the contact of the fractured bottle necks with the lips of the eager drinkers. The final order was given to embark; and then hands were eagerly shaken, good-byes frequently uttered and the warm reciprocation of tender salutes made up a scene as novel to the spectators as it was seemingly affecting to a portion of those who participated in it. The steamer left the wharf amid the vociferous cheering of the soldiers and the counter cheers of their friends on shore. (The South Australian Register, Monday, 12th April 1858)

Sunday, 11th April 1858 – The steamer *Havilah* cleared out for Melbourne. Passengers - Captain Vereker, 12th Regiment, Mrs Vereker, Lieutenant Saunders, Mrs Saunders, in the cabin; 8 Sergeants, 4 Corporals, 78 Privates, 16 women and 36 children in the steerage. (Adelaide Observer, 17th April 1858 – Shipping Intelligence)

On the 18th April, one company of the 1st Battalion rejoined Headquarters from Adelaide, South Australia, after an absence of two years from the Regiment. Five men deserted in March 1858 prior to return to Headquarters in Sydney.

Lieutenant H.L. Williams took leave from Adelaide on the 11th March 1858 and presumably returned to England.

The SMH reported the arrival on the 19th April 1858 of the steamer *City of Sydney* from Melbourne with Captain Vereker, Lieutenant Saunders, four sergeants, four corporals, one drummer and eighty rank and file. The Detachment returned from Adelaide to Sydney via Melbourne.

Mrs Saunders and her maid, Mrs Bell, arrived in Sydney on the ship *Wonga Wonga* from Melbourne on the 28th May 1858 (SMH 29th May 1858). Lieutenant Saunders’ first daughter, Grace, was born at Victoria Barracks.

**Promotions**

The following is announced in the War Office Gazette of the 23rd March. 12th Foot, Ensign Reuben Frederick Magor to be Lieutenant, by purchase, vice Barclay, promoted to an unattached company; Arthur Hopper, gent., to be Ensign by purchase, vice Magor. (The Hobart Town Daily Mercury 24th May 1858)

**A Soldier’s Mess**

The Right Word. A spade is very properly, called a spade; but a soldier's dinner is with greater propriety styled a mess. Punch (The Hobart Town Daily Mercury 24th May 1858)
Arrival of Lieutenant Richardson and Dr. Lynch

_Saldanha_, ship, from Liverpool June 12. Passengers cabin: H.M. 12th Regiment, Lieutenant Richardson, H.M. 12th Regiment, Dr. A. A. F. Lynch, Staff Surgeon, etc (The Argus 20th September 1858)

French Navy - Scientific Exhibition

At the request of His Excellency the Governor-General, Colonel Perceval has placed a large room in the military barracks, at Sydney, at the disposal of Captain Radon, a French naval officer, for the display of a highly valuable conchological collection, including about 5,000 specimens of rare and surpassing beauty, the result of many years' research in seas and rivers in various parts of the world.

In addition to specimens from the European seas, the Atlantic, Indian, and German Oceans, the collection exhibits treasures of much value, gathered from the various island groups of the South Pacific. We may mention, that some years ago, the Belgian Government commissioned Captain Radon to visit, in the barque _Melene_, the coasts of Australasia, New Zealand and other islands of the Pacific, with the view of inquiring into and reporting upon the natural and industrial products of the most important lands of the Southern hemisphere. (The Courier (Hobart 21st September 1858)

Austrian Navy - The Royal Frigate _Novara_ - Circumnavigation of the World

The Royal Austrian Frigate _Novara_ undertook a circumnavigation of the world between 1857-9. The _Novara_ was "prosecuting a scientific voyage around the world" (Sydney Morning Herald, 6th November 1858) and carried amongst her complement of 352, a "scientific Commission" of seven men.

The climax of the _Novara's_ visit to Sydney was reached on Tuesday, 30th November, when a ball, with 300 guests, "the elite of Sydney, the most magnificent celebration of the entire voyage" was held on the heavily disguised warship. On this occasion the _Novara's_ musicians were reinforced by the Band of the 12th Regiment (Sydney Morning Herald, 30th November 1858).

Postponed from the Monday because of heavy rain, the ball was marred by yet more rain, which began to fall at nine o'clock, daunting amongst others Sir Daniel and Lady Cooper from crossing over on the steamer specially hired, at eighteen pounds, for the night.

Transfers from the 77th Regiment

Upon arrival of HQ, Private (161) Joseph Hagarty and Private (62 / 102) George Abbott, servant to the Governor of NSW, transferred from the 77th Regiment into the 12th. Private Hagarty continued to act as servant to the Governor of Tasmania from March 1858 (PRO3718).

Punishment in Western Australia

At the remote station of Swan River (Perth), Private (3049) John Jones was sentenced to 166 days imprisonment in July 1858 and was not released until the 16th January 1859 (PRO3719). The nature of the offence is not recorded. He later received an allowance for good conduct on several occasions. He was discharged in Sydney, as an invalid, on the 12th August 1864. (Note that those members who were retained on garrison duties in Sydney and Hobart at this time in 1864 were probably deemed unfit for active duty in New Zealand.)

Private (3100) John Leekey was also sentenced to 168 days hard labour on the 27th July presumably on a related offence.
Privates Leekey and Jones later took their discharge from Sydney in 1863 and 1864 respectively. Jones settled in the northern New South Wales town of Port Macquarie where his son became the region’s first brick maker.

From a reading of PRO3719, it appears that Private (3097) John Hare was serving a sentence of six years – three periods of two years each – sentences that may have been awarded prior to arrival in Australia. He embarked from Perth for England on the 31st January 1858 for discharge upon arrival.

**Return of Captain Leeson from Perth**

On the 11th instant the brig *T.A. Cole*, sailed for Melbourne with Captain Leeson and Mrs Leeson in cabin and about 60 in the steerage. (Perth Gazette, 12th November 1858)

**Musters**

**Hobart** –

There are always staff changes prior to relocations, January 1858 was no exception in Hobart.

Captain Queade took leave in January 1858 and returned to the Depot in England. Queade later returned to Sydney on the ship *Nugget* in June 1860, briefly served in the 2nd New Zealand Land war and returned to England in October 1860. Queade served at the Depot in Walmer where he transferred into the 2nd Battalion in 1863 (PRO3724).

Major Kempt took leave on the 6th February 1858 (PRO3718) and left Australia and returned in 1860 upon promotion.

Four soldiers were discharged on pension between April and June 1858 - Corporal (1157) James Garrard, Private (1127) John Ablett, Private (1079) Edward Christie and Private (1096) Edward Reilly. This was the largest number of soldiers to have been pensioned from the Battalion in Australia at any one time.

Three soldiers were transported back to England – Private (3043) John Devy on the 30th January, Private (3620) John Fitzgerald on the 12th August and Private (1389) Richard Callaghan on the 14th October 1858. (PRO3718)

There were eight desertions between January and March 1858 in Hobart and one transfer, and ten deserters between April and June 1858. There were five deserters between July and September 1858 and four deserters between October and December 1858.

QM Sergeant (718) Charles Seager took furlough between July and September 1858 in Hobart and discharged on the 30th September 1858 (PRO3719).

Sergeant (1978) Terence Rawson was appointed Provost Sergeant in Hobart in July 1858 (PRO3719).

Corporal (3214) Allen Bell was demoted to Private.

Captain Olivey married Elizabeth Goodfellow in Hobart.

Lieutenant Wilkie’s daughter, Marguerite Annabella, was born on the 3rd August 1858 in Port Arthur (TAS BDM 633/1858). Marguerite died six hours later and was laid to rest on the 4th August on the Isle of the Dead at Port Arthur. Later after Captain Wilkie’s death in 1862, Mrs Wilkie is described as childless.

Captain John Lunan Wilkie, the only officer of the 12th Foot recorded in Hart's Army List of 1859 as having purchased a Captaincy in 1858, the purchase being effective 26th October 1858.
Corporal (3322) Charles Yalden married Mary Jane Franklin, born Hobart, on the 1st November 1858 in the Church of St George, Battery Point, Hobart. One of the two witnesses was James Cousins, a Private (3161) of the 12th Regiment.

**Perth** -

Private (3032) John Flynn died on the 4th April 1858. Earlier, Flynn had been sent from Hobart to Sydney and placed in confinement (cells) for thirty-one days between July and August 1855. He was in hospital in September 1855.

Colour Sergeant James Moore died on the 10th June 1858.

**Sydney** –

McGillivray deserted on the 2nd March 1859.

Corporal Marsland's sixth child, Agnes, was born in Victoria Barracks, Sydney on the 23rd July 1858.

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<tr>
<th>Recruits</th>
<th>Age</th>
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<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
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<td>Cornelius Husband</td>
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<td>5’6”</td>
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<td>Andubon McGillivray</td>
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<td>Robert Burrill</td>
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<td>Hugh Evans</td>
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1859

“Sydney was a most delightful quarter.”

Stations
NSW, Tasmania (Launceston, Port Arthur) and Western Australia.

Battalion Structure
The 1st Battalion was formed into ten service companies on the 7th July 1859.

Troop Movements
On the 14th June, Captain Leeson sailed to the Swan River settlement. Upon promotion Lieutenant Harward returned from England on a second tour of duty to Sydney on the ship Salsette (SMH 11th July 1859). Harward later transferred to the 13th Regiment in England in October 1863 (PRO3724).

Lieutenant Oliver went to the Swan River from Hobart in January 1859 and was joined by Ensign Tomlin who went from Sydney to the Swan River on the 20th February 1859.

Major Hutchins and Lieutenant Mathew Coke transferred from Hobart to Sydney in January 1859.

Staff Surgeon Bacot, wife and three children sailed to England on the ship Star of Peace on the 1st June 1859. Bacot returned to Sydney in 1864 on a second tour of duty as Assistant Surgeon for the Battalion.

Mrs Hutchins and child arrived in Sydney on the 23rd October 1859 on the ship Tasmania from Hobart (SMH 24th October 1859).

Lieutenant John David Downing arrived in Hobart from England on the 10th February 1859.

Return of Colonel Perceval to England

The Sydney Morning Herald reported on 17th December 1859 under Shipping - Clearances ship Jackwall for London, passengers Colonel and Mrs. Perceval, 2 children and servant …

Marriages of Captain Cole and Lieutenant Coke

Also, at same time and place, Matthew Coke, Esq., H.M.'s 12th Regiment, to Annie, fourth daughter of James Lord, Esq., of Hobartville, Tasmania. (The Hobart Town Daily Courier 20th April 1859)

Child for Lieutenant Sweeney
On the 28th instant, at Petersham Cottage, the wife of James Fielding Sweeny, Esq., 12th Regiment, of a daughter. (Sydney Morning Herald 29th March 1859)
Child to Major Hutchins
At New Norfolk, on the 13th instant, at the residence of her father, W.J. Sharland Esq. the wife of Major Hutchins, of a daughter. (The Hobart Town Daily Courier 16th May 1859)

Child to Colour Sergeant J. Hill
On the 17th instant, at the Victoria Barracks, the wife of Colour Sergeant J. Hill, 12th Regiment, of a daughter. (Sydney Morning Herald 21st July 1859)

Child to Captain Wilkie
On the 5th August, at Notting Hill, London, the wife of Captain Wilkie, 12th Regiment, of a daughter. (The Argus 8th October 1859)

Captain Downing’s Arrival in Perth
Captain Downing arrived from Albany on Wednesday evening to take the command of the Detachment of the 12th Regiment stationed in the Colony. (Perth Gazette, 15th July 1859 – Domestic Sayings and Doings)

Drummer Eagan
Eagan was stationed in Sydney in 1859 where he was in hospital during April and later spent two days in the cells for a minor offence in August (PRO3719 WO12/2978 page 67). Private Eagan was re-appointed Drummer on the 1st July 1859 (PRO3719).

Move from Hobart to Sydney
On the 12th January 1859, three companies of the 1st Battalion including Major Hutchins, Captains Atkinson, Cole, Miller and Wilkie, Lieutenant Coke, Assistant Surgeon Lynch, 237 rank and file, twenty-two women and forty-one children embarked from Hobart on the ship Salem and arrived in Sydney on the 20th January. (PRO3715)

Privates Canty, Collins and Thompson, who had been stationed at Ballarat, were amongst these companies.

Transfer of Invalids to England
Captain Vereker and wife returned to England on the 19th January 1859 on the ship La Hogue in charge of forty-eight invalid soldiers of the 12th Regiment and six sailors, as reported in the SMH 20th January 1859. However, the Payroll and Muster for this period only identifies eleven invalids. But it also records the names of ten invalids from the 11th Regiment and five invalids from the 77th Regiment. (PRO3719 WO12/2976 page 125)

Upon arrival, Captain Vereker commanded the Depot company at Walmer England. He returned to Australia in 1863 and participated in the 3rd New Zealand Land war.

Several invalids left Hobart for England on the 28th February 1859. Of these, Private (1151) Richard Coombs and Private (1190) William Percy had been at Ballarat, possibly Eureka, together.

Arrival of Companies from the Reserve (2nd) Battalion on the ship Donald Mackay
Drafts from Her Majesty’s 12th and 40th Regiments have arrived at Melbourne, by the Donald McKay, to take the place of the men whose term of service has expired under the Limited Enlistment Act, and who will be forthwith sent to England, there to be discharged. The strength
sent here is as follows:- 12th Regiment, three officers and sixty rank and file; 40th Regiment, one officer, one drummer, and twenty rank and file (From Victoria. Sydney Morning Herald 11th July 1859)

Two companies from the Reserve Battalion were dispatched from England to Melbourne, Victoria, and incorporated into the 1st Battalion.

Lieutenants David Seymour and Featherstonehaugh, Ensign Siddons Mair, and Assistant Surgeon Titterton of the 12th and Ensign Dudgeon of the 40th along with 100 rank and file of the Regiment embarked from Liverpool on the 7th April 1859 on the ship Donald Mackay. They arrived, after a voyage of nearly 105 days in Port Phillip, Melbourne, on the 4th July 1859.

The Argus, 7th July 1859, reported that Private (84) James Greenhalgh fell overboard during the voyage on the 20th April and drowned. A hatter by trade, born Bolton, Greenhalgh had enlisted on the 22nd May 1858 (PRO3720).

The SMH reported the arrival of seventy-nine soldiers in Sydney from Melbourne on the 11th July 1859 on the steamer City of Sydney. The payrolls advise that Lieutenant Seymour arrived from England on the 27th July 1859 implying that he may have stayed longer in Melbourne than the others.

Ensign (later Colonel) Mair recorded the following events in his diary -

Nine companies were at Headquarters, and one on detachment at Swan River, a convict station about 700 hundred miles distant. The Battalion could turn out about seven hundred strong and a fine lot of old soldiers they were many of the unlimited and ten years’ service men being still in the ranks…….

Sydney was a most delightful quarter, and as it was said to be expensive, Colonial pay was given by the Colonial Government at the rate of five shillings per day for Company Officers, and seven shillings and six pence for Field Officers.

When the 12th first arrived in the Colonies, they had a good deal to do in the way of guards over the convicts, but by the time our draft reached New South Wales, we had to furnish only one convict guard, and that was over a few hundred ‘lifers’ and long sentence prisoners. The guard was rather an interesting one. It consisted of a subaltern and fifty men, and mounted for 14 days on an island in the middle of the magnificent harbour of Sydney. (Refer to the conditions of the prison on Cockatoo Island under the years 1861 and 1863.)

We had little to do with the convicts, as there was a Governor and regular staff on the island, but we became acquainted with a few of them. Some of the prisoners had been men of good position. Three had been in the Church, one was the son of a Marquis, two were Baronets, and there were many others for, whom one felt specially sorry. This guard was useful to some of us, as five shillings a day and allowances went with it.

The Regimental Mess was conducted on what we should now consider old fashioned lines, but at the same time it was most thoroughly comfortable. The mess man was well pleased if he had fifteen dining members on his books. Colonel Perceval did not consider it necessary to comply with some of the minor rules, such as dining in tunics, and allowing port and sherry to be the only wines drunk at and after Mess. On guest nights, champagne was handed round once, by the mess butler, and Officers who did not intend to drink it, merely turned their champagne glasses upside down, then their wine glasses were filled with sherry. After that the wine was handed round no more, but, as each Officer desired to have wine, he told the Mess butler or Corporal to take the wine with his
compliments to…….; he would ‘be glad to drink wine with him.’ One generally drank wine with each guest.

Dinner on guest nights, or, more correctly speaking, the time we sat at table, was apt to be a little long. The band did not commence until the cloth had been removed and the health of Her Majesty proposed. The programme commenced as it ended with ‘God Save the Queen.’ There we sat, and as we had not a string band, and had much brass in the Regimental one, conversation was rather a difficulty. This was no doubt the cause of so much wine being drunk after dinner, about one bottle and a half per man. Smoking at the Mess table had not then been introduced.

It seems a little strange that even so late as the fifties, we should carry our Mess table and billiard table about with us. Colonel Hamilton decided to sell them, on the Headquarters being ordered from Sydney. The dining table was a handsome piece of mahogany, and there were many legends connected with it. On that table were said to have been laid out the bodies of Officers of the 12th who fell at Seringapatam, and the morning afterwards, all officers and men who were not on duty marched through the Mess tent, saluting the poor fellows, who had been dressed in full uniform. There were marks on the mahogany made by the Spurs of a certain very diminutive Adjutant, who, when specially cheerful after Mess, would send for his fiddle, and, to his own accompaniment, would perform a ‘pas de seul’ among the bottles and glasses. One or two old Officers of the battalion objected to the disposal of the Mess table, but Colonel Hamilton said that he did not intend the Regiment to become an antiquarian museum.

Of this, Colonel H. D. Cutbill, who was then serving in the 1st Battalion, wrote -

in the ranks of the 12th there were not a few men who had been serving in the old Bengal European Regiments, and who were transferred or re-enlisted after the Mutiny; they were fine men, but the enervating Indian climate had left its mark on a good many of them.

Note that the above diary entries have been copied from Colonel Webb’s “History of the 12th Regiment”. Colonel Webb draws extensively from Mair’s diary in his description of the New Zealand wars.

Return to Tasmania

On the 22nd July 1859, two companies embarked from Sydney on the ship Tasmania for Launceston, Tasmania, where, on arrival, one proceeded to Hobart Town. The ship carried four officers, including Captain Sillery and Lieutenant Featherstonehaugh, 103 rank and file, seven women, ten children and two servants. (PRO3719)

Contrary to the usual posting cycle, Captain Sillery remained in Hobart for the next seven years.

The Regimental Band


Farewell to Colour Sergeant (2408) James Stewart

After he was posted from Western Australia back to Sydney, Colour Sergeant Stewart took his discharge. SMH 20th December 1859 -

An entertainment on a superior scale was given in the Victoria Barracks a few evenings ago by the Sergeant Major and Sergeants of the 1st Battalion, 12th Regiment to Colour
Sergeant and Orderly Room Clerk James Stewart on the occasion of his being about to proceed to England for discharge from the Service after being in the Regiment upwards of twenty-five years.

It appears that this non-commissioned Officer, from his urbanity of manners and generous disposition has won for him the esteem and affection of both Officers, non-commissioned Officers and men in acknowledgment of which they decided upon presenting him with a massive silver tankard bearing a suitable inscription and inviting him to a ball and supper.

The ball room was decorated for the occasion with the flags of all nations and dancing was kept up until a late hour in the morning. Suitable addresses were made use of on the occasion and the evening was spent most pleasantly.

**Assaulting of a Police Constable by Private (3059) John Eagan**

John Eagan, Private soldier of the 12th Regiment, charged with having assaulted Constable Fullerton and destroying his uniform coat, was remanded to the military authorities. (Sydney Morning Herald, 31st January 1859)

**Inter-Colonial Cricket Match**

To the Editor of the Sydney Horning Herald. Sir, As I have seen no advertisement in your columns on the subject, I should be glad to know, at this the eleventh hour, if the Committee for the Inter-Colonial Cricket Match has any intention of providing each of the subscribers to the ground, or the match fund with a certain number of seats for ladies, who may be desirous of witnessing the game as, in my opinion, the funds in their hands might be very considerably increased by a little judicious management in this respect.

I would suggest, for instance, the creation of an awning, which might be easily and speedily done by driving in posts at intervals, and stretching canvas over them, capable of protecting from the sun a thousand or more persons, and that chairs or forms should be provided for the accommodation of that number. A uniform charge of 3s. or 4s. could then be made for each seat, such charge to entitle the person to a seat under the said awning, throughout the match. Subscribers to the ground, and subscribers to the match, to the extent of 1s., being individually entitled to such number of seats as the committee may decide, free of charge.

By this means I feel sure a considerable increase would be made to the committee's funds, and the match would be honoured by a larger attendance of the fair sex, whose presence materially tends to enrich the proceedings, and stimulate the exertions of the players.

It would add to the amusement and attendance too, if a band of music were stationed near or under the awning; and I feel convinced that if proper application were made to the military authorities, who have invariably shown themselves most courteous to applications of such kind, that the attendance of the fine bands of the 12th Regiment and Royal Artillery might be secured for the occasion.

I have the honour to be, Sir, your most obedient servant, An Old M.M.C. Sydney, 28th January.

(Sydney Morning Herald 19th January 1859)

**Grand Complimentary Dinner to the Inter-Colonial Cricketers**

On Tuesday evening last a public dinner was given at Clark’s Assembly Rooms, in compliment to the cricketers engaged in the late gallantly contested inter-colonial match between Victoria and New South Wales. …In addition to the special guests of the occasion, it was honored with the presence of His Excellency the Governor General, and the Hon. the Speaker……attended also by several naval and military officers, as well as many gentlemen enjoying distinction in Parliament,
or in the learned professions, among whom were observed Colonel Perceval, Captain Vernon, 
*H.M. S. Cordelia*; the Hon. J. Robertson, Minister of Lands and Works; …with many local 
players and lovers of the game, etc. There were about 140 persons in attendance…

The band of the 12th Regiment was present, and exhilarated the evening's proceedings by playing 
appropriate music during the intervals of the toasts. ((From the Sydney Morning Herald, The 
Argus 2nd February 1859)

**Master of the District Hospital**

On Wednesday, the committee of the District Hospital met to elect a master for that institution; 
there were seventeen candidates for the office: the successful one was Sergeant Burnside of the 
12th Regiment. (From Victoria. Sydney Morning Herald 3rd September 1859)

**Unlawfully Rescuing a Prisoner**

Robert James Welshman was charged with having unlawfully rescued a prisoner from the custody 
of a military guard. Terence O’Carroll, a Corporal of H. M. 12th Regiment, deposed that between 
ten and eleven o’clock last night he apprehended a Private soldier of the 12th Regiment, who was 
in prisoner's company on the South Head Road, for being absent without leave from his military 
duty; the defendant would not suffer the man to be taken, who through his interference made his 
escape. Committed for trial at the District Court of Quarter Sessions. Bail allowed. (Sydney 
Morning Herald 5th October 1859)

Robert J. Welshman, tailor, Forbes Street, was charged with attempting to rescue a soldier of the 
12th Regiment from the military guard. Terence O’Carrol, Corporal in charge, deposed that he 
got to a public house near the barracks for the purpose of arresting a soldier who was out after 
hours. Prisoner was drinking in company with the soldier. On the Corporal taking the soldier in 
charge, the prisoner aided in freeing him; both ran some distance, but were ultimately captured by 
the regimental guard. Prisoner said in defence that he had been drinking with the soldier during 
the afternoon; that being aware of the lateness of the hour he had urged him to go to barracks, but 
he said his pass did not run out till the following morning; he was the worse for drink at the time. 
The Corporal said the military offender would be dealt with by Court Martial. The Bench, after a 
careful hearing of the case, committed the prisoner for trial. Central Police Court. (Empire, 5th 
October 1859)

**Fatal Accident – Private (3619) James Foley**

Another fatal accident, attributable it would appear, to that most prolific of all sources of 
accidents - intoxicating liquor - occurred to a Private of the 12th Regiment, named James Foley 
last Friday night. The deceased and three other privates of the same Regiment, in company with 
some civilians, were drinking together in Mr. Huberts “Vale of Avoca” public house, at the back 
of Darlinghurst Goal. The three soldiers already alluded to were in the house drinking when the 
deceased came in company with a civilian who, like himself, was considerably under the 
influence of liquor.

At about a quarter to nine o’clock the other three left the house to return to the Barracks, and 
when, on the point of starting, they requested the deceased to return with them, as their time of 
leave had nearly expired. He rose, and, went to the door with them, but expressed a determination 
to go and see “the old woman” (a Mrs. Shearman, who keeps a public house in Palmer Street, and 
with whom the deceased was acquainted from her being formerly connected with the same 
Regiment), before returning to the Barracks.

The other three then proceeded towards the Barracks: and it may not be out of place to remark, 
that on their way thither, one of them stumbled into a hole, near the church of the Sacred Heart; 
but whether the accident was occasioned by the darkness of the night, or by the drink, with which
all of them had somewhat freely indulged themselves, it is impossible to say. The deceased was left standing at the door of the public house, and it would appear that he did not re-enter, but proceeded in the direction of the public house before alluded to, evidently intending to go down by way of the stone quarry in Bourke Street.

Instead of going down by the footpath, he kept too much to the right, and fell over the cliff (which at that particular spot is almost perpendicular) into the quarry beneath, and from the injuries (discovered on examination after death) inflicted by the fall from such a height, must have expired almost immediately; the body was discovered a little before six o'clock on Saturday morning by Constable Dorney; of the D division, who immediately reported the circumstance to his Inspector.

The body was dead and cold; blood had been issuing from the ears and mouth, and a pool of blood was observed near the deceased’s head. The body was soon afterwards conveyed to the dead house at the Victoria Barracks, and inquest commenced in the course of the day by the City Coroner. After a number of witnesses had been examined, it was deemed advisable to adjourn the inquiry till Monday, for the purpose of eliciting further evidence. The inquest consequently stands adjourned to this morning.

The deceased was a single man of about forty years of age, a native of the county of Dublin, Ireland. He had been over twenty years a soldier, and served part of that time in the 99th Regiment. He was a strong healthy man, and was said to have been usually quiet and well conducted. It is proper to remark that since the sad occurrence a fence has been erected on the top of the cliff to secure it against further similar accidents. (Sydney Morning Herald 31st October 1859)

**Wine Imports**

Ten cases of wine for the Officers of the 12th Regiment (Imports. Sydney Morning Herald 5th November 1859)

**Military Hospital Diet**

From the Editor, Perth Gazette, 1st April 1859: we have been requested to publish the following correspondence:

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Episcopal Residence,
Perth,
March 7, 1859

To Dr Arden
Sir,

I have the honor to inform you that His Lordship has received, from Lieutenant Colonel Bruce, a copy of your communication to him, bearing date March the 4th, in which you state “that the Sisters of Mercy are in the habit of telling the Patients in Hospital that the diets which are given them are not correct, and of bringing food to the Patients.”

As the above statement contains two distinct charges of a serious nature against the Sisters of Mercy, I have the honour to request, on their part, that you will favour me with authority on which you prefer these charges, and the evidence that justifies the assertion that the Sisters of Mercy are habitually liable to such charges.

The Sisters of Mercy, though they can confidently rely on their own fair name and character to vindicate them from either calumny or misrepresentations, yet deem it a duty they owe the sacred cause in which they are engaged, not to pass over in silence such unfounded charges as are these contained in your letter of the 4th instant.
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I have the honor to be Sir etc,

M. O’Reilly, V.G.

George Arden, Esq,
Assistant Surgeon
12th Regiment

Reply.

To Father M. O’Reilly

Sir,

I have the honor to acknowledge the receipt of your letter of the 7th instant, by which you appear to fancy that I have aspersed the fair name of the Sisters of Mercy. I entirely disclaim any intention of doing, for though differing with them in religion, I feel that too much praise can scarcely be awarded to those which lives are devoted to the task of visiting and nursing the sick and afflicted, and I am only too glad that the men in the Military Hospital can have the benefit of their kindness and attention. At the time I made the statements I did concerning them, I believe that they had erred through ignorance of the rules of the Hospital, and out of pure kindness of heart.

You will I trust agree with me in thinking that further communication on this subject is quite unnecessary.

I have the honour to be Sir etc.

From the Editor.

In another column will be found a letter from Mr O’Reilly purporting to be a reply to the article in our last issue. It is a matter of regret that this unfortunate gentleman had not some kind of friend near him to prevent him making a further expose of his perverted understanding than he had already done, or are we to suppose it real simplicity in Mr O’Reilly and a defect in his education that he cannot perceive that in publishing the correspondence he did, his object was, or ought to have been, to make the public to judge a matter between Dr Arden and the Sisters of Mercy and not between Dr Arden and Mr O’Reilly. If we had wanted proof that every remark we made last week was perfectly justified, we could not wish for stronger than Mr O’Reilly has this week furnished, but we think the gentleman more deserving of pity than of anger from us in that he is evidently devoid of common sense himself or thinks our readers must be. We cordially wish him improvement in his sense of right and wrong, and a larger share of that Christian spirit which should distinguish his sacred profession. (Perth Gazette 15th April 1859)

Note: John Brady was the Catholic Bishop of Perth from 1845 to 1871 and had brought six Sisters of Mercy to Perth in 1846. He was referred to as his “Lordship” in the above letter.

Father Michael O’Reilly was a Catholic priest serving in Perth, Western Australia. He was the Bishop's representative or assistant in matters of law or administration and as such was titled the Very Reverend Vicar General. A Vicar General is the principal deputy of the Bishop of a diocese for the exercise of administrative authority.

By 1854 Catholics were approximately 18 percent of the population due to free settlers, a number of Irish among the convicts, and young Irish women sponsored by the government.

Punishment, Western Australia

Consistent with the previous year, Captain Palmer awarded severe sentences to three soldiers in June 1859 - Private (2403) Drum fifty lashes and 365 days imprisonment with hard labour,
Private (3510) Martin 365 days imprisonment with hard labour and Private (3379) Purvis 168 days imprisonment. Descriptions of the offences are not recorded. (PRO3720 WO12/2979)

Sergeant (2533) Denis Brennan, formerly of the 70th Regiment, was reduced by Garrison Court Martial to Private on the 6th May 1859 in Perth. Brennan had turned a blind eye when two of the Privates in his section had either been habitually drunk (John Purvis) or were found sitting down in a Sentry box (John Donohoe) while on duty. He had earned two Good Conduct pays prior to demotion. He resigned in 1860 and became a very successful merchant and landowner in Perth, dying in 1884.

New OIC Western Australia

Captain Downing, wife and son, one Sergeant and a Private, two women and one child left Sydney on the ship Benares for King Georges Sound, Western Australia. (SMH, 1st June 1859)

Captain Downing arrived from Albany on Wednesday evening to take the command of the Detachment of the 12th Regiment stationed in the Colony. (Perth Gazette, 15th July 1859 – Domestic Sayings and Doings)

Withdrawal of the Military from Perth

A dispatch, received by the April mail from the Secretary of State to the Governor, conveys an intimation that the Detachment of regular troops hitherto stationed here are to be withdrawn, and that a Pensioner Force is to be organised in its stead. This has taken both the Governor and Commandant by surprise, no intimation of even an idea of the kind being entertained at home, having been previously given to them.

It appears the step is taken in consequence of representations from the General at Melbourne, that the isolation of a Detachment here for a long period from the Headquarters of the Regiment is detrimental to its discipline, and that to change it yearly would entail an expense of £2,000. The Commander-in-Chief coincides in the opinion, and agrees that no detachment should be absent more than twelve months from its headquarters, and that if regular troops still continued to be stationed here, they must be relieved yearly even at the heavy expense mentioned. His Royal Highness, however, misconceiving it is supposed the number of Pensioners in the Colony available for regular duty, proposed that an efficient body should be enrolled to take the duty of the regular troops. (From Western Australia. The South Australian Advertiser 9th August 1859)

Confirming that the Detachment will stay in Perth

By the English mail nothing additional was heard respecting the removal from this Colony of the Detachment of the 12th Regiment serving here. The intelligence had not it seems reached the General at Melbourne when the June mail left. (Perth Gazette, 22nd July 1859)

The Intelligence has been received that the General commanding at Melbourne had received no directions from England to remove to headquarters the detachment of the 12th Regiment serving in the Colony (Perth Gazette, 19th August 1859)

Laying the Foundation Stone of the New Government House, Perth

This ceremony, which was performed yesterday with Masonic honors, drew together the largest assemblage which has ever been mustered. The visitors from the country were numerous, and the steamer from Fremantle increased the throng with nearly a hundred passengers.

The ancient and honourable craft mustered strong upon this to them a most interesting occasion. The Lodge was opened at noon and the Brethren soon assembled, in number between forty and fifty. Unfortunately the state of health of the Worshipful Master, Brother T. N. Yule, prevented his attendance, and he delegated his duties to the Past Master, Brother F. Lochee, who went through the ceremonies with strict conformity to the ancient customs of the Craft.
The procession left the Lodge Rooms, shortly before two o'clock in the following order:

| Br G. Haysom, Steward with Wand. | The Royal Engineers Band.  
The Tyler with drawn Sword.  
Entered Apprentices Banner borne by Br. Graves.  
Entered Apprentices - Two and Two.  
Fellow Craft's banner borne by Br. H. Mercer.  
Fellow Craft - Two and Two.  
Lodge banner borne by Br. W. Burges.  
Master Masons - not being officers of the Lodge.  
Past Masters - not being officers of the Lodge.  
Brother P.M., L. S. Lenke, bearing the Cornucopia with Corn.  
Brother P.M., H. Saw, and Brother P.M., T. Saw, Silver Ewers with Wine and Oil.  
Brother Secretary, A. Shenton - bearing Book of Constitution on Cushion.  
Brother Treasurer, Br W. Leake - bearing a Box with Coins.  
Brother P.M., James Nairn, with J.W. column.  
The Junior Warden Brother V. Smith bearing Plumb Rule  
Brother P.M., C. A. Manning - with S.W. Column.  
Senior Warden Brother J. Farmaner, bearing a Level.  
P.M. Brother A. O' G. Lefroy - bearing the Masters Column.  
Brother P.M., G. F. Stone - bearing the Bible, on Cushion.  
Brother K. T., J. Bury - with Mallet  
Inner Guard - Brother B. B. Ranford, with drawn sword,  
Acting W.M., F. Lochee, supported by S. Sub-Deacon Brother G. Arden, with wand.  |


The Brethren entered at the usual gate of Government House, and proceeded along the path far enough to allow the rear of the procession to pass within the gates, when the Brethren opened to the right and left, facing inwards, leaving room for the Master to pass up the centre, he being preceded by the I. G., the officers and Brethren following in succession, inverting the order of procession.

In this new order, the Brethren took up their ground, which was on a platform raised on the foundations of the new building, ranging themselves near the Stone.

His Excellency the Governor and his suite, having assembled at the spot, the ceremony was opened by Prayer, offered up by Dean Pownall. The prayer being concluded, the following Brethren, drew near the stone, viz. the W. M, the S.W., the J. W., and the immediate P.M., when the ceremony was commenced as follows.

The inscription was read by Major Henderson, Royal Engineers, who deposited it in the cavity prepared for it; the W. M. then called upon the Treasurer to deposit the coins in the same cavity; the Stone having been placed in its proper position by the workmen; the W. M. handed the trowel to Mrs Kennedy for her to spread the cement. The stone was then lowered to its proper position, the Military presenting arms and the Band playing, the W.M. then adjusted the stone with the Plumb Rule, Level, and Square; the Plumb Rule being handed to him by the J. W. the Level by the S. W. and the Square by the Immediate P. M. after which the W. M. gave the stone three knocks with the Mallet, saying at the same time:
"May the Great Architect of the Universe grant a blessing on this Foundation Stone, which we have now laid; and by his providence enable us to finish this, and every other work which may be undertaken for the embellishment and advantage of this City."

The Brethren then gave the honours; the Cornucopia, and the Ewers with the Wine and Oil, were then brought forward by the Brethren having charge of them, who delivered them thus: the Cornucopia to the Immediate P. M., the Wine to the S. W., the Oil to the J. W., who in turn presented them to the W. M., who scattered the Corn and poured the Wine and Oil on the stone, saying:

"May the All bounteous giver of all good things bless this City with an abundance of Corn, Wine, and Oil and with all the necessaries, conveniences, and comforts of life; and may the same Almighty Power preserve this City from ruin and decay to the latest posterity."

After the ceremony of laying the stone was concluded, His Excellency the Governor made a short address in his usual happy manner, thanking the Very Rev. Dean Pownall and the Acting Master and Brethren of the Freemasons for the manner in which the ceremony had been performed, The Acting Worshipful Master then presented to Mrs Kennedy the Trowel which had been used, which was of silver with a raspberry jam wood handle, rounds of cheers were given for Her Majesty, the Governor, and Mrs. Kennedy, and the Lodge then returned in the same manner as it had set out.

The detachment of the 12th Regiment were present, under the command of Lieutenant Colonel Bruce, and gave the Lodge the honor of a military salute both on arriving at and departing from the ground.

(The Perth Gazette and Independent Journal of Politics and News, Friday 18th March 1859)

**Escaped Convicts from Perth**

The *Favourite* sailed from Shark’s Bay on Friday last with the Superintendent of Water Police and Dr Arden. She was engaged by the Commissariat at £85 for the trip and £3 per day during detention at Shark’s Bay. The scene of the murder of Lacey is stated to be twenty five miles inland, so that the return of the vessel in time for the Sessions next week cannot be expected, especially as she had to deliver cargo at Champion Bay, the trial of convicts will in all probability be at a Special Session held for the purpose. (Perth Gazette, 10th April 1859)

The schooner *Favourite* returned from Shark’s Bay on Tuesday last, with the party who proceeded thither to examine into the truth of the alleged murder of the escaped convict Lacey by one or other of his companions. The body was found buried in the sand a short distance from the beach, and from the dry nature of the climate, was in almost a perfect state of preservation, so as to allow of immediate identification, but it also still retained some of the prison underclothing. Death had undoubtedly resulted from violence being the effect of shot wounds in the face and a broken neck, caused by a heavy blow, but the reported bullet wound in the abdomen proved to be merely the mark left by an ulcer or boil. An examination into the contents of the stomach disclosed only some berries and remains of oysters. The body was re-interred and the funeral service read over it. The convicts implicated in the murder are we believe Williams and Haines, their counter charge against Campbell that Lacey had died from starvation through a broken jaw caused by a kick from Campbell a week previous to his death, having been disproved by the post mortem examination which disclosed no violence on that part.

With respect to the reported discovery by the convicts of human bones and a broken gun, the barrel of which was brought away by Mr Clifton on his former trip, an investigation of the coast was made for four or five miles but the only bones seen were those of turtle, but the stock of the gun was found, which proved it to have been an English Cavalry carbine, almost exactly...
corresponding with those now in use by the Water Police; further proofs were also found that some years ago, probably four or five a party of eight or ten had been there for some time, five circular huts or rather “break winds” having been found at different spots, and from the turtle bones and remains of shell fish round them their tenants had evidently been designedly broken to serve as a means for knocking oysters off the rocks and the brass butt had been turned up to be used as a lever. The convicts also report that one of the huts they saw had been covered in, a small hole being left for ingress and egress. Who the party could have been it is difficult to conjecture, or how they got there or got away again leaving no other traces behind them. (Perth Gazette, 15th April 1859)

A special Session of the Criminal Court is to be held tomorrow, Saturday week, for the trial of the convicts Williams, Stevens, Haines and Campbell, for escape from the Convict Establishment, robbery under arms and the murder of their comrade Lacey. (Perth Gazette, 29th April 1859)

Servants

Private (2797) Thomas Culpeck was Staff Servant to the Battalion Officers. Private (101) John Hagarty was a servant to his Excellency the Governor of Tasmania in March 1859. Hagarty became Staff Servant in April 1859. Private (3211) John Sheehan was servant to Colonel Kempt. Private (3214) Allen Bell was servant to Captain Saunders while Bell’s wife was maid to Mrs Saunders.

Cockatoo Island

In February 1839, sixty prisoners were transferred from Norfolk Island, north coast of NSW, to Cockatoo Island, situated in Sydney harbour, and began excavating the sandstone rock to make grain storage silos for the Colony. The excavated rock was also used to build the cell block and residences for the goal which moved there in 1842. At its peak, there were 323 prisoners on Cockatoo Island. The island was used as a goal until 1870 when the prisoners were transferred to the new goal at Darlinghurst in the city of Sydney.

In 1857, prison labour was used to construct Australia’s first graving dock which was named Fitzroy Dock after the former Governor, Sir Charles FitzRoy. The dock was a narrow basin carved out of sandstone rock and served as a multi-purpose dock for ship building, repair, and maintenance. The word "graving" is more often used to denote the cleaning of a ship's hull.

Upon arrival in Sydney, the 12th Regiment was assigned guard duties of a small prison on Cockatoo Island in Sydney harbour.

Non-Payment of Toll

John Wilson, keeper of the toll-bar on the Old South Head Road, yesterday appeared on summons to answer the complaint of Francis A. Fitzgerald, Lieutenant of H.M. 12th Regiment of Foot, for having on the 9th instant demanded and received toll of sum (complainant) in respect of a carriage in which he and three other officers were proceeding from Victoria Barracks to Sydney.

Mr. Cory for the complainant stated the facts and directed the attention of their Worships to the 27th section of the 13th Victoria, No. 41, in which it is provided, that no toll shall be demandable or taken for or in respect of any horse or carriage of or belonging to any military officer in Her Majesty's service, or for or in respect of any horse or carriage actually used by any such officer or his family, when passing on that part only of the Old South Head Road which lies between the boundaries of the city of Sydney and the main entrance of the Military Barracks.

The evidence showed that on the day named complainant and three brother officers came to Sydney from the barracks in a carriage, and that on arrival at the gate, defendant demanded and took 1s as toll; complainant claimed exemption as an officer of the 12th Regiment, to which defendant replied that if he were he should appear in uniform; the money was paid, with an
intimation that he would be called to account. Mr. Holroyd, instructed by Messrs. Teale and Garrett, appeared for the defence, and took exceptions to both the information and the evidence, but particularly relied upon the alleged defective proof of complainant being a military officer in Her Majesty's service.

(Complainant's commission as an Ensign, bearing the signatures of Her Majesty and of Lord Palmerston was produced, but not his commission as a Lieutenant, which it was said was in possession of the Army Agent in London. Mr. Cory rose to reply, but on Mr. Holroyd's objection that he was not entitled, resumed his seat. Their worships (Captain McLean and Mr. Oatley) held the evidence, adduced to be sufficient, found the defendant guilty, and sentenced him to pay a penalty of 40s, with costs of Court, and professional costs, or to be imprisoned seven days. Mr. Holroyd applied for, and obtained leave to take a copy of the proceedings. (Sydney Morning Herald 18th February 1859)

Note - it would appear that the junior officer, Fitzgerald, learnt well from Colonel Perceval, who had in February 1858 taken the Hobart Toll Keeper to Court.

A Drunken Fracas

A drunken fracas, by which two soldiers of the 12th Regiment were seriously injured, one of them, named Parkhouse, is not expected to live, took place at the Supreme Court Hotel, South Head Road on Thursday evening, the 17th March, at about six o'clock. It appears that several soldiers and a civilian, named John Thomas, under the influence of drink, commenced quarrelling, and from words came to blows. The man John Thomas, in a fit of passion, seized a poker and inflicted the injuries alluded to above. The soldier named Parkhouse was removed to the Military Hospital, where he lies in a precarious state, the other soldier, named Cox, is only slightly bruised. Thomas is in custody of the Police and will be dealt with at the Central Police Court. (From Sydney, The Hobart Town Daily Courier 25th March 1859)

Grievous Bodily Harm

John Thomas was indicted for that he did feloniously and maliciously wound one David Cox and one John Parkhouse, two soldiers belonging to the 12th Regiment, with intent to do them some grievous bodily harm, on the 17th March last. Verdict: guilty of unlawfully wounding. Sentenced to be imprisoned in Sydney Goal. (Sydney Quarter Sessions. Sydney Morning Herald 24th May 1859)

Bushrangers

Two of the prisoners, within the Cockatoo Island prison at this time, were the bushrangers, Frank Gardiner and John Peisley, whom the Regiment later encountered at Lambing Flat in 1861 - 1862.

Frank Gardiner was born in 1829 in Scotland and arrived with his parents in Sydney in 1839. His first recorded crime occurred in Victoria in 1850, when he was convicted of horse stealing and sentenced to five years hard labour. His stay in Pentridge gaol, Melbourne, was not long, for he escaped the following year and fled to the Goulburn district of New South Wales. In March 1854, using the alias of “Clarke”, he was arrested again for stealing horses and this time was sent to Cockatoo Island for seven years. He was released in December 1859 on a ticket-of-leave, to remain in the Carcoar district and regularly report to the police. However, he left for the Kiandra gold diggings, thereby breaking his parole. The following March he went to Lambing Flat and shortly after opened up a butchering business at Spring Creek in partnership with a notorious character, William Fogg. Gardiner began cattle duffing for Fogg and over the next twelve years, progressed from horse and cattle stealing, to highway robbery under arms, violent assault, and the attempted murder of two police officers. In June 1862, Gardiner masterminded the gold escort robbery at Eugowra Rock (Orange NSW); which was the biggest robbery in bushranging history in Australia. Commandeering two bullock teams they blocked the road and made the drivers lie
on the road, feigning drunkenness. When the gold escort arrived, the gang sprayed the coach with a hail of gunfire, wounding two of the troopers who all fled the scene while the gang made off with 2,700 ounces (77 kg) of gold and £3,700 in cash – £14,000 in total. Gardiner escaped to Queensland then to San Francisco USA.

Note that Sergeant 663 / 665 Patrick Kearns asserts that he was guarding Frank Gardiner when Gardiner was transferred from Her Majesty’s goal to the guardroom of the 12th Regiment in Sydney in 1863. (Refer to the magazine “The Queenslander” page 1029, 30th November 1895.) John Peisley was born near Bathurst NSW in 1834. He first came to attention when he was arrested and charged at Bathurst Quarter Sessions with stealing horses in September 1854. He was sentenced to five years on the roads. He seems to have escaped custody at some stage because on the 11th February he was re-sentenced, this time to Darlinghurst Gaol Sydney with extra time added to the sentence. He served almost three years and was released in March 1857. However, he took no notice of the opportunity offered to him and in December 1857 he was charged before the Supreme Court in Sydney for horse stealing. He was sentenced for another five years plus the time remaining from his original sentence, a total of about seven years. Because this was a repeat offence, he served his time at Cockatoo Island. Here he met Frank Gardiner. During his imprisonment, he received another nine months for trying to escape from the island by “taking to the water”. Nevertheless, once again he was fated not to serve his full term (as was Gardiner) and in November 1860 he was released on a Ticket of Leave to the Scone District. Peisley returned to the Bathurst District and began a new life as a fully-fledged bushranger. Sometimes he operated alone, eventually however, he reunited with Frank Gardiner. In July 1861 he was implicated in the affray at Fogg’s when Trooper Hosie accused him of releasing Gardiner from custody at gunpoint during the Lambing Flat riots. After several more robberies and a murder, Peisley was captured and was hanged on the 25th March 1862.

Return of Invalids to England

Sergeant (638) Martin Malone, Corporal (3397) Charles McGowan and fifteen Privates of the 12th Regiment returned to England from Sydney on the 1st October 1859. Each received approximately 123 days pay, sufficient till February 1860. Included was forty days ship board allowance. They were joined by eight invalids from the 65th Regiment. (PRO3720 WO12/2978 page34)

The Wrong Man in South Australia

Thomas Tee was charged with being a deserter from the 12th Regiment of Her Majesty's land forces. The defendant denied that he was a deserter, or that he had ever enlisted in the 12th. His statement was supported by Constable Logan, who said that he came to the Colony in the same ship with him, about 18 mouths ago. His Worship asked why the man was taken in charge. Constable Ryan explained that, on the previous evening, he took the defendant into custody on a charge made by a Private of the 40th Regiment, named Joseph Gilligan, that he was a deserter from the 12th. As Gilligan did not appear, nor any of the military authorities were present, it was clear that charge was a false one.

His Worship dismissed Tee, telling him he could be recompensed for the trouble and annoyance he had been put to by suing Gilligan, on the civil side of the Court. He thanked His Worship, and intimated his intention to take proceedings against the man who had been the cause of his incarceration. (The South Australian Advertiser, 4th November 1859)

The New Colony of Queensland

The township of Brisbane began in 1825 as a penal settlement for re-offending convicts. The small town existed in isolation, 1,100kms north of Sydney, and permission to approach within
sixty kilometres was rarely given. The first military barracks, of red brick, was built in 1830 on the site now occupied by the Treasury Casino Building, for the detachment of the 57th Regiment of Foot.

On the 10th September 1859 (Separation Day), New South Wales was divided into two states and Queensland was formally proclaimed with the swearing-in of its first governor, Sir George Ferguson Bowen, and the first elected Legislative Assembly of twenty six people, met on the 22nd May 1860 in the Courthouse Building, Queen Street (formerly part of the convict barracks).

Upon Bowen’s arrival in the new Colony, there was a ceremonial landing at the site of the present Botanical Gardens, a reception committee, a twenty-one gun salute and cheers for His Excellency - as formal a welcome as the resources of the Colony could make it. Bowen noted the absence of the military, commenting that,

Queensland is the only colony in the Australian group where the dignity of the Crown and the authority of the law are entirely deprived of the support and prestige of a detachment of Her Majesty's troops.

At this time, the Colony’s population was about 25,000 and the treasury was virtually empty. The largest towns, Brisbane and Ipswich, had a combined population under 8,000 and outside this area, Queensland was mostly a vast, unexplored wilderness.

**Musters**

**Sydney** –

Sergeant William Earl married Mary Ann Dongan in Sydney in 1859. (NSW BDM 251/1859) (2844)

William Green and (2880) James O’Gready were promoted Colour Sergeants on the 1st October 1859. (PRO3720 WO12/2978 page 123)

Colour Sergeant (3620) Samuel Carter (Armourer as Sergeant) and Sergeant (1978) Terence Rawson died in 1859. Both had wives in Sydney. Carter’s wife’s name was Hannah. Both men died without leaving a will with the Battalion.

<table>
<thead>
<tr>
<th>Recruits</th>
<th>Age</th>
<th>Height</th>
<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
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<tbody>
<tr>
<td>122 Mathew Hardiman</td>
<td>-</td>
<td>5’8”</td>
<td>22.2.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>426 Edward Charles Prince</td>
<td>25.8</td>
<td>5’9”</td>
<td>5.3.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>295 William Butler</td>
<td>-</td>
<td>6’0”</td>
<td>3.5.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>349 / 2566 William George Loney</td>
<td>20</td>
<td>5’7”</td>
<td>1.7.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>Phillip Davy</td>
<td>22</td>
<td>5’8”</td>
<td>13.7.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>378 Edward Paget Tait</td>
<td>18</td>
<td>5’6”</td>
<td>13.7.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>365 Henry Ridge</td>
<td>25</td>
<td>5’9”</td>
<td>8.8.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>Isaac Brooks</td>
<td>28</td>
<td>5’8”</td>
<td>28.9.1859</td>
<td>£2</td>
<td>16s</td>
</tr>
</tbody>
</table>

Hardiman deserted over the next month, spent the following month in the cells and by May 1859 had successfully deserted. Described as 30yrs, 5’5”; dark complexion, brown hair, grey eyes; enlisted 28.2.1859, Sydney NSW; labourer; born Galway; Note - discharged from the 58th Regiment on the 31.10.1858.

Brooks deserted in Sydney in 1859. He was described as 29yrs, 5’9”; fresh complexion, dark brown hair, grey eyes; enlisted 9.9.1859, Sydney NSW; baker; born Ponder’s End, Middlesex.

Butler deserted in November 1859 in Sydney, described as 26.6yrs, 6’1”; fresh complexion, brown hair, grey eyes; enlisted 3.5.1859, Sydney NSW; labourer; born Shadwell, Middlesex.
Loney rose through the ranks to become Paymaster Sergeant and returned to England with the Regiment in 1867.

Prince served in the 2nd New Zealand Land War and deserted in Otahuhu New Zealand in 1862. It is not certain whether Edward Prince is related to Henry Prince, future Director of the band.

Tait was promoted to Corporal and returned to England with the Regiment in 1867.

Private (3619) James Foley died in Sydney on the 29th October 1859. His occupation was given as tailor. Private (3664) James Lyne also died in 1859 and left a will. He had a brother in the 65th Regiment in New Zealand.

Thomas Williamson was employed as a Soldier’s Assistant.

Private Patrick Hinan rejoined at Sydney after desertion on the 31st December 1859.

In May 1859, Private Groundsell’s wife, Sarah, gave birth to a son, William, in Paddington.

**Hobart**

The following soldiers enlisted in Hobart between October and December 1859 –

<table>
<thead>
<tr>
<th>Age</th>
<th>Height</th>
<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
</tr>
</thead>
<tbody>
<tr>
<td>457</td>
<td>25</td>
<td>5’8”</td>
<td>24.10.1859</td>
<td>£2</td>
</tr>
<tr>
<td>425</td>
<td>35</td>
<td>5’7”</td>
<td>2.11.1859</td>
<td>£2</td>
</tr>
<tr>
<td>426</td>
<td>28</td>
<td>5’8”</td>
<td>28.11.1859</td>
<td>£2</td>
</tr>
<tr>
<td>122</td>
<td>21</td>
<td>5’6”</td>
<td>13.12.1859</td>
<td>£2</td>
</tr>
<tr>
<td>452</td>
<td>27</td>
<td>6’1”</td>
<td>29.12.1859</td>
<td>£2</td>
</tr>
</tbody>
</table>

Barratt served in the 2nd New Zealand Land War and returned to Sydney where he was then posted to Brisbane. He returned to England with the Regiment in May 1867.

Fraser fought in the 2nd New Zealand Land War where he was attached to the 65th Regiment on the 1st October 1861, Brigade Office Auckland. (PRO3723)

Melville was posted to Lambing Flat and served in the 3rd New Zealand Land War. He returned with the Regiment in May 1867.

Shea fought in the 2nd and 3rd New Zealand Land wars and was killed in action at the Battle of Rangiriri in November 1863.

Thompson returned to England and came back on a second tour of duty on the ship *Daphne*. He was stationed at Lambing Flat and returned with the Regiment to England in 1867.

**Perth**

Colour Sergeant (2815) Edward Porter returned to Sydney on the 1st December 1859.

Charles Chamberlain was promoted to Sergeant on the 1st December 1859 (PRO3720).
1860

“the first fight has taken place and there is no alternative now.”

Stations
NSW, Tasmania (Launceston and Port Arthur) and Western Australia.

Troop Movements
SMH 16th January 1860 – Captain Leeson, and Captain and Mrs Palmer, child and servant sailed on the RMSS Columbian and disembarked at Melbourne and Kings Sound Western Australia respectively. Captain Palmer replaced Captain Downing on rotation as OIC WA.

Six discharged soldiers of the 12th Regiment left Sydney for Tasmania on the 11th February 1860 (SMH 13th February 1860). They may have sought employment as Pensioner Guards.

One Sergeant and four Privates embarked from Launceston for HQ Sydney in February 1860 (three discharged soldiers and one deserter - Private James Harding).

Two rank and file of the 12th sailed on the ship Tasmania from Hobart to Sydney on 20th April 1860.

Figure 7. Officers’ uniforms.

Child to Major Hutchins
On the 1st instant, at Victoria Barracks, the wife of Major Hutchins, 12th Regiment, of a son. (Sydney Morning Herald 2nd October 1860 and The Mercury 13th October 1860)

The son was named William, after his father. Mother’s name was Julia.

Child to Lieutenant Saunders
Births. At Hobart Town, on the 7th of October, the wife of Lieutenant M. C. Saunders, 12th Regiment, of a daughter (Florence). (The Mercury 9th October 1860)

Child to James Astbury
Births. On Wednesday, October 3rd, at Victoria Barracks, the wife of School Master James Astbury, X11 Regiment, of a daughter. (Sydney Morning Herald, 6th October 1860)

Marriage of Private William Bradshott
At St. John's, Darlinghurst, on the 3rd May, William Bradshott, a soldier of the 12th Regiment, to Fanny Kelly of Paddington. (Empire 7th May 1860)
Death of Mrs Callen

On the 20th instant, at Paddington, after a long and painful illness, Charlotte Amelia, the beloved and deeply lamented wife of Douglas Callen, Esq., Band Master, 12th Regiment. (Sydney Morning Herald 21st April 1860)

The friends of Mr. Douglas Callen, Bandmaster 12th Regiment, are respectfully invited to attend the funeral of his late beloved wife, Charlotte. To move from his residence, opposite the Victoria Barracks, Paddington, tomorrow (Sunday) afternoon at 2 o'clock precisely. (Empire 21st April 1860)

Invalids Return to England from Perth

Corporal William McKay, Privates Davis, Fitzgerald, Grimstone and Kenny were invalided from Perth and returned to England on the 26th January 1860 (Australia Day). Davis and Grimstone had been stationed at Ballarat during Eureka. (PRO3720)

On the 12th January 1856, the ship Lord Raglan departed from Fremantle for the Cape of Good Hope and London. Passengers in steerage included a party of military invalids, women and children. (Perth Gazette, 27 January 1860, Shipping Notices)

Anniversary Regatta (now called Australia Day)

The ASN Company has very kindly placed the fine commodious steam ship, Governor General, at the disposal of the Committee to be used as flag ship and a further attraction is held out for visitors, as the splendid band of HM 12th Regiment will, through the courtesy of its Officers, perform onboard during the day. Persons enlisting on the fifth and eleventh races will bear in mind that it will be necessary to have their boats at the Customs boat shed, Circular Wharf today at 2pm for the purposes of being inspected by the Committee, who have also substituted a race for gentlemen amateurs in waterman’s skiffs, pulling a pair of oars, instead of the centre board yacht race which has not been filled up. The first prize will be £10.10s and the second £2.2s, the entrance for which will take place on Monday night at eight o’clock precisely at club rooms. (Sydney Morning Herald 21st January 1860)

The Regimental Band

SMH 24th January 1860 - Botanic Gardens, the band of the 12th Regiment will perform a selection of music this afternoon at half past three pm, under the direction of Mr Callen. Programme - Overture, “Ferdinand Cortes.” Spontini; selection, “Guillaume Tell,” Rossini; quadrille, “England D’Albert”; selection “Le Domino Noir,” Auber; waltz, “Moss Rose.” Callen; polka, “Jenny L’Hindrelle,” Lachner; God Save the Queen.

SMH 5th June 1860 - Botanic Gardens, the band of the 12th Regiment will perform a selection of music this afternoon at half past three pm, weather permitting. Programme - Overture, “Hal des Fens” Callen; selection, “La Favourite” Donizetti; waltz “Zephir Zufte” Gungl; selection “La Traviata,” Verdi; quadrille, "Motor" Strauss, polka, “Cadeau Zeutier”; God Save the Queen. Conducted by Mr D. Callen.

Relocation within Tasmania

The detachment of the 12th Regiment, stationed at Launceston has proceeded to Hobart Town. (refer to The Mercury 22nd May, The Argus 26th May 1860)

Grateful Passengers in Melbourne - The Yorkshire

The ship Yorkshire, Captain E. A. Reynell, anchored in Hobson's Bay (Melbourne) about four p.m. on Saturday. She left Portsmouth on the 6th January, and Start Point on the following day. Foul winds and calms were experienced during the entire passage, and it is recorded in the log
that the ship has not had twenty-four consecutive hours of fair wind, nor has there been occasion to reef the topsails to a favourable breeze during the passage…

On arrival in Hobson's Bay, the saloon passengers of the *Yorkshire*, with Colonel Kempt in the chair, presented Captain Reynell and his officers with a congratulatory address, thanking them for their kindness throughout the voyage. (The Sydney Morning Herald 13th April 1860)

**Grateful Passengers - The Nugget**

To Captain Bond,

(Sydney Morning Herald 4th June 1860) Sir, Your good ship *Nugget* having brought us to the harbour of Sydney in eighty-six days, notwithstanding a calm of more than a fortnight in the tropics, we take the opportunity of congratulating you on the success of your exertions; and although your present run has not equalled that to Adelaide the year before last, which ran at an early period of our progress, we had hoped to have rivalled - we feel confident that every endeavour in your power has been made to accomplish a speedy voyage.

Permit us to tender to you our warmest thanks for the great kindness you have shown to ourselves and to those soldiers and their wives belonging to the detachments on board; and while we bear such testimony as landsmen may to your seamanlike qualities, we wish you every prosperity during the continuance of the voyage, and subscribe ourselves,

Your obliged and sincere friends, (Signed)  
W. H. Queade, Captain 12th Regiment, commanding detachment.  
Lieutenant Warren, 65th Regiment.  
F. S. Warburton, Lieutenant Royal Engineers,  
K. J. Dudgeon, Lieutenant 12th Regiment.  
W. L. Murphy, Ensign 12th Regiment.  
E. C. C. Foster, 12th Regiment.  
W. L. Saunders, 12th Regiment.  
O. W. Oakes, passenger.

**Shooting of a Police Inspector**

Some time on Sunday night, two desperadoes named Hughes and Pike, Private soldiers of the 12th Regiment, made their escape from the Military Barracks at Paddington, taking with them their Enfield rifles, with which implement the troops are now armed, and providing themselves with percussion caps, and more than twenty rounds of ball cartridge. What their purpose was there is no evidence to show, and we have no desire to conjecture.

It must, however, be conceded that two runaway soldiers, with the penalties of theft and desertion hanging over their heads, and most formidably armed, would not be safe company for any man and still less for any woman, whom they might encounter in the streets or on the road. Fortunately their designs, whatever they might be, were promptly arrested. Sergeant Bush was in a public house, in Goulburn Street, when the two deserters came to the door, armed with their rifles. Subsequently Bush was joined by Inspector McGee, Sergeant Ronmey, and Constable Connaught and these four policemen resolved to seize the runaways. The two Sergeants pursued Hughes, seized him, and wrested from him the rifle, which was loaded and capped. Inspector McGee was not so fortunate; he and the Constable strove to
arrest Pike, who, however, presented his rifle, and as McGee rushed upon him, fired and inflicted a serious wound upon the officer.

He was then immediately secured by Connaught. The soldiers are in custody, awaiting the fate of the wounded man.

We have no desire to prejudge their case, and have only reproduced so much of it as was necessary for the purpose we have in view.

It appears to us that the officers engaged in this arrest have exhibited a very great amount of promptitude, cool bravery and determination. Many in their position might have excusably sought some armed assistance, or taken means to provide firearms for themselves, before attempting to apprehend two desperate men, armed with loaded rifles. But if they had done this, their intended prisoners might have escaped them, and the opportunity, thus lost, might perhaps have not occurred again until after some terrible disaster. Conduct of this kind ought to meet with prompt recognition from the Executive and from the public. The officer who has sustained a painful, and perhaps dangerous wound, in the gallant performance of his duty, should be amply compensated by the public; and the Government should take care that each of the policemen engaged in the arrest is rewarded according to his merit.

The measure of reward must be estimated by the magnitude of the evils that might have followed from the actions of two desperate men, at large on the outskirts of the city at night, armed with deadly weapons, and carefully provided with powder and ball.

While prompt and exemplary punishment should always be inflicted upon a Police officer who abuses his trust in any way, it is only by an equally ready recognition of meritorious conduct, that a proper stimulus for the performance of such actions can be supplied. These men have proved themselves to be brave and vigilant guardians of the public peace, and worthy of being entrusted to watch over the safety of the citizens.

The service which they have rendered should, therefore, be frankly and liberally acknowledged.

(Empire, 29th March 1860)

On Tuesday, June 5, William Pike and Patrick Hughes were indicted for the murder of Alexander McGee at Sydney, on the 26th March. From the evidence it appeared that the prisoners, who were Privates in the 12th Regiment, were out of their Barracks on the night of the 26th March with rifles and ammunition.

They were seen at a public house at the corner of Pitt and Goulburn Streets by a Police Constable and were followed by him for some distance, during the course of which they presented their rifles at him twice. The Constable was afterwards joined by Inspector McGee, and the soldiers were again followed until they ran away. Hughes, who was chased by the first Constable, pushed him several times with his rifle, but with the assistance of a third officer was secured. Pike was followed by McGee, and immediately after Hughes was secured said to McGee, "Don’t come any nearer, or I’ll shoot you." McGee still advanced, and was shot by Pike. The wound he received terminated fatally after an interval of eight weeks.

The Judge thought there was no evidence to show a common design between the two persons to kill McGee, or any particular person. There was no evidence of any offence committed by Hughes, except carrying fire arms, and that was no offence now, the law having lapsed. It seemed to him there was really no evidence to go to the jury to show participation on the part of Hughes, and he should therefore direct the jury to acquit that prisoner. After some argument on the part of the Attorney General and the counsel for the prisoner (Mr. Isaacs) the Judge informed the latter that unless he would advance something further he (the Judge) should charge the jury that if they
believed Pike thought the police were about to arrest him, the crime would be reduced to manslaughter but if he acted on the aggressive, then it might be murder.

The jury acquitted Hughes, and found Pike guilty of manslaughter. Pike was sentenced to three years hard labour in Sydney goal. Hughes was discharged and handed over to the military authorities. (The Maitland Mercury & Hunter River General Advertiser, 9th June 1860)

**Accidents in Sydney**

Yesterday afternoon two accidents occurred, between five and six o'clock, resulting in severe injuries sustained to a gentleman from the interior, and in the death of a favourite horse. Three gentlemen, it appears Lieutenant Harward, of the 12th Regiment; Mr. Mair, formerly a squatter in the northern district, and a Mr. Henry, were coming into Sydney from the Victoria Barracks, and riding at a rapid pace through the Domain, Mr. Mair was thrown violently from his horse onto the road, and falling on his head, received, it is thought, a severe concussion of the brain. Lieutenant Harward and Mr. Henry hastened off with all possible speed for medical aid, each taking a different direction. The latter gentleman in, however, galloping down Bent Street, his horse came into contact with a cab, the pole of which ran into the shoulder of the animal, from the effects of which it almost instantly died. Its rider was conveyed into the Australian Club, and received every attention. When sufficiently recovered from the fall, he was taken home to his residence. The result of the accident to Mr. Mair we did not hear. (From Empire, 13th November. Sydney Morning Herald 15th November 1860)

**A Bundle in the Water**

About four o'clock, yesterday afternoon, a little girl named Matilda Kane, the daughter of a Private of the 12th Regiment, whilst playing near a waterhole, adjacent to the Randwick Road, at the back of the military barracks, observed a bundle in the water, and drew it to the edge, and discovered it to be the body of a baby. She immediately went to the Police station and gave information; a Constable accompanied her to the spot and opened the bundle, which contained the body of a new-born male infant. It was enveloped in a sort of brownish canvas or calico. It was then conveyed to the Benevolent Asylum, there to await an inquest. (From The Empire, April 30. The Maitland Mercury & Hunter River General Advertiser, 5th May 1860)

**Public Dinner to Dr. Joshua Dowe**

The Rev. C. F. Garnsey responded on behalf of the Army; he had once acted as assistant-chaplain to the XII Regiment, which as the only connection he had ever had with the Army, and, therefore, he did not feel quite sure whether that fact alone would be a justification for his responding to the Army part of the toast. It was gratifying to see the manner in which the toast was responded to; the Army and the Navy were the great protection of Great Britain, and whilst they owed so much to Divine Providence, they must make use of the means at their command, and whilst they put their trust in God, they must also "keep their powder dry." (Cheers.) (Sydney Morning Herald, 5th October 1860)

**Court Martial of Corporal Lavelle, Royal Engineers**

The Garrison Court Martial which sat at the Victoria Barracks (Sydney) for the trial of charges against Corporal Lavelle, of the Royal Engineers, for writing letters to the Empire newspaper, in which he imputed to his superior officers (Captain Martindale and Sergeant Quodling) improper motives in the discharge of their duty, terminated its proceedings yesterday.

The whole of the available troops upon the station, including the remaining men of the 12th Regiment, Royal Artillery, and Royal Engineers, together with the regimental band, were mustered on the open ground in front of the main building, and were passed through the usual
movements of a garrison parade. The troops at length formed into three sides of a square, Colonel Kempt (the officer commanding) and other officers being stationed on the open side.

Prisoner was then brought forward by his guard, and in the presence of the troops, the judgment of the Court, as finally confirmed, was read by the Brigade-Major (Captain Atkinson). Corporal Lavelle was found guilty of the charges of which he had been accused, and the sentence was that he be imprisoned for 168 days, and be reduced to the rank of a Sapper (Intercolonial News. The South Australian Advertiser 25th October 1860)

**Practice with the Enfield Rifle by the 12th Regiment in Hobart**

A few remarks, showing the means by which the British soldier is trained to use his rifle with efficiency, may at present prove interesting, the more especially as a volunteer force is being raised. To every Regiment there is an officer instructor of musketry, whose duty it is to put every soldier of his own corps through a course of instruction annually. This is divided into two distinct parts, "drill" and "practice." Under the head of drill are comprised lectures on "cleaning and dismounting the rifle and lock;" also, on the "laws influencing the course of the bullet, the arrangement of the sight, &c," "aiming drill," "position drill," "snapping caps," "blank firing," "judging distance drill," and "manufacture of cartridges." After each man has been carefully exercised in the foregoing drills for four days, and found not only to be steady under arms, but also capable of answering any questions as to the resistance of the air, force of gravity, &c, he is put through a course of practice, both "target" and "judging distance."

The general opinion about target practice is incorrect, namely, that the more ammunition a man expends the better shot he will become, whereas, target practice is merely a proof of the attention bestowed on the preliminary drills; the more carefully the latter have been performed the better will be the result of the ball firing.

Each soldier is allowed annually 90 rounds, to be expended in the following manner: 20 rounds to be fired standing at distances from 150 to 300 yards (five at each fifty) - bull's eyes being valued as 3, centres as 2, outers as 1. All men who make 15 points and upwards pass into the second class, and fire 20 rounds up to 500 yards kneeling - 5 at 400, 5 at 500, 5 at 550, 5 at 600. In this practice the bull's eye counts only as 2. Those men who make 12 points and upwards pass into the first class, and fire 20 rounds up to 900 yards, namely, 5 at 650, 5 at 700, 5 at 800, and 5 at 900 yards. Those men who succeed in obtaining 7 points and upwards are denominated marksmen, and are permitted to wear on their left arm a badge of "cross rifles and crown" worked in gold; they also receive extra pay.

When the men have been put through individual firing, they are exercised at "file firing." For this practice 8 targets are erected at 300 yards, and 10 rounds expended after which the men are drawn up at a distance of 400 yards from the targets, and fire the same number of rounds in vollies, kneeling. The last practice consists of skirmishing. For this purpose the targets are placed apart, and 2 men placed opposite each target at a distance of 100 yards; they expend 10 rounds, advancing to within 200 yards of the targets, and then retiring, judging their own distance and setting their sights accordingly.

The judging distance practice is divided into three classes. Each man at first is trained to judge up to 300 yards. Should a man guess the correct distance, or within 5 yards, he obtains 3 points; within 10 yards, 2 points; 15 yards, 1 point. Those men who out of 12 answers obtain 14 points and upwards pass into the second class, and judge up to 600 yards. The points allowed in the second class are, within 20 yards - 2, 30 - 1. Those who out of 12 answers obtain 14 points pass into the first class and are exercised up to 900 yards.

The judging distance and target practice of No. 2 Company 12th Regiment stationed here have been excellent. They obtain the following averages in shooting:
1st 20 rounds fired standing, up to 300 yards, 14.30
2nd “ up to 600 yards, 9.04
3rd “ up to 900 yards, 8.00
10 rounds file firing, at 300 yards, 11.02
10 volley firing, at 400 yards, 8.42
10 skirmishing, from 400 to 200 yards, 4.26.

The judging distance and target practice was equally good. The following were the averages:
1st 12 answers, up to 300 yards, 14.88
2nd 600 11.50
3rd 900 17.00.

In order to secure a safe place for practice, a spot was selected lying at the back of Pitcher's Inn, between the Westbury Road and the South Esk. Along a low and rather uneven ridge, a space more than 900 yards in length, and about 50 in breadth has been cleaved of trees, and at intervals of 50 yards from 150 up to 900 yards, platforms constructed of logs and earth are erected of sufficient height to afford a view of the base of the target, which otherwise would be intercepted by the undulation of the ground. The target is made of iron divided into squares and circles. It is white washed, but it will readily be conceived that at the distance of 900 yards, that is half a mile, it is indistinctly seen.

As we have said above, the practice of the company of the 12th, even at ranges to hit which the un-initiated would fancy was beyond the power of any marksman, has been extremely good. The practice is a pretty sight, and the rapidity with which the men load perfectly astonishing. The practice shows what an admirable weapon the Enfield rifle is, and to what perfection Regimental training is now carried. There is evidently a great change in the management of military affairs, at headquarters, and the pains taken to drill the men in the use of the terrible weapon with which the Regiments are now armed shows that the War Office is up to its duties.

The state of things is now very different to what it was when the British army was supplied with the gun known as “Brown Bess”; a far more deadly instrument has replaced it; and under the system now pursued almost every man must become a dead shot.

Those who have been used to see the old practice of musketry would hardly be prepared to witness the style in which the new practice is taught. In the hands of the trained and intelligent Officer Instructor, the task of initiating the men into the use of the rifle becomes an interesting and pleasant exercise; and if Lieutenant Gibson is a fair specimen of the class of officers who are commissioned to instruct the various Regiments in the Queen's army, the service is fortunate indeed. The qualities he appears to bring to his task are patience, an extremely quiet demeanour towards the men (a very useful thing where good shooting depends so much on steadiness of temper) and a method of conveying instruction in a familiar manner; and thus he manages to make the men feel that they are as much interested as he is in their own proficiency; that they are not mere machines, but at full liberty to bring to the practice all the intelligence and judgment they are master of.

The Officer Instructor left for Melbourne today.

(From the Launceston Examiner, May 19th 1860. The Moreton Bay Courier 19th June 1860)

**The Great Rifle Competition at Wimbledon. Distribution of Prizes**

Note: the Enfield rifle was being replaced by the Whitworth. The following news story from England relates to a rifle competition in which Lieutenant De Lacy of the 12th Regiment competed for prizes that included the new Whitworth rifle.
The distribution of prizes won at the recent rifle-firing competition on Wimbledon Common took place on Monday afternoon, the 8th July, in the Great Handel Orchestra, under the Central Transept of the Crystal Palace, in the presence of a vast concourse of spectators; the whole of the available space in front, from side to side of the building, and all the adjacent galleries which commanded a view, or were in hearing of the proceedings, being literally crowded with persons of every grade, who appeared to take the liveliest interest in the great ceremonial. The orchestra was tastefully decorated for the occasion, being hung with the flags of all nations, as well as the portions of the nave in the immediate vicinity. The names of the several counties which had sent up rifle men to the competition were tastefully displayed in an entablature around the orchestra. A few wreaths of laurel in front of the platform, a statuette of Victory behind the President's chair, and a very legible motto, 'Defence, not Defiance,' in front of the organ, were the more special and appropriate decorations of the scene. It was a thoroughly popular day - Monday, a shilling, and glorious summer weather, sufficient of themselves to draw a full attendance. The distribution of the prizes was an additional element of attraction. There were two publics present, the special and the promiscuous; but long before the proceedings began both presided in upon the centre. The seats immediately behind the platform were occupied by ladies; the rising benches of the orchestra by volunteers, mixed up with black-coated civilians and scarlet regulars. The winners were disposed in two groups, to the right and left of the platform, on the level of the floor, biding their time rather pleasantly. Soon after 3 o'clock the proceedings commenced. The chair was taken by Earl de Grey and Ripon, who acted as substitute for Mr. Sidney Herbert, the President of the Association, who was prevented from attending by business in the House of Commons. The noble Earl was supported by Lord Elcho, Colonel Bewes, Colonel C. Kennedy, and Captain Mildmay, the Secretary of the Association. The rifles of honour, the objects of so many hopes and aims, were laid out, duly ticketed to the winners, on a table within easy reach; the handsome silver cup, the prize of the London Brigade, gleamed resplendent on another. A very desirable number of purses remained in the custody of the authorities till the time for producing them. The President (Earl de Grey and Ripon) then addressed the assembly….

The presentation of the prizes immediately followed his Lordship's address. Lord Elcho read the list; every winner was called upon the platform separately, the volunteers and regulars saluting in military fashion as they advanced, the civilians with the less formal bow. The prizes were handed to the President by Colonel Kennedy, and given by the President to the winners, who then crossed the platform and descended on the opposite side. They were all cheered as they passed, …The complete list of the prizes, their value, the winners, and the number of points, is given below, and presents all the results of the week in one view…..

Duke of Cambridge's Prize, won by Knecht, of Zuric won by Lieutenant Lacy, 12th Regiment…

Lieutenant Lacy, musketry instructor to the 2nd Battalion 12th Regiment, was loudly cheered on presenting himself for the prize of Westley Richard's rifle, and still more when he was called up to receive the Prince Consort's prize of £100. He is a very young man… (South Australian Register. 12th September 1860)

**The Distressed Wives and Children of the Men of the 12th Regiment**

To the Editor of the Herald, as an act of humanity, perhaps you would afford me space in your columns to bring before the public the very peculiar circumstances in which the wives and children of the soldiers recently sent from New South Wales to this place, have been left behind.

It will be remembered that on the 10th April last, a few gallant fellows belonging to the 12th Regiment, left Sydney en route for Taranaki, New Zealand, there to take an active part in the struggle between the true and loyal British subjects resident in that province, and a numerous body of rebellious natives. Now there are many people living in Sydney and parts adjacent, who can testify to the gallant and cheerful bearing of that small band of soldiers as, actuated by a stern
sense of duty, they marched through your streets to the soul-stirring strains of "Cheer, Boys Cheer," "The British Grenadiers," "Auld Lang Syne", etc.

Yet but few among the vast crowds of people collected together to witness their departure, for the scene of action gave a thought, that amongst them were men who were leaving behind them broken-hearted wives and weeping children (perchance never to see them more), and who are entirely dependent on them for that support which they are no longer able to give.

Why they are not able, I will now strive to show. In the first place, the pay of the soldier is considerably less here than in New South Wales; by the change, a Sergeant or Corporal loses 1s., and a Private 6d per diem, which sum makes a material difference to a man who has a family to provide for. In the second place, everybody is aware, that it is more expensive to furnish two tables than it is to furnish one.

Now, Mr. Editor, I would ask, is it not hard lines (excuse the phrase) that while the British soldier is most cheerfully performing his duty to his Queen and country, the loved ones of his bosom should be half starving, and that too, in such a country as Australia. The sister Colony of Victoria has most generously provided for the men, she has sent against the Maories by giving to them whilst in New Zealand, the colonial allowances they were in receipt of in Melbourne.

I learn from a reliable source, that when on a former occasion, a portion of the 90th Regiment was sent from New South Wales on a similar service to that in which the 12th is now engaged, the Government of that Colony did not forget their wives and children who were necessarily left in Sydney.

Hoping that you will give publicity to these lines, and that this subject may attract the attention of some person of influence, more able and not less willing than myself to advocate the cause of the soldier,

I beg to subscribe myself, Minden. Taranaki, 9th May. (Sydney Morning Herald 16th June 1860)

The Distressed Wives and Children of the Men of the 12th Regiment

To the Editor of the Herald. Sir, your repeated eloquent appeals to the public in favour of the above persons have been read with much interest, and as you have so kindly consented to receive subscriptions, we trust that the fund will soon amount to a liberal sum. Not knowing how it will be applied, or who will be the distributors, we hope you will continue your kind exertions, so as to secure a proper distribution of the money. We herewith hand you our contribution, together with a sum collected among our workmen, who cordially sympathise with the subject of your appeal, and hope their example will be promptly followed by the employ of other establishments, as contributions, however small, when general, soon make a handsome amount.

Before concluding, allow us to express the general opinion that, while the soldiers are fighting their country's battles, the Government should provide for their wives and children at least so far as to preserve them from destitution, or the temptation, attendant thereon, and the inactivity of our "liberal" Government in this instance causes many to question their competency to occupy their present position.

We are, Sir, yours faithfully, Hall and Alderson. (Sydney Morning Herald 11th August 1860)

Red Coat Red Tapeism

To the Editor of the Empire. Sir, whilst the public, sympathising with the necessitous circumstances in which the women and children of the 12th Regiment have been placed by the absence of their husbands and fathers in active service in New Zealand, have been making endeavours to alleviate their more pressing requirements, the military authorities, so far from furthering these endeavours, and willingly seconding them, are acting only as obstructionists.
Thus, to suit their own convenience, though the husbands of these women left with them orders for the payment of a portion of their pay in their absence, the authorities say, "they will not be occasioned by trouble about women," and accordingly refuse to pay anything upon these orders; having determined, in true Crimean fashion, only to remit their pay to the soldiers in New Zealand, when if they choose, they may bond it back to their wives in Sydney after a needless delay of perhaps some two months. Their families meanwhile having to subsist as best they may, put to this protracted experience of stipend, means to save a little extra trouble in official quarters. I remain. Sir, your obedient servant, A. Civilian. (Empire 18th October 1860)

Fire at Paddington

To the Editor of the Herald. Sir, in justice to the officers, non-commissioned officers, and Privates of the 12th Regiment, who rendered such important service during the conflagration on Tuesday morning, will you do me the favour to insert a few remarks in reference to a passage in your report’s otherwise correct description of this lamentable catastrophe. He says, "some soldiers of the 12th Regiment were on the spot to assist, but their presence did not seem to be required."

As one deeply interested, will you permit me to state that as soon as the report of the fire reached the Paddington Barracks, a large fatigue party was ordered to the scene, and that, under their officers, they were put on guard, with drawn bayonets, to guard the property which was so recklessly dragged out of the doors, or thrown out of the windows of the threatened buildings, by the panic-stricken inmates, or their overzealous friends. Sentries were also placed at the east and south entrances of the theatre, to keep off the all too numerous portion of the crowd, who manifested an inclination to make free with the spirits, beer, etc, of the Prince of Wales and Tolano’s Hotels. When the extent of the destruction had been ascertained, and the safety of the houses whence this mass of moveables had been taken was declared, by Mr. Brown, this fatigue party gave a hearty and most willing hand in carrying back the property to the dwellings of the respective owners; and it was not until this was accomplished, that the bugle sounded the recall. Several officers of the 12th were in attendance during the morning, and by their presence the exertions of their men were much simulated. I am, Sir, your obedient servant, R.T. (Sydney Morning Herald 5th October 1860)

Suicide

The City Coroner held an inquest at the Victoria Barracks on Monday, touching the death of a Private of the 12th Regiment, named William Arthur, aged 23 years. It appeared from the evidence that deceased had only enlisted on the 13th ultimo, having previously been a draper in Sydney, and had travelled over all the gold fields of this and the sister colony.

On Friday last he hired a boat and went over to Balmain, and while returning he jumped overboard. He was, however, rescued, and taken to the Barracks, where an alteration was observable in his appearance, particularly about his eyes. He was confined in the Guard house, and the next morning brought up and punished.

He was asked in the course of the day his reason for jumping overboard, and he replied that several people had determined to kill him (by means of a galvanic battery charged with chloroform) before three days. Persisting in this delusion, he was ordered by the Medical Attendant to be placed in the hospital with an Orderly to attend and watch him.

On Sunday evening he conversed with the Orderly, and at about half-past eleven got out of bed, and went to the water can for a drink. A few minutes after he had returned to bed, the Orderly heard a groan, and on going to the deceased's bedside, he discovered that he had cut his throat with a razor. A medical man was called in, but the unfortunate man was dead. The Jury found that the deceased had inflicted the fatal wound while labouring under temporary insanity. (From Sydney. The Maitland Mercury & Hunter River General Advertiser 18th February 1860)
On Sunday evening a young man named William McArthur, put an end to his life by cutting his throat. The deceased was about 28 years of age, a native of Chichester, Sussex. He was a draper by trade, but could not gain employment. At the beginning of the year his necessitous condition induced him to enter the 12th Regiment, stationed at Paddington.

He was not addicted to intemperance, but, on the contrary, was remarkable for sobriety and good behaviour. He seems to have liked his new occupation. On Friday morning he absented himself from the barracks without leave. He returned shortly before noon, and is described as then looking very vacant and idiotic. In the afternoon he was allowed to go into Sydney; he hired a boat and proceeded with a waterman to Balmain, thence in the direction of Cockatoo Island, upon nearing which he jumped into the water, and was with difficulty recovered from the perilous position, in which, through his indiscretion, he had been placed.

The waterman left McArthur at Cockatoo, where he had taken him for protection. He was forwarded to Sydney on the following morning as a prisoner. He was punished for the offence. The peculiar appearance of the deceased that had been noticed on Friday, was still more remarkable. Upon being questioned respecting his conduct, he answered vaguely, and was under the impression that certain medical and other gentlemen residing in Sydney and Maitland, were seeking to take away his life; that, he thought, was to be effected by galvanised batteries charged with chloroform. Deceased was taken to the hospital. He always enjoyed good health, ate hearty, and slept soundly. He was also very communicative respecting his exploits at the diggings, and detailed the particulars of his life in Sydney and Melbourne.

He was repeatedly seen by the hospital surgeon, but from his calm and collected manner, excepting when under the influence of the particular delusion above referred to, it was not thought necessary to place any restraints upon his liberty.

About 11 o'clock on Sunday night, he was seen to get out of bed and go to the washstand, take a drink of water, and then go back again. A few minutes afterwards, a soldier who was in charge of the room and was attending to a patient, heard a struggling in the bed and upon going to the deceased found him bleeding profusely, the blood appeared to be flowing from the nose and mouth; at the request of the deceased a doctor was called, but before he could arrive the unfortunate man had expired.

Upon the body being examined, a wound extending across the front and along the right side of his neck was discovered. The incision which was very deep, appeared to have been commenced in the first instance by a knife, and finished by a razor, both of which were found in the hands of the deceased, and saturated with blood. All the muscles, nerves, veins, and arteries, on the right side of the neck, were cut completely through; it is therefore thought that death must have been instantaneous.

The City Coroner held an inquest upon the body yesterday. The verdict that returned was: "Died from a self inflicted wound, and at the time of its perpetration was labouring under a temporary fit of insanity." (Empire 14th February 1860)

**Relocation from Launceston to Hobart**

On the afternoon of the 18th the detachment of H M. 12th Regiment, for some time past stationed in Launceston, proceeded, in obedience to orders from Headquarters, on the march to Hobart Town. A band of music which had volunteered for the occasion headed the detachment, playing "The Girl I left behind Me" and "Should auld acquaintance be forgot," and a number of the townspeople who accompanied the troops some distance out of town, and at parting gave them three cheers. (From Tasmania. Sydney Morning Herald 1st June 1860)
The Girl I Left Behind Me

I'm lonesome since I crossed the hill,
And o'er the moor and valley.
Such grievous thoughts my heart do fill,
Since parting with my Sally.
I seek no more the fine nor gay,
For each does but remind me,
How swift the hours did pass away,
With the girl I left behind me.

Oh, ne'er shall I forget the night,
The stars were bright above me,
And gently lent their silvery light,
When first she vowed to love me.
But now I'm bound for Brighton Camp,
Kind Heaven, then, pray guide me,
And send me safely back again,
To the girl I left behind me.

Circa 1790. This song has roots in Dublin, Ireland, and was also known as "Brighton Camp" in England.

Western Australian Turf Club

At a well attended meeting of the Western Australian Turf Club on the 12th January 1856, Mr T. Burgess and Mr S.P. Phillips were chosen as stewards in the room of Lieutenant Harward, 12th Regiment and Mr Burgess resigned...the Club was most fortunate in their present Honorary Secretary Lieutenant Sim RE who is very energetic in their cause and takes a great interest in the race meetings and the general objects of the Club. (Perth Gazette, 27 January 1860, General Intelligence)

Furiously Riding in Perth

J. Marly, free man and M. Pinder (Pendor) of HM 12th Regiment, were charged by Sergeant Dumall with having furiously ridden in Howick Street on Sunday the 6th May 1860. The Sergeant called upon Mr and Mrs McGurk who were walking on the evening in question to identify the defendants as the same persons whom they saw furiously riding on the day before mentioned. Both witnesses swore positively that they were the same persons. Pinder acknowledged the .......(Perth Gazette, 25th May 1860 Perth Police Court, Racing in Howick Street)

Rival Porters at Perth Jetty

Frederick Howard, conditional pardon man, was charged by C. Miner (Mynor), a Private in HM 12th Regiment, with having made use of abusive and insulting language to him on the Perth Jetty. It appears that Miner went to the Jetty for the purpose of conveying his master’s luggage thence to his residence in the city, when he was accosted by Howard, the porter – who imagined that the soldier was endeavouring to “cut him out” – in this manner: “Well, it’s a hard case that a poor man will not be allowed to earn an honest shilling; there’s not another soldier in the Barracks that would do it”. Miner thinking that Howard was alluding to him said, “Do you mean that insult for me?” to which he replied, “Oh no! I’m talking to this here man” pointing to another person who happened at that time to be standing near him. An altercation then ensued which lasted till they had freighted their respective barrows, upon which, not through any feelings of friendship, may
be presumed – they started from the Jetty together; they had not proceeded far however before they again commenced to heartily abuse each other, but the soldier soon brought the affair to a climax by calling his worthy rival a “...y idiot”, whereupon he on the greatest exasperation, dropping his barrow, and seizing hold of Miner, declared that he had “a great mind to ram his fist down his throat” but thinking this a rather difficult operation, resorted to a threat, if he did not instantly apologise of “punching his nose off!” as, he continued, “to be called an “idiot” by such a “thing” was worse that man could bear!” Howard did not, however, happily carry his frightful threat into execution. Miner denied having used any insulting language to Howard or even having given him the slightest provocation, but this statement was contradicted by two witnesses, whose evidence showed that both were equally in fault. The charge was therefore dismissed. (Perth Gazette, 7th September 1860, Perth Police Court)

**Freemasons Ball in Perth**

The long talked of ball, given by the St John’s Lodge of Freemasons No 712 took place in Mr Haysom’s rooms on Wednesday evening last. Invitations had been issued to upwards of three hundred persons, over all parts of the Colony, and of that number about two hundred were present on the occasion. The reception was to take place at nine o’clock but long before that hour the officers and Brethren of the Lodge, with a Guard of Honour of the 12th Regiment, under command of Lieutenant Oliver were ready to receive his Excellency the Governor, who arrived with his usual punctuality, accompanied by Mrs and the two Miss Kennedy’s. Dancing immediately commenced to the band of the Royal Engineers and was kept up until half past twelve, when the supper room was thrown open; this was a very spacious apartment, temporarily erected for the purpose and so admirably arranged as to allow all the guests to sit down together, and enjoy the sumptuous repast spread before them. In fact, the accommodation and the entertainment throughout, reflected the highest possible credit on Mr Haysom’s establishment. The usual loyal and Masonic toasts were proposed and that of His Excellency was received with great enthusiasm. We need not say that the Worshipful Master, Mr Lochee, in his capacity as chairman, displayed his accustomed eloquence, judgement and good taste. After supper, dancing was resumed and kept up till about five o’clock in the morning. The Governor and party however, retired shortly after three o’clock. We cannot close this brief notice without recording our belief that never on any public occasion in this Colony has there been a more cordial and happy gathering. All classes of the community met and mingled together, apparently with a determination to enjoy themselves ad we have no doubt that, by the Lodge themselves and the general public they so hospitably entertained, the festivities of last Wednesday evening will be long and agreeably remembered. (Perth Gazette, 7th September 1860)

**Unruly House of a Publican in Perth**

Mr Haysom, publican, was charged by Police with keeping a disorderly house. The charge was dismissed on the grounds that the Police were unable to prove that the house was not more disorderly than usual on the night of the offence. (Perth Gazette, 3rd August 1860, Perth Police Court)

**Shoplifting in Perth**

John Churchill, a Private in HM 12th regiment, was charged with having stolen from the shop of Mr G. Shenton, in Hay Street, one pair of black trousers, valued at 16s. The charge was clearly proven against the prisoner by the lad who serves in the shop; he noticed the prisoner put something in his bosom, and immediately leave the shop; thinking that there was something wrong, he watched him down the street when he noticed him take a pair of black trousers from his bosom and wrap his pocket handkerchief around them. From the statement made by the prisoner, it was inferred that he had hid the trousers and on search being made, they were found in the prisoner’s handkerchief beneath a stone near the Temperance Hall. The prisoner in defence stated
that he was so intoxicated at the time, that he had no knowledge of what occurred. He was sentenced to six months imprisonment with hard labour. (Perth Gazette, 3rd August 1860, Perth Police Court)

**Assault on the Horse of Dr. Arden**

John Banbury, ticket of leave man, who stated himself to be the Grandson of the Duke and Duchess of Kent, was charged with having assaulted Lieutenant Sim RE on the 7th instant. Lieutenant Sim deposed that on the afternoon of the 7th, he was riding in company with Dr Arden of the 12th Regiment and as he turned their horses to enter his stable yard, the prisoner who was coming towards them, struck his horse on the head with a bunch of celery or some other kind of vegetable which caused his horse to rear back against Mr Arden’s and if they had not been going at a slow pace, the consequences might have been serious.

From Banbury’s demeanour and strange assertion in Court that he was the Grandson of the Duke and Duchess of Kent, there can be no doubt of his being a man of unsound mind – that he is so was made further evident by his asking Mr Sim, in cross examination, whether on seeing him coming up the street, he did not say to Mr Arden – “Come let us capture the b...r”. Banbury was so confident that Mr Sim did say so that he asked his Worship to allow him to take his oath as to the correctness of his assertion.

From the defence urged by Banbury, it was evident that his disorganised brain had transformed the Lieutenant and Dr Arden into two formidable opponents, yet badly armed as he was for such an encounter, he still deemed it beneath the dignity of one, in whose veins flowed Royal blood, to surrender without striking a blow. The prisoner was sentenced to three months imprisonment with hard labour. (Perth Gazette, 20th July 1860, Perth Police Court, Unfortunate Position of a Scion of Royalty)

**Abusive Language**

John Newton, expiree, was charged by M. Daley of HM 12th Regiment with having used abusive and insulting language to him in the Shamrock Hotel. As Newton did not appear, His Worship decided the case “ex parte” and fined Newton in the sum of 10s and cost 4s.6d. (Perth Gazette, 25 May 1860, Perth Police Court)

**Abusive Language while on Sentry Duty**

P. Lee, Ticket of Leave man, was charged by Thomas Foley of HM 12th Regiment with having used to him abusive and obscene language while on sentry at the Commissariat Store. The prisoner was fined 5s and cost 2s 6d. and in default payment, five days in the Lock Up. (Perth Gazette, 13th April 1860, Perth Police Court)

**2nd New Zealand Land War (1860 – 1862) Taranaki**

The Maori of New Zealand had for some time been in an unsettled state and war broke out in the Taranaki region in the south eastern part of the North Island, after a dispute over the wrongful sale of land by the Government on the Waitara river. On the 7th March 1860, the SMH carried the dramatic headlines -

**Native Insurrection in New Zealand**

**Martial Law Declared in Taranaki.**

Martial law had been declared in Taranaki and country settlers were fleeing into the township. “It is undoubtedly a crisis in the history of New Zealand in connection with the land question.” In an editorial comment on the 7th April 1860, the SMH advised –

the first fight has taken place and there is no alternative now but to follow up the contest energetically and bring it to as speedy a conclusion as possible.
*HMS Cordelia* and *HMS Iris* had sailed from Sydney for New Zealand on the 7th April. *HMS Pelorus* left Melbourne on 10th April with the ship *Wonga Wonga* carrying 250 troops of the 40th Regiment to Auckland.

**Departure of the ship City of Sydney for New Zealand**

Sir William Denison (Governor NSW and Governor General of Australia and New Zealand) could only venture to spare two companies of the 12th and half a battery of artillery, as the goldfields were expanding, remote and troublesome. These soldiers volunteered and embarked from Sydney in the steamer *City of Sydney*, under command of Captain Thomas Edmund Miller, with Lieutenants Richardson and Lowry and Ensign LaTouche as Subalterns, also Assistant Surgeon Lynch in medical charge. Their destination was New Plymouth, or Taranaki, as it was called in Maori. They arrived on the 16th April and found the small town in a state of siege. The SMH reported on the 11th April 1860 -

Yesterday, one hundred and seventy-three men, rank and file, from the Royal Artillery and Twelfth Infantry Regiments, embarked at the Circular Quay, near the Military Stores, on board the *City of Sydney*, en route for New Zealand, where their presence has been required on account of the Maori insurrection.

A fatigue party of fifty men were busily employed throughout the earlier portion of the day (fortunately a very fine one) in shipping the guns, shot, and ammunition, &c., of which the supply forwarded is something very considerable when the nature of the service for which it is required is borne in mind.

The *City of Sydney* carries with her to the scene of the much-to-be-regretted conflict between the Queen’s subjects and the insurgents - two twelve-pounders, two twenty-four pound howitzers, and a very liberal proportion of ammunition stores and camp equipage.

The detachment of the Artillery consists of forty Gunners, five non-commissioned officers, and one Captain; and the strength of the detachment of the Twelfth was stated to be one Captain, four subalterns, nine Sergeants, and one hundred and twenty-five rank and file, with two Buglers; besides these there were four or five Sappers. All seemed to be fine sturdy fellows, in the enjoyment of excellent health and spirits.

They marched through the streets and went on board in a ready, cheerful, and soldier like style. Scarcely a single instance of that discreditable but very common practice of taking too many a parting glass was to be seen; although, of course, here and there the manly face of a gallant Artilleryman might possibly have seemed more flushed than usual, as he waved his loud adieux to his sweetheart - a Twelfth man or so, emulating the noisy energy of his brother-in-arms, and flourishing what looked very much like a lady’s pocket handkerchief to some body or other who was probably sobbing on the Quay.

Order, cheerfulness, and good humour, however, everywhere prevailed, and the best feeling was manifestly by the crowd to all who were about to take their departure for the seat of war.

At twenty-five minutes past four o’clock in the afternoon the Artillery came down to the ship, their band playing “Auld Lang Syne,” and other appropriate airs. They were received with cheers by the people, already congregated on the spot to the number of at least a thousand persons. The multitude continued rapidly to augment in numbers until there must have been upwards of two thousand present. At ten minutes to four his Excellency, the Governor General and aide-de-camp came down to the steamer, and was received by the soldiers, then on board, with cheers, the band of the Artillery playing the National Anthem.
Soon after the detachment of the 12th Regiment, attended by a large concourse of people, made its appearance coming down Pitt Street with their band playing that well known air “The Girl I’ve Left Behind Me”. Then came the hurried leave takings and the last trouble and sorrow of parting. By half past four, the last of the detachment of the infantry was at length on board. And the magnificent steamer moved slowly away from the Quay amidst hearty cheering, taking up her station in the stream. She sailed at midnight for New Zealand.

**Arrival of the ship *Nugget***

Captain Queade, Lieutenant Dudgeon, Ensigns Murphy, Foster and W. Saunders and 111 rank and file of HM 12th Regiment, Lieutenant Warren and 166 men of the 65th Regiment, 40 men of the Royal Engineers, Lieutenant Warburton, Staff, and Assistant Surgeon Grace MD embarked on the ship *Nugget* from Downs, England, on the 7th March and arrived in Sydney on the 2nd June.

(PRO3720) The SMH reported on the 3rd June 1860 -

Yesterday afternoon 111 rank and file with their Officers, were landed at the Circular Quay from the ship *Nugget*. They were brought on shore in the *Corio* (steamer) and were received on the wharf by the band of the Regiment. They all appear to be young, fine looking men and were escorted to the Victoria Barracks with the usual honours.

This fine ship anchored at the Heads on Saturday morning after a capital passage of 86 days. She discharged her pilot on the 7th March and passed Madeira on the 13th, being less than a six days run.

On the 18th sighted *HMSS Fawn*, bound for Sydney and on the following day her Officers dined on board the *Nugget*.

From the 19th March to end of April, light winds and calms prevailed on which date she crossed the Equator. On the 4th April spoke the Capricorn from Swansea to Valparaise. May 5th, passed the meridian of the Cape of Good Hope and passed Van Diemen’s Land on the 29th. From May 14th to the 30th, the ship ran 2,000 miles and from the meridian of the Cape to Sydney Heads which was made 1st May at 6pm she has only been 27 days. One of the men of the 65th Regiment and one child died during the passage and there have been two births. The Officers and men of the various detachments on board speak most warmly of the very great kindness and attention they have received at the hands of Captain Bond and his officers during the passage. The *Nugget’s* cargo is entirely for Auckland for which part she will proceed at once with the Officers and men of the 65th Regiment and also forty men of the Royal Engineers.

Prior to departure from England, all men received 140 days’ pay in advance.

William Rylance (280) was a Private on the *Nugget* in 1860. He was a Sergeant when he returned to England in 1867.

**Departure of the steamship *HMSS Fawn* for New Zealand**

A detachment of 111 reinforcements departed from Sydney on the *HMSS Fawn*, a steam corvette of seventeen guns, for Auckland on the 15th July 1860. The SMH reported on the 16th July -

In consequence of the late unfavourable intelligence received from New Zealand, a reinforcement of the 12th Regiment embarked yesterday morning at half-past nine o’clock from the Circular Quay, on board the Washington steamer, for conveyance to *HMSS Fawn*, then waiting for them off in the stream.

The number thus going to take part in the war consisted of one field officer, two captains, three subalterns, four sergeants, one drummer and one hundred rank and file. All these
brave fellows - officers and men - had eagerly volunteered for the service. Many others in the Regiment were also urgently desirous of proceeding by this opportunity to rejoin their comrades, now actively engaged in the sanguinary conflict raging between the Queen’s forces and the Insurgent Maori; but no more could, we believe, at present be spared from garrison duty at Sydney.

To show the strong feeling of devotion to the service which invariably prompts the British soldier in the hour of danger, it may not be amiss to mention the fact that one of the officers, who had just obtained two months leave of absence and was on his way up the country, no sooner heard through the public prints that more soldiers were required in New Zealand than he immediately repaired to Headquarters threw up his leave and volunteered to go to the wars, where no doubt, he will take care to make himself sensibly felt.

Another of the officers pointed out to us was the gallant Captain Williams, formerly of the 49th - still a comparatively young man, who was we understand promoted for having distinguished himself in a remarkable manner in the Crimea, at the taking of Redan. This brave fellow attracted considerable attention from the fact of his breast being almost covered with British and foreign military decorations.

The detachment left Victoria Barracks, at Paddington soon after eight o’clock, accompanied by the band of the Regiment and a considerable number of civilians, between whom and the soldiers a very friendly feeling obviously existed. As was abundantly evidenced by the repeated cheers and other manifestations of hearty good will with which the detachment was greeted as it passed along. They appeared to be a very fine body of men all in good health and spirits and went on board in excellent order.

When the Washington cast off, the band struck up the pathetic national air “Should auld acquaintance be forgot” and a tender chord was evidently touched in not a few of the spectators who speedily rallied, however, and cheered the gallant freight of the Washington lustily as she receded from view.

As she passed along, the troops were hailed with enthusiastic cheering from the emigrant ship Chance and the other vessels lying in the Battery which was in each case as heartily responded to.

As soon as the troops were received on board HMS Fawn, she immediately tripped her anchor and steamed down the harbour at a steady pace, clearing the heads soon after the hour of noon, with a fresh breeze from the south west.

Captain Miller departed on the ship Laura Ashley for Nelson New Zealand on the 16th November 1860 and Captain La Touche departed on the ship Prince Alfred for Nelson on the 17th December 1860. These movements were recorded in the Musters but not in the SMH shipping intelligence.

**War in New Zealand**

We have papers from New Plymouth (Taranaki) to the 30th June. The intelligence is most gloomy, our troops have been beaten back with a comparatively heavy loss. Colonel Gould is much censured for his conduct of the unfortunate affair. (Perth Gazette, 18th August 1860, The Native War in New Zealand - Another Fight at Waitara, Repulse of the British)

**Formation of the New South Wales Volunteer Corps**

The Regiment’s most significant military contribution to Australia was in connection with the second Volunteer movement in New South Wales.
In August 1860, Sir William Denison, the Governor of New South Wales and Governor General of the Australian colonies, requested the resignations of the NSW Volunteer Corps Adjutant, an Officer from the 11th Regiment, as well as that of the Volunteers’ commanding officer, Major Thomas Wingate, as the first means of reinvigorating the Corps.

Denison was concerned about events in the Indian mutiny as well as the impact that the withdrawal of Imperial troops to New Zealand had on Australia’s defence. He consulted with Lieutenant Colonel Kempt on a scheme of management for a Volunteer Corps which would allow for expansion. Kempt’s memorandum of the 20th September set out the requirements and organisation. He was appointed Inspecting Field Officer for the Volunteers with an allowance and salary in October 1860.

Several of the 12th’s soldiers, such as Captain Heywood, QM Laver and Sergeant Marsland, were embedded within key ranks of the Volunteers, as Major of Brigade, Captain and drill Sergeant respectively. The Corps was comprised of infantry, artillery and cavalry and, at its peak, had 2,016 volunteers. Drill Sergeants received seven shillings per day and, if already a member of the Imperial force, their daily allowance was halved to three shillings and six pence.

As a regular Imperial officer in charge of colonial Volunteers, Kempt was often in an unenviable position. On the one hand, the Imperial authorities feared that he was being diverted from more legitimate duties, while on the other hand, the colonial government wanted him to be more under their control. When the Naval Brigade was formed and placed under his control, he incurred the undeserved enmity of Captain Hixon (RN).

In 1864, Kempt prepared several reports on the Corps and in a letter to the Colonial Secretary, William Forster, in April urged the Government to allocate more funds to it. Kempt’s work with the Volunteers won him high repute and gratitude from both the Executive Council and the Governor. (Australian Dictionary of Biography 5, 1851-1890, K-Q)

(Refer to chapter 12 of “Essays in early Colonial defence in New South Wales with particular reference to the Volunteer movement” by D. M. MacCallum, MA Thesis University of Sydney 1961. Microfilm XT910 Fisher Library)

Formation of the Queensland Volunteer Corps

In late 1859, war between Britain and France over Napoleon III’s Italian policy appeared to be a real possibility. In all parts of the self governing Empire this threat resulted in an outbreak of spontaneous military activity. In Britain, for example, a volunteer corps was enrolled which, in a few months, had several thousand members.

Although the French possession of Noumea was only seven hundred miles north from Brisbane, the war scare was not the only pressure for effective defence. In his letter of appointment, Governor Bowen of Queensland had received explicit instructions to form a volunteer unit “as rapidly as circumstances would allow.” This order from the Colonial Office was the product of a long term policy began in 1846 to force the colonies to undertake responsibility for their defence.

However, while Bowen implemented the concept of a Volunteer Corps, he at all times requested the garrison of a permanent Regiment. Because of the New Zealand Land wars, Army HQ provided minimal manpower to the northern region and the 12th Regiment contributed a small detachment to local defence and to the Volunteer movement in that State. (Queensland Heritage Vol. 2 No. 3)

Upon the 12th’s departure in 1866, a permanent garrison from the 50th Regiment was stationed in Brisbane. However, this garrison was soon withdrawn by Army HQ.
Provision of a Detachment and a Drill and Musketry Instructor for Brisbane

Although Bowen’s request for a detachment had been agreed, the provison of a Drill and Musketry Instructor was the only concession that Army HQ would allow at this time since the New Zealand operational theatre was the priority for all available manpower. On the 24th August 1860, the Colonial Secretary’s Office of Queensland confirmed in the Queensland Gazette that -

His Excellency the Governor directs it to be notified for general information that the Major General commanding Her Majesty’s forces in Australia has placed at his disposal Colour Sergeant Green of the 12th Regiment, an experienced instructor in drill and rifle practice, for the purpose of training the Volunteer Brigade of Queensland.

In consequence of the war in New Zealand, the military authorities have hitherto found it impracticable to supply a detachment of regular troops to aid in the protection of this Colony, by forming a nucleus for the Volunteers………

Colour Sergeant Green is ordered to hold regular drills at the Immigration Barracks daily at half past seven o’clock am, and half past four o’clock pm. For the convenience of those whose avocations will not permit them to be present at the above mentioned hours, the Sergeant will also be in attendance every Saturday from six to eight o’clock pm.

The drill and the subsequent instruction in rifle practice, will be found a healthy and agreeable exercise.

On the evening of the 7th September 1860, Colour Sergeant Green carried out “preparatory drill” with about seventy Brisbane residents, out of a total of some one hundred who had enrolled in the volunteer Brigade. The Moreton Bay Courier reported on the 8th September 1860 that this drill exercise:

“will, if persevered in, take off the rough edges of the gait of many, and give them an upright and manly appearance. Toss in, toss out. Shoulders back, chest forward &c, &c., to speak of nothing else, will impart vigour and develop muscle.”

HQ 12th Regiment had intended to transfer Colour Sergeant (2844) William Green to Perth in December 1859 to replace Colour Sergeant (2815) Edward Porter (PRO3720). However, this rotation was changed.

Porter returned to Sydney, while after being transferred to Perth in January 1860, Colour Sergeant Green was re-posted after two months in March 1860 to Brisbane where he was employed by the Queensland government as drill and musketry instructor for the Queensland Volunteer Corps.

Arrival of the ship Daphne

The Battalion received a draft of three Officers and eighty-three soldiers on the 13th December 1860. The SMH reported the arrival of the ship Daphne that -

had left Portsmouth on the 27th August. Captain and Mrs Cole and child and servant, Lieutenants Dawson and Phillips, Dr Will MD, Ensigns Maurice [misprint – should read Morris] and Mansell and 83 rank and file HM 12th Regiment.

The Daphne arrived yesterday from Portsmouth [after 117 days at sea] with 83 rank and file of HM 12th Regiment. Unfortunately through accidentally carrying away the fore-topsail yard off the Cape of Good Hope, several days were lost. No other casualties occurred and the troops who look in excellent health were landed during the afternoon and escorted to the Victoria Barracks by the band of the Regiment.
Just two days after his arrival on his second tour of duty, Captain and Mrs Cole sailed to Hobart on the ship *Tasmania* (SMH 17th December 1860). Captain Cole died from sunstroke in Rangiriri New Zealand in 1864.

Ensign William Mansell later discharged in Brisbane where he died on the 24th February 1882 (QBDM 82/B 014590).

Private (27) John Presdee, who had enlisted in England in 1857, arrived on the ship *Daphne*. He was stationed at Lambing Flat, served in the 3rd New Zealand Land War and was discharged in 1867. Presdee died in Sydney in 1878 leaving behind his wife, a former convict, and seven children.

Like its predecessor companies at Eureka, this draft of young and inexperienced men would be called into action to quell unrest on the goldfields.

**Gold discovered at Lambing Flat**

The SMH reported under Gold News on the 4th August 1860 that gold diggers on the snow fields at Kiandra, two hundred miles south of Lambing Flat, were dying from frost bite and it predicted a severe winter. On the same day, the SMH reported quietly –

Lambing Flat – a sample of gold weighing 7 ½ ounces was procured on the Flat…..the sample shown was found in three feet sinking in a creek. A good prospect has been found four miles from Lambing Flat.

The unassuming announcement caused a major rush from Sydney and surrounding districts to Lambing Flat. Within twelve months, as the diggings spread out, it’s estimated that there were 15,000 diggers on the fields, of which 2,000 were thought to be Chinese. (In April 1861, a census counted the total population at 10,000).

Violence, theft, armed robbery and general lawlessness developed as the Burrangong goldfields were not officially proclaimed until the 27th November 1860 when a resident Gold Commissioner and three mounted police (troopers) were appointed.

Until then this meant no law enforcement infrastructure, no gold escort and no security of possession in a claim. Liquor shanties proliferated, along with the usual array of businesses - butchers, bakers, blacksmiths, storekeepers. Main Street began to emerge at this time, populated first with canvas stores then bark shanties which were gradually succeeded by timber structures.

The discovery of gold at Lambing Flat came at a time when the other goldfields in New South Wales were in a state of decline, and thus this rich, easily worked diggings attracted to itself more than its fair share of the worst elements in the Colony’s society. Miners hoping to recover losses made on other fields came to Burrangong.

Lambing Flat was a good poor man’s field with its fairly shallow sinking (3 to 50 feet) and the certain prospect of small finds of fine alluvial gold. Claims were small, New South Wales law requiring four men to hold the same size of claim (40 by 40 feet) that two men could hold in Victoria.

The following diary entry of Colonel Cutbill, late 12th Regiment, has been copied from Colonel Webb’s “History of the 12th Regiment -

The gold claims were mostly alluvial, and, if the yield was not up to a certain value, the European diggers would abandon the work, and commence others. The claims thus abandoned would be seized by some of the Chinese, and the excavated earth, large mounds of which often remained unwashed, would be taken advantage of, and yielded some of Chinese a good profit and hence trouble. The Europeans did not consider these abandoned claims as worth anything, but objected to the Chinese taking advantage of
them. From a legal point of view, anyone was at liberty to take possession of a claim if it had been abandoned for a certain time.

Even when the government did act to preserve law and order, and to govern the field, it did so with little thought. To the most populous and prosperous field in the Colony in 1861, it appointed only one inexperienced sub-commissioner and three troopers. When soldiers were first sent to quell anti-Chinese agitation, they were withdrawn before the issue was resolved, against the explicit advice of the two competent senior officers who were temporarily present on the diggings. When Charles Cowper, Premier NSW, visited Burrangong, to oversee the military and to appraise the situation, he left virtually before they had unpacked, and his visit achieved little more than to antagonize the people of Burrangong. The several petitions to the Government from the field were ignored. In short, nothing characterizes the early history of Burrangong so much as Government neglect, apathy, and incompetence.

Burrangong has a justifiable reputation for violence and intolerance, but this reputation has been greatly exaggerated. Not one Chinese is known to have been killed in the numerous roll-ups, while the only European to have been killed during one of these occasions died during the attack on the police camp when Chinese were not involved. So much for mythology.

Lambing Flat was by no means the first conflict between Chinese and European miners for the Chinese had been cruelly maltreated at Bendigo 1854, Rocky River diggings (near Uralla) 1856, Buckland River 1857 and the Turon gold field in 1858.

Amongst the earliest gold-seekers to make their way to the new gold discovery at Lambing Flat were five diggers who were on the Kiandra Goldfield in the Snowy Mountains, when news of the gold discovery reached them. They were William Spicer, Charles Stuart, Donald Cameron, Hughie McBride and Douglas MacLean; the first three were to play a major role in the riots. They arrived at Lambing Flat in mid-September and soon found a rich patch of gold in Spring Creek, where they pegged a five-man claim. By the end of the first week they had won 620g of gold.

Spicer was a native-born Australian who had joined the earlier gold-rush to the Californian goldfields, where he was thought to have struck it fairly rich. His apparent wealth may have accounted for the fact that he never worked or pegged a claim in all the time that he spent at Kiandra. He hoped to one day change the Australian colony to a republic following the example set by America decades earlier.

The remaining four were Scotsmen who had been partners in a very successful claim at Kiandra. Stuart and Cameron were even more anti-colonial than Spicer. They were also biased against all races who were not white.

In the third week of September 1860, a man named Fogg opened the first butcher’s shop on the diggings at Spring Creek. His silent partner was Frank Gardiner, the bushranger. They had made a deal for Gardiner to duff cattle, re-brand them and then deliver them to Fogg. Fogg would then slaughter the cattle and sell the meat to the diggers. The profits would be shared equally by Gardiner and Fogg. Fogg decided that he could also earn a great deal more money if he dealt in sly-grog; which he did, and ultimately proved to be his downfall.

Three other men with connections to Lambing Flat were the now infamous bushrangers Ben Hall and Johnny Gilbert, who became Gardiner's closest associates, as well as John Piesley. Working a large area, which included the Lambing Flat diggings, the gang (which included John Vane, Michael Burke and John O'Meally) committed several robberies. In 1863, O'Meally and Burke were shot dead, Vane surrendered and was imprisoned and Gardiner fled to Queensland with Ben Hall's sister-in-law, Kitty Brown. Gardiner then fled to San Francisco, USA. Hall then became the
de facto leader of the gang which now consisted of himself, Gilbert and John Dunn. Hall and Gilbert were killed in 1865. Dunn fled but was caught and hanged in 1866.

Towards the end of September 1860, a European by the name of McCulloch Henley, arrived at the Chinese diggings on Spring Creek and announced his intention of opening a store to deal with the Chinese. Having spent eleven years in China, he spoke fluent Cantonese and subsequently became a spokesman, protector and interpreter for them. Henley was to save a good many Chinese lives during the many riots that occurred on the goldfields.

Four major riots and a number of minor riots occurred between the Chinese and the white diggers on the Lambing Flat Goldfields within the first twelve months of the gold rush. The first riot occurred in the first week of October 1861. As a result of this riot the Government finally sent a Sub-Commissioner, David Dickson, and three troopers to bring peace to the goldfields.

Despite the presence of Dickson and his troopers, a second riot occurred on the 9th December 1860 then a third on the 27th January 1861; then finally the fourth and most violent of all, on the 30th June 1861. Officially the number of Chinese dead was given as two, plus several dozen injured. The number of white diggers killed was one, and he was accidentally shot by the police.

Growing unrest on the Southern Gold Fields (Lambing Flat)

The SMH dramatically reported on the 13th December 1860 –

**Great Riot at Lambing Flat Diggings**

two Chinamen killed and ten seriously wounded – a Vigilance Committee formed – six shanties burnt. Wednesday Yass 11am.

On Monday 690 ounces arrived in Yass from Lambing Flat. All doing well there. The Commissioner and three only police are in charge of the field and they are living twelve miles off.

Owing to no police protection and numerous robberies, a Vigilance Committee was formed. Seven hundred diggers accompanied by a band of music proceeded through the diggings on Saturday and Sunday last and pulled down and burnt six shanties – the resort of thieves. They smashed in a hogshead of rum and set fire to it.

It was determined by the Committee that all thieves should have their ears cropped. The Chinamen were driven off which resulted in the death of two and the wounding of ten.

Great complaints are made that there is no mail to the diggings, letters having been five weeks between Yass and there; no newspapers go at all.

The following is an abridged [report] from the Yass Courier of the morning - “Two men got twenty-one ounces in one week at Spring Creek. On Saturday the Vigilance Committee met and with a large body of miners (600 or 700) headed by a band of music went to Harris’ sparring saloon at Stoney Creek which was a great resort for horse stealers and thieves. They pulled the building down in five minutes and burned it. Harris escaped ear cropping by placing himself in care of police. Another saloon was burned on Spring Creek. Clay’s dancing and sparring saloon was also burned and Clay escaped with his ears by galloping away.”

More police are required immediately who should reside on the field.

Provisions cheap Flour £3.12s per bag. Plenty of gold and sufficient water for all purposes.

The riot was the portent of worse to come in the following year.
Death of Drummer (3059) John Eagan

John Eagan died from "phystitis pulma" (probably a heart or lung condition) on the 8th September 1860 at Victoria Barracks, Paddington, and was interred in the Roman Catholic burial grounds.

John Eagan was the first military casualty at the Eureka goldfields where he was shot in the leg by a miner as a detachment of the 1st Battalion entered the goldfields on the evening of the 28th November 1854 after an exhausting forced march of two days from Melbourne.

From his Death Certificate (NSW 1860 / 002463) and from the references in the Battalion's Pay Rolls and Musters (PRO3721 WO12/2980 pages 66 and 88), John was aged twenty one at the time of his death and he was single. He was born in Athlone Ireland in 1839 and enlisted as a Boy in the Regiment on the 10th February 1852 aged thirteen. He was a Drummer with the 1st Battalion when it arrived in Melbourne in late 1854. Promoted to Private shortly after the Eureka Rebellion, he was re-appointed Drummer in July 1859. (PRO3719 WO12/2978 page 72) Between 1854 and 1860 John had been on Sick Report on several occasions (February 1860) and he had also been confined to cells on a couple of occasions, most notably for the month of August in 1859. Egan was not sent to the New Zealand Land War in July 1860, probably because of his poor health.

Corporal (2226 / 3710) George Joseph Shepherd registered Eagan’s death. Shepherd had joined the 12th as a Private on transfer from the 99th Regiment in Hobart, November 1855. He was demoted to Private in 1861. Shepherd was a member of the detachment to Lambing Flat after the first gold field riots in April 1861, fought in the 3rd New Zealand Land war and returned with the Battalion to England in 1867.

Character Reference for Sergeant Wallace upon Discharge

Sergeant (3729) Michael Wallace, formerly with the 99th, was discharged on the 31st July 1860. He obtained the following character reference from Adjutant Fitzgerald.

<table>
<thead>
<tr>
<th>I have known Sergeant M. Wallace for nearly five years, three years of which he was in my company during which times his conduct has been most exemplary and I never once had occasion to find fault</th>
<th>with him. Previous to his transfer to the 1st Batt. 12th Regiment, he has nine years as a non-commissioned officer in the 99th Regt. F.A. Fitzgerald Lieut and Adjutant, 1st Batt. 12th Regt. Victoria Barracks, Sydney August 26th 1859</th>
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Musters

Hobart -

Captain Saunders’ second daughter, Florence, was born in October 1860 in Hobart.

Boy (287) William Jamieson turned 15 years on the 13th April 1860.

Private (1210) William Leggett received a free discharge with twelve months pay and a right to register for a separate pension. Born Norfolk England, labourer, Leggett had enlisted twenty-two years earlier on the 8th June 1838.

Private (3659) Richard Lillis received a free discharge and six months pay. Born Cork Ireland, labourer, Lillis had enlisted on the 13th April 1848.

Privates (3725) Joseph Wigmore and (3635) John Heally discharged on completion of their limited service. Both were labourers, born Cork and had enlisted on the 15th March 1849 and 17th October 1849 respectively.

Private (3420) John Rider embarked from Hobart under escort for Sydney on the 15th November 1860.

Corporal (3302) Cross joined the Mounted Police in 1860 in Hobart.

Colour Sergeant (2783) Samuel Manning re-enlisted in Hobart along with Private (3726) James Wallace in February 1860. Both men were aged thirty, both had enlisted in October 1849 and both received £6.3s. (PRO3720)

Sydney –

Charles Draper was employed as a Soldier’s Assistant.

There were two deaths and eight deserters at HQ in the period January to March 1860 and seven recruits between April and May.

Sergeant (3729) Michael Wallace, formerly with the 99th, discharged on the 31st July 1860.

Sergeant (633) James Charles Furnish received Good Conduct Pay of £0.14s.6d between the 12th April and 31st May 1860 for Probationary Orderly Room Clerk.

Colour Sergeant (1671 / 3652) William Lisby had transferred from the 99th Regiment to the 12th in November 1855 and was immediately employed as Pay Clerk. Lisby died in Sydney on the 24th January 1860 without a will. Lisby, born Middlesex London, watchmaker had enlisted on the 27th December 1841. (PRO3721)

<table>
<thead>
<tr>
<th>Recruits</th>
<th>Age</th>
<th>Height</th>
<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
</tr>
</thead>
<tbody>
<tr>
<td>William Arthur</td>
<td>23</td>
<td>5’6 3/4”</td>
<td>13.1.1860</td>
<td>£2</td>
<td>18.6s</td>
</tr>
<tr>
<td>Henry Graham</td>
<td>23</td>
<td>5’7 1/2”</td>
<td>6.2.1860</td>
<td>£2</td>
<td>18.6s</td>
</tr>
<tr>
<td>John Marsland</td>
<td>14</td>
<td>4’10”</td>
<td>6.3.1860</td>
<td>£2</td>
<td>18.6s</td>
</tr>
</tbody>
</table>

William Arthur, a draper, born Chichester England, died in Sydney one month later on the 12th February 1860, leaving a widow. (PRO3720)

John Marsland was the son of Sergeant John Marsland. Mrs Marsland was midwife to Mrs Saunders when she gave birth to her third daughter at Victoria Barracks in 1862.
Sergeant Marsland’s eighth child, Emma, was born on the 27th September 1860, at Victoria Barracks. Emma died on the 5th September 1862 and was buried at St Jude’s Church of England Cemetery, Randwick, Sydney, on the 6th September 1862.

Captain Olivey’s second son, Walter Rice (Junior), was born on the 19th March 1861 (NSW BDM 2836/1861) at Glebe Sydney. After Sandhurst, he was gazetted to the 66th Foot in 1879. Young W.R. Olivey was killed at the battle of Maiwand in Afghanistan on the 27th July 1880 where he was last seen as part of the small group defending the Queen's colours in a garden at the last stand of the 66th Foot.

Perth -

Private Daley was sentenced to five days in the cells in May 1860.

Privates Carrington, Drum, Martin and Purvis had been convicted and sentenced to two years in the cells while Private Sharkey was sentenced to six months. (PRO3721 WO12/2981 page 5).
1861

“all law and order seems at an end.”

Stations
NSW (Goat Island, Lambing Flat, Parramatta, Sydney), Queensland (Brisbane), Tasmania (Hobart) and Western Australia.

Troop Movements
Ensigns Duncan and Brittain arrived in Sydney on ship Salsette from Southampton on 14th August 1861. (From Sydney Morning Herald, 15th August 1861)

Ensign Hurst embarked from Sydney on the steamer Airedale for Taranaki New Zealand on the 17th January 1861. (Recorded in muster PRO3721 but not SMH).

Private (1654) John Barrow and Private (232) Thomas Davis left Sydney for New Zealand between January and March 1861 (PRO3721).

Privates Fowler, McGarry, Hodgson, Gardiner and James Birch returned from New Zealand to Sydney on the ship Prince Alfred on the 10th July 1861.

Private (174) William Fuller and four soldiers returned from New Zealand on the ship Prince Alfred which arrived in Sydney on the 19th July 1861.

Private (3624) John Fox returned to Sydney from Tasmania on the 8th January 1861 (PRO3722).

The SMH reported that the ship Tasmania took three soldiers of the 12th from Sydney to Hobart on the 29th July 1861.

Lieutenant Fitzgerald was promoted to Captain in April 1861 in Sydney and took leave in June 1861 and presumably returned to England. Fitzgerald re-joined the Depot in October 1863 (PRO3724).

Lieutenant Coningsby Harward left for England on the 28th July 1861. (Harward may have returned to England with Fitzgerald.)

It is presumed that Sergeants (4) Phillips and (3106) Read sailed from Perth to Sydney in June 1861. Four soldiers left Hobart on the 10th December 1861 for Sydney.

Marriage of Captain Sillery
On the 7th instant, at St. Andrew's Church. Launceston, by special licence, by the Rev. R. K. Ewing, Captain Sillery, of the 12th Regiment, to Christina, second daughter of the late Archibald Smith, Esq., of Silma, Tasmania. (The Mercury 8th November 1861)

Death of the Child of Captain Wilkie
On 22nd instant, at the Victoria Barracks, the wife of Captain Wilkie, 12th Regiment, of a daughter, still-born. (Sydney Morning Herald 24th August 1861, Empire 26th Augst 1861)

Maintenance Money to Wife of Private Daw
Supreme Court in Equity. Before Mr Justice Milford. Higham V Hellyer. A petition was read by Mr. Gordon from Mrs. Anne Stewart, guardian, complaining of the insubordination of her wards,
Mary Daw (formerly Higham), Betsy Higham, Robert Higham, Margaret Higham, and John Higham. One of these, Mary Higham (who would be twenty-one on the 26th March), was married by Rev. Dr. Lang in October last to Eli Daw, a soldier of the 12th Regiment, now gone to Lambing Flat. The other infants refused to go to school, and were inattentive to the petitioner's directions.

Mr. Gordon said he supposed all that was material in this petition was the marriage without consent of the guardian. He suggested that the Court should summon the husband and wife before it, and ascertain the validity of the marriage.

The Court ordered that the maintenance money be paid to the wife alone; that it referred to the Master to inquire as to the validity of the marriage; and that the parties be summoned to appear before the Court at a convenient day, 22nd instant was named. (Empire 14th March 1861)

**Enrolled Pensioners Replace a Portion of the Guard Detachment in Perth**

A portion of the military duty in Perth, usually devolving upon the Detachment of the Line stationed here, have recently been discharged by Enrolled Pensioners in consequence of some of the former being temporary removed to Fremantle to learn the new rifle drill. (Perth Gazette, 7th June 1861, General Intelligence)

**Appointment of Monitress of the Battalion School**

Mrs Anne Astbury was appointed Monitress of the Battalion School in 1861.

A monitress is a female monitor. The school children would have been under the charge of a monitress who would care for them when they were sick and who also would ensure that the school registers correctly recorded their attendance. The marking was an important requirement and any children who arrived late would be marked absent. The registers were used to justify the employment of a school master.

**Transfer to Queensland**

While the Moreton Bay Courier reported on the 22nd December 1860, the expected arrival of thirty “red coats”, the detachment under Lieutenant Seymour did not arrive until the 13th January 1861. On the 31st January 1861, the Moreton Bay Courier advised how the detachment would be engaged -

There is to be no regular guard stationed at Government House, but three soldiers are to be regularly told off as orderlies in attendance upon His Excellency, one of whom will act on foot. The Treasury will remain as at present without a guard, but three men and a non-commissioned officer will continue to do duty as a guard at the Barracks. One important arrangement, however, consists in the apportionment of three soldiers to act as a penal guard over the prisoners at work out at the goal, and this provision is to take effect on the 1st February. The result of this disposal of the military force will be to restore to the citizens the full and legitimate services of the ordinary police, several of whom are now employed as a penal guard to the prisoners, and as orderlies at Government House and elsewhere. The regulations issued in the military order are of a very stringent character with reference to prisoners; one of them empowers the sentry on duty to shoot persons found trespassing to the extent of communicating with the prisoners.

At midnight on the 9th January 1861, a detachment under Lieutenant David Seymour with twenty-seven rank and file, including one drummer and one sergeant, three women and nine children, embarked at Sydney on the ship Telegraph and arrived in Brisbane, Queensland, on the 13th January 1861 (Moreton Bay Courier dated 15th January 1861). The Courier advised that -
quarters were provided in the buildings, formerly known as the military barracks, and more lately as the Immigration Depot.

The detachment remained in Brisbane for five years without rotation apart from the OIC. The detachment was stationed at the William Street Barracks (1861-1864) and the Victoria Barracks on Petrie Terrace in an area known as “the green hills” above the city of Brisbane (1864-1866). They were employed informally as police and prison guards since it was cheaper to pay them than make a civil appointment. Lieutenant Seymour was also appointed the first Police Commissioner of Queensland. Some soldiers of the 12th kept a civilian job in the city after the morning muster and desertion was high for such a small detachment.

Shooting competitions within the detachment or against the Queensland Volunteer Rifles were significant social events and some of the soldiers were sometimes named in the Brisbane Courier.

Refer to Appendix 6 for a description of some of those soldiers, who served at Brisbane, as well as those soldiers of the 12th Regiment in receipt of a military pension and who took their discharge in (or moved to) Queensland.

**Unruly behaviour in Brisbane**

On the 15th January 1861, the Moreton Bay Courier reported on our new military force -

Sir, it appears from the drunk and disorderly conduct of some of the soldiers since their arrival here, that they are likely to become a public nuisance instead of a benefit. The amount of evil that may be done by a few men, like these, if allowed to run riot in a small community such as ours, is past estimation. As a community, we at present stand high in the scale of morality; let us endeavour to maintain this honourable position, and use prompt measures to suppress every demoralizing influence that may present itself.

Less than two weeks after their arrival, the Moreton Bay Courier newspaper carried a letter on the 21st January 1861 under the pseudonym “Vanguard” with the caption “A Budding Nuisance”. A group of soldiers, drinking outside the Sawyers’ Arms, Brisbane, a hotel in George Street, had bothered “Vanguard” and some ladies in his company, while they were on their way home from church. “Vanguard” hoped that the soldiers’ commanding officer would -

Now, Sir, you will bear me out in the assertion that hitherto our prettily situated city has been noted for its quiet and well behaved community. Does it not then seem a pity that those who come here to be the guardians of our homes should be permitted by military regulations to unfit themselves, no less for duty than for conducting themselves with propriety in our public streets, especially on the Lord’s day?

“Vanguard” hoped that the soldiers’ commanding officer would -

take strict measures for preventing a recurrence of such proceedings, for, I fear such disregard for the Sabbath must, eventually, prove of incalculable mischief to our, at present, well conducted inhabitants.

Such exhortations for better behaviour had little effect. Two weeks later, on the 7th February 1861, the newspaper carried an account of a brawl between soldiers and some police officers at Ahearns Hotel in Queen Street –

Shortly after ten o’clock last night a fracas of a serious character occurred between the soldiers, the police and some civilians. In our endeavours to ascertain the facts as correctly as possible, our first enquiries were made at the military barracks, where, from the happy ignorance with which those in charge were blessed, we were unable to glean anything. Failing there, we pursued our enquiries in other directions, and gathered the following, which we believe embody the whole facts of the case.
During the evening, two Constables of the Ipswich police and the newly appointed Corporal of the military penal guard were drinking together at the bar of Ahearn’s public house, Queen Street, and were all somewhat the worse for liquor. Whilst in this state, the soldier launched a tirade of abuse against the police, saying that “they were a d-----d set, who were getting 7s. 6d a day for robbing people,” At the same time, saying that he would not be satisfied until he got them outside.

Eligat, one of the police Constables, went outside and on receiving further provocations, knocked down the Corporal, on which some civilian spectators entered the lists and a general melee commenced. Sergeant Upjohn, the only Constable on duty in North Brisbane, was immediately on the spot, and at once arrested Eligat, who was taken to the lock up.

Other Constables were immediately at hand and with the assistance of Eligat’s comrade succeeded in capturing one of the more prominent civilians, named Bell, who was also forwarded to the lock up.

Owing, however, to the absence of sufficient police to capture the Corporal, he was suffered to remain at large and return to the Barracks, minus his belt, which it is stated he took off to use in the affray.

On the 19th June 1861, the Moreton Bay Courier reported a fracas between the military and the police in the yard of the old military barracks between Constable Logan and four newly arrived soldiers of the 12th Regiment -

...pulled him (Logan) heavily against the fence. After proceeding two or three places, Logan turned round and was met by a volley of abuse from the soldiers, mingled with threats of personal violence to which, being alone, he relied by threatening to report to the officer in charge. Having been admitted to the yard, and whilst telling his tale to Sergeant Green, the four men who had come in by a back way, at once commenced an attack upon him, which was joined in by other soldiers who were in the yard.

Sergeant Green at once called out the guard, but before the assailants could be arrested, Logan and the Corporal, who assisted him in opposing the soldiers, received several severe blows, Logan getting both his eyes blackened.

The Brisbane Courier reported another occurrence on the 18th October 1864 under “Drunken rowdyism amongst the garrison.” (Reference Queensland Heritage Vol.2 No.3.)

**Assault of Police Constable in Brisbane**

Queensland. Four soldiers of the 12th Regiment, named Shanahan, Webb, Bamford, and Kenny, had been sentenced by the Police magistrate to six weeks' imprisonment for violently assaulting a Police constable. (Empire 26th June 1861)

**Climate and Uniform**

Queensland’s humid climate poorly affected soldiers who were required to wear regulation uniforms. On the 16th February 1861, the Moreton Bay Courier reported that Lieutenant Seymour had written to Colonel Kempt in Sydney for permission to substitute “a white loose uniform for that at present” used.

The Courier added that this had been pursued through the advice of one of Brisbane’s leading medical officers, Dr William Hobbs, “who is clearly of the opinion that the present heavy military uniform is unsuitable to the climate and calculated to seriously affect the health of the troops.”

No action was taken.
Appointment of Aide-de-Camp to the Governor of Queensland

Lieutenant Seymour was appointed acting Private Secretary and Aide-de-Camp to Governor Bowen on the 16th May 1861. He held these positions until the arrival of Captain H. Pitt, Royal Artillery on the 1st August 1862.

This was the same Captain Pitt who, as a Lieutenant, had taken a detachment of Royal Artillery in company with the 12th Regiment to quell riots on the gold fields at Lambing Flat in July 1861.

Return of Invalids to England

Private (3150) Hayman and two Eureka Stockade Rebellion:Veterans, Privates Crude and Sutcliff, returned as invalids to England from Perth on the 3rd January 1861.

Nine invalids of the 12th Regiment, including Privates Adams and Finn who had been posted to Ballarat during Eureka, and eleven invalids from the 40th Regiment embarked from Sydney for England on the 1st May 1861 (PRO3722).

Privates Crawford and Lenehan returned from New Zealand as invalids in June and returned to England in August 1861. Private Lenehan had enlisted in Sydney in 1860.

Volunteer Review

The SMH reported on the 23rd January 1861 –

Sir William Denison cannot leave the colony without congratulating the inhabitants on the organisation of a force which, if not fitted to take upon itself the whole of the task of defending the Colony, is yet when combined with such a proportion of regular troops as would, by the occupation of the advanced batteries and outposts, give time for the mustering of the Volunteers of such a formidable character as would render any serious attack upon the colony most disastrous to those who might be rash enough to attempt it.

It is with great pleasure that the Governor General has witnessed the scheme of defence which he long ago proposed, developed in part by the spontaneous action of the colonists and he trusts that the national spirit which has shown itself will not be allowed to expire either from the absence of encouragement and support from the legislature, or from indifference on the part of the people.

Signed W. Denison
By command W. Heywood Captain, Major of Brigade.

The Volunteer Movement across the Empire

On the 18th January 1861, the SMH reported a lengthy article on the requirements to provide the state of each Volunteer regiment across the Empire –

War Office Circular 10 – the authorities of the War Office appear determined that the enrolled regiments of volunteers shall not be permitted to relax on any of the essentials to bring them up to a proper state of efficiency……

Appointment as Administrator of New South Wales

From the 22nd January to the 22nd March 1861, as the Colony’s senior military officer, Lieutenant Colonel Kempt was appointed Administrator of New South Wales after Governor Denison left and before Governor Sir John Young arrived.

During this period, the Regiment was again used in support of the civil power against gold miners. The political implications were addressed by appointing a civilian, Premier Cowper, as chief in command of the joint force. Refer to the following section entitled “Responsibility at Lambing Flat.”
The SMH reported on Friday 22nd February 1861 – Botanic Gardens – the Band of the 12th Regiment will perform the following selection of music at half past three o’clock, weather permitting, conductor Mr G.D. Callen.

Programme -
- Overture, Nabuco, Verdi;
- selection, Czaar and Zimmermann, Lortzing;
- waltz, Martha, D’Albert;
- selection, Lucretia Borgia, Donizetti;
- quadrille, Marien, Herfurth;
- polka Downshire, Callen.

God save the Queen.

Figure 8. The Band of the 1st Battalion.

The SMH reported on Friday 24th September 1861 – Botanic Gardens – the Band of the 12th Regiment will perform at half past 3 pm (weather permitting). Director Mr Douglas Callen.

Programme: overture, Nabuco, Verdi; selection, L’Elisir d’Amore, Donizetti; waltz, Kathleen Mavourneen, D’Albert; selection, Lurline, Wallace; quadrille, Linds, D’Albert; galop, California, Kuhner; God save the Queen.

On the 2nd October 1861, the SMH reported in great detail, a concert given by the Volunteers to raise funds to purchase instruments for their new band. Mr Callen played 1st violin.

Colonel Kempt Appointed Acting Administrator of New South Wales

(From Yesterday's Government Gazette Extraordinary, Sydney Morning Herald, 23rd January 1861)

Proclamation. By his Excellency John Francis Kempt, Esquire, of Her Majesty's 12th Regiment, Lieutenant Colonel in the army, the senior military officer for the time being commanding Her Majesty's land forces in the Colony of New South Wales, administrator of the Government thereof.

Whereas Her Majesty Queen Victoria was graciously pleased by letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster, the eighth day of September, one thousand eight hundred and fifty-five, to appoint his Excellency Sir William Thomas Denison, Knight, now Knight Commander of the most honourable Order of the Bath, to be Captain General and Governor-in-Chief in and over the territory of New South Wales; And whereas her said Majesty was further pleased, by warrant under her royal signet and sign manual, dated the third day of May, one thousand eight hundred and fifty-nine, to signify her royal will and pleasure, that in case of the death or absence out of the said territory of the said Sir William Thomas Denison, the administration of the Government thereof should for the present be vested in the senior military officer for the time being commanding Her Majesty's land forces in the Colony of New South Wales, administrator of the Government thereof.

And whereas his Excellency the said Sir William Thomas Denison has this day embarked for Madras, to assume the Government of that Presidency, and is now absent from the said territory of New South Wales.
And whereas his Excellency John Francis Kempt, esquire, of Her Majesty's 12th Regiment, Lieutenant Colonel in the army, the senior military officer, for the time being commanding Her Majesty's land forces in the Colony of New South Wales, took the oaths prescribed by law, at Government House, Sydney, in the presence of the chief officers of the Government, and other principal inhabitants of the Colony, before his honor Sir John Nodes Dickinson, Knight, acting Chief Justice, of the said Colony.

Now, therefore, it is hereby proclaimed that immediately upon the said departure of His Excellency the said Sir William Thomas Denison, all and singular the powers and authorities given and granted to the said Sir William Thomas Denison, and exercised by him, Captain-General and Governor-in-Chief in and over the said territory of New South Wales, became and are now vested in his Excellency John Francis Kempt, esquire, as the senior military officer for the time being commanding Her Majesty's land forces in the said territory of New South Wales, to be by him executed, and enjoyed during the absence from the said territory of the said Sir William Thomas Denison, or during Her Majesty's royal pleasure.

And all officers and ministers, civil and military, and all other inhabitants of the said territory are hereby commanded and required to be obedient, aiding, and assisting to the said administrator of the Government accordingly.

Under my hand and seal at Government House, Sydney, this twenty-second day of January, one thousand eight hundred and sixty-one.

John Francis Kempt, by His Excellency's command,
Charles Cowper,
Colonial Secretary.
God save the Queen!

Deserter

George Grey was brought before the Court by Police Sergeant Bourke as a deserter from the 12th Regiment. He denied that he was even a soldier, in either the 12th or any other Regiment. Sergeant Walker, of the 12th, deposed that he knew the defendant as a soldier of the 12th, having drilled him for two months. Remanded to the military authorities. (Central Police Court. Sydney Morning Herald, 18th February 1861)

Transfer to Perth

It is rumoured that forty men and an Ensign of the 12th Regiment may shortly be expected to fill up vacancies which have occurred in the Detachment of that Regiment stationed in this Colony. (The Perth Gazette 15th November 1861)

Appointment as Aide-de-Camp to the Governor of Tasmania

The following appointments are notified: Lieutenant Saunders, 12th Regiment, to be His Excellency's Aide-de-Camp in succession to Henry Maule, Esq resigned. (Government Gazette. The Mercury 14th May 1861)

Private Secretary to State Administrator

His Excellency the Administrator of the Government (Colonel Kempt) has appointed Mr. Walter Rice Olivey, 12th Regiment, to be his Private Secretary; also, Lieutenant Henry Dowdeswell Pitt, R.A., to be his Excellency's Aide-de-Camp. (Sydney Morning Herald 24th January 1861)

Prisoners on Cockatoo Island

Today the prisoners on Cockatoo Island again manifested symptoms of insubordination, and in consequence a company of the 12th Regiment were sent over to quell the disturbance; they have
since returned. The prisoners at Darlinghurst are also refractory. (Sydney Morning Herald 8th June 1861)

The Recent Murderous Attack on the Warder in Darlinghurst Gaol

We regret to state that the injuries Mr. Wallace sustained in the brutal treatment he received from the Cockatoo Island rioters in Darlinghurst gaol, reported in our issue of yesterday, is of a far more serious nature than was supposed.

During the whole of yesterday afternoon, the sufferings Mr. Wallace endured were truly agonising, so much so that great fears were entertained that some serious result would be the consequence of the injuries which befell him; and we are sorry to add, that at a late hour last night this victim to fiendish violence was in a very dangerous state.

We may here mention that it was Clifford, the highwayman, who commenced the attack on Mr. Wallace, by coming upon him suddenly, as he was opening one of the cell doors, and felling him to the floor with a brick. It may appear strange how a confinee like the prisoner could have got hold of such a missile, but this we will explain. It appears some of the cells being made with air holes leading into the corridors the prisoners frequently complained that rats used to get through these orifices into their cells, and eat their bread. In consequence of this the holes were stopped up with bricks, apparently securely fastened into the crevice with a strong cement, which now, it appears, Clifford has been enabled to remove, and thus, by taking the brick away, furnished himself with a weapon, by which a murder might easily have been effected.

Mr. Wallace now says that although, perhaps, he is one of the strongest men in the goal, still, with the powerful force he had against him on Wednesday morning, he had not the slightest doubt but that it was premeditated on the part of the prisoners to take his life, and that this certainly would have been his fate had not Mr. Bead and the turnkeys immediately come to his assistance, more particularly as a blow which one of the men at the moment had given him with a shoe had so completely weakened him, that he felt he could scarcely offer any more resistance.

Mr. Wallace is, we understand, one of the most efficient officers in Darlinghurst Goal and particularly strict in the performance of his duty; a man, therefore, in his capacity, thus carrying out the duties of his office, will, doubtless, make himself obnoxious to the general body of the prisoners. To his cause, therefore, must be solely attributed his unhappy fate. He was sixteen years in the 19th Regiment, in which he was a Sergeant, and when that Regiment was leaving for England, he having a large family, rather than leave the Colony, exchanged into the 12th Regiment, from which he ultimately obtained his discharge.

He has now eight children, entirely depending upon him for support. It is to be hoped, therefore, that the melancholy catastrophe which befel the parent will not deprive his children of their only protection for whom, by those who know him, much commiseration is felt. (Empire, May 31. The Maitland Mercury & Hunter River General Advertiser 4th June 1861)

Farewell to Colour Sergeant Joseph Gibson and Family

On Friday evening, the 18th instant, a ball on a very handsome scale was given by the Sergeants of the First Battalion 12th Regiment to Colour Sergeant Joseph Gibson, Mrs. Gibson, and family, prior to their departure for England. At supper, which was of the most elegant description, a magnificent silver goblet was presented to their guest, bearing the following inscription:
"Presented by the Sergeant Major and Sergeants of the First Battalion 12th Regiment to Colour Sergeant Joseph Gibson, as a mark of respect on leaving the Regiment. Sydney, January, 1861."

Several most complimentary addresses were delivered expressive of the general appreciation of this non-commissioned officer's services, and regretting through ill health his retirement from the
service. Mrs. Gibson, who is universally respected by the Regiment for many reasons was most heartily toasted.

Dancing being resumed, was kept up in a most spirited style until six a.m., when "Auld Lang Syne" closed the night's amusement; the guest and family being the last to leave. Amongst the many mementos presented to this non-commissioned officer and his family by members of the Regiment, a valuable watch and Albert chain was one from the Captain of his company. It must be gratifying to Colour Sergeant Gibson, his wife and family, to know that they retire from the Regiment with the good wishes for their welfare and happiness of all classes with whom they are acquainted. (From Sydney Morning Herald 21st January 1861. The Maitland Mercury & Hunter River General Advertiser 24th January 1861)

Descendants of the family presented the goblet to the Australian War Memorial.

A beautifully bound family Bible with velvet cushion has been presented by the non-commissioned officers and men of Nos. 1 and 4 Companies 12th Regiment to Mary Ann Augusta, wife of Colour Sergeant Gibson, prior to her departure from amongst them. (The Sydney Morning Herald 16th February 1861)

Presentation of a Long Service Medal to Private (1880) Froome in Brisbane

Private Charles Froome, of the 12th Regiment, has been presented with a medal, and a gratuity of £5, for Long Service (twenty years) and Good Conduct. (Brisbane Courier 30th November 1861)

Presentation to Acting Sergeant Major (2783) Manning in Hobart

Yesterday evening the presentation of a purse of twenty sovereigns by the members of the First Rifles, S. T. V., to Acting Sergeant Major Manning of H. M. 12th Regiment, who since the formation of the Corps, has filled the post of Drill Instructor, took place at the Town Hall.

Lieutenant Colonel Russell, Field Officer, commanding Volunteers, and the whole of the officers of the Second Rifles were present; Mr. Manning holding the office of Drill Instructor to that corps. Several ladies also graced the scene with their presence and numerous spectators filled the gallery and lower part of the Hall. Acting Sergeant Major Manning arrived shortly after eight o'clock, and the Corps being drawn up in subdivisions facing each other, Captain Solly spoke as follows –

Sergeant Manning - The pleasing duty has devolved upon me, as the Captain Commanding the First Rifles, to convey to you, on the part of the Corps, the expression of their appreciation of your services as Drill Instructor. We feel, that to your unwearying assiduity and never failing patience, the present state of efficiency, which without boasting I may say is second to no corps in the Colony, is in great measure owing. I have now the pleasure of presenting to you this purse as a token of the good feeling entertained by the Corps towards you, and the high place you hold in their esteem. I am quite sure that wherever duty may call you, you will not forget the First Rifles, and you will ever carry with you the best wishes of the members of the Corps.

Sergeant Manning said, officers, non-commissioned officers, and members of the First Rifles. I thank you most heartily for the very handsome present which you have made me. It has always been my anxious desire to do my duty faithfully as your Drill Instructor. I shall ever feel it a great pleasure to assist in any way the members of the First Rifles; and any information that I may possess connected with their instruction as Volunteers I shall be most happy to afford. I may be called away shortly, or I may remain here for many years, but wherever I am I shall always
remember the time I have spent with you and hope and trust you will ever maintain the position you now hold in the Rifle Corps of Tasmania.

Sergeant Manning then withdrew and Colonel Russell, who had been present at the drill, requested Captain Solly to convey to the Corps his satisfaction at the manner in which they had gone through their evolutions. (The Hobart Mercury 10th August 1861)

**Good Conduct Medals**

The SMH reported on the 22nd February 1861 under Presentation of Medals -

Yesterday morning at 7 o’clock, a very interesting ceremony took place at the Victoria Barracks, Paddington. The soldiers in garrison were paraded in order to “assist” as the French have it, in the presentation of medals for good conduct to four men of the 12th Regiment. The names of these worthy soldiers, whose merit has been acknowledged by the Queen, through the supreme military authorities, are as follows - Corporal J. Armstrong and Privates O. Hart, J. Henfrey and J. Kennedy.

Another Private, who is absent on duty, has yet to receive the decoration he has by a long and faithful service so well earned. In addition to the medals, which will no doubt be cherished with an honest pride, each man received a gratuity of £5.

This announcement is quite unusual. A check of the Payrolls for the January – March quarter 1861 revealed that two of the above four soldiers had already left the service and that there is no soldier by the name of Henfrey, perhaps a misspelling of Private (1510 / 3636) John Heappy.

Corporal (1473) John Armstrong arrived on the ship Gloucester and took furlough prior to discharge on the 31st May 1860 in Sydney. (PRO3720 WO12/2980 page 6)

Private (1743) John Kennedy had arrived on the ship Empress Eugenie in 1854 and was invalided to England from Sydney on the 1st October 1860 (PRO3720 WO12/2978).

Private (1394) Owen Hart arrived on the ship Camperdown and was invalided to England from Sydney in April 1861.

**Paddington and Surry Hills Volunteers**

The SMH reported, on Tuesday the 29th January 1861, that the election of non-commissioned officers for this company took place on Friday, at the armoury in the Victoria Barracks.

**Volunteer Presentation**

The SMH reported on Friday the 1st March 1861 –

On Tuesday evening last, after drill, the members of the Waterloo Company of Volunteer Rifles, assembled at the house of Mr. Sergeant Walsh, for the purpose of presenting a small testimonial to Captain Laver, Adjutant of the NSW Volunteer Rifles, for the benefits they had derived from his attention and instructions in the drill……..

The testimonial consisted of a beautiful gold pin from the celebrated house of Flavell Brothers, George Street.

In conclusion [the company] trusts that yourself, Mrs Laver and family may long live in health, happiness and prosperity.…

Lieutenant Hawksley then proposed the health of “His Excellency the Administrator of the Government, Colonel Kempt,” observing that his Excellency had taken a great interest in the Volunteer movement and had it not been for that interest he believed the Corps would not have been in its present efficient state. The toast was drunk with all the honours.
The chair, Lieutenant Charet, proposed a toast to the health of Sergeant Marsland, their drill Sergeant who had gone to Lambing Flat and who, he hoped, would speedily and safely return. The toast was most enthusiastically drunk and Sergeant Taylor of the 12th Regiment returned thanks for his absent comrade. 

At about eleven o’clock, the company turned out under arms and Captain Laver, having mounted his horse, the company presented arms and loudly cheered at his departure.

A check of the Payrolls, again for the period January – March 1861, does not identify any sergeant or corporal with the surname of Taylor. However, there is a Private (43) John Taylor (PRO3712 WO12/2980 page 185).

**NSW Volunteer Rifles deployed on Guard Duty**

The departure of the soldiery [to New Zealand] has led to a necessity for placing some of the Volunteers on duty. The guards for Government House, the Mint and the Commissariat Stores are furnished from this body. Eighteen Privates and three non-commissioned Officers being taken daily from each Company in turn. (SMH 2nd March 1861 – Notes of the Week)

**Volunteer Review**

A Review of the 1st Battalion of the NSW Volunteer Rifles (SMH 11th March 1861) -

was held on Saturday afternoon, in the University Paddock, before the Inspecting Field Officer, Colonel Kempt. The muster being tolerably good, there being about 500 members of the corps in attendance. An accident, however, of a serious nature occurred at the conclusion of the review, caused by one of the members of the South Sydney company leaving a ramrod in the gun after loading………

The line after firing, shouldered arms forming into open column, left in front. Immediately after the firing a shout was raised that one of the spectators had been struck by a ramrod…..the ramrod pierced the buttock on the left side and protruded three or four inches through the right side; he was immediately conveyed to the Infirmary…..

Before concluding, we cannot omit to notice the very deep interest which Colonel Kempt takes in the success of the volunteer movement – his urbanity and gentlemanly bearing to every member of the Corps is fully acknowledged and it is to be hoped that the desire he at all times evinces bringing the Corps to a state of efficiency, will meet with a hardy cooperation of every member of the Volunteer Rifles.

The SMH followed up the above accident on the 3rd September 1861 –

The Late Volunteer Accident  – with reference to the manner in which the unfortunate accident on Saturday last occurred, we have been informed that Dillon, the Volunteer, did draw his ramrod from the gun for the purposes of returning it into its proper place, but in the hurry he placed it in the barrel again. The proof that he did so is found in the fact that the head of the ramrod struck the boy. Had he not withdrawn it from the barrel, the wormed point of the rod would have entered the boy’s body instead of the head of the rod.

**Discipline amongst the Volunteers**

To the Editor of the Herald.

Sir, at last the military authorities have thought fit to vindicate the necessity of discipline amongst the Volunteers, by expelling, from a certain company, one of its members, for conduct altogether at variance with order and obedience. I am glad to see this example made. But I object, as a Volunteer, to see any distinction between officers and privates, when either has committed a
breach of discipline; and so do many others with whom I have conversed. And I therefore respectfully ask Colonel Kempt, through your columns, whether any notice is to be taken of the conduct of Captain Severn, of the North Shore Company, towards our much respected Adjutant, Captain Laver, of the 12th Regiment. I shall not detail the circumstances now, but conclude by saying that much surprise has been expressed at the hushing up of the matter. I rest, Sir, yours respectfully, A Volunteer. (Sydney Morning Herald, 2nd May 1861)

**Public Landing of His Excellency Sir John Young and swearing in as Governor of NSW**

The SMH reported on Saturday the 23rd March 1861 –

Yesterday, His Excellency Sir John Young, Baronet, landed at Circular Quay at noon, in the presence of a large concourse of spectators……

About half past eleven, the entire available force (in Sydney) of Her Majesty’s 12th Regiment was marched from Paddington into the city – proceeded by the regimental band……..

At the vestibule of Government House, His Excellency was received by Colonel Kempt, the Hon Sir W.W. Burton, ……. the Chief Justice thereupon administered to his Excellency the customary oaths of office by which he swore to bear true allegiance to Her Majesty the Queen, to execute the government to the best of his skill and knowledge and to do his utmost to carry out the laws of the colony……..

His Excellency in responding said Gentlemen, it has been usual, on occasions like the present, for the incoming Governor to propose three cheers for his predecessor. I beg you, therefore, to give three cheers for Colonel Kempt.

The request having been complied with. Colonel Kempt responded, thanking the company for their compliment and also for the many kindnesses he had received at their hands during the time that he had temporarily administered the government of the colony.

**The New Governor’s Landing**

A letter to the Editor on page eight of the SMH Saturday the 23rd March 1861 -

Sir, the announcement this morning of the Governor’s intended landing was publicly made known in your journal of today. In consequence of that, and the Brigade Order, about 1,000 Volunteers assembled to do honour to His Excellency, the muster commencing about ten o’clock am. At about half past two the assembly sounded, and the various companies were formed, wheeled into line, and the ranks opened; the manual and platoon exercise was gone through, fours formed and as the companies marched off the ground, the Adjutant informed them that “the Governor lands tomorrow, at twelve, gentlemen.”

I ask you, sir, is this fair – is it right thus to make men lose a whole day’s labour, and some men, too, that cannot afford it. Shame, I say, to the liberal government and those who advised His Excellency not to land today. Shame on the government that this continues still to discountenance a movement that six months ago, they professed to encourage. I am afraid he will not be able to count the Volunteer force tomorrow.

One of Them, 21st March

**Quality of the Enfield Rifle**

On Tuesday the 28th February 1861, the SMH reported under Colonial Parliament Legislative Assembly NSW that -
Mr Parkes wished to ask the Government “whether any further supply of Enfield rifles, or other arms, had been ordered from England?”

Mr Arnold said that he believed it had been already intimated to the House that a further supply of 2,000 Enfield rifles had been ordered from England.

Letter to the Editor SMH 29th April 1861

Sir, I am informed that money has been sent to England to purchase another supply of Enfield rifles – would it not be well to consider if this is the wisest course?

During the Indian mutiny the Enfield was found far inferior to the Lancaster and I enclose you a letter from the London Daily Telegraph, in which the writer states that the Whitworth rifle alone is to be used at the great Wimbledon Common meeting, when the Queen’s purse and medal are to be competed for. It further appears that many of the Volunteer Regiments refuse to exchange their Lancaster and Whitworth rifles for the long Enfields, the official mind thinking the latter cumbersome weapon the best.

If we are to fire at any enemy, let us have the very best weapon we can, and if Lancasters or Whitworths are better than Enfields, and experience has very clearly proved this, why then purchase them and leave the long Enfields in England. It would be a hard matter to find a rougher turn out than the arms and accoutrements sent out for our use.

Yours, A Volunteer.

The quality of some Enfields was responsible for the death of British soldiers in the New Zealand Land wars. Refer to the chapter 1861 New Zealand.

The merits of the Enfield rifle were further discussed on page eight of the SMH, 2nd August 1861, together with a discussion of ammunition types.

Volunteer Night at the Victoria Theatre

Letter to the editor SMH 30th April 1861 –

Sir, on Friday night last, the performances at the Victoria being patronized by Colonel Kempt and the Volunteers, I went to the theatre and paid my five shillings for a seat in the dress circle, being at the time in my uniform as a Sergeant of Volunteers.

I had scarcely taken my seat, in one of the unoccupied boxes, when an individual made his appearance and in a most peremptory and ungentlemanly manner ordered me out. I desired to know the reason why or what authority he had but he declined to give any answer except to say that if I did not leave the box he would bring ten or twelve men to throw me into the pit.

I told him I would not leave, even if he did, unless he gave some good reason why I should. He then went away and brought another person who said he was the manager of the theatre but neither of them would give me any reason why I should leave the box.

I told the person, who called himself the “manager”, I would leave if he would give any reason, but he declined to do so and I refused to leave unless my money was returned.

After disputing for some time, one of the men returned my money and on going into the lobby two Constables were ordered to take me out of the house. They desired me to leave and I said I would not unless some charge was offered against me or they arrested me and took me as a prisoner. At length, one of them laid his hand upon my shoulder and I went with them into the street, where they said they had no charge against me and I was at liberty to go.
This transaction had been witnessed by Captain Laver who spoke to me before I left the theatre and whom I informed of what had occurred. On leaving the theatre, I went to a friend’s house, borrowed a coat and hat and having again paid my money at the door, entered the theatre in private clothes and reported myself to Captain Laver. Now sir, I wish to know what right that man had without any reason being given me to turn me out of a place of public amusement and thus insult not only myself but the company to which I have the honour to belong.

Such conduct I consider to be most disgraceful on the part of the person guilty of it who is I am informed an auctioneer, who from being in the habit of knocking down things in his own shop, perhaps thinks he is privileged to knock about Volunteers in a theatre. Perhaps this public hint may do him good and induce him for the future to behave like a gentleman if he can.

I am sir yours etc.
Peter Walsh
Sergeant Waterloo Company Volunteer Rifles
Botany Road, Waterloo, April 29th.

Appointment of Captain Laver

SMH Saturday, 22nd June 1861, reported under Volunteer Rifle Corps – Appointment – that the Governor, with the advice of the Executive Council, has appointed Captain and Adjutant Robert Laver, to be Brigade Adjutant of the New South Wales Volunteer Rifle Corps.

Parade of Volunteers at the University of Sydney

The SMH reported on the 25th February 1861 –

On Saturday afternoon last, the various companies of Volunteer Rifles assembled for parade on the University grounds; they numbered about six hundred which considering the wretched state of the weather, was a very good muster.

Before commencing their evolutions the Adjutant took the opinion of the companies as to whether they would proceed with the drill, the weather being so wet; a general desire was expressed by the Volunteers to go on with the parade although they were at the time wet to the skin – two of the suburban companies however returned to their quarters.

The evolutions gone through were forming close column of companies wheeling in column, reforming line, forming line on centre companies and firing volleys by company. During the whole time these movements were being performed the rain fell unceasingly; but even with this drawback, the men went through the parade with very creditable precision.

On the arrival of the Inspecting Field Officer, he was saluted by the line, which was again formed into close column. It was generally known that in consequence of the disturbances at Lambing Flat, the Government had decided on sending the whole of the military to that locality.

The ordinary garrison duty would therefore have to be performed by the Volunteers or other arrangements must be entered into. The line was therefore formed into close column of companies, for the purpose of hearing read a Brigade Order to the effect that the military were to be sent away for the purpose of assisting the civil authorities at Lambing Flat in the preservation of order, each company was called on in succession to supply eighteen men a day to mount guard at Government House, the Mint, and the Commissariat stores.
The Inspecting Field Officer, Colonel Kempt, then addressed the force stating that the performance of garrison duty would be entirely a voluntary act, and that if each company contributed the necessary number of men willing to mount guard, the arrangement for so doing would be entered into at once.

The proposition was generally acceded to and No. 1 Central Company was invited to attend parade at 5pm on Sunday (yesterday) for the purpose of receiving the military. The Volunteers were then formed into sections of fours and the different companies returned to their respective places of meeting.

We were glad to notice that, despite the inclemency of the weather, and a little “chaff” from some of the spectators on the line of march to the University ground, the men meant “duty” and remained for nearly two hours attentive to the word of command and apparently desirous of mastering the essentials to making good soldiers.

**Lambing Flat Goldfield Riots**

Detachments of the 1st Battalion 12th Regiment were twice stationed at Lambing Flat to quell riots between European and Chinese gold miners between the 11th March 1861 - 24th May 1861, and between the 31st July 1861 - 31st July 1862. For the second time, the Regiment would turn its arms against British subjects and others on Australian soil.

Early in December, a Vigilance Committee was formed on the diggings and on the 12th December 1861, a “roll up” of miners was called to destroy the grog shops and shanties which had appeared on the fields. Having done so, they turned their attention to the Chinese and drove them off the diggings. Two Chinese were reportedly killed, some partially scalped, some had ears cut off.

Additional police were immediately dispatched to the area, but the Captain with eight troopers and two detectives could do little when the miners again rioted on the 7th January 1861. Police reinforcements of thirty troopers were provided. After another incident where again some Chinese had their pigtails cut off, the police made several arrests but over 4,000 miners rallied to demand their release.

The miners were defiant against the civil authorities. The Government declared martial law and dispatched the military.

**The Lambing Flat’s Gold Field Riots as reported in Western Australia**

We hear that anti-Chinese furore is reaching an alarming height; sudden disturbances have broken out at Lambing Flat; 6,000 men are parading the town pledged to expel the Chinese at all risks. So great is the alarm, that the Police are insufficient to preserve order and Troops have been found requisite. (Perth Gazette, 8th March 1861, The Eastern Colonies, Latest News from New South Wales)

**Lambing Flat Good Field Riots, March 1861 - May 1861**

Throughout the weekend there was a flurry of activity at Victoria Barracks. Stores, equipment and ammunition were assembled. Horses were bought for the artillery and wagons. Ten of Mr Howard’s “buses” were chartered. Officers and men were selected. By Monday, the force was ready.

On the 25th February 1861, 130 men of the 12th Regiment under Captain Atkinson (PRO3721 WO12/2980 pages 169-86) with forty-three artillery men and twenty mounted police in escort of three twelve pounder field guns under Captain Lovell RA set out from Sydney south west to Lambing Flat via Yass, a distance exceeding 240 miles (400kms).
Of the 12th’s soldiers that marched to Lambing Flat, five had transferred from the 99th Regiment in 1856, seven had been stationed at Ballarat during Eureka in 1854 and eighty were recently recruited in England and had just disembarked from the ship Daphne (Muster March – June 1861 PRO3721 WO12/2980). Most of the soldiers were therefore young and inexperienced. (Refer to the SMH 26th February 1861 for a detailed account of the journey from the Barracks to Campbelltown, and refer to the SMH 27th February 1861, under Colonial Parliament NSW Legislative Assembly for a description of disturbances at Lambing Flat. Refer to Votes and Proceedings 1861, 1, of the NSW Legislative Assembly for letters from Chinese diggers claiming compensation.)

Captain Atkinson, who had been present at the Eureka, marched with his men out of Victoria Barracks and down Oxford Street. The Regiment’s band preceded them and played inspiring marches on the way to Redfern railway station. About fifteen hundred spectators had assembled at the station to witness the departure. But it was noted that most of the spectators, while waiting for the train to move off expressed regret that the terrible necessity should have arisen for turning British arms upon British subjects. The train started soon after four o’clock, the band playing “God Save the Queen”.

The 12th Regiment started from Redfern railway station on a special train of ten carriages with thirteen horse boxes drawn by two engines to Liverpool, where it was divided into two trains for the final haul to Campbelltown. The artillery followed in a separate train. From Campbelltown, where they unloaded from the train and loaded again onto wagons, ten hired horse “buses” rattled and shook the troops to Lambing Flat via Yass. These lumbering vehicles still bearing their Sydney city destination signs of “Glebe”, Wynyard Square” and so on, spent two weeks amusing the inhabitants along their route before they reached the goldfields in March 1861.

The troops set up quarters on Camp Hill. They dug trenches and built small fortifications at the corner of Campbell and Berthong Streets from which their guns were trained over the town.

The detachment had no trouble with either European or Chinese diggers, for as soon as they arrived, order was re-established.

Charles Cowper, Premier of NSW, reached Lambing Flat on the 5th March. He mixed freely with the miners, deplored the Chinese incursions on the goldfields but urged restraint until the law could be changed to prevent more of them entering the Colony. A farewell dinner was given him at the Great Eastern Hotel and then he returned to Sydney. Cowper had promised more than he could deliver and the legislation was not passed.

At 6am on the 26th May, the Queen’s birthday, the artillery at Lambing Flat fired a twenty-one gun salute and then without warning departed. By 11am that morning, the 12th had also left. Less than one month later, riots re-occurred.

(PRO3721 WO12/2980 page 169 advised that Captain Atkinson was paid at the rate of Major. Atkinson returned to England and transferred to the 2nd Battalion upon promotion to Major.)

**The March to Lambing Flat Gold Diggings**

The Military at Yass. The Yass Courier of Saturday says:

The Detachment of the 12th Regiment, with the artillery and baggage waggon, reached the borders of Yass Plains on Thursday morning, and encamped there that day. This arrangement was found necessary for various reasons.

Some of the horses that had been brought on were found to be unsuited to the service, and others had to be purchased to take their places. The men also were suffering from fatigue owing to their being unaccustomed to such a rugged march.
During the day several serviceable horses were purchased, and a supply of forage and other requirements procured by Mr. Deputy Adjutant Commissary Petrie. A number of the inhabitants were attracted to the camp, and in the afternoon the town presented a lively appearance from the number of persons on horse back and in vehicles going and returning. As it was stated that the troops would resume their march at six o'clock on the following (yesterday) morning, a great number of the inhabitants were up and about to witness the novel sight, but it was barely eight o'clock before the cavalcade reached the town. The infantry presented any being but an imposing appearance, and those who had seen a Regiment on the march in the mother country could not help drawing a disparaging comparison.

The men appeared to be all very young and new to the service, and as the body of them had neither knapsacks, muskets, nor side arms, they scarcely had the appearance of soldiers. Evidently unaccustomed to long marches, they looked jaded and some of them being very footsore could scarcely keep step with their comrades.

They were followed up by the Artillery Corps, with two 12lb. howitzers, and a train of forage and baggage waggons. They looked more like "the genuine article" and conveyed to those who had never witnessed such a scene before a pretty correct idea of the rough appearance of the Artillery when on field services. But the illusion, if such existed for half a second, was thoroughly destroyed by the arrival of a string of Sydney omnibuses, which, as well as several waggons, were filled with tents, stores, and military lumber. After these came a Sergeant's guard carrying their muskets.

It was expected that the men would encamp at a short distance on this side of Binalong last night and reach Lambing Flat on Sunday (tomorrow).

With the force is one whose name has recently been much before the public in connection with the Department of Works during the office of Captain Martindale. We allude to Lavelle, now no longer a Corporal.

We learn that the Artillery had hard work to get the field pieces through Bargo Brush, owing to the dreadful state of the road. On one occasion thirty-six bullocks had to be attached to one of the guns, in order to extricate it from a slough into which it had sank. Fortunately for the Southern districts, the Chief Secretary had abundant opportunity of observing the dreadful condition of this highway, although he was fortunate in being conveyed with extraordinary celerity in a light buggy, well horsed, by Mr. J. J. Roberts.

Observing the difficulties that the horses attached to the cannon had to encounter, we understand that Mr. Cowper gave instructions to have them relieved by bullocks, so that their services might be made available in that part of the journey where the road was in an improved condition.

While the men were in camp on Thursday, some dozen of them solicited permission of Mr. Hamilton Hume to go into the orchard to gather a little fruit. Mr. Hume at once gave the permission asked, on condition that the soldiers should not pluck the grapes nor touch the fruit on two particular trees. No sooner had the men entered the orchard than their comrades clambered over the fences in all directions, and, had not a remonstrance been sent by Mr. Hume to the Officer-in-Command, the whole of the trees would have been denuded of their fruit. Considerable damage was done to the garden and fences.

Captain Atkinson immediately caused the recall of the soldiers, and placed two as sentries over the orchard. Yesterday morning an apology was sent to Mr. Hume, which we have no doubt he will accept, in consideration of the novelty of a body of infantry and artillery having been encamped close to his peaceful residence. (Empire 12th March 1861)
The Artillery and the poor condition of the roads to Lambing Flat

There has been no lack of stirring events during the week, advised the SMH under Notes of the Week, dated the 2nd March 1861 -

But of the artillerymen, one has been sent back with a broken leg, occasioned by the wheel of one of the cannons having passed over it; and there is a possibility that bad roads and half broken horses may detain the Artillery for some time behind the rest of the force.

The infantry were dispatched to Campbelltown by rail, and having camped there for the night, were conveyed onward by ten of Mr Howard’s buses chartered for the occasion, so as to increase the speed of their advance. It was reckoned, in fact, that by these means, the troops would probably arrive at the Flat in eight days.

The above article highlights the poor condition of the roads to Lambing Flat, inherent problems with taking artillery over such roads and the potential for straggling, that is, the tendency for a line of march to become extended when one group of soldiers is delayed. The journey could also be undertaken in eight days in wagons from Campbelltown (nine days all up, having included one day from the Barracks to Campbelltown).

When the last detachment returned from Lambing Flat in the winter of August 1862, they walked back to Campbelltown in appalling weather conditions in twelve days (not including one rest day). In addition, Captain Saunders was court martialed on several grounds including -

“First - for having, on the line of march from Lambing Flat to Sydney, New South Wales, whilst in command of a detachment consisting of the Royal Artillery and the 1st Battalion of the 12th Regiment, between the 31st day of July 1862 and the 13th day of August 1862, permitted the men of the said detachment to appear improperly dressed, and also to straggle.”

This charge was not agreed by the Court Martial and Saunders was acquitted of the charge. From the above pre-existing conditions, it should not have. In addition, Saunders gave permission for soldiers of the RA to wear civilian clothes since their uniforms had become extremely wet and dirty from pushing the artillery carriage through the muddy roads and tracks.

Responsibility at Lambing Flat

The SMH on the 2nd March 1861, under Notes of the Week, observed that there were 116 police and 174 military on the diggings at Lambing Flat. The newspaper continued -

Having despatched a military force, the next question which arose was as to who was to be entrusted with the chief command. The Premier [Mr Cowper] himself has assumed this difficult task. In asking leave of absence for his chief, Mr Robertson gave an explanation of the reasons which had induced the cabinet to decide upon the unusual course of despatching the Chief Minister of the Crown to the scene of disorder in the midst of a parliamentary session.

They had determined upon two guiding principles. First, that although all difficulties were to be settled, if possible, without bloodshed, the law was to be upheld at any cost, and without pandering to the demands to any particular body of men.

Secondly, that under all the circumstances, the supreme conduct of affairs at these diggings should be entrusted to a civilian.

It was necessary, too that the person so appointed should be one possessing a large share of public confidence. But although on looking around them they saw many gentlemen who might be safely entrusted with this task, they could not well see how they could ask
of these to undertake the heavy responsibilities which must attach to such a post. As the active direction of affairs must rest with the Ministry, it was desirable for this reason, as well as because they ought rather to retain the responsibility themselves than to cast it up onto the shoulders of others, that they determined to send one of their own number.

Having arrived at this conclusion, it became clear that Mr Cowper was the fittest man, not only because he was the Minister to whom belonged the administration of justice and police and the direction of the military, so far as the latter belonged to Colonial authorities at all.

Yet on the previous day, Friday 1st March 1861 page 5, the Editor had mooted –

The departure of the Commander-in-Chief, General Cowper, for the scene of action will enable him to gather laurels in a new field……It is no doubt that the expectation of the Government that the display of force will disarm all opposition – that the Colonial Secretary will be able to say, like Ceasar, veni, vidi, vici. We certainly hope it may be so.

Theft at Lambing Flat

The SMH reported on Saturday the 28th March 1861, yesterday, the magistrates sentenced a man to six months hard labour in Goulburn goal for having in his possession a belt belonging to a Private of the 12th Regiment, being the property of the Queen.

Mining Accidents at Lambing Flat - Regiment’s Surgeon Assists the Miners

Two serious mining accidents have occurred during the last few days. A miner, known by the name of Canadian Jack, fell down a shaft some thirty-seven feet deep, at the Wombat and received serious injuries. Another was engaged driving in a shaft at Spring Creek, when the ground fell in, breaking his back, and causing other serious injuries. They were both seen by the Staff Surgeon, G. E. Will, of the 12th Regiment, who announced both of them to be in a very dangerous state.

These accidents show the necessity of some measures being taken for the establishment of a hospital at this place. The unfortunate man at the Wombat is lying in a tent, deserted by his mates, without scarce any attendance - in fact, left to die. Were the miners here to give one tithe of the attention to the sufferings and want of their fellow men that they do to the Chinese, they would be the means of administering comfort and attention to many a deserving though unfortunate miner.

(The Maitland Mercury & Hunter River General Advertiser, 16th April 1861)

The Road at Bargo Brush – Return from Lambing Flat

(Sydney Morning Herald, 12th June 1861) As a proof of the present improved state of the road through Bargo Brush, we subjoin an extract from a letter lately addressed by Captain Atkinson to Sergeant Quodling, who offered his services to guide the troops on their return from Lambing Flat along that previously impassable portion of the road:

"To Mr. Henry Quodling, Picton. Sydney Barracks, June 5th, 1861. Sir, I have the honour to acknowledge the receipt of your communication of the 29th of May, proposing to render assistance to the troops under my command on the march between Rush's and Picton. Although your assistance as a guide to the troops through Bargo Brush on the march to Lambing Flat was of great value, it would have been unnecessary on my return march, as, from the improved state of the road and the fine weather we enjoyed, I experienced no difficulty whatever in Bargo. I have, however, to thank you for your offer of assistance, and have the honour to be, Sir, your most obedient servant, R. Atkinson, Major X11 Regiment, late commanding the troops at Lambing Flat."
Return of the Military from Lambing Flat

(Sydney Morning Herald 5th June 1861) Yesterday, the detachment of the 12th Regiment arrived in Sydney by the 2 p.m. train (ie. from Campbelltown to Redfern) from Lambing Flat. The men looked healthy, though their garments were somewhat the worse for their journey. They marched from the train to the Victoria Barracks, accompanied by a large concourse of people, and on their arrival in the square three hearty cheers were given.

The following Garrison Order was issued to the Volunteers by the Lieutenant Colonel commanding the troops in New South Wales:

Brigade Office, Sydney, June 4.

The detachment of the 12th Regiment having this day returned from Lambing Flat, the garrison guards now formed by the Volunteer Rifles will, from tomorrow (Wednesday), be taken by the 12th Regiment.

On the arrival of the detachment of the Royal Artillery from Lambing Flat, the Volunteer Artillery will be relieved from guard at Fort Macquarie.

The Lieutenant Colonel commanding the troops, New South Wales, takes this opportunity to thank the Volunteers for their readiness in coming forward to carry on the duties of this garrison, and to congratulate them on the very zealous and efficient manner in which they have discharged them. A further proof, if any proof is necessary, that the Volunteer force have enrolled themselves not, as is too often asserted, from motives of a transitory character, but with a firm desire to fit themselves for the highest ambition of soldiers, the preparing for the duties and hardships of actual war, if their services should ever be required.

By command, (Signed) W. Heywood, Captain-Major of Brigade.

Return from Lambing Flat via Goulburn

Twenty-one artillerymen, with twenty-six horses and wagons, and one store cart, arrived about one o'clock today from Lambing Flat, under the command of Lieutenant Pitt. In the course of the afternoon thirty of the 12th Regiment, with Ensign Saunders and Lieutenant Dawson, passed through the town. (Goulburn Monday 7pm, Sydney Morning Herald 24th September 1861)

Lambing Flat’s Gold Field Riots July 1861 - July 1862

In mid June, a rumour spread through the goldfields that 1,500 Chinese had landed at Sydney, their announced destination Burrangong.

Note: the SMH reported on the 22nd July 1861, under Shipping Intelligence, ship *Marion Moor* has arrived from Hong Kong with 426 Chinese immigrants.

Over 3,000 miners rallied and burnt Chinese tents, beat some of the Chinese and cut off several pig tails. Five of the miners’ leaders were arrested and committed for trial. Again the miners rallied and laid siege to the goal, shots were exchanged with police and one miner was fatally wounded. The court room and police camp were put to the torch.

Another military force was urgently requested by the local police.

Under Letter to the Editor, the SMH reported on the 30th July 1861 – The Suppression of Riots by Soldiers –

Sir, it was commonly reported yesterday that her Majesty’s Attorney General had given as his opinion to the Commanding Officer of the Volunteers that the Volunteer forces of
the Colony were not by law permitted to be called out to quell internal disturbances and
that in the event of their assistance being invoked against rioters, and any rioters being
killed by their hands, the Volunteer causing the death would be guilty of murder….

The author of the letter goes on to quote British law and the Chief Justice ….

[first opinion] it has been laid down that a magistrate may assemble all the King’s
subjects to quell a riot and may call in soldiers who are subjects and may act as such
though this should be done with caution….

[second opinion] the military subjects of the King, like his civil subjects not only may but
are bound to do their utmost, of their own authority, to prevent the perpetration of
outrage, to put down riot and tumult, and preserve the lives and property of the people.

 Colonel Kempt, commanding officer, “expressed his readiness to dispatch at once the largest
force, both of infantry and artillery that can be spared from the garrison.” However, this “largest”
force would need to be supplemented.

HMS Fawn had taken a detachment of the 12th Regiment to the second New Zealand Land war in
1860 and the steam corvette, had now entered Fitzroy Dock Cockatoo Island Sydney Harbour on
the 3rd July 1861 for re-caulking and coppering. On the 17th July, the Governor of NSW, Sir
John Young wrote to Captain Cator, HMS Fawn -

Yesterday morning, the Colonial Secretary received a telegram from Lambing Flat
announcing new and alarming disturbances. The mob there have fired upon the Police,
rescued their prisoners and of the present all law and order seems at an end. At a special
meeting of the Executive Council this morning, it was decided that assistance should
immediately be sent from Sydney.

You are aware that owing to the war in New Zealand the garrison is at the moment almost
denuded of troops, there being barely sufficient for the due performance of the ordinary
garrison duties of the town.

As HM ship under your command is at present moment in the dock and I believe will not
be ready for some short time, I think that it would be very advisable if you could,
consistently with your instruction, render assistance in restoring order and affording
protection to life and property in this case.

It is most desirable that the force about to proceed to the scene of the disturbances should
be of possible large enough to overawe by its numbers and prevent a collision with the
rioters. Under these circumstances, therefore I should be glad to learn that you will send a
party of the men under your command to Lambing Flat with a view to assist the military
there in restoration of order and the enforcement of the law.

Later that day, Cowper wrote to Captain Cator thanking him for his offer of sixty men and a field
gun. He concluded his letter with -

During the employment of yourself and your crew the same travelling and field
allowances will be granted to you and them as were offered on a former occasion to the
12th Regiment.

The following Garrison Order was issued in consequence (SMH 19th July 1861) –

The Colonel commanding the NSW Volunteer Rifles is authorised by the Honourable
Colonial Secretary to call upon the Volunteers again to perform Garrison duties during
the absence of the military in aid of the civil powers at Lambing Flat and he is confident
that the call will be as cheerfully responded to as on the former occasion they volunteered
for the same duties; and having arrived at a greater state of proficiency he feels satisfied that the duties will be the same as published in the Brigade Order 23rd February 1861.

The duties until further notice will be performed by the Sydney Battalion with the exception of the South Sydney Company which is undergoing a course of musketry instruction. The Guards of the 12th Regiment will be relieved by No. 1 Company on Saturday at 8am. The allowance for the performance of these duties will be the same as before. By Order (Signed) Robert Laver Captain and Brigade Adjutant.

On the 20th July the Governor wrote to the Duke of Newcastle, Secretary of State for Colonial Affairs:

the whole force military, naval and police, which Colonel Kempt will have at his disposal is under three hundred men and I take this opportunity of saying that as there seems to be every prospect of renewed hostilities in New Zealand it would, in my opinion, be highly expedient that measures should be adopted to increase the number of troops in the garrison to bring it up to its ordinary strength.

During the absence of the troops at Lambing Flat, the Volunteers have readily come forward to undertake the ordinary garrison duties of the town.

On the 18th July, a small arms crew was disembarked from HMS Fawn at Circular Quay. And forty of the Regiment and ten foot police arrived by special train at Campbelltown on the 19th July.

At the Campbelltown railhead a soldier of the 12th, having unfortunately over indulged, was left behind.

The SMH reported on the 20th July 1861:

Two of the troopers [mounted police] engaged in suppressing the riot on Sunday were present at the outbreak which occurred at Ballarat some years ago. They described the latter affair as nothing in comparison to the former…

The number of rioters killed was six, missing three and wounded fully one hundred…there were sad tokens of death struggles in the moist earth…..

On the morning after the riot the doctors on the diggings were fully occupied in looking after the wounded. One man had received a fearful sword wound down his face which had completely severed the nose and a large portion of the cheek from the head.

On the 20th July, a force commanded by Colonel Kempt, comprising six officers and 101 soldiers of the 12th Regiment under Captain Wilkie and a howitzer under Lieutenant Pitt, sixty volunteer sailors under Captain Cator and eleven police Constables under Captain McLerie left for the diggings via Yass. (PRO3722 WO12/2982 pages 59-75)

To take them on to Yass were “American conveyances” (wagons) provided by the contractors, Roberts and Crane, each hauled by “four spirited horses” and said, by the Empire newspaper, to be “as comfortable as any we have ever seen in the Colony - and none could have been better suited for the purpose.”

The SMH reported on the 31st July 1861 under Naval Brigade –

the Blue Jackets of Her Majesty’s ship Fawn passed through Goulburn on their way to Yass on Wednesday morning. The weather was dank and drizzling and Auburn Street through its entire length, ankle deep in mud. Yet in spite of the disagreeables of their march, the tars looked fresh and lively and with their haversacks slung from their
shoulders, their bronzed and weather beaten faces, and that devil-may-careism of expression which marks the true man-o-war’s man, formed an interesting spectacle in this inland country town. Their gun, mounted on its carriage, and drawn by two greys, preceded the Corps whose measured step and martial air gave assurance that they would be found worthy auxiliaries to the other area of the Service that had gone on before them.

The troops reached Lambing Flat on the 31st July.

Two days later, a force of 100 men consisting of foot police, part of the 12th and several sailors proceeded to Tipperary Gully and arrested five rioters, two robbers and a deserter from the ship Nile. No resistance of any kind was offered. While another three rioters were arrested in Yass.

These eight rioters plus the original five were committed for trial at Goulburn. The miners raised a Defence Fund of £400 to cover legal expenses. Twelve of the thirteen were acquitted. Owen was found guilty “of riotously and tumultuously assembling”, and sentenced to two year’s imprisonment in Darlinghurst Goal, Sydney. William Spicer, however, could not be found to be arrested but was at length located at Forbes in November and tried at Goulburn in March 1862 for his part in the riot on the 30th June 1861. Found guilty, he was sentenced to two years in Berrima Goal.

The Naval Brigade left on the 6th August 1861. As the men had not been in action, the usage of ammunition, as recorded twelve days later in *HMS Fawn's* log, implies the use of practice shots -

18th August - Landing party returned from Lambing Flat; employed embarking their baggage - Lost by accident, swords one, scabbards one, frogs one and belts one. Powder expended while on detached service (not legible) Cartridges filled 29, rifle balls - 500, pistol balls - 400.

The Governor wrote an informative letter to the Duke of Newcastle on the 21st August 1861 -

I have the honor to inform your Grace that order has been restored and no resistance attempted against the Police in the execution of their duties.

The Inspector General of Police, with Colonel Kempt, concentrated their whole force (soldiers, sailors, mounted and foot Police in all about 280) at Yass on Saturday the 27th July, and commenced their march thence on the afternoon of Sunday the 28th and accomplished the 62 miles to Lambing Flat at 2pm on the 31st.

The Civil force and Gold Commissioners preceded the military who followed at a short distance, and took possession of the camp and Government premises without opposition or annoyance. The Chinese have since been reinstated in their claims and several arrests of rioters made by the Police.

I caused directions to be specially and distinctly given to the effect that all arrests and other necessary proceedings were to be carried into execution by the Police, and that the military were not to take any part farther than protecting the Police in their performance of their proper functions.

There are said to be about 12,000 diggers on these goldfields. The animosity against the Chinese is great. The same feeling which prevails in trade unions against those who interfere with or disobey them, actsuates the diggers against these interlopers, whose strength, method and sobriety make them formidable and successful rivals. While comparatively few seem inclined to abet riot and outrage, there cannot but be amongst the masses congregated in the district a number of reckless unruly persons, outcasts and adventurers from all countries sufficient to require constant vigilance and the presence of a force large enough to keep evil tendencies in check. It will, I apprehended, be necessary
to reinforce the Police permanently and probably even to station a company of soldiers within call at the town of Yass in the event of any emergency.

In the mean time everything is quiet, and the Police, who though not numerous enough, are well organised and well officered, have behaved efficiently and well.

The SMH reported, under Notes of the Week, on Monday the 2nd of September 1861 -

Colonel Kempt, Lieutenant Richardson and Captain McLerie returned to Sydney on the same day (Sunday last) from Lambing Flat.

The SMH reported on Friday the 20th October 1861 under Electric Telegraph from our correspondent Wednesday 7am - Lambing Flat -

The artillery and the greater part of the 12th Regiment leave here for Sydney today – a detachment of the 12th consisting of fifty men, under the command of Captain Wilkie, remaining here. Many still leaving here for New Zealand [gold fields]. Further news looked anxiously for.

Lambing Flat - Goldfield Riots

The following article was written by a correspondent from the Lambing Flat gold fields. “An Incident in the Colony of New South Wales” (Sydney Morning Herald, 20th July 1861) -

At last the storm, which had been so long seen, by all but those who should have been the most attentive in their examination of the social horizon, to be impending, broke with a violence that at once woke up the sleepers from their pleasant dreams.

On Sunday, the 30th June [1861], the residents of Tipperary Gully (New South Wales) were aroused by the cries of "Roll up," and in the course of a very short time upwards of a thousand men, armed with bludgeons and pick handles, no firearms as yet appearing, were assembled round the "No Chinese" standard. Forming themselves in a rude kind of order of march, and with a band of music, which appears to have been thoughtfully provided for the occasion by the leaders of the movement, at their head, shouting, yelling, and singing, the crowd of rioters took the road to Lambing Flat, a distance of some four or five miles.

Arrived there, every Chinese resident in the township on whom hands could be laid was attacked and maltreated, the chief object of ambition being to secure the long tails of hair with which the Chinese are accustomed to ornament their heads. The main body was here joined by numerous others, who came flocking in from all quarters, until the number assembled amounted to at least 3,000 persons. Finding themselves so strong, and being determined to make a clean sweep of the Mongolians now that they were about it, they now turned their attention to the Chinese camp, situated on the spot and within the area allocated to them by the Commissioner in accordance with the regulations previously made, and apparently agreed to by the diggers. This was at once attacked and carried, the Chinese being driven off, under circumstances of great barbarity in some cases, and in all cases without being permitted to take with them any portion of their property.

It has been said also that many of them were robbed of various amounts of gold and cash; and that, mixed up with the crowd of rioters were numbers of women and children all actively engaged in plundering the property of the runaways of everything valuable … prior to carrying the remainder to the enormous fires that were kept up with such kind of fuel. In the mean time the band, placed in a conspicuous position, enlivened the scene by playing spirit-stirring airs, to an accompaniment of yells and shouts that would have done credit to a New Zealand war dance. Excited with their triumph, heated with their violence towards unresisting captives, and possibly thirsting for the plunder, of which this
last attack had given them a taste, a wild and savage yell of joy was raised, when some
one suggested Back Creek as the next spot to visit.

Shouting, firing (for guns were now pretty generally produced), singing, laughing, and
cheering, the body of rioters moved off towards Back Creek, a locality about six miles
from where they then were, and where it was known that there were several hundreds of
Chinese at work. Information of the projected attack was, however, taken over to the
Chinese in this locality, who, hastily packing up the most valuable and portable portions
of their property, hurriedly made off from the spot. The rioters were not long behind
them, and on coming up, a savage yell of disappointment rose up from the mob when
they found that their prey had escaped. The tents, goods, &c., left behind were fired,
after having been carefully looked over for plunder; and such articles as would not burn
were destroyed by being broken with axes. Whilst this had been going on, a number of
the rioters, who were mounted on horseback, galloped forward on the track of the
retreating Mongols, overtook them, not much more than a mile away, headed them, and
rounded them up in the same way as a shepherd-dog would do a flock of sheep.
Information of the surround was sent off to those behind, who, eager for their prey, were
already on the road.

Here ensued a scene such as, thank heaven! it seldom falls to the lot of a British journalist
to record. Unarmed, defenceless, and unresisting Chinese were struck down in the most
brutal manner by bludgeons provided for the occasion, and by pick handles. The
previous excitement had done its work, and now the wretched Mongols were openly and
unblushingly searched for valuables, and robbery was committed without the slightest
attempt at concealment. Very few of the poor creatures here attacked escaped with their
pigtails, none of them without injury of some kind, whilst every article of the property
they had endeavoured to take with them was plundered of all that was valuable, and then
burnt. Some of the acts of barbarism said to have been committed here were such, that
Englishmen can scarce be brought to credit that their country-men could be guilty of
them - for who amongst the British people could ever believe that men of their own
country - Britons, would take the Chinese pigtails with the scalp attached. That this was
done in more than one instance there can be no doubt, since the possessors of these
trophies made no concealment of them, but rather prided themselves on their possession.

Some of the scenes that then took place are thus described by our special correspondent:
men, or rather monsters, on horseback, armed with bludgeons and whips, with a fiend-
like fury, securing the unfortunate creatures by taking hold of their tails and pulling their
heads so that they came with their backs to the horse and their heads upon the saddle, and
then cutting or rather sawing them off, and leaving them to the fury of others who
surrounded them. One unfortunate Chinese boy went down upon his knees, the tears ran
down his cheeks as he lifted his hands and pleaded for mercy; a ruffian, with a bludgeon
sufficient to kill a giant, with one blow felled him to the ground. Another unfortunate
creature, a cripple, was trying to crawl away into the bush - he could not walk - and
endeavouring to take a blanket; it was ruthlessly torn from him, and carried to a fire
where their property was being consumed.

But these details are sickening. I have only mentioned what came under my own notice.
Were I to narrate only a tithe (10%) of the atrocities committed that day, that have been
communicated to me, it would fill a full volume. Mr. Henley, the Chinese interpreter,
m entions the following: a European woman with three small children, who is the wife of
a Chinaman, was sitting in her tent rocking her baby in the cradle. The lawless mob
burned down her tent, and the cradle wherein the infant was sleeping. Her own and
children's clothes were torn to pieces by a lot of vagabonds, who counselled together for
the violation of the woman and murder of the children, but were prevented by the timely interference of some of their number less hardened than the others.

With such facts before their very eyes, it is not to be wondered at that the feeling of the large bulk of the residents on the spot is greatly against the perpetrators of so gross an outrage, and that expressions of the utmost indignation have been most freely made use of.

So extensive and savage an outbreak could not fail in at once opening the eyes of all to the real position in which the authorities at Lambing Flat were placed, and now at last was done that which should have been done long before. The electric telegraph was set to work, and all the available police from the districts round about were ordered up to Burrangong. Captain Zouch, with the troopers of the mounted patrol, arrived there on the evening of the 6th [July]. Several men of the foot police having come up from time to time, until the total number of the force, horse and foot, reached 57.

On the following day, Sunday, the 7th …, there was a very large assemblage of diggers and others in the township, and though rather boisterous, there was no rioting…..

The Early Church of England at Lambing Flat

Bishop Barker of Sydney visited Lambing Flat in September 1861 and discussed the erection of a Church and appointment of a clergyman. In November 1861, a timber church was opened in an unfinished state by the Reverend R.H. Mayne and a Sunday School advertised.

On the occasions of Episcopal visits and the various visits of the neighbouring clergymen, they were supported, accommodated and entertained by Captain and Mrs Wilkie and the Officers of the 12th Regiment.
Parade of the Suburban Battalion of Volunteer Rifles

The SMH reported on the 17th June 1861 that the Companies forming the Suburban Battalion of Volunteer Rifles paraded at Pyrmont on the open piece of ground selected on this occasion of the presentation of colours to the ASN or Pyrmont Company. The muster was not as strong as it should have been, the number reaching but a little over 200. The parade was under the command of the Inspecting Field Officer, assisted by Captain Laver and Sergeant Major Kenny of the 12th Regiment.

Grand Sword Fights

SMH advertised on Saturday the 6th July 1861 –

School of Arts Pitt Street - Monday Evening July 8th - Grand Assaut D’Armes

Under the patronage and presence of Lieutenant Colonel Kempt, HM 12th Regiment, and the Officers and members of the various Volunteer Corps, being the complimentary benefit to Professor Parker (prior to his departure for the country), champion swordsman and bayoneteer of all the Australian Colonies.

When he will be assisted by his pupils and several amateurs. On this occasion, Captain MacDonald has consented to appear in a grand broadsword combat with Professor Parker.

The combats and exercises, which will be produced on this occasion, will consist of stick combats, sword v bayonet, fencing, broadsword etc. etc. Professor Parker will also perform his celebrated cutting feat, showing the great precision of the sword, viz. cutting two legs of mutton in a single blow.

Front seats, 4s, balcony and promenade, 2s.

Doors open at a quarter-past 7, by commencement at 8 o’clock. Tickets to be obtained of Mr Moffitt, Pitt Street; Mr Norris, Pitt Street, and Poehlman’s Café, George Street.

Almost a year later, after “departing into the country”, Professor Parker had found his way to Queensland, where the Brisbane Courier reported on the 6th May 1862 that –

Professor Parker’s Grand Assaut d’Armes came off last evening in the Armoury and may be pronounced a decided success. At about a quarter past eight, the place being comfortably filled, the Professor made his appearance and announced that the entertainment would commence with a broad sword tourney between Sergeant Carroll, of the 12th Regiment, and a late non-commissioned officer of the 16th Lancers. The play was very fair, though certainly not remarkable for its brilliancy and the number of points (7) were gained by Sergeant Carroll, his opponent scoring six. ….

The entertainment concluded with a somewhat farcical broad sword and bayonet display – the Professor with the bayonet, being opposed to Mr Hart’s and Sergeant Carroll’s swords. Professor Parker announced another entertainment before he leaves Brisbane.

Grand Full Dress Ball in aid of St Vincents Catholic Hospital

SMH advertised on Saturday the 6th July 1861 –

A grand full dress Ball, to assist in liquidating the debt due on St Vincent’s Hospital, will take place on the 24th July, at the Sydney Exchange. Patrons and committee – Colonel Kempt Commander of the Forces and the Right Worhsipful the Mayor of Sydney etc. etc.

Testimonial to Sergeant Reynolds

SMH reported on the 6th July 1861 that –
Yesterday evening, after drill, a testimonial was presented at Russell’s store, Darling Street Balmain, by the members of the Balmain Company of the Volunteer Rifles to Mr Reynolds, Battalion Sergeant Instructor of Her Majesty’s 12th Regiment of Foot, in acknowledgement of his valuable services as Drill Instructor.

The Company having first gone through their drill (on this occasion under Sergeant Major Kenny of the 12th Regiment) some rules which had been drawn up relative to the new rifle butts were formally confirmed and the roll was called over. There proved to be a very numerous attendance. Mr Reynolds was present.

Captain T.J. Jacques, when the ordinary business of the evening was at an end – on the part of himself, his brother Officers and the Balmain Company generally – presented to Sergeant Reynolds a purse containing twenty sovereigns. In so doing, as Captain of the Company, he read the following address –

To Mr Reynolds Sergeant Instructor of Her Majesty’s 12th Regiment of Foot

Dear Sir,

In the name of the Balmain Company Volunteer Rifles, we beg must heartily to thank you for the efficient manner in which you have performed the duties of drill instructor to our Company during the past eight months. While expressing our regret at losing your valuable guidance in our further progress, we most sincerely congratulate you on the advanced position to which you have been appointed, as musketry instructor to the whole body of Volunteers. And we feel certain that the same urbanity, coupled with firmness, in the strict discharge of your duty which you gained the esteem and confidence of our Company, will secure for you the same place in the estimation of the entire Corps.

We have already given you a substantial proof of our deep sense of the value of your teaching in the arrangements which continued in operation until the 31st May last. In parting, however, we desire to offer you a more public token of our regard and therefore request your acceptance of the accompanying purse to twenty sovereigns, with our best wishes for your future success in life. We are, dear sir, on behalf of the Balmain Company of Volunteer Rifles

Theodore J. Jacques, Captain
C.S. Alexander, 1st Lieutenant
Ewen W. Cameron, 2nd Lieutenant
Balmain 5th July

Considerable applause having been manifested by the members of the Company at the conclusion of the delivery of the foregoing address. Captain Jacques proceeded to say he really deemed it the happiest moment of his life thus called upon to perform the pleasing duty which had derived upon him. It was the most gratifying duty which had devolved upon him. It was the most gratifying to his feelings of any which he had to discharge since his election as Captain of that Company; and he could not but feel that although the words of the address were those of the Committee, they were nonetheless, directly expressive of the sentiments of the whole body. (Cheers) He felt sure that if circumstances should bring them against an enemy, the Balmain Company would show by their behaviour that they were not unmindful of the teaching of their instructor. (Cheers)

Sergeant Reynolds said it was impossible for him to address the members of the Balmain Company after the high testimonial he had received from them, without feeling some degree of embarrassment. He must frankly confess that he did feel moved and would
therefore beg to claim their kind indulgence, requesting them to judge of him in his reply
more by what he felt than by what he said. It was very gratifying to him to receive from
them such a munificent testimonial, the more so, as he had parents and friends in the
mother country who would be happy to learn that his services had been so cordially
appreciated, and so liberally acknowledged.

He said this because he would venture to affirm that no military instructor of the
Volunteer Corps had had his services more handsomely recognized than himself, in as
much as he had already been liberally compensated for his services during the eight
months that he had been the instructor of that Company. One thing he must indeed claim
credit for and that was the fact of having at all times taken a warm interest in the
advancement of the Balmain Company, seeing as he did, so many of the principal
residents of Balmain present in the room, it afforded him very great pleasure to find that
they did justice to his best endeavours to perform his duty towards the Company.
Although now about to take leave of them, he should always experience the greatest
interest in their future progress, and he did not doubt that if, at any time hereafter, they
should be brought into contact with a hostile force, the Balmain Company would be ever
found worthy of its name. He thanked them heartily for their address and the gift with
which it was accompanied. (Cheers)

Cheers were then given for the Queen, for the Governor in Chief, and for Sergeant
Reynolds after which Mr Moffat said he was about to withdraw from the Balmain
Company, in consequence of his removal to Redfern as his future place of residence. But
before he left that Company, he felt it due to himself and to them to offer a few remarks.
Whilst he fully appreciated the testimonial which had been presented to Sergeant
Reynolds, he could not but think that one thing was nevertheless wanting, and that was a
list of the subscribers to be presented along with the address. If this were done, the names
of those who had contributed might be thus made known to Sergeant Reynolds and all
future misunderstandings obviated as to the amount raised. Captain Jacques and
Lieutenant Alexander differed altogether from Mr Moffat because the Committee had
determined that it was not necessary to give such a list. They thought it very bad taste that
Mr Moffat should have rasied that question.

At the conclusion of the conversation which took place upon this point, the proceedings
were terminated by three hearty cheers for the Balmain Company, called by Sergeant
Reynolds.

**Rifle match between Sergeant Reynolds and Mr Roberts**

On the 14th October 1861, the SMH reported a rifle match between Sergeant Reynolds, musketry
instructor of the 12th Regiment, and Mr C.W. Roberts, the winner of three prizes at the Rifle
Association matches, that came off at the St. Leonards butts on Saturday last, and resulted in
favour of Mr Reynolds, who beat his opponent by two points.....Sergeant Reynolds threw out a
challenge in which he offered to shoot with Mr Roberts for £20 a side, under the same conditions
as the “all comers” match, namely fifteen shots each – five at the 700, five at the 800 and five at
the 900 yards ranges with any description of rifle.........

(Author’s note - Sergeant Reynolds shot with a Whitworth rifle while Mr Roberts shot using an
Enfield.)

**Depot at Walmer, England**

The Depot 1st Battalion removed to the Depot 2nd Battalion from Walmer to Chatham on the
29th August 1861 (PRO3723 WO12/2982). Captains Queade and Vereker were at the Depot in
1861.
Return from New Zealand on the ship *Henry F. Fernie*

A portion of the detachment that had been on duty in New Zealand, embarked from Auckland on the clipper *Henry F. Fernie* on the 2nd October 1861 and rejoined Headquarters at Sydney on the 16th October, under command of Captain Leeson, with Lieutenants Crawhall and Dudgeon, mustering three sergeants, one drummer, and one hundred rank and file. (PRO3723 WO12/2983 page 94)

Apart from the detachment, the ship carried Colonel Gore, the former Governor of New Zealand and Dr W. Temple, Royal Artillery, as Medical Officer in charge. “The early part of the passage had a continuance of adverse winds and calms and very heavy weather on Sunday, 13th October.”

Upon arrival in Sydney, Gore Browne was advised that he had been appointed Governor of Tasmania.

**Inspection of the Maitland Volunteers and presentation of Colours**

At noon, His Excellency returned to West Maitland where an inspection of the Volunteers by Colonel Kempt and Captain Laver took place. The Volunteers included the East Maitland, Maitland and Morpeth, and Newcastle Rifles, and Artillery Corps – numbering altogether 226, exclusive of three bands. The evolutions were gone through very creditably, presenting a spectacle never before witnessed in Maitland. The number of persons present was estimated at over 5,000.

On arrival on the ground the Governor received a salute of seventeen guns from the Artillery. The West Maitland Corps being drawn up, Lady Young presented the colours and read the address, to which Captain Vindon made an eloquent reply. After several manouevers being gone through, the four companies were briefly complimented by Sir John Young on their proficiency and the West Maitland Company thanked for their services as a guard of honour. (SMH 20th July 1861)

**Working Bee**

The first recorded use of the term “working bee” may have been used in the following article by the SMH. Under Notes of the Week, the paper reported on Saturday the 14th September 1861 –

A new practising ground for the Maitland and Morpeth Volunteers has been cleared at what is termed a “bee meeting” ie, a large volunteer working party.

**Military Baths in Brisbane**

The Brisbane Courier reported on the 4th October 1861 –

> We are informed that the baths designed for the use of the military have been completed, and that they were removed yesterday to the proper station in the river, immediately opposite the hospital.

> It is reported that the baths will be thrown open for general use in the course of a very few days.

**Appointment of the new Commanding Officer**

On the 5th November 1861, Lieutenant Colonel Henry Mead Hamilton was transferred as CO of the 2nd Battalion to CO of the 1st Battalion 12th Regiment. No one could foresee the appointment of such an aggressive, intelligent and confident individual dramatically affecting the fortunes and careers of several Officers and men serving in the 1st Battalion.

Just two years after Hamilton’s appointment, Captain Saunders was court martialled and Private (3475) Bevil was imprisoned to intimidate other soldiers and potential witnesses (SMH 29th May 1863).
Victoria Barracks, Paddington

The SMH reported on the 28th September 1861 that it has been discovered that 1,000 acres of land commencing from the city boundary, near Darlinghurst, was so long ago as October 1811, set apart as a common for the inhabitants of Sydney, by their Governor (Macquarie). The fact had been forgotten by everybody and was only discovered by a diligent search among the records. Besides the appropriation of a large block of this land for the Victoria Barracks, a good deal of it has been sold at auction. It is believed that the Corporation authorities mean to claim compensation for these appropriations.

Break-In at the Officers’ Barracks, Perth

Edward Devine, ticket of leave man, was charged with breaking and entering the Officers’ Quarters on the night of the 19th instant. Sergeant Smith of HM 12th Regt was on duty on the main Guard of the night of Friday, the 19th inst. About half past eight on that night, he saw Lieutenant Oliver put out his light and leave his quarters. A few moments afterwards, he heard a crash as if a pane of glass had been broken. He immediately sent over a Corporal and one of the Guard to see what was the matter but as they remained there rather long, he went over himself. A light was procured, and on entering Mr Oliver’s room, he found the prisoner sitting in Mr Oliver’s easy chair, with his head between his knees. The prisoner was drunk, but not so drunk as not to know what he was doing. There was no property of Mr Oliver’s found on the prisoner. He handed him over to the Police on the same night. John Kenny, Police Constable, he received the prisoner from Sergeant Smith. The prisoner was in liquor, but he believed that he was not so much as he appeared. He believes that Mr Oliver’s door was not locked. Henry Thompson, Corporal of HM 12th Regt, confirmed the evidence given by Sergeant Smith. The prisoner in defence stated that he was so drunk at the time that he has no knowledge of what had occurred, He begged hard for leniency in consequence of his having only just been discharged from the Perth Lock up. His Worship sentenced him to three months hard labour in the Convict establishment. (Perth Gazette, 26 April 1861, Perth Police Court)

New Guard Room

The old military guard room near the Colonial Treasury, in this city, was demolished two or three days ago to enable the site on which it stood to be levelled. The Guard at present are accommodated in a portion of the new Government House and a new guard room is in course of erection at the back of the Government offices. (Perth Gazette, 2nd August 1861)

The Volunteer Movement in Perth

The Volunteer movement still continues to occupy a large portion of public attention in Perth and since our last issue, it has made rapid strides.......to the Officers and non commissioned Officers also of the 12th Regiment, the Corps are much indebted as well as to Lieutennat Thorold RE who has kindly undertaken the duties of Superintendent or Adjutant of Drills.....The muster roll yesterday morning contained a list of 94 effective members besides several honorary and there has been an average attendance of 80 men at each drill. (Perth Gazette, 20th September 1861)

Acting Colonial Surgeon

The Colonial Surgeon has been absent on leave from Perth for some weeks past, and Dr. Arden of the 12th Regiment, has been acting for Dr Ferguson during the time. (Perth Gazette, 2nd August 1861)

Bread Riot at the prison on Cockatoo Island
A major outbreak at the prison was reported on the 8th, 10th and 15th June 1861. The SMH reported under Notes of the Week on the 15th June that -

there has been a slight “bread riot”, that is to say, an “emeute”, among the convicts at Cockatoo Island, on account of the alleged inferior quality of their bread. As however, they have all returned to their work, and as it appeared that they had really some cause for complaint, it has not been deemed necessary or just to award any punishment to those who took part in this affair.

But the true cause of all three outbreaks and one which there is every reason to fear will render them still more frequent, is the dissatisfaction of the convicts at the new regulations which deprive them of all hope of claiming a mitigation of punishment by good conduct.

On the 6th August 1861, the SMH reported under Notes of the Week that -

The remainder of the Cockatoo Island convicts in Darlinghurst Goal – some thirty or forty – have become so disorderly in their language and conduct that in some instances, it has been found necessary to gag them.

The SMH reported on the conditions that existed in the prison on Cockatoo Island in an article from the Reverend P. P. Agnew, Chaplain Cockatoo Island, on Friday the 6th September 1861 –

The Rev. P.P. Agnew has handed to us for publication the following copy of a letter addressed by him to the late Governor General, and having reference to the penal system at Cockatoo Island. At this juncture, when the whole question of penal discipline is so forcing itself upon public attention that it must necessarily be made a basis, ere long, of some Parliamentary action, the practical remarks of such a man as Mr. Agnew will be read with interest.

Fort Street,
August 1860

To His Excellency Sir William Denison,

I beg most respectfully to call your Excellency’s attention to the present state and condition of the penal establishment at Cockatoo Island.

I had the honour some time since of stating personally my opinion in reference to the impracticability of the new penal regulation, and the doubtful operation which would evidently result on its entire enforcement.

My doubts have been painfully realised, and I consider it my duty to request that your Excellency may at once take the matter into consideration, or at least allow the prisoners’ hearing on a matter of such vital importance. You may think the subject worthy of attention, when I say that the prisoners, who under the old regulation were so peaceably, easily and profitably governed, are at present in a most unsatisfactory and dangerous state being almost to a man openly or sullenly disordered; that within the last few months there have been not less than eleven attempts at escape and two or three open combinations to resist authority; and that from what I know of the minds of several of the prisoners, it is my opinion that the manner of working the existing regulation must lead to a most unhappy and disastrous consequence.

I would call your attention to two or three things connected with the establishment, which will show that whilst similar institutions in England have received the deepest attention from the highest Minister of the State, and most salutary reforms have been wrought out,
yet we have gone steadily backward, until our most important penal establishment is at least sixty years behind the age and the requirements of the people.

1. Although the Island of Cockatoo has every natural advantage and desirable requisite for a penal establishment for the reception and profitable working of all the prisoners in the Colony, whom sentence may exceed one year – having sites for accommodation, and material for building; being situated near the capital, and having demand for labour, and market for produce; being broadly surrounded by water and easily guarded, it might be rendered a most suitable depot for prison labour generally, and at half the amount which is now sought to put the prisons of the interior in proper condition. Yet this establishment remains in a most primitive and inefficient condition, affording neither security for the prisoner, nor satisfaction to the Government.

2. No classification whatever exists at Cockatoo Island. The whole of the prisoners are together from the first to the last day of their sentence. The youth for this his first offence, and the hardened veteran in crime, are inseparately connected at once. Year after year they work at the same cart, sleep side by side, walk in the same yard, and eat out of the same tin dish. No prisoner is allowed to be alone one hour during the whole of his imprisonment, and the difficulties and discouragements by which he is legally surrounded, render it utterly impossible for him to attend to his necessary religious duties or that others can assist him in working out any hopeful reformation.

3. The sleeping accommodation is both indecent and brutalizing. The men are herded together in fifties and sixties, not having private space to undress. They sleep in open racks, one above another, separated merely by rude and open woodwork. The heat in summer is described to be intolerable. All the offices of nature are attended to openly in the place where they sleep. The rustic fittings give safe refuge to vermin of the most offensive kind, which at intervals are fumigated, and swept away in incredible quantities.

4. No prisoner placed in the cells is allowed to attend divine service, even on the Sunday. This reasonable and necessary indulgence has been objected to, both by the authorities on the Island and by the late Government. There is not a prison in England where religious instruction and consolation is denied to a prisoner under any circumstances. I see no reason for objecting to this privilege, as the men from the cells could be brought to divine service without taking up the time of the officers or communicating with other prisoners, by having the first seat in the chapel appropriated to their use, and by coming in last, and being conducted away first.

5. The last thing to which I would call your attention is the recent abolition of the ticket-of-leave, which compels the prisoner to work out his full and entire sentence irrespective of all good and meritorious conduct. This has at once put the good and the bad in the same footing. Bad conduct makes a man’s case no worse, good conduct no better. A sentence of seven, ten or fifteen years is, in many cases, equal to life; and all men under the old and new system, are still working together, it has occasioned very much dissatisfaction, and connected with many other objectionable features in the present system. Which marks no distinction of character, and cuts all hope, has resulted in the present disturbed and unsafe state of things at Cockatoo Island.

I am afraid that if an impartial and enlightened inquiry were made into the present working of the system, it would be found as ill adapted to the general good as anything of the kind in her Majesty’s dominions.

**Bushrangers at Cockatoo Island Prison**
The SMH reported on the 28th September 1861 under Notes of the Week that the notorious bushranger, John Molloy, alias Jack-in-the-Boots, who is under sentence of ten years hard labour, has arrived in Sydney and has been sent to Cockatoo Island.

**Musters**

**Brisbane** -

There were four deserters in Brisbane of which Privates Bamford and Webb deserted on the 21st September, while Privates King and Tyas deserted on the 27th September 1861.

**Hobart** -

Private (27) John Presdee had a relationship with Mary Ann Bowman, a former convict, who had arrived on the ship *Newgrove* in 1835. While no marriage record can be found, they had three children, born in 1861, 1862 and 1863. All of them were born in Hobart.

**Perth** -

Corporal (3237) Mayby, who died on the 10th June 1861 in Perth, was married.

**Sydney** -

Between April and June 1861, there were twenty-one desertions of which fourteen occurred at Lambing Flat, one at Goulburn and one from Brisbane.

There were seven deserters between October and December 1861 of which four were from Brisbane, all on the 27th September 1861.

<table>
<thead>
<tr>
<th>Recruits</th>
<th>Age</th>
<th>Height</th>
<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Martin Mullins</td>
<td>17</td>
<td>5’7”</td>
<td>26.6.1861</td>
<td>£2</td>
<td>16s</td>
</tr>
<tr>
<td>Henry Mitchell</td>
<td>20</td>
<td>5’7”</td>
<td>28.6.1861</td>
<td>£2</td>
<td>16s</td>
</tr>
</tbody>
</table>

Boy (576) John Marsland turned fifteen years on the 6th March 1861.

Corporal (2309) John Astley was promoted to Drum Major as Sergeant on the 1st August 1861.

Colour Sergeant Joseph Gibson took furlough prior to discharge in July 1861. Gibson had been stationed at Ballarat during Eureka.

Captain Heywood 2/14th Regiment was attached to the 1/12th as from October 1861. Captain Heywood was Major of Brigade of the NSW Volunteer Corps and later acted as Deputy Judge Advocate in the court martial of Captain Saunders.
1862

“I have come down perfectly prepared to shoot him.”

“The many who bless you.”

**Stations**

NSW, Queensland (Brisbane) and Tasmania.

**Troop Movements**

Lieutenant Harward returned to England upon promotion to Captain and became OIC of the Depot at Walmer in 1862. He exchanged to the 13th Regiment in October 1862.


Major Hutchins took leave between July and September 1862 and returned from New Zealand to Hobart as OIC.

Captain Downing returned from Perth to Sydney on the 11th February 1862. He returned to England from Auckland in 1863.

**Death from Consumption in Hobart**

Only one person belongs to the military, a Sergeant of the 12th Regiment, aged 28, died from consumption in Tasmania in 1862. He had been left behind, as unfit for service, when the greater part of the troops left this island for New Zealand. (Observatory Records and Births, Deaths and Marriages. The Hobart Mercury, 21st February 1865)

**Child for Paymaster Olivey**

On the 14th instant, at Toxteth Cottage, Glebe Point, the wife of W. R. Olivey, Esq., paymaster H.M. 12th Regiment, of a son. (Sydney Morning Herald 15th August 1862 and NSW BDM 2754/1862)

**Child for Captain Saunders**

Mrs Saunders gave birth to her third daughter, Lucy Henrietta, on the 21st July 1862 at Victoria Barracks. Mrs Saunders registered the birth on the 28th August 1862.

**Child for Captain Sillery**

Births. On Wednesday, the 10th October, at the Military Barracks, the wife of Captain Sillery, 12th Regiment, of a son. (Sydney Morning Herald 16th October 1862)

**Child for James Astbury**

Births. December 2nd, at Victoria Barracks, the wife of schoolmaster James Astbury, of a daughter. (Sydney Morning Herald, 20th December 1862)

**Death of Child of James Astbury**
On the 8th July, at Victoria Barracks, Sydney, Pauline Caroline Mary, infant daughter of James and Annie Astbury, 1st Battalion 12th Regiment, aged twenty-one months five days. (Empire 14th July 1862)

**Death of Sergeant Marsland’s daughter**

Sergeant Marsland’s daughter, Emma, died in Victoria Barracks and was buried in St Jude’s Church of England, Randwick.

**Death of Drill Sergeant Cherry**

The Friends of the late Mr. Cherry, Drill Sergeant of the Parramatta Volunteer Rifles, late Sergeant of H.M. 12th Regiment of Foot, are requested to attend his Funeral, on Friday, the 2nd May, at 4 o’clock p.m. The procession will move from his late residence, in George Street, Parramatta. The members of the Parramatta Volunteer Rifles are requested to attend. By order, J. M. Gould, Sergeant. (The Sydney Morning Herald 1st May 1862 and Empire 2nd May 1862)

**Death of Lieutenant Oliver**

A melancholy accident occurred on Saturday evening last, by which Lieutenant Oliver, of the 12th Regiment, who was returning from Guildford, in company with Mr Panter, was drowned while endeavouring to cross the river over the Perth and Guildford causeway. The body was not recovered until Monday morning, when it was found in deep water between two and three hundred yards from where the accident occurred. At an inquest held on the body, Mr Panter gave evidence to the following effect – Mr Oliver and himself reached the eastern end of the Causeway about five o’clock in the afternoon. Before entering the water he advised Mr Oliver to cross his stirrups over the horse's neck, which he believed he did; after getting to the end of the first bridge, they stopped to give the horses their wind, and then Mr Panter, who went first, said to Mr Oliver, “whatever you do, keep close to the rails on the upper side of the road, as then if your horse makes a false step, he will have time to recover himself”.

Mr Panter looked back three times afterwards, and on each occasion noticed that the unfortunate gentleman was edging over to the other side, as he called him back, shortly after he heard a splash and on looking round he saw Mr Oliver on his horse at the lower side, the horse being over the fence with his hind legs hanging on the top rail, he called out to him to stick to his horse; and then in turning to go to his assistance, his own horse got entangled in a similar manner in the rails on the upper side, and his attention was taken from the deceased for a moment or two while getting free; on again looking up, he could only see his back a few yards off in the water and the horse about twenty yards from him, swimming towards Perth; the deceased sank and did not rise again. Mr Panter then called the horse which turned and followed him back to the eastern side of the river. The water on the causeway did not quite reach up to the middle flaps and he did not notice much current; on the following day he found ten feet of water at the spot where Mr Oliver sank. On the body being examined there did not appear to be the slightest mark or bruise upon it, the only alteration was a slight darkening of the complexion, probably from suffocation. A verdict of “accidental death by drowning” was returned.

The funeral of the unfortunate gentleman took place on Tuesday; a firing party of 40 men of the 12th Regiment headed the procession, followed by a band of fifes and drums, then came the body, and immediately following were the Metropolitan Volunteers, mustering about 60, then the officers and Brethren of the Freemason’s Lodge of St John 712, of which the deceased was a member, and after them the general body of mourners, which included all the military and civil officers, and many of the principal inhabitants of Perth and Fremantle. Mr Oliver was about 25 years of age, and was much esteemed in the circle in which he moved. (The Perth Gazette, 11th July 1862)
Death of Colour Sergeant (2336) Storey

September 28th, at Victoria Barracks, late Colour and Hospital Sergeant of Her Majesty's 12th Regiment, William Storey, died suddenly of disease of the heart, aged 32 years, leaving a wife to lament his loss. (Sydney Morning Herald 21st October 1862)

Death of Sergeant (1253) Eagar

Thomas Eagar, late Drill Sergeant to one of the Volunteer Corps, and formerly a Sergeant in the 12th Regiment, committed suicide at Paddington a few days ago by blowing the roof of his skull off with his rifle. Private troubles, and the false remedy of drink, were the causes. (The Brisbane Courier, 12th September 1862)

Eager had taken his discharge from the 12th Regiment in 1860.

Death of Private (3338) John Olley in Hobart

The Launceston Examiner advised on 21st June, 1862, that John Olley, a Private of the 12th Regiment, and servant to Major Eagar (40th Regiment), died at Hobart Town on Monday from suffocation, caused by sleeping in a close room in which a quantity of Port Arthur coal was burning. The gas evolved from these coals in a room where there is no ventilation would be fatal to life, as it would deprive the air of its oxygen.

Yesterday afternoon an inquest was held at the canteen, Military Barracks, before A. B. Jones, Esq., Coroner, and the usual jury, of which Mr. Featherstone was foreman, to enquire into the death of John Olley, a Private of the 12th Regiment, who died in the Military Hospital on the 16th instant, having been a servant to Major Eagar. The Coroner briefly addressed the jury, who then, with the witnesses proceeded to view the body, and on their return to the inquest room the evidence of Major Eagar was taken.

He deposed that the deceased was in his service, and that he was a Private in the 12th Regiment, his age was about 27 years. Between Saturday night and Sunday morning, witness saw him alive, and in health, he was then in the stable in his usual health. Witness next saw him the next morning, when he found him on his bed in violent convulsions. Witness then immediately sent for medical assistance, and Mr. Scott came in about twenty minutes. When witness went into the harness room, he observed a stove with the cinders of Port Arthur coals in the room, witness observed no smoke in the room. There was a window in the room, which was open. The deceased had slept in the room since last July. The deceased was a married man but had separated from his wife. The separation was voluntary. The deceased was a quiet, steady man, but his wife was not a well conducted woman, as far as witness knew. No one could have access to the stable without the knowledge of the deceased, witness observed nothing remarkable in the manner of the deceased; he was not naturally of a desponding nature. Other evidence was adduced to show that the deceased was last seen alive on Saturday evening last, about half-past 9 o'clock, when he came into the nursery, at Major Eager's, and took away a basket stove (produced) with live coals in it. The deceased said he was going to put it in his room, for the purpose of airing it. The deceased was cautioned not to use the stove unless he kept the door of his room open. He was told what would likely to be the consequence, but he took the stove away. He seemed to be quite cheerful and sober, when he took the stove away.

Henry Lawler, a Private of the 12th Regiment, and in the service of Major Eagar, proved, that on Sunday morning, as he was passing by the stables, observed that the deceased was not up; witness
opened the window, and on getting into the room, he observed a very bad smell; he then communicated with his fellow servants, but got no answer from the deceased. Witness, then got into the stable, and found deceased in bed, undressed, breathing very heavily, and senseless. Witness then called his master, but the body of the deceased was not disturbed. Witness staid with the deceased till the evening, but was not with him when he died the following morning. Nothing had been disturbed in the room, indicating a scuffle. The clothes of the deceased were on his bed, as if he had taken them off, and his waistcoat was hanging on a peg. Witness had seen the deceased the previous evening, but did not observe anything strange in his manner.

Emmeline Olley, the widow of the deceased, proved that she last saw her husband alive on Saturday night, at the lodgings where she was living. He complained of nothing, and was in good spirits. There was no quarrel between them. He left the witness about 7 o'clock, for the purpose of going to the Barracks to answer the roll call. Witness never told any person that he had remained longer with her, certainly not till one o'clock in the morning. When witness next saw him he was senseless.

Dr. Scott, Staff-Assistant Surgeon, who had made a post mortem examination of the body, described the cause of death, which ensued from suffocation, from being asleep in a room deprived of oxygen. Witness had been sent for by Major Eagar, and went to his house, where he found the deceased in bed, in the harness room, with his head supported by one of the female servants; he was senseless, and breathing with difficulty, his teeth were clenched and one of the servants had introduced a spoon to keep his mouth open. His pulse was very quick and full. The window and door of the room were both open. Witness had him carried out into the yard and bled him in the arm, when his breathing became easier, but he never recovered his consciousness. Witness then had him removed to the Hospital, where various applications were applied to his legs etc, but had no beneficial effect. Towards evening he then appeared to be slightly conscious, but continued in the same state until he died. Witness believed that death would be caused by sleeping in a room in which Port Arthur coals were burnt, where there was no ventilation, as the gas involved would be fatal to life.

After a few remarks from the Coroner, the jury returned a verdict to the effect that the deceased came to his death accidentally by suffocation. (Coroner's Inquest. The Mercury 18th June 1862)

Marriage of Annie Storey

On the 12th instant, by special license, at Crown Street, Surry Hills, by the Rev. J. B. M'Cure, Henry Charles Scarfe, of Paddington, to Annie, widow of the late William Storey, Hospital and Colour Sergeant of Her Majesty's 12th Regiment of Foot. (Sydney Morning Herald 15th October 1863)

Corporal (96) Henry Charles Scarfe had obtained his discharge from the 12th Regiment in 1863.

Marriage of Private (3187) Martin Daley

Private Martin Daley married Ellen Hansberry on the 9th October 1862. Ellen had arrived from Ireland on the ‘bride’ ship Palestine. Martin and Ellen’s first child was Maria born on the 10th October 1862 in Perth. It is not certain whether Maria was actually born the day after her parents’ marriage or whether her birth was merely registered on that day. However, because of the shortage of priests and ministers in the new Colony, it was not unusual for couples to be living as man and wife for some time before the relationship was solemnised.

Marriage of Private Albert Matthews

On the 12th November, at the residence of the Rev. Dr. Fullerton, Elizabeth Street, Mr. Albert Matthews, H.M. 12th Regiment, to Miss Emily Goodwin, second daughter of the late Mr. Goodwin of Woolwich. (Empire 17th November 1862)
Marriage of Private (412) George Prince

September 8th, at St. John's Church, Darlinghurst, by the Rev. Thomas Hayden, George Edward Prince, of H. M XII Regiment, son of the late H. Prince, Quarter-Master Sergeant XII, Regiment, to Kate, youngest daughter of W. Henry Cherry, Esq., of Northampton, England, and of New York, United States of America. (Sydney Morning Herald, 20th September 1862)

Marriage of Sergeant Reynolds

By special license, on the 3rd May, by the Rev. S. C. Kent, of Newtown, at the residence of the bride's mother, R.W. Reynolds, Instructor of Musketry to the 12th Regiment, to Margaret Ann Orr, second surviving daughter of the late William Orr, Esq., Bathurst Street, Sydney. (Empire 14th May 1862)

Private (14) George Nettleship

Central Police Court. George Nettleship, a deserter from H. M. 12th Regiment, apprehended yesterday afternoon at Pitt Water, was ordered to be forwarded to the military authorities to be dealt with. (Empire 16th May 1862)

Private (2814) David Doyle

Guichen Bay. On Saturday evening a man gave himself up to the police, stating that shortly after the Ballarat riot he deserted from the 12th Regiment, then stationed at Melbourne, and gave his name as David Doyle. He is suffering from delirium tremens. (South Australian Advertiser, 27th December 1862)

Private (344) William Curry

William Curry, apprehended as a deserter from the X11 | Regiment, was remanded to the military authorities. (Sydney Morning Herald, 28th June 1862)

Private (337) Joseph Clarkson

Joseph Clarkson, of the X11 Regiment, was brought before the Bench by Constable Goldrick, who between the hours of twelve and one this morning, saw him assault a man in King Street. He took off his belt, and therewith struck the him on the face, cutting his eye. Remanded to the military authorities. (Sydney Morning Herald, 8th July 1862)

Arrival of the new Commanding Officer

We stated lately that it was probable that Lieutenant Colonel Kempt, at present commanding Her Majesty's land forces in this Colony, would shortly be relieved in his command by Lieutenant Colonel Hamilton, the circumstances under which the anticipated change has been brought about, were, we believe, as follows.

When Colonel Kempt came to this Colony he held the rank of Major only in his Regiment, though a Brevet Lieutenant Colonel m the Army. A vacancy having occurred for the purchase of the lieutenant colonelcy of the Regiment, Colonel Kempt declined to make the purchase, as he held the Brevet rank, and a junior officer bought the commission. If, however, this latter officer had come out to take the command of his Regiment, a very anomalous state of affairs would have been brought about the Colonel commanding the Regiment would have been the superior of Colonel Kempt in that corps, but would have been subject to him as Commander of the Forces. But now a new aspect has been given to the case. The regimental lieutenant colonel has effected an exchange with Colonel Hamilton, who is Colonel Kempt's senior in the army as well as in the
Regiment. The latter we hear, under these circumstances, is said to feel a natural reluctance to this transposition of his military rank here, and it is understood that he intends to proceed to England, and probably to sell out, on the arrival of his successor. (From The Empire, Feb 21. The Maitland Mercury & Hunter River General Advertiser Tuesday 25 February 1862)

Lieutenant Colonel Hamilton arrived in Sydney on the 7th May 1862.

The steamer Annette left Plymouth on the 2nd February 1862 and is a new screw steamer now on her first voyage, her propeller being constructed to lift at pleasure. She will carry 300 tons of coal sufficient for 40 days consumption and will attain a speed of seven knots in smooth water. She is fitted with a full poop, affording very fine passenger accommodation and is replete with every modern mechanical contrivance to facilitate the easy working of the ship and the economization of labour. After discharging her inward cargo, she will leave for China. (SMH 8th May 1862 – Shipping Arrivals)

**Inspection of Regional NSW Volunteer Rifles**

Quite soon after his arrival in Sydney as the new CO, Lieutenant Colonel Hamilton undertook a couple of coastal inspections. SMH 25th July 1862 - Colonel Hamilton visited Maitland for the purpose of inspecting the Volunteers of that district. The inspection took place on the Saturday. (Maitland Mercury 25th July 1862)

**Troop Movements to Brisbane**

Since eleven soldiers had deserted between 1861 and 1862, a further thirteen soldiers were despatched to Brisbane and arrived on the ship Telegraph on the 23rd July 1862.

**Rifle shooting competitions in Brisbane**

The Brisbane Courier reported an article entitled Rifle Shooting on the 22nd April 1862 –

The rifle match, open to all comers, came off yesterday on the Volunteer Practice Ground. There was a very large muster of the military and members of the rifle corps……Nothing occurred during the day to throw a damper on the proceedings. The military have not been practicing lately and their scoring, therefore, reflected great credit on them. Lieutenant D.H. Seymour of the 12th, acted as umpire.

The ranges were 200 and 400 yards, five rounds at each distance. According to the published conditions, the firing at 200 yards was from the shoulder, and at 400 yards from any position, at the option of the competitors. The first prize (£15) was won by Private W. Smith of the Free Rifles; the second prize (£5) fell to Sergeant Cadden of the same company; and the third prize, for £2, was won by Private E. Woodward, of HM 12th Regiment. The following is the result of the firing at the two stages:

<table>
<thead>
<tr>
<th></th>
<th>200 yards</th>
<th>400 yards</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Private E. Woodward, 12th Regiment</td>
<td>7</td>
<td>2</td>
<td>9</td>
</tr>
<tr>
<td>Corporal McMahon, 12th</td>
<td>4</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>Private Cuthbertson, 12th</td>
<td>1</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>Captain Drury, Volunteers</td>
<td>6</td>
<td>3</td>
<td>9</td>
</tr>
</tbody>
</table>

As will be seen, Private Smith made 12 points from 10 shots. Two centres were made in the first range and one in the second. Sergeant Cadden and Private Woodward made two centres each. Between the latter and Captain Drury there was a tie. Both gentlemen having shot off, Private Woodward made one point and won the third prize………..

We have omitted to mention that a sad mishap befell a poor unfortunate cow, who, unconscious of the price set on the devoted head of any of her tribe since the memorable
buffalo affair of Sydney notoriety, received the contents of a rifle in her body. It was, however, purely accidental, the animal happening at the time to be too near the target and undistinguishable amongst the trees.

The Courier reported another match on the 20th August 1862 where a very fortunate pelican was narrowly missed by a soldier’s bullet that lodged in a post in Russell Street, South Brisbane.

**Mufti in Brisbane**

On the 26th June 1862, the Brisbane Courier reported a letter to the Editor, addressed as The Privates of the XII –

A letter appeared in your issue of this morning decrying the fact that the Privates of the XII are allowed to go about the town in plain clothes. How even a “soldier” can muster up sufficient courage to make such a statement surprises me, when almost every person in town must know that it is grossly untrue. One of the very men who have just deserted – Entwistle – has been working for some time past at a building in Margaret Street, and has been repeatedly seen going to and from the Barracks dressed as a labourer. Besides, it is well known, and has been subject for complaint, that the Privates of the XII have been in the habit of working as mechanics etc. at a much lower than the current rate of wages. If the officer in command does not “allow” his men to appear in mufti, I certainly must congratulate him on the amount of vigilance he displays, for it is patent to the public that they do what they are not “allowed” to do right under his nose.

From One Who Sees

**New Barracks in Brisbane**

Colonel Hamilton has gone to Brisbane, to select a site for the new Barracks. (The Maitland Mercury & Hunter River General Advertiser Thursday 10 July 1862)

The detachment of the 12th in Brisbane occupied the William Street Barracks that had been constructed in 1831 and had been used as an immigrants’ hostel between 1850 and their arrival in 1861. Acting on one of the principal conditions made by the Imperial Government when it provided the 12th to Brisbane, the Queensland Government now proposed to construct new military barracks. The question as to where the new barracks would be sited (Green Hills, Petrie Terrace, Brisbane) was resolved in July 1862 during Colonel Hamilton’s visit to Brisbane for that purpose. The detachment marched into its new Barracks on the evening of Thursday 27th October 1864.

A military hospital, powder magazine and accommodation for a third officer and guard room were added in 1865-66.

The guard room provided brief accommodation as a maximum security cell for the notorious bushranger Frank Gardiner.

SMH 18th July 1862 – Lieutenant Colonel Hamilton returned from Brisbane on the ship Telegraph on the 17th July 1862.

**Military Guard Room, Perth**

The Military Guard Room in Perth has apparently been finished weeks past but has not been occupied by any military Guard. The building is one of the most sightly in the metropolis and is a credit both to architect and builder. (Perth Gazette, 31st October 1862, General Intelligence)

**Sticking-Up the Bathurst Coach**

At the Lambing Flat Police Court, on March 15, George Smith was charged with robbing the Bathurst coach, in company with two others on the 6th January last.
Edward M. Battye, being duly sworn, stated. I am Inspector of Police at Burrangong. On Wednesday, the 12th instant, in between eight and nine o'clock in the morning, I went down in the direction of Blackguard Gully. About a mile and a half from the township, in company with Trooper Moore, I arrested the prisoner now before the Court. He was in company with another, whom I also arrested, on suspicion of highway robbery. I told them who I was. After handcuffing them together, we marched to their bough gunyah, and found therein, two revolvers and a double-barrelled pistol, which I now produce. They were all capped and loaded. I also found a quantity of lead, two boxes of percussion caps, a flask of powder, some bullets, a quantity of new clothing, three saddles, two bridles, hobbles, tomahawk, dagger-knife, three blankets, and other trifling things. On searching prisoner's pocket, I took from him, the sum of £12.17s.6d. Before arresting him, he told me he had just come from Victoria. I had been at the gunyah during the night, and found nobody there, but their blankets were all laid out. I ordered it to be watched till the return of the parties. It was after daylight before they returned.

James O'Grady, being sworn, stated: I am Colour Sergeant in Her Majesty's 12th Regiment. On the 6th of last January I was one of the passengers on the Cowra coach that left Lambing Flat that day. About five miles from the Flat, the coach was stopped by three armed men, the passengers ordered to get out and fall to one side. The prisoner now before the Court was one of those three armed men. He called out to the other prisoner (already committed), Davis, "Shoot the…," meaning to shoot the passenger who had resisted. He also threatened to blow my brains out if I attempted to move. He had a revolver in his hand at the time, which he presented at me. He is the man that stood sentry over the passengers. I saw money taken from two of the passengers. The coach was then searched and the passengers ordered into the coach. The other two persons concerned in the robbery have since been committed to take their trial for the same offence. I recognised the prisoner directly he was brought into the camp.

Campbell Thomas Morris, being sworn, stated. I am an officer in Her Majesty's 12th Regiment, and fully corroborate the evidence of the last witness.

The prisoner, who protested his innocence and stated that he had only been three days in the district, was committed to take his trial at the next Circuit Court, Goulburn. ((from New South Wales – Our Goldfields, Sydney Morning Herald 21st March, Sticking-Up the Bathurst Coach. The Argus 27th March 1862)

**Hold Up by Bushrangers**

Your readers will remember that a short time ago Ensign Morris and Sergeant O'Grady of the 12th Regiment, allowed themselves and four others to be robbed by three bushrangers on the Bathurst road. The case was severely commented on in the Empire, and so much notice was taken of it that I understand the conduct of the officer on that occasion is to be represented to the authorities at the Horse Guards.

As to the Sergeant, who I believe is acting Sergeant Major, his behaviour caused a quarrel with another Sergeant, who struck him, and was thereupon reported for Court Martial, but the story goes that the Colonel declined to put him on trial. (The Brisbane Courier, 22nd April 1862)

**Sergeant (1218) Burnside**

Sergeant Burnside, late of the 12th Regiment, has been appointed master of the Benevolent Asylum, at Liverpool. The kindred establishment at Parramatta is placed under charge of Mr. Dennis, with Mr. Pringle as surgeon, and Dr. Greenup medical superintendent. Mr. Smith and Mr. Walker have severally been appointed surgeons, the one for the old Sydney Asylum and the other for the Hyde Park Barracks. (Sydney Morning Herald 5th April 1862)

**Parade of the Sydney Battalion with the 12th Regiment**
(Sydney Morning Herald 8th March 1862) The following Garrison Order has been issued for the parade on Monday morning next, and as this is the first time the Battalion has been brigaded with the regulars, a good muster is very desirable. The order is as follows:

Brigade Office, Sydney
7th March, 1862
Garrison Order

The officer commanding the troops in New South Wales will brigade the 12th Regiment and the Sydney Battalion Volunteer Rifles together, in the Outer Domain, at 6am., on Monday, the 10th instant. The whole will be formed in mass of column at quarter distance, right in front, facing the south. Ten rounds of blank cartridge will be issued. The 12th Regiment will parade in shell jackets, and the Volunteers in undress uniform. By command, W. Heywood, Captain, Brigade-Major.

A Son of Mars in Trouble

A Private of the 12th Regiment, a few days ago, received a three days furlough to visit his friends in Ipswich. He arrived safely at Woogaroo, where he fell in with an American blackfellow, with whom he commenced drinking; and, whilst in a state of intoxication, he was robbed by the blackfellow of £2 and his belt. On recovering, he discovered his loss; and instead of paying the intended visit, he returned to quarters, where he is now undergoing punishment for the loss of his accoutrements. The belt was found on the Main Range yesterday and brought down to Ipswich by one of the Gitton police. (From the Queensland Times of yesterday, Brisbane Courier 26th April 1862)

The Regimental Hospital - Victoria Barracks, Sydney

Corporal (96) Henry Charles Scarfe was on furlough awaiting discharge and in the months of July, August, and up to the 28th of September 1862, he was employed as Assistant Hospital Sergeant. He had then to take temporary charge of the Hospital until a Sergeant was appointed to fulfil the duties of the situation. He remained so employed until the end of October. It was the Hospital Sergeant’s duty to make out the copies of the Weekly States of the hospital sent on to Melbourne, Army HQ.

Appointment of Colonel Hamilton as Inspecting Field Officer NSW Volunteer Rifles

Government Gazette
Tuesday, June 24, 1862
Volunteer Rifles
Colonial Secretary's Office
Sydney, 24th June, 1862

His Excellency the Governor, with the advice of the Executive Council, has been pleased to appoint Lieutenant Colonel Henry Meade Hamilton of Her Majesty's 12th Regiment, commanding the troops, to be Commanding Officer of the Volunteer Rifles of New South Wales, with the style and title of Inspecting Field Officer, during the absence of Lieutenant Colonel Kempt from the Colony on special service. (The Maitland Mercury and Hunter River General Advertiser 28th June 1862)

Return of Colonel Kempt

The Military. We understand that Colonel Kempt of the 12th Regiment, an old resident of Tasmania, is about to return to the Colony and take the military command. (The Mercury 2nd October 1862)

Command of Tasmanian Volunteer Rifles - Appointment of Lieutenant Colonel Kempt
SMH 9th October 1862 – Moon Light Parade of the Sydney Battalion NSW Volunteer Rifles.

On Monday evening, a parade of the above Battalion took place in the Outer Domain, the number present being about 310.

Although an Adjutant’s parade, the Commanding Officer, Colonel Kempt, was present. The evolutions on this occasion were executed with a precision and smartness very little inferior to what might be expected from troops of the line; and this assertion is not made on our individual authority, but was very generally remarked by numbers present who know something of military discipline. The movements were not wholly confined to those of an ordinary parade, but forming square while retiring, and changing front by the counter-marching of companies and subdivisions were also included in the evening’s programme.

On the conclusion of the parade, the Battalion was drawn up in close column of companies, and being faced inwards Colonel Kempt addressed a few words to the Volunteers with reference to his approaching departure to take command of the troops in Hobart Town.

He said that, probably, the present would be the last opportunity he should have of addressing them, and, although very unwell, he could not permit the occasion to pass without attending, as he was desirous of offering some remarks as to his connection with the Volunteer movement here, which was now about to cease. When the command of the Volunteers was offered to him, he (Colonel Kempt) felt some reluctance in accepting it; but he now felt great satisfaction and pride in having done so. To some, he might have appeared over-strict in the performance of what he considered his duty; but they should bear in mind that discipline was the very germ of military organisation, and his great desire had been to infuse into the Corps this necessary ingredient.

With regard to the evolutions of that evening, he was very much pleased at the steady and soldierly manner in which they were gone through. He concluded, evidently much affected, by thanking the Volunteers for their courtesy and kindness to himself, and, in wishing every happiness which this world could give them, he, at the same time, begged to assure them that when away from Sydney one of the most pleasant reminiscences of his life would be the remembrance of that part of it which had been devoted to the Volunteers of New South Wales. Captain Still, on behalf of the officers and members of the Sydney Battalion, in a few remarks expressed his high esteem for Colonel Kempt, and thanked him for his good wishes to the Corps. He called on the Volunteers to give three cheers for Colonel Kempt, which was enthusiastically responded to. The companies then formed fours, and marched to the Brigade Office and were dismissed.

A subscription has been started among the Volunteers for the purpose of purchasing a piece of plate to be presented to the gallant Colonel in testimony of the esteem in which he is held by them.

Lieutenant Colonel Kempt and Mrs Kempt departed on the 11th October 1862 on ship Baclelutha for Melbourne. (SMH 13th October 1862) Kempt departed Melbourne on the 24th and arrived in Hobart on the 31st October 1862.

Colonel Hamilton and Religious Equality

Letter to the Editor. Sir, we understand the religious equality said to exist in this Colony, is about to be tested in the Legislative Assembly when the vote for military allowance comes on for discussion.
It appears that about four or five weeks ago one of the Wesleyan ministers in this city, accompanied by one of the lay members of the church, waited on Colonel Hamilton, at the Victoria Barracks, in order to obtain permission for such of the soldiers as had been members of the Wesleyan denomination previously to their entering the Army, to attend service at the Wesleyan church on Sabbath forenoon instead of being marched to other places of worship different from that of their parents.

The gentlemen, we are informed, represented to the Colonel that there were several soldiers in the Regiment who professed to have been brought up as Wesleyans, and had been in the habit of attending occasionally on the evening services when duty did not interfere, but that in consequence of the military regulations they had generally to leave before the services were concluded; that the Duke of Cambridge had sanctioned by a general order the permission now sought, and that Wesleyan chaplains were specially appointed for the military at Aldershot and the Curragh camp; that the Wesleyan ministers in Sydney had received letters from friends in other parts soliciting their pastoral care on behalf of some of these men, etc.

The Colonel, we are informed, replied to these observations that the Wesleyan denomination was not recognised in the Army; that he had no knowledge of any such toleration and order from the Commander-in-chief of the Forces, and therefore could not accede to the request. He said further in allusion to a fact disclosed during the interview, that the religious tracts, which were weekly circulated in the Garrison by permission of his predecessor, Colonel Kempt, should be the discontinued until they were submitted to him for his consideration. At the close of the interview he directed them to make application to him in writing. Our information goes to the effect that the matter was reported to the Reverend the President of the Wesleyan Conference, who wrote a note in his official character, briefly requesting permission for soldiers of Wesleyan parentage to attend at the Wesleyan church on the Sabbath day. To this the Colonel replied briefly that there were no Wesleyan in the Regiment. An order was issued at the same time that no religious tracts should be circulated in the Garrison except through the Rev. Mr. Sullivan, of St Michaels church.

(Empire, 11th October 1862)

Request for Soldiers to Attend Wesleyan Methodist Services

(Vote for the Military. Sydney Morning Herald 17 October 1862) In the Legislative Assembly, yesterday, on the sum of £16,787 being proposed for military allowances, certain correspondence was read having reference to Wesleyan Methodist soldiers being permitted to attend Wesleyan Methodist places of worship. The following letter was not read, and therefore does not appear in our Parliamentary report, but as it is necessary to make the correspondence complete, we publish it here for the information of our readers.

To Colonel Hamilton, H.M. 12th Regiment.

Sir, I am told that if a formal application be made to you in reference to the attendance of Wesleyan soldiers on that mode of worship in which they were brought up, such application would receive your favourable consideration.

Hoping that I have been rightly informed, I respectfully make that application; not in Wesleyan interests only, but in the interests of religious liberty. We have no established Church in this Colony, but if we had, that would be no reason why the soldiers should not be permitted to attend the services they were accustomed to before enlistment; it having been determined by the authorities in England that soldiers have the right and shall have the privilege of attending the services of their own Church. Such is now the general practice in England. I therefore ask permission for such of the soldiers under your command as may wish it, to attend the services at our chapel in Bourke Street, on Sunday forenoon.
And remain your obedient, humble servant,
(Signed) James Watkin, Wesleyan Minister,
9 Belgrave Terrace, Darlinghurst, September 24th.

Colonel Hamilton and the Wesleyans

(Sydney Morning Herald, 22nd October 1862) To Lieutenant Colonel Henry Meade Hamilton of Her Majesty's 12th Regiment, commanding the troops (per favour of the Editor of the Sydney Morning Herald)

Sir, in the Herald of the 17th instant, I observed that Mr. Cowper was reported to have read, in the Assembly on the previous evening, a letter addressed by your direction to a "Mr. James Watkin."

I find, from inquiry in the proper quarter, that such a letter had been received by the Rev. James Watkin, the Superintendent Wesleyan minister of the Sydney East Circuit, and President of the Conference of the Australasian Wesleyan Methodist Church.

I therefore deem it right that, as one of the senior Wesleyans of Australia, I should tell you that I consider that in addressing a Wesleyan minister, and one holding the highest ecclesiastical position in our Church, as "Mr. James Watkin," you have insulted, not myself only, but every Wesleyan in the community; and that I do not remember, after a residence in these colonies of forty-two years, that an insult of the kind was ever before offered to our Church by any of our public functionaries, civil or military.

It would not, in my opinion, be a more unwarrantable affront to my fellow colonists of other churches to address their Bishop as "Mr. Frederic Barker," or their Archbishop as "Mr. John Bede Polding," or their Moderator as "Mr. Alexander McEwen" nor a more unwarrantable affront to yourself to address you as "Mr. Henry Meade Hamilton."

I am, Sir, your most obedient servant,
Mansfield. Durham House, Balmain, 21st

Callen v. Hamilton

Metropolitan District Court. Before A. Checke, Esq., and a jury of four. The plaintiff was lately Band Master, and the defendant is Colonel of the 12th Regiment.

The action was to recover £50, being three month's salary, under a letter of agreement between the plaintiff and Colonel Patten, under which the former was engaged as Band Master of the 12th, at a salary of £200 per annum, the contract to be terminated by three months' notice on either side.

On the 30th June last, the Governor and Commander of the forces were expected as guests at a mess dinner. On the same evening a concert of the Philharmonic Society was to take place, and plaintiff, being conductor of that society, applied, through Captain Leeson, to the commanding officer for permission to absent himself. This request was refused, and plaintiff was ordered to attend at mess. This, however, he neglected to do, but went to the Philharmonic concert, although warned by the Adjutant as to the probable consequences of disobedience.

The plaintiff was consequently dismissed, and the Sergeant of the Band appointed in his stead. By the agreement upon which plaintiff relied, a uniform was to be provided by the Regiment, but plaintiff had been without one some considerable time, and was in consequence exempted from falling in with the band at parade, although he was required to attend on the ground, that he might judge whether the men played properly. It was now alleged by the plaintiff that he was not bound to attend Mess dinners, but that he usually did attend them; but when otherwise engaged, he was in the habit of absenting himself, having previously intimated to the commanding officer his intention so to do. The evidence of Colonel Kempt had been taken "de bone este" at the plaintiff's
instance, but was received by the defendant. Colonel Hamilton, Captains Leeson, Laver, and O'Shaugnessy and Adjutant Richardson were examined for the defence, and their evidence tended to show that the Band Master was bound to attend Mess dinners, and that plaintiff had always so attended, except on the 30th June, and when he had obtained leave of absence. There was also evidence to show that defendant knew nothing of the letter of agreement until after plaintiff's dismissal, nor according to Colonel Kempt's evidence had he ever seen it; yet it was sworn by plaintiff that the copy belonging to the Regiment having been lost, the original was at Colonel Kempt's request, handed to him and retained for a considerable period.

The examination of witnesses and the speeches of counsel occupied until twenty minutes past six, when the Court adjourned. On Thursday morning the Judge summed up, and the jury, after remaining some time absent returned into Court with a verdict for the defendant. Mr. Windeyer for plaintiff, Mr. Johnson for defendant. (Sydney Morning Herald, 21st November 1862)

**Callen v. Hamilton**

Metropolitan District Court. This was an action for the recovery of three months’ salary under a written agreement that three months' notice should be given on either side before terminating the engagement; whereas the plaintiff was summarily dismissed without a minute's notice. It appeared in evidence that Mr. Callen joined the 12th Regiment in the month of May, 1848, at Weedon, in Northamptonshire, and accompanied the Regiment to the colony where he held the same appointment until the sudden termination of his services a few months since.

Mr. Callen had acted as conductor to the Philharmonic Society concert. On the 30th of June last the society advertised their usual performance, and Mr. Callen was announced as the conductor. On that day General Pratt, who was on a visit to Sydney from Melbourne, was to dine at the Mess. Mr. Callen, desirous of speaking to Colonel Hamilton with reference to his engagement of the Philharmonic concert, asked Captain Leeson to obtain for him an interview. When Colonel Hamilton came out to mount his horse in private clothes, Captain Leeson said that Mr. Callen desired to speak to him (Colonel Hamilton), whereupon he said, “I won't listen to him”, and turning round to Mr. Callen exclaimed, "Come to the Mess, sir." Mr. Callen, however, determined to keep his engagement with the Philharmonic Society and the public, attended the concert at the Freemasons' Hill, and Colonel Hamilton at once dismissed him, and declined to give him any notice. Subsequently he offered Mr. Callen a month's salary. This was refused and the case was brought before the District Court. It occupied the whole day. Mr. Robert Johnson was employed by the defendant, and Mr. Wyndeyer by the plaintiff. (Empire, 20th November 1862)

**Callen v. Hamilton**

Mr. Douglas Callen, late bandmaster of the 12th Regiment, has just been foiled in an action against Colonel Hamilton, for dismissing him without due notice. Mr. Callen, who was leader for the Philharmonic Society's concerts, had as usual attended those concerts as a matter of course, but was refused leave for this purpose on a recent occasion by Colonel Hamilton, who required him to attend at a mess dinner, when the Governor and General Commanding were to be present. Mr. Callen, however, went off to the concert, and the Colonel gave him the sack. The action was to recover £50 for a quarter's salary; but the Jury found a verdict for the defendant. The case is thought a very hard one here, perhaps less on its own merits than because Colonel Hamilton has managed already to make himself unpopular. (From Sydney. The Brisbane Courier, 28th November 1862)

**Appointment of a New Band Master**

It took almost two years for the Battalion to get a new Band Master.

As reported in the The New Zealand Herald, 10th February 1864: From a letter from Mr. William Hutchinson, to his mother residing at Remuera (NZ), we glean the following items. The letter is
dated St. Helena, 25th September, and the writer, a fine talented young man, who was Band Master of the St. Helena Regiment up to the date of that corps being disbanded, says:

"my appointment, as Band Master of the first battalion 12th Regiment, has been confirmed at the Horse Guards, and I expect to receive the route by next mail. Strange to say I shall be taking the place of Mr. Callan, our first Band Master.

It would have been more agreeable to have been appointed to some Regiment in New Zealand, as I believe the 12th are at Sydney. Only seven men of the Regiment have volunteered to the 12th. viz: Sergeants Hewitt, Hutson, and Delany, Privates Stitles and son, Mr. Kennedy and Scanlon. Stitles’ son is the only one of the Band that goes with me."

After serving in New Zealand, Hutchinson returned to England with the 1st Battalion in 1867.

Musketery Practice for the Volunteers in Grafton NSW

Sergeant Instructor of Musketry (756) R. Reynolds visited Grafton in July 1862. (PRO3724)

Return to England from Fremantle

Seven soldiers returned to England from Fremantle on the 3rd January 1862 - Privates Brennan, Donovan, Dunkley, Ellis, Ferguson, Lumber and Tooley.

Private (3069) William Lumber had been stationed at Ballarat during Eureka. Lumber had enlisted in March 1852 and may have returned to England in anticipation of being discharged after ten years.

The First Soldier to die in the Colony of Queensland

Frederick Dutton, born 1833 Cockfield, Suffolk, England, was the first soldier to die in the Colony of Queensland, Australia. He died in Brisbane on the 4th March 1862 from a lung complaint. He and his wife Emma, nee Bailey, had ten children of which only four survived past the age of four.

Dutton had been a Private when posted to Ballarat during Eureka in 1854. Promoted through the ranks, Sergeant (2925) Frederick Dutton served at Brisbane from January 1861 to March 1862. He died suddenly on the 4th March 1862 (PRO3722 WO 12/2982 page 180) and the Brisbane Courier reported his military funeral on the 6th March 1862 -

The funeral of Sergeant Dutton, late of the detachment of the 12th Regiment stationed here, took place yesterday afternoon. The deceased, who was 33 years of age, had been suffering for some time from a complaint on the lungs, and his death, which took place on Tuesday evening last, was somewhat sudden. The funeral was the first of the kind which has taken place here, and hence attracted much attention, a large number of the inhabitants accompanying the cortege to the cemetery.

The procession left the Barracks about five o'clock, and consisted of the officers and men of the detachment, the Volunteer Band, a few members of the Volunteer force and a number of the police. The female relatives and friends of the deceased were also present. The funeral service was read by the Rev. G. Bliss, and procession formed afterwards in the following order - the comrades of the deceased came first, in double file, with arms reversed; next followed the Volunteer Band playing 'Dead March in Saul'; then the Volunteers and police, and lastly the hearse.
In this order the procession moved towards the burial ground, accompanied by a large number of citizens, the band playing at intervals throughout the route. At the grave, and at the conclusion of the burial service, three volleys were fired over the deceased by his comrades. The scene was solemn and imposing throughout.

A letter from Lieutenant Seymour appears in another column thanking the Volunteer Band and others who took part in the procession -

It is only justice to say that the service tendered by the band was well performed and effective, and reflected the highest credit on the skill of the master and the assiduity of the members, as this was their first appearance in public.

Widow of Sergeant (2925) Dutton and Private (3650) Kilner

Private (3650) William Kilner transferred from the 99th Regiment into the 12th Regiment. He was stationed in Brisbane where he married the widow of Sergeant Dutton on the 3rd October 1872. He fought in the third New Zealand Land war. His Pension was granted on the 16th April 1867, aged 48 in 1874, hazel eyes, brown hair, 5'11.5". Kilner died on the 16th July 1884 and is buried at Toowong (no headstone).

In a letter to the Brisbane Courier, dated the 26th October 1869, Mr. Kilner (formerly Private 1742 / 3650 1st Battalion, 12th Regiment) expressed a proposal for “A Military Force for Queensland”. Refer to chapter 1869.

Lambing Flat - Death of Captain Wilkie

A tragic event (PRO3722 WO 12/2982 page 207) beset the detachment while stationed in Lambing Flat. The detachment lost its OIC, Captain John Lunan Wilkie, aged twenty-eight years, on the 1st February 1862 -

who fell off his horse in an apoplectic fit and died that night. His wife had only joined him about a fortnight when this melancholy event happened. They were living in a bark hut until their new quarters (which were in the course of erection) were finished. The funeral - a military one - was well attended; there being no band with the Regiment the circus band volunteered their services; no Church of England clergyman residing in the district the burial service was read by Lieutenant Morris. Some short time after this, Mrs Wilkie erected a handsome monument over the grave and has since, I believe, erected a Memorial Church (Burrangong Chronical 22nd July 1885).

The SMH reported on the 8th February 1862 -

Lambing Flat– Tuesday - the escort takes today 4131 ounces, 19 dwts and 2 grams. There have been several cases of sticking up this week in town, and on the Lachlan Road. The coach was stuck up by two armed men. Lieutenant Pottinger and troopers [mounted police] are in active search.

Captain Wilkie, 12th Regiment, fell off his horse on Saturday evening. He was taken up insensible, and died at midnight. An Inquest was held yesterday, the verdict was that his death was caused by apoplexy.

The Herald reported another story on the same page -

Lambing Flat, February 4th - Yesterday was a day that will not be easily forgotten by many of the hundreds aye, thousands of persons that attended the funeral of Captain J. L. Wilkie, of HM 12th Regiment, who expired suddenly about midnight last Saturday. To those who have seen the crowds of men that have on different occasions assembled on these fields for political or party purposes, there was always noticeable a certain want of unanimity amongst them; but when it became known that Captain Wilkie, who only the
day previous had been seen in the town in his usual health, had breathed his last, one
feeling alone was expressed or felt, and that was - universal sorrow; for during the time
Captain Wilkie resided upon these fields, he succeeded in winning golden opinions from
all Classes. His gentlemanly behaviour to all - his kindness of heart - for he could hear of
no tales of misfortune or woe without giving his advice or opening his purse. His conduct
as an Officer and a gentleman was such that an universal feeling of the highest respect
and esteem was entertained for him.

This was fully shown yesterday, in the masses of men that assembled and followed his
remains to their last resting place - a sight seldom if ever witnessed in a country district in
the Colony.

Every store or place of business in the town was closed, public houses not excepted.
Shortly after four o’clock the procession moved from the camp for the burial ground,
distant about a mile and a half on the Spring Creek Road. The coffin, on which was the
deceased’s hat and sword, was placed upon a gun carriage, drawn by six horses, preceded
by a full band (all the musicians on the Flat having volunteered) playing the “Dead March
in Saul”, six Privates of the 12th holding the pall. Commissioners Fitzsimmons and
Clarke [later married Mrs Wilkie in 1866], all the police that could possibly be spared,
and the detachment of the 12th followed, together with every respectable inhabitant of the
place; fully three thousand diggers followed, extending almost the entire distance to the
burial place. { XE “Gold Commissioner:Clarke” } { XE “Gold
Commissioner:Fitzsimmons” }

Whatever opinions may he formed of the behaviour of masses of men assembled on some
occasion, on this it was plainly to be observed that one feeling alone actuated them.
Sorrow for the deceased and respect for his memory; no mass of men could possibly
behave in a more becoming manner, the utmost order, regularity, and silence being
observed.

On arriving at the grave, every available place was occupied, all the trees in the vicinity
that commanded a view of the proceedings were filled, the greatest anxiety being
exhibited to see the body of the deceased committed to its last resting place on this earth.
Ensign Morris, who was much affected read the beautiful service of the Church of
England over the body, three volleys were fired over the grave, many a tear was shed by
men whose rough exterior and general appearance would lead to the belief that they
possessed but little feeling, but whose heartfelt sorrow were plainly visible upon their
countenances. The procession shortly afterwards quietly returned.

Mrs Wilkie (for whom the greatest sympathy is expressed for her sudden and melancholy
bereavement) accompanied by Mrs Devereux, proceeded to the burial ground in a
 carriage; and if anything could soften her sorrow under affliction it must have been the
mass assembled there to testify by their presence the high estimation entertained by them
of the sterling worth of the deceased.

Having had the pleasure of knowing the late Captain Wilkie intimately during his
residence upon this field, I am bound to state, knowing his very sensitive feelings, the
position he held here, the treatment he received, the annoyance he was subjected to by
those holding higher rank than himself, disturbed his mind and affected him greatly, he
bore all without a murmur, often in my presence saying he would outlive all such petty
anoynances and jealoesies. I am sadly afraid such was not the case, and that he let them
affect him to an extent far greater than he liked to admit, and thus in a measure
accelerating his death.
I annex particulars of the inquest, which was held at the Camp, on Sunday, before Dr Falder, coroner of the district.

James O’Grady (2880) having been sworn, stated - I am Sergeant in the 12th Regiment stationed here; yesterday afternoon, between three and four o’clock, I saw deceased, who at that time appeared to be in his usual health, mount his horse and ride about two hundred yards, and then fall to the ground; the horse neither shied nor bucked; the deceased fell forward onto the horse’s neck, and then to the ground; he seemed to fall light; I went to his assistance, and found him insensible; he never spoke afterwards, or had power to move any of his limbs; when he mounted his horse he had not the least appearance or sign of having been drinking, in fact was sensible and well to all appearance as ever I saw him; I am not aware of anything occurring during the day to cause him to be excited.

Andrew Farrell (246), a Private in the 12th, corroborated the above statement, and stated deceased appeared to roll off the horse without any apparent cause.

H.H. McMurdo, having been sworn, stated - I am a duly qualified medical practitioner; I knew the deceased; yesterday afternoon I was called to attend upon him, in consequence of a fall he had had from his horse, I found him in a state of insensibility, pulse weak and very slow; pupils dilated and fixed, from which state he never rallied; he died about twelve o’clock. In my opinion he died from sanguineous apoplexy.

Charles Temple, having been duly sworn, stated - I am a duly qualified surgeon - I knew the deceased - yesterday evening I was sent for to attend him; I found him lying in a state of perfect unconsciousness; countenance turgid and livid; pupils fixed and dilated; limbs motionless and apparently paralysed; I did not observe any marks of injury on his person; I am of the opinion that his death was caused by a fit of apoplexy attacking him when on horseback, and which occasioned his falling from his horse; everything was done in my opinion that could have been done professionally before I saw him.

The jury returned a verdict - died from a fit of apoplexy. Dr Falder was also in attendance upon the deceased from the time he was conveyed into his house until his death. Dr Wilkinson, of Burrowa, was also sent for, but arrived after death had occurred.

Captain Wilkie’s death was registered at Binalong, NSW, BDM 2743/1862. Lieutenant M.C. Saunders was promoted to Captain on the 2nd February 1862.

Replacement

A telegram from Lambing Flat was received by Colonel Kempt yesterday afternoon, being that Captain Wilkie, in charge of the troops there, fell from his horse on last Saturday afternoon, and died from the effects a few hours afterwards. Captain O'Shaughnessy starts by the first train this morning to succeed the late Captain Wilkie in command of the troops. (From Sydney Morning Herald of Monday. The Maitland Mercury & Hunter River General Advertiser, 8th February 1862)

Captain W.C. O'Shaughnessy was succeeded by Captain M.C. Saunders in April 1862.

Captain Wilkie’s Grave

Captain Wilkie is buried in plot 63, row five in the Church of England section of Young cemetery, NSW.

Return to England of Mrs. Wilkie

Captain Wilkie and Assistant Surgeon Lynch had known each other since the 1st Battalion arrived in Australia in 1854. It is somewhat of a coincidence that Assistant Surgeon Lynch
accompanied Mrs Wilkie for part of the journey back to England. The SMH 8th May 1862 reported that –

RMSS (steamship) Bombay embarked from Melbourne with Assistant Surgeon Lynch HM 12th Regiment for King George’s Sound WA and Mrs Wilkie for Southampton via Suez.

Lynch arrived in Barracks on the 10th May 1862. Assistant Surgeon Arden had returned to Sydney from Perth on the 25th January 1862 as part of the two year posting cycle for this remote detachment, he was replaced by Lynch who had returned from New Zealand. (PRO3723)

The Payroll states that Private (3143) Edward Rafferty also returned from Fremantle to Sydney on the 25th January 1862, implying that Private Rafferty was Arden’s servant.

**Memorial to Lieutenant Oliver and Captain Wilkie**

Lieutenant Oliver drowned in Perth on the 5th July 1862 and was replaced by Ensign Brittain from HQ on the 11th October 1862. The Regiment placed a memorial marble tablet in Saint James Church, Phillip Street, Sydney -

> In memory of Captain John Lunan Wilkie of HM 12th Regt. who died at Lambing Flat New South Wales on the 1st February 1862. Also Lieutenant Theophilus Henry Oliver who was accidentally drowned at Perth WA on the 5th July 1862. This tablet is erected by their brother Officers as a memorial of their esteem and friendship.

**The Wilkie Memorial Church of Saint John the Evangelist at Lambing Flat (Young)**

Upon her return to England, Mrs Wilkie raised funds for a proper Anglican Church to be erected in his memory, and the memorial tablets still decorate the walls of the present Anglican church.

The following comments have been extracted from the Australian Dictionary of Biography 1851-1890, S-Z, and from advice provided to the author by the Rector of the Church of St John the Evangelist, Young.

Mrs Margaret Turner Wilkie (nee McLachlan, born 1838 in Hobart, Tasmania) was educated in England and became an accomplished harpist. She accompanied her husband, Captain Wilkie, to Australia and later to Lambing Flat where she was horrified at the misery among the 15,000 diggers. After her husband’s death, she returned to England. But her independent spirit as well as her own private means and £3000 from her husband’s estate made her dissatisfied with the seclusion of widowhood and she became one of the first women to train at the nursing college established in 1860 by Florence Nightingale at St Thomas’s Hospital, London.

Remembering conditions on the goldfields, she returned, after finishing her training in London, to Lambing Flat in the “famine season” of 1863 and sought out and relieved those whom the want of luck in gold mining had left in absolute need of the common necessities of life. In November 1863, she formed a Visiting Relief Society and next February was given an address and a packet of gold dust by the Burrangong diggers, who described themselves as ‘the many who bless you’.

In England in 1863, she had spoken of the want of religion and education on the goldfields to Rev W.H. Pownall, whom she encouraged to go to Young. The Reverend Pownall had this to say about Mrs Wilkie –

Shortly after the arrival of Captain Wilkie, he was joined by his wife. It must have been to her a strange experience to pass as she did from the refinement of an English home and London society into a surging mass of humanity comprising 15,000 men, many of them reckless adventurers, ready for any emergency and all eagerly bent on the search for gold.
She felt that a mission lay before her, that she had been sent for a given purpose, and she at once devoted herself to that mission by looking after the poor, the sick and the suffering and with her own hands, ministering to their necessities.

In the midst of her christlike labours, she had to pass through a heavy affliction, Captain Wilkie dying suddenly on February 1, 1862. Compelled to return to England, she entered St Thomas’s Hospital, London, as a sister nurse under the eminent Christian woman, the founder of the modern system of nursing, Florence Nightingale. Still, whilst engaged in that capacity, her thoughts centered on this place and thousands that were living in this spiritually neglected goldfield, and she determined by God’s help to relieve the wretchedness and spiritual darkness that existed. Her plan was to build a Church and endeavour to induce some clergyman to go forth as a missionary to this field.

Meeting her in London shortly after my return from China, she confided to me her scheme, and pressed upon me the loud call that there was from this place. Her request being supported by my dearest friend, Dr Thomas, who had just been appointed the first Bishop of Goulburn, I consented to venture here and so I came.

Pownall arrived on the 8th August 1864 to find that the temporary church had been sold for thirty shillings. Not to be daunted, he used a small room in the Court House and later a store for Church services. Mr Pownall served at Lambing Flat from 1864 - 96 and returned for a further term from 1895 - 1901.

The foundation stone of the first brick memorial Church of St John the Evangelist was laid on the 21st March 1865 by Pownall. The Church was designed by Mr Eddis, an architect in London, and built by Messrs Leeder and company of Young, and was in memory of Captain John Wilkie. A memorial tablet states –

Glory to God in the Highest
This Church, dedicated to the glory of God, was built in memory of John Lunan Wilkie, Captain 1st Battalion 12th Foot, who died while in command of the troops February 1st 1862, aged 28 years.

The total cost was about fifteen hundred pounds. Mrs Wilkie gave five hundred pounds (one third) and collected in England three hundred pounds. Mr Roberts of “Currawong” (a large land holding near Young), one hundred pounds, the Society for promoting Christian Knowledge one hundred pounds, Goulburn Church Society one hundred pounds, Sydney Church Society fifty pounds. Mrs Wilkie expended another two hundred and fifty pounds on interior furnishings. She imported the encaustic tiles, font and other furnishings, and herself did all the needlework. The Font was given by Captain Francis Boulton of the 12th Regiment.

The Church was the first consecrated by the first Bishop of Goulburn, The Right Reverend Messa Thomas, and the service was held on the 11th August 1865. At this function, the Bishop made public the offer by Mrs Wilkie to donate one hundred pounds towards the erection of a school, provided six or eight squatters in the district would contribute by giving twenty five pounds each. One merchant made his cheque payable to “the irresistible Mrs Wilkie”.

Until replaced in 1893, it was known as the Wilkie Memorial church.

Mrs Wilkie married George O’Malley Clarke, Gold Commissioner and Stipendiary Magistrate, in 1866 and continued her private medical and financial help to distressed families.

“With the indefatigable skill with which she prosecutes her begging designs”, she helped to raise funds for a Church of England school in 1866, a parsonage and a public school at Young in 1870 and an Anglican Church in 1873 at the nearby village of Wombat.
She visited England in 1875 and 1879. In 1882, she went with her husband to Sydney where she helped to found the Home and Training School for Nurses and formed a ladies committee to seek out and relieve, with food and proper attendance, the sick whose poverty would otherwise place such relief beyond their reach.

Aged fifty-one, she died peacefully at Woollahra, Sydney, on the 8th August 1887. Among her legatees, were the Church Society of the Anglican Diocese of Goulburn and the City Mission in Sydney. A memorial stone and east windows in the Sanctuary of the present Church of St John’s, Young, have been installed in her memory. The first memorial tablet states simply –

To the glory of God and in the memory of Margaret, wife of George O’Malley Clarke of, foundress of this memorial Church. AD 1895.

The second memorial states –

In memory of Margaret, wife of G. O’Malley Clarke SM of Sydney and widow of the late Captain Lunan Wilkie, through whose exertions the memorial Church of St John was originally erected and whose kindness and liberality to the poor will ever be gratefully remembered by the people of this district. Died at Sydney 8th August 1887 aged 51 years.

George Clarke, described as probably Young’s greatest advocate, died in Melbourne aged sixty-three on the 16th October 1899 and was buried beside his wife in the Waverley Cemetery, Sydney.

**Dr. Arden’s Departure**

Assistant Surgeon Arden of the 12th Regiment, who has been acting as Chief Medical Officer during the interval between Dr Sall’s departure and Dr Poulton’s arrival, has received orders to leave the Colony by the next mail from Albany, for the purpose of joining the headquarters of his Regiment, at present we believe in Sydney. Dr Arden arrived in the Colony with the Detachment of the 12th stationed here about six years ago. All the Officers, who came with him, have long since left us and he too is now on the point of taking his departure. Before he does so, however, we cannot refrain from expressing our sincere regret at losing him, a feeling which we believe to be participated in by all of Dr Arden’s acquaintances. From the period he has been amongst us few gentlemen could have more completely established themselves in the good opinion of all than he has done, and it is not perhaps too much to say that Dr Arden leaves with the very best wishes of all with whom he came in contact in this Colony. (Perth Gazette 2nd January 1862)

**Opposition to the Construction of a New Guard Room in Perth**

We perceive that a new main Military Guard Room is being erected in Barrack Street, near the Military Hospital, and much regret that this site was chosen for the purpose as we were in great hopes that this neighbourhood would have been freed from the military barracks, and all connected with them, and in spite of the new building now being undertaken, we hope to see this the case. A General Post Office and Court House on a fitting scale would be much more sightly and appropriate edifices on the Church square, than the miserable buildings which at present disfigure it. (Perth Gazette, 24th January 1862, General Intelligence)

**Former WA Governor Departs**

His Excellency Governor Kennedy previous to leaving Perth, yesterday attended at the Government offices, a farewell address from the civil servants of the crown. His Excellency was received by a guard of honour comprising the Detachment of the 12th Regiment, Pensioners and Metropolitan Volunteers. After the presentation of the address, Lieutenant Colonel Bruce was
sworn in as acting Governor and Governor Kennedy then left the Council Chambers to mount his horse and continued upon his journey to King Georges Sound and on landing received 17 guns from the artillery. (Perth Gazette, 21st February 1862)

Welcome to the new Governor of Western Australia

.....on the Perth jetty, his Excellency Dr John Stephen Hampton was received by a guard of honour composed of Pensioners, the Detachment of the 12th Regiment and the Metropolitan Volunteers under the command of Captain Downing. From the Jetty, His Excellency proceeded on foot towards the Government offices and at the foot of the hill, he passed through the ranks and received the welcome of a large number of horseman who there lined the road. At the offices, the usual ceremony of being sworn into office was gone through, His Honour the Chief Justice administering the oath, the chief executive officers were introduced. On his leaving the Council Chamber, a salute of 17 guns was fired and the Guard again presented arms. (Perth Gazette, 7th March 1862)

Private (2403) Arthur Drum

Arthur Drum, HM 12th Regiment was on remand on a charge of having violently assaulted Police Constable Crowe and also on a charge of having stolen a watch; for the former offence he was fined 20s or 24 days imprisonment. He was again remanded on the other charge. (Perth Gazette, 25th March 1862)

Private (467) John Manning

Central Police Court. Before the Police Magistrate and Mr. Murphy. John Manning, Private in the 12th Regiment, was sentenced to one month's hard labour in goal for stealing a pair of boots, the property of William Stork, dealer, South Head Road. (Empire 10th June 1862)

Driving Over Private Currin

Central Police Court. Before the Police Magistrate and Mr. Lenehan. Thomas McGrath, driver of a patent safety, appeared before the Court to answer the charge of furiously driving over Private Currin of the 12th Regiment, while doing picket duty in Liverpool Street on Friday night. Corporal Edward Barnes deposed that while doing picket duty about 10 o'clock on Friday night, in Liverpool Street, and as they were proceeding to the barracks, McGrath, who was driving in the same direction, rode over Currin, the wheels of the vehicle passing over his legs above the ankle, injuring him so severely that he had to be taken to the Infirmary in consequence, where he now lies. There was another conveyance coming in the opposite direction at the time of the occurrence, but there was enough room to pass them if he tried to do so. When called on to stop he would not, but drove on, and Corporal Barnes, and others of the guard, followed him, and gave him into the custody of Sergeant Sutton. McGrath stated in his defence that at the time he ran over Currin, it was in consequence of his having to turn sharply away to prevent running into the before mentioned conveyance. Fined £9 and £1 professional costs. (Empire 5th June 1862)

Note: the surname Currin does not appear on the Regiment's Payrolls; it may have been Private Cairns.

Assault by Lieutenant Cutbill

Alexander Keith Collins was summoned to appear before the Court, by H. D. A. Cutbill, Esq., one of the Officers of Her Majesty's 12th Regiment, for assaulting him. Mr. Roberts appeared for the prosecution, and Mr. Moffat for the defence. Mr. Cutbill was sworn, and about to be examined for the prosecution, when Mr Moffat rose and asked the Bench to here the order made
that all witnesses for or against the prosecution leave the Court until called on to give evidence, which was done. After the order had been made, and Colonel Hamilton, who occupied a chair on the Bench, not retiring, Mr. Moffat asked their Worships to request him to do so, as he had been subpeoned by him as a witness. The Bench informed Mr. Moffat that they had made the usual order, and that was all they could do. Colonel Hamilton said that he knew nothing about the case, had been served with a subpoena from the Court, and attended out of respect to it, and declined to retire. Mr. Moffat respectfully submitted to their Worships that upon every principle of justice, he was bound to retire and the very fact that he refused to do so was no special reason that they should order him to retire.

Mr. Murphy: If you can show us any precedent for doing so, we will we have made the order, and that’s all we can do, until you have proved to us that he has been guilty of contempt of Court.

Mr. Moffat: You have made the order and have the power to enforce it.

The case was again being proceeded with, which Mr. Moffatt said that if Colonel Hamilton insisted on remaining after what he had said he was instructed by his client to withdraw his plea and plead guilty to the charges that were brought against him and save themselves and the Court from such a degradation if the Bench would not put the question to him to retire.

Mr. Roberts: You had better put it to him yourself. Mr. Moffat: I cannot, but their Worships can.

Mr. Birrell: How are we to know that he has been guilty of contempt of Court when there has been nothing proved to that effect; we have made the order and that’s all we can do.

Mr. Moffat: Then no one can put the question, and he is therefore superior to the Court, and I for one would not stop in a Court that cannot support its own order.

Mr. Roberts: If Mr. Moffat withdraws his plea, I shall proceed to give evidence in aggravation of the offence.

Mr. Moffat then asked their Worships to allow him to put the Sergeant, who had made the order in the Court, in the box so that he could prove it.

Mr. Roberts objected, and said that Mr. Moffat should prove the service of the subpoena of Colonel Hamilton; that he was tendered his expenses for attending on that subpoena (which the law required should he done) and until the law proved this, the law would not charge him with being guilty of contempt of Court.

Mr. Moffat said that he was quite prepared to do so, and proceeded to quote some authorities on the jurisdiction which magistrate had when persons refused to obey an order of the Court.

Mr. Roberts disputed the authority shown by Mr Moffat, and hoped their Worships would not admit to such a thing aa to order a witness for the prosecution out of the witness box in the middle of his evidence and let one for the defence be examined. The Bench overruled Mr. Roberts' objection, and allowed the Sergeant to be sworn, but before the case proceeded further Mr. Roberts informed his Worship, Mr. Murphy, that he was required as a witness at the District Court, on a very important case, and his Worship saying that he was subpeoned, asked Mr. Moffat if he would consent to have it postponed. Mr. Moffat consented and said that he believed there would be no necessity for such another discussion on the next occasion, and the case alone, with three others which arose out of it, were postponed till Monday, at 10 o'clock. (Central Police Court. Empire 13 June 1862)

**An Affair of Honour Prevented - Assault by Lieutenant Cutbill**

A little affair in which two Officers of the 12th Regiment and Mr. A. K. Collins, a squatter, were the principal parties concerned in a good deal of conversation in town during the the last day or
two; and as the matter has been made the subject of Police office investigation, there can be, no
impropriety in alluding to it.

A charge of assault brought against Mr. Collins by an Officer of the 12th, of the name of Cutbill,
was initiated at the Police office on Thursday, before Messrs. Birrel and Murphy. In consequence,
however, of Colonel Hamilton, who was subpoenaed for the defence, declining to leave the Court
when the other witnesses were requested to withdraw the charges were not gone into; but, after
some opinions; between the lawyers, adjourned till Monday next. The particulars of the quarrel,
as we have been informed, are as follows. We do not vouch for the facts, but give them merely as
they are reported.

It is not improbable that an examination on oath may place a different complexion on the matter.
H. A. D. Cutbill. Esq., and another Officer of the 12th, were returning from the theatre in an
omnibus, when Mr. Collins wished to obtain a seat likewise. This the officers objected to, saying
there was not sufficient room. The driver, however, interfered and procured Mr. Collins a seat.
One of the Officers, it is said, then made some offensive comparison between Australian squatters
and American backwoodsmen, which, Mr. Collins being a squatter, resented. This, on the parties
leaving the omnibus, led to blows, the consequence of which was that Mr. Collins sent a friend
the next morning to the Barracks, to demand an apology or explanation from Mr. Cutbill and his
friend.

The gentleman sent on this errand was, somewhat to his surprise, referred by the officers to
Colonel Hamilton. Not thinking it is case, however, for the interference of the Commanding
Officer he declined to recognise Colonel Hamilton in the matter; and on that gentleman ordering
his servant to show him the door, he of coarse retired. The particulars of the assault complained of
remain to be disclosed on Monday. The whole affair seems to have arisen from such very trivial
causes, that we hope to hear the matter has been settled without farther proceedings. (Empire 14th
June 1862)

Conclusion - The assault case of D. A. Cutbill, Ensign in H.M. 12th Regiment, against Alexander
Keith Collins, was brought to a conclusion, Mr. Moffat consenting to withdraw two other cases
which arose cut of the first. No other evidence waas added to in addition to that which appeared in
our issue of Thursday last. The defendant was fined 30s. and 6s. 6d. costs of Court. (Empire 124th
June 1862)

Rifle Practice in Perth

A portion of the Detachment of the 12th Regiment left Perth for Fremantle on Tuesday last, to go
through a course of rifle practice at the range near that town. What the Metropolitan Volunteers
are to do for a long range contiguous to the City, seems to be a matter with which no one troubles
himself; we believe an excellent one might be obtained a few minutes walk. (Perth Gazette, 18th
April 1862)

A Review in honour of Her Majesty’s Birthday

On Saturday last, a Review took place in Perth, in honour of Her Majesty’s birthday. There was
but a small muster of the 12th Detachment on the occasion, as a portion of them are in Fremantle,
being exercised in ball practice, a small number of Enrolled Pensioners, and about fifty of the
Metropolitan Volunteers, made up the troops on the ground. The whole were marched down to
the Government domain, under command of Captain Downing of the 12th Regiment where after
the usual honours had been done, as many field movements were gone through as the nature of
the ground would permit. After all was over, His Excellency the Governor, went into the square
that was formed for him, and made a few complimentary remarks to the military, which were
more particularly, as he stated, intended for the Volunteers, as any praise of the 12th and
Pensioners would be superfluous on the occasion. There was a large attendance of our towns people and all passed off pleasantly. (Perth Gazette, 30th May 1862)

**Stealing**

Timothy Galvin, a Private in HM 12th Regiment, was charged with having stolen certain monies from the person of Thomas Just, in the Freemasons Hotel, on the 13th instant. The prisoner was committed for trial. (Perth Gazette, 27th June 1862)

**New Barracks for the Enrolled Pensioners**

In consequence of information received from England by the last mail to the effect that the regular troops of the line would be removed from Perth after the lapse of a few months, His Excellency the Governor, together with the Commandant, Commanding Royal Engineers, and others has been engaged in selecting a site in Perth, whereas to erect permanent Pensioner Barracks on a large scale, as it is now decided that on removal of the 12th Regiment, all military duty will be devolved upon the Veteran Corps. After many places had been examined and reported upon, we hear that the spot fixed upon is the rising ground at the end of St Georges Terrace, adjoining the allotment next to that on which Yule’s cottages are erected. This is a commanding position and in every respect a one .......It is much better to have our military protectors centrally situated, then to have them poked away in the bush, or at some remote quarter of the town, where their presence would be and for, and where they would be summoned with inconvenience when their services were immediately necessary for the public peace. (Perth Gazette, 22nd Aug 1862)

**Parade of the Western Australian Metropolitan Volunteer Corps**

On Monday last, th Perth Volunteer Corps paraded with the Detachment of the 12th Regiment and the Pensioners on duty in the City, under the command of Captain Downing. The whole force headed by the band marched to the field at the Bishop’s School and was there put through a series of battalion movements by Lieutenant Colonel Bruce. His Excellency the Governor and Mrs Hampton honored the parade with their presence. (Perth Gazette, 29th August 1862 - General Intelligence)

**Robbery by Bush Rangers**

The Brisbane Courier reported a story from Lambing Flat on the 22nd April 1862 – Your readers will remember that a short time ago Ensign Morris and Sergeant O’Grady, of the 12th Regiment, allowed themselves and four others to be robbed by three bushrangers on the Bathurst road. The case was severely commented on in the Empire [newspaper], and so much notice was taken of it that I understand the conduct of the officer on that occasion is to be represented to the authorities at the Horse Guards. As to the Sergeant – who I believe is acting Sergeant Major – his behaviour caused a quarrel with another Sergeant, who struck him, and was thereupon reported for Court Martial, but the story goes that the Colonel declined to put him on trial.

**Assault of Ensign Duncan at Lambing Flat**

SMH 8th May 1862 - The escort takes 3424 ounces. Still without rain. Mr James Torpy assaulted Ensign Duncan of the 12th Regiment on Saturday night in the Diggers’ Theatre. He was taken into custody but immediately afterwards admitted to bail.

SMH 10th May 1862 - Mr James Torpy of Burrangong riots notoriety has got himself into another mess, having been apprehended for assaulting Ensign Duncan of the 12th Regiment in the Digger’s theatre at Lambing Flat on Saturday night last.
Empire 20th May 1862 - Burrangong. May 23. The case of assault by Mr. Torpy, on Ensign Duncan of the 12th Regiment, the particulars of which I sent you in my last, was heard by the Bench of Magistrates here on Tuesday last. The Case excited considerable interest in consequence of the position of the parties, and the Court was crowded with people anxious to hear the examination. Mr. Torpy admitted the assault, but pleaded justification. He brought evidence to prove that Mr. Duncan had insulted a young lady of his acquaintance by sending her by his servant a copy of Byron's poem, marking a certain passage in Don Juan, erasing the name of Julia, and substituting the lady's name. Your readers, who have read that wonderful work, will understand that the family are connections of a virtuous young lady and would naturally enough resent such a liberty; it seemed also that other portions of the work were underlined, and many of them in parts of the poem which are considered, to say the least of it, somewhat indecent. Hence the indignation of Mr. Torpy, who is an intimate friend of the family, and hence the horse whipping of the unfortunate would be lover. The examination lasted five hours. Several witnesses were called, and Mr. Duncan tried to prove that the book which he sent under cover addressed to the lady was not intended for her, but to be taken by her to the Lachlan to Sir Frederick Pettinger. It appears clear however, that the lady never promised to take the book, and never in fact had any idea of going to the Lachlan, and that Mr. Duncan admitted that had a book of the kind been sent to a sister or lady friend of his, underlined and erased, as the book in question was, that he would most certainly have resented it as an insult. The Bench, therefore, came to the decision that there were grounds which justified Mr. Torpy in taking the law into his own hand, and that consequently, they should only inflict a fine of £5.

Note: Ensign Duncan returned to England in late 1862.

Lambing Flat Gold Escort

SMH 17th May 1862 - The roads between Lambing Flat and the Lachlan continue in the hands of bushrangers. A poor bullock driver was lately “stuck up” and because he happened to have only a few shillings with him cruelly ill-used by three armed scoundrels, one of whom struck him over the face with a pistol.

SMH 7th July 1862 The Gold Escort - on two occasions lately an Officer in charge of the military stationed on the Flat has accompanied the gold escort hence on its way to Yass. The autocrat at the head of the police force in Sydney disapproves of the arrangement forsooth and it has, accordingly, been discontinued. Had the very sensible suggestion been an emanation from his own brain, it might have met with the cordial approval of the Government. It was not, however. And Captain Battye [local police] although obstructed in the execution of his excellent design deserves all the credit of having taken the first step in the matter. Everything in officialdom, it seems, must be done in the old red tape style (Burrangong Courier).

Aftermath of the Lambing Flat Goldfield Riots

The 12th Regiment remained in Lambing Flat until the 31st July 1862 but the miners' fury had spent itself. The Chinese issue had been resolved through the passing of legislation and noted in the SMH 21st May 1862 -

Despatches have been received intimating that the royal assent has been given to the Chinese Immigration Act; the dispatch is conciliatory in its tone and contains some suggestions for the amendment of the measure but raises no objection on the ground of its being in contravention of the Anglo Chinese Treaty.

The Government attempted to erase the shame of these riots by renaming Lambing Flat, Young, after the Governor of NSW, Sir John Young.
Miners worked and agitated to secure the release of Spicer whose trial they considered a miscarriage of justice and Torpy travelled to Sydney with a petition signed by 2,000 to attempt to secure his release. Torpy later became a Member of Parliament for Orange, his goldfields experience as a fearless agitator for principles standing him in good stead.

Justice was at last done to the Chinese who reached Australia earlier by the new Goldfields Act of 1867 that repealed the hardships imposed on them by the Act of 1861.

Events at Lambing Flat laid the foundation of what in the days of Federation became known as the White Australia Policy, exemplified in the Immigration Restriction Act of 1901 by which the nation aimed to populate the country with people from European extraction.

**Street Names in Young**

Lovell Street – named after Captain Lovell, Royal Artillery.

Nasmythe Street – named after Private Nasmythe, Royal Artillery.

Zouch Street – named after Police Commissioner Zouch.

**The Youngest Soldier at Lambing Flat**

Drummer (186) John Brooks was the youngest soldier at Lambing Flat. Brooks was stationed at Lambing Flat after the fourth riot in 1861. He had enlisted aged 13/14 years in early 1859 and disembarked in Sydney from the ship *Donald Mackay* later that year. He deserted from Sydney, aged seventeen, and was apprehended in Melbourne in June 1864. He was sent back to Sydney where he was confined. He later fought in the 3rd New Zealand Land war.

**Soldiers at both Ballarat and Lambing Flat**

Of the 113 men that were deployed to Lambing Flat, only seven men had had previous experience at Ballarat –

- Captain R. Atkinson
- 3035 Private Andrew Canty
- 3172 Private William Earl
- 2945 Private George Fuller
- 3328 Private Charles Haddon
- 3296 Private John Melton
- 3342 Private John Parkhouse

Private Canty died in Yass Hospital on the 1st May 1862 after a long illness of 125 days. His Death certificate (NSW 1862 / 6481) states that Canty was born Ireland, aged twenty-eight, unmarried and buried in the Roman Catholic section in Yass cemetery.

**Lambing Flat and the New Zealand Land Wars**

Those soldiers that went to Lambing Flat after the first riot did not serve in the 2nd New Zealand Land war with the exception of Sergeant (263) Michael McMahon, Private (114) James Glynn and Private (429) John Ryan. However as the operational focus shifted towards New Zealand and the Regiment withdrew to that theatre, those soldiers that had served at Lambing Flat would participate in the 3rd New Zealand Land war. Four out of the eighteen wounded in New Zealand had been stationed at Lambing Flat.

**Ballarat, Lambing Flat and the New Zealand Land Wars**

Private (3328) Charles Haddon is the only soldier to have served in all three.

**Difference between Lambing Flat and Eureka**
The difference between Eureka and Lambing Flat was that at Eureka, it was the diggers who were attacked in their camp, while at Lambing Flat it was the police. At Lambing Flat, it was the European miners who were the first to resort to violence.

If Eureka, as a democratic protest against oppression, was to be exalted into a legend, Lambing Flat as a democratic act of oppression was to sink into dishonorable oblivion.

**The Return March from Lambing Flat to Sydney**

The presence of the military kept order on the fields but the new Lachlan diggings drew away large numbers of diggers and Lambing Flat began to decline as a major gold centre. The diggings on which Chinese were permitted were marked out by Government Orders and by July 1862, it became apparent that the military was no longer required.

SMH 7th June 1862 – The Weather and the Roads. While the road between Goulburn and Sydney is reported in excellent condition and hardly any rain has fallen in that direction, we have accounts from up the country that there has been during the last week or two, a fall of rain of several days duration and that in consequence the road to Yass is reported to be in an almost impassable condition chiefly from the new cuttings where the earth cut away on the sides has been thrown in the middle of the road which has created axle deep bogs.

SMH 30th July 1862 The Season. During the past week, the weather for the most part has been exceedingly cold and windy with occasional showers of rain. On Wednesday night there was a heavy fall of snow on the Yass road, extending from the Breadalbane Plains to the Gap. Friday, however, was fine though cold. So far as can be judged from present appearances, there is every prospect of a favourable spring, though a little more rain would perhaps be better. (Goulburn Herald)

At midday on the 31st July, with fixed bayonets and swords drawn, the detachment under Captain Saunders decamped and paraded out of town headed by the Burragong Mounted Police while a German band played several songs including “The Girl I Left Behind Me”. The men rejoined Headquarters at Sydney on the evening of the 13th August 1862 after a march of 240 miles in thirteen days with only one day’s rest. (PRO3724 WO12/2984 pages 59-89)
The return march from Lambing Flat to Sydney was the longest winter march ever undertaken by any British Regiment stationed in Australia. The difficult march is described in Volume 2 of this book under Captain Saunders’ court martial (SMH 29th May 1863) -

… it will be necessary for the Court to bear in mind the nature and length of the march, a distance of some two hundred and forty miles, in the month of August in this Colony. The coldest month of the year.

That during a portion of the march the country was white with frost and snow and that the greater portion of the journey was over bush roads and tracks, then in almost impossible condition in consequence of heavy rains which occurred before, and which continued through the greater part of the march.

The Court will also, I trust, remember that the detachment was encumbered by a gun of the Royal Artillery and the baggage wagons, containing camp equipage and numerous surplus stores.

Notwithstanding all this, the march was accomplished in thirteen days – the detachment having halted at Goulburn at the suggestion of a medical man (Dr Hanford) on the 8th of August for a day’s rest - being an average of almost eighteen miles a day.

..the men were obliged to march in new ammunition boots issued a couple of days before the detachment left Lambing Flat. Some men were crippled on the way and had to be left in hospital while others who were not so bad, nevertheless suffered severely.

Assault by a former Convict along the return march from Lambing Flat to Sydney

At Captain Saunders’ Court Martial, Richard Dyer, late Constable of the Mounted Police, Binalong, provided evidence of an assault by a former convict, Thomas McKenna –
I recollect on the 2nd of August, between the hours of ten and eleven o’clock pm, I was at the bar of the Golden Fleece public house at Binalong. There was music there at the time; some soldiers and civilians were dancing; Captain Saunders came in at the time, and went behind the bar and put his back to the fire.

After a short interval, the soldiers and civilians got into an altercation, one of the civilians appeared to be drunk and insisted on having the floor to dance on in preference to the soldiers. He made use of very insulting language towards the men and a scuffle ensued. Captain Saunders came from behind the bar and told the soldiers to desist and go away.

This civilian persisted in saying that the soldiers were a “bloody nuisance” and on Captain Saunders approaching he took something off the bar which I thought was a tumbler. He raised his hand and struck Captain Saunders and he staggered from the effects of the stroke. The civilian then rushed on him and caught hold of him by the beard and with some assistance, I endeavoured to extricate his hand from Captain Saunders’ beard; I secured him and sent him to the lock-up. Order was then restored at the public house. I saw Captain Saunders going away from the Hotel.

The following morning was Sunday and I saw Captain Saunders pass by the Station where I was living, going to Mr Beckham’s. I went up to Captain Saunders and told him that the man who had been put in the lock-up had expressed his regret for what had happened, and that I hoped he would not put us to any trouble about him, and that he would speak to Mr Beckham to have him discharged.

Captain Saunders said he would speak to Mr Beckham about it. It was between ten and eleven when Captain Saunders returned to Mr Beckham’s.

Note that Mr Edgar Beckham was Chief Commissioner of Crown Lands.

**Arrest of Ensign Morris**

On the 3rd August 1862, during the return march, Captain Saunders placed Ensign Morris under arrest for “tripping” and disobeying orders. During the latter part of the same day, Saunders had Sergeant Burt return Morris’s sword as a sign that he was no longer under arrest.

**Death of the Drayman**

On its return, the detachment had hired a drayman, John Mottley, to cart their luggage and stores back from Lambing Flat to Campbelltown. Mottley noted at the time - “The roads between Lambing Flat and Campbelltown were at that time in a very bad state; I never saw them worse.” (Evidence recorded in the transcript of the Court Martial of Captain Saunders). One year later, SMH 1st June 1863 -

- a carrier named John Mottley accidentally fell into a well at the back of the Commercial Hotel, Lambing Flat, on the 20th instant and was drowned before any one could come to his assistance.

Mottley presumably fell in while drawing water for his horses.

**Attempt to shoot Lieutenant Colonel Hamilton**

The sound of drums and fife echoed across the parade ground at Victoria Barracks, Sydney, at 7.30pm on Wednesday evening, the 13th August 1862, and announced the return of the detachment from twelve months duty on the goldfields at Lambing Flat. The Battalion’s Commanding Officer, Lieutenant Colonel Hamilton, was quietly dining with his fellow Officers in the Mess and the wives and children of the married men waited for their menfolk to halt, lower their rifles and be dismissed. Hamilton had recently arrived in Sydney, and not having previously met Captain Saunders, was anxious to meet him.
As he marched under the sandstone arches of the Barracks, Captain Saunders recalled the letters he had received from his wife prior to his departure from the Flat in which she told him of the liberties that Hamilton had taken with her during his absence. Saunders dismissed the men and crossed the green to the ante room in the Officer’s Mess where he met Hamilton for the first time. Captain Saunders put his trembling hand on his revolver...but he couldn’t shoot the Hamilton as he had intended.

[Note that upon the detachment’s arrival in Barracks, Hamilton sent a note to Saunders requesting that he report to him in the Officers’ mess immediately. Saunders, therefore, did not meet with his wife to verify the accusations prior to meeting Hamilton. Saunders later withdrew the accusations as unfounded. Refer Volume 2 Transcript of the Court Martial.]

Saunders and Hamilton met for the very first time in the ante room of the Officer’s Mess. Saunders refused to shake the Colonel’s hand and began to act in a very excitable manner. Hamilton called the Adjutant to act as a witness to the behaviour and ordered the Adjutant to talk to Saunders and determine the problem. Saunders told the Adjutant that Hamilton had forced the door of his wife’s bedroom and that he had come down perfectly prepared to shoot him.

Next morning, Hamilton ordered the detachment to be paraded and the men were found to be in dirty clothes and some with borrowed equipment (not surprising after a long march and without opportunity to wash clothes, and in addition, the baggage had been held overnight at Redfern station). Hamilton read Adjutant Richardson’s report.

In the afternoon, Saunders was placed under private then formal arrest and given limited “freedom”. He was allowed to take exercise for two hours in the morning, two hours in the afternoon, and not to be out after six o’clock. Hamilton also placed Saunders on Sick Report under Dr Arden.

That night, Hamilton ordered a Court of Enquiry.

**Court of Enquiry**

Hamilton concluded the Court of Enquiry into the detachment’s return on the 16th August 1862, without calling evidence from Saunders, and sent the report to Army Headquarters in Melbourne.

**1st Medical Board**

The findings of the Medical Board, appointed by HQ Australasian Command in September 1862, found that Captain Saunders was not responsible for his actions and recommended that he should be granted immediate sick leave.

The Board was convened by order of Major General Pratt and consisted of Surgeon Major William Sall MD Army HQ as President, Dr Alloway, late Staff Surgeon in the Crimea, and Dr Coates, Assistant Surgeon in the Navy. Major Sall advised -

> The Board was appointed to enquire into the state of health, past and present, of Captain Saunders, as likewise to his fitness or unfitness for Her Majesty’s Service. I personally examined Captain Saunders on that occasion.

> I considered that his health was in such a state as to require his immediate removal for a change of air and scene. As likewise to be taken away by all those causes which had a destructive influence on his mind and with this view, I recommended that he should be allowed to proceed to Adelaide on sick leave.

> I considered Captain Saunders’ previous health to have been seriously affected, and had every reason to suppose from his symptoms, that he laboured under, at one period, insanity. I was of the opinion that he laboured under severe mental impressions of such a nature as to have serious influences upon his general health, and nervous temperament.
I was of the opinion that the insanity was decidedly a description of monomania. The impressions he laboured under were with regard to Colonel Hamilton; I believe these impressions were founded upon his ideas of believing that Colonel Hamilton, during his absence, had made familiarity with Mrs Saunders.

The Board held its second sitting about the 11th of September, when I again personally examined Captain Saunders.

My opinion was now stronger impressed from the unimproved condition of Captain Saunders’ health to adhere to my former recommendation, namely to have him removed from Sydney and sent to Adelaide. I considered that he was not responsible for his actions, nor that his will joined with them for some time previous to my first seeing him in mid September, 1862, and at that period.

With the approval of Lieutenant Colonel Hamilton, Captain Saunders, Mrs Saunders and their three children, and nurse (Mrs Bell) left for Adelaide on the 4th October 1862 via Melbourne on the ship *Wonga Wonga*. The parents of Mrs Saunders resided in Adelaide.

**Reckrimination**

Mrs Saunders gave birth to her third daughter, Lucy Henrietta, on the 21st July 1862 at Victoria Barracks yet Hamilton refused Captain Saunders leave to register the birth. Mrs Saunders registered the birth on the 28th August 1862. And when Captain Saunders returned from Adelaide off sick leave in January 1863, his accommodation in the married quarters had been reallocated and he was reduced to only one room above the Officer’s mess. His wife and family were refused accommodation in the Barracks and took accommodation in a hotel near Wynyard Square, approximately five klicks distant.

**Musketry Instruction of the Queensland Volunteer Corps**

A course of musketry instruction for the volunteers has been lately commenced under the superintendence of Lieutenant Crawhall, 12th Regiment, assisted by Sergeant Reynolds. The various companies are availing themselves of the advantage and the project promises to proceed most satisfactorily. (The SMH 12th April 1862)

**Queen Victoria’s Birthday Celebrations**

The celebration of the anniversary of her Majesty’s birthday, in Sydney, of course involves a general holiday and Saturday last was certainly no exception to the rule. The weather was in every respect “Queens” weather……the principle attraction, however, was as indeed it was expected to be, the review of the troops and the volunteers – a very great number of the latter having arrived from the country districts on the previous day. It is estimated that at that time there must have been, at the very least, thirty thousand people present. Colonel Hamilton commanded the whole, the regulars being formed on the right, the suburban and country companies of Volunteer Rifles in the centre, under command of Captain Laver and the eight companies of the Sydney Battalion on the left flank in charge Colonel Kempt.

At noon the cannon from Fort Macquarie and from the ships of war in the harbour boomed out a salute to her Majesty’s natal day. This was quickly responded to by the field pieces of the artillery and subsequently by the “feu de joie” of the aligned troops. Three rounds of blank cartridges were fired by the Artillery and by the troops. Three hearty cheers were then given for the Queen and subsequently the usual parade evolutions were gone through. The President of the NSW parliament proposed a toast to Colonel Kempt for his leadership of the NSW Volunteers. After Colonel Kempt’s reply, Mr Cowper then proposed a toast to Colonel Hamilton and the officers of the 12th Regiment. Colonel Hamilton in responding said he was as much taken aback at what he then witnessed as any one could imagine. He had to thank them for the very kind and cordial
manner in which they had drunk the health of himself and the Officers of his Regiment. He was as yet but a stranger on the ground, but still, from what he had seen, he was happy to be able to say that Colonel Kempt’s exertions for the establishment of the Volunteer force had been most successful…Mr Cowper then proposed a toast to Captain Laver [QM 12th] of the NSW Volunteer Rifles. (The Queen’s Birthday SMH 26th May 1862)

NSW Volunteer Rifles Parade

SMH 30th June 1862 …[after the presentation of the silver bugle by Lady Young and reply of thanks from Captain Macleay], three cheers were then given for Lady Young followed by three for the Governor. Colonel Hamilton then called on the ladies present to give three cheers for the Volunteers which was responded to in soft feminine tones that barely reached the farthest ranks of the spectators. The gallant Colonel Hamilton remarked that “it was not their fault the cheers were not louder.”

SMH 7th July 1862 – a grand volunteer parade, terminating with a sham fight, took place on Saturday last on the occasion of Lady Young presenting a silver bugle to No. 1 Company of the Volunteer Artillery. The review was conducted by Colonel Hamilton and passed off in a very satisfactory manner. Another general parade is ordered for this day when the forces will be inspected by Major General Pratt who is on an official visit to Sydney.

Review of NSW Volunteer Rifles

SMH 12th July 1862 Major General Pratt reviewed the NSW Volunteer Forces on Saturday afternoon in the outer domain and expressed his approbation of the soldier like manner in which the evolutions were performed at the same time recommending that artillery practice should be cultivated, that species of defence in his opinion being the main one on which a city, situated as Sydney is, must rely in the event of it being attacked by a hostile force. We regret to add that during the evolutions Private Hughes, of the South Sydney Company, met with a severe accident, his rifle by some means having gone off, destroying the middle finger of the left hand.

Instructing Brisbane Volunteers in the use of the Breach Loading Rifles

The Brisbane Courier reported a story from the regional township of Ipswich on the 25th July 1862 -

Sergeant Green, of the 12th Regiment, arrived per Williams, and while here will assist in teaching our “élèves” the platoon exercise for the breach loading which is different to that for the Enfield.

Enrolled Pensioners and the Metropolitan Volunteers, Western Australia

On Monday evening last, the Detachment of the 12th Regiment, the Enrolled Pensioners and the Metropolitan Volunteers, were put through several battalion movements by Lieutenant Colonel Bruce. The Volunteers mustered strong on the occasion, having 78 men (including the Band) on the ground. (Perth Gazette 2nd December 1862, General Intelligence)

Annual Bachelor’s Ball

SMH 14th July 1862 Bachelor’s Ball – the complimentary ball annually given by the “Bachelors” of Sydney came off on Friday night at the Exchange. The spacious rooms were beautifully decorated with flags and also with wreaths of evergreen. Upwards of five hundred invitations were issued and there were about that number of guests present. …amongst the distinguished guests were the Governor and Lady Young and the officers of the Army and Navy…the German band performed with their accustomed skill and all the other essentials of a successful ball were so completely attended to as to elicit the most unqualified approval of all who took part in the social festivity.
**Mounted Orderlies**

Several soldiers volunteered for short transfers into the newly formed Mounted Orderlies [Volunteer Mounted Rifles]. Private (429) John Ryan transferred to the Mounted Orderlies in June 1862 and rejoined the Regiment in September 1862 in Sydney. Private (527) John Ward transferred to the Orderlies in October 1862.

**Staff Servant**

Private (312) Henry Lawler was appointed Staff Servant on the 16th June 1862 upon the death of Private (3338) John Olley. Olley, born Bury St. Edmonds, trade of groom, had enlisted on the 15th December 1853 (PRO3724).

**Picnic, Discus and Football**

The Picnic given yesterday by Mr. Thomas Holt MLA in honour of the Volunteers drew together one of the best and most brilliant companies that ever assembled in this Colony for festive purposes. The particular occasion in this entertainment was the anniversary commemoration of the formation of the Newtown Company of Volunteer Rifles in which Mr Holt, who is the representative of Newtown, has taken a special interest besides encouraging the Volunteer movement in various ways, Mr Holt some time ago also offered £50 for the purchase of prizes on condition that the Corps increased in number to the full complement of 100 strong ……

The Company then dispersed in different directions, some proceeded to the walks, and many availed themselves of the means of recreation which had been provided. Some engaged in leaping, some in boating, some contended at football, some essayed to play at croquet, some joined in the ancient game of throwing the discus, others in the modern, but apparently more amusing, game of knocking pipes out of the mouth of "Aunt Sally."

The Band of the 12th Regiment, which had performed some excellent music during dinner, was taken to the river side, where there is a beautiful level green, and many graceful forms joined in the dance. The greensward, which afforded so suitable a place for promenade and quadrille, was a few years ago a morass covered with bulrushes; and many minds must have been impressed with the thought of how limited a period of time had been sufficient to produce so brilliant a scene upon a place which presented only the appearance of barren rooks and useless swamps, long after the departure of the great navigator (Cook), in honour of whom the river is named.

Coffee was served about six o'clock, and the Company departed as the day was drawing to a close. (The Sydney Morning Herald 5th December 1862)

**The Band relocates from Playing in the Sydney Domain to the Barracks**

Our readers are doubtless aware that recently the usual Tuesday afternoon performance of music by the Band of H.M. X11th Regiment, has been removed by order of Colonel Hamilton, from the Botanic Gardens to the Barracks at Paddington. On the part of the inhabitants of Sydney this change is much to be regretted, for the Tuesday afternoon promenade in that lovely spot was a constant source of attraction to hundreds who will never be induced to wend their dusty way to Paddington, there to listen to music in a dreary barrack yard. Considering the number of years that the custom of the Band playing in the Domain has been kept up, it appears to be rather ungracious, to say the least of it, that it should be so suddenly discontinued.

However, it frequently happens that what bears the appearance of arbitrary and discourteous conduct, elicits a salutary display of independence in those subjected to it, and we suppose to this must be attributed the public-spirited determination of the Committee of the Volunteer Rifle Band to allow their members to perform on Saturday afternoon last.
The musical performance was a most triumphant success, both as regards the music itself and the crowds that were attracted to the Gardens. The programme was a varied and well arranged one, and contained selections from Weber, Donizetti, Lanner, Verdi, &c. under the able guidance of Mr. Callen, the Volunteer Band made ample amends for the loss of that of the 12th Regiment, and from the spirit and enthusiasm they displayed, we are convinced the Volunteers will thereby have the regulars far behind.

At present they are a more numerous body, having thirty-three performers, on Saturday last, and among them some solo performers of a high order of merit. We particularly noticed the cornet-a-piston player, who has a very clear and firm tone with a very finished execution. There was also a youth who performed one or two solos on the bass saxhorn in a manner which gave promise of great proficiency. On every hand we heard the performance on Saturday spoken of in most enthusiastic terms, and have not the least doubt but that if the Volunteer Band would afford the inhabitants such a treat once a week, a very handsome annual subscription could be raised in aid of the Band fund, and to recompense those whose time is valuable to them for the loss occasioned by their desire to please the public. (The Sydney Morning Herald Tuesday 23 December 1862)

**Stolen Property of the Regiment**

Colour Sergeant Green, of the 12th Regiment, reports that early on the morning of Monday, the 27th instant, the Paymaster’s room in the barracks was entered by means of a duplicate or other key, and the sum of £9 extracted therefrom. The sentinels on duty at the time do not seem to have observed anyone near the premises and the circumstance is, at present, a matter of mystery. (The Brisbane Courier reported on the 29th October 1862)

**Assault on Police Constable**

John Henderson, of the X11 Regiment, was charged with having assaulted Constable Finegan. Finegan deposed that last night he had a female in custody, when the defendant came up, claimed the woman to be his wife, and swore that she should not be taken, at the same time delivering a blow on the head with a stick, and afterward several blows with his fists. Assistance came up, and defendant was secured. The Bench sentenced him to be imprisoned seven days. (The Sydney Morning Herald, 16th July 1862)

**Musters**

**Perth**

Private (1403) Arthur Drum was sentenced to three years penal servitude by the civil powers on the 7th April 1862 in Perth. Prior to transportation, he was discharged on the 15th November 1862.

Sergeant (2791) William Basham was invalided and received advanced pay till the 25th July 1862. He departed Perth for England on the 26th April 1862. (PRO3725)

**Sydney**

Captain Saunders arrived in Sydney from Hobart with servant Private Bell in April 1862. Captain Saunders’ third daughter Lucy was born at Victoria Barracks in July 1862. Mrs Marsland was midwife. (Birth Certificate 1862/3492).

Captain de LaTouche was waiting for permission to retire from service in January 1862 (PRO3722) and retired on the 11th February 1862 (PRO3724).

Robert Snowden was employed by HQ as a Soldiers’ Assistant between January and March 1862. There were thirteen desertions between April and June 1862 - one Brisbane, three Sydney and nine Lambing Flat.
Thirty-one soldiers left between July and October 1862 - eighteen discharges, four deaths, nine desertions. Eight left between October and December 1862 - five desertions, two deaths and one transfer.

Private (437) John Yates is described as a Sheffield knife cutter (PRO3722 WO12/2982).

Private John Welch enlisted on the 21st November 1862 in Sydney and deserted on the 3rd December 1862. Born Kerry Ireland, his trade was blacksmith.

Private (2865) William French, formerly at Ballarat, re-enlisted in Sydney for another ten years but not exceeding twelve years. Aged twenty and eleven months on the 7th June 1850, now aged thirty-two and eleven months on the 9th June 1862. (PRO3724)

There were three Recruits in Sydney of which two were unusually tall -

<table>
<thead>
<tr>
<th>Recruits</th>
<th>Age</th>
<th>Height</th>
<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
</tr>
</thead>
<tbody>
<tr>
<td>Charles Hermes</td>
<td>25</td>
<td>5'5&quot;</td>
<td>2.7.1862</td>
<td>£1</td>
<td>16s</td>
</tr>
<tr>
<td>Richard Molyneaux</td>
<td>21</td>
<td>5'9&quot;</td>
<td>19.8.1862</td>
<td>£1</td>
<td>16s</td>
</tr>
<tr>
<td>Charles Yaldwyn</td>
<td>23</td>
<td>6'2 1/2&quot;</td>
<td>23.9.1862</td>
<td>£1</td>
<td>16s</td>
</tr>
</tbody>
</table>

Private (842) Hermes was promoted twelve months later to Corporal on the 1st June 1863. (PRO3725) Private Molyneaux deserted in Sydney on the 22nd February 1863. Born Dublin, clerk. (PRO3725)

Private (3035) Andrew Canty, born Ireland, died aged twenty-eight in Yass hospital, NSW, after a long illness.

**Hobart**

There were eighty-eight all ranks in Hobart in March 1862.

Sergeant (3079) Henry Nordish, who died in Hobart on the 5th July 1862, had a wife and a daughter whose name was Sarah Jane.

Sergeant Thomas Hawkes returned from Hobart to Sydney on the 30th July 1862. (PRO3725) Hawkes was later stationed in Brisbane.

Private (3338) John Olley died in Hobart on the 16th June 1862. Olley, born in Bury St Edmunds, trade of groom, had enlisted on the 15th December 1853.

Private (5477) John Nichols was discharged upon penal servitude in Hobart on the 31st March 1862. Nichols was a labourer and had enlisted on the 19th January 1856. (PRO3725)
THE SOLDIERS OF LAMBING FLAT

Which Ship did they arrive on in Australia

<table>
<thead>
<tr>
<th>Arrival</th>
<th>No. of Soldiers</th>
<th>Ship</th>
</tr>
</thead>
<tbody>
<tr>
<td>1854</td>
<td>13</td>
<td>Gloucester</td>
</tr>
<tr>
<td>1854</td>
<td>16</td>
<td>Camperdown</td>
</tr>
<tr>
<td>1854</td>
<td>23</td>
<td>Empress Eugenie</td>
</tr>
<tr>
<td>1856</td>
<td>9</td>
<td>Transferred from the 99th Regiment</td>
</tr>
<tr>
<td>1860</td>
<td>68</td>
<td>Daphne</td>
</tr>
<tr>
<td>1859</td>
<td>18</td>
<td>Duncan Mackay</td>
</tr>
<tr>
<td>1861</td>
<td>7</td>
<td>Henry F. Fernie</td>
</tr>
<tr>
<td>1856</td>
<td>12</td>
<td>Lancashire Witch</td>
</tr>
<tr>
<td>1860</td>
<td>38</td>
<td>Nugget</td>
</tr>
</tbody>
</table>

TOTAL 225

Ages

Of the forty soldiers whose ages were known from Deserter and Discharge records, only five (5) were nineteen and younger. At fourteen rears of age, Drummer (186) John Brooks was the youngest soldier at Lambing Flat.

<table>
<thead>
<tr>
<th>Median Age Group</th>
<th>Soldiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>14-19</td>
<td>5</td>
</tr>
<tr>
<td>20-25</td>
<td>19</td>
</tr>
<tr>
<td>28-30</td>
<td>11</td>
</tr>
<tr>
<td>31 over</td>
<td>5</td>
</tr>
</tbody>
</table>

Most of the soldiers were over twenty years of age.

Trades

From deserter and discharge records, most of the soldiers were unskilled labourers.

<table>
<thead>
<tr>
<th>Trade</th>
<th>Soldiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baker</td>
<td>2</td>
</tr>
<tr>
<td>Blacksmith</td>
<td>1</td>
</tr>
<tr>
<td>Boat builder</td>
<td>1</td>
</tr>
<tr>
<td>Bookkeeper</td>
<td>1</td>
</tr>
<tr>
<td>Carpenter</td>
<td>2</td>
</tr>
<tr>
<td>Coalmonger</td>
<td>1</td>
</tr>
<tr>
<td>Collier</td>
<td>1</td>
</tr>
<tr>
<td>Dyer</td>
<td>2</td>
</tr>
<tr>
<td>Engineer</td>
<td>1</td>
</tr>
<tr>
<td>French Polisher</td>
<td>1</td>
</tr>
<tr>
<td>Labourer</td>
<td>27</td>
</tr>
<tr>
<td>Mason</td>
<td>1</td>
</tr>
<tr>
<td>Miner</td>
<td>2</td>
</tr>
<tr>
<td>Servant</td>
<td>3</td>
</tr>
<tr>
<td>Sheffield knife cutter</td>
<td>1</td>
</tr>
</tbody>
</table>
Soldiers at Lambing Flat

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shoemaker</td>
<td>2</td>
</tr>
<tr>
<td>Tailor</td>
<td>3</td>
</tr>
<tr>
<td>Warehouse man</td>
<td>1</td>
</tr>
<tr>
<td>Weaver</td>
<td>1</td>
</tr>
<tr>
<td>Wheelwright</td>
<td>1</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>55</strong></td>
</tr>
</tbody>
</table>

**Military Experience** – half of the soldiers (31 out of 62) had been in the Regiment for less than two years can be regarded as inexperienced.

<table>
<thead>
<tr>
<th>Enlistment Year</th>
<th>Soldiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>1847</td>
<td>1</td>
</tr>
<tr>
<td>1851</td>
<td>1</td>
</tr>
<tr>
<td>1852</td>
<td>3</td>
</tr>
<tr>
<td>1853</td>
<td>6</td>
</tr>
<tr>
<td>1854</td>
<td>3</td>
</tr>
<tr>
<td>1855</td>
<td>3</td>
</tr>
<tr>
<td>1856</td>
<td>4</td>
</tr>
<tr>
<td>1857</td>
<td>5</td>
</tr>
<tr>
<td>1858</td>
<td>5</td>
</tr>
<tr>
<td>1859</td>
<td>16</td>
</tr>
<tr>
<td>1860</td>
<td>12</td>
</tr>
<tr>
<td>1861</td>
<td>3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>55</strong></td>
</tr>
</tbody>
</table>

**Lambing Flat and Ballarat**

Those soldiers at Lambing Flat were at least five years older on average than those at Ballarat. The soldiers at Lambing Flat were also more experienced in military drill. Six soldiers, who had been recruited in Sydney, were stationed at Lambing Flat. The Battalion had no local recruits at Ballarat during Eureka.

**The New Zealand Land Wars**

Eight soldiers fought in the second New Zealand Land war, while 130 soldiers fought in the third New Zealand Land war. Only two soldiers fought in both the second and third New Zealand Land wars.

**Place of Enlistment**

Enlistment details were obtained from deserter and discharge records. Most of the soldiers were recruited in England.

<table>
<thead>
<tr>
<th>Place of Enlistment</th>
<th>Soldiers</th>
</tr>
</thead>
<tbody>
<tr>
<td>England</td>
<td>36</td>
</tr>
<tr>
<td>Ireland</td>
<td>8</td>
</tr>
<tr>
<td>Scotland</td>
<td>2</td>
</tr>
<tr>
<td>Sydney</td>
<td>6</td>
</tr>
</tbody>
</table>

**Birth Place**

Birth places have been obtained from desertion and discharge records as recorded in the Payrolls and Musters. Thirty one (31) were English while ten (10) were born in Ireland.

**Summary of the Soldiers**

The soldiers, stationed at Lambing Flat, were mostly English, unskilled labourers, over twenty years old and experienced in military practice.
Soldiers at Lambing Flat
1863

“Months went by. Scandal was abroad.”
“The storm has come at last.”

Stations
After the transfer of troops to New Zealand, Lieutenant Colonel Kempt with five officers and one hundred and twenty men remained at Sydney, NSW, with small detachments of the Battalion at Brisbane and Hobart.

Troop Movements
On the 16th January 1863, Captain and Mrs Saunders and two children with servants Private Bell and Mrs Bell and child returned to Sydney on ship Madras after taking sick leave with his wife’s relations in Adelaide.

Captain and Mrs Leeson sailed on the ship Wonga Wonga to Melbourne on the 14th February 1863. Captain Heywood, Deputy Judge Advocate, sailed to Melbourne on the 8th August 1863 on the ship City of Melbourne. Lieutenants Taylor and Winnington joined HQ in March 1863 from England.

Ensign Gibb arrived in Sydney on the 21st June 1863. Dr Arden left Sydney on the 5th July 1863 for New Zealand. Lieutenant Colonel Kempt sailed to Sydney from Hobart on the 16th July 1863.


Three soldiers returned from New Zealand to Sydney on the 4th March 1863.

Battalion Strength
A Horse Guards’ Circular, dated 1st April 1863, directed the establishment of the 1st Battalion to be twelve companies and to consist of 39 officers, 58 sergeants (exclusive of schoolmaster), 25 drummers, and 900 rank and file.

A Horse Guards’ letter, dated 13th November, directed, that in consequence of a strong detachment of the 1st Battalion 12th Foot being now in New Zealand, with other detachments required at stations in Australia, its establishment is increased to 1,000 rank and file.

The war in New Zealand dominated military activities in the region over the next four years and eventually all of the Battalion’s resources were drawn into this operational theatre.

Child for Captain Daw
On the 19th January, at Victoria Barracks, Paddington, the wife of Captain Eli Daw, 1st Battalion 12th Regiment, of a daughter. (Empire 22nd January 1863)

Child for Captain Richardson
September 17th, at Holmwood, Newtown, the wife of Captain Richardson, 12th Regiment, of a daughter. (Sydney Morning Herald 21st October 1863)

Son’s name was George. (NSW BDM 70/1863)
Marriage of Annie Story

On the 12th instant, by special license, at Crown Street, Surry Hills, by the Rev. J. McCure, Henry Charles Scarfe of Paddington, to Annie, widow of the late William Story, Hospital and Colour Sergeant of Her Majesty's 12th Regiment of Foot. (Empire 16th October 1863)

Marriage of Lieutenant Dawson

On Saturday, 13th June, at St James church, Sydney, by the Rev. Canon Allwood, assisted by the Rev. G. H. Mereton, Robert Edward Dawson, Esq., of H. M. 12th Regiment, second son of William Dawson, Esq., Noahville, West Meath, to Annie Eliza, daughter of Mr. James Boyle, many years commander of the brig Governor Phillip, and adopted child of the Honorable Charles Kemp, M.L.C. (Empire 24th June 1863)

Death of Mr. James Dickson

It is with very great regret, which will be shared in by a numerous circle of friends and by the public generally, that we have to record the death, at his residence, Homewood, Newtown, yesterday evening, of Mr. James Dickson, M.L.A.

For some weeks past Mr. Dickson had been suffering from a bowel complaint of a persistent and intractable character, the appearance which it presented to his medical attendant, Dr. Moon, being that of a degeneration of the structure of the intestinal canal; the malady failed to respond to any of the remedial measures adopted, and ultimately brought on nervous exhaustion, under which the lamented gentleman sank. The complaint assumed a very serious aspect on Friday last, and on Sunday Dr. Nathan and Dr. O'Brien were called in to consult with Dr. Moon.

On the following day the patient seemed somewhat easier, but yesterday morning all hope of recovery was given up, and his death took place at half past eight o'clock. It will be consoling to his friends to learn that his last hours were spent without pain and in perfect composure and tranquillity. Mr. Dickson was in his fiftieth year, and has left a widow and a family of eight, his eldest daughter being married to Lieutenant and Adjutant Richardson, of the XI1 Regiment.

The death of Mr. Dickson will be regarded as a public loss, which will be especially felt in the Hunter River district, with all the interests, of which he was thoroughly identified, and in the advancement of which he took a deep and active interest; having resided for upwards of twenty-five years in West Maitland, where he established a large and very successful business. During the last five years Mr. Dickson resided near Sydney, and for four years represented the constituency of East Maitland in the Assembly, where, as a steady but independent supporter of the present Government, he occupied so influential a position that it was recently expected and by some desired, that he should obtain a seat in the Cabinet. As a proof of the warm friendship and wide esteem that were entertained for the deceased gentleman, we may mention that a large number of public and private friends called yesterday at Homewood, and frequent telegrams were sent from Maitland to enquire respecting his condition.

We believe it is intended to convey the corpse to Maitland for interment in the family vault. It, is somewhat remarkable, that up to within the last month Mr. Dickson had never experienced a day's illness, and that as soon as the late complaint overtook him he had a strong presentiment that it would terminate fatally. (Sydney Morning Herald, 29th April 1863)

Excitement in Hobart

On Saturday afternoon two soldiers of the 12th Regiment jumped over the Barrack fence, and in a most excited state paraded the town, one being armed with a sword. On proceeding along Macquarie Street, they met an old man named McGuire, whom they assaulted. They then proceeded along without further mischief down Harington Street until they came to the Manchester Unity Arms, where they rushed in and took possession of the bar. The landlord at
once ran for Sub-Inspector Dorsett, who directed the picket to be sent for, where he with Mr Walton, stood for upwards of an hour guarding the house; the men having all this time full and absolute possession. Finding no sign of the picket approaching, Dorsett went to the barracks. When, however, the picket arrived at the Manchester Unity public house, the soldiers had gone. Subsequently one of them was apprehended, and the other managed to elude the vigilance of the authorities, and up to Saturday evening was not taken. (NZ Southland Times, 8th May 1863)

**Private Silverwright**

Central Police Court. John Silverwright, a deserter from the 12th Regiment, was remanded to the military authorities to be dealt with. (Empire, 15th September 1863)

**Drumming Out**

A Troublesome Soldier of the Twelfth. One of our old friends of the Twelfth seem to have been troubled by an unusually bad comrade, whom they have at length got rid of by the extreme process of drumming out. The Sydney Morning Herald of May 29 thus records his expulsion: “A Private soldier, whose name was understood to be Browbag, was yesterday drummed out of the 12th Regiment, with all the formalities incidental to such a disgraceful exit from military service. The party thus discarded was observed to be quite a young man, but from the official documents read by the Adjutant it would appear that he has proved an incorrigible offender, the catalogue of his misconduct extending over several years. After passing through the Regiment to which he had proved himself unworthy any longer to belong, he was received into the Guard house at the Barracks gate. He is to be sent home in the Orwell, and not to be discharged until he arrives in England.” (South Australian Register, 22nd June 1863)

Note: the Payrolls do not record any soldier by the surname of Browbag.

**Arrival in Brisbane and Replacement of Drill Instructor at Brisbane**

A small detachment of the 12th Regiment arrived in Brisbane, per Urara, on Thursday night, under the charge of Colour Sergeant Hawkes, who, it is understood, will fill the post at present occupied by Sergeant Green. (The Brisbane Courier 4th April 1863)

In April 1863, Colour Sergeant Thomas Hawkes replaced Colour Sergeant Green as Drill and Musketry Instructor and Sergeant Major to the Queensland Volunteers.

**Inspection of Brisbane**

The Brisbane Courier reported on the 11th and 12th December 1863 that Major General Chute had visited Brisbane on a tour of inspection. On the 11th December, Chute inspected the detachment at William Street Barracks, where the 12th paraded in “heavy marching order.” The Courier reported that Chute was “much pleased with the soldier like appearance” of the detachment:

“he also inspected the Barracks and remarked upon the cleanliness and discipline which was evidenced.”

Major General Chute and Lieutenant Richardson (Adjutant 12th Regiment) returned to Sydney from an inspection of Brisbane in December 1863.

At this time, the detachment’s OIC, Lieutenant Seymour, was applying for the position of Police Commissioner and insisting that he retain his military salary. It is suspected that Chute resolved both the matter of Seymour’s salary and appointment with the Governor.

**Social Interaction of the Military in Brisbane**

The Brisbane Courier reported on several occasions that men of the 12th Regiment were members of the Queensland Rifle Association.
The Queensland Daily Guardian noted on the 13th and 18th August 1863 that Sergeant Hawkes was actively involved in a newly formed Rational Society which later changed its title to the Brisbane Recreation Society. In August, he was a main organizer and acted as master of ceremonies for the Society’s inauguration ball at the School of Arts.

The officers of the 12th Regiment, that served in Brisbane, joined the elite North Australia Club. Seymour joined in July 1862, Brittain in July 1863 and Mair in June 1865.

Seymour had also joined the exclusive Queensland Club in 1861.

**Accident to Private (448) Henry Harris in Brisbane**

The Queensland Daily Guardian reported on the 19th August 1863 that -

A very serious accident occurred yesterday evening to a Private of the 12th Regiment named Harris. It appears that Harris, who had been out during the afternoon, was returning to the Barracks on horseback from Breakfast Creek, and while crossing the Breakfast Creek bridge, he was met by a drunken man driving a dray. The intense darkness of last night prevented Harris from getting out of this fellow’s way, who was driving the dray in zig-zag directions across the bridge. The wheel of the dray ultimately came into collision with Harris’s leg crushing the calf in a most fearful manner. The drunken brute appears to have had sufficient sense left to know what he had done, for immediately after the accident…..he drove off at a furious rate.

Poor Harris fell from his horse and lay on the ground for half an hour before any conveyance passed, and when one did arrive, the inhuman man who was driving it refused to bring Harris into the town unless he first paid him the sum of ten shillings for his fare. This sum was paid by Harris who was brought into town on the cart and set down at Mr. Keith’s in Queen Street.

A message was sent to the Barracks, and Sergeant Hawkes with a detachment of soldiers, immediately repaired to him and carried him to the Brisbane Hospital.

Dr. Hobbs, Dr. Casnan and two other medical gentlemen were in attendance and found him in a most weak and exhausted state from the loss of blood he had sustained, the leg was dressed, and we believe that some slight hope was entertained of saving the limb.

Harris is much respected by his comrades, and the melancholy accident of last night cast a gloom throughout the whole of the Barracks.

The Guardian carried a letter on the 21st August correcting some of the above facts. Two weeks later, the Courier reported on the 31st August 1863 that Harris was now doing well in hospital, “and is not likely to lose the use of the leg that was fractured.”

**Accident to Private Thomas in Brisbane**

A Private of the 12th Regiment, named Thomas, having fallen down in a fit, while on guard at Government House. When carried into the Guard house by his comrades, it was supposed that he was dead, but it was subsequently discovered that he was in an insensible state. We are informed that the young man in question has had several of these attacks since his arrival in Brisbane.(The Brisbane Courier 15th July 1863)

The payrolls for this period do not record any soldier by the surname of Thomas being stationed in Brisbane. The newspaper may have omitted the surname and could have been one of the following six Privates - Allen, Beatty, Davis, King, Mills or Webb.
Soldiers used as Police Guards in Brisbane and Recapture a Prisoner

The detachment in Brisbane provided guards for civilian prisoners prior to the use of the *Proserpine* as a prison hulk or the establishment of the penal station on St. Helena Island in Moreton Bay. The Brisbane Courier reported on the 23rd December 1863 -

> We are informed that yesterday evening, at about a quarter to five o’clock, a prisoner named Patrick Collins attempted to make his escape from the hard labour gang at present employed in the Queen’s Park. Being sent to the tent to replace some of the tools which had been used, he contrived to get out at the back of it, and by that means hoped to effect an escape. He was, however, observed by Corporal (207) Thomas Walker, who pursued him and ultimately he was caught by Private (514) Thomas Allen, near the bank of the river amongst some bushes.

The sentries were unable to fire upon Collins in consequence of there being so many persons walking in the immediate vicinity, and we think they are worthy of praise for the discretion they observed in this respect.

Departure of the 12th Regiment from Western Australia

The detachment of the 12th Regiment, which has so long been stationed in our metropolis, was removed on Wednesday to Fremantle, the Volunteer Band playing at their head from the Barracks to the Jetty.

Fifty two of the Enrolled Pensioners arrived yesterday to carry on the duty, in conjunction with these heretofore engaged; they are not the fresh men arrived by the *York*, but principally by the previous convict ship.

The Metropolitan Volunteers had another night-march on Wednesday evening, but owing to the threatening appearance of the weather the muster was not so good as usual. At the quarterly meeting of the company held on Monday evening, the clothing question was decided, the tunic is to be scarlet cloth of the quality assigned to color sergeants of the line, trousers, Oxford mixture with scarlet stripe down the leg.

At the same meeting a sum of £5 was voted as a gratuity to Drill Instructors Drake, Corrigan, and Griffin, and a subscription was entered into for a testimonial to Color Sergeant Stewart of the 12th Regiment, to whose unwearied attention to their instruction in drill, the Metropolitans are mainly indebted for their efficiency. (The Perth Gazette and Independent Journal of Politics and News, 9th January 1863)

Pretending to belong to the 12th Regiment

While one of the Constables was on duty a few days ago, near Mr. McCarthy's public house he heard some person or persons whistling military calls therein, and knowing that a number of soldiers belonging to H. M. 12th Regiment had deserted a few weeks previously, he was induced to get a closer acquaintance with the parties. On going inside he at once apprehended a young soldier looking fellow, who gave his name as William Brennan, and while on his way to the lockup he admitted that he was a deserter, but belonging to the Royal Artillery, presently stationed at Sydney, and not to the 12th Regiment. (From Queensland. The Mercury, 22nd January 1863)

Assaulting a Police Constable

Matthew Maskell, a soldier of the 12th Regiment, arrested by Senior Constable Loftus, for assaulting him in the execution of his duty, was remanded to the military authorities. (Central Police Court, Sydney Morning Herald, 14th February 1863)
Assault on a Civilian

William Williamson, a Private of the 12th Regiment, was charged with having assaulted William Stephens. Prosecutor deposed that between eight and nine o'clock last evening he was walking in Hyde Park, near St. Mary's cathedral, and heard the screams of a female in the Domain; proceeded in that direction, and when near the gate, met a number of lads hurrying out, who said that two soldiers were assaulting every one they came across. The boys had scarcely told their story, when two soldiers, the prisoner being one, and the other being armed with a stick - came through the gate; prisoner at once said, “You are one of the fellows who was inside,” and at the same time delivered a blow on witness’s cheek which knocked him down, and then several times kicked him, leaving marks of his kicks on various parts of his body; he then ran away, and witness followed until he lost sight of him; he met the police, and reported the affair, and then proceeded to the Barracks; about a quarter of an hour afterwards, prisoner came in and was arrested by the guard. Their Worships found the defendant guilty, and sentenced him to be imprisoned two months in Parramatta goal. (Central Police Court, Sydney Morning Herald, 4th March 1863)

Theft from a Boat

George Clifford, tailor by trade (a discharged Corporal of the 12th Regiment), was charged with stealing an iron plumbing block, being part of the machinery of the steamer Peri's engine. The Peri was laid up at Crook's Wharf, Balmain. The block in question was left on the skylight over the engine room. Prisoner was observed by George Mallett, the engineer, who asked him what he was doing on board, when the block in question was seen by Mallett to fall from the prisoner's hand. Prisoner, in defence, stated that he had gone over to Balmain to look for a shop, intending to set up in business, and on his return to Sydney had gone on board the Peri in mistake; that whilst there the block (which he averred he never touched) fell, and that Mallett, who was near, thereupon charged him with having it in his possession with intent to steal it. Prisoner was admonished and discharged. (Water Police Court. Sydney Morning Herald, 4th May 1863)

Stabbing of Private (31) Scott

Joseph Marsh was charged by Detective Vickers with having on 15th instant, unlawfully and maliciously stabbed one William Scott, a Private of H. M. 12th Regiment with a knife in the left shoulder. (Police Court. The Mercury, 17th July 1863)

Masonic Banquet in Perth

The anniversary banquet of the Lodge of Saint John No 712 was held on Tuesday evening last, at the Freemasons Hotel. On this occasion His Excellency the Governor, attended by G.E. Hampton, Esq, Private Secretary, honoured the Fraternity with his presence, but with these exceptions, the whole of the company, numbering fifty, were members of the honourable craft. A guard of honour of the 12th Regiment, under the command of Ensign Brittain, was stationed at the door of the Hotel, where His Excellency was received by the Worshipful Master Br Howell, the past masters and officers of the Lodge, and conducted to the Lodge Room where the Brethren were assembled after viewing which, he proceeded to the Banqueting Room. Among the Brethren present were the Commandant, Lieutenant Colonel V. Bruce, His Honour Judge Burt, the Comptroller General Lieutenant Colonel Henderson, Lieutenant Colonel Molloy, the Honourable the Colonial Secretary, the Honourable Colonial Treasurer and the Attorney General and many principal gentlemen of the Colony...........(Perth Gazette, 2nd January 1863)

Testimonial to Colour Sergeant (2408) Stewart

The Metropolitan Volunteers had another night march on Wednesday evening but owing to the threatening appearance of the weather, the number was not so good as usual. At the quarterly
meeting of the Company held on Monday evening, the clothing question was decided, the tunic is to be scarlet cloth.....At the same meeting, a sum of £5 was voted as a gratuity to Drill Instructors Drake, Corrigan and Griffin, and a subscription was entered into for a testimonial to Colour Sergeant Stewart of the 12th Regiment to whose unwearied attention to their instruction in drill, the Metropolitans are mainly indebted for their efficiency. (Perth Gazette, 9th January 1863)

Relocating from Perth to Fremantle

The Detachment of the 12th Regiment which has so long been stationed in our metropolis was removed on Wednesday to Fremantle, the Volunteer Band playing at their head from the Barracks to the Jetty. Fifty-two of the Enrolled Pensioners arrived yesterday to carry on the duty, in conjunction with those heretofore engaged; they are not the fresh men arrived by the York, but principally by the previous convict ship. (Perth Gazette, 9th January 1863)

Return from Western Australia

The destination of the Palestine is at present uncertain, but it is understood that she will be offered for the conveyance of Captain Downing’s company of the 12th Regiment to Sydney. (Perth Gazette, 23rd January 1863, Summary of the Mail)

The Merchantman is to take away the Detachment of the 12th Regiment to Sydney, their Headquarters. This vessel may be expected to leave Fremantle in about a fortnight. (Perth Gazette, 27th February 1863, General Intelligence)

The Merchantman is expected to leave Fremantle for Sydney tomorrow. The Detachment of the 12th Regiment were, we believe, to embark yesterday. (Perth Gazette, 7th March 1863)

On the 7th instant, the Merchantman left Fremantle for Sydney carrying forty-four tons of sandal wood in addition to passengers – Captain J.D. Downing, Ensign A.H. Brittain, Assistant Surgeon Lynch, 54 rank and file 12th Regiment, 24 women and 49 children, (Perth Gazette, Friday 13th March 1863)

Note: shortly after arriving in Sydney, Dr. Lynch then left for Marseilles, France, on RMSS Behar. From Shipping Clearances, 22nd April 1863, Sydney Morning Herald.

The ship Merchantman was the first vessel over 1,000 tons to be employed as a convict ship. Leaving London on the 28th October 1862, she carried prisoners to Bermuda. Having disembarked the whole or part of the convicts there, she filled up the births with 191 male convicts previously transported to Bermuda, and then sailed for the Swan River, Western Australia, where she arrived on the 14th February 1863, one hundred days out from Bermuda.

The Detachment at Swan River embarked on the 7th March 1863 on the Merchantman and rejoined HQ in Sydney on the 28th March 1863.

After seven years in Fremantle, the Detachment had been reduced to just over half its strength, fifty seven out of ninety returned (PRO3724).

Shortly after arrival, Private Griffin was promoted to Corporal on the 27th April 1863 in Sydney. (PRO3725)

Enrolled Pensioners, Western Australia

Prior to the departure, Sergeant (2981) Charles Chamberlain, Sergeant (2199) William Hugh Smith and Private (2954) Thomas Keen discharged and joined the local “Enrolled Forces” in March 1863. The “Enrolled Forces” were made up of army pensioners and were formed with the advent of convict transportation in 1850.

Note: retired military personnel, Enrolled Pensioners, were used as guards on convict ships and received a free passage for themselves and family to the new colonies.
Both Chamberlain and Keen had been posted to Ballarat during Eureka.

**Parade of Enrolled Pensioners and Metropolitan Volunteers, WA**

On Monday evening, the Enrolled Pensioners, doing duty in Perth, and the Metropolitan Volunteers, were paraded together for inspection by His Excellency the Governor; after a few field movements had been gone through, a square was formed, and the Governor addressed a few observations to the Pensioners upon the change which had been made in substituting a Pensioner force in Perth for troops of the line, and he hoped that their conduct would give him no reason to regret his having been in some degree instrumental in the change. His Excellency then turned to the Volunteers, complimenting them upon their having mustered so strongly and expressing a confidence that should their assistance ever become necessary they would be found ready to give it. The Volunteers had a night march on Wednesday evening and another next week is contemplated. (Perth Gazette, 30th January 1863)

**New Barracks for Enrolled Pensioners, Perth**

Perth Gazette, 2nd January 1863, General Intelligence

The removal of the Detachment of the 12th Regiment which has for some years past formed the garrison of Perth, will shortly be made to Fremantle, where it will be quartered in the Barracks formerly occupied by the Royal Engineers, until a vessel can be obtained for the transport to Sydney. A Pensioner force of 100 men will in future form the garrison, and will be obtained from the convict guards of the York and Merchantman which on this account each brings 50 Pensioners.

The new force requires more extended accommodation than sufficed for the regular troops, as each married man is entitled to two rooms, therefore in addition to the former military quarters, Mr Ongien’s premises have been hired for two years, by which time it is expected the new Barracks to be erected on the rising ground at the west end of St. Georges Terrace will be completed; preparations for clearing the site were commenced yesterday, but materials have been for some time in progress in the Establishment and at the Claise Brook brick kilns. The building will be an extensive one of two stories, forming three sides of a quadrangle facing eastward, and will form a fine western termination to the main street of the metropolis.

Perth Gazette, 27th February 1863 - The ground for the new Pensioner Barracks in Perth is now apparently cleared and the levelling of it is commenced; this will apparently occupy considerable time.

**NSW Volunteer Rifles**

SMH, 7th March 1863 - The Inspection of the Hawkesbury Volunteer Company, by Colonel Hamilton took place on Saturday morning at Windsor in the old Military Barracks, Bridge Street. We regret to say there was not as strong a muster as might have been expected owing to a want of timely notice.

**Court of Inquiry - Paddington and Surry Hills Volunteer Rifle Company**

Empire, 9th September 1863, - To the Editor of the Empire. Sir, at a meeting of the above company (36 present) last evening, certain strictures were passed on me, in regard, to my conduct in not appearing on the 22nd August last at Hyde Park Barracks, to hear re-read the finding of the Court of Inquiry held on me on the 30th July last. I have simply to state my reasons to show the public that I acted rightly in not appearing.

On the afternoon of the 21st August last, I was informed by Captain Laver that the finding of the Court of Inquiry on me would be read before the members of the company at 8.30 p.m., and that I
was requested to attend. I did so and heard the sentence promulgated. On the first count I was sentenced, and on the second I was fined £1, which I refused to pay, when Colonel Hamilton immediately informed me that I was farther prohibited from Volunteer duty until such time as I did pay it.

The reason assigned for the re-reading of the findings of the Court was because I did not appear in uniform. I simply reply I had no notice to appear in uniform either verbal or written; and had I appeared in uniform I should have been finable under rule 23 of the General Rules, in a sum not exceeding £5.

Under these circumstances and having once been sentenced, I declined appearing, as I firmly believe, having done so, I should have been publicly insulted instead of, as Colonel Hamilton patronisingly said, being "let off cheap."

I am aware that several members of the company are anxiously looking out for the stripes; and if they only wait for a short time they shall have mine with the greatest of pleasure.

From the foregoing facts the animus of members will exhibit itself, and the public will be enabled to judge how far the feeling of the eighty members composing the company has been consulted in the resolution passed by the twenty-three members last evening.

Your obedient servant,
H. M McRea
September 8

HQ Australian Command

SMH, 3rd April 1863 - the Melbourne Herald of 25th ultimo understands that the resignation by Sir Thomas Pratt, of the Australian Command, has been accepted at the Horse Guards, and that the Major General will leave for Europe in the course of a few weeks. Lieutenant General Cameron has been recalled from New Zealand. For the future it is intended to join these military districts and place them both under the command of a Major General, who will probably be stationed for the present at Auckland, a Colonel on the staff being left in Melbourne.

Banquet for the Explorer William Landsborough

The complimentary dinner to Mr Landsborough, the explorer, was given on Tuesday evening, 16th instant, in the hall of the Exchange.

The tables were very tastefully arranged, everything that the station could furnish being set out before the guests. The Hall was also very handsomely decorated with flowers and evergreens, particular attention being directed to the western end of the Hall, in which some beautiful specimens of grass tree and plantains were tastefully grouped so as to form in a peculiarly Australian picture. Mainly noticeable in front of this verdant cluster was the mask of the unfortunate Leichhardt, the mystery of whose unknown fate still weighs upon many a mind.

It had been very thoughtfully lent for the occasion by Mr Aldis; and the introduction of the lineaments of the first explorer of our inland territory, who had laid down his life in the cause of knowledge, was by no means inappropriate at a banquet given in honour of one of his more fortunate successors.

Over three hundred persons sat down to table, every seat being taken and some of the guests having to make the most of the little room that was left for them. His Excellency the Governor presided, having on his right hand the guest of the evening Mr Landsborough, and the Honourable Secretary for Lands, and on his left Colonel Hamilton, Mr E. Dean Thomson, and Mr Justice Wise. … The Band of the X11 Regiment was in attendance, and played several favourite airs
Debt owed by Colonel Hamilton

In the estate of William M. Mansell, a single meeting. One debt was proved. The official assignee was directed to allow insolvent his furniture and wearing apparel, and to take proceedings against Colonel Hamilton for the recovery of £319, stated by insolvent to be in his hands. The first direction was confirmed by the Chief Commissioner, but with regard to the second, his Honor directed that the parties and Colonel Hamilton make such statements in writing as they may be advised for his consideration, before deciding upon the matter. (Insolvency Court. The Sydney Morning Herald Saturday, 21st February 1863)

Volunteer Encampment at Easter - Cancellation

Empire, 16th March 1863, - To The Editor of the Empire. Sir, so it appears that Colonel Hamilton has issued his mandate that there shall be no Volunteer Encampment at Easter. This does not surprise us much, but it does certainly seem strange that he should receive one guinea per diem as Inspecting Field Officer of Volunteers, and still endeavour to crush a movement so well calculated to improve that force. What does he do for all this money? He attends one parade per month for a period of - say two hours being at the rate of some fifteen guineas per hour, and I believe this to be the whole of his duty (beyond receiving the pay very punctually). He is so completely ignorant of the organisation of the force, that at the parade before last, he had to inquire of us how many parades we had per month. I think I am justified in saying that the sooner Colonel Hamilton's connection with the Volunteers ceases, the better it will be for us all. We want a man who will do something for his money. Meantime I trust our Officers will endeavour to get the assistance of the Government in carrying out the idea of the encampment in spite of Colonel Hamilton and all Bumbledom to boot.

I remain, Sir, yours obediently,

A Rifleman

Sydney, 13th March, 1863

Lambing Flat Gold Field Riots - Act of Clemency

The SMH reported on Monday, 1st June 1863 -

As an act of clemency on the Queen’s birthday, William Spicer, who was convicted of taking part in the riots at Burrangong, has been released from Berrima goal.

This act of clemency was the result of petitions from Mr Torpy.

New South Wales Volunteer Rifle Club Fire Works

Pursuant to advertisement, a meeting of the committee of the New South Wales Volunteer Rifle Club was held last night at the Volunteer Club House in Castlereagh Street, for the purpose of making arrangements for the approaching pyrotechnic display in the Inner Domain, the proceeds of which are to be devoted to the prize shooting. Extensive preparations have been made for this occasion by Mr. D Scott, whose well known ability in exhibitions of this kind is more than a sufficient guarantee for the superior character of the entertainment. His Excellency and Lady Young have, we understand, signified their intention of being present. All the necessary arrangements were completed by the committee yesterday evening, and it is confidently anticipated that a large number of persons will avail themselves of the opportunity of witnessing this pleasing spectacle, which is to come off on Monday evening, the Secretary reported last night that he had applied to Colonel Hamilton for the use of the Band of the XI1 Regiment, and that that officer had kindly granted the same. He also reported that he had applied to the Inspector
General of Police for the necessary number of police to be in attendance. (Sydney Morning Herald, 14th February 1863)

**Captain Saunders - 2nd Medical Board**

Lieutenant Colonel Hamilton was now preparing to court martial Captain Saunders and required the assurance of a second medical opinion. Major Sall reported -

A Board of Medical Officers was again held in January last [1863] at Melbourne, upon the state of Captain Saunders’ health. It consisted of myself as President, Staff Assistant Surgeon D. Littleton, and Assistant Surgeon Storey RA.

I personally examined Captain Saunders on that occasion as to his then state of health, the condition of his intellect and in pursuance of instructions from the Major General commanding, as to his fitness or unfitness for the Service.

My opinion was then established that he had perfectly recovered his general health and power of intellect, and with these views I recommended that he should return to his duty.

**Letter of Apology**

On the 19th January 1863, Captain Saunders wrote a letter of apology and handed it to Adjutant Richardson who advised Lieutenant Colonel Hamilton. Hamilton refused to accept the letter.

**Court Martial of Captain Saunders**

Refer to Volume 2 of this Book.

A General Court Martial for the trial of Captain Morley Caulfield Saunders, of Her Majesty’s 12th Regiment, upon charges preferred by Lieutenant Colonel Henry Mead Hamilton, of the same Regiment, assembled on Thursday, the 2nd of April 1863, at the Victoria Barracks, Paddington, Sydney NSW.

The Court consisted of the following Officers: Brevet Major Philip Dickson, Royal Artillery (President); Major Edward Hungerford Regar, Assistant Adjutant General; Captain Charles Neville Lovell, Royal Artillery; Captain Thomas Clove Hinde, 40th Regiment and Lieutenant C. H. M. Hallett, Royal Navy. Captain William Heywood, Major of Brigade 12th Regiment, acted as officiating Deputy Judge Advocate.

(Notes: Captain Heywood was on attachment from the 2/14th Regiment (PRO3726). Captain Lovell was a member of the first military detachment to Lambing Flat. The Deputy Judge Advocate read the General Order from Major General Pratt (CO Army HQ} for the convening of the court martial. The members of the Court were then sworn.

With respect to hearing the matter almost twelve months after the events, Lieutenant Colonel Hamilton advised the Court that -

since no action had been taken the months went on; scandal had got abroad……..

no apology was tendered me; and I came to the conclusion that the discipline of the Regiment apart from my own personal sentiments, which I repeat, were kind towards the prisoner, could not be effectively maintained by me if the prisoner continued in the Regiment. But I had referred the matter to the Major General and it was by his direction that the Court Martial was ordered.

The matter was prosecuted solely by Colonel Hamilton and defended by Captain Saunders who was assisted by Mr Bowden from the law firm Allen, Bowden and Allen.
It is understood that a General Court Martial has been held at the Victoria Barracks for the trial of Captain Saunders of the 12th Regiment, upon charges preferred against him by Lieutenant Colonel Hamilton -

First - for having, on the line of march from Lambing Flat to Sydney, New South Wales, whilst in command of a detachment consisting of the Royal Artillery and the 1st Battalion of the 12th Regiment, between the 31st day of July 1862 and the 13th day of August 1862, permitted the men of the said detachment to appear improperly dressed, and also to straggle;

Second - for falsely imputing improper conduct to Lieutenant Colonel Henry Mead Hamilton, 1st Battalion 12th Regiment as his Commanding Officer, on the following occasions namely -

first, in having stated, on or about the 2nd day of August 1862, New South Wales, that the Lieutenant Colonel had seduced Mrs Saunders, and that he (Captain Saunders) would have a shot at him in Sydney, or words to that effect;

second, for having, on or about the 5th day of August 1862, on the line of march from Lambing Flat to Sydney, stated to Sergeant Burt, of the 1st Battalion 12th Regiment of the detachment under his command that Lieutenant Colonel Mead Hamilton had taken improper liberties with Mrs Saunders, and that if Lieutenant Colonel Mead Hamilton challenged him he (Captain Saunders) would have a shot at him or words to that effect;

third, for having on or about the evening of the 13th day of August 1862, at Sydney stated to Lieutenant and Adjutant John Soame Richardson, of the 1st Battalion 12th Regiment, that Lieutenant Colonel Henry Mead Hamilton, 1st Battalion 12th Foot, had endeavored to force the door of Mrs Saunders’ room; and also that he (Captain Saunders) had come down perfectly prepared to shoot him, or words to that effect. He at the same time placing his hand on a revolver that he wore at his side;

Third - for having on or about the 2nd day of August 1862, whilst in command of a detachment, consisting of the Corps here-in-before mentioned, been drunk and created a disturbance in a public house at Binalong aforesaid; and also for having on or about the 3rd day of August 1862, when on the line of march from Lambing Flat to Sydney been drunk; again for having on or about the 13th day of August 1862 at Campbelltown, New South Wales, been drunk;

Fourth - for having on the line of march associated in an improper and familiar manner with the non-commissioned Officers and men of the detachment under his command; in having sat and taken meals with them on the following occasions, namely first at Shelly’s Flat on or about the 9th day of August 1862; second at Berrima on or about the 10th day of August 1862; and third, at Campbelltown on or about the 13th day of August 1862; and

Fifth - for having, at the Victoria Barracks, Sydney, on the night of the 13th of August 1862, when called upon by Lieutenant Colonel Henry Mead Hamilton, his commanding officer, to report the arrival of the detachment under his command, appeared before him in the ante room improperly dressed and behaved in a contemptuous and insulting manner to him as his Commanding Officer; in refusing to shake hands with him; in keeping his hat on his head and walking violently about the room muttering in an unintelligible manner; and for having afterwards refused to account for his extraordinary conduct.
The whole of such conduct enumerated in the foregoing charges being unbecoming the character of an Officer, and to prejudice good order and military discipline.

Comment on the General Court Martial of Captain Saunders

The following article was printed in the SMH 14th October 1863 (reprinted from the British United Services Gazette, 22nd August 1863) and was also reported in New Zealand’s Daily Southern Cross on the 29th October 1863 -

It appears that we are never to see the end in the British Service of those wretched mockeries of judicial procedure which are dignified by the names of Courts Martial, and which, besides inflicting glaring injustice and annoyance on individuals, expose us to the ridicule of thinking men all over the world.

In the general administration of justice, England stands supreme amongst the nations of the earth; her judges are beyond fear and beyond reproach, her advocates are remarkable not more for their professional skill than for their conscientious zeal on behalf of their clients, and her juries, although sometimes giving mistaken verdicts, form in the whole a Tribunal whose decisions public opinion very rarely appeals.

But all these advantages, of which we are so justly proud, disappear the moment the blind goddess takes her place on the military or naval judgement seat. It is then he opens one eye, with the object of looking with favour on everything that is advanced by the prosecutor, and hermetically seals up the other, lest it should by chance see anything in favour of the prisoner; then she finds herself deprived of the assistance of that impartial jury, which the civilian prisoner relies on as his palladium; then the skilled expositor of her rules is excluded, and a mere mockery of a trial is gone through, in which one does not know which most to admire, the ignorance displayed of the first rules of criminal procedure, the gross partiality of the decisions or the utter hopelessness of obtaining anything like fair play, when the subordinate soldier, whether in the commissioned or non commissioned rank, is placed at the bar at the instigation of his Commanding Officer.

In addition to these most serious evils, we have also the crowning one of the absurdity and puerility of nine-tenths of the charges, upon which both Officers and men are brought to trial, and which would merely be subjects for mirth were it not for the consciousness that these trumpery indictments too often bring ruin upon innocent and honourable men, and that even when successfully resisted, the brave heart is broken in the struggle, and the prosecutor has the malignant satisfaction of knowing that if he has not been able to convict, he has succeeded to his heart’s content in ruining his victim.

The latest Sydney papers brings us over a precious specimen of the administration of justice in the Army. The 1st Battalion of the 12th Regiment of the Line has been for a long period stationed in our great Australian colony, and up to a very recent period, appeared to be getting on in perfect harmony, as between Colonel and Officers, and between the latter and the men.

Some two or three years since, however, a new commanding officer joined on promotion from the 2nd Battalion, and ever since the hitherto happy Regiment has been in what is familiarly termed “hot water” and one Court Martial has already come off, replete with all the features which render that class of proceeding the nuisance and disgrace of the Army.

On the 16th March, in the present year, Lieutenant Colonel Hamilton, commanding the Battalion, and who is also senior commander in the Colony, brought one of his Captains, M. C. Saunders, to Court Martial on the following charges which, be it remembered had
reference to offences (such as they were) alleged to have been committed between May and August of the previous year, and which must therefore have been “in terrorem” over the head of the prisoner for at least eight months before they were made the subject of so-called judicial investigation.

First, for having, when on detachment duty, at some indefinite period between the said May and August, permitted the men of his detachment to appear improperly dressed and in detached parties on the march; secondly, having falsely accused his Commanding Officer of having debauched his (the prisoner’s) wife; thirdly, for threatening to “have a shot” at the said commanding officer for so doing; and fourthly and lastly, for rioting in a public house, and for associating at meals with the non-commissioned officers and men of his detachment, such conduct being inconsistent with the Queen’s regulations for the preservation of the proper discipline of the Regiment.

The first thing that must strike the reader upon perusing this string of accusations is its extraordinary incongruity. What in heaven’s name, has the charge respecting the Captain’s wife to do with the soldier’s toilets, with the disturbances at the public house or the too familiar dinner parties with non-commissioned officers and men on the line of march?

Who can avoid surmising that the “causa teterrima belli” is at the bottom of the whole affair, and that if Captain Saunders had been silent under his shortcomings in the dress department, or of dining at the same table with his men in places where, if he had not done so, he must have gone without dinner altogether? It is most painful to be obliged to drag the name of a lady into a discussion of this nature, but a perusal of the proceedings of the Court Martial leads inevitably to the conclusion that poor Captain Saunders, stung to madness by reports which had reached his ears respecting the conduct of his Commanding Officer towards his wife, had momentarily forgotten the courtesy and respect due to the former, and that because he had done so, the other charges were exhibited against him by one who would have exhibited more magnanimity in resting satisfied with the consciousness of his own innocence, and in making allowance for the irritation of his subordinate under circumstances which few men are able to meet with unruffled temper.

The investigation had not terminated at the departure of the mail, but quite enough had transpired to show at once the frivolity and groundlessness of most of the charges.

Captain Saunders was accused of permitting his men to appear improperly dressed whilst on the march, but his witnesses proved distinctly that on the occasions referred to the non-commissioned officers and men had been drenched by some of those torrents of rain to which the Colony is subject, and that he had merely, from motives of humanity, permitted his men to cover themselves how best they could, either as a change from their soaked uniforms - to preserve the latter from further saturation; and that such indulgence was not uncommon, as it certainly was not unreasonable, in Regiments on the march in Australia.

The next accusation was for brawling in a public house on the line of march, but nothing can be clearer than the evidence by which the prisoner proved that, so far from having created a disturbance, he had successfully interfered to prevent one, and that but for him certain soldiers of his detachment would have been roughly handled by a gang of ticket of leave men who were in the public house at the same time, and who, of course, bore no goodwill to the men who had been so often employed to keep the said convicts in order.
But, perhaps, most frivolous, and groundless of the whole list of charges was that of having taken his meals at the same table with his non commissioned officers and men. To this charge, the prisoner had simply to answer that the tavern accommodation on the line of march was of the most primitive and limited character, and that the Officer had no choice but either to monopolise the simple public house table to himself, or to take his plate in his hand and snatch a meal “al fresco” whilst the Sergeants and Privates were dining in comparative comfort inside.

We thus see how three fourths of the indictment against Captain Saunders were swept away, and that nothing was left but the irritation and its consequences, arising from his impression of his wife’s infidelity.

It is satisfactory to learn from his own admission that all his suspicious on that score were groundless and that Lieutenant Colonel Hamilton stands acquitted of any attempt at seducing the wife of one of his Officers; but it would have been well if the latter had rested satisfied with that exculpation, and not vindictively prosecuted an unhappy man who, under the impression that he had been wronged in the tenderest point, had in a moment of irritation merely exhibited a little too much warmth in his deportment.

There was in such a case every reason for forbearance and none for vindictive prosecution.

Unpleasant rumours had certainly reached the Captain’s ears, under the influence of which he had perhaps indulged a little vinous consolation and certainly had used language towards his Colonel which might have been avoided; but, on the other hand, he was proved to have been and to be, one of the best Officers in the Service, and never to have been brought into collision with his Regimental superiors until this unhappy occasion, when the “green eyed monster” had taken possession of his mind, and had caused that momentary forgetfulness which results in his being brought to Court Martial.

As looking at the decisions of most recent Courts Martial, there is every reason for believing that in spite of the completeness of the defence on all points but one, Captain Saunders will be found guilty and heavily sentenced, we would call the attention of the Tribunal before which the finding must come for revision to one or two points in connection with the Trial might otherwise escape notice.

First, we think that the circumstances surrounding the “debauching” accusation should be narrowly investigated, in order that it may be seen whether or not there were any feasible grounds for the suspicion that unhappily took possession of Captain Saunders’ mind.

That his suspicions were groundless, we have his own admission; but if at the time they were entertained there were feasible grounds for their existence then we have the key to this whole affair, the deportment towards the Commanding Officer is accounted for and all justification is taken from the latter for the subsequent prosecution.

Another point for inquiry will be whether it was true, as stated in the Court by the prisoner, that some of his witnesses, a Private was placed under arrest immediately after having given his evidence as here we should have if the statement were true, a repetition on a small scale of the proceedings which gives to the Court Martial so unenviable a notoriety and sufficient indication that unjustifiable means had been adopted for the suppression of the truth.

We believe we are not wrong in stating that the Trial has very much engaged public attention in Sydney and that the popular feeling has been exhibited on one or two occasions in a way which must have been but agreeable to Lieutenant Colonel Hamilton.
Court Martial of Captain Saunders

The Sydney Morning Herald of Friday, 29th ult. devotes thirty-seven columns to the report of this trial. The charges were preferred by Lieutenant Colonel Henry Mead Hamilton, and included five counts, comprising a breach of military discipline on the line of march; imputation to Colonel Hamilton of having seduced Mrs. Saunders, with threat to shoot him; drunkenness on duty; improper association with non-commissioned officers in defiance of etiquette, and insulting conduct to his Commanding Officer.

The Court is understood to have come to a finding; but, in accordance with strict military usage, its decision has not been publicly announced, and will not be made known until the whole proceedings have been transmitted to the proper authorities in England. Three testimonials, in the form of letters from brother Officers in Hobart Town, were handed in by Captain Saunders, and ordered by the court to be attached to the proceedings. The evidence discloses a state of disorganisation in military life that would disgrace a freebooter's camp.

There can be little doubt that the proofs of so unsoldierly, not to say ungentlemanly, conduct on the part of the accused are too strong to be met by any extenuating circumstances; the doctor's certificate was produced, to show that he had, on more than one occasion, suffered from delirium tremens. (from New South Wales. The Mercury 6th June 1863 and Argus 3rd June 1863)

Court Martial of Captain Saunders

Empire 3rd June 1863

To the Editor of the Empire. Sir, The revelations of the General Court Martial, recently held at the Victoria Barracks upon Captain Saunders of the 12th Regiment, form a fertile theme for the English newspapers when the details of the trial reach home and the last of them will not be heard for months afterwards.

What the effect of this Court Martial may be upon Horse Guards' propriety there is no foreseeing, but it will give the Duke of Cambridge a better idea as to the manner in which the Army Regulations are adhered to in the Antipodes than he would glean from all half-yearly confidential reports of the four and twenty years, and there is little doubt, that his Royal Highness will avail himself of it.

Without touching more than can be helped upon the merits of the charges preferred against Captain Saunders, which the gentlemen composing the Court have so ably and impartially investigated, notwithstanding all the difficulties thrown in their way, and whose decision whatever it may be, will scarcely fail to afford public satisfaction, we will review some of the facts elicited in the course of the investigation which bear upon the discipline of the 1st Battalion of Her Majesty's 12th Regiment of Infantry.

If the newspaper reports of the trial be correct, we are told that an armed party of that Regiment under command of an Officer, marched into barracks on the evening of the 13th August 1862; that the sound of drums and fifes announcing their approach was heard in the Mess room, where the Officers were at dinner but, notwithstanding that it was known to be the Lambing Flat Detachment, neither the Captain or Subaltern of the day, or the Adjutant proceeded to the parade ground to take the Detachment over from the Officer-in-Command and that, contrary to the usage of most regiments, if not of the service, it was dismissed without being so handed over and inspected by one or all of these Officers whose duty it was to report to the Colonel the state in which the party was found.

The one person sent to meet Captain Saunders was the Mess man, with an invitation from the Colonel for himself and his subalterns to "join them for dinner as they were." Saunders declined the invitation, but the others went; and if he had a special reason for so doing, it is but natural that he should have desired to pass the first hour of his arrival in the society of his wife and immediate
friends, whom he had not seen for months rather than with a stranger whom he had never seen at all.

The Colonel, without showing the consideration due to a gentleman under the circumstances, resolved to teach his subordinate that Colonels’ requests must be respected as commands; thus he metamorphosed his invitation into a command, which was promptly obeyed, and Saunders and his chief met in the ante room.

What the latter wanted with him there is not clearly shown. If to report himself, the Orderly room and the following morning were the proper place and time. The interview was alleged, however, to be official, but the evidence goes far to create the impression that it was intended to be friendly only so far as the Colonel was concerned inasmuch as no word was mentioned about the Detachment, nor was Saunders reproved, as he should have been, for being improperly dressed; but in the face of this breach of military discipline, which formed one of the subsequent charges brought against him, Colonel Hamilton tenders his hand and hearty welcome, both which the Captain declined, as every honourable man would have done with the miserable impressions that he was then writhing under.

One is at a loss to conceive how one officer’s refusal to shake hands with another can be construed into a breach of military discipline. If this be a crime, is there any clause in the Mutiny Act to punish it? Is there anything about it in the "Queen's Regulations?" Or does shaking hands form part of the "field evolutions of the Army?"

Beyond a determination not to shake hands with his Colonel, and a refusal to apologise for it, we can see nothing reprehensible in a military point of view in Captain Saunders' conduct. It did not lower his commanding officer in the eyes of his juniors, for none were present at the time of the alleged offence; and Captain Saunders would doubtless have made a suitable and ample apology when he discovered the hallucination under which he laboured respecting his wife and the Colonel.

Should we have heard anything of charges one, two, three, and four, if number five (the charge of disrespect) had not existed? Let this be an open question for the present, and let us take a glance at Colonel Hamilton's address and sworn testimony.

He disavowed, at the outset all feelings of a personal nature against the prisoner, and asserted that, in the course he pursued, he was actuated solely for the good of the public service, or words to the same effect. How far his conduct throughout the trial was in keeping with his professions we shall presently see.

His course in such case would have been simply to prefer the charges, and leave the witnesses upon whose information they were founded to prove them. He knew nothing of the facts of any but the last; his personal charge to which only he should have spoken.

It was the province of the Court and the Deputy Judge Advocate to examine the witnesses, and conduct the proceedings impartially and according to law; but so far from confining himself to this dignified line of conduct, we find Colonel Hamilton pressing for a conviction upon every count with the vehemence of an Old Bailey barrister, whose fee depended upon his getting a verdict; and if not exactly tampering with the witnesses, attempting to lecture his Adjutant as to the propriety of answering this or that question, even put by the Court.

We find him, moreover, intimidating witnesses, because their testimony was not what he expected it to be; and there is one instance, at least, of his carrying his tyranny so far as to confine in the Guard house a man for refusing to substantiate upon oath before the Court, an unaffirmed statement which he had previously made in the Orderly Room, under the impression, probably, that it would please his superiors.
This man has been a prisoner since the 14th of April last, and the Adjutant coolly tells the Court that he does not consider it a punishment. A heavenly time of it the soldiers of the 12th must have, if lying in a cell off the Guard Room, upon bare boards for six consecutive weeks, is no punishment. How does it happen that this man has not been tried or released before now?

Were there not sufficient Officers in the garrison to try him? Surely, a Captain and four subalterns could have been found, seeing that there was not an Officer of the 12th on the then sitting Court.

Not content, however, to confine his domineering to those immediately subject to him, he must needs attempt it with the Court, upon which he presumed, no doubt, from the fact that two Officers composing it was an equal rank with himself.

If individually subordinate however, the gentlemen constituting the Court soon taught him that they were collectively superior, and it is only to be regretted that, instead of disposing of his repeated interruptions with mild rebukes, they did not make him see the full extent of their power.

We are bound to believe that Colonel Hamilton is a strict disciplinarian; but it certainly requires some explanation how he permitted an Officer, under arrest for being drunk on the line of march, to obtain leave of absence to proceed to another Colony, while that charge was hanging over his head; or how it was he expressed his willingness to compromise, subject to certain conditions, an offence in an Officer which he had no power to overlook in a soldier; and why it was that nearly eight months were allowed to elapse before the investigation of that charge. Colonel Hamilton appears, by the evidence, to have been more anxious to avoid bringing this Officer to trial, although charged with a serious military offence.

He would have been glad, it also appears, if Saunders could have effected an exchange. The act of drunkenness, seemingly, would not have disqualified him for serving in any other Regiment; but, coupled with his refusal to shake hands, it disqualified him for serving under him - highly flattering to the Army in general, and to the Officers of the Court in particular, who will, no doubt, make known to their respective corps, upon rejoining, the opinion the "Prosecutor" relatively entertains of himself and them.

But of all the novelties disclosed in the course of this trial, the choicest is the two species of arrest which obtains in the 12th Regiment, namely, the "private arrest," and the "official arrest."

This new and mild idea, if it attracts the attention of the Royal Duke, will probably be incorporated in the next issue of the Queen's Regulations, and "Drunkenness on duty under arms," or on the "Line of march," it is expected, may be punished or hushed up at the discretion of commanding officers, although no such latitude is at present allowed them.

The Sergeant Major also tells us that several of the Detachment were under the influence of liquor when marched into barracks; these were, it is presumed, immediately confined and in due course tried. Yet, strange to say, such unusual occurrences should have escaped the vigilance of the Press as it is impossible to believe that gross breaches of discipline of this character were not duly punished.

We are also presented in this inquiry with a new mode of "route marching" in which, when an Officer absents himself from his party, the rest go in search of him, while the party proceeds on its march in charge of itself. No more absurd or untenable excuse was probably ever offered by an Officer for abandoning his post, than that given to the Court by Lieutenant Morris, namely, to look for his Captain, or report his absence by telegram to Sydney.
Could not he and his men have prosecuted their march without the Captain, and if the report of his absence were necessary before reaching Headquarters, could it not have been made from the next telegraphic station he came to, instead of retracing his steps to Yass for that purpose and taking the only other officer of the detachment with him?

We fear that the genius who coined this excuse would make but a sorry General. He has shown us, however, that he possesses talent in another way, being an adept in getting up evidence; and were it not for a certain little episode, which happened about eighteen months ago, in which he figured, we should come to the conclusion that he possessed peculiar qualifications for a Police officer in all his phases - not, however, while Gardiner continues on the road.

What were Messrs. Morris and Duncan doing during the time the straggling irregularities alluded to in their evidence occurred?

Were they not each in command of a subdivision of the Detachment, and was it not their duty to be to the good order of those immediately under their charge? If so, why did they fail to make their men close up as far as was practicable on so bad a road?

In thus singling out certain facts revealed during this trial, let it not be considered that any defence of Captain Saunders is sought to be set up; far from it. Much has been disclosed respecting him which one cannot help condemning. The too free use of his wife's name before strangers, too, was unpardonable. But a state of things has come to light which is certainly not creditable to the service, or calculated to raise it in the estimation of civilians; and most painful to those who once belonged to it, and who still feel a deep interest in all that pertains to its wellbeing.

It is gratifying, however, to know that transactions such as those alluded to are of rare occurrence in the array; and it is sincerely to be hoped that the manner in which this business will be finally disposed of by the authorities, will have the effect of crushing, forever, a state of things so prejudicial to the discipline and honour of the British army.

An Old Soldier. June 1

The Court Martial on Captain Saunders

The Sydney correspondent of the Nelson Examiner (May 9) refers thus to the long-pending Court Martial on Captain Saunders. The letter is dated April 25: “Talking about litigation, a Court Martial is sitting at present, and has been for some time, on a charge preferred by Colonel Hamilton, commanding officer, against Captain Saunders, of the 12th Regiment, stationed here. A lady is somewhat concerned in the quarrel, as is often the case. Captain Saunders was in charge of the detachment at Burrangong during the Chinese riots, some eighteen months back. While there he received a letter from his wife, complaining of the Colonel's treatment of her - conduct which she in a proper way resented. She told her husband that the Colonel, meeting her one day soon after, said, 'Mrs. Saunders, if you don't behave yourself, I'll keep your husband up at Burrangong.'”

On the receipt of this letter from his wife, the Captain at once asks leave of absence. No notice was taken of his application, and after waiting a reasonable time he left his post and came to Sydney. Colonel Hamilton met him on parade with a smile, and offered his hand; but the Captain, indignant and offended, refused to shake hands; and then, after a long lapse, the Colonel prefers a number of petty, frivolous charges and demands a Court Martial.

The question, of course, arises, why did not the Colonel order his arrest, on his return without leave, instead of meeting him with a smile, and tendering his hand? The reply is Colonel Hamilton had good reasons for wishing to conciliate. Reporters from both papers are present at the trial, but nothing is allowed to be published until the case is closed. It transpires, however, that
the Colonel feels he has put his foot in it, and would be glad to get out again. He will illustrate the old saying, 'He that diggeth a pit shall fall therein.' The officers of the Court treat him with great coolness as the trial proceeds, and refuse to associate with him.' (South Australian Register, 11th June 1863)

**Conclusion of Court Martial of Captain Saunders**

The Court Martial on Captain Saunders, of the XI1 Regiment, terminated. The investigation extended over forty days, and the proceedings were forwarded to the military authorities in England for decision. (Sydney Morning Herald, 31st December 1863)

**Inspection of the Troops in Garrison**

During April and May 1863, Lieutenant Colonel Hamilton was prosecuting the general court martial of Captain Saunders, a court martial that was supported by Brigadier General Chute, Australasian Command. During these thirty-four days, General Chute visited Sydney on several occasions and met with Hamilton.

The following newspaper article describes an inspection of the 1st Battalion by Brigadier General Chute, the language of the article is unusual in that the General had reason to inspect the Regiment in “very minute” detail (was the Regiment again ready to serve in war or was the new CO sweeping the house clean?) The SMH reported on Saturday 26th June 1863 -

the troops at present in garrison at the Victoria Barracks, being the 1st Battalion of the 12th Regiment, were inspected by Brigadier General Chute, who arrived in Sydney on Thursday last by the [ship] City of Melbourne from Victoria. The inspection commenced with the internal arrangements of the Barracks, and the morning was occupied in visiting the rooms, the hospital, the provost, guardroom, and other portions of the buildings. The “kits” or knapsacks, were also inspected, and the officers’ books and the records of the Orderly room underwent a strict examination.

At one o’clock the Brigadier General visited the troops while at dinner. The Regiment paraded in complete marching order at two p.m., and after the usual parade, evolutions of saluting, and marching round in slow and quick time, a Captain from each company successively put the men through Battalion movements.

Colonel Hamilton then exercised the troops in light infantry drill, after which they were drawn up in column right in front, and inspected by companies at open order, and were finally dismissed shortly before five o’clock. The inspection, we are informed was very minute, all the details in the internal economy of the Regiment being fully gone into.

So far as the inspection has proceeded, the Brigadier General expressed his satisfaction at the order and discipline which presented themselves throughout the various departments of the Garrison. The inspection is to be continued today, when the Officers and non-commissioned Officers will go through sword drill, and the rank and file the bayonet exercise. The artillery are to be inspected early next week.

**The Regimental Band**

The SMH reported on Tuesday 2nd June 1863 – Victoria Barracks -

The weather being now such as to admit the band of the 12th Regiment marching to and from the Barracks, it will perform in the Outer Domain at three o’clock every Tuesday afternoon.

On Tuesday 30th June 1863, the SMH advised that -


And again on Tuesday 4th August 1863, the SMH advised that -

Outer Domain - the band of the 12th Regiment will perform the following selection of music (weather permitting) at three o’clock pm. Conductor, H Prince. Programme - Overture, Massad Auber; selection “Don Giovani”, Mozart, “Kathleen Mauroween”, M’Albert; selection “Diavolo”, Auber; galop “the Night Bell”; selection “Lucia de Lammamore”, Donizetti; quadrille “The Danish”, Godfrey; “God save the Queen”.

Presentation to Band Master D. Callen

The members of the Volunteer Band gave their director, Mr. D. Callen, late band master of the XI1 Regiment, a complimentary concert in the Masonic Hall on Monday evening last, which went off with great eclat. On this occasion an address, accompanied by a handsome and beautifully ornamented silver baton, was presented to Mr. Callen by Captain Harbottle, on behalf of the band. Arrangements were made on the same evening for a grand display of fireworks in the Inner Domain, in connection with the Volunteer Rifle Club, and by the permission of His Excellency Sir John Young; but the wet weather necessitated a postponement of the display.

(Sydney Morning Herald, 19th February 1863)

Performance of the Opera - The Hugenots

The production of this Opera will mark an event of no common order in the musical progress of this country. The gifted author, Giscomo Meyer Beer, is a composer of the first rank, and it has been his good fortune to possess throughout his life ample pecuniary means - consequently he has never been reduced to the necessity of composing for a living but could devote ample time to mature the many great works he has produced, of which the Huguenots, is perhaps the finest of his lyric effort!

The libretto of this great opera, by Eugene Scribe, illustrates an episode in the Barhol mew massacre - a subject it will at once be seen of the greatest scope, and one which could only be treated of musically, with the slightest chance of success, by a man of the very highest ability. The great struggle in France at that period between opposite religious sections, culminating in the act by which Catherine de Medicis eclipsed all the former acts of her Machiavel-like subtlety of policy, furnishes events which Meyer Beer has worked into a style partaking much of the nature of an oratorio while preserving all the great dramatic features, and therefore requiring for its proper presentation more principal artistes and a larger chorus than is necessary for the general run of operas.

This very essential point has not been overlooked by Mr Lystor who has increased his corps musicale to double its ordinary strength.

The orchestra will number one third more than at present. The band of the XI1 Regiment is also engaged for the stage, and the chorus has been increased to forty.
All the principal artistes of the company are cast in this, the only work in which they appear together. That it will be a great success there can be little doubt but success can only be achieved by great outlay, and it is therefore only fair to expect that an increase on the price of admission would be made, in order to enable the management to provide the essentials for a complete representation of the Huguenots. (Sydney Morning Herald, 6th August 1863)

**Queen Victoria’s Birthday**

The Brisbane Courier reported on the 26th May 1863 –

The detachment of the 12th Regiment at present quartered in Brisbane, gave a ball in honor of her Majesty’s birthday last night, the management of which was entrusted to Sergeant Hawkes.

About one hundred couples attended in the armoury and amongst the visitors were his Excellency’s aide-de-camp, Captain H.D. Pitt, Captain Drury of the Volunteer Rifles and Ensign Brittain.

The room was neatly and pleasantly decorated with evergreens and flowers, while flags of all nations were tastefully arranged round the walls. A star, composed of sabers and rifle barrels, distinguished the north end, and a similar military ornament the south. A well provided supper was laid in the long hall. The [ship] *Clarence* being unfortunately detained at the bar early in the evening, many visitors were prevented from attending, but as it was, there was a very good attendance. Dancing was kept up to the music of the Volunteer band until a late hour this morning.

The SMH reported in Sydney on Friday 5th June 1863 -

The Birthday Ball - the Ball annually given by his Excellency the Governor in honour of her Majesty’s Birthday came off last night, at Government House. Nearly fifteen hundred invitations had been issued, and, in spite of the impropitious weather, about eight hundred ladies and gentlemen partook of the vice-regal hospitalities. Amongst the guests were the Judges of the Supreme Court, the Attorney General, the Colonial Treasurer, Colonel Hamilton and the officers of the Twelfth Regiment, Captain Jenkins and the officers of *HMS Miranda*, Commander Van Rees and the officers of the Dutch corvette *D’Jambi*, the Consular corps, several members of both Houses of Parliament, the principal officers of Government, and other gentlemen occupying prominent and influential positions in the community. The company began to assemble at nine o’clock and after the ceremony of presentation to Lady Young had been gone through, dancing commenced and was kept up with great spirit till between two and three o’clock.

At twelve the first party passed through to the supper room; the supper was a very sumptuous one, the style in which it was got up reflecting great credit on M. Guerin. The tables were supplied with every obtainable delicacy, and laid with admirable taste, the artistic skill displayed in the elaborate and beautiful ornaments eliciting central admiration. After the usual loyal toasts had been drunk, Sir Alfred Stephen proposed the health of the Governor. His Excellency, in responding, remarked that that was the third Birthday Ball that had been since his arrival in the Colony, but that, from various causes, neither of them had been given on her Majesty’s Birthday; and after some appropriate allusions to recent events in the history of the Royal Family, and to her Majesty’s private and public virtues, concluded by proposing “Success to the Colony of New South Wales”. After drinking which toast the company retired from the supper table.
The ball was in every respect as brilliant as any of the previous birthday celebrations, the arrangements for the entertainment of the guests’ satisfaction, and conducing to the thorough enjoyment of all who took part in the festivities.

And the SMH reported on Saturday 20th June 1863 -

The Birthday of Her Majesty was kept up on Tuesday, the 26th May, with much spirit throughout the Colony. In Sydney, the day was observed as a public holiday. The most important features of the celebration were a review of Her Majesty’s troops and the Volunteers in the morning and a levee at Government House in the afternoon.

The military assembled in the Outer Domain at about eleven o’clock, and the review commenced at half-past eleven, and lasted for about an hour. At one o’clock, the 12th Regiment, with the Volunteers, had lunch in the Inner Domain. His Excellency’s levee was held at two o’clock in the afternoon. In the evening, the officers and members of the Sydney University dined together at the University in the great hall. The theatres were crowded.

Celebrations for the Prince of Wales’ Marriage to Princess Alexandria of Denmark

The masses of people, that had already closed in the line of procession, and almost prevented the progress of the children in their march past his Excellency, now had to be moved, in order to make room for the military evolutions. The Inspecting Field Officer Colonel Hamilton, directed that the flank, no matter in what direction, should be kept clear, and he would then be satisfied. The police did all they could to secure this, but without effect, for the crowd was so dense, so passive, and so thoroughly good humoured and laughing, that the police had not the heart to be rough, and had no excuse for getting out of temper and so forcing the people back. The result was that the whole of the military evolutions were closely overlooked by the people, who massed themselves as closely as they possibly could do to the line of military and volunteers that had been formed when the procession first began, and which had stood patient and immovable through the telling rain and cutting wind, awaiting the word to move.

The military, to the number of about 200, and nearly 800 volunteers, assembled in the Domain at half-past 11 o’clock yesterday, and, notwithstanding the wet both above and below, went through the evolutions of an attack, which lasted nearly two hours. The ground on which the maneuvers were performed was very circumscribed, owing to the number of spectators, but they were performed very well, considering the very bad state of the weather. The Battalions were alternately thrown out in skirmishing order, and a sharp fire was kept up; then the whole line advanced, and finally retired; and having formed at company distance, marched past the platform erected for his Excellency in slow time, and in close column in quick time. The Volunteers, after their parade, were literally covered with mud, and many of them wet through. The Naval Brigade, which mustered two companies of forty men each, was a very important addition to the other portions of the Volunteer corps. (The SMH 12th June 1863)

Marching in Brisbane

The detachment of the 12th Regiment now garrisoned in Brisbane turned out yesterday for a “constitutional”, and the novel sight was witnessed in our streets of soldiers in full marching equipment. Four and twenty rank and file, with Sergeant Hawkes, under command of Ensign Brittain, proceeded to Breakfast Creek, where they drilled for a few hours and returned to barracks in time for dinner. (The Brisbane Courier 24th June 1863)
**Friends amongst Deserters**

When employed as a warder in Parramatta Goal in July 1863, Mr James Birch (Private retired 1861), wrote a letter protesting about the treatment by the visiting magistrate towards all of the warders.

Amongst the signatories to the letter were William Colvin and John Hill. A fellow Irishman, Colvin had deserted from the 12th Regiment at Ballarat on the 17th January 1855, five days after John Birch (alias Hill and James’ brother). Details supplied by descendant, Bill Birch, from the letter held by the State Records Office, Kingswood, NSW).

**Private Carson and Private Mullen**

Two men were apprehended on suspicion of being deserters from the X11 Regiment, and who gave their names to the Police as Jeremy Diddler and William McMahon, were remanded to the military authorities. They were identified as Carson and Mullen, Privates of the X11, who surreptitiously left the Barracks in the course of the night. (Central Police Court, Sydney Morning Herald, 31st July 1863)

Note: Mullen may have been Private Thomas Mullins.

**3rd New Zealand Land War (1863 - 1864) Waikato**

War broke out again when the Maori of the Waikato area rebelled. In order to prevent further alienation of their land, the Waikato Maori attempted to secede from New Zealand. They appointed a king and pledged allegiance to him. The SMH reported on Saturday 27th June 1863 -

> it was rumored yesterday that 100 rank and file of the 12th Regiment, with the requisite complement of Officers, were to proceed to New Zealand by the earliest opportunity. No official intimation of the matter has yet been made but we believe the troops are to hold themselves in readiness, and probably the date of their departure would transpire today.

The SMH reported on Saturday 15th August 1863 under the dramatic headlines of -

**War in New Zealand**

**Fighting in Waikato. More butcheries by the Maori.**

The storm which has been brewing has come at last. We are face to face with the great native difficulty now in the legitimate form of war.

**Return of Lieutenant Colonel Kempt and appointment as CO NSW Volunteers**

With the imminent departure of the Battalion and its CO to New Zealand, Lieutenant Colonel Kempt departed Hobart on the 16th July and arrived in Sydney on the 29th July on the ship *City of Melbourne*, as OIC of the remaining detachments in Australia and CO of the NSW Volunteers.

The numerous friends of Colonel Kempt will be glad to hear that he has returned to Sydney. He arrived by the steamer *City of Melbourne*, on Wednesday afternoon. Colonel Kempt’s uniform urbanity and courtesy to all classes, civil and military, gentle and simple, while previously resident in Sydney in command of the 12th Regiment, will be remembered by all who had an opportunity of knowing him; and his return to resume his old duties will be hailed with pleasure by the whole community. (The Brisbane Courier, 4th August 1863)

SMH 21st September 1863 Volunteer Intelligence –

> The Commanding Officer’s parade for the last month took place on the 12th ultimo when about 700 men, composed of the Sydney and suburban battalion, and the two batteries of artillery, were marched about four miles out of town and had a sham fight – the Sydney
Battalion and one of the batteries of Artillery forming the attacking force while the enemy was composed of a detachment of the 12th Regiment with the suburban battalion and the other battery of artillery. The revolutions, which were considered to be performed in a very satisfactory manner, occupied several hours and it was not till considerably after dark that the men returned to town.

As Colonel Hamilton (Commanding Officer of the Volunteers) with Headquarters of the 12th Regiment, is about to sail to New Zealand, it is understood that Colonel Kempt who is recently returned to Sydney from Tasmania will again take command of the Volunteers.

It is satisfactory to be able to state that the Volunteer force is being steadily increased. The course of musketry instruction for the present year indicates a considerable improvement on the shooting of last year’s course. The two batteries of artillery went through the course with their carbines and did not shoot beyond 200 yards and therefore their shooting cannot be compared with the rifles.

**NSW Volunteer Rifles’ Farewell to Lieutenant Colonel Hamilton**

SMH 19th September 1863 on the eve of Lieutenant Colonel Hamilton’s departure from the Colony he has been pleased to express his kindly feelings towards the Volunteers of New South Wales in the following farewell address, which we have much pleasure in publishing.

Brigade Office, September 18th, 1863

Colonel Hamilton’s services being called for action in the field in New Zealand, on account of the war, he cannot leave the Colony without expressing to the Volunteers of New South Wales Officers, non-commissioned Officers and men, the deep sense he entertains of the attention paid to their drill, and the time they have given up to it and to the rifle practice and feels satisfied, from the state of efficiency in which he leaves them, that the time so occupied has been of the greatest advantage to the efficiency of the Corps.

Colonel Hamilton trusts that by continued attention to duty and undivided regard for discipline which is so essential for the well being of all armed bodies, (but which from the constitution of the Volunteer force is not fully appreciated or understood by many of them) that they will retain their character they now hold and which if fully persevered in by Officers, non-commissioned Officers and men, will insure the Volunteers of New South Wales being second to none whose voluntary services have been placed at the disposal of Her Majesty.

Colonel Hamilton trusts that if he has at any time appeared to be either severe or harsh, the true motive (viz, the ultimate benefit of the Corps) may be attributed to the course he has considered it his duty to pursue, since he has had the honour to be Inspecting Field Officer of the Volunteer Force, in New South Wales, and he also feels positive, that if the several occupations of the Volunteers admitted, and he was enabled to have had them more constantly at drill, they would have learned the advantage of more constant practice and more fully appreciated strict discipline.

Colonel Hamilton will be happy, should any of the Volunteers feel disposed to accompany him to New Zealand, to attach them to his Regiment, and will be proud to command them, and feels sure that they would be a great acquisition.

Colonel Hamilton leaves them with regret, and will ever feel a deep interest in their advancement, and now wishing them every prosperity bids them farewell - regretting that
his notice to leave for New Zealand is so short as to prevent the possibility of his having a farewell parade.

Colonel Hamilton warmly thanks Captain Laver and Captain Shepherd for the ready assistance and co-operation which they have always so effectively afforded him.

**NSW Volunteer Rifles – Testimonial to Captain Robert Laver**

*SMH 21st September 1863 -*

yesterday afternoon at half past four o’clock, a number of the Officers, non-commissioned Officers, and other members of the Volunteer Rifle Corps, assembled in the Armoury at the Volunteer Brigade Office, Hyde Park, for the purpose of presenting a testimonial and farewell address to Captain Robert Laver, Brigade Adjutant and Assistant Inspector of the Volunteer Rifles of New South Wales. Amongst the officers and gentlemen present, was observed Captains Still, Raymond, Eastwood, Garrett and Jacques; Lieutenant and Adjutant Baynes, Lieutenants Teale and Way, Dr Bowman, Dr Ward and others. Captain Laver having been introduced to the gentlemen present.

Captain Still, in the name and on behalf of the Volunteers, addressing Captain Laver said - having heard with very great regret that in consequence of the departure of the 12th Regiment for New Zealand, they were on the point of losing his valuable services as Assistant Inspecting Field Officer they felt that they could not permit him to depart without presenting him with some testimonial of their esteem and respect, together with an address expressive of their high sense of what he had done for the Corps.

He was going at the call of duty to take his place with Her Majesty’s troops in the war in New Zealand; and they parted from him with very sincere regret, perfectly certain that as an Officer and as a soldier, he would prove himself to be all that they had ever found him to be.

He (Captain Still) would read the address, prepared and signed by the Officers and other members of that Corps, which owed so much to his constant care and unwearied attention believing that it would be more expressive of high regard which they all entertained for him than anything that he could possibly say. Captain Still then proceeded to read the address which was as follows -

**To Captain Laver, Brigade Adjutant and Assistant Inspector of Volunteer Rifles New South Wales**

We, the undersigned Officers and members of the various Volunteer Rifle Corps of New South Wales, hearing of your projected departure for New Zealand, and your withdrawal from the offices severally of Brigade Adjutant and Assistant Inspector of the highly satisfactory manner in which you have discharged the functions attached to those offices, and the great benefits that have accrued from the zeal, knowledge and practical ability which you have brought to bear upon the various duties committed to your charge.

On your first taking office the Volunteer movement was in a very crude and unformed condition, but by your able assistance – although often impeded by matters of a perplexing nature – it has assumed a defined and firmly established character, notwithstanding your necessary Regimental duties demanding much of your time and exertions.

When you are gone forth at the call of duty – one to which we feel assured you will ever cheerfully respond – tidings of your welfare will always be gladly received by us and we assure you it will ever give us great pleasure to associate in our memory the period of your tenure of office and connection with the Volunteers of the Colony.
We beg your acceptance of the accompanying testimonial, to mark slightly, yet perhaps more substantially our esteem and regard for you both in your public and private life. With every good wish for yourself and family and an earnest hope that the Almighty may bless and guide your future labours. We remain etc etc. (here follow signatures)

Captain Laver, having received the address from Captain Still, returned the following -

To the Officers and members of the Volunteers of New South Wales

Gentlemen – during three years as Adjutant, Brigade Adjutant and Assistant Inspector of the Volunteers of New South Wales, I have endeavoured faithfully and impartially to discharge the duties of my office, during such period I have received the hearty and zealous co-operation of every Officer and member of the force.

Their cheerful obedience to my orders and instructions, under all (and often very trying) circumstances have been the best possible proofs that humble efforts to make them efficient soldiers have been duly appreciated. The expression of kind feelings and sympathies called forth by my departure to the seat of war in New Zealand, confirms me in this opinion.

I accept therefore, these tokens of your goodwill with much pleasure and shall associate them with the past as happy remembrances of New South Wales and her noble voluntary defenders.

My labours to bring the Volunteers to their present state of organisation would have been futile but for the good sense of the members in so readily adapting themselves to the desired changes.

Its advanced state of discipline is very gratifying to me and I have observed with great satisfaction the quick perception of the Officers in taking advantage of defensive positions and of the men in selecting cover. I hope the frequent opportunities for individual practice on this important branch of military instruction may be afforded.

I have and ever shall take a deep interest in the Volunteers of New South Wales and shall be happy to hear of their welfare and success should the time come (which I hope is far distant) when their services may be regarded on the defence of their homes; I am quite sure that every man will freely respond to the call. And bring into practice the lessons that, in mimic warfare, I have tried to inculcate.

I cannot speak hopefully of returning to Sydney but the many acts of kindness received from the Volunteers and inhabitants of this city will be gratefully remembered. Accept gentlemen my warmest thanks for these marks of your esteem and also for your kind wishes for myself and family.

Robert Laver, Captain Volunteer Brigade Adjutant and Assistant Inspector
Sydney 21st September 1863

The reply of Captain Laver was received with hearty demonstrations of applause and was followed by loud cheers for Captain Laver and Captain Laver's lady and family.

At the close of the proceedings most of the gentlemen present crowded round the gallant Officer and bade him farewell. The testimonial understood to be a handsome piece of plate was not actually presented but will we suppose be ready before the departure of Captain Laver.

The Laver Testimonial SMH 23rd September 1863 –
we are informed that owing to the short notice of Captain Laver’s departure for New Zealand, there was not sufficient time to collect subscriptions to enable the committee to purchase a suitable piece of plate for presentation. It has been considered advisable to keep the lists open for a fortnight to allow all volunteers, including the various country corps, who wish to show their esteem for the gentleman who for a period of three years occupied with so much zeal the positions of Assistant Inspector and Brigade Adjutant. Communications have been forwarded by Lieutenant Teale, the treasurer, to the Officers of the country companies and there is no doubt hearty responses will be returned.

SMH 7th November 1863 reported –

the Laver Testimonial consisting of a silver teapot, cream jug, sugar basin and salver is now ready for presentation to Captain R.W. Laver, lately Brigade Adjutant of the New South Wales Volunteers.

Laver returned to England with the Regiment in 1867. Ten years later he settled in New Zealand with his wife and two sons.

**Departure of the ship *Claud Hamilton* for New Zealand**

SMH 20th August 1863 – fifty-three soldiers of the 12th Regiment departed from Sydney for New Zealand on the ship *Claud Hamilton*.

**Second tour of duty and arrival of the ship *HMSS Curacoa* from England**

Captain Vereker who arrived in 1854, returned to England in 1859 where he commanded the Depot at Walmer. Captain Vereker with sixty-four soldiers from the Depot embarked on the 15th May on *HMSS Curacoa* from Portsmouth and arrived in Sydney on the 13th September. (PRO3726 pages 81 and 156). Vereker left a son behind as Ensign in the Depot.

This was Captain Vereker’s second tour of duty in Australia as well as for ten soldiers from the Depot, including Private (3069) William Lumber who had been stationed at Ballarat during Eureka in 1854. He returned to England from Perth in 1862 and may have re-enlisted.

**Ammunition**

On the 17th August the SMH reported that the Colonial Storekeeper will supply arms to New Zealand - one thousand stands of rifles and 200 breach loading rifles.

SMH 22nd September 1863 - the following quantities of ammunition were shipped on board the New Zealand gunboat yesterday viz. – 60 cases shot and shell, 600 cartridges for the 21 pounders, 100 tubes, 10,000 Terry’s rifle cartridges, 12,000 caps, 18,000 revolver cartridges and about 100 loose shot.

**Departure of Troops from Hobart for New Zealand**

Hobart Mercury 13th August 1863 - the barque, *Isabella* was cleared out on the 13th August for Auckland New Zealand with troops namely Major Eagar, Captains Cole and Hinds, Lieutenants Featherstonehaugh and Morgan, Ensign Cooper, Assistant Surgeon Scott and 110 rank and file of HM 12th and 40th Regiments. The Mercury continued -

The military garrison of Tasmania with the almost insignificant exception of one commissioned officer, Captain Sillery, and some 30 non-commissioned officers and rank and file, takes its departure from our shores today by the barque *Isabella* for Auckland en route to the immediate seat of war in New Zealand.

The force about to proceed upon this service consists as already stated of six commissioned officers and 110 non-commissioned officers and rank and file, the whole being under the immediate command of Major Eagar [40th Regiment].
The troops will leave the barracks at 3pm, commence their embarkation at 3.30pm, and the Isabella will leave the wharf at 4pm precisely. It has been arranged that the band of the Second Rifles shall enliven the parting scene by the performance of a selection of appropriate music, and we trust that as many members of the various volunteer corps as can possibly put in an appearance will be present in uniform on the occasion.

True to the instincts of loyalty which they have never failed to display when circumstances demanded their manifestation, the citizens of Hobart Town, of whom we expect to see a large muster, will witness the embarkation of the brave men who are about taking leave of us with a cheerful acquiescence in the practical response thus about being made to the call of honor and duty by this small but valuable body of their military defenders; but at the same time, they cannot view without a tinge of regret the severance of those friendly relations which have so long subsisted between them and those with whom they have for so considerable a time lived upon terms of more or less intimacy and friendship.

The loss of a garrison whose services the Colony can ill afford to dispense with, will be borne contentedly in consideration that it is only withdrawn to promote the interests and honor of the Queen. But in our social circles, both humble and exalted, many a vacant place will be left by the departure of a body of men whose conduct during their prolonged stay amongst us has been marked by urbanity on the part of those who occupy the higher grades of rank, and by propriety and friendliness amongst those who fill the humblest stations.

Port Arthur - In answer to a question by Mr Perkins in the Assembly last evening, the Attorney General stated that twelve Constables had been sent to Port Arthur, to supply the place of the military now temporarily withdrawn, and that more would be sent if, on consultation with the Comptroller General, that should be thought necessary.

The cost of the Constables so sent will be a charge on the Imperial Government, and any expenditure arising out of prosecutions in consequence of the change will be dealt with in the usual way. Nothing was said on this occasion of the enlargement of the powers of the Constables so employed, for which, we before intimated, that a bill was to be brought in.

But as the twelve Constables, or any larger number that may be sent, are to supply the place of forty soldiers, we trust, that that will not be lost sight of. We merely hint at this, however, being well aware that it is a matter that may be very safely left to the Executive.

After arrival in New Zealand, Corporal (3218) John Dore, who had been at Ballarat during Eureka, was demoted to Private. He took discharge in New Zealand on the 11th March 1866.

Departure of Troops from Brisbane for New Zealand

On the 1st and 5th September 1863, the Courier reported a communication received from Sydney to hold the Brisbane detachment of the 12th Regiment in readiness to proceed to New Zealand at short notice. However, of the thirty four soldiers in garrison, only one officer and ten rank and file left for New Zealand. They included -

- Ensign Arthur Henry Brittain
- Sergeant William Carroll
- Private Patrick Cahill
- Private Alexander Crawford
The Courier reported on the 8th September 1863 that -

“in a few days we shall witness the departure from our shores of a portion of the small military force which the Imperial Government, in its wisdom, has hereto considered necessary for our protection…”

These troops departed together with Brisbane’s forty-five military settler volunteers, of whom most were German immigrants, on the 10th September 1863.

The volunteers were mustered at the Military Barracks at 9am on the 9th September for transport to New Zealand via Sydney aboard the steamer *Clarence*. The *Clarence* arrived in Sydney on the 12th September where the volunteers joined those from New South Wales and transferred to the ship *Charlotte Andrews* for the voyage to New Zealand.

The eleven soldiers from the Brisbane detachment removed to Victoria Barracks, Sydney, and formed into the large contingent of the 12th Regiment that departed Sydney on the 22nd September 1863 on the ship *HMS Curacoa* for Auckland, New Zealand.

**Departure of the ship HMSS Curacoa for New Zealand**

SMH 22nd September 1863 - Telegraphic Summary for England – *HMSS Curacoa* arrived on the 13th instant from Portsmouth and proceeds today to New Zealand with about two hundred soldiers including sixty-four who arrived last week from Portsmouth.

The Headquarters and five companies of the 1st Battalion, consisting of three captains, seven subalterns, four staff, twenty sergeants, nine drummers, and 222 rank and file, under command of Colonel Hamilton, embarked at Sydney on the 22nd September 1863 on Her Majesty’s Steam Ship (*HMSS*) *Curacoa* for service in New Zealand, arriving at Auckland on the 3rd October. Captain Vereker broke his collarbone on the passage. The SMH 23rd September 1863 reported -

The general interest which the departure of the troops excited was shown in the crowds of persons who followed them as they marched through the city, or who assembled at the Circular Quay, at Fort Macquarie and at the other points to witness their embarkation.

The troops which left yesterday for Auckland consist of companies No. 3, 4, 5, 7 and 9 of the 1st Battalion 12th Regiment, numbering altogether about 270 men under the command of the following Officers - Lieutenant Colonel Hamilton, Captains Vereker, Downing, and O’Shaughnessy; Paymaster Olivey; Lieutenants Crawhall, Morris, and De Lacy (Adjutant); Quarter Master Laver; Ensigns Taylor, Thomas, Cutbill, Gibb and Brittain and Surgeon Bartley.

The band, which accompanied the troops on the removal of the Headquarters of the Battalion was only the field band, consisting of twenty men and a sergeant.

The Order was for the men to fall in at the Victoria Barracks at a quarter past one o’clock; but at that time the clouds were very portentous, and shortly afterwards a violent hail storm came down, followed by heavy rain which lasted for nearly two hours, the consequence which was the delay in starting.
At twenty minutes to three o’clock, the troops headed by the bands of the Volunteer Artillery and of the Sydney Battalion Volunteer Rifle Companies, marched from the Barracks and proceeded along South Head Road, College street, Macquarie street, and Bridge street to the Circular Quay, where the steamer Breadalbane was in readiness to convey them to the frigate.

Throughout the march, the bands played various inspiring tunes, the soldiers joining in with their voices.

Assembled on the wharf to watch their departure was a dense throng of people, conspicuous amongst whom were the wives and other relatives of the soldiers; the partings between whom was a very affecting scene.

As the Breadalbane left the wharf, the troops were greeted with hearty cheers, waving of hats and handkerchiefs, and other demonstrations of enthusiasm from the people on the wharf, the band playing “Auld lang syne”.

Colonel Kempt, Captain Lovell [RA], and the other Officers who remain in Sydney, and several other gentlemen accompanied the troops to the frigate.

The Breadalbane was soon alongside the Curacoa, and the troops re-embarked in companies. At about five o’clock, the frigate tripped her anchor and steamed down the harbour in company with HMSS Eclipse, with the gunboat Waikato in tow, the troops being loudly cheered from the vessels lying near and from the shore. Much sympathy was felt for the soldiers, a large number of whom have left wives and families in Sydney and many hopes were expressed that the speedy termination of the war would enable them to return to their homes.

Under Shipping Intelligence, the SMH of the 23rd September reported -

A most interesting sight was afforded, yesterday afternoon, to the crowds of spectators who had assembled on every available spot to witness the departure of the troops for the seat of war in New Zealand.

The Breadalbane (barque) embarked the detachment from the Circular Wharf, and steamed alongside HMSS Curacoa and at 5pm all being safely on board, this fine frigate tripped her anchor and steamed down the harbour followed by HMSS Eclipse with the new gun boat in tow.

The crew of the French war schooner manned the rigging and gave three hearty cheers – a compliment that was promptly returned to the frigate’s crew.

Although the weather was somewhat squally, numbers of boats crowded with passengers, clustered round the vessels, and accompanied them some distance down the harbour. The beautiful appearance of the two war ships as they slowly steamed away, together with the fact that they were taking with them a gun boat purely of colonial workmanship, will long be remembered by all who were fortunate to witness their departures.

NSW Volunteer Rifles

Lieutenant Colonel Kempt assumed command of the NSW Volunteer Rifles in relief of Colonel Hamilton. (SMH 26th September 1863)

Mounted Orderlies

The Cumberland Cavalry

It being in contemplation to endeavour to form a mounted corps, to be named the Cumberland Volunteer Cavalry, in the place of and on a more extensive basis than the Volunteer Mounted Rifles now about to be disbanded, gentlemen desirous of signing an address to his Excellency the Governor for enrollment in such a corps are requested to leave their names and places of address with Mr King at the Volunteer Club, Castlereagh Street. The above is posted at the Volunteer Club, Castlereagh Street. We are requested to call attention to the fact and to urge gentlemen of whom there must be many residing in Sydney and the metropolitan country, who keep horses, to at once support and join the movement for a formation of a cavalry corps. It is believed the thing would be under the auspices of Colonel Kempt, the Inspecting Field Officer. (SMH 25th December 1863)

This article should be compared with two that were written two years previously in the SMH on the 21st June 1861 and 29th June 1861 respectively -

Sydney Corps of Light Horse – for some months past a number of gentlemen have been agitating the formation of an additional corps of volunteer cavalry. And have so far succeeded as to receive the highest encouragement from Lieutenant Colonel Kempt. About twenty of the gentlemen interested in the matter assembled on Wednesday evening at the Metropolitan Hotel, Pitt Street, ……

Invalids Return to England

Twelve invalids embarked from Sydney for England on the 14th February 1863.

Invalids left Auckland, New Zealand, on the 2nd October 1863.

New Zealand’s Daily Southern Cross reported the arrival of the steam ship HMS Himilaya in Auckland harbour on the 14th November 1863. The Daily Southern Cross devoted almost an entire page to the ship and advised readers that it carried 1,200 souls including 830 soldiers of the 50th Regiment plus their families numbering 160. Under Notes of the Week 14th December 1863, the SMH reported that the HMS Himilaya arrived in Sydney harbour last Friday and that –

the Himilaya is by far the largest ship whatever visited these colonies.

SMH 14th December 1863 Shipping Intelligence HMS Himilaya –

The permission afforded to the public by Captain Lacy to inspect this celebrated steamer on Saturday was eagerly embraced by many hundreds, every available boat in the harbour being constantly employed plying between the ship and Government jetty. Unfortunately her limited stay in port ..necessitated the process of coaling and provisioning being carried on to the last moment or the vessel would have been in much finer order. The visitors, however, were too intent on inspecting the saloons, engine rooms etc to pay any attention to minor details and it was with considerable difficulty that the vessel got cleared.

She left her moorings at 8.30am yesterday and passed the South Head at 9.55am. She has on board 1000 tons of Minmi coal which it is contemplated will carry her to Cape de Verda. There are also 100 military invalids on board and the following cabin passengers…The Himilaya has sailed over 3,600 miles within the last nine months and on more than one occasion has run 1,000 miles in three days.

Ten invalids, from the 12th Regiment in Sydney, were embarked. The ship took on more invalids from the 12th when it called into Fremantle in January 1864.
Lunatic Asylum

Private (214) Edward Spring spent January to March 1862 in the Tarban Creek Lunatic Asylum. He was also there from June to December 1863 and returned to England as an invalid.

Private (338) Walter Power was in the lunatic asylum from June to December 1863 and returned to England in December 1863.

Private (3223) John Donohue was a prisoner in the lunatic asylum between July and September 1863 (PRO3726/27). Donohue, who had been stationed at Ballarat during Eureka, deserted in Sydney in March 1864.

Lunatic Asylums and Cockatoo Island Prison

SMH Thursday 13th August 1863 page two Parliamentary Paper tabled by the Premier Mr Cowper in Sydney on the 25th July 1863 - Lunatic Asylums and Penal Establishments by the Right Reverend R. W. Wilson, Roman Catholic Bishop of Hobart -

I visited the Tarban Creek Asylum unannounced and yet was cordially received. The patients (416) are separated into sexes and spend their days in one of eight quadrangles with high wire at the top...There is no change of scenery, no trees, no human beings before seen. There is no hospital nor chapel in the establishment... It is a gloomy and secluded abode…….

The report goes on to describe conditions that were in use in the prison on Cockatoo Island in 1863 but had been abandoned on Norfolk Island twenty years earlier -

Cockatoo Island can be compared with Norfolk Island of 1846 …on my visit to Cockatoo Island, I found some solitary confinement cells…to my shame and regret as an Englishman...[they should be called] prison graves. Ten feet deep, seven feet long and five feet wide, like cellars beneath the floor. Prisoners being let down by ladders…..a living tomb…The men appear once in seven days to wash…. One pound of bread and water per day. The cells are visited twice in the week by a medical gentleman…..

The 12th Regiment provided a guard to Cockatoo Island between 1858 and 1866.

Brevet Promotions

Promotions in October - December 1863 - Brevet Lieutenant Colonel Hutchins and Brevet Major Miller.

A brevet commission confers eligibility for assignment to duty at the higher rank, but since it does not have Royal assent, it has no effect on the officer’s status with respect to pay, emoluments and seniority. In effect, the Officer holds two ranks.

Other Promotions

Hamilton was promoted to full Colonel in October - December 1863.

Private (796) Alexander Kirkland enlisted in Sydney in July 1861 and was promoted to Corporal on the 9th August 1862. Kirkland was promoted to Sergeant seven months later on the 15th May 1863 in Sydney and three months later to Colour Sergeant on the 15th August 1863
before leaving for New Zealand (PRO3724, PRO3725 and PRO3726).

Figure 9: Officer Uniforms - 12th Regiment 1857–1861.
Sergeant (1962) John Lloyd Hodgson, who arrived on the ship Gloucester was a Private when he was invalided to England in February 1862.

**Musters**

**Brisbane** –
Private (836) Archibald Devine deserted from Brisbane.

**Hobart** –
Colour Sergeant (2929) Alderton took discharge on the 14th May 1863 in Hobart on the expiry of his limited service.

**Sydney** –
Private Charles Olley re-enlisted for ten years. Aged seventeen and six months on the 16th November 1850, now aged twenty-nine years on the 4th July 1863.

Private (3028) Timothy Galvin, born County Cork, aged thirty-six, died at Victoria Barracks on the 13th May 1863. Galvin had been wounded at Eureka (PRO3725).

Private (775) Robert Johnson drowned at sea on the 21st July 1863, presumably on HMS Curacoa.

Private (717) James Dugan, who had recently disembarked off HMSS Curacoa, died in Sydney on the 19th September 1863.

Private John Gilbert sailed from Hobart for Sydney on the 16th July 1863 and returned to England on the 11th December 1863.

Drummer (186) John / Alfred Brooks deserted and was apprehended in Melbourne in June 1864. He was sent to Sydney where he was confined. He later fought in the 3rd New Zealand Land war.

Twenty-six soldiers left between January and March 1863 - twelve invalids, five discharges, eight desertions, one death. Fifteen soldiers left between July and September 1863 - nine discharges as invalids, one death and five desertions in Sydney.

Private (132) Burrill spent two days in solitary confinement on the 6th and 7th December 1863 in Sydney. Privates Murphy, Manning, Neator and McMahon were moved from confinement to hospital prior to garrison court martial in September 1863 (PRO3724).

Five men were recruited in Sydney, probably in response to the New Zealand Land war -

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Height</th>
<th>Date of Enlistment</th>
<th>Bounty</th>
<th>Bringing Money and Attesting</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Bryce</td>
<td>29</td>
<td>5'6&quot;</td>
<td>14.7.1863</td>
<td>£1</td>
<td>16s</td>
</tr>
<tr>
<td>Patrick Kearns</td>
<td>25</td>
<td>5'5&quot;</td>
<td>24.7.1863</td>
<td>£1</td>
<td>16s</td>
</tr>
<tr>
<td>H. E. Cobden</td>
<td>22</td>
<td>5'6&quot;</td>
<td>7.8.1863</td>
<td>£1</td>
<td>16s</td>
</tr>
<tr>
<td>Michael Grannon</td>
<td>30</td>
<td>5'8&quot;</td>
<td>11.8.1863</td>
<td>£1</td>
<td>16s</td>
</tr>
<tr>
<td>Robert Graham</td>
<td>30</td>
<td>5'9&quot;</td>
<td>27.8.1863</td>
<td>£1</td>
<td>16s</td>
</tr>
</tbody>
</table>

Kearns had enlisted in Ireland in 1847 with the 53rd Regiment and had discharged prior to coming to Australia. He enlisted in Sydney on the 24th July 1863 with the 12th Regiment and was granted a pension on the 1st December 1868, aged 43, hazel eyes, brown hair, 5'6". His age
at enlistment was closer to 38 than 25 years as recorded in the Payroll. Kearns became a celebrity in Brisbane as the porter at Queensland Parliament House from 1880 - 1900. He died in 1908.
1864

Stations
NSW, Queensland and Tasmania.

Troop Movements
Captain Saunders and family moved to South Australia.

Child for Captain Saunders
On the 19th instant, the District Registrar's Office, Saunders. On the 24th October, at Glenelg, the wife of Captain M. C. Saunders, of a son. (South Australian Register, 26th October 1864)

   Note: son’s name was Morley Howard.

Child for Captain Sillery
On May 13th, at the Military Barracks, Hobart Town, the wife of Captain Sillery, 12th Regiment, of a daughter. (New Zealand Herald, 7th July 1864)

Marriage of Lieutenant Seymour
On January 28, at St. John's Church, by the Rev. John Bliss, M.A., David Thompson Seymour, Lieutenant H.M. 12th Regiment, third son of Major Seymour, of Ballymore Castle, County Galway, Ireland, to Caroline Matilda, only daughter of W. A. Brown, Esq., Sheriff of Queensland. (The Brisbane Courier 29th January 1864)

Death of Catherine Tyrer
Coroner’s Enquiries. A second enquiry had reference to the death of a woman named Catherine Tyrer, who died in a lodging house in Clarence Street, on Wednesday night. Deceased was the wife of a soldier of the 11th Regiment, who is now in New Zealand. She was in indigent circumstances, and for some time before her death suffered from disease of the lungs and dropsy. Coroner's finding: "Died from exhaustion, brought on by a complication of diseases." (Sydney Morning Herald, 29th April 1864)

   Note: wife of Sergeant (2169) James Tyrer.

OIC Royal Artillery
Lieutenant Mair assumed command of the Royal Artillery in Sydney until a replacement OIC was appointed.

Detachment in Hobart
From April 1864 until the detachment left Hobart in 1866, Captain Sillery was in charge of eight soldiers of the 12th along with a small detachment of ten soldiers of the 40th Regiment. This small group of soldiers was remarkable in that they performed their duties as required without disruption. The Payrolls and Musters for this two year period record a couple of absences and sick reports but there are no desertions or lengthy imprisonments. They were not part of the force that had initially embarked for the New Zealand Land wars and may have been unfit for this role. Or they may have volunteered to stay.
Lunatic Asylum

Corporal (2031) Daniel Vaughan had embarked for the 2nd New Zealand Land war in December 1860 and returned to Sydney as a Private from New Zealand on the Henry F. Fernie in 1861. In December 1863, Vaughan was sentenced to two days in solitary confinement and spent the following month in hospital (PRO3727). He was again on Sick Report and in hospital during August 1864, and in the Tarban Creek Lunatic Asylum between September and October 1864 (PRO3729).

Vaughan left Sydney on the 14th October 1864 and returned to England via Victoria with two other soldiers, Sergeant (2001) Frederick Hodgkins and Private (3057) John Barry (PRO3729). Vaughan had been posted to Ballarat during Eureka.

Supernumerary Staff

Thomas Burrows re-enlisted as a supernumerary Private with no Regimental number. Aged eighteen, he enlisted for ten years on the 18th November 1851 and at age thirty, re-enlisted for ten years and nine days on the 22nd June 1864. He received £9 as a special bounty (PRO3729).

Green Hills Barracks, Brisbane

In 1862, Major General Pratt, the former Commander of Imperial troops in the Australian Colonies and a member of the Victorian Executive Council, asked Queensland’s Governor Sir George Bowen if his government was prepared to receive the 100 rank and file with its proportion of officers and non-commissioned officers recommended by the War Office. Against this background, Bowen and his advisers decided to build new barracks.

Legislation was enacted, plans drawn up and work was completed in 1864 on the new barracks on The Green Hills, adjacent to the goal, on the site of the present day Victoria Barracks. Thirty men were employed to excavate the site.

The first to occupy the barracks was a small detachment of the British 12th (East Suffolk) Regiment of Foot, commanded by Lieutenant Seymour. The first buildings within the barracks consisted of a single storey guard room, officer's quarters and kitchen, soldiers’ barracks and kitchen, an underground tank and outbuildings. Surviving to this day from this original group are the guard house, the main barracks block and the quarters for the one officer. This original officer's quarters, with various additions over the years, still stands as the ante-room of the Victoria Barracks Officers' Mess.

A glowing report in the Brisbane Courier of the 17th November 1864 described the Barracks as they were when first occupied by the 12th Regiment -

On Thursday evening, the 27 ultimo, the building situated at William Street, which have been used as a barracks for the detachment of the 12th Regiment, quartered in Brisbane, were finally vacated by the soldiers, who now occupy the new barracks, recently erected in that suburb of town known as the Green Hills, in the immediate vicinity of the gaol.

The site on which the new buildings stand was probably chosen, combining, as it does, a great many advantages, much to be desired in providing accommodation for a large number of men. It is beautifully situated, within an easy distance of the town, but far enough away to avoid the possible inconveniences likely to arise from the continuance of the barracks in the old place.

As regards the health of the men, too, nothing better could be desired; if there is any breeze at all the green slopes adjacent to the barracks are fanned by its sweet breath; and the peculiar shape of the ground is such as to render the proper drainage of the building a comparatively easy task. Some exception has been taken by the inhabitants of Petrie
Terrace to its proximity to the gaol, and any evil effects likely to arise on that score can only exist in their imaginations. In fact, it appears to us to be rated an advantage than otherwise.

Some trouble was experienced in getting the whole of the arrangements made in accordance with the specification, as the building was made to stand on the side of a hill, but the contractor has succeeded in performing the work entrusted to him in the most admirable manner, so that the only evidence of the original formation of the ground consists in the slight lawn like ascent, leading to the entrance gate, facing the town. Immediately on entering the enclosure by the gate, a sight is obtained of the officer’s quarters, which are to the left of the gravelled path. Those quarters consist of a lofty roofed one story verandah cottage containing four large rooms, the whole of which are very well finished. There is a wide verandah all round the building, and numerous doors opening into the various rooms. The place altogether has a remarkably cool aspect, and it would be hardly possible to conceive that its occupants could complain of being unpleasantly warm, even on a Queensland summer's day. Some distance in front - it would have been much better behind - a three stalled stable is being erected of wood; and attached to the dwelling in its proper place, is the kitchen, built of brick, and containing every necessary accommodation. Behind the building is what is termed the reserve tank, a large water tank, capable of holding about thirty-five thousand gallons of water. It is carefully protected from the rays of the sun, being covered in, and roofed with shingles, beneath which and covering the tank is a floor of hardwood, the boards of which are laid so level and planed so fine, as to suggest the probability of the place being intended at some future time for a small ballroom.

A portion of the furniture of the tank is a powerful force pump, which will be used for filling the cisterns in the bathrooms attached to the main building. In case of fire, too, its value would be very great, as there is no doubt that provided the tank was full of water, it would be made to deluge the whole of the buildings in a few minutes.

Behind the reserve tank, or nearly so, is the guard room, which is a substantial looking edifice, fitted up in the usual manner, and containing two excellent roomy cells, built in such a manner as to preclude the possibility of any evildoer confined to them from escaping. We had yesterday an opportunity of inspecting one of them; but the other was locked. Near the guard room, the barrack square may be entered from Petrie Terrace, and that entrance is the only one sufficiently wide to admit vehicles of any description.

On the left of the gate as you enter, is the main building, which is built of eighteen inch brickwork, and is an oblong structure; in fact, much the same description of style as that adopted even/where for barracks. It is about 118 feet in length, and 33 feet in width, and has a very wide balconied verandah. On the ground floor there are, at each end, two sergeant's rooms, the dimensions of each of which are 15 feet by 12 feet, and they are all 11 feet high. Between the two sets of rooms referred to, are two large barrack rooms, each capable of accommodating twenty men, being 40 x 30 feet. Attached to the barracks rooms is a large bathroom, which is furnished in the most complete and ingenious manner. On the side of the room nearest the verandah, accommodation of a very superior description is provided for performing ordinary ablutions; and the other side of the room, adjoining the partition wall, is fixed bathing apparatus of a novel and elaborate description, combining, in a small space, all the means of indulging in the luxury of a bath of whatever kind the bather might prefer, not excepting a shower bath, the water of which is supplied from the reserve tank. The arrangement of the bath room are certainly very judicious, as, affording a desideratum to the soldiers that in the warm climate is almost invaluable.
The upper portion of the building, which is approached by a spacious and substantial staircase, contains precisely the same amount of accommodation as that previously specified. There are several doors opening on to the balcony, from which beautiful and extensive views can be obtained in almost every direction. Looking from one side of the balcony, the rugged ridges of Taylor's Range appear to be close at hand, and from the other two long reaches of the river are exposed to view, and a bird's eye glance of the whole low lying portion of Brisbane may be gained. The whole is roofed with slate, and the character of the work in the exterior and interior of the buildings appear to be of a first class character, the quality of the whole of the material used being undeniably good. A thorough system of ventilation has been carried out in the whole of the buildings, and especial care seems to have been taken to allow the pure air from the hills free access, seeing that a large number of windows and doors have been fitted in every direction, besides which each room possesses a chimney.

Beyond the barracks is a large and commodious kitchen, the fitting of which are everything that could be desired, and consist of a fine cooking stove, or range - a new invention, capable of doing all the cooking required for a much larger detachment than the one at present quartered in Brisbane, and yet not occupying much room; a large grate; and two large boilers, each of which will contain thirty gallons. Adjacent to that is the wash house which is also furnished with everything necessary to ensure the comfort and cleanliness of the men in barracks.

Altogether, we congratulate the architect and contractor upon their success in erecting a suite of buildings admirably adapted in every respect for the purposes to which they are to be applied, and at a cost, too, that no one can deny is very reasonable, about £ 7,000. The site of the barracks, or rather the quantity of ground fenced in, is a little more than two acres, which is enclosed by a high paling fence of hardwood. We understand, however, that in a short time, that extent of ground will be supplemented by the addition of about twice as much again, when there will be plenty of room for open air drill, and the formation of a large sized parade ground, desiderata which hitherto have not been obtainable without a long march from the barracks.

A second phase of the development of the Barracks, completed in 1869, included quarters for the commandant and the hospital superintendent, a military hospital and a magazine (now demolished). The detachment of the 12th having left, Bowen's efforts to secure more Imperial troops fell on deaf ears; his request being refused outright on two occasions.

The Colonial Government of New South Wales indulged in some inter-colonial power play with the newly separated Queensland. Just four months after he took office, Major General Pratt was reproached by the NSW Executive when he gave orders for a detachment to be sent to Queensland. Earlier attitudes to the Moreton Bay settlement, which showed little understanding of local needs and even less regard by officials and by members of the NSW legislature, still prevailed. Eventually, one non-commissioned officer was sent to instruct volunteers in drill. Promises were made to send additional troops but only apologies were received, the New Zealand Land wars taking precedence over Imperial promises to Bowen. However, the soldiery had never been popular in Brisbane. They were a reminder of the 'penal regime' and of the squatter's earlier demands for the reintroduction of transportation when they were unable to secure adequate and cheap labour.

When, eventually a subaltern and twenty-five soldiers of the 50th Regiment arrived in Brisbane from the garrison in Sydney in 1867, they were not well received by the citizens of Brisbane. The local press made scathing comment about Bowen and the newly arrived troops: 'No doubt they are a great ornament to the metropolis, especially when they assist at public demonstrations; but
they are a costly toy'. Governor Blackall (after whom the main street within the Barracks is named) succeeded Bowen in 1868. The detachment of the 50th Regiment, which had been stationed in Brisbane for twelve months embarked for Sydney on HMS Himalaya the following year. They were to be replaced by a smaller contingent following a unanimous resolution of the Queensland Government, conveyed to Governor Blackall, 'that in the present state of the Colony a military force is not required'.

Police Barracks, Lunatic Asylum and finally Victoria Barracks, Brisbane

The police occupied most of the 'Police Barracks', as they became known, from about 1870 until 1885. During this period stables were built and the original buildings altered. A contagious diseases examination room was later located behind the stables and prostitutes had to present themselves here every Thursday evening.

During the police presence at the Barracks, Police Commissioner Seymour and Inspector Lewis of the detective force were in residence in the quarters. Seymour, who had commanded the first troops in the Barracks, had resigned his commission in 1864 and was to serve as Police Commissioner until 1895. British soldiers returning from the New Zealand Land wars were given medical attention and nursing care in the military hospital at the barracks. However, the hospitals use by the military was short-lived and, in 1870, it opened as the Lunatic Reception House. This part of the barracks was subject to surface water drainage problems which probably accounted for at least two outbreaks of typhoid fever.

The Reception House buildings continued to be used in this capacity until the turn of the century when the Barracks were acquired by the Commonwealth. In a despatch from the Secretary of State, the Imperial Government had agreed, in 1863, at the request of the Queensland Government, to surrender the older barracks and grounds erected in 1830 for Logan's men of the 57th Foot, provided that the Colony would give another site and erect the proper buildings on it for accommodation of troops according to plans approved by the Imperial authorities. The land on which the 'Green Hills Barracks' was sited was handed over in 1869 to Queensland from the War Office although the formal handover of the barracks themselves was not made until 1880.

The name of the barracks was changed to 'Victoria Barracks', the reigning Sovereign a few years later, after it had been taken back from the police for military use. Expansion of the Army leading up to and during World War I saw all of the Barracks site put to use and achieve much of its present character and form. Gas and water was reticulated. A lawn tennis court built in the Barracks is reputedly the oldest in Queensland. More stables (now demolished), an artillery gun park, and administration buildings were constructed during this period. The Barracks continued to evolve after World War I but much more slowly and only two major buildings were constructed, one during World War II and another during the Vietnam War period.

Police Commissioner of Queensland

The Brisbane Courier reported a rumour on the 21st and 26th September 1863 that the Queensland Government intended to appoint Lieutenant Seymour to the head of the Police Department –

The appointment is necessary in accordance with the new Police Act; but it was generally understood by members of the Assembly that the Government would send to England for the purpose of securing some gentleman who had had experience in the management of the police. A military man no doubt is very suitable in many respects, but military knowledge is not all that is required from the head of an important department like that of the police.
In this Colony the force requires a thorough re-organisation, and, to carry out that object, experience is very necessary. As regards Lieutenant Seymour personally, there can be no possible objection; he has proved himself a good officer, and no doubt would use the abilities he possesses to the best advantage presuming he received the rumoured appointment; but we doubt after the promise given by the Government in the Parliament, whether they are justified in exercising their patronage in favour of any gentleman of any Colony.

Lieutenant Seymour was gazetted acting Police Commissioner of Queensland on the 1st January 1864, refer Qld. Govt. Gazette Vol. V No.1, 2nd January 1864. He was appointed Police Commissioner on the 1st July 1864.

The Brisbane Courier was critical of his appointment as acting Police Commissioner as he had sought to maintain two salaries and the newspaper wrote on the 7th January 1864 –

…….as to the merits of this Officer may not be generally known, particularly to those who have lately made this country their home, and as the appearance of his name in the Gazette creates him public property, a short notice of his military career may not be uninteresting.

The subject of this brief memoir boasts of a long line of ancestors whose names figure in the naval and military annals of his country. He entered the British army at an early age, and was soon transferred to active service on joining the first Battalion of Her Majesty’s 12th Regiment…..then doing duty in the Australian colonies. Here he soon distinguished himself as a “Preux Chevalier,” being present at several Terpsichorean and Bohean engagements, which led to his being favourably noticed in the photographic album of the young ladies of the day. He likewise served with credit as a member of the Mess, and other committees peculiar to a marching Regiment.

It was not long before his unobtrusive talents attracted the notice of the commander-in-chief, and his merits were acknowledged by his selection to fill the arduous, but honourable position of commander of the forces, in this free and enlightened Colony. How he acquitted himself in fulfilling this trust will be best exemplified by referring to an account, if we recollect aright, of the presentation to the former Corps of a Drum Major’s staff. During the review, the representative of royalty complimented the gallant officer in highly eulogistic terms, on the perfect state of discipline and efficiency presented by that portion of the imperial army he had the honor to command on that eventful day.

We fear, however, that the emoluments of this command dissatisfied our hero, who was not in consequence enabled to keep up an establishment befitting his rank, and he has also reason to complain of the parsimony of the local government. In spite, however, of these annoyances, he never for a moment swerved from the active discharge of his onerous duties.

For a time indeed, he continued to eke out his income by undertaking the duties of Aide-de-Camp to his Excellency the Governor, but failing health caused by too close an application to business, compelled him to relinquish that office.

On the breaking out of the war in New Zealand, a demand was made on the Australian colonies for assistance. Queensland responded to the call; and a large portion of the troops stationed in this Colony, consisting of a detachment of 1 subaltern, 1 corporal, 1 drummer and 2 rank and file, was at once dispatched to the seat of war, leaving our “General” almost “alone in his glory.”
A life of inaction, however, not being suited to his ardent and active temperament, he applied for the command of a foraging party in New Zealand. But the Fates had not decreed that a portion of his mortal remains should grace the sideboard at the matutinal meals of the Maori King, nor was he destined to become food for powder in any shape, and his demand was not complied with, as he could not be spared from his important position.

It is at this period when, jaded and disgusted with their fruitless endeavour to procure a fitting person to fill the office of Commissioner of Police, the Government of the day cast their longing eyes on this deserving Officer. The offer was made, but a grave error had been committed.

The honor of the British soldier had been touched. He had been requested by those ignorant of the usages of the service (to say nothing of his own high sense of duty to his Queen and country) to retire from the Army while his Corps was actively engaged in the field. His mind revolted at such an idea, and nothing could shake his resolution to remain as he was till such time as the British standard should wave triumphantly over the battlements of Ngaruawahia [the Maori king’s homeland].

At length the Commander-in-Chief of the troops in Australia came to the rescue, having been induced by a high personage (the discerning friend and patron of this rising young man) to pay a visit to Queensland.

Somehow they overcame his scruples, and prevailed on him to forego his resolution, a compromise being entered into the effect, that till Her Majesty’s pleasure is made known as to whether the service can spare so distinguished an ornament, he is to retain, in conjunction with those of Superintendent of Police, the position and emoluments of Commander of the Forces [in Queensland].

The armourial bearings of the honourable gentleman consist of a tortoise couchant on its back, with its eyes closed, and the motto “Per Saltum” [by a leap].

We feel confident that this gentleman’s future will emulate his previous career.

Lieutenant Seymour retired from the Army by sale of his commission effective on the 12th April 1864. Seymour retired as Police Commissioner on the 30th June 1895 after taking the force from 287 men in 1864 to 774 in 1893.

Witness in a Civil Case

Private (2272 / 759) Nicholas Morris testified in a Brisbane Court in a case of drunkenness and wife beating involving a boarder in his house. The Brisbane Courier reported on the 30th January 1864, Trenham versus Trenham -

Nicholas Morris, Corporal of the 12th Regiment, said he was married and that he and his wife occupied a house outside the Barracks; he had known the complainant and defendant for about three weeks; they were lodgers in his house and on one or two occasions witness had seen Trenham come home drunk; he once saw the defendant beat his wife, when witness interfered for her protection.

Cost of the Brisbane Detachment

The Brisbane Courier reported on the 21st May 1864 that under the Queensland Military Contribution Act of 1864, the cost of the entire Brisbane detachment of the 12th Regiment was less than the annual wages of four Constables.

Queen’s Birthday Celebrations in Brisbane
The Courier of Wednesday says: Yesterday the Queen's Birthday was celebrated with every manifestation of loyalty by the good citizens of Brisbane. Business was almost completely suspended, and nearly every shop and warehouse was closed. The streets were thronged with holiday folks, and pleasure was sought by all. That the means of gratifying their wishes were uncommonly abundant was manifest. Before breakfast time the Volunteer Artillery Corps turned out and fired a royal salute in honour of our gracious Queen - whom God preserves! There was a good muster of members on parade. Two steamers went down to the bay, and they were well freighted with pleasure-seeking excursionists. At ten o'clock the Caledonian fete commenced in the Botanic Garden, and thither the great crowd of pleasure seekers bent their steps. There were cricket matches, and other demonstrations, which had various attractions for different people, and in the evening the Detachment of the X11 Regiment at present stationed in Brisbane, illuminated the windows of their barracks in the most approved style. Windmill Hill was all aglow with a large bonfire, whilst here and there, the rising generation indulged in an intermittent discharge of fireworks. The annual distribution of blankets to the aboriginals took place in the court yard attached to the Central Police Station. Between 200 and 250 blacks of both sexes received blankets, and the "piccaninies" were each presented with half a blanket. When the whole of the blankets were served out, the blacks set up a hearty cheer for the Queen. Afterwards they were photographed from the balcony of the house adjoining that of Mr. Smith, in Queen Street, the blacks having been suitably arranged in a semicircle on the Green by Mr. Lowie. (Sydney Morning Herald, 28th May 1864)

**Serious Fire in Brisbane**

The Brisbane Courier carried a story in which the detachment of the 12th Regiment helped quell a serious fire that engulfed an array of shops and other dwellings along Queen St, Brisbane on the 11th April 1864. The Courier acknowledged the valuable assistance of Sergeant Hawkes and a number of men under his command, by fighting this serious blaze.

**Death of Sergeant Greenway**

On the 15th November, at Brisbane, Queensland. Mr. J. G. Greenway, late of H. M. 12th Regiment, after a short but painful illness of four days, leaving three affectionate daughters to mourn his loss. Aged 45 years. (The Sydney Morning Herald, 3rd December 1864)

**Feigned Suicide and Desertion in Brisbane**

On the 13th December 1864, the Brisbane Courier solemnly reported that –

There is every reason to believe that a Private of the 12th Regiment, named Michael Regan, committed suicide on Saturday evening last (10th December). On the evening in question he did not return to barracks when the tattoo was sounded and on the following morning early, his clothes were found on the banks of the river, near to the barracks, together with a note addressed to his sister in Sydney, which was on the top of his foraging cap.

From his habits and character there is little reason to believe that he would desert, and the general impression is that in a fit of despondency, he drowned himself. His body will be dragged for at six o’clock this morning.

The Courier reported on the 14th December 1864 that police had interviewed other soldiers of the 12th and learned “that the search could not possibly be of any avail.” The presumption being that Regan had actually deserted and had left his clothes on the bank of the river as a ruse.

Regan did not risk employment and recognition in the city, and fled westward to the rich farming region known as Darling Downs. The Courier reported on the 31st May 1866, eighteen months later, that Regan had been captured in the township of Dalby.
**Attempted Escape of a Convict from the Military Penal Guard**

Patrick Collins was charged with having, on the 22nd December last, attempted to escape from among a gang of convicts with whom he was working. Samuel Sneyd, goaler, deposed that prisoner had been in his charge since the 4th November, and that on the 22nd December he was sent out to work with a gang of convicts. On the return of the gang, witness was informed by the turnkey that prisoner had attempted to make his escape. Prisoner was searched, and ten shillings was found upon him. On the previous evening, when he was searched, he had nothing upon him.

James Frederick, the turnkey in charge of the prisoner at the time, corroborated the evidence of Mr. Sneyd.

Thomas Walker, sworn, deposed that he was a Corporal in the 12th Regiment, and that on the 2nd December last, prisoner with other convicts was under the charge of the military penal guard, and that witness had seen prisoner endeavour to escape by getting out the back of the tent, and over the fence into the Government Gardens. Witness sent Private Allen in pursuit, and the prisoner was afterwards brought back.

Thomas Allen, a Private in the 12th Regiment, corroborated the testimony of Corporal Walker.

Prisoner reserved his defence, and was committed for trial. (Central Police Court. Sydney Morning Herald 9th January 1864)

**Stealing a Swag**

John Barry was charged with stealing a swag, and also with deserting from the 12th Regiment. On the charge of theft, the prisoner was sent to goal for two months, to be given up to the military authorities at the expiration of that time. (City Court - The Argus 14th January 1864)

**Decision on the Court Martial on Captain Saunders**

(Sydney Morning Herald 2nd February 1864) The following correspondence relating to the acquittal of Captain Saunders on the charges preferred against him at the Court Martial held last year, was last week received from Melbourne, and has been published in the Brigade Order Book at the Victoria Barracks.

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Brigade Order No 97
Head Quarters, Melbourne
23rd January, 1864

The following communication from His Royal Highness the Field Marshall Commanding-in-Chief, dated Horse Guards, 28th October, 1863 is published for general information.

Sir, Having had the honor to lay before Her Majesty the Queen the proceedings of the General Court Martial held by order of Major General Sir Thomas S. Pratt, at Sydney, N. S. Wales, on the 2nd of April, 1863, and continued by adjournment to the 2nd June, 1863, for the trial of Captain Morley Caulfield Saunders, 1st Battalion 12th Foot, who was arraigned upon the undermentioned charges, viz.:

First charge - For having on the line of march from Lambing Flat to Sydney, New South Wales, whilst in command of a detachment consisting of Royal Artillery, and 1st Battalion 12th Regiment, between the thirty first day of June, 1862, and the thirteenth day of August, 1862, inclusive, permitted the men of the said detachment to appear improperly dressed, and also to straggle in detached parties.

Second charge - For falsely imputing improper conduct to Lieutenant Colonel Henry Meade Hamilton, 1st Battalion 12th Regiment, his commanding officer, on the following occasions, viz.:
```
1st. In having stated on or about the second day of August, 1862, at Binalong, New South Wales, to F. Beckham, Esq., that, Lieutenant Colonel Henry Meade Hamilton had seduced Mrs. Saunders, and that he (Captain Saunders) would have a shot at him when he arrived in Sydney, or words to that effect.

2nd. For having on or about the fifth day of August, 1862, on the line of march from Lambing Flat to Sydney, stated to Sergeant Burt, of the 1st Battalion 12th Regiment, of the detachment under his command, that Lieutenant Colonel Henry Meade Hamilton had taken improper liberties with Mrs. Saunders, and that if Lieutenant Colonel Henry Meade Hamilton challenged him, he (Captain Saunders) would have a shot at him, or words to that effect.

3rd. For having, on or about the evening of the thirteenth day of August 1862, at Sydney, stated to Lieutenant and Adjutant John Soame Richardson, 1st Battalion 12th Regiment, that Lieutenant Colonel Henry Meade Hamilton, 1st Battalion 12th Foot, had endeavored to force the door of Mrs. Saunders' room; also, that he (Captain Saunders) had come down perfectly prepared to shoot him, or words, to that effect, he at the same time placing his hand on a revolver that he wore at his side.

Third charge - For having, on or about the 2nd day of August, 1862, whilst in command of a detachment consisting of the corps hereinbefore mentioned, been drunk, and created a disturbance in a public house, at Binalong aforesaid; and also for having, on or about the third day of August, 1862, when on the line of march from Lambing Flat to Sydney, been drunk. Again, for having, on or about the thirteenth day of August, 1862, on the line of march from Campbelltown, been drunk.

Fourth charge - For having, on the line of march from Lambing Flat to Sydney, associated himself in an improper and familiar manner with the non-commissioned officers and men of the detachment under his command; in having sat and taken meals with them on the following occasions, viz.:

1st, at Shelly's Flat, on or about the 9th August, 1862;
2nd, at Berrima, on or about the 10th August, 1862; and
3rd, at Campbelltown, on or about the 13th August, 1862.

Fifth charge - For having, at the Victoria Barracks, Sydney, on the night of the 13th August, 1862, when called upon by Lieutenant-Colonel Hamilton, his commanding officer, to report the arrival of the detachment under his command, appeared before, him, in the ante-room, improperly dressed, and behaved in a contemptuous and insulting manner to him, as his commanding officer, in refusing to shake hands with him, keeping his cap on his head, and walking violently about the room, muttering in an unintelligible manner; and for having, afterwards, refused to account for his extraordinary conduct, the whole of such conduct enumerated in the foregoing charges being unbecoming the character of an Officer, and to the prejudice of good order and military discipline.

Upon which charges the Court came to the following decision:-

The Court having maturely weighed and considered the evidence adduced in support of the prosecution, together with what the prisoner has urged in his defence, is of opinion -

With regard to the charge - That he, the prisoner, Captain Morley Caulfield Saunders, 1st Battalion 12th Regiment, is not guilty.

The court acquit the prisoner of the matters alleged against him in the first charge, considering the circumstancs of the case are sufficient justification.

With regard to the first count of the second charge, that he, the prisoner, is not guilty.
With regard to the second count of the second charge, that he, the prisoner, is not guilty.

With regard to the third count of the second charge, that he (the prisoner) is guilty of having stated to Lieutenant-Adjutant John Soame Richardson, 1st Battalion 12th Regiment, on or about the evening of the 13th day of August, 1862, at Sydney, that Lieutenant Colonel Henry Meade Hamilton, 1st Battalion 12th Foot, had endeavored to force the door of Mrs. Saunders' room; also that he (Captain Saunders) had come down perfectly prepared to shoot him, or words to that effect. The Court acquit him of the remainder of the count.

3rd charge - That he (the prisoner) is guilty of having, on or about the second day of August, 1862, whilst in command of a detachment, consisting of corps hereinbefore mentioned, been drunk in a public house at Binalong.

That he (the prisoner) is not guilty of creating a disturbance in a public house at Binalong, on or about the second day of August, 1862.

That he is not guilty of having, on or about the 3rd August, 1862, when on the line of march from Lambing Flat to Sydney, been drunk.

That he is not guilty of having, on or about the 13th August, 1862, on the line of march, at Campbelltown, been drunk.

That with regard, to the 4th charge, he, the prisoner, is not guilty, the Court being of opinion that the circumstances of the case do not warrant the allegation contained in the words associated himself in an improper and familiar manner with the non-commissioned officers and men of the detachment under his command. It does therefore, honorably acquit him of the same.

With regard to the fifth charge, that he, the prisoner, is guilty of so much of it as charged with when called upon by Lieutenant Colonel Henry Meade Hamilton, his commanding officer, to report the arrival of the detachment under his command, having appeared before him in the ante-room and behaved in a contemptuous and insulting manner to him as his commanding officer, in refusing to shake hands with him, and walking about the room muttering in an unintelligible manner.

The Court acquits him of the remainder of the charge.

The court having found prisoner guilty of portions of the third count of the second charge, of portion of the third charge and portion of the fifth charge, as shown in the finding, does not award any punishment, being of opinion that from the evidence adduced, he, the prisoner, Captain Morley Caulfield Saunders, 1st battalion 12th Regiment, was at the time of commission not responsible for his actions.

I have to inform you that her Majesty was pleased to approve and confirm the finding of the court.

As, however, the court abstained for the reason above stated from awarding any punishment, you will be pleased to release Captain Saunders from his arrest, and report to the Military Secretary, for my information, the day on which the result of his court martial is made known to Captain Saunders.

I am, &c.
(Signed) George

By Command William Heywood Captain Major Brigade

Judgement of the Court Martial of Captain Saunders Reported in Queensland

It will be remembered that, several months since, a Court Martial was held at the Victoria Barracks, to enquire into certain charges preferred against Captain Saunders, of HM XII
Regiment, by Lieutenant Colonel Hamilton. The result of that enquiry was the complete acquittal of Captain Saunders upon all the charges. The late mail has brought the news that the judgement of the Court has been confirmed by Her Majesty; and Captain Saunders has, by order of Brigadier General Chute, been relieved from arrest, and has returned to his duties. (From New South Wales - The Court Martial on Captain Saunders. The Brisbane Courier 1st February 1864)

Outcome of the Court Martial of Captain Saunders

To the Editor of the Herald. Sir, allow me to correct an error in the telegraphic summary in your issue of today, in which you state that Captain Saunders was acquitted by the Court Martial of the charges brought against him, the fact being, that he was found guilty of more than one of those charges, among them of having been drunk in a public house in Binalong, although it is also the fact, that the Court considered that under the circumstances it was not proper to pass any sentence of punishment upon him. The result is, that although the finding of the Court has been confirmed, Captain Saunders is not allowed to return to duty, but is ordered to retire from the army by selling out. Yours truly, Verax. Sydney, 22nd March. (The Sydney Morning Herald 24th March 1864)

A despatch from the Commander -in-Chief rescinds the decision, ordering Captain Saunders to sell his commission in consequence of a court martial. He is now permitted to change to the 2nd Battalion of the 12th Regiment. (Argus 22nd October 1864)

In July 1864, the Paymaster states that Captain Saunders was transferred to the 2nd Battalion 12th Regiment (PRO32738 WO12/2989 page 55).

His Royal Highness the Commander -in-Chief has been pleased to rescind his decision in this case, published by us some time back, by which Captain Saunders was permitted to retire from his Regiment by the sale of his commission. Captain Saunders has received notification from the Horse Guards, informing him of this rescission, and directing him to join the 2nd Battalion of his Regiment, at present stationed at Calcutta. (From Sydney Morning Herald 21st October 1864)

Captain Saunders had a son, Charles Howard Saunders born 1867, Bareilly, West Bengal, India.

Acquittal of Captain Saunders

The Very Rev. the Dean of Adelaide has received the following telegram from his son-in-law, Captain Saunders, of the 12th Regiment, upon whom it will be remembered that a very protracted Court Martial was held at Sydney on the prosecution of his Colonel: “I am acquitted, and attend Church parade tomorrow.”

We are sure that this result, although generally anticipated, will afford great satisfaction to the gallant Captain's friends here. (South Australian Register, 26th January 1864)

Captain Saunders Leaves New South Wales and Australia

Given the amount of “unwanted” publicity to the Court Martial, along with his forced transfer out of the 1st Battalion, Captain Saunders could no longer stay in Sydney. He left with his family on the 4th May and sailed on the barque, Sorata, to Adelaide, South Australia, to be with his wife’s relations. The South Australian Weekly Chronicle reported on 25th May 1864:

Shipping Arrivals - Sorata, barque, from. Sydney May 4. Passengers - Captain Saunders, Mrs. and Misses (2) Saunders….

But while in Adelaide, he sailed over to Western Australian as reported by the South Australian Weekly Chronicle on 29th October 1864:

Cleared: Alexandra, mail steamer, Captain MC Saunders from Adelaide to King George’s Sound.
Captain Saunders was reported attending the Queens Birthday levee at Government House by the South Australian Register on 25th May 1865:

The Queen's Birthday. Wednesday, May 24, was observed as a general holiday in honor of Her Majesty's birth. The weather, though somewhat threatening in the morning, became very warm as the day advanced, but overall the day was joyous and agreeable. At an early hour the closed shops, the busy streets, and the various flags which were hoisted in various parts of the city betokened some unusual event...His Excellency the Governor held a levee at Government House, and the general reception began as soon as the first gun of the salute was fired. A large number of gentlemen had the privilege of private entry, and as many appeared in costume the effect was brilliant and imposing. Chief Inspector Hamilton and Mr. D. D. Daly, A.D.C., acted as aides-de-camp in waiting. The following gentlemen had the right of private entry: ....Captain Saunders..

And then, after almost one year in Adelaide, Captain Saunders with family leave forever Australia via King George's Sound (Western Australia) as reported by the South Australian Weekly Chronicle on 1st July 1865:

Cleared 27th June: the passengers from Adelaide (South Australia) to King George’s Sound (Western Australia) by the City of Adelaide were Captain Saunders, 12th Regiment, Mrs. Saunders and infant.

**Deserter arrested in Yass, New South Wales**

The Yass Courier reported on the 6th August 1864 that Private John Barry was charged as being a deserter from the 12th Regiment and was arrested at the back of Mrs Ryan's public house near Yass, NSW.

**Award of the Victoria Cross to AB Samuel Mitchell**

The 12th Regiment participated in the first occasion in which a Victoria Cross was awarded at a ceremony in Australia.

As required by the Royal Warrant establishing the Victoria Cross, AB Mitchell’s award was publicly notified in the London Gazette on the 26th July 1864. The notice stated:

"Samuel Mitchell, Capt. of the Foretop of Her Majesty's Ship Harrier. For his gallant conduct at the attack of Te Papa, Tauranga, on the 29th April, 1864, in entering the pah with Commander Hay, and when that officer was mortally wounded, bringing him out, although ordered by Commander Hay to leave him and seek his own safety. This man was at the time Captain of the Foretop of the Harrier, doing duty as Captain's Coxswain, and Commodore Sir William Wiseman brings his name to special notice for this act of gallantry."

While the monarch often personally awarded the Victoria Cross, where naval winners were serving abroad, the Admiralty sent the Victoria Cross from England so they could be invested on their overseas stations.

The Admiralty in London sent the Cross by sea to Sydney, Australia, and the award ceremony took place in the Sydney Domain on Saturday 24th September 1864 in front of a crowd estimated at 10,000 which was said to be the largest crowd assembled in Sydney up to that time. This is also the first occasion that a Victoria Cross was awarded in Australia. The award of the Victoria Cross was made by the Governor of New South Wales, Sir John Young, and after the ceremony AB Mitchell was placed on a horse and led through the streets of Sydney.

The SMH reported the award ceremony on Monday the 26th September 1864 and the following is an extract -
On Saturday afternoon, between nine and ten thousand persons assembled in the Outer Domain to assist at the public presentation of the Victoria Cross to Samuel Mitchell, an able seaman of the Curacoa (a well merited honour awarded to that individual by the express command of Her Majesty), and likewise to witness the distribution of the annual prizes adjudged by the New South Wales Rifle Association to those marksmen amongst our Volunteers who lately distinguished themselves in the amicable contest at Randwick.

The marines and artillery who came with them formed in columns four deep on the right of the platform; extending westerly so as to form part of the three sides of a cordon, by which the necessary space was kept clear for what was to take place. To the west of the Marines the line was continued by the dark blue and scarlet uniforms of the Artillery, - the Western and Northern boundaries being kept by a company of the 12th Regiment, by the two battalions of the Rifle Volunteers, and by the New South Wales Naval Brigade.

Samuel Mitchell was one of those who were in the disastrous and bloody affair at the storming of the Gate Pah, at Tauranga, in New Zealand, on the 29th of April last, when, through some surprise, the British troops were seized with a sudden panic at the moment of victory, and - in spite of the heroic efforts of their officers, most of whom were slain in the vigorous discharge of their duty - fled from the murderous fire of their assailants. Amongst these officers who were shot down by the Maoris, as they lay hidden in their well constructed casemates, was the lamented Commander Hay of the Harrier, the leader of the forlorn hope, who fell mortally wounded, near where Samuel Mitchell (an Able Seaman then under his command) was standing.

Whilst a general rush was being made from the spot on the part of the seamen engaged and of the troops of the 43rd Regiment, Mitchell turned, and raising his commander in his arms began to carry him out of the spot under a heavy fire of musketry. The dying man said to his humble friend and follower - "Mitchell, I am mortally wounded; never mind me; save yourself". Samuel Mitchell replied - "Shall I leave you here to be butchered? Certainly I will not. I will carry you whilst I can walk;" - and carry him he did out of that accursed spot to a place of safety. The officer died, but with his dying breath he expressed an earnest hope that Mitchell's heroism would be rewarded as it deserved to be. That desire has been fulfilled. The heroism of his preserver will now never be forgotten; when the history of the New Zealand war comes to be written, and as long as valour is honoured, the name of Samuel Mitchell shall be had in our remembrance, and his conduct held up as a noble example……….

Families and Fate

Two men were at the award ceremony of the Victoria Cross in Sydney in 1864, Sergeant Frank Burt of the 12th Regiment and AB William Richardson from HMS Harrier. Both men returned to England where they were discharged. Members of the two families separately emigrated to New Zealand and were later joined through marriage. (Advice from Mrs Julie Skellern, New Zealand.)

Promotion of Colonel Kempt

By the death of Major General John Walpole of the Royal Engineers, the following Army promotions will take place: Brevet Lieutenant Colonel John Francis Kempt, 1st Battalion 12th Foot, to be Colonel, and Brevet Major Bernard E. Ward, 3rd Battalion 60th Rifles, to be Lieutenant Colonel. (From United Services Gazette. Sydney Morning Herald, 18th March 1864)

Musters

Captain Saunders transferred to the 2nd Battalion in July 1864 (PRO3728 WO12/2989 page 55).
Private Campbell (3268) was made prisoner after desertion in December 1863. The Army may have made him see sense for he took discharge on the 1st January 1864.

Between April and June 1864, twenty-eight soldiers left the Battalion (seven invalids, twelve discharged and nine desertions).

Color Sergeant (3379) Samuel Adair was deposed of Colours on the 14th July 1864 (PRO3727 WO12/2981). He was promoted back to Colours in October 1864.

Private (1721/3651) John Lambert transferred from the 99th Regiment into the 12th. He was stationed in Brisbane from January 1861- June 1863 and received his fourth Good Conduct Pay on the 3rd October 1862. Lambert discharged in Sydney on the 30th July 1864.

Since his time had expired, Corporal (3132) William John Haddon was discharged in Brisbane on the 23rd November 1864. (PRO3729)
1865

“having shaken hands with each of the Officers, he bade them good bye.”

Stations
NSW, Queensland and Tasmania.

Battalion Structure
Orders were issued from the Horse Guards on the 10th June, that the companies of the Battalion were to be distinguished by letters from “A” to “M” instead of by numbers.

Troop Movements
The SMH reported on the 6th November 1865, under shipping arrivals, that Captain Olivey of the 12th Regiment had arrived on the ship Prince Alfred on the 5th November 1865 having left Auckland, New Zealand, on the 30th October 1865.

Captain M.C. Saunders’ Departure from Australia to India via Western Australia
Cleared 27th June: the passengers from Adelaide (South Australia) to King George’s Sound (Western Australia) by the City of Adelaide were Captain Saunders, 12th Regiment, Mrs. Saunders and infant. (South Australian Weekly Chronicle, 1st July 1865)

Child for Lieutenant Dawson
On the 29th November, at the residence of Mrs. Charles Kemp, North Terrace, Macquarie Street, the wife of R. E. Dawson, Esq., of H. M. 12th Regiment, of a daughter. (Sydney Morning Herald 1st December 1865)

Daughter’s name was Stella and wife’s name was Annie. (NSW BDM 3748/1864)

Child for James Astbury
A son, David L.A. was born to James and Annie Astbury in 1865. Refer to NSW Births, Death and Marriage record 3714/1865.

Death of Child of James Astbury
Deaths. On Thursday, 16th instant, Phoebe Returna, daughter of School Master James Astbury, 1st battalion 12th Regiment, of remittent fever, aged 2 years 76 days, "Thy will be done on earth as it is in heaven." (Sydney Morning Herald, 20th February 1865

Marriage of Armourer John Poole
On the 13th instant, by special license, at St. Mary's Cathedral, by the Rev. J. F. Sheridan, O.S.B., Mr. John Poole, Armourer, 12th regiment, to Margaret Mary, eldest daughter of the late Peter Moran, of Sydney. (The Sydney Morning Herald, 18th December 1865)

Death of Armourer John Poole
On the 16th March, at Tauranga, New Zealand, of fever, John Poole, armourer 12th Regiment, aged 24 years. (The Sydney Morning Herald, 9th April 1866)
**Death of Sarah Spence**

Death in a Cab. A woman named Sarah Spence died on Wednesday afternoon whilst being removed from a house in Prince Street to the Infirmary. Yesterday the City Coroner held an inquest respecting the occurrence at the Forth and Clyde Hotel, Prince Street. His evidence showed that deceased was the wife of a soldier in the XI1 Regiment, now absent in New Zealand. She lately complained of a pain in her chest, and had suffered from rheumatic fever and palpitation of the heart. Dr. Shaw thought that deceased had died from syncope, caused by disease of the heart. Verdict: “Died from natural causes.” (Sydney Morning Herald, 6th January 1865)

Note: wife of Colour Sergeant (3256) Samuel Spence.

**Departure of Colonel Kempt for New Zealand**

We understand that Colonel Kempt has received orders to join his Regiment in New Zealand, and that a field officer will succeed him in the command of the forces in this Colony. It is not intended to send to New Zealand any of the soldiers at present in Sydney, as a considerable number of them are about to be discharged, having served the period of their enlistment. It is also reported that Colonel Hamilton has been recalled and will shortly return to England. (From the Sydney Morning Herald. The Maitland Mercury & Hunter River General Advertiser Tuesday 7 February 1865)

Colonel Kempt and his servant Private (3211) John Sheehan were the only passengers of the 12th Regiment on board the ship *Otago* bound for New Zealand. The SMH reported on the 14th February 1865 -

Yesterday afternoon a number of the officers of the Volunteer companies assembled at the Volunteer Brigade Office for the purpose of presenting an address to Colonel Kempt on the occasion of his departure for New Zealand, whither he will proceed by the steamer *Otago* this afternoon. Captain Still, after making a few introductory remarks, read the following address -

To Colonel Kempt of Her Majesty’s 12th Regiment, Inspecting Field Officer of Volunteers in New South Wales, commanding the Sydney Battalion Volunteer Rifles.

Sir, having been informed that you have received orders to join your Regiment in New Zealand, we, the officers of the Sydney Battalion of the Volunteer Rifles, cannot allow you to leave the Colony without expressing our regret at losing you from amongst us.

The Volunteers of this Colony were originally organised under your direction and advice and, with the exception of a few months during your absence on duty in Tasmania, they have been under your command for upwards of four years.

Though sundry causes have operated to throw a passing cloud over the Volunteer movement, and to dampen the ardour of many Volunteers who originally joined the force, yet you have always exhibited the greatest interest in the Battalion, notwithstanding the difficulties which have arisen from financial and other causes.

We cannot but appreciate your exertions to maintain the efficiency of the Corps since the withdrawal of all remuneration by the Government, dictated as those exertions were by a disinterested desire for the welfare of the Volunteer movement. Whilst the courtesy you have ever shown us personally has been all that English gentlemen expect from the British officer. Assuring you of our united good wishes for your future welfare, we trust that your services in New Zealand will be to your lasting advantage. We have the honour to be, Sir, your faithful and obedient servants. Signed by all the officers of the Sydney Battalion of the Volunteer Rifles. Volunteer Office, Sydney, 13th February 1865.
Colonel Kempt, in reply, said he was a bad hand at leave taking, also of speech making of any kind. He could assure the Volunteer Officers that he should leave them with much regret. He had been in hope that his connexion with the Colonies would have ended here. He was also hoping to see the temporary cloud that was passing over the Volunteer movement cleared away, and a new spirit infused into it, under the regulations and suggestions which he had submitted to the Government.

He thanked them for their kind expressions of goodwill. It must always be pleasing to find that in the performance of his duties, he gave satisfaction to those with whom he came into contact. He had ever taken a warm interest in the Volunteer movement; otherwise, he should probably have given up his connexion with it long ago.

He hoped it would revive but he must tell them that great exertions would be required to produce that result. It would require their assistance in urging upon the Government to establish a code of Government regulations similar to those of the Horse Guards.

It was impossible to get on without something to guide them to support. The Captains themselves in seeking to enforce discipline to encourage the Captains to do their duty, and to get the members under them also to do theirs.

In Tasmania, his advice had been taken, and a Code of Regulations had been established there. He had strongly urged the Government of this Colony to have similar regulations established here. He would just add one or two observations. It did not appear sufficient importance was attached by the Volunteers to drill; they were looking more to rifle shooting. He would read a short passage from an English paper, which, after alluding to a speech by Lord Palmerston on the Volunteer movement, says -

“From the decline of battalion the drill will surely date the decline of the Volunteer force. An army which cannot be manoeuvred is no army at all, and no precision in sharpshooting would compensate for a false movement in presence of an enemy “

Now he was sorry to see a decline in drill amongst the Volunteers in this Colony, and he would urge upon them more attention to that part of their duty; they could not get on without it. He would also quote the following remarks from a speech by Lieutenant Colonel Ibbotson, on the Volunteer System -

“The sooner the members of a battalion sunk the independence of the Volunteer in the obedience and discipline of the soldier, the better it would be for them - the Government, on account of the very liberal grant now made, required a certain standard of efficiency, and he must say that they did not reach that standard.”

He thought the grant by the Government was liberal at one time, and that therefore a certain standard of efficiency should be reached. In conclusion, he would say that he was very thankful to them for this expression of their esteem. He parted from them with much regret. He had endeavoured to do his duty towards them; he had always appealed to their good sense, and had, he trusted, always acted with courtesy in his intercourse with them.

Colonel Kempt was cheered on the conclusion of his address; and, having shaken hands with each of the officers, bade them good bye.

**Accident to Colonel Kempt**

We regret to learn, by letters recently from Auckland, that Colonel Kempt had been prevented by illness from accompanying his detachment to the front. Just before Colonel Kempt left Sydney, while walking across the cabin of the steamer in which he embarked, he missed his footing and fell into the lazarette, the door of which had been negligently left open and thereby sustained some very serious injuries. Up to the date of the last news from Auckland, Colonel Kempt was
confined to his bed, being totally incapacitated from the effects of the above accident. (Sydney Morning Herald, 10th April 1865)

Note: a lazarette is a small storage compartment for spare parts and other items at the stern of a ship.

Death of Colonel Kempt

Colonel Kempt died four months later from a heart attack at Queen’s Redoubt Pokeno in New Zealand on the 28th July 1865. Refer to chapter 1865 New Zealand.

A Telegram was received last evening by Dr. Mouat, principal medical officer, stating that Brevet Lieutenant Colonel Kempt, of the 12th Regiment, had expired at the Queen's redoubt. Colonel Kempt was seized with an apoplectic fit in the morning, and died yesterday at half-past 2 o'clock in the afternoon. The deceased officer, who was about sixty years of age, came from Sydney only a few months ago, and was appointed to take the command of the Queen's redoubt, where about 120 of the 12th Regiment are stationed. He had been in command at Sydney from June, 1863, up to his leaving for New Zealand. Colonel Kempt entered the army as ensign in June, 1830; was appointed a lieutenant in 1837, captain in 1842, purchased his majority's commission in 1854, and was appointed brevet lieutenant colonel in 1868. Mrs. Colonel Kempt came to New Zealand a short time after her husband, and is now at the Queen's Redoubt. Her wishes will be decisive as to where her late husband will be buried. (Daily Southern, July 29. Sydney Morning Herald, 8th August 1865)

Lieutenant Colonel Kempt, 12th Regiment, formerly in command of the New South Wales Volunteers, died at the Queen's Redoubt, New Zealand, on the 28th of July. Mourning is to be worn by the Volunteers for two months out of respect to the deceased officer. (The Sydney Morning Herald, 22nd August 1865)

Volunteer Parade

The fifth anniversary of the formation of the Volunteer force of this Colony was celebrated by a special parade and march out on Saturday last……..Both officers and men were mourning on this occasion for Colonel Kempt, deceased, who for a long time was the respected Commander of the Force. (The SMH 28th August 1865)

Stealing Clothes

John Whalan and Charles Holley, two Privates of the 12th Regiment, were indicted for stealing three coats, one shell jacket, and two pairs of trousers, from the military barracks, on the 29th January last; the property of James Hickey. Whalan pleaded guilty and Holley pleaded not guilty. Verdict guilty. Both prisoners were remanded for sentence. The Court adjourned until tomorrow (Tuesday), at ten o'clock. (Metropolitan General Sessions. Sydney Morning Herald 23rd February 1865, Empire 23rd February 1865)

Colonel Hamilton’s Assault Case

The following is taken from the Daily Southern Cross (New Zealand) of the 7th ultimo, and will be of interest to many in Tasmania to whom Colonel Hamilton was known. It is from the Supreme Court proceedings of the previous day.

Damages for Assault. - Digsby v. Hamilton (Colonel), claim £50 damages for assault.

Mr. Brookfield for defendant. Mr. Wynn briefly opened the case and called the following evidence for the plaintiff:

William Elliott Digsby: on the 30th ultimo I was a guest with Lieutenant Carpenter and Ensign Cotswood of the 3rd Waikato Militia, at Rangiriri. I have a brother in the army. On the
day in question I was bathing at one of the streams up the Waikato, which is crossed by a pontoon bridge. Whilst there, Colonel Hamilton came up on horseback and called out to me, "Here, you fellow, come out of that and pull me across", in a very imperative tone. The bridge is some 30 yards across. I will not swear to the exact language. I replied, "Who are you?" I may have added, "to speak to me in that way." I was on the opposite side of him.

I dressed myself and pulled him over. I was not aware it was Colonel Hamilton. I had scarcely let the rope loose by which I pulled the pontoon, when I felt myself violently struck behind the ear by Colonel Hamilton's fist. I had not addressed him at all whilst bringing him across. He then struck me violently with a whip or a stick across the leg, and mounting his horse drove it at me two or three times, with the intention of knocking me down. When I was getting out of the way he gave me a severe blow on the shoulder which left a mark for four or five weeks after. I received and wrote the following correspondence on the subject of the assault:

[Net copy of letter accompanying statement of case to Brigadier-General Carey, Te Awamutu]
Rangiriri
January 31, 1865

Sir, I have the honor to report, for the information of the General in command of the forces, the outrageous and cowardly behaviour of Colonel H. M. Hamilton, 1st Battalion, 12th Regiment, this morning; conduct altogether unbecoming an officer and a gentleman. I beg herewith to enclose a statement of the facts as they occurred. I have, &c, W. E. E. Digsby.

To the Brigadier-General Carey,
In command of the Waikato district

[Net copy of Letter sent to Colonel Hamilton, demanding an apology for his conduct on the 31st January, 1865]
Rangiriri
January 31, 1865

Sir, For your behaviour this morning by the first pontoon bridge, I beg to demand an immediate apology; and, if refused, simul forthwith report your conduct to the Lieutenant-General commanding the forces, as behaviour altogether unbecoming an officer and a gentleman. I deem it the more expedient to not as I have done, being at the present time a guest of the officers of this garrison. I have, &c. W. E. E. Digsby.

Rangiriri
February 21, 1865

Sir, I have the honour to re-enclose Colonel H. M. Hamilton's letter, which I do not look on as being in anyway an adequate apology for so gross an insult, and which therefore I cannot accept, and not even being addressed to myself. The only apology I might be induced to accept would be one addressed to myself thorough and absolute, without any cavilling at the manner in which I replied to him in the first instance, which I still think by no means too strong considering the way I was addressed; otherwise, I have the honour to request that the matter may be laid before the Lieutenant General in command of the forces; or, if you prefer it, I will have it done by my lawyers, in which case I shall also institute civil proceedings, and have it reported at the Horse Guards, where, I believe, I can command sufficient interest to cause it to be taken up at Headquarters.

[Copy of Colonel H. M. Hamilton's letter to Dep.-Adj. General, Te Awamutu]
Auckland
February 10, 1865

Sir, With reference to the correspondence herewith returned, I have the honour to inform you, for the information of the Brigadier General Commanding that I regret Mr. Digsby should have used
language towards myself of so aggravating a nature as to cause anything unpleasant to have happened. However, having acted on a momentary impulse of the moment, I beg to apologise for what has occurred.

I have, &c, H. Meade Hamilton,

Te Awamutu
February 1865

Sir, With reference to your letter of the 31st ultimo, I have the honour to forward you an apology from Colonel Hamilton commanding 12th Regiment. I have, etc., J. D. Baker.

Captain W. E. Digsby, Esq. cross-examined by Mr. Brookfield: I was considerably provoked at the time. I said, "Who the d-1 are you?" I might have added, "that I should pull you over." He did not say, "Will you be good enough to pull me over?" I did not notice the Colonel's uniform. He might have had a kind of uniform on. He did not ask me before the assault whether I belonged to the militia. He did not say, "I can manage without your assistance." I was not engaged at the time. When Colonel Hamilton landed from the pontoon he did not say, "It's a pity you couldn't speak more civilly." I had an interview with Dr. Chandler, in medical charge at Rangiriri. He told me Colonel Hamilton would apologise for what had passed if I would accept it. He came to see me, but did not apologise, so I told him I should report him to Headquarters. He told me to "report away." I afterwards wrote to the Brigadier-General for information.

William Webb deposed: I am a Private in the 12th Regiment of which defendant is the Colonel. I am stationed at Rangiriri. On the 30th of last month I was warned in company with another Private, to attend on the Colonel whilst crossing in the pontoon, when he arrived at the bridge the plaintiff had just landed across and commenced to undress for a bath. When plaintiff fetched him across the Colonel struck him with his hand under the left ear, and then struck him with his whip. He mounted his horse next and struck plaintiff again, telling him he was Colonel Hamilton, of the 12th, as he rode off.

Cross-examined by Mr. Brookfield: the Colonel was the first to ask me about the matter. He called me before him, stamped his foot, and said he would make me tell him all I knew. I said I was not frightened to tell him I saw him strike Mr. Digsby. Lieutenant Carpenter asked me for my name, but nothing more.

John Welch deposed: I was with the last witness at the time in question and helped to pull the pontoon across. When it was across I saw the Colonel strike Mr. Digsby under the ear and strike him with his whip. He then mounted his horse and struck him a blow on the shoulder, saying "If you want to know my name, I am Colonel Hamilton, of the 12th Regiment." This was plaintiff's case.

Henry M. Hamilton deposed: on the 30th of last month, I was crossing the pontoon on the Waikato river, having two men waiting my arrival to pull me across. When I got to the second I found it on the opposite side, and a person bathing. I called out to him, "Hello, my man, will you kindly give me a pull over?" and was answered in a most insulting, aggravating manner, "Who the d-1 are you, that I should pull your across?" After waiting some time he said, "Oh, I'll give you a pull." I thanked him, and told him I could manage myself. When I had nearly crossed he held the rope whilst I led my horse off. I thanked him, and said, "When you speak to an officer you may as well keep a civil tongue in your head," He asked me if I knew Mr. Carpenter. I said I did not and asked him if he was a militiaman. I told him I would tell him who the d-1 was. I said, "I am Colonel Hamilton, of the 12th Regiment." He muttered again, and I struck him twice. I never rode at him. I rode after him, and struck him again, because he repeated his abuse. I then left him and rode on my way. I asked Dr. Chandler on the 31st to arrange the matter for me, but
finding he could not do so, I went to see Mr. Digsby, and informed him of my readiness to
apologise, if he would do so. He refused to accept it, and said I should report it to the General. I
told him he might do just as he pleased.

Cross-examined by Mr. Wynn: I never wrote Mr. Digsby because I had called upon him. I told
him he had brought it all upon himself and refused to apologise until he did. He would not lose,
but said he would report me to the General, his abusive words were, "Who the d - l are you?"
which he repeated at least five times. I told him I would show him "who the d - l was" every time
I struck him. I struck him twice with my whip and once with my hand. I rode after him to strike
him. You may call it riding at him if you like. He muttered to me and aggravated me. I was not
perfectly justified in doing what me because I ought to have kept my temper. That was the
defendant's case.

The Bench and the statements of the plaintiff and defendant differed respecting the
commencement of the assault, but the more aggravated part of it was clearly proved. Looking at
the position of the two parties the amount of fine could be nothing to the assault committed,
which nothing could justify. He had no alternative, under the circumstances, but to record
judgment for the plaintiff for the full amount claimed, and the remainder of the civil business was
then adjourned until the following Monday. (The Hobart Mercury, 3rd May 1865 and Empire 6th
may 1865)

Colonel Hamilton and his Detractors

To the editor of The Brisbane Courier. Sir, Having observed in the Courier of the 10th instant an
extract, or letter, taken from the Sydney papers, or the "Sydney Man," and endeavouring to throw
a great deal of discredit on Colonel Hamilton, commanding the 1st Battalion 12th Regiment, I
may mention that in doing so he has brought himself rather prominently to the front, to judge of
military Commanders and their duties with regard to those above them, as well as their duties to
their subordinates.

He says that the Colonel was sent to New Zealand with his Regiment, and it might have been
expected that a man with such an amount of exuberant spirit would have distinguished himself
against the enemy, but he got command of a military post in Waikato district, where the war had
ceased, and no more was heard of him for a time. Such a rhapsody of illogical ideas from the pen
of any public writer, is shameful; he wants the intrepid and brave, Colonel to distinguish himself,
when having no enemy to encounter at Waikato, where the war had ceased according to his own
words.

Again, the correspondent who furnished this brief news should know that any officer in command
of a Battalion cannot vacate the post allotted to him, until ordered to do so, but had the Colonel of
the 12th Regiment taken his Battalion to where the enemy became more tangible, he would be
guilty of what they call disobeying of orders, a very severe crime indeed, in a military point of
view.

He may not know the extent of the words disobedience of orders; they were first practised in
Paradise, and had Adam and Eve eaten a turnip in place of an apple, the ? would not be
pronounced against Adam and his progeny, as they had no precept to disobey eating the turnip
and hence it is that Colonel Hamilton has remained at his post in Waikato. Had he acted
otherwise, he would be guilty of the said crime of disobedience of orders.

Does your correspondent, "the Sydney Man," mean to insinuate that the Colonel of the 12th
Regiment would act otherwise than brave and heroic, had an opportunity offered to him? No.
Such would be as absurd as it would ridiculous to those who know that gentleman. He cares but
very little for our enemy who might be brought to settle paltry cavils, much less does he care for
an enemy on the open field when at the head of his Regiment. I should not expect such illogical
abductions from the "Sydney Man," nor yet from a Parramatta veteran. Never could it be once said that Colonel Hamilton lost in New Zealand what his veteran predecessors so proudly won, when at the head of the said corps, namely, at Gibraltar, Seringapatam, in the Carnatic, Minden, Calpee, &c. In the first place named, they so signally distinguished themselves that a special honour has been awarded them, viz., the castle and key inscribed on their colours; and I have not the slightest doubt that had Colonel Hamilton a chance, he would embellish the sacred banner with more, as he has the component parts of a brave man and a good commander in front of an enemy.

I can state in truth, not on hearsay, but by substantial truth and experience, that there exist but few officers in the service who administer the law with more clemency than the Colonel, whom you call a tyrant. Having served under no less than twelve colonels, and nearly one and a-half as many majors, I protest again at such a foul imputation on the intrepid Colonel Hamilton. As you would wish to be similarly defended, if maligned, I beg you will publish this for the information of many.

I am, sir, yours most respectfully, Johnny Kaw. (The Brisbane Courier 16th May 1865)

Deserters

SMH, 20th July 1865 - John Irving, apprehended as a deserter from H. M. 12th Regiment, was forwarded to the military authorities to be dealt with. Water Police Court.

Empire, 20th September 1865 - George Smythe, charged with deserting from Her Majesty's 12th Regiment, was discharged. Central Police Court.

Empire, 28th March 1865 - Henry Sharples was charged with being a deserter from H.M. 12th Regiment of Foot. Water Police Constable Little deposed: that about nine o'clock this morning prisoner surrendered himself to witness in Phillip Street, stating that he had deserted H.M. 12th Regiment of Foot, while stationed in New Zealand, about the 1st instant. He said that his number was 385, that he came to Sydney by the Alice Cameron, and had given himself up to take the weight off his mind. Prisoner was remanded to the military authorities to be dealt with. Water Police Court.

Theft from the Officers’ Mess

SMH, 6th September 1865 - Water Police Court. John Irving 20, described as a miner, was charged with burglariously entering the Officer’s mess room and pantry, at the Victoria Barracks, and stealing therefrom one dozen silver dessert spoons, ten silver table spoons, one dozen silver forks, ten silver dinner forks, six silver teaspoons, two silver pepper boxes, a silver butter knife, two and a half dozen of knives, two carving knives, a lever clock, and two pairs of trousers, the property being of the value of £100, belonging to the officers of the 12th Regiment.

Senior Sergeant Rawlinson, about half past seven last evening, saw the prisoner in Hyde Park carrying the parcel, produced and took it from him. It contained a lever clock, which, when he was in custody, prisoner said he obtained from a person named Manning. Two pairs of black trousers were also produced.

Captain Marcon of the 12th Regiment, identified the clock as that stolen from the Barracks on the night of the 28th or morning of the 29th ultimo. When prisoner was searched at the station there was found upon him a soldier’s discharge horn of the 12th Regiment. At the request of the police officer, prisoner was remanded till this day week, to allow of further inquiry and to produce witnesses.

Empire, 13th September 1865 - Water Police Court. John Irving was charged with burglariously entering the Officers' Mess room, Victoria Barracks, and stealing therefrom plate and other articles to the value of £100. Mary Scambel and Henry Scambel, of Prospect Place, were charged
with being concerned in the same robbery. A portion of the evidence, in this case has been already given.

It may be remembered that at the end of last month, the Officers' Mess room was entered during the night and the articles stolen. That about a week afterwards, Senior Sergeant Rawlinson observed the prisoner Irving at dusk crossing Hyde Park with a bundle under his arm; that this bundle contained some of the stolen property.

That afterwards, from information received, Sergeant Rawlinson went to Prompton's Pawn Office, Crown Street, and there saw the female prisoner offering some of the plate in pledge; that this prisoner said she received the articles, from somebody also, or found them; that the Sergeant went to search the female prisoner's house in Prospect Place, where he saw the male prisoner Scambel and found other articles which Mrs. Scambel's daughter said had been found in the bush on the Randwick road.

There was other evidence to connect Henry Scambel with the property possessed by Mary Scambel, and a connection was traced to prisoner Irving, on whom was found a soldier's discharge certificate from H.M. 12th Regiment. Ensign Woodward and Private Wingfield identified the plate as belonging to the officers' mess, H.M.12th Regiment, while Captain Marcon, identified the wearing apparel found upon Irving. The whole of the property stolen has been recovered to the credit of the police; and the three prisoners were committed to take their trial at the ensuing Quarter Sessions.

**Presentation to Senior Sergeant Rawlinson**

It will be in the recollection of our readers that at the late sitting of the Sydney District Court of Quarter Sessions, a man named Irving was convicted of having stolen from the Victoria Barracks a quantity of silver plate, for which offence he received a sentence of three year's imprisonment in Parramatta Goal. And that Mary and Henry Scambell were sentenced to be imprisoned one year for having feloniously received said plate. On the discovery of the robbery, communication was made to Senior Sergeant Rawlinson who promptly set himself to trace the goods and apprehend the criminals. His promptitude and tact were crowned with success and yesterday Mr Rawlinson was presented with a handsome silver watch, bearing the following inscription -

"Presented to Senior Sergeant Henry Rawlinson Sydney Police by the Officers of HM 12th Regiment for his zeal and activity in recovering their stolen mess property Sydney September 1865."

We congratulate Mr Rawlinson on this recognition of his ability and take the opportunity of adding that the quiet, gentlemanly, unostentatious manner in which his duties are performed has placed him high in public estimation. (The Sydney Morning Herald, 23rd September 1865)

**Drowning of Private (725) George Gray**

The City Coroner held an inquest yesterday, at the Observer Tavern, George Street North, on the body of George Gray, found drowned in Sydney Cove near Circular Quay. It appeared deceased formerly belonged to H.M. 77th Regiment, from which he deserted, was arrested some time afterwards, and transferred to H.M. 12th Regiment, when he was tried by a General Court Martial, and sentenced to four years hard labour on Cockatoo Island.

From this establishment he was discharged recently, and was, for a few days, a patient in the regimental hospital. He was seen alive on Monday evening at five o'clock by a comrade named Patrick Donovan of the 12th Regiment.

On Tuesday morning, about eight o'clock, a waterman, named George Warren pulled his boat towards three men who were standing on the Circular Quay, and when near, they asked him,
"What's that in the water?" Warren looked down, and saw the body of a man with a red coat on. He was removed by the police, identified by men of his Regiment, and the jury returned a verdict of "Found drowned." (Empire, 19th October 1865 and SMH, 21st November 1865)

**Appointment of Musketry Instructor to the Volunteer Force**

The SMH reported on the 3rd July 1865 under “Volunteers” that Sergeant Reynolds, late of the 12th Regiment, had been appointed Musketry Instructor.

**Aide-de-Camp to the Governor of Queensland**

Some time ago [1st April 1865] we stated that Captain H. D. Pitt was about to leave the colony for Canada and that Lieutenant Mair had been appointed Aide-de-Camp to his Excellency the Governor in consequence. We were informed yesterday that such a change will not take place for some months at least and that the absence of Captain Pitt has been prolonged through severe illness. He is expected to return to Brisbane shortly. (The Brisbane Courier 25th April 1865)

**Rifle Shooting Competition in Brisbane**

The Courier reported a rifle shooting competition in November 1865 in which Corporal Nicholas Morris, Private Patrick Clancy and Private Edgar Woodward participated. All three were members of the Queensland Rifle Association.

**Musters**

Private (3721) William Taylor took furlough in Sydney and sailed to Western Australia on the 15th February 1865.

Sergeant (1512) John Casserly was appointed Provost Sergeant in Sydney 1865.

Private (347) Patrick Cary re-enlisted. Aged nineteen on the 20th January 1854, he was now aged thirty-one and enlisted for ten years and nine days on the 20th January 1865.

**Note that the Payrolls and Musters for Sydney and Brisbane Australia April 1865 to March 1866 have not been microfilmed and are not readily available for research in Australia.**
1866

“The Girl I Left Behind Me.”

Stations
NSW, Queensland and Tasmania.

Battalion Strength
Instructions were received in May 1866 that the Battalion’s establishment would be reduced by fifty Privates. From the 1st April 1866, the strength of the Battalion of ten companies was approved of thirty-nine officers and 750 of other ranks.

OIC New South Wales
Major Hutchins, brevet Lieutenant Colonel, left New Zealand and returned to command the detachment in Sydney from April to June 1866.

Death of Captain Boulton’s Sister
On the 11th instant, at her residence, Eden, Twofold Bay, of bronchitis, Eliza Anne, the beloved wife of Mr. Francis Smith, eldest daughter of Dr. Thomas Boulton, sister of Captain Francis John Boulton, 12th Regiment, and first cousin of Frances Countess Waldegrave (present Lady Fortescue), London, England, aged 36 years, leaving a husband and four helpless children to lament the sad loss of their highly accomplished parent. (The Sydney Morning Herald, 18th September 1866)

Child for Sergeant Hawkes
On the 7th February, at the Military Barracks the wife of Sergeant Hawkes, of H.M. 12th Regiment, of a daughter. (The Brisbane Courier. 9th February 1866)

Garrison Court Martial of Lance Corporal Henry Morris
Yesterday, by order of Major E. H. Eagar, Commanding the Troops, a Garrison Court Martial assembled at the Officers' Room Military Barracks, for the purpose of trying two men of the 12th Regiment for offences against discipline.

The Court consisted of Captain F. R. Chesney, Commanding the Royal Engineers, President, Captain, C. J. C. Sillery, 12th Regiment; D. A. Commissary General Ryland; D. A. Storekeeper H. Smith, and Lieutenant E. M. Lloyd, Royal Engineers.

Lance Corporal Henry Morris, of H. M. 12th Regiment, was charged with having been drunk in Barracks on the 2nd April, and also with escaping from the guard room when confined on such charge. Having replied to the usual question whether he had any objection to be tried by the members of that Court, in the negative, the prisoner pleaded not guilty, and the evidence of several witnesses was taken. The prisoner had nothing to say in defence.

Finding: the Court deliberated for a short time, and found the defendant guilty upon both charges. Sentence: the records of several previous convictions having been adduced against the prisoner, he was sentenced to be imprisoned and kept to hard labor in the House of Correction for fifty-six days.

Private William Thomas, of H.M. 12th Regiment, was also tried for being absent from Tattoo, and for escaping from the guard room where he was confined for that offence. The finding and sentence were the same as in the last case.

Major Eagar, having confirmed the findings and sentences against the prisoners, they were conveyed under escort to the House of Correction in the afternoon.
Two soldiers in whose charge the prisoners were placed, are at the House of Correction, undergoing sentences of seven days for permitting Morris and Thomas to escape. (The Mercury, 7th April 1866)

Sydney Harbour Fortifications

On Saturday the steamer *Black Swan* was chartered by the Government to convey a party of gentlemen to Middle Head. The visit was for the purpose of examining the spot as a site for fortifications, and for establishing a stockade, with the necessary buildings, for the housing of two or three hundred convicts, who are to be employed in the works that might be determined upon, and so, at the same time, relieving our overcrowded gaols. The party consisted of the following gentlemen: His Excellency the Governor, Mr. Martin, Mr. Parkes, Mr. Wilson, Mr. Docker, Colonel Hutchins, of H. M 12th Regiment; Captain Parnell, commanding the Royal Artillery stationed here; Major Roberts, R A.; Captain Mann; Mr. E. O. Moriarty, Engineer of Harbours and Rivers; Mr. Barnett, the Colonial Architect; Mr. W. Macleay, M.P.; the Sheriff and Mr. Morell.

The party having landed, walked to the summit of Middle Head, from which there is a magnificent view of the sea, of the North and South Head, and all the salient points of the harbour. The “scientific” gentlemen of the party discussed fully the plan long ago submitted to the public by Mr. Morell for the fortification of the harbour; and his views seemed to meet general acceptance. The leading idea as to defending the port may be thus epitomised. Two batteries should be placed on Middle Head, one underneath the other. The top battery to be armed with seven guns from 80 to 100 feet apart, and the lower battery with five guns……..

Plans of the stockade, barracks, officers’ quarters, &c., were produced on the ground, and generally approved. The examination of the ground, and the discussion of plans and suggestions, occupied nearly all the day, which was not a very inviting one, and the steamer did not reach her starting place till past five o’clock. His Excellency landed at the jetty, and the *Black Swan* conveyed the rest of the gentlemen to the Circular Quay, where they stepped ashore in the pelting rain. (Empire, June 25. The Maitland Mercury & Hunter River General Advertiser, 28th June 1866)

Deserters

Empire 24th March 1866 - Central Police Court. Edward Muleahey was remanded to the Military Barracks, charged with deserting from H.M. 12th Regiment.

Empire 3rd November 1866 - William Thomas, charged with deserting from H.M. 12th Regiment, was remanded to the military authorities.

Rewards for the Apprehension of Deserters

Acting Sergeant J. Byrne, Brisbane Police, was paid £2 for apprehending Private (450) Michael Regan in August 1866. (PRO3731)

"Bread and Blood" Riots in Brisbane

References Queensland Heritage Vol.2 No.4 and “Brisbane’s 1st Battalion, 12th Regiment” by Rod Pratt.

After four tumultuous days, a riot, stemming from economic depression and unemployment, occurred in Brisbane on the night of the 11th September 1866. The Brisbane Courier reported on the 17th September 1866 –

In another column will be found two letters referring to the late disturbances in this city. One is directed by the Colonial Secretary to Mr Thornton, JP, requesting him to thank those who acted as special Constables and the other to Mr Watson, thanking the City Fire Brigade for the assistance they rendered in the preservation of peace. As yet no mention has been made of the Volunteer Artillery. We presume, however, that they like the military are supposed to have performed only what was their duty.

As regards the latter, we may mention that for eighty-four hours not one of the guard at Government House had any rest, the smallness of their numbers rendering it imperative that
they should be constantly on guard. We believe that they will shortly leave this colony for Sydney and New Zealand, a detachment of the 50th being expected to arrive here at the end of the month. The 12th Regiment have been quartered in Queensland for nearly six years and it must be gratifying to them to know that no complaints have during that period been made against them as a body.

Captain Mair, we understand, will join a Battalion of his Regiment at Calcutta to which place he will proceed by either the next mail or the one after. He certainly has had his share of colonial service and as recognition of it, he is now ordered to the most unhealthy part of India.

We should like to hear that Sergeant Hawkes is to remain here, as if it be true that a large addition is to be made to our Volounteer force we can ill afford to part with him as a drill instructor.

From the Payroll, PRO3731, fifteen soldiers were on station in Brisbane during the riots –

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<tr>
<th>Captain W. C.S. Mair</th>
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<td>Sergeant Thomas Hawkes</td>
<td>Richard Pearce</td>
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<td>Corporal Thomas Walker</td>
<td>George Rowson</td>
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<td>Drummer John Hughes</td>
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<td>Privates</td>
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The new Barracks at Green Hills, and the subsequent additions, were part of a wider colonial expenditure on an ambitious public works program including a rail line linking Ipswich with the rich farming area of Dowling Downs. To fund these works, the Queensland government borrowed heavily from London financiers, the Agra and Masterman Bank, which collapsed in July 1866. Without funds, the railway contractors, Peto, Brassey and Betts were forced to cease work on the Ipswich to Toowoomba line, thus stranding hundreds of navvies (railway workers) without wages, food or employment prospects.

Drought and the economic depression caused by the Bank’s collapse triggered a financial crisis for the Queensland government in August 1866 that brought the State close to bankruptcy. Migration was halted and all public works, such as railway construction, were stopped. Premier Macalister resigned when Governor Bowen refused him permission to issue "greenbacks" (non-convertible notes) on Government credit, calling it a licence to print money.

A vigorous immigration program, begun in 1863, had been supplying Queensland with hundreds of new workers and after the depression began, there was no way of halting the flow of ships which continued to arrive in Queensland, pouring more and more workers into a pool of those already without work. On the 17th August, the Maryborough had arrived in Moreton Bay with 210 working men. At anchor lay the Rockhampton, with 455 immigrants (174 working men) which had been in quarantine since the 31st May. The Beausite, carrying 373 German immigrants, and the Young Australia with 311 British, were due any day.

News reached Brisbane on Friday the 7th September (Brisbane Courier), that a band of unemployed railway workers (“navvies”) had defied police in the township of Laidley and had broken into the railway stores in search of food. The newspaper report went on to say that many navvies were leaving the railway camps and coming to Brisbane to confront the government in an attempt to secure a resumption of public works.

Groups of men converged on Ipswich. About 150 men from the township of Helidon had climbed aboard a train of empty goods wagons en route to Ipswich. But the train was stopped by police outside Ipswich where several were arrested. Most, however, had jumped off and marched into Ipswich.
After receiving free food from the local shopkeepers, the men proceeded next day on foot to Brisbane since there was no rail link.

With the fear of impending violence, the Government supplemented the local police from the ranks of the Volunteer Artillery and special Constables were sworn in from other Government offices. At a public meeting in Brisbane on Monday the 10th September, tension began to mount as factions of navvies and the Brisbane unemployed began to form around those who were moderates and those who wanted violence. Speakers from both sides urged for Government action to provide either employment or relief. After further meetings between the government and representatives of the men, and more rallies, a meeting was held on Thursday night the 16th September outside the Treasury building. One of the leaders, Parker, addressed the crowd, estimated at 500, and read the following passage -

we did not come here to be paupers, not to accept of charity, but to work and work we cannot get, and bread we cannot do without – and bread we will have. If we don’t get bread we will have blood. And bread or blood we will have tonight. Let us do it now.

The crowd, led by Parker, now rushed down George Street into William Street by way of Elizabeth Street for the Government Stores. As the outer doors to the Stores were being broken, and under attack from stones being thrown by the mob, Police Commissioner Seymour, formerly of the 12th Regiment, formed the police into ranks and began to push the crowd back along William Street. During the mellee, Police Magistrate Massie had one of his staff, Murray, read the Riot Act. As this was being done, Murray found himself face to face with Seymour. In the ensuing argument between the two men, Murray called Seymour “a damned scoundrel” whereupon Seymour arrested him.

The crowd showed no signs of heeding the reading of the Riot Act so the police were ordered to charge and succeeded in pushing the mob back up William into Elizabeth Street. At the corner of George and Elizabeth Streets, the crowd turned on the police and pelted them with stones. The Police Magistrate read the Riot Act a second time with no effect. The police were ordered to load with live ammunition. This order caused a momentary hush and the crowd fell back a little. Seizing the initiative, the police charged and pushed the crowd back up George Street. At the corner of George and Queen Streets, the crowd regained its courage and stood fast. The police reformed ranks and were ordered to fix bayonets and then to charge. At this, the crowd fell back again up Queen Street and was driven towards Albert Street where the momentum broke up and the crowd began to disperse. The critical point of the riot had passed. By 11.30pm, all was quiet and normal police patrols had the situation under control.

The official casualties were Massie and a few other police with slight stone wounds whilst two rioters, Allen and Fitzpatrick had been arrested.

The following day, Parker was arrested as chairman of the riotous meeting. He was later tried on the 21st November and found guilty on the counts of riot and unlawful assembly. He was sentenced to six months jail with hard labour.

The riot, however, compelled the Government to act on a relief program that it had raised at a meeting with the men’s deputation on the previous Monday afternoon (13th September). As a result, many men left with their families for Rockhampton in the north and most of the navvies returned to the construction of the line. Doubtless, the Government’s aim was to get as many unemployed out of Brisbane, but nevertheless, it was a novel social aid program for the day.

The Brisbane Courier reported under Volunteer Artillery on 15th September 1866 –

……later on the day, i.e. on the alarm gun being fired, twenty-seven men [Volunteer Artillery Corps] answered the roll and subsequently twenty-nine. The Corps was dismissed on Monday night between 6 and 9 and re-assembled at Government House gates at 10 the following morning, remaining on duty there until 6 on Wednesday morning when the corps was again dismissed until 10am at which hour, with the exception of some who had urgent private business to attend to, the whole re-assembled. Guards were told off for sentry duty and
the 12th, who had been on duty for a long stretch were relieved by the Volunteers and returned to Barracks until 6pm……..

The Volunteer movement were to a man equally as ready and willing to take their share in the danger and perform their duty as any soldier of Her Majesty’s 12th.

**Additional Buildings for the Barracks in Brisbane**

The Brisbane Courier reported in a lengthy article on 15th October 1866, the requirements for funding to construct a hospital and magazine in the Barracks. A report from the Sanitary Committee, comprising Captain Mair 12th Regiment, Dr Hobbs paid Health Officer and Mr Tiffin Colonial Architect, was also considered.

**Queensland Volunteer Artillery**

There was a good muster of the members of the Volunteer Artillery Corps yesterday afternoon in the old Armoury Reserve. Two of the light six-pound field pieces were taken out and the men were drilled by Sergeant Hawkes in the use of them. (The Brisbane Courier, 4th October 1866)

**Amateur Theatricals at the Barracks**

The gallant soldiers of the 12th Regiment are undoubtedly a very fine set of fellows, and they show their good judgement in cultivating a literary taste, instead of wasting their time and degrading their noble uniform they wear by entertaining riot and debauchery. They have made up a very neat theatre in the supper room of the military barracks; and we had the pleasure last night of witnessing their performances in a melodrama and a farce. A recitation from Shakespeare (the quarrel scene from Julius Caesar) and a few songs occupied the remainder of the evening, to the entire satisfaction of a large and exceedingly well conducted audience. (From South Australia. The Argus, 29th July 1866)

**Testimonial in Brisbane to Sergeant Hawkes**

The Brisbane Courier reported on 16th October 1866 –

We are glad to find that the members of the Brisbane Volunteer Artillery Corps have evinced their appreciation of the valuable services rendered by Sergeant Thomas D. P. Hawkes, their late drill instructor, by forwarding to him a testimonial expressive of the same. As will be seen, it is numerously signed. It is as follows –

“To Sergeant Thomas D. P. Hawkes of the 1st Battalion of Her Majesty’s 12th Regiment Brisbane Queensland, Australia, October 15th 1866.

We the undersigned members of No. 1 Battery of the Queensland Volunteer Artillery, hear with regret that you are about leaving Brisbane with your detachment and cannot allow the present opportunity to pass without recording our appreciation of the manner in which you have always discharged your duties as Sergeant Major to our Battery during the past three years and assure you that you carry the good wishes of the Corps with you.

J.B. Dixon Lieutenant Commanding

**Testimonial to the Detachment of the 1st Battalion, 12th Regiment in Brisbane**

Just prior to its departure from Brisbane, the detachment received a testimonial and had a “small purse” presented to them by the employees at Government House. This was carried out as an “expression of the courteous conduct of the soldiers who each, in their turn, had to perform guard duty at Government House.” The subscription was initiated by the chief butler Mr. Bardwell and subscribed to by all staff.

The Brisbane Courier reported Captain Mair’s reply on 17th October 1866 –

The detachment, being about to be relieved from this post, cannot fail to express their unfeigned appreciation of the unremitting affability and courteous manner in which they have at all times been received at the Government House during a period of nearly six years. The
men of the detachment beg to state that, though the wide Atlantic or Pacific may roar between us, when in old England, it will be the fondest and most cherished hopes of our hearts that we may yet have the pleasure of seeing again some of the warm hearts of the Government House in your land of adoption, among whom we have spent so many of our balmy days of soldiering.

The men also have to tender their most sincere thanks for the testimonial which they have so spontaneously sent us, not that we look at the intrinsic value of the thing, but the nobleness of such a kind remembrance of the detachment; and must conclude by wishing you all respectively, the success of this would, both in a temporal and spiritual sense.

**Departure of Troops**

We hear that the barracks in the Australian command have been ordered to be in readiness for the reception of troops from New Zealand by the 1st October next. The headquarters of the 50th Regiment may therefore be expected in the first week of next month. The Detachment of the 12th Regiment, at present stationed here, will after the Detachment at Brisbane arrives probably leave for New Zealand by the same vessel which brings the 50th (From Sydney Morning Herald, September 12th. Movements of The Military. The Maitland Mercury & Hunter River General Advertiser, 15th September 1866)

By the mail steamer Auckland, from Auckland, which came in at an early hour yesterday morning, the headquarters of the 50th Regiment arrived. The force numbered 13 officers and 340 rank and file, with 29 women and 37 children. At 9 o'clock the men were mustered on the wharf and proceeded to the Paddington Barracks, headed by their beautiful band, which discoursed some spirit-stirring modo as they marched along. They are a very fine body of men and seem none the worse for their rough work in New Zealand - and were much admired by a large concourse of people, who accompanied them to their quarters. The Alice Cameron sailed from Auckland for Brisbane, with one company of the same corps, on the 27th ultimo; upon landing which she was to embark, thirty of the 12th, at present in Brisbane, and bring them on to Sydney. These, should they arrive in time, together with seventy of the 12th now in barracks here, are to sail for Auckland on the return trip of the New Zealand mail steamer, on the 17th of the month. (The Maitland Mercury & Hunter River General Advertiser, 13th October 1866)

**Brisbane and Hobart Detachments depart for New Zealand**

Captain Mair, Sergeant (3643) Thomas Hawkes and the remaining fourteen soldiers in Brisbane with three women and six children and Dr. McKane of the 50th Regiment embarked from Brisbane on the barque Alice Cameron on the 15th October and arrived in Sydney on the 22nd October. Hawkes had joined the 12th in Hobart on transfer from the 99th Regiment in November 1856.

The Brisbane Courier, 17th October 1866, reported that Governor Bowen and Queensland Police Commissioner Seymour (their former OIC) attended the detachment’s embarkation. The Courier advised that Bowen -

> “addressed them in the most kind terms, expressing his regret that they were compelled to leave a colony in which they had conducted themselves in a manner so creditable to them.”

At the same time, in Hobart, Captain Sillery and the remaining six soldiers with one woman and child embarked on the coastal steamer Tasmania and arrived in Sydney on the 24th October. (Sydney Morning Herald 24th October 1866)

On Wednesday, the 31st October 1866, the SMH advised, under Shipping Intelligence, that the barque Alice Cameron was cleared to sail for Auckland. The last detachment of the 12th Regiment, consisting of Captains Sillery and Mair with thirty-three rank and file, accompanied by eight women and eleven children, left Australian shores forever.

The detachment of the 12th Regiment, consisting of three officers, sixty-four rank and file, nine women, and twenty-five children, who have been quartered in the Victoria Barracks for some years
sailed at noon yesterday for Auckland, by the P N Z and Á R M. Co’s steamship Auckland. (From Sydney Morning Herald, September 12th. Movements of The Military. The Maitland Mercury & Hunter River General Advertiser, 20th October 1866)

**Departing in the ship Auckland for New Zealand**

The Battalion received advice in mid 1866 that it would be replaced by the 50th Regiment that was currently serving in New Zealand. Upon arrival of the 50th Regiment, the remaining company of the 12th Regiment in Sydney commenced embarkation for New Zealand where it re-joined the whole Battalion.

The SMH reported on Thursday 18th October 1866 that the steamship Auckland had been cleared to sail. Passengers included Captain Edward Marcon, Lieutenant Woodward, Ensign Winnington and sixty-four rank and file, 9 women and 25 children. The newspaper went on -

The detachment of the 12th Regiment consisting of three officers, 64 rank and file, nine women and twenty-five children, who have been quartered in the Victoria Barracks for some years, sailed at noon yesterday for Auckland by the PNZ and ARM Co’s steamship Auckland.

The men marched down Paddington shortly after ten o’clock headed by the band of the 50th Regiment and the Volunteer Rifles which alternately discoursed a variety of martial and other spirit stirring airs on the route to the place of embarkation.

A large concourse of people accompanied them to the wharf to say farewell. The Volunteer band, who were stationed on the quarter deck of the Claud Hamilton, struck up several appropriate airs, amongst which were “The Girl I Left Behind Me”, “Auld Lang Syne”, “Home Sweet Home”, “The Roving Vagabond Boy” and “God Save the Queen”.

Cheer after cheer was given and answered until Millers Point was rounded by the steamer. The rigging of which was crowded with the soldiers, who had evidently made a good many friends during their stay in our good city and seemed to feel as if they were parting from kind friends with much regret.

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**Home Sweet Home**

Mid pleasures and palaces though we may roam,
Be it ever so humble there's no place like home!
A charm from the skies seems to hallow us there,
Which, seek through the world, is ne'er met with elsewhere:

Chorus:
Home! Home! sweet, sweet Home!
There's no place like Home!

2. I gaze on the moon as I tread the drear wild
And feel that my mother now thinks of her child
As she looks on the moon from our own cottage door
Through the woodbine whose fragrance shall cheer me no more.

Chorus:

3. An exile from home splendor dazzles in vain
Oh, give me my low, thatched cottage again,
The birds singing gaily that come at my call,
Give me them with that peace of mind, dearer than all.

Chorus:

4. How sweet 'tis to sit neath a fond father's smile,
And the cares of a mother to soothe and beguile.
Let others delight 'mid new pleasures to roam,
But give me, oh give me the pleasures of home.

Chorus:

5. To thee I'll return overburdened with care,
The hearts dearest solace will smile on me there
No more from that cottage again will I roam,
Be it ever so humble, there's no place like home.

Chorus:

Adapted from American actor and dramatist John Howard Payne's 1823 opera *Clari, Maid of Milan*, the song's melody was composed by Englishman Sir Henry Bishop with lyrics by Payne.

The ship also embarked with ten prisoners, all soldiers of the 12th, one of whom was Private Hugh King (3189 / 1296) who had been posted to Ballarat in 1854.

Only one soldier deserted before embarkation in Sydney -

Private (517) Frank Harrow about 32 years of age, 5'5"; fair complexion, brown hair, hazel eyes; pianist & labourer; born Dorsetshire, England. Married man.

He was recaptured and placed in a military prison in New Zealand before returning to England. Private Harrow had arrived on the ship *HMS Curacoa* in 1863. (PRO3730)

Before departure, several soldiers chose to stay in Australia. Five soldiers transferred to the 50th Regiment in October 1866 - Corporal (3395) Totterdell and Privates Bishop, Dowson, Edwards and Albert Mathews (PRO3731 WO12/2993).

Private (57) Albert Mathews had arrived in Sydney in 1860 on board the ship *Nugget* and was stationed at Lambing Flat after the first riot. He later fought in the 3rd New Zealand Land war. Mathews, aged eighty-seven, died on the 2nd April 1928 at Choppin’s Hill, Coddenham, Suffolk. As reported in the Suffolk Chronicle and Mercury, Friday the 13th April 1928.

Albert Mathews was discharged in 1878 with the rank of Lance Corporal. After his death, his widow came to live in the village and occupied the house next door to Monk House. She was much respected in the village. (AJCP M973)

Retirement of Lieutenant Colonel Hutchins and others

AJCP M973 advises that Lieutenant Colonel Hutchinson retired in December 1866 in Sydney, New South Wales. However, the Payrolls have always recorded his surname as Hutchins. It is noted that the SMH, dated 26th October, that Lieutenant Colonel Hutchins departed for Hobart on the ship *Tasmania*.

Corporal (3361) William Craft and Private (3351) James Jackson discharged, time expired, in Brisbane on the 12th August 1866. (PRO3731) Craft had married Annabella Daley in February 1865 in Brisbane and their first child, Emily, was born in May 1866.

Queensland Volunteer Artillery

Lieutenant David Seymour was appointed Captain of the Queensland Volunteer Artillery on the 10th May 1867 and resigned from this commission on the 8th January 1869.

The Town of Young

The town of Young shows many signs of having improved since my last visit, two years ago. A very handsome church has been erected for the Church of England residents, being without exception one of the prettiest little edifices that I have seen in any of my rambles. It has been built mainly from funds furnished by Mrs. Wilkie, widow of the late Captain Wilkie, of the 12th Regiment, who died very suddenly whilst the troops were at Lambing Flat; the residents of the town having subscribed the
balance of the money. It is intended for a memorial Church for the late officer, and bears tablets to
that effect.

The interior has a remarkably fine appearance; the supports of the roof, forming a kind of Gothic arch,
being of pine, and polished, give a finished look that is wanting in the roofs of most churches. The
Wesleyan’s are also building a fine large brick church, capable of holding two or three hundred
worshippers; and the Oriental and Commercial Banks have new buildings in which to conduct their
business. Many of the old houses have been pulled down and the materials carried away, so that the
town has now a more settled and business look than it had in the old days of canvas and
calico…..(Sydney Morning Herald Wednesday 16 August 1865)

**Bushrangers rob Mrs. Wilkie**

The mail from Yass, this morning, was stopped and robbed about twenty miles from here, by three
armed men, partly disguised. They took £7 from Dr. Morgan, £20 worth of gold from Mrs. Wilkie;
and some of the letters. They also took from a Constable in the coach, in charge of two lunatics, his
carbine and watch. (Thursday evening. Sydney Morning Herald Friday, 9th February 1866)

**Marriage of Mrs. Wilkie**

On the 9th instant, at Trinity church, by the Rev. H. N. Wollaston, George O'Mally Clarke, Esq., only
son of G. T. Clarke, Esq., of Penrith, N.S.W., to Margaret, widow of the late Captain J. L. Wilkie,
12th Regiment, and second daughter of the late Charles MacLachlan, Esq., of Hobart Town.
(Marriages. The Argus, 10th August 1866)

**Musters**

Sergeant (3322) Yalden was ordered to England and left Sydney on the 7th January 1866. There he
transferred into the 70th Regiment (PRO3729).

Drummers Joyner and Marsland were employed as letter carriers.

Colour Sergeant (4) Phillips re-enlisted in Sydney on the 24th September 1866 for another ten years.
He first enlisted on the 24th November 1854.

Corporal (3602) Donovan, who had discharged in 1859, re-enlisted. He took final discharge in Sydney
in 1866.

The Astbury family was still employed as School Master and “monitress”.  

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