

SKIRTING THE LAW?

Mrs Harriot Davis, nee Neat:

Bushranger harbourer or innocent bystander?

by Fiona MacFarlane

On 7 June 1824 Manchester born convict Matthew Brady and thirteen others absconded from Macquarie Harbour penal settlement on the west coast of Tasmania, making their way to Hobart Town using a vessel they had stolen during the course of their escape.

Over the next two years, Brady and his various gang members, the longest surviving companion being James McCabe, allegedly committed over three hundred offences in many parts of the colony, including murder, attempted murder, manslaughter, assault, wounding, arson and highway robbery.¹ In February 1826, at the height of the bushranger depredations, the *Colonial Times* newspaper purported that the bushrangers were being pursued by at least four hundred soldiers, one hundred armed prisoners and a considerable local interior constabulary. The newspaper found it a 'most unaccountable circumstance' that fourteen armed men had been able to evade capture in such a small island and concluded that, 'there must be something wrong somewhere.'² The colonial administration no doubt shared these sentiments and was acutely aware that members of the general populace had been aiding and abetting the bushrangers, by way of harbouring them, providing them with information about police and troop movements, buying stolen property from them or giving them food and other supplies. In March 1826, in an attempt to destroy the bushrangers' support network, Governor George Arthur issued a proclamation, offering a significant reward for the apprehension or information leading to the apprehension of each bushranger. The reward comprised one hundred guineas or 300 acres of land, with no restrictions³ with a free pardon to any prisoner and a passage back to England. Five hundred copies of this proclamation were printed and distributed around the colony.

Several months before this proclamation was issued the following excerpt appeared in the newspaper, *Hobart Town Gazette and Van Diemen's Land Advertiser*:

*Brady and McCabe made their appearance during the week, at the farm of A.F. Kemp, Esq., up the country. They had previously been robbing some individual and it is supposed are harboured by a woman named Davis who lives in the interior.*⁴

The woman they were referring to was a Mrs Harriot Davis, who was living on a remote property near the Black Marsh, which according to E.R. Pretyman's Index of Place Names, was located at the foot of Den Hill, upon the River Jordan, south east of Bothwell. In February 1827, Edward Dumaesq, Surveyor General of Van Diemen's Land, described the land near the Black Marsh as 'hilly and of bad quality,' with the land closer to Den Hill being a continuation of stony hills, here and there a narrow Valley with a little good Herbage.⁵

¹*Tasmanian History: The First Troubles of Governor Arthur - A Sketch of Old Times; Embodying the Career of Matthew Brady*, by James Erskine Calder, Mercury newspaper, 16 August 1873, p.3

²*Colonial Times* newspaper, 24 February 1826

³Governor's Office outward despatch, GO33/1/1 p.405

⁴*Hobart Town Gazette and Van Diemen's Land Advertiser*, 8 July 1825

⁵*Journals of the Land Commissioner's for Van Diemen's Land, 1826 - 1828*, by Edward Dumaesq, University of Tasmania in conjunction with THRA, Hobart, 1962, p.42

Two weeks after the harbouring allegation was printed, Harriot publicly refuted the accusation by publishing the following notice in the same newspaper:

Notice – The Undersigned, conceiving that the Paragraph which appeared in the Hobart Town Gazette of the 8th instant, respecting McCabe and Brady being harboured, as it was supposed, by a woman named Davis, in the Interior, has Reference to her, she deems it her Duty to assert, that those Bushrangers have never been harboured either by her or any of her Servants, as she can prove by various Persons in the Neighbourhood - Harriot DAVIS⁶

Harriot's proclamation was given more credence in January 1826, when on the eve of James McCabe's public execution, High Sheriff, Dudley Fereday asked him whether there was truth in the rumour that a Mrs Davis near the Black Marsh had harboured Matthew Brady and himself. McCabe declared as, '*a dying man, that such a report was absolutely false. He had never seen Mrs Davis in his whole life.*' This declaration was subsequently published in the *Colonial Times* newspaper on 6 January 1826.

So, with this in mind who was Mrs Harriot Davis, and was she guilty of harbouring one of the most notorious bushranging gangs in Tasmanian history?

In 1977 Richard Butler's historical novel, *And Wretches Hang - The True and Authentic Story of the Rise and Fall of Matt Brady, Bushranger*, was published. While this novel colourfully detailed Matthew Brady's bushranging career during the period 7 June 1824 to 4 May 1826, (when Brady himself was executed), it also described a passionate love affair between the handsome 27 year old Brady and a Mrs Emma Davis, a young woman who lived at the foot of Den Hill, near the Black Marsh. As a fictional character Emma was certainly intriguing:

She stood in the doorway that led into the house – a tall girl in a blue peignoir thrown over a night gown. There was, Brady saw with a feeling of unreality, a magpie sitting on her shoulder. Her hair was very long, dark and straight and reached her waist. A pair of blue- grey eyes regarded him dispassionately. 'What,' she asked, 'are you doing?' She had a clipped, cool voice – a slap up London gentry kind of voice he thought. The kind of voice he'd heard issuing orders from carriage windows. A voice that carried images of silver tea – services, velvet riding habits and a determination to keep pleasantries in its place.' ...She was very tanned, unlike most of the ladies of quality he'd seen. Her face was heart-shaped, with a wide full mouth and her skin was as smooth as cream⁷

Butler later portrays Emma Davis as an eccentric, but respectable widow of an army officer, a woman with aristocratic connections on her mother's side and, 'assuredly not the kind of female to associate with a bushranger.'⁸ Other excerpts from the novel depict Emma wearing men's clothing and she's described as having a sound knowledge of herbal medicine, a skill she primarily uses to heal injured animals, but also to save Brady's life after he sustained a pistol shot to the thigh (incidentally, an 1888 newspaper article suggested that the ball had been extracted from Brady's thigh by a member of an Aboriginal tribe).⁹

This was the fictional Mrs Davis. The *real* Mrs Davis was a far cry from the aristocratic heroine in Butler's novel. In reality, she was Harriot Neat (or Harriett Neale), a convict who had been transported to Van Diemen's Land for larceny. The twenty year old servant was convicted at the Bristol Quarter Sessions on 13 January 1817 and was sentenced to seven years imprisonment.¹⁰ She travelled to Sydney on the vessel *Friendship* then to Hobart Town per *Duke of Wellington*, arriving on 29 February 1818, the Surgeon Superintendent noting in his journal that Harriot had a 'good

⁶*Hobart Town Gazette and Van Diemen's Land Advertiser*, 22 July 1825

⁷*And wretches hang: the true and authentic story of the rise and fall of Matt Brady, bushranger*, by Richard Butler, Hyland House, Melbourne, 1977, p.73

⁸*Ibid*, p. 122

⁹The *Mercury* newspaper, Saturday 21 January 1888, p. 1 of supplement

¹⁰Conduct registers of female convicts arriving in the period of the Assignment System, CON40/1/7 p.2

disposition,' but that she was, 'very ignorant and void of reflection.'¹¹ According to Harriot's conduct record she could read but couldn't write, which raises questions about who assisted her in writing the newspaper proclamation in July 1825.

Shortly after arriving in VDL Harriot was assigned to work for Mr Gatehouse, a merchant in Macquarie Street, Hobart Town and on 4 September 1818 she was put in solitary confinement on bread and water for 14 days after, 'disobeying the orders of, and being insolent to her Master.' Two years later, the unmarried Harriot gave birth to a son, Henry; the father's name was not recorded.¹² Muster records for 1820 and 1821 indicate that Harriot was residing with James Andrews of Hobart Town and while the nature of their relationship is unclear it can be assumed that she was his assigned servant.

On 9 January 1822 Harriot married William Davis,¹³ a former convict who had been tried in 1807 and transported to Port Jackson, New South Wales aboard the *Admiral Gambier*. He was subsequently sent to VDL per *Union* and arrived on 1 January 1810¹⁴. Like Harriot, William was a native of Bristol and he was 38 years old at the time of their marriage, 14 years older than Harriot. The marriage ceremony was conducted by Reverend Robert Knopwood and was witnessed by George Northam and Elizabeth or 'Betsy' Mack, the young ward Knopwood adopted after her mother, Mary Mack died in 1807. Given that Betsy was just 10 months when her mother died she would have been sixteen years old when she witnessed Harriot's wedding.

Unfortunately for Harriot her union with William Davis was destined to be a short and ill fated affair, for six weeks after their wedding, on 26 February 1822, William was accused of stealing 107 sheep from the farm of Constable John Cassidy at the Old Beach. His alleged accomplice was Ralph Churlton or Churton, a convict who had been transported to VDL per the *Indefatigable* in 1812 and both men were captured and held under military guard at Roseneath Ferry. On the night of 28 April both men escaped custody, an event that prompted the Superintendent of Police, A.W.H. Humphrey, to offer a total of twenty pounds reward for their immediate capture. This offer was published in the *Hobart Town Gazette and Van Diemen's Land Advertiser* on 4 May 1822 and included a detailed description of both men. William Davis, it was claimed, had lately resided at the Lovely Banks, which was an area in close proximity to the Black Marsh. In the subsequent weeks similar notices were published in the same newspaper, and on 18 May William's name appeared in a list of persons who had, '*absconded from their usual Places of Residence and are now at large in the Woods.*' It is interesting to note that the self confessed 'cannibal,' Alexander Pearce, was also mentioned in this list. Pearce was an Irish convict who, after escaping from Macquarie Harbour penal settlement with several other convicts, murdered and ate one of his fellow runaways, Thomas Cox. Pearce was executed in Hobart Town in 1824.

William Davis remained at large for the remainder of 1822 and missed the birth of his daughter Caroline on 21 December. As an aside, Rev. Knopwood performed the baptism ceremony¹⁵, and stated on the registration that Caroline's parents had been married in England, a curious error, given the fact that he himself had married them earlier that year!

On 18 January 1823 the Gazette announced that Davis, Churlton and Alexander Pearce had been apprehended by a military party near Jericho and after being brought into town, were lodged in gaol. William Davis, who had been at large for twenty weeks, was described as being severely wounded, after being shot by one of the soldiers. When he was arrested several firearms were found in his possession, evidence that may suggest he was a bushranger. While the definition of bushranging has evolved over the centuries it was generally a term employed to describe an armed absconder who lived in the bush.

¹¹*Notorious strumpets and dangerous girls: convict women in Van Diemen's Land, 1803 - 1829* by Philip Tardif, Angus and Robertson, 1990, p. 272

¹²Baptism registration, RGD32/1/1 reg no. 833 of 1820, Hobart

¹³Marriage registration, RGD36/1/1 reg no. 530 of 1822, Hobart

¹⁴Assignment Lists and Associated Papers, CON13/1/1 p. 3

¹⁵Baptism registration, RGD32/1/1 reg no. 1383 of 1822, Hobart

William Davis, his brother John, Ralph Churlton and Joseph Martin were arraigned at the bar on 27 February 1823, and given the fact that none of the men was able to explain how they came to be in possession of John Cassidy's sheep, the case of sheep stealing was clearly made out against the prisoners¹⁶. They were all sentenced to death by the Court of Criminal Jurisdiction and Davis and Churlton were executed together on 14 April 1823. Rev. Knopwood, who incidentally, announced his retirement at this time, aged 56, wrote about the execution in his diary and mentioned the fact that prior to Davis and Churlton's crime, William Davis had been a man of considerable property and that Churlton had been living with William Davis at the Lovely Banks.¹⁷

Mrs Harriot Davis was now a widow with three children to support: Henry, aged three, Caroline, just four months old and an unidentified fourteen year old girl who was listed in the Children's Census of 1822.¹⁸ It is possible that this child was William Davis's daughter, from a previous relationship. In March of 1824 Harriot received her Free Certificate and little is known of her activities until she was accused of harbouring Matthew Brady and James McCabe in July 1825. In Hobart Town on 30 May 1828 Harriot married her second husband¹⁹, ex *Pilot* convict Robert Jones and several months later she applied for 500 acres of land in the Rutland parish. According to the correspondence pertaining to the application²⁰ Harriet Jones already had 100 acres and a weather board house valued at £150. Interestingly, the application was supported by two prominent and respectable men in the colony, Alexander Reid, one of the earliest settlers in Bothwell and Thomas Anstey from the 'Anstey Barton' estate near Oatlands.

Harriot eventually died on 1 March 1870, aged 73. The cause of death was cancer and exhaustion²¹ and according to her death notice, which appeared in the *Mercury* newspaper, she died at Halfway House, Pleasant Place near Jericho.²² Her husband Robert later died in 1888, aged 97 years old. There is no evidence to suggest that Harriot and Robert parented any children together, but Harriot's children, Caroline and Henry both lived to adulthood, married and had their own children.

In spite of everything we know about Harriot's life in Van Diemen's Land there is one question that cannot be definitively answered: did Harriot harbour the Brady gang during the height of the bushranger attacks? On the surface of things, it seems possible. Her husband was a convicted sheep stealer, absconder and possible bushranger and Harriot's property at Den Hill was located in an area frequented by the Brady gang. It should also be noted that a military party from the 40th Regiment was strategically stationed in the vicinity to search for bushrangers and Governor Arthur himself temporarily relocated to Jericho to be in the centre of operations.²³

That being said, there are no official documents that mention Harriot's involvement in illegal activity, which is curious, given the large volume of records that were produced during this time. CSO46, which is an archived series of correspondence written both by individuals who were in pursuit of the Brady gang, and officials who were co-ordinating the search, make no mention of Mrs Davis, her servants or the area near Den Hill. Similarly, Harriot isn't mentioned in the Colonial Secretary's Office general correspondence, miscellaneous papers or letterbooks.

While there is no evidence to ascertain Harriot's guilt or innocence in the matter of harbouring the Brady gang, one thing is certain; Harriot's early life in Van Diemen's Land was anything but mundane.

¹⁶*Hobart Town Gazette and Van Diemen's Land Advertiser*, 1 March 1823

¹⁷*The diary of the Reverend Robert Knopwood, 1803 - 1838, first Chaplain of Van Diemen's Land*, ed. by Mary Nickolls, THRA, Hobart, 1977, pp. 387 and 388

¹⁸Children's Census, CSO1/240/5809 p. 132

¹⁹Marriage registration, RGD36/1/1 reg no. 1120 of 1828, Hobart

²⁰LSD1/1/90 pp. 117, 198/9

²¹Death registration, RGD35/1/39 reg no. 410 of 1870, Oatlands

²²*Mercury* newspaper, 26 March 1870, p.2

²³*Mercury* newspaper, 21 January 1888, p.1 of supplement