

A STORM IN A TEACUP

Complaint against Andrew Lysaght Esq., J.P.

This storm in a teacup arose out of an event which took place on the evening of Saturday 8th April 1876 in the street outside George Osborne's Caledonian Hotel on the NE corner of Crown and Keira Streets in Wollongong.

A large number of miners had been drinking at the Caledonian and one James Smith had become intoxicated to the point where he was arrested by Constable Boys, but Smith promptly broke away and escaped. Some time later, Sergeant Sheridan came looking for James Smith, laid hands on him and said he was under arrest. Smith then attacked the Sergeant with his fists, whereupon the Sergeant, getting the worst of it, called upon George Osborne for help. George attempted to pull Smith off the Sergeant, only to be attacked in turn by one James Maher, egged on by a bunch of drunken miners, then Smith's brother William joined in. Somehow George's wife managed to get him inside and up the stairs, suffering no more than a black eye. Even John Bright, George's brother-in-law and a pillar of the Methodist Church, had his coat off.

Constable Boys returned with Constable McGarvie. James Smith had to be subdued with McGarvie's baton, even after Sergeant Sheridan had already made an attempt with his. Some of the onlookers claimed that McGarvie had struck Smith while he was down, but George Osborne and a few others disagreed.

The following Monday morning, on the Post Office verandah in Market Street, Lysaght, acting purely on hearsay, sounded off about the incident. He expressed the opinion that the police had used undue force, that the Sergeant was just a flabby old woman who deserved to be jumped on, followed by more in like vein. Mr Mackel, the Postmaster, remonstrated with Lysaght, saying that as a magistrate he should not use such intemperate language about the police.

All this got back to Sergeant Sheridan who, when he had recovered, took Lysaght to court. During the proceedings, evidence was given by Samuel Stumbles, butcher; Mr Keegan, blacksmith; Mr Mackel, postmaster; James Shanahan, labourer; John Bright, storekeeper; and George Osborne, publican and alderman, all of whom had been present at some of the conversation on the Post Office verandah.

The Police Magistrate from Sydney found as follows:

"That Mr Lysaght did use the language complained of is, I think, proved by the evidence adduced; his conduct is therefore censurable in the highest degree."

Shortly afterwards Lysaght resigned his position as J.P., using the excuse that he had entered a business which precluded him from acting in that capacity.

In answer to a question in the Legislative Assembly, all the documents were tabled and published in the Proceedings of the Legislative Assembly of New South Wales, 1876-77. I have to thank Michael Organ for providing a copy.

Frank Osborne.