"YOUR MOST OBEDIENT SERVANT, J. S. SPEARING"

I: MOVEMENT OF THE STATION

[Quotations from original letters and documents in the State Archives are published by permission of the Archives Authority of New South Wales].

Mr. James Stares Spearing, of Paulsgrove, Illawarra, was a voluminous and cantankerous correspondent, and a persistent thorn in the sides of the Colonial Secretary and his offsiders. True, he usually ended, "I have the honour to remain your most obedient servant," or words to that effect; but the contents of his letters were apt to bely these professions of humility.

Before he had been many months in Australia, he was writing (from "Paulsgrove Park, Illawarra"—the "Park" seems to have disappeared from the name later) to begin a preliminary skirmish with complaints about the Post Office (presumably at Sydney), where he discovered a letter had been lying for months, and about the Principal Superintendent of Convicts, who had neither forwarded his application for assigned servants to the appropriate authorities "for want of the proper certificate," nor informed him of the defect.

In the course of a somewhat pompous letter, Spearing claimed that he "came to this country at the instigation of a numerous party of practical agricultural friends to ascertain the fitness of this country for persons of that description." His letters home, he thought, had probably suffered the same fate as his inward mail, and the effects of such delay would be not only disappointing but ruinous (heavily underlined).

(This is something which, as far as I know, we have not heard of before. It would be interesting to know who the friends were, what Spearing said in his report to them, and whether any of them were induced to emigrate).

The Governor, like a certain wartime Minister for the Army, called for a report—in fact two reports; and for all that appears on the file neither complaint was ever heard of again. But one cannot think Spearing would have given up so easily.

On 15th November 1828 Spearing was writing on a different subject, evidently not for the first time: "I some time since wrote a Memorial to his Excellency on the state of the Police of this District." Nothing had been done, and "the District may now be said to be in the possession of an armed banditti."

This time, it appears, the Governor took notice. The back of the letter is heavily minuted in Darling's angular and far from legible handwriting:

"I shall order the detacht, of the 39th [Regiment] to Wollongong.

"The party consists of a Serjeant and 10 men. Mr. [illegible] shall receive orders to send Camp Equipage for the Party until they can Hut themselves.

"Pray write to Mr. Spearing overland to inform him the detacht will be sent there.

"To Major D'Arcy also, to send a sergt and seven men of 39th
to Wollongong and inform him I am sorry to find his services cannot be rendered available in his present situation and I have therefore found it necessary to detach an officer who will be stationed (?) at W and do the duty of Magistrate in that District.

"Corpl. Forbiss (?) will forward letters by the same oppty [opportunity?]. He had better perhaps send [illegible] in by one of the M. Police to C. Town and when they reach Mr. Spearing request he will dispatch them for Maj. D'Arcy.

"Intimate to him he is at liberty to return to Sydney [R.D. 26]."

[Then, in a different handwriting:

Major D'Arcy 27 Nov. 1828].

Mr. Spearing

A further note in Darling's handwriting follows:

"I send this Party to Wollongong with first instructions that the Officer may look about [illegible] as to the most eligible station."

This minute appears to be an important document in Illawarra history—it made Wollongong the "capital" of Illawarra, by transferring the military post, which was also the seat of government, from Red Point, where it had been since 1826. It seems surprising, at first sight, that Governor Darling should have responded so quickly and reacted so strongly to Spearing's letter, which, after all, appears to consist only of vague generality and apparent exaggeration. Perhaps in the earlier "Memorial" Spearing had given chapter and verse for his allegations.

According to Alexander Stewart 2 the move to Wollongong was a result of the "Battle of Woonona," at "the latter end of 1828," when four bushrangers shot it out with the Gerraty brothers, with fatal results for one of the bushrangers. It may also have been at this time that, according to Martin Lynch 3 (who was inclined to be hazy about dates), the bushrangers McLaughlin, Underwood and York terrorised the district. Archibald Campbell, in his notes on Lynch's narrative, said that the outlaws "continued in the district two or three years. Police, mounted and otherwise, although continually looking for them not capturing them." Possibly one or both of these gangs were the "armed banditti" to whom Spearing referred.

In any case, if the Officer looked about, he found no more eligible station, and the move to Wollongong was made.

FOOTNOTES

1.—James Stares Spearing arrived in Australia in 1825. He secured the promise of two grants of 1000 acres each (Portions 7 and 8, Parish of Wollongong). Harriet Overington, whom Spearing married soon after his arrival, was promised a grant of 1920 acres (Portion 113, Parish of Wonona). These properties were all worked together under the name of Paulsgrove or Paul's Grove. The homestead and main farm buildings were near the present site of the Mormon Church at Yellagong Street, West Wollongong. For a further note on Spearing and Paulsgrove, see "Earliest Illawarra," Section X, and Addenda and Corrigenda in second edition.

2.—Alexander Stewart's "Reminiscences of Early Illawarra" appeared in the Illawarra Mercury in 1894 and were reprinted in 1934. His account of the Battle of Woonona is in Part IV (Mercury, 11th May 1934).

II: THE INDEPENDENT CONTRACTOR

On 1st May 1830 William Brown, "per Asia, assigned servant to Mr. Spearing," came before Lieut. Sleeman, the commandant at Wollongong, and being duly sworn set his mark to a deposition which, if true, revealed a very curious and irregular arrangement. According to Brown he had been assigned to Spearing in August 1828, and for most of the time since had worked on his own account as a sawyer, being "allowed his time to himself by paying Mr. Spearing for his Rations, and allowing him 10/- and 12/6 a week for his liberty." (The old practice of expressing depositions in the third person was apt to cause trouble with pronouns). The deposition continued: "Deponent has paid 9d. per lb. for sugar, 5/- per lb. for tea, 6d. per lb. for Beef, 1/- per lb. for Pork and that himself and three others have drawn thirty pounds of Beef weekly from Mr. Spearing." During his time with Spearing he had earned about 30/- a week by cutting cedar on "Paulsgrove" and on Crown land.
Why Brown should have upset an arrangement apparently so satisfactory and profitable to both parties was not immediately explained. It proved less satisfactory to Mr. George Tate, the proprietor of an inn (according to Alexander Stewart the first in Illawarra) at Spring Hill. By a letter written some time in June, he "begged to inform" Mr. Spearing that Brown had run up a bill for £15 "while he was allowed by you to be upon his own hand. It is therefore understood that you will be accountable to me for the same amount. Your answer will much oblige your most obedt. Humble Servt. G. Tate."

Spearing's answer was far from obliging. Tersley addressed to "Mr. G. Tate" (without even a "Dear Sir"), it wasted no words on soft answers: "I had been in this settlement but a very short time before I ascertained the danger of any connection or intercourse with you and on that opinion I gave you a written and many verbal requests to that effect." Nevertheless, Tate had been "carrying on a communication through my assigned servants ever since and I fear not of the most honourable kind as you are repeatedly sending here for the liquidation of Debts which my government servants have contracted." So "for the last time" Mr. Tate was requested to set out all his claims in one statement and send it to Spearing's solicitor in Sydney. "This will close all communication with you"; and this time Mr. Spearing prefaced his signature with no expressions of humility.

Tate lost no time in applying for legal aid. He went to Lieut. Sleeman, who was evidently no friend of Spearing. By his own account Tate had supposed "the person referred to was a free Man," because "he was ginnerly known by the appellation of Mr. Spearing's Overseer over the Sawyers." The deceitful Brown had bought from Tate two fat bullocks for £12, and on a "Book account" owed a further £3. "He agreed to pay the whole in two or three weeks in Cedar." He had not done so, and Spearing had not only refused Tate any redress, but had "grosly insulted [him] by the enclosed paper on that subject, after he reading it in a loud tone of Voice, in presence of the most of his Servants and others." Tate appended "a Coppy" of the correspondence with Spearing, and had "the Honour to be your most obedt. Humble Servt."

Sleeman forwarded the correspondence for the Governor's perusal, with a long covering letter, most of which covered the same ground. However, he disclosed that the trouble had begun when some nark had informed him that Brown and his mate, a free settler named Priest, had a runaway convict working for them. Investigation had not only shown that this was the case, but had revealed the whole irregular arrangement between Spearing and Brown, "a contravention of the Government order dated January 25th 1826."

So Brown was returned to Government service, and no doubt often remembered with regret his time as an independent contractor in Illawarra. Tate was summoned to appear at the court at "Campbell
Town”—why, is not clear. There he again approached Sleeman, and
was told only that the latter “would forward any statement he felt
disposed to make for the consideration of His Excellency the Gov­
enor”—who probably had more on his mind than Mr. Tate’s £15.

Finally, and apparently gratuitously, Lieut. Sleeman favoured
the Colonial Secretary with his views on Spearing: “Mr. Spear­
ing’s conduct, as recorded in this Office, and as often reported, and
sometimes manifested to me, has exhibited such violence and mal­
ignancy of temper, together with such an absence of correct feeling,
as to prevent me from being on any terms of intimacy with him.”
Possibly that was a deprivation Spearing could bear; more serious,
at least for the time being, was an order that no more convicts were
to be assigned to him. But it was not enforced for very long.
"YOUR MOST OBEDIENT SERVANT" — III: SQUARE PEGS

(Quotations from N.S.W. Colonial Secretary’s Correspondence are published by permission of the Archives Authority of New South Wales).

1831 came and went with, apparently, no slackening of the zeal with which Spearing and Sleeman pursued their vendetta. So far I have not come across any of the correspondence of that year, but on 31st January 1832 Spearing sent the Colonial Secretary a letter, the first part of which, almost incoherent with indignation, complains that previous letters have been neither answered nor sent home; though Spearing concedes that “at the distance of sixteen thousand miles it may be almost difficult to convince that such conduct had existed.” What that conduct was must remain obscure unless and until the previous correspondence comes to light.

The second part of the letter reveals more irregular action, this time on Sleeman’s part: “A servant I [Spearing] took before him for Insolence and taking me by the Collar, is taken into the employ of Lieut. Sleeman and kept Two Years at the expense of the British public to insult me and influence my other servants to similar acts, boasting that he has not half an hour’s work in a day, and this little he was too lazy at last to perform, and is sent to the Tread Mill and returned to Government for insolence to the Corporal—the prisoner received a sinecure for Two Years from the British Government in the one case for the latter he is punished!!!”

Whatever the rights and wrongs of the original dispute, Sleeman’s apparent favouritism towards a convict guilty of such a flagrant breach of discipline is extraordinary. Had a private under Sleeman’s command laid his rank and vile hands on that officer’s collar, whatever the provocation, it would have been worth several dozen lashes at least; and the gulf between master and assigned servant was almost as great as that between officer and ranker.

Finally Spearing added a few comments on “the Cedar Duty, which . . . should have been designated as an act of counsel [sic] for encouragement of Vice and immorality, with a premium for perjury, intended to deprive every person from anticipating [sic; “participating”?] in it that has any regard for morality and to fill up the Harbours on the coast.” For details the recipient is referred back to “my letter to General Darling of about the 30th Novr. last.”

That letter, worse luck, is not available—it might explain why the cedar duty was going to fill up the harbours—but one might infer some at least of its contents from Alexander Harris’s account of the cedar-getters, “as wild a set as is anywhere to be met with among white men.” One might also speculate on whether some more recent legislation might be designated acts for the encouragement of vice and immorality, or offer a premium for perjury.

Later in that year (1832), we find Mr. C. D. Riddell, on behalf of the Assignment Board, informing the Colonial Secretary (evidently in reply to some complaint from Spearing) that “Mr. Spearing was prohibited from having servants assigned to him by Coll. Secretary’s letter of the 3 Sep. 1830, which order was resinded by Coll. Secty’s
letter of the 11th June 1831, since which period he has received the following Mechanics, a Blacksmith, a Carpenter, a Wheelwright and a Tailor, and in addition he allows that he has a Shoemaker and a Sawyer, and he has received three Farming men or Laborers.”

Spearing’s persistence evidently got under the skin of someone on the Assignment Board, who took the trouble to produce an elaborately-ruled, methodically-arranged and beautifully-written “List of Convict Servants Assigned to Mr. J. S. Spearing since 1st Jany. 1826,” which detailed no fewer than 61 convicts assigned up to 19th April 1830, giving in each case the name, ship, trade and date of assignment. There would not, of course, have been anything like that number on the property at any one time. Some would have completed their sentences, or obtained tickets-of-leave—the list does not show who they were. Against the names of others there are such notes as “Returned for drunkenness,” “Returned—brutal treatment of cattle,” or “Returned—no further occasion.” (Is this the origin of what the A.I.F. knew as a Snarler?2) Our old acquaintance William Brown is shown as “Withdrawn from Master for improper conduct.” One who must have been a great disappointment was an alleged sawmaker who was “Returned—age and infirmity.” No. 6, Jno. Hutton, is noted as “hanged for the murder of No. 10,” and No. 10, Thos. Austin, as “murdered by No. 6.”3

In addition to the tradesmen already mentioned, Spearing had received six ploughmen, three shoemakers, a “Pitt Sawyer,” another gardener, another wheelwright, a “good Ships Carpenter,” a cooper, a bricklayer, a butcher, several “farming men” or farm labourers, and numerous labourers (unspecified), as well as such less obviously useful hands as errand boys, a “whitesmith,” a “Servant and Hostler,” a weaver, a victualler, and a locksmith (who, useful though his talents may have been in some directions, was probably only too talented in others). If the official report was correct, Spearing had little to complain about.

But its correctness he vehemently denied. Of the seven assigned in 1831, “I regret to inform you that the only part correct is the number, not one of them having any pretentions to any trade or calling except that of London pickpockets, of which avocation there was Three; another so deformed and Crippled that my Agent could not get him out of the prisoners barracks without assistance consequently he left him there, a second designed as a Carpenter so perfectly useless I was obliged to return him to Government after having incurred the expence... After seven years application, my numbers are decreasing from those getting Free, and Tickets of Leave.” Convict labour may have been cheap, but it was not an unmixed blessing to the master—especially when the Assignment Board was exercising a talent worthy of the Second World War army for putting square pegs in round holes. —W. G. McDonald.

1 See “The Secrets of Alexander Harris,” Chapter XI and XII.
2 “S.N.L.R.—Services no longer required—the wording used for a dishonourable discharge.
3 There is an account of this case in the Society’s booklet, “Hell Hole.”
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IV: NO NEW THING UNDER THE SUN

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Mr. Spearing had other problems with his labour force besides the physical and mental shortcomings and the skill (or lack of skill) of the convicts assigned to him. One question which greatly exercised his mind and exacerbated his temper was that of the early release of prisoners on licence before the expiration of their sentences or non-parole periods (in his day known as the ticket-of-leave system), especially when he suspected that undue influence and discrimination were at work.

In the early days the issue of tickets of leave had been at the Governor's discretion, and a "gentleman convict" who had committed a technical but still gentlemanly offence to which no moral stigma was attached (such as abducting an heiress or killing his man in a duel) might expect practically immediate release. But, under pressure from the home government, attempts had been made from time to time to regulate and systematise the granting of tickets, and in 1832 an Imperial Act laid down fairly stringent conditions. "Prisoners sentenced to seven years, who had served four years with one master, or five years with two masters, could apply for a ticket. Those who had a fourteen years' sentence and had served six years with one master, or eight years with two masters, or ten years with three masters, would be considered, while those serving a life sentence could not apply until they had served eight years with one master, ten years with two masters, or twelve years with three masters." The convict seeking a ticket had to lodge his application, endorsed by his master, with the nearest Bench of Magistrates, who sent it on with their comments to the Principal Superintendent of Convicts, who forwarded it with his report to the Governor, who made the final decision.

Such, at any rate, was the prescribed routine. But if Spearing was to be believed, it was not always observed. Possibly notification of the Imperial Act had not reached the colony when, on 12th November 1832, he wrote to Captain Allman, the Commandant and Police Magistrate at Wollongong, protesting his desire to conform to the rules and regulations of the colony, "however much I may differ from them in my own opinion!" and urging that "they should be defined to avoid losing time by the Men leaving the Farm against my express desire in harvest . . . I beg to learn if your decision is the present regulation viz: 'Is a person that has a most infamous character from his Master, and has been punished by a probation of Three months eligible to be recommended to His Majestie's Government as a proper person for the indulgence of a Ticket of leave.'" Spearing claimed that he had not been aware that he was required to "enter into all their different transgressions," and concluded by asking for a copy ("for which of course I will pay") of "the whole of my deposition during the time Lieut. Sleeman acted in his judicial capacity here" (a formidable copying job for Captain Allman's clerk!), particularly of one case which had been the subject of complaints against Lieut. Sleeman which Spearing had "caused to be laid before His Majestie's home Government."
Spearing was one of the bulldog breed, like the immortal Mr. Robinson who took the Balmain Ferry Company to the Privy Council for twopence.

One can imagine that Captain Allman, if he was (as seems to be the case) the easy-going and kind-hearted "old Irish major" of Alexander Harris's reminiscences, would have erred on the side of leniency, and would have been reluctant to send a disappointed convict back with a black mark against him, to a touchy and choleric master. Possibly the arrival in the colony of the Imperial Act answered, or should have answered, Spearing's question and imposed a stricter system of dealing with applications.

Two years later, however, we find Spearing writing to complain of the gazetting for tickets of leave of two of his men "who had often been before the Bench and punished, and were otherwise highly improper persons to receive this indulgence." He had reported adversely on their applications, but the Resident Magistrate (a Mr. Gray) had recommended them nevertheless. Spearing begged "to hand you a copy of my letter to the Resident Magistrate." (Unfortunately this was not on the file—it would have been worth reading).

Then, apparently, higher authorities had allowed the men to be gazetted without further reference to Spearing. This was a clear breach of the guidelines, and Spearing, presented with an undeniable grievance, could be relied on to make the most of it: "Should this be the rule and regulation the wish and signature of the Master is worse than useless and must lead to insubordination—If a probation of Three Months is to compensate for Six Years bad conduct there can be little inducement for others to act properly . . . It is highly injurious and must do away with all discipline if the voice of the Master is set at nought."

He added, "It always gives me pleasure to sign for a deserving man and I am proud to say I have had many." (There seems to be no reason to doubt his sincerity—it would all depend on his interpretation of "a deserving man." The references in the Paulsgrove Diary to disciplinary action and punishments do not suggest that Spearing was a particularly hard master).

Three weeks later Spearing followed up his letter with an allegation that the law was not being equally applied to all: "Is a prisoner of the Crown after being gazetted absolved from my service . . . and is the Magistrate authorised to give these men passes to employ themselves for their own advantage for I find the same regulations does not apply to all! for another individual has a man Gazetted in the same papers, and which man gets a pass from the police Magistrate at Campble Town to employ himself in this district. His Master has him taken up, tried before the police Magistrate here and he is returned to his service."

An almost indecipherable minute on a back corner of this letter concludes, "A case should be stated for the Governor's decision." But before the case could be stated, let alone decided, a new cause of conflict, in the shape of Mr. Edward Spink's cows, had strayed on to the field of battle.

W. G. McDonald.

2—The Secrets of Alexander Harris: "Religio Christi," Chapter XII.