

JAMES MCKEOWN

From fact to folklore to legend to fable...and back again!

Part Two

– Dr. Dan Catchpoole *

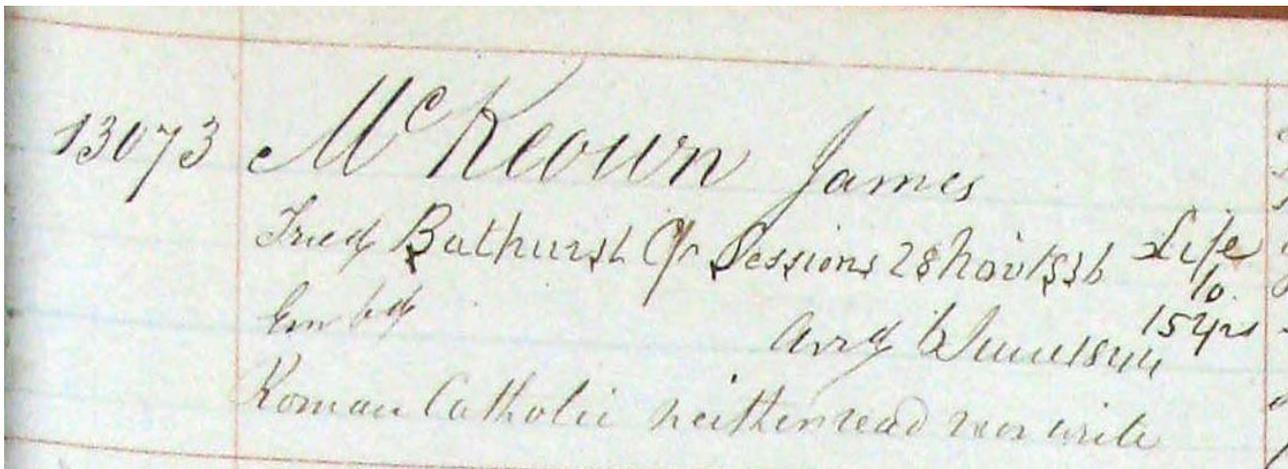


Figure 1 – Convict Conduct Register 1844, Tasmanian Archive: 'McKeown James, Tried Bathurst Qt Session 28 Nov 1836 Life 15 yrs, Roman Catholic, neither read nor write.'

James McKeown is not a figment of our collective imaginations. Despite published records that James McKeown is 'held in folklore as the first European to see Jenolan Caves' (www.jenolanhistory.org.au) but that 'there are no accounts of his arrest, his trial, conviction or supposed transportation to Norfolk Island for seven years as the legend says.' (Ronald F Whalan and Shirl G Benton 'The Whalans in Australia 1791-1969', 1969), my previous report to Binoomea (vol 135, Aug 2008) presented records which verify his existence in the Bathurst area.

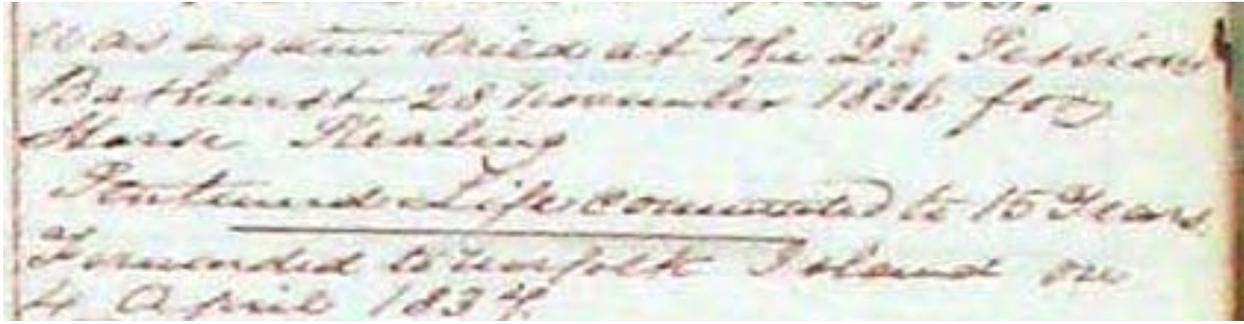
I present here further evidence, from the period, regarding James McKeown supporting his trial at Bathurst for horse theft. You may recall that the recorded account of Jenolan's discovery involved James Whalan, with the help of Jeremiah Beale, mounted trooper and/or aboriginal tracker (depending on which account you read), track the reclusive convict after he had stolen a horse from Whalan's Ginkin station. Figure 1 shows the part of the entry for James McKeown (Number 13073) in the Tasmanian Convict Conduct Registers for male convicts arriving from Norfolk Island in the period of the probation system from 1844 (Tasmanian Archive CON33 <http://search.archives.tas.gov.au/default.aspx?detail=1&type=I&id=CON33/1/55>).

These records, generated for convicts returning to Hobart after a stint at Norfolk Island, summarize the convictions of each prisoner from the time of their arrival in Australia from Ireland. Further entries to this record (Figure 2) describe McKeown being tried before the Bathurst Quarter Session Court on the 28 November 1836 prior to being transported to Norfolk Island on 4 April 1837.

So McKeown's court conviction in Bathurst for horse theft, subsequent transportation to, and return from, Norfolk Island have been verified. It is surprising however, that the specific details of the circumstances of McKeown's capture are limited to the personal accounts of the Whalan family, details which were only published a generation after James and Charles Whalan lived. According to published accounts McKeown was the 'notorious bushranger' (J.J. Foster, 'The Jenolan Caves, New South Wales', 1890, Pub: Charles Potter, Government Printer, Sydney) and 'expert convict, who used to rob all the stations in the district.' (Personal Account, Alfred S. Whalan, 1920), 'whose presence on the main western road was for years excessively irritating to the settlers' (The Argus, 1899) and was for whom it 'was said ... for some time had terrorized those who lived in the Tarana-Oberon area' (Julia Horne, 'Jenolan Caves, When the tourists came.', 1994). If this is the case why is it so difficult to find public reports of his capture and transportation via the public newspapers or Government Gazettes? Surely his notoriety would have earned him, at least, a special note in the frequent court reports from the Bathurst Quarter Sessions or in the general press. Would not the wider public have wanted to know that this 'desperate bushranger' had been captured and that their lives were again safe?

The absence of any record in the common press, government gazettes or public notices suggests that the importance we place on James McKeown as a central figure in Jenolan history today, and which therefore must be considered significant by everyone else, was obviously not the opinion held by the Whalan's nor the local community in the 1830s.

Figure 2 – Convict Conduct Register 1844, Tasmanian Archive: ‘...was again tried at the Qt Session Bathurst 28 November 1836 for horse stealing. Sentence Life committed to 15 years. Transported to Norfolk Island on 4th April 1837.’



Indeed two reports in the local press published on 6 December 1836 (Figure 3 and 4) suggest that proceedings on the Bathurst Quarter Session from 28 November 1836 did not show the ‘least degree of novelty or interest’. Rather than a blow by blow description of the heroic exploits of James Whalan and Jeremiah Beale as they chased down the notorious ‘desperado’ (J.J.Foster, 1890. see above), the account provided indicates a degree of banality of the event which ‘like most country courts showed the usual quantum of assaults and theft’ where ‘for the crime of cattle stealing, 5 prisoners received transportation for life.’ (Figure 3).

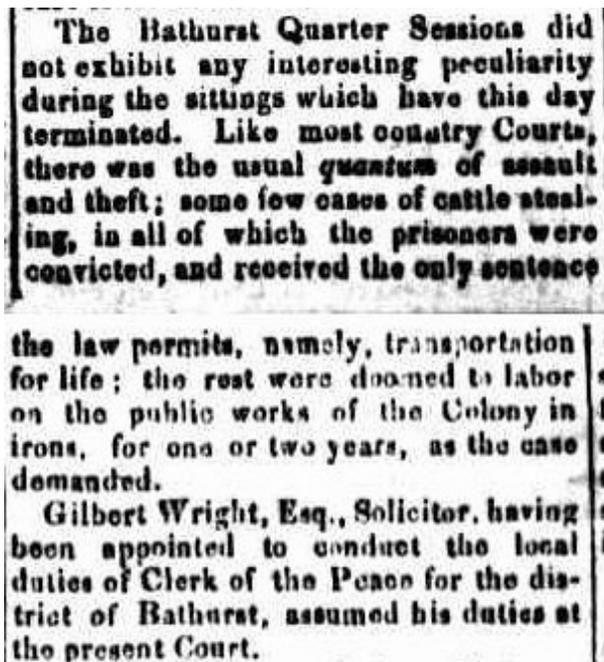


Figure 3 – The Sydney Gazette and NSW Advertiser, 6 December 1836.

Intriguingly, it is noted that one of those prisoners subsequently escaped from the Bathurst lock up. The escapee was William Redfern, a free settler with good connections who was subsequently convicted of cattle stealing at the same time as James McKeown (Figure 5). (Note: not the convict then surgeon Dr William Redfern, Australia’s ‘first medical graduate’ who died in 1833). This case was subsequently heard in the Supreme Court of NSW on 9 February 1837 where the Bathurst Gaol

guards or ‘turnkeys’, Thomas Dunn and Joseph Young were tried for ‘feloniously and unlawfully permitting the escape’ (www.law.mq.edu.au/scnsw/Cases1836-37/html/r_v_dunn_and_young_1837.htm). Dunn, having been told not to give Redfern an ‘inch of liberty’ neglectfully let the convict go to the kitchen to light his pipe when he ‘bolted’.

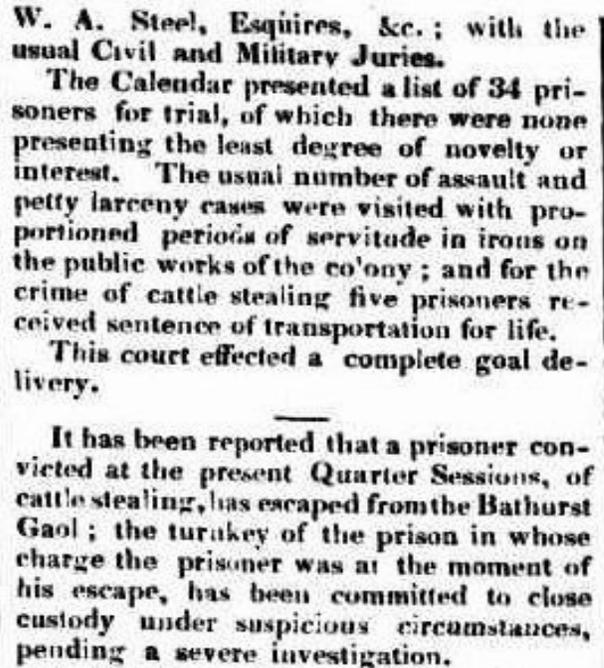


Figure 4 – The Sydney Morning Herald 6 December 1836.

Dunn was clearly agitated about the escape, indeed he ‘ran around like a madman’. Despite this, the fact that everyone pitied him, that he was proved to be of good character and that the jury recommended mercy on these grounds, this simple error was considered a ‘crime which left the Judge no discretion to the sentence’, as the law expressly states that ‘any person permitting the escape of a prisoner with whom he was entrusted must take the prisoner’s place’. Consequently Dunn and Young were sentenced to transportation to Norfolk Island for life along with James McKeown. What does this tell us about Bathurst-Oberon-Ginkin in 1836? On Tuesday 2 June 1835, A.K.McKenzie

provided a report to the NSW Government Gazette detailing the state of affairs within the Bathurst police force. There he states that *'The weekly average of cases at the Bathurst Bench is from forty to fifty, and four-fifths at least are convict cases.'* (www.hotkey.net.au/~jwilliams4/police11.htm).

FIFTY POUNDS REWARD;
OR
A CONDITIONAL PARDON.

WHEREAS, It has been represented to the Government, that WILLIAM REDFERN, who arrived free in the Colony, effected his escape from the Gaol at Bathurst, in which he was confined under sentence of Transportation for Life, for Cattle Stealing; Notice is hereby given, that the above Reward of FIFTY POUNDS will be given to any free person, or a CONDITIONAL PARDON to any Prisoner who will apprehend or give such information as will lead to the apprehension of the said William Redfern.

Description:—Name, William Redfern; Arrived Free; Age, 25 years; Height, 5 feet 9 inches; Complexion, Sallow; Hair, Brown; Eyes, Blue to gray; Visage, Thin long; Nose, Aquiline; Whiskers, None; Face, Smooth; Gait, Slowly, slow, and a hopping.

There is reason to believe that Redfern will endeavour to escape from the Colony from near Two-fold Bay.

By His Excellency's Command.
ALEXANDER M'LEAY.

Figure 5 – Report from The Sydney Gazette and New South Wales Advertiser (NSW : 1803-1842), Saturday 10 December 1836

Clearly, the opening of the greater Western Slopes of NSW following the traversing of the Blue Mountains created many opportunities for convicts to run away and considerable upheaval for the settlers. To survive, the escapees would need to rob the locals. Absconding, theft, assault, capture and conviction in the local court were run of the mill activities in 1836. James McKeown was one of the many convicts who were being 'processed' through the judicial system at the time. It was all routine and of little consequence to James Whalan and his colleagues at the time. That is why no one thought to tell everyone else how significant James McKeown was.

With this background, we need to consider that James McKeown was likely one of many absconded convicts in the Jenolan locality. According to J.J. Foster, after McKeown's capture *'His companions were never found.'* (J.J. Foster, 1890. see above). Who were his 'companions'? A more complete account states...

'However, another narrative alleges that the district was known much earlier. We give the following account on the authority of one who lived within twenty miles from the caves for nearly sixty years says that 'as early as the year 1830 the existence of the caverns was reported by Luke White, a stockman in the employ of Mr John Woods of

Lowther Park'. (John L Horrocks's Handy Guide 'Jenolan Caves', 1890)

This account however goes on to actually name McKeown's *'whilom companion, 'Scotch Alick', (who eluded the police and was never again heard of.'* The use of a nickname for this character suggests that a degree of notoriety among broader population which hopefully was recorded in other stories and accounts of the time. One such account from 1854 refers to a man name Robert McAlister, also known as 'Scotchey', who got himself in trouble with the law (Figure 6). Robert McAlister was sent from Glasgow, Scotland on the Westmoreland in 1835 and was assigned to Goulburn region. A later account provides insight into the man...

'Among the noted characters whom the Goulburn police hunted down in the forties was a convict absconder named 'Scotchey.' This ruffian at first frequented the Lachlan district, but later for purposes of private revenge, transferred his attentions to the Southern Road. A special object of his hatred was an overseer named Fry. With three companions 'Scotchey' surprised his enemy on the latter's station and a fierce duel took place, ending in the bushranger's death. The mounted troopers, arriving on the scene, took up the pursuit and were successful in capturing the rest of the gang.' (A.L. Haydon, 'The Trooper Police of Australia: A Record of Mounted Police Work in the Commonwealth from the Earliest Days of Settlement to the Present Time', 1911).

MISDEMEANOUR.—Robert M'Alister (on bail), commonly known in Goulburn as Scotchey, was charged with presenting a gun at Mary Anne Carter and Jane Page, with intent to alarm. The prisoner was defended by Mr. Deniehy, and under the advice of his solicitor pleaded guilty. The Crown Prosecutor then went over the evidence. Mr. Deniehy addressed the Court in mitigation of punishment; and the Chairman sentenced him to seven days imprisonment in Goulburn gaol.

The jury was then discharged.

Figure 6 – Report from Goulburn Quarter Sessions – The Sydney Morning Herald Friday 30 June 1854.

Was Robert 'Scotchey' McAlister, James McKeown's companion 'Scotch Alick', and was he ever at Jenolan? Will we ever know? As we consider James McKeown and the amazing, albeit penury, life he led, it highlights a hidden history for the Jenolan region for which we may never know the details. This is a history of the convict absconders and the criminal. Desperate men seeking freedom. Who knows what they discussed, how they lived, what they saw, who they knew, how far they travelled, and did they venture into or around the caves? But it is clear: these men were a part of the local story! Furthermore, we know that to endure this period of history demonstrates a human resilience which has to be admired.

* This article first appeared in *Binoomea*, the Newsletter of The Jenolan Caves Historical and Preservation Society – May 2010. Re-printed with permission.