

CHAPTER EIGHT

Worrall Accuses The Workmen

Whatever peculiar excitements were agitating the inhabitants of Campbell Town in connection with the fate of Frederick Fisher, the official mind applied itself to the narrow limits of its jurisdiction, and evidently was loth to participate in or admit the relevance of what townfolk were avidly discussing. A good deal of hyper-caution developed. Reddall may have been uncomfortably aware of Governor Darling's interest in the Fisher mystery, since he had assented to a probably unprecedented amount of reward for information as to the fate of a mere convict. Of course, Fisher was not a mere anything to those who knew him -- people like Cooper and the ex-Provost Marshal, William Howe and a multitude of other luminaries of the raw colony. And some of these surely had made up the gubernatorial mind for him, did he but realise it.

Thomas Reddall, more in the tradition of gentlemanliness, had keenly felt his position in a nasty brush but recently with the Colonial Secretary, Alexander M'Leay - so much the scientist - as to be reluctant to risk a second charge of imposing on His Excellency. Earlier in the year, the open-natured Reddall had himself been imposed upon by villains whose word he had accepted in good faith, and had made certain recommendations thereon. But the eagle-eyed Darling, with better information at hand, acidly impugned the purity of his motives.¹

Reddall may well have communed with his fellow magistrates upon the propriety of going the least distance beyond the demonstrable facts of the Fisher affair. Begin anywhere close to the immediate cause of the discovery, one must be led into the indiscretion of enunciating facts which could not be legally recognized. Therefore, to elide them would save embarrassment to himself and inconclusiveness where it could least be endured. So then must discretion rule where the truth was prickly.²

John Horsley, coroner for the County of Cumberland was summoned from Liverpool and sat the day after the finding of Fisher's body, to make, with jury, the necessary inquest. Reddall, William Howe and Patrick Hill were present. The last-named was ostensibly the medical witness, although the depositions reveal nothing of his examination of the body or even yet of any identification by anyone to whom the dead man had been known. Similarly, the depositions gave no clue still of the direct causes of the search by Constable Luland or of the skill of the Liverpool aboriginals.

A verdict of wilful murder against some person or persons unknown was returned by Mr. Horsley. The depositions then become explicit:

. . . In consequence of many suspicions embodied in the evidence touching the mysterious absence of Frederick Fisher as it appeared at the time such depositions were made in this Court by the following persons: Thomas Laurence, F.S., John Pickering, F.S., Nathaniel Cole, T.L., Thomas Talbot, T.L., Samuel Hopkins, F.S., Edward Weston, Prisoner of the Crown;⁺

And from other matters connected therewith which tend to implicate the above parties in the horrid transaction [the Bench] do commit them to prison in Liverpool Gaol until brought forward with George Worrall and John Vaughan, now in confinement in the said gaol under charges of the murder . . . to be finally disposed of by the Bench there. (SA)³

The remains of Frederick Fisher were interred in St. Peter's cemetery, Campbell Town on the following day -- October 27 -- in the presence of his brother, Henry.⁴ The rites were conducted by the rector, Rev. Thomas Reddall.

On October 28th, Worrall (evidently having learned of the finding of Fisher's body) requested Chief Constable Burke to have

⁺F.S.(Free by servitude); T.L. (Ticket of Leave).

him brought before the Campbell Town Bench.⁵ Messrs. Reddall and William Howe consented to hear him, and after some preliminaries between Reddall and the prisoner (not recorded in the Campbell Town deposition), Worrall made a declaration which was set down as follows:

George Worrall, under charge of the wilful murder of the late Frederick Fisher of this place comes forward and maketh the following Declaration (viz.) that four men who were boarded and victualled at his house, by names of John Vaughan T/L, John Pickering F/S, Thomas Laurence F/S, and James Smith F/S, did on the 17th. day of June last at night go to one of the Public Houses in this township to get some Liquor, that in about one hour afterwards they returned to his, George Worrall's house as he, George Worrall, went out of the house; but Laurence and Smith did not go in with them; but he saw them standing at the end of the house, that he went past them, but a cart being between him and them, he does not think they saw him.

He states that he went to the end of the yard to ease himself and that during the time he heard a great scuffle in the yard near the house and immediately Smith and Laurence came down towards the place where he Worrall was] carrying with them something which they threw on the dunghill, and he heard them striking it two or three times. He asked Thos. Laurence what he was striking. He answered he was striking a dog, to which he, Worrall replied, 'You have stopped his crying out.' He then pulled up his trowsers, went towards them and said, 'It is Fisher, Tom, and not a dog that you have been striking.'

At this time, James Smith had him the body of Fisher on his back and as he, George Worrall, was going towards

them, Laurence came before him with a weapon which he thinks was a post rammer, and lifted it up against him and exclaimed 'For God's sake don't tell,' and threatened him until he, George Worrall, made a solemn promise that he would say nothing about it unless it were found out.

Declaratist then went into the room where Fisher had been that evening and blew out the candle he had left there and locked the door. Laurence and he then went into the house the other rooms to the men. Smith, he believes, conveyed the body away, and in about 10 minutes returned to the room where Declaratist and the men were and said, 'It is all right.' Laurence said to him in flash language, 'Cheese that,' -- meaning, as Declaratist says, 'Hold your noise.'

That in about two hours Declaratist went to bed, as did the men, Thos. Laurence, James Smith, John Vaughan, Nathaniel Cole and Samuel Hopkins. He did not hear any of them go out again that night, but he had every reason to believe some of them did, as the body must have been buried during the night.

Declaratist states that he went next morning to the dung-hill and saw some blood there and traced blood here and there through the wheat until he came to the corner of the late Mr. Fisher's fence where he noticed a considerable quantity of blood on the pannels and on the ground,⁶ but the body was not there and he could not find it. On the following morning 2nd. day after the murder⁺ he asked Smith where he had put Fisher. He said, 'All is right; Cole has scratched him over,' meaning that he had harrowed over him, as he, Declaratist had been sowing wheat that morning and Cole was then harrowing the ground.⁷

Immediately upon this, Laurence said, 'It is all right, governor,' to which Declaratist observed, 'I don't know

that it is.'

Declaratist on the following morning asked Smith, 'What was the reason you killed Fisher?' to which he answered that Thos. Laurence had told him that Fisher had got a great deal of money. He [Worrall] asked him how he knew it. [Smith replied] Laurence told him that he saw Fisher and Declaratist counting money the night before he [Fisher] went last to Sydney. Declaratist states that on the Tuesday morning before the murder of Frederick Fisher, Thomas Laurence came into the room where he then was [Worrall's own room] for a glass of rum which he, Declaratist kept for him there; and he observed to this Deponent that 'he wished he had all the Dollars that were in that box' meaning Mr. Fisher's box which was in the room.

Declaratist observed that 'there were not many dollars there for Mr. Fisher carried most of his money about him' as he, Declaratist frequently left the door open. Smith informed this Declaratist that this was the reason they murdered him and that they only found five Dollars which had been pierced and past [passed] for 3/9d each. Smith further informed Declaratist that he and Laurence had often thought to have met him [Fisher] on the road coming from Nowland's -- now Jackson's [Horse & Jockey Inn] where he sometimes went in the evening to get some liquor and to have murdered him there, to get his money from him.

Smith further told this Declaratist that the plan adopted on the night of the murder was as follows (viz.) to call him, Fisher, out of the room, which they did, and say somebody wanted him at the gate, that he immediately went, and in accordance with their plan, Thos. Laurence knocked him down and then carried him to the dunghill where Declaratist heard blows given.

This Declaration is voluntary. Declaratist declares it to be so, and that no threats have been made use of by anyone to induce him to make it, nor have any promises of protection been held out to him by the magistrates to induce him to come forward. A sense of duty alone has prompted him to the act.

Signed by his mark

GEORGE ~~X~~ WORRALL

Witness -- ROBERT BURKE

(SA)⁸

The effect of this statement was to ~~decide~~ the magistrates to put Worrall's charges to the test while the men he had so damningly implicated were within reach. After a short recess during which Vaughan, Laurence, Pickering, Cole, Talbot, Hopkins and Weston were brought in to confront Worrall, the hearing was resumed. Of those accused by Worrall, James Smith was not present, having left the locality some time previously in the normal course of his quest for employment of a casual nature. The trend of the questioning of the prisoners was determined by Worrall's assertions.⁹

John Vaughan told the court that on the night Fisher went missing, he himself went with Pickering, Laurence and Smith to the public house owned by Charles Rennett (The Harrow) to get some liquor and all four returned together about 9 p.m. and soon afterwards went to bed. When they went out they had left Hopkins, Cole and Weston in Worrall's house; but by the time the four returned, Weston had gone to sleep at Fisher's large building. Witness had no recollection of anyone calling to Fisher that he was wanted outside, or of anyone saying, 'Cheese that.' Fisher was in his room with a light when they got back from the public house, and Worrall was in the yard at the end of the house.

Pickering corroborated Vaughan's testimony to the point of the four men returning to Worrall's house, but was uncertain whether anyone remained behind. He believed the four of them entered Worrall's house within a few minutes of each other. He

had not heard anyone call that Fisher was wanted outside, and felt 'positive' he had seen Fisher after he himself arrived back from The Harrow.

Cole's evidence followed similar lines, agreeing that with the other three named he had gone to the public house, from which he believed they returned together about 9 p.m. He thought some of the men played cards on their return, but all retired about 10 o'clock. He had no recollection of anyone calling that someone outside wanted Fisher, and stated his firm conviction that Fisher could not have been murdered in the yard without his or someone's knowledge, the yard being so close to the house and not more than five or six yards wide.⁺ Fisher, he knew, was in the habit of strolling alone at night about his farm or on the road.

Samuel Hopkins admitted to the court he was one of the four who had visited The Harrow as stated. However, he was unable to say if they returned together or if all of them were in the house when Fisher was supposed to have left. He did not think it possible for Fisher to have been murdered in the house-yard without the knowledge of those in the house, and he did not hear anyone call for Fisher to go down to see someone at the gate.

Laurence, who was then called, denied all knowledge of the murder of Frederick Fisher, or of being in any way connected with it. He recalled that on the night in question, he, Pickering, and Smith had gone to a public house. He had returned with them ~~about~~ about 9 o'clock. Fisher was then cleaning his teeth. The men retired about ten p.m. He himself went out a few moments afterwards to bring in some wood or water.

The deposition then continues:

The whole of the prisoners being brought before the Court, the Bench commit George Worrall and Thomas Laurence to take their trial for the wilful murder of the late Frederick Fisher at the ensuing Criminal Court.

⁺ Almost eight yards according to a scale drawing made for the Supreme Court.

The Bench likewise commit John Vaughan to take his trial for forging a receipt purporting to be a receipt from the late Frederick Fisher in favour of George Worrall for a sum paid for purchase of horses and they commit the aforesaid George Worrall as an accessory with Vaughan in the forgery.

The Bench likewise commit the said George Worrall to take his trial for feloniously possessing himself of property belonging to the late Frederick Fisher and for illegally selling and disposing of the same to a great amount. The other prisoners are admitted to Bail to appear when called upon. (SA)¹⁰

It was now desirable to bring into custody the missing James Smith.

On November 10th, the Colonial Secretary's Office advertised in the Sydney Gazette, The Australian and The Monitor (the last-named having recently begun publication as an unwelcome competitor with the older journals) seeking news of the whereabouts of Smith -- nicknamed 'Froggy'. Five days later, Smith was arrested at Bringelly, near Liverpool, and sent to Campbell Town.

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The colonists at all levels evinced a lively interest in the Fisher case, not so much on the basis of authenticated information as owing to the strange stories which gained currency in a community dependent upon word of mouth communication, with all the garbling attending it. Every crumb of news that might come along was speculated upon and frequently accepted as factual. The available newspapers, circulating in mere hundreds because of their cost, and then appearing only once weekly, had no call to permit the Fisher affair to occupy an undue amount of their space. As a rule, only the affluent purchased newspapers; their interests were either

flatly commercial or drawn in hope of entertainment to the voluminously recounted legal battles between government officials and irritating editors who displayed abounding disrespect for the highly placed. Nevertheless, Fisher had been too well known to be overlooked; and for journals which were continually snarling at each other over superior figures of circulation, and betimes casting serious doubt upon their rivals' computations, the possibility of winning a few more cash readers (too many would have posed problems of production) dictated acknowledgment of the Campbell Town drama.

The premier newspaper, Sydney Gazette (whose editor publisher, George Howe in 1818 had known Fisher and his paper making project) now in the hands of Howe's son, Robert, found space on Saturday, October 28th to give the following intriguing story:

The body of John Fisher, for the discovery of which, Government some weeks back offered a reward of £50 has been found close to his farm, in the vicinity of Campbell Town, and the skull exhibits so many fractures as to leave no doubt of the unfortunate man's being atrociously murdered. Two men and a woman are said to be in custody.¹¹

The Australian on Wednesday, November 1st. reported what it could discover about the inquest, and was the first to give publication to the feat of detection by the two aboriginals called in, -- 'Constable Luland, of Campbell Town, having been urged by the magistrates to make a diligent search, proceeded on the 25th. ult. to the premises of the deceased . . .'

After describing the aboriginals' procedure¹² the report goes on:

. . . This evidence was given before the Coroner; and this way, strange as it is, was the way in which the body was discovered.¹³

The same newspaper noted on November 4th. that 'three men have been apprehended and lodged in Sydney Gaol, on suspicion of being implicated in the murder of the man Fisher.'

The Monitor, in its issue of Friday, November 3rd. gave a glaring example of the dependence of the colony's editors upon oral transmission of 'news':

An extraordinary discovery of murder has very recently taken place in the neighbourhood of Campbell Town. A Government notice appeared some weeks back, offering a reward of twenty-pounds for the discovery of a respectable house-keeper, named Fisher, who had been missing for nearly four months. Diligent search was made for a length of time, and no tidings could be gained untill Tuesday,⁺ when by the aid of some black natives the body was discovered in a field below the surface of the ground -- The face was flattened, the head fractured, and the body in a state of decay, indicating the fact of its having been a considerable time buried.

Suspicion it is said attaches to a man resident in the neighbourhood with whom the deceased some time since had a serious quarrel on which occasion violence was used, which ended in the committal of Fisher to take his trial. He was subsequently acquitted, but a rancorous feeling still it should seem subsisted in the breast of the then accuser. The deceased man was missing, and his hostile neighbour reported the departure of the absentee for England. A horse, the property of Fisher came into his possession, to account for which he produced a forged receipt.

The deceased was a man of rather penurious habits and was possessed of considerable property. The man abovementioned is stated to be in custody.

+ Tuesday week!

Reading this startling confusion of facts, those in official quarters who had experienced the barbs of criticism from Edward Smith Hall, the Monitor's spirited editor,¹⁴ who did not spare even Governor Darling, could only feel an inspiring satisfaction.

William Brooker lost no time in instructing his lawyer, Mr. Rowe, to institute proceedings for libel; and the Monitor published an apology in its issue of November 10th, explaining that the editor had ascertained the whole substance of the paragraph had been 'a malicious rumour, although current in Sydney . . . vouched for to our reporter as authentic.'

N O T E S

1. Letter, Rev. Thomas Reddall to Colonial Secretary, April 15, 1826, giving a spirited reply to charge of having imposed ~~on~~ Governor Darling. (SA)
2. Omission from mention of certain events probably due to their 'supernatural' character, while legally proper, created the lacuna in the Fisher legend depl^ored by Andrew Lang.
3. 'Mutch' document.
4. In a letter to his mother, written September 13, 1835, Henry Fisher, who remained in the colony to the end of his life, stated (having no pretensions to scholarship):

. . . I myself buried him as decent as I could. I was seven weeks looking for the boddy witch gave me quite a cutting up and left me very low in the world . . .

(Litchfield)

No headstone was ever erected and the location of Fisher's grave ~~has long been~~^{is} unknown.

5. John Scarr, clerk to the Bench may have been in error as to Worrall's then being in Liverpool Gaol and his request to Constable Burke, or that for an undisclosed reason Worrall had meanwhile been returned from Liverpool to Campbell Town -- fourteen miles apart -- where on the 27th all the prisoners were still awaiting transfer to Liverpool. This would account for the prisoners being present for the final hearing at Campbell Town.
6. This remarkable description immediately shows that someone had informed Worrall while he was still in gaol of the discovery of ~~the~~ bloodstained fence in the centre of the adjoining farms, which he weaves into his inventions. We return to this vital question later on.
7. Labour was forbidden on the Sabbath.

8. 'Mutch' document.
9. This part of the investigation was made subject to a distinct deposition, placed by John Scarr in making the copies for Supreme Court use, precedent to Worrall's declaration implicating the workmen, when it should have been placed after the declaration. It appears herein as the record of the eighth and final hearing at Campbell Town.
10. 'Mutch' document.
11. A John Fisher, sometime constable, did in fact live in the Campbell Town district.
12. Substantially in the terms already outlined.
13. Conclusive of omission of important data from the Campbell Town depositions. The Press was getting the news almost before it became an official release!
14. Within three years, Edward Smith Hall was seven times prosecuted for libel, fined hundreds of pounds for criticising officials, who were disposed to regard all criticism as libellous; and suffered $3\frac{1}{2}$ years imprisonment. Governor Darling refused him the privilege normally available to free settlers, such as the right to assigned servants and of pasturing his livestock. Archdeacon Scott, of St. James' Church, Sydney, displayed his Christian tolerance of Hall's forthrightness (and propensity to error) by boarding over his pew to prevent the journalistic scourger to participate in Divine service.