

A P P E N D I X O N E

The Estate That Disappeared

Attempts by the Fisher family to secure the intestate estate of Frederick Fisher involved them in frustrating and ruinously expensive inquiry for many years. Henry (Robert Henry William) who had tried through Solicitor Norton, the elder, to obtain administration of the estate whilst Frederick was still missing prior to October 25, 1826, later made persistent approaches to the Registrar of the Supreme Court Ecclesiastical Jurisdiction, George Gallwey Mills, without success. That official had charge of intestacies and proceeded to collect assets belonging to the murdered man.

On March 24, 1827, an auction sale of Frederick's personal possessions took place at Campbell Town. The items included utensils, furniture, tools, building materials, razor strops, decanters, napery, a cart, an old chaise, a gelding, a mare and a colt and a quantity of peas. The bidders included John Patrick, Chief Constable Burke and Rev. Thomas Reddall. The proceeds amounted to £94. 2.0.

The unhappy Henry was present, as he recalled in a letter to his mother on September 13, 1835:⁺

[My poor brother Fred's property has dwindled to nothing. My not having power to act in it, they have done as they liked and defied me. His personal property was sold for little or nothing and I was obliged to stand an idle spectator. I made some remarks to the Registrar but was told I had nothing to do with it. I went so far as to seize one mare belonging to Fred and almost got in trouble about it. This mare was sold to pay a man called Daniel Cooper the sum of 604 pounds that was owing to him by Fred.¹

⁺Although Henry's syntax was reasonably good, his spelling was extremely poor. Hence it has been put in order here.

I myself buried him as decent as I could. I was seven weeks looking for the body, which gave me quite a cutting up and left me very low in the world; . . . I am now beginning to hold my head up again in the world . . .

In the same letter Henry mentions that the Campbell Town farm should sell for a good sum; and claimed he knew of other properties belonging to Frederick, though two farms of them the court did not acknowledge.

On May 1, 1827, Henry petitioned through James Norton for possession of the estate, as next of kin. Later correspondence shows this came about because Samuel, Frederick's next younger brother and legal heir under the law as it stood, had gone to Europe sometime earlier and all contact with him had been lost. He was presumed to have died, thus leaving Henry next presumptive heir to Frederick's estate. Samuel, however, later turned up safely.

Henry's claim was disallowed, as in the meantime, one of Frederick's personal letters had been found which gave the Court reason to suppose he had been married and was father of a daughter.⁺

Only ^{then} did G.G. Mills begin to stir himself to officially inform Frederick's parents of the death of their eldest son -- ten months after the finding of the body -- and to refer to Henry's claiming the estate,² requesting Ann Fisher to furnish documentary proof of Frederick's legal marriage and the legitimacy of his daughter. If the latter were established, Mills stated, the child would have an indisputable claim to the real property.

That property consisted of a farm of thirty acres at Campbell Town 7 which had been let for two years at a rental of £15 yearly, and another small farm, the title of which was in dispute. Cash in hand was £70. 0. 1d, against which stood claims amounting to £135.14. 5d. Mills requested Power of Attorney to the colony authorising settlement of the estate with himself.

A few months later -- February 14, 1828 -- Mills committed

+ Probably the undespached letter of June, 1822.

suicide. It was found there had been irregularities in connection with an intestate estate he was administering. He had failed to enter into his accounts proceeds from a sale of ~~the~~ stock or to give a receipt for money paid into an estate.

Reporting Mills' death to the Home government, Governor Darling described Mills as having been of profligate character and dissolute habits. He had fallen deeply into debt, in addition to having stood security to a large amount for his friend, John Mackaness, Sheriff of New South Wales, 'a man of similar character' who had to be dismissed from his post.³

It is not known whether or not Mills tampered unlawfully with Frederick Fisher's estate; but his scandalous end and the state in which his records were left resulted in delays and confusion.

The government became very nervous over the Mills affair, but not so nervous that it could ensure the appointment of a successor both honest and competent. John Edye Manning was appointed by warrant to come from England and fill Mills' place. In 1811 Manning had been insolvent and subsequently spent nine years in Europe, presumably out of reach of his creditors. In 1823 he returned to England, taking advantage of legislation for the relief of debtors. Official despatches of the period show the colonial government was well aware of these unattractive features of Manning's career, and perhaps weighed them dubiously in the three years of haggling over what amount of security should be demanded for the due performance by Manning of his duties. Manning's father, Rev. Manning (of Exeter) and John's brother, Serjeant, became sureties to the amount of £2,000.

G.G.Mills' demand for evidence of the legitimacy of Frederick Fisher's daughter placed Ann Fisher in a dilemma; but in the meantime (1827) Samuel informed the NSW Supreme Court that he was the legal heir to Frederick's estate, a fact with which the court seems to have been little impressed, even though Samuel had stressed that his elder brother had not been married.

Thereafter, matters dragged on inconclusively. In Sydney, mysterious objections were raised about what property was comprised in Frederick's estate. His unrepresented petition for Conditional Pardon, which found its way into the Court's possession -- and still survives -- listed four farms owned by Frederick: at Appin, Cabramatta, Campbell Town and Upper Minto. To these claims Daniel Cooper and the former Provost Marshal had added their endorsement. Although Henry claimed he knew of several properties, it does not appear he was aware of the one within the town boundaries at Campbell Town, presumably the site of the Horse & Jockey⁴

It soon became manifest that the government disallowed two of the farms as properly belonging to the estate; and little precise information could be obtained by the vigilant Henry as to how matters stood.

In 1831, Ann Fisher wrote sympathising with Henry over his effort and expense in pursuing the search for the estate, and expressed astonishment that the court officials should still allow him to spend his means (apparently in fees which officials received as their emoluments) when they had known since 1827 that Samuel was legal heir. She informed Henry that as his being on the spot might facilitate a settlement, Samuel was willing to transfer his interest to him for £200.

The London Fishers had come to believe Henry enjoyed considerable prosperity and his complaint about the drain on his resources attending to Frederick's estate puzzled them. Ann Fisher, who found means to finance Samuel's legal representations was beginning to feel the pinch and implored Henry,

. . . Learn out all you can what belongs to me, as I
can assure you I stand very much in need of it, being
scarcely able to live at all. (Litchfield)

James Fisher, Ann's husband, had died a short time previously, and Samuel, so long in business at 5 Orange Street, Bethnall Green,

DETAIL OF MURDER SPOT (after T.L.Robinson's scale drawing).

took over his father's business at Jewin Street. Trade was depressed, Ann revealed, and Samuel found great difficulty as head of the family to support his eight children.

The rest of the news was not bright. Frederick's favourite sister, Maria, whom he hoped would join him in New South Wales along with Harriet and their parents, had died; her death, as Ann put it cryptically, 'being occasioned through an unfortunate marriage'. Henry's eldest sister, Betsey, then had six children living, the eldest of her brood having a short time previously died of burns through her clothing catching alight -- 'her death in all respects similar to your sister Nancy's', commented Ann Fisher heavily.

The roll call from London was completed with the news that Harriet had married eighteen months previously and had gone to America. She had not been heard of since.

Governor Darling's despatch to the Colonial Secretary, October 1, 1831, included a statement of intestacies. Frederick Fisher's was summarised as having received to date, £97. 2. Od, of which £33.14. 4d. had been paid out. The balance, £63. 7. 8d. had been paid over to John Edye Manning; and the supposed value of real estate still to be disposed of was set at £300. (ML)

Henry Fisher did not take over his brother Samuel's interest, but maintained watch over the ascertainable property, vigilant for what moves Manning might make to dispose of the assets. Manning's mode of living was notoriously extravagant for one known to have an official income of about £1,000 annually. The long delay in settling the estate of Frederick Fisher prompted his mother to reinforce Samuel's claim by swearing an affidavit before the Mayor at Mansion House, London, to the effect that she was the mother of Frederick Fisher, bachelor, late of Campbell Town, and Samuel was his brother and next of kin.

Governor Bourke, successor to Darling, in 1833 showed in his despatches that settlement in the Fisher estate was still remote. Receipts stood at £107. 2. Od., with outgoings unchanged from 1831.

By order of the government £63. 7. 8d. had been invested, leaving a balance 'against the Registrar, £10'. (ML)

John Edye Manning on July 5, 1834, expressed Frederick's estate as having claims against it from Cooper & Levy for £129.17. 5d., and from a Mr. Wood, £9. 7. 0d. -- total £139. 4.5d, against receipts of £102.19. 0d. comprising rentals and sale of personal assets, £45 and £57.19.0d., respectively. A dividend of 8s.3³/₄d. in the £ had therefore been paid. (ML)

For about two years virtual silence reigned between the family in London and Henry, who meanwhile had married and set up as an inn-keeper. At last receiving a letter from his mother, dated July 24, 1835, Henry wrote during the following September bewailing his helplessness regarding Frederick's estate, and reminiscing painfully on the events of 1826-7. He pleaded to be given full right to act for the family, promising that if he could get control of Frederick's property he would sell it on behalf of the ~~deceased~~ heir or heirs and then would dispose of his own assets and return to England. He preferred, however, Samuel should come to Sydney himself, observing -

. . . there is no time to be lost, as they [government] are landing [confiscating] all the farms that are not claimed. Things are nearly as bad in this country as at home.⁷ The people that have come to the colony are standing about the streets. It is shocking to see the female ones, distressed they are and forlorn, wandering about . . . (Litchfield)

The greatness of Samuel's responsibilities made it unthinkable he should voyage to Sydney. Another long interval passed before any perceptible action was taken by John Edye Manning to press on with realisation of Frederick Fisher's estate. At last, an advertisement in the Australian on August 11, 1837, heralded for the 26th. of the same month, at the Forbes Hotel, Campbell Town,⁸ an auction of

. . . all that valuable Town property of the late Frederick Fisher, fronting the street, on the north side and immediately opposite the post office; in lots of about 2 acres each and the buildings now standing will each form with a portion of land, a distinct lot . . . The title is unexceptional and the terms of payment will be liberal.⁹

The result of this auction has not been ascertained. The economic conditions of the colony, now building up to a ruinous crisis in the collapse of the land boom, may have made the proposed auction a fiasco. No moment, it would seem, could have been chosen in which to sell real estate to less advantage. If the auction was fairly conducted, but with a reasonable upset (reserve) price, the proceeds may have barely paid the expenses. But in the light of what was later to be revealed concerning Manning, the disposal of Fisher's town property must remain suspect. The asset seems to have vanished without benefit to the estate.

An audit in 1838 disclosed that John Edye Manning kept no accounts! And when it was mooted that the Supreme Court judges should lay down rules obliging Manning to present accounts to them for inspection, the impudent Registrar objected to it as a threat to take away from him a source of legitimate income. Nevertheless, rules were drawn up for checking the accounts, due perhaps to murmurings in different quarters where dissatisfaction with Manning's conduct of affairs was increasing.

Samuel Fisher somehow scraped up enough money to send to Sydney his 24-year-old son and namesake, to watch his interests. Frederick had been dead thirteen years and no settlement of his estate was yet in sight. Young Samuel arrived at Sydney in 1839 and was re-united with his uncle Henry, at Parramatta, where he must have remained for a considerable time. He soon reported to London that he had located the farm at Campbell Town, which was 'alone worth 11 or 12 hundred pounds. This will show you what rogues you have had to deal with'. He was remembering that long since, the

the 'supposed value' of the real estate for disposal had been set at £300. Had the relatively more valuable town property which had been auctioned, and of which the Fisher family possibly had no knowledge, been included in that estimate, if its existence had been known? The irate young emissary wrote:

. . . If you had sent the power of attorney to Uncle you would have had the full worth of your property without a doubt. There appears to be something still wanting as they have not sold any part of it yet.¹⁰ Uncle has spent time and money to a considerable amount to try to keep it together for you and all to no purpose on account of the Power [of attorney] being given to the other party, the reason of which I have explained to Uncle.¹¹

Uncle tells me there is still other property that Mr. Manning is not aware of, and if you send him a will and Power to see into it for you he would be very happy in so doing. The registration of my birth would be of great service to show that I am one of the family to put a stop to their roguery in some measure.

An answer as soon as possible will be looked for as I intend to stay and see the result of the remaining property that is out of their clutches¹². . . I wish you were here along with us, but I must content myself without seeing you till I have seen you righted, which with the Blessings of God and the aid of my Uncle I shall not fail to do . . .

(Litchfield)

Officialdom was shocked to learn on October 12, 1841, that the Sheriff of the Territory, Thomas Macquoid, had shot himself dead. The inhabitants of the colony were even more perturbed when it became known he had been guilty of defalcations.

On the heels of these sensations came another, no doubt linked with the Sheriff's act: the Chief Justice, Sir James Dowling, intimated to the Governor, Sir George Gipps, on December 6th,

that John Edye Manning had been found 'a defaulter to a considerable amount in his capacity of administrator of the estates of persons dying intestate in the Colony'. Gipps, aware that under an Act of Council in 1838 all monies received in intestate estates were to be invested in the Savings Bank, and the direction had been issued as a rule of court, called upon Manning to give account of his affairs as administrator. The judicial information had stated Manning failed to invest in the Savings Bank sums amounting to 'more than £9,400' with a possible further £2,000 to be added.

Manning was unable to offer security anything like sufficient to cover the amount in default, his assets being mostly in land which was not then a good market commodity. He sought to extricate himself by resigning his post; but Gipps refused to accept this as a solution, 'not considering the case to be one in which mere vacation of office should be looked upon as a sufficient punishment for the fault committed.'¹³

Manning was then ordered to hand over to the Chief Clerk of the Supreme Court all moneys in his possession, and upon his failing to comply, the Chief Clerk obtained writs of fieri facias against Manning's estate and effects and placed them in the hands of the new Sheriff for execution.

On January 3, one month after the first alarming disclosure, an unknown person thought fit to fire ~~two shots~~ at Manning as he rode at night towards his home at Redfern, on the outskirts of Sydney town. Manning, ever cool and impudent, turned his horse about and rode to Sydney Police Office to report the incident, his being, it would appear, a stickler for law and order.

Gipps suspended John Edye Manning from office and reported the affair to Lord John Russell in a despatch dated January 16 (1842) confessing he had 'remained under full assurance that the rule [under Act of Council] had been complied with up to the day I received a letter from the judges . . .'¹⁴

Four days after Governor Gipps wrote his embarrassing despatch,

the Sydney Herald in a leading article confirmed the facts of Manning's atrocious misdeeds, 'long suspected and often insinuated'. The known deficiency, it went on, was upwards of £11,000. Fifty writs of fieri facias had been issued against the offender, one for each of the estates found deficient. 'Is not Mr. Manning answerable criminally for embezzlement?' the newspaper asked. Had the judges supposed to have audited Manning's accounts fulfilled their duty?

The list of estates found deficient, as listed in the NSW Government Gazette, did not include the Fisher estate, and indeed, it had apparently ceased to exist.

On February 7, with vigour and public spiritedness (since eroded away from journalism by politicians' unremitting tightening of libel laws for their own and their creatures' protection) the Sydney Herald attacked the manner in which an auction of Manning's property in the interests of his victims had been carried out, disclosing that a property worth £8,000 had been 'knocked down to E. Manning for £30!'

As he had promised, young Samuel Fisher remained in the colony and could only have been dismayed by the turn of events, wondering futilely what had happened to Frederick's estate. During the following year he was to learn of the death of Ann Fisher who had braved so many personal disasters, to pass on without a single triumph. As to Frederick's interests, the government was concerned only to disown, and legally secure itself from all responsibility for the wrongdoing of its servants, appointed (in the case of J.E.Manning) in such inauspicious circumstances. The victims would have to get what they could from the supposedly impecunious Manning.

By 1844 young Samuel Fisher had purchased a freehold of fifty acres and owned a cottage at Penrith, beside other land. His uncle, Henry, he informed the family in London, had died on July 22 of that year, after a long illness.¹⁵ All he could say of his uncle Frederick's elusive estate was that he had heard

. . . of a farm at Apping [Appin] still known as Fisher's Farm, and another I dare say I could find, but I have never seen either of them, knowing that I could do no good by interfering with authority. I believe these [to be the] two farms the government do not acknowledge. You know yourself whether this is the case or not. If you think there is any good to be done with them, I should be very glad to do my best endeavours towards it; though I have no doubt it will be attended with great difficulty and expence. (Litchfield)

There followed a break of several years in the correspondence, during which young Samuel imagined all sorts of misfortunes had visited his parents. It was not until August 7, 1855 that the exile feelingly acknowledged a letter from his mother which she had written the previous January, stating he had 'mourned and doubted', supposing his mother and father had died, as they in turn had believed him dead. Samuel explained he had resided in Henry Street, Penrith 'all the time' and had received no letters from them.

Inevitably, the question of Frederick Fisher's estate cropped up, the letter from London disclosing that during the interval when no correspondence was being exchanged, the Campbell Town farm had been disposed of with apparently small benefit to the heir. Young Samuel was not pleased with what they communicated about it:

. . . You say I must have been much grieved [about] the farm as [in the way] it was sold. You were right -- I was grieved to think the whole family were ruined by it, and £250 was but the smallest fraction of the value. And you say that when you signed, you signed in trust. How is this [?/] Do you not know that you should have been

examined ~~ap~~^art from my father by the proper authorities then and there to declare that you perfectly understood the nature of what you were signing and that you did so of your free good will without menace or threat from any party. If you were not so examined and did not so understand the nature of the sale, it was illegal and I am of opinion that it never was a legal sale; for every one that bought ground there have never since got deeds for it.¹⁸

I have never seen the place since I have been here and it would vex me more to see it now land in towns is so valuable. I never heard what it fetched. I did hear that it would have sold well had people liked the title, but it is all built on -- title or not -- and by what I am told by a man that has a relation that has bought part of it he had no title whatever and they are much afraid of having it taken from them by the family. It cannot be valued by hundreds but by many thousands. If George [brother] should come I shall be delighted to see him. I shall be sure to know him. I have remembered his features since I left him. Do let him come if possible . . .

(Litchfield)

In April, 1856, Samuel, now 43 years old, acknowledged having at last received letters from his parents during 1854 and 1855, after they had lain in the unclaimed letters office through being insufficiently addressed. He also indicated his continuing interest in his uncle Frederick Fisher's estate:

. . . I have just been to Mr. Norton's office¹⁹ to make an enquiry about the property, but I find there can be no good done without Power of Attorney together with the letters of correspondence between you and Mr. Manning and any papers that may throw the least light upon the business [,]for as soon as Mr. Norton found

I had no Power to proceed in the affair he began to abuse my uncle's character [] telling me that he himself never had any proper claim to the property that he left.²⁰ When I told him your claim to the property had been acknowledged he told me it never had and that you never had any claim to it.²¹ I can find that it is Manning that has been the rogue all through the business and to sift the thing properly we must go back to the beginning and you must not neglect to give me proof that your claim has been allowed [] and then something may be done.

I have just been told of a man by the name of Lamm who knew my Uncle Frederick well when living and knows how his affairs stood at the time of his death. This man was formerly a writer [clerk] to Mr. Norton and consequently may know a deal more than Mr. Norton would like to hear. The man is now in poor circumstances and would be glad to assist me for a small expence. I am going to ride over to Cambletown shortly to see him and will let you know how I succeed. I am advised that there can be no recovery of any further property without proof that the Cambletown farm was recovered by you. Mr. Manning sold it in the same roguish way that he bought it so says Mr. Norton, and the people have no title further than possession.²²

Dan Cooper says he holds the farms he has for money lent.²³ But if I ever get in a position to move in the case I will make him prove his mortgage which I am aware he cannot do, or otherwise give up the farm.

If there is not something done decidedly this time we may as well forget it forever . . . If this business [is] settled one way or the other I might see [my mother] again before I die . . . (Litchfield)

As far as the surviving papers show, nothing more was heard of Frederick Fisher's estate.²⁴ In a letter to his parents,

written on March 26, 1860, thirty four years after the death of Frederick Fisher and unknown to the family the legend of the ghost was permeating across half the world, Samuel Fisher the younger did not even mention the estate. Only four years earlier it had seemed manifest that it still existed. He pondered what had happened to prevent his brother George, a sea-faring man, from making the visit to Port Jackson which had been envisaged in 1856, and to which he had so keenly looked forward. With the approach of middle-age, Samuel reflected on whom of his uncles in London still lived. He asked fondly after Robert, youngest son of James and Ann, and about one of his mother's brothers.

The discovery of gold in Australia thrilled him, and he thought he might go prospecting at the new strike in the Snowy River country. A gold escort, he told them had just brought down 6,395 ounces, a week's yield.

'Australia,' he ruminated was 'a fine country if it were properly handled', although he doubted whether at the moment it was being competently governed. Personally he was in good health, with no reason to grumble on any account. Four years previously he had written exultantly,

. . . my crops are all looking first class, could not look better -- fifty acres of freehold land, no rent to pay, that looks better still: one cottage in Penrith bringing in a small rental, also a vacant piece of building land, two cows, one steer, one bull, three pigs alive and two in the cask, two good strong plough horses and a wee doggie that runs at my heels. Has not God been good to me more than I deserve? The last four seasons has really broke most of the farmers round me. So you see, as Paddy says, I have still got something to the fore, although it has played old gooseberry with me for a time. I hope to recover shortly. I shall take it easy at all events. (Litchfield)

Throughout the four intervening years Samuel the younger had laboured immensely. The rapid development of the colony was now sending railways from Sydney, like tentacles, and proud Samuel's property had lain in the path of that destined to cross the Blue Mountains, whose foothills rose just across the Nepean River on whose banks Penrith stood. It was destined he should not find surcease from backbreaking toil, as though he had been condemned, innocent, to penal servitude. Now, thinking of his brother George, he appealed to his parents for the name of the ship which so long ago was to bring him to Australia,

. . . for I have a strong idea he reached the outside of Sydney Heads in the illfated Dunbar. All hands perished save one seaman by the name of Johnson, and among the list [of the lost] I read the name of George Fish. Johnson may not have known his name properly, but he describes him as a Butcher's mate. This is now somewhere about four years ago . . . (Litchfield)

Samuel's impression had been correct. The 'George Fish' in the crew list of the Dunbar, which had indeed been wrecked at South Head, Port Jackson, during a north-east gale on the night of August 20, 1857, was in fact George Fisher, whose battered and unidentifiable remains were among those interred at Camperdown cemetery on the outskirts of Sydney, two days later. The Dunbar (1369 tons), had left Plymouth on May 31, carrying 63 passengers and a crew of 59, of whom only James Johnson, a native of Drogheda, Ireland, survived. He had been saved by spectators on the cliffs who threw ropes to him in the sea and hauled him to safety.²⁵

Terra Australis had claimed to herself for ever, three of the Fisher family. The railway came to Penrith and Samuel could not be permitted to stand in its way.

On December 28, 1868, a troubled and grieving woman of middle years sat down in a little farmhouse at Frogmore, near Penrith and wrote to the senior Samuel Fisher and his wife, in London -

My dear Friends, -- I now take up my pen with a trembling hand and a fearful heart to tell the sad tale to his aged and loving parents and family of the death of your dear son, Samuel and my only dear friend and husband, for so I will call him as long as I live.²⁶ This will seem strange to you as I believe you think he had no one belonging to him here, but my dear friends, don't blame him -- my dear Samuel. If you blame any let your anger fall on me, but have pity and forgive, for you must know all.

I have lived with him since 1849 and [we] have been taken for man and wife ever since.

Now my dear friends -- for I shall ever think you to be, let your anger fall on me, but spare him, poor fellow. Though our marriage was never solemnized in a church I feel it was registered in heaven for our hearts were met together and no one could have parted us but Death . . .

You should never have known anything about me had it not happened. As it is, I must tell you how he died. On the 18th of this month . . . he came into the house at a quarter past twelve and spoke to me, and the table was laid for dinner and the potatoes not quite done; and when I looked round he was gone out of the house and at half past twelve I went out to the hay to tell him to come to dinner. I found him laying on the ground quite dead.

Now only think what my feelings were, only a quarter of an hour and I had lost him. I don't know what the inquest [will find] but I will know and send you word as soon as you answer this, if you think me worthy of your confidence.

. . . I must tell you about me. Why my poor Samuel did not tell you about me was he thought it would keep his mother and father alive thinking to see him again. That's

WHERE FREDERICK FISHER WAS MURDERED, as it appeared in 1965. Note the old four-bar fence.

what he told me, and what he said to me was quite enough, for I would not give him a moment's pain by telling him I felt uneasy . . .

I feel wretched in telling one secret, but circumstances oblige me to do so, as he left no will, and had [he] time he would not have left me unprovided for, as you know that he must have had help to enable him to get the land in Penrith. I gave him 100 and 14 of my own, which the railroad took from us,²⁸ and then he bought the farm he has died on which I have in my possession, but by law will come to you if you lay claim to it.

Now don't do with it as with Fred's property,⁺ and what he and I have worked hard for, for I have kept him and myself this six years, while he, poor man has been taking the timber off the land and fencing the farm in, which he had just finished and was not left to enjoy it . . .

I kept us up with going out to confine as nurse [midwife] which I get 4 pounds for two weeks and everybody knows me well about here. . . . The farm cost . . . 87 pounds ten shillings with 6 pounds for deeds, but I am afraid it has cost him his life, so let me beg of you not to waste it in law. But I don't think the father of my poor Samuel will.

I have let the farm for 10 pounds a year, for I could not stay where I met such a loss and when the rent is due I will send you six pounds of it, as I know you are getting old and want help, which I will give you as long as I live for the sake of him I have lost in this world, but hope to meet in the next . . .

(Litchfield)

⁺ This observation may be interpreted to mean that the Fishers had sacrificed their interests in Frederick's estate by accepting a very small price.

Samuel had been 53 when he collapsed and died. Family tradition claims that his parents, as though determined not to be denied their legal rights to the full value of the inheritance (as they had in Frederick's estate) claimed their son's property, but failed to secure it.

However, a letter survives which conflicts with this belief, and is a copy of an advice sent on August 9, 1869, by George W. Williams, solicitor, of George Street, Sydney, to Samuel Fisher's de facto wife, suggests that some compromise was attempted from London:

Dear Madam, As I have not heard from you in any way and being acquainted with the offer made to you from England, I should like to know personally from you if there is anything I can arrange which may benefit you before I act on the power of attorney in the case of the Samuel Fisher property.

The outcome is unknown.

N O T E S

1. Henry was uncertain of this figure and later entered the word 'pounds' after the number. At Worrall's trial Daniel Cooper swore Frederick Fisher owed only about £80 to himself, and at other times was emphatic about only 'slight' encumbrance. The elder James Norton wrote similarly to the Attorney General in September, 1826. Possibly, therefore -- disregarding what seem to be later amended figures of indebtedness to Cooper and his associates -- the number 604 would have been Spanish dollars, approximating £150.
2. The letter by which George Gallwey Mills informed Ann Fisher of her son's death, etc. is owned by Mrs Jean Litchfield.
3. Historical Records of Australia, Vol. XIII.
4. It is indisputable that Frederick Fisher owned more property than G.G.Mills admitted. T.L.Robinson wrote that Fisher 'opened one of his houses as a public house'. The town property was always carefully distinguished from the 30-acre farm which was, though close, in the district of Airds.
5. The inventory of articles belonging to Fisher, found by Chief Constable Burke at Worrall's house, September 17, 1826, included '2 deeds'. There was no deed issued for the Airds farm as yet, but that property was included in the estate. Mills insistence that there was only one other property, a small farm whose title was in dispute, considering all things, must be suspect.
6. Document owned by Mrs. Litchfield.
7. The economic depression which afflicted the colony in its early years is usually fixed in the period 1840-46, but the decline may have been distinctly manifest several years before 1840. The evidence of the Fisher correspondence is clear that the populace was suffering the effects of the land boom collapse, even in 1835.

Prices for land and livestock had for a long period increased to fantastic heights. The floating capital of the colony was poured into these classes of investment and speculations.

The result was that secondary industry, feeling its way, was starved for the capital necessary to its expansion to serve the growing population. Transportation of convicts ^{slackened} ~~and~~ and with characteristic parsimony the British Government withdrew its funds from Australia. Holders of large amounts of land and herds of livestock bought as speculations were ruined. Trade and manufacturing collapsed. Unemployment and general misery among the resourceless poor became widespread.

8. Forbes Hotel, built by Daniel Cooper and named for a popular judge -- Francis Forbes. It contained eighteen rooms and was considered a bold venture for the time.
9. 'Unexceptional title' shows this property was not the Airds farm, which was not a 'town' lot. As there seem to have been buildings on the land offered, it was probably also the site of the Horse & Jockey inn opened by Fisher.
10. Fisher family's ignorance of the existence of town property in Frederick's estate is deduced from the fact it is never mentioned. Its being advertised for auction was no guarantee that Henry would know of the attempt to dispose of it.
11. John Edye Manning would have had power of attorney as successor to Mills.
12. Revocation of the power of attorney and transfer of the estate into other hands might have greatly benefitted the heirs.
13. Historical Records of Australia, Vol. XIII.
14. Ibid.
15. Henry Fisher died of a chest complaint and was interred at St. John's cemetery, Parramatta, Rev. H.H. Bobart officiating.
16. The principle clue to the existence of the Cabramatta and Upper Minto farms lay in their being recorded upon the application for Conditional Pardon, endorsed by Cooper and Hutchinson. Mills and Manning, successively would have known of them. Would Frederick Fisher have cited the two properties

to either or both of which in the good knowledge of the sponsors he would have no title to?

17. The hazards of the sea caused long pauses in communication.
18. Suggests that someone in London, in the interests of Manning, or Manning himself, induced the Fishers to accept a trifling sum of money for their interest in the estate, without their realising what they were sacrificing.
19. James Norton, the younger, aged about 32, who was to become author of the 1892 letter (See Chapter Two, Part One). He succeeded his father in the solicitor's practice. He appears to have acted on behalf of J.E.Manning in proceedings connected with his insolvency.
20. Conflicts with earlier assertions by his father and Daniel Cooper, but may have been referring simply to the non-issue of deeds of the Airds farm to Frederick Fisher.
21. Norton could have been unaware of machinations afoot elsewhere, and was thinking in terms of entirely legal transactions.
22. The list of intestacies in Manning's care up to December 1841 do not mention the Fisher estate as such, when it is clear it had not been finalised. The Sydney Morning Herald on December 4, 1844, reported that an advertisement had appeared in the London Times, in which J.H.Wilson, law stationer of 23 Cateaten Street sought the co-operation of persons affected by Manning's defalcations 'in common measures for rendering their claims effective', representing that he was himself 'similarly situate'.
23. Cooper did not make such claims at the 1827 trial.
24. Fisher family tradition is that Frederick's estate was never recovered, at least in the measure due to the heirs.
25. The wreck of the Dunbar is commemorated by a monument at South Head, and by a religious ceremony each anniversary.
26. The unhappy lady's identity has not been traced; however, some years ago, Mrs. Jean Litchfield sent to the present ~~author~~ ^{writer} a photograph, circa about 1907 which had been sent from NSW to

Sydney to the Fisher family in London -- the elder Samuel branch. The photograph depicted a man of between sixty and seventy years old, white-haired, bearded and small featured. On the back of the photograph was written simply, 'Love to Uncle Fred.'

The only Fred in this history, aside from Frederick Fisher, its central figure, was the second son of Samuel senior, born just before Frederick's arraignment in 1815, or thereabouts, and named Frederick in honour of Samuel's own brother.

If young Samuel had a natural son during his early association with the unnamed lady at Penrith and Frogmore, he only would have been nephew to that second Frederick. It does not appear that Henry (at Parramatta) left issue, and had he fathered a son, he could only have been cousin to the second Frederick here mentioned. The writer deduces that the photograph was that of a natural son of Samuel the younger, not mentioned by the de facto wife in her tragic letter to Samuel's parents, on account of her already great burden of confession.

The age of her son would have been approximately that of the person in the photograph. No other explanation has been forthcoming. The photograph was made in Sydney by a pioneer firm of photographers.

In the conviction that the above deduction is correct, the physiognomy of the subject of the picture has been used as basis for the modelled 'portrait' of Frederick Fisher shown in the frontispiece.

27. The iniquitous form of resumption practice -- much worse than it is even today -- would mean the land was virtually confiscated.

