

# ***'Oh, how the wind blows'***

By Don Gordon, March 2019

Donald McLean migrated from Scotland 180 years ago and was one of the first people to settle in Strathalbyn which is a small town in South Australia. Now-a-days it is hour's drive from Adelaide, but in Donald's time, it took him a couple of days. There were no proper roads and there were no motor vehicles – just horses and bullocks on rough tracks. Donald had to guide his six bullocks up and down steep hills. The powerful beasts could haul large loads on the four wheeled dray - at walking pace.

In 1848, Donald went to Adelaide with James Holloway who was a bullock driver. Donald might have stayed for a few days with his daughter Mary and her husband Adam Abercrombie. The family lived at Hindley Street – possibly in one of two brick cottages that Donald had arranged to be built on his half acre near the centre of town. Adam was a timber merchant and wheelwright. He got on well with Donald who had named him as an executor when Donald signed his will two years before.

James and Donald visited a few friends, taverns and businesses around town and they sold their farm products (perhaps wool or hay) for a good price. Donald wrapped his money in a big handkerchief, put it in an inside pocket of his coat and then buttoned it up. He kept some small change in his purse in his waist coat.

It was late on a Friday afternoon by the time they started the long journey back home.

Donald chatted in his Gaelic brogue with James, "It's a terrific full moon so we can just keep going through the night. These bullocks have had a good rest while we were doing our business in Adelaide so they will plod on for us. They like the cool evening rather than these hot summer days. One of us will need to walk alongside the bullocks sometimes, particularly in the darker spots where the moon shadows are across the roadway." Donald was thinking of what was in front of them. He wanted to make the best of the full moon before it set. They had to be able to see where to place the chock behind the wheels to prevent the dray rolling back on the up-hills, and then dragging a log with chains to control the steep declines. They wanted to keep going as long as the rough track and light allowed them to progress. When they are forced to stop, they would be glad of a short rest until they would start moving again in the morning light.

Not far out, they passed the toll bar, and came around a corner where the narrow track twisted down into a creek. At the same time, a big bullock team, with a load of very long timbers, was coming down from the other side. There was bushes and trees on each side so there wasn't much space to pass.

The other bullockee yelled out "Give me more room."

James might have had too much brandy because, instead of moving right over, he yelled back, "Use your eyes, you have plenty of room"

But it was too late, the drays almost collided into each other and part of other team ended up close to the creek, with their dray on an angle and the timber looking as though it might roll off.

The bullockee shouted, "Oh no, I'm in the creek."

James shouted back, "Go on, or I'll give it to you". He could not see that he had partly caused the predicament and he just got angry and wanted a fight. To which the bullockee roared, "Two can play at that".

And at this, Donald was getting involved by jumping down and reeling about. He was a little drunk too, and they were about to come to blows. But then Donald recognized the other bullockee as Joseph Teakle, a fellow passenger on the *Navarino* a decade before. Tensions subsided when the men recognized each other and Donald said to James "Don't pay attention to those fools – go on."

They eased the bullock teams past each other and they soon came up to the *Mountain Hut* which served drinks and had beds for travelers. Donald said, "Look, we will call in here for a few minutes, but then we had better keep moving because I want to get home by tomorrow night".

They settled their bullocks outside the *Mountain Hut* and then strolled inside and they sat themselves at a table. "We'll have a ginger beer and nobbler" Donald called out to Robert Spearman, who was the manager. They had known each other for a few years because Donald always called in on his way up and down. Donald looked around the room and saw a few others sitting at the other tables. "I see you have a few customers tonight" he commented as Mr Spearman brought them their drinks. He just mumbled "Not bad" as he scooped up the coins Donald had taken from his purse, and placed the drinks on their table.

As they sipped their drinks, they nodded at the men sitting at the other tables but they didn't seem interested in talking with Donald and James. So they just quickly finished their drinks and walked outside.

They were soon on their way with James, the bullock driver sitting on the seat up front of the dray and Donald in the centre of the dray on a tarpaulin.

It was 9 pm. The moon was good for them and the bullocks had good eye-sight as they kept going slowly along the road.



They had only gone two kilometers on their way up a daunting hill when three men came out of the bush, brandishing pistols, and disguised with large black handkerchiefs over their faces.

One man stood in front to stop the bullocks. As soon as he saw him, James, who always had the whipstick in his hands, struck the man in front with a blow around the head and shoulder. But he was unable to stop another getting between the bullocks and the wheel with one foot on the pole and the other on an iron bar that went across the poles. The third climbed onto the dray behind Donald. The two who clambered on the dray each had two pistols which they pointed within 10 cms of Donald's head. They shouted together "Deliver all that you have". With four pistols pointed at them, Donald and James were forced off the dray and kneeled down on the ground. Donald pleaded, "I will give it all, but save my life".

Although he said that he would give up all his money, he did not want to hand it over. He thought that they would not shoot him but Donald was not expecting the violence as one of the men twisted his arm and kneed him brutally in the ribs. His hat tumbled to the ground in the scuffle. The gunman roughly unbuttoned the coat and forced his hand into Donald's pockets and got 67 pounds from one pocket and 9 pounds from another, and some papers.

Suddenly it was over as the men took to the bush.

As they were going, the wind blew aside the handkerchief of one of the men and Donald was startled at what he glimpsed. It was Spearman!

Donald said to himself, "Now, you have done it – I know you."

Donald watched them going into the bush and then quickly took stock of the situation. He was relieved that Spearman hadn't detected the purse in his waistcoat.

Donald said "Well, James, they have got my pocket – what shall we do?"

James said, "I think we should return to Spearman's. But you should know what is best".

Donald realized that James had not recognized Spearman, otherwise James would have foreseen the possibility of danger in going back to the *Mountain Hut* to confront him. James seemed more interested in getting back to the inn to tell everyone what had happened and try to do his own bit of detective work to find out who the highway men were.

Donald tested James, "Do you think Spearman was one?" James looked surprised and replied that he did not know.

Donald said, "Well, I think he was, and I can swear to him".

He turned to James and said, "I will get no praise if I let the robbers get away with this." So, he decided that they had better turn back to Adelaide to report the robbery to the police. He was keen to get his 76 pounds back.

As they turned the bullocks around, Donald became aware of pain in his arm and even greater pain in his side. It felt like the men had broken three of his ribs. The jolting ride in the dray intensified his pain.

It was not long before they were going back past the *Mountain Hut*, about one and half hours after he they had left there. Suddenly Donald decided to leave his bullocks there and then walk on back to Adelaide because he was feeling the pain in his side, the bullocks were not much faster than walking. He had no reason to take everything back into Adelaide.

He whispered to James, "Look, I can't go on like this, I can feel my bones move with every jolt of this old dray. It is killing me. We will have to leave our dray here. Now let's hope that we don't bump into Spearman or any of those men. It is getting late and maybe there will not be anyone around except one of the staff who we can leave our gear with."

"And you must not say anything about what has just happened", Donald continued. "Not a word, just act as though nothing had happened. Remember, we could be walking into danger, because those men had their pistols on us and they did not hesitate to bash me around. Not a word". He repeated.

But as Donald went inside into the dimly lit room, to his dismay, he saw Spearman lying on a stool – looking calm as though nothing had happened. Spearman must have seen him first because it took a few moments for Donald to take in what was in the room, and by then Spearman had gathered his composure. As soon as Donald saw Spearman he took a deep breath and was careful not to show any sign that he knew what Spearman had done.

He casually said he had changed his mind about going home that night as it was getting too late. He said that he thought he might as well go back into Adelaide for a bed. He asked Spearman to look after his bullocks, dray and luggage overnight. Spearman said that he would. He often provided this kind of service for travelers but on this occasion he would have agreed to anything which would help speed Donald on his way. He was in a panic with Donald there in front of him and was keen to see him out the door. He hoped that Donald was not on to him. Little did he guess that Donald was on his way to report him to the police.

Neither man let the other know what was racing through his mind.

Spearman was thinking "This could be big trouble. I have just robbed this man after threatening him with pistols and now here he is back again asking me to look after all his gear. He mustn't have known it was me, so I must be safe. I will just go along with it all. I want him out of here so I will not delay him by offering drinks or asking why he wants to go all the way back to Adelaide for a bed when he could have one here."

James was outside, unyoking the bullocks and taking the things off the dray. Donald was glad of this as he didn't want James having any contact with Spearman in case he let on what had happened. But Donald was wondering whether any of those helping James were Spearman's accomplices.

And Donald was thinking, "Oh dear, I didn't expect Spearman to be here like this. I must not let him suspect that I recognized him out there. But I need to get away to safety in Adelaide as quickly as I can. I must not let Spearman see that I am in pain." Fear welled up inside Donald while he was so near the gunman. Then he walked out, deliberately slow, so that Spearman would not suspect his anxious state.

All this happened within five minutes – both men wanted this to be over quickly, but neither wanted to appear to be in any hurry.

Both men breathed a sigh of relief as each thought they had deceived the other.

It was close to midnight as Donald and James began their walk into Adelaide. As soon as they were out of earshot the tension flowed out of Donald. He whispered, although it was no longer necessary, "Spearman was there !!" Did you recognize any of the men out in the yard with the bullocks and luggage?"

"No. Those robbers were slim chaps but none .....", James' voice drifted away. He was not rattled by all these events, that he could not think straight.

"I don't think that *sladaiche* (robber) guessed that I *aithnich* (recognized) him", gushed Donald as he excitedly broke into Gaelic. James just stared at him.

It took them an hour to walk into town. As they arrived near the *Black Bull* they saw a policeman on the beat and Donald asked the way to the police station.

It was 1pm by the time he was at the police barracks where he told Sgt Major Alford all that had happened.

Alford said that he would gather his men and go straight up to the *Mountain Hut*.

They got some beds at McFie's *White Hart*. He hardly slept. His heart was still racing and the pains in his arm and ribs were making sleep impossible.

At the *Mountain Hut*, things had moved quickly through the night as the police made their enquiries. Spearman and his cook, Matthew Violet, were arrested and brought to the cells in Adelaide.

Committal hearing was held straight away the next day. Donald, as the person making the complaint, was called the 'prosecutor'. He was the first to describe what had happened last night. He was asked whether he could see a robber in the court room. Donald was confused about why this question was being asked because it was obvious that Robert Spearman was there sitting in the dock.

When Donald pointed to him, Spearman protested loudly "I didn't do it. I never left my inn. I am badly dealt with." Then standing up, he went on, "I will never ...." At this, the magistrate spoke out sharply "The prisoner will resume his seat and cease any of this." The policeman placed a hand on his shoulder and thrust him down onto his chair.

It became obvious at the early stage in the court, that the prosecution was relying mainly on Donald's word that he had identified Spearman. So, when the defense counsellor, the formidable James Hurtle Fisher, began cross-examining him, most of the questions were about how reliable Donald was as a witness, and particularly if he had been drunk in the afternoon and might have been mistaken when he said that he had identified Spearman last night. There was even a query about whether he had been drinking that morning because his speech was difficult to understand - until his manner of speaking was attributed to his Gaelic.

He did not understand everything that was going on in the court room in the committal proceedings through the next three days. There was a parade of witnesses in the trial, starting the Donald and his bullocky of course. Then the proprietors of the hotels and businesses which they had visited around Adelaide, the men who were at the *Mountain Hut* and four police.

He did not see the point of all the questions to so many witnesses. Occasionally he dozed off.

After the committal hearing, Donald finally headed off home to Strathalbyn for the three week wait for actual trial.

He was relieved to catch his first sight of *Auchananda's*, his stylish two-story house, with the big solid barn, both backing onto the Angas River, close to the Strathalbyn township. He was proud of these structures which he had completed five years before and were still notable among the best buildings in the district.

The family could talk of nothing but the robbery.

Twelve year old, Hugh, the younger, was excited about the events near the *Mountain Hut*. He kept on asking about the pistol's the men had wielded, and the handkerchief masks they had.

Allan came over to *Auchanada's* from Meadow Bank in his spring cart. Cathy had Jane in her arms. Little Willy was helped down by Donald who had come out as soon he heard the familiar sound of the cart. Toddler Willy loved visiting grandpa and grandma as he went straight in to raid grandma Christina's oat biscuits. Allan was asking how they could get the 76 pounds back. He was concerned how they would get on over the next month or so without the proceeds from the goods Donald had sold in Adelaide. Over the past few years, Allan was becoming more responsible for Donald's business dealings because Donald was becoming more forgetful and confused. Allan wondered if Donald had really seen Robert Spearman in the robbery.

Donald and James went back to Adelaide in the bullock dray a week before the trial was to start. Donald stayed with Mary and Adam at Hindley Street. Donald felt close to this family. He loved to spend time with his first granddaughter, Christina 6 yrs and her younger siblings Rachel 3yrs, and Adam 2 yrs. Mary was heavily pregnant in anticipation of her fourth child.

But tragedy struck two days before the trial when little Adam was killed when he fell from Donald's wagon wheel. The family was distraught, and the trial was far from everyone's thoughts at the burial at West Terrace Cemetery the day before the trial.

The trial in front of judge Cooper and a jury took three days. Some of the same witnesses were called and Donald wondered why they had to go through it all again. However, it all felt different in the august environment of the Supreme Court compared to modest surroundings of the Police Court where the committal had been held.

Spearman kept protesting his innocence, pointing out that he was being accused by Donald saying that he had recognized him during the robbery, yet he questioned Donald's eyesight. He gave an example of Donald not recognizing him when they almost bumped into each other when he was being moved from the court-house to the goal.

In the late afternoon on the third day, the prosecution and defense presented their final argument and then the judge made it clear to the jury that they should convict Spearman if they believed McLean or not guilty if they discount his evidence. The judge then went on to detail all the evidence that had been presented for the prosecution.

As it was so late (11:30 pm), the judge asked if the jury wanted to go ahead with their deliberations or to come back tomorrow. The jury said they wanted to go ahead now. They spoke together in their seats in the court room for 10 minutes and then retired to the jury room. They returned after 15 minutes and delivered their verdict. Despite the lateness of the hour, there was a large crowd in the courthouse, flowing into the street. They were startled as they heard the juryman announce the verdict - guilty.

A week later, Spearman was sentenced to 15 years in Van Dieman's Land. At this, he shouted "No! No!, I'd sooner be sentenced to death rather than suffer being banished to transportation"

Donald saw an opportunity and asked for his 76 pounds but the judge said that “this should be kept by the police for the time being”. He never got his money back.

After the trial, all thoughts of Spearman were from Donald’s mind as he continued to grieve with the Abercrombies for the loss of little Adam. Then he headed for Strathalbyn, little knowing that Mary’s grief would even be heightened four months later when she was to lose all her family except Rachel. Donald was never again to see Adam (Mary’s husband) his first grandchild Christina, as well as Mary’s soon-to-be -born baby – all were killed from carbonic poison from a coal fire while they slept.

Over coming months there were many rumors about Spearman. A few weeks after being sentenced, Spearman was being transported, along with another convict, to Van Dieman’s Land – with a policeman guarding them. The policeman began to suspect that they were planning to escape and so the ship was turned back to Port Adelaide to get a second policeman. Within a few days of arriving in Van Dieman’s Land, Spearman escaped, with some help with others, who had prepared a cavity under some timber cargo on the ship. He was soon on his way back to Port Adelaide – on the same ship that the two unsuspecting policemen were on their way home. He was seen in Adelaide and then he was looking for something behind the *Mountain Hut* (was this hidden loot?). While he was at the *Mountain Hut*, it happened that there were some troupers looking for him. But they had not known what he looked like and he was able to calmly walk past them to an awaiting grey steed. He wrote a letter to Judge Cooper and “*thanked His Honor for all the trouble he had taken, and good advice given at their last interview, and hoped the latter would not be hanged until they had the pleasure of meeting again!*”. It is thought that went overland to Melbourne, disguised as a policeman. He went to California for the gold diggings where he was seen as ferry driver on San Francisco Bay. Some say that he was eventually lynched for murder in Sacramento. But all this, is another story.

- Author: Don Gordon.
- The working title is ‘Oh, how the winds blows’, or it could be ‘Just a puff of wind’, or “Deliver all you have’ (an nod to ‘Stand and Deliver’).
- This is the story of the robbery itself rather than the trial. Suggestions for a script for a play of the trial are in G85.
- Hopefully, someone else might take up the challenge of writing an historical novel or even a play. It is a terrific plot just waiting for someone with the skills to make the characters come alive.
- In the short story as it is offered here, we had adhered closely to what we know as facts – a lot of the dialogue comes directly from the transcripts of the court case. There is a great deal of material to work with research notes in G85 in SMALL PRINT on the home page of [www.christinaanddonaldmclean.com](http://www.christinaanddonaldmclean.com).