

John RUTLEDGE

23/10/2012

John RUTLEDGE

New South Wales Police Force

Rank: Constable

Stations: Cassilis

Service: From ??? to 5 May 1843 = ?
years of Service

Awards: ?

Born: ?

Died on: 5 May 1843

Cause: Shot – murdered

Event location: Cassilis

Age: ?

Funeral date: ?

Funeral location: ?

Buried at: ?

[alert_red]JOHN is NOT mentioned on the Police Wall of Remembrance – BUT SHOULD BE

The constable was shot and killed during a prisoner escort to **Merton** on 5 May, 1843. It appears that **two constables** were escorting **three prisoners** and during their journey they stopped for a break at a hut at **Pickering** at about **10am**. For some reason the constables then **removed the handcuffs** from the prisoners while they were resting. At one stage **Constable Rutledge** went inside the hut, leaving his **musket** outside, and the prisoner **Harris** walked outside, took hold of the **musket**, presented it at the constable and said that if he did not give up his ammunition he would shoot him. The constable refused and started to walk out of the hut. **Harris** stepped back a step or two, and fired the **musket** through the doorway, inflicting a fatal wound to **Constable Rutledge's stomach**. The ammunition belt was then taken from his body. **Harris** then ran off when the other two prisoners came out of the hut. The other two prisoners did not try to escape and gave themselves up.

The story of the capture of the murderer **Benjamin Harris** by **Constable Doyle** appeared in the *Maitland Mercury* newspaper of the **8 July, 1843**. (Note that Doyle was a **convict constable**).

CAPTURE OF HARRIS THE BUSHRANGER.

Harris, the bushranger who murdered Constable Rutledge, of Cassilis, while under escort in May last en route to Merton, was captured on the 28th ult., by Constable Doyle, of the Cassilis establishment; and the prisoner is now on his route

*to Merton, in which district he stands charged with the **murder of Rutledge**. **Doyle** is a prisoner of the crown holding the **Governor's ticket** and it is to be hoped that his Excellency will for the praiseworthy conduct he has displayed on this occasion **grant him a free pardon**. He has been out for a month, fully determined to apprehend Harris, and he captured him without assistance.*

At the time of his death the constable was stationed at **Cassilis**.

The Sydney Morning Herald **Saturday 13 May 1843** p 3 of 4

TWENTY-FIVE POUNDS REWARD on A FREE PARDON.— It having been represented to the Government, that **Constable Rutledge**, of the **Cassilis Police**, was, on the **6th instant**, shot dead at a station of **Captain Pike's**, about **twelve miles from Merton**, by **Benjamin Harris**, a prisoner of the Crown, per **ship James Laing**, on escort from **Cassilis to Merton**, who is now at large, having absconded with the Constable's arms and ammunition ;

His Excellency the Governor has directed it to be notified, that a reward of twenty-five pounds will be paid to any free person or persons who may apprehend and lodge the said **Benjamin Harris** in any of **Her Majesty's** gaols ; and that if the said **Benjamin Harris** be apprehended and secured by a prisoner of the Crown, application will be made to **Her Majesty** for the allowance to him of a Free Pardon.

Description – Benjamin Harris, per **ship James Laing**, a runaway from the Newcastle Boat's Crew, 37 years of age, born in Staffordshire, a soldier, 5 feet 5 $\frac{3}{4}$ inches in height, sallow complexion, brown hair, hazel grey eyes, JHEHJ knot, wreath, BH inside lower right arm, sun inside lower left arm, heart and 7 dots back of left hand.

<http://trove.nla.gov.au/ndp/del/article/28650256?searchTerm=&searchLimits=l-publictag=Benjamin+Harris#pstart1520313>

The Maitland Mercury & Hunter River General Advertiser

Saturday 15 July 1843 p 3 of 4

THE WIDOW OF CONSTABLE RUTLEDGE. –

We are happy to hear that £50 has been raised by subscription in this neighbourhood, and a similar sum has been given by the government, for the use and support of the wife and family of the late constable Rutledge, who was shot by Harris the bushranger.

July 8th, 1843.

<http://trove.nla.gov.au/ndp/del/article/661165/124036?searchTerm=#pstart124036>

<http://www.jenwilletts.com/searchaction.php?page=1&surname=rutledge&ship=&firstname=>

MURDER.

Benjamin Harris was indicted for the **wilful murder** of **John Rutledge**, by shooting him with a gun, on the **5th May last**, at **Merton**.

It appeared that the prisoner **was being escorted from Cassilis to Merton by the deceased**, along with two other prisoners ; they were not linked or chained together, and only one of them was handcuffed.

On arriving at a station of **Captain Pike's**, about twelve miles from Merton, the prisoners went into the hut, and were followed by the constable, who left his musket outside; the prisoner went out of the hut, seized the musket, and said if the constable did not give up his ammunition he would put the contents of the piece through him. The constable said, " Do it," and advanced towards the prisoner, who stepped back a few paces ; the constable went out, and in less than a minute the gun was fired, and on the men going out of the hut they found the constable dead. The prisoner took his ammunition, belt, and pouch, and the musket, and made off to the bush. He was apprehended by Patrick Doyle on the 27th June, with the musket, belt, and pouch in his possession.

The prisoner put in a written defence, in which he stated that the gun went off **accidentally**, and that he was at times, particularly when he had liquor, subject to an **affection of the head**, owing to some wounds he had received while he was a soldier.

Some evidence was taken for the prisoner on this latter point, but it was not established.

His Honor then summed up, and the jury returned a **verdict of guilty. Sentence of death** was passed upon the prisoner.

The court then adjourned.

<http://trove.nla.gov.au/ndp/del/article/662086?searchTerm=%22benjamin%20harris%22&searchLimits=l-decade=184#reloadOnBack>

The Sydney Morning Herald **Monday 25 September 1843** p 4 of
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MURDER.

Benjamin Harris was indicted for the wilful murder of John Rutledge, at Merton, by shooting him with a gun, on the 5th May last.

Robert Leaton : Was a prisoner of the crown, and in April last he was punished by the Merton bench, and ordered to be returned to government ; he was given in charge to constable Rutledge, along with the prisoner at the bar and another man, to be brought to Merton ; the constable had a musket and an ammunition belt and pouch; they arrived at Pickering about ten o'clock on the morning of the third day ; they went into the hut, and in a few minutes Rutledge came in leaving his musket outside ; the prisoner went out, took the musket, presented it at the constable, and said that if he did not give up his ammunition he would put its contents through him ; the constable refused to give it, and went out. Harris stepped back a step or two, and fired the musket. Witness went out

directly after, and saw Rutledge lying on the ground dead. The ammunition belt was taken from his body ; the ball entered just below the stomach. The prisoner made off when witness went out of the hut, and he saw no more of him until he was apprehended. Witness and the other prisoner went back and gave themselves up.

Patrick Dawe, Innkeeper at Captain Pike's station : Remembered a constable and two or three prisoners coming to the station ; he did not know the constable ; the prisoners were in charge, one of them had a pair of handcuffs on ; the last witness was one of those in charge ; he could not say whether the prisoner was ; the prisoners went into the hut and sat down ; the constable came in and went to the fire ; the prisoner next the door went out, took up the musket, cocked it, and demanded the ammunition from the constable ; the prisoners were not chained or linked together ; the constable approached him, and said, " Do it !" Prisoner said he would if he did not give up his ammunition ; prisoner drew back, and the constable went out, and witness soon after heard the report of the musket ; witness went out, saw the constable lying on the ground, and the prisoner took away the ammunition belt and pouch, and went away with the musket ; the other prisoners said they would give themselves up, and left the hut for that purpose.

William Everness, chief constable, Merton : Knew constable Rutledge, his name was John , witness went to Captain Pike's station in May last, and saw Rutledge dead , the body was covered with a piece of bark, about fifteen or twenty yards from the hut, there was a gun shot wound in the belly, witness found three warrants in his coat pocket, he had known Rutledge about five or six years , had known the prisoner five or six years, he had been a watchman on Mr. Blaxland's station.

Patrick Doyle : Knew the prisoner , apprehended him on the 25th last as a bushranger ; the magistrates ordered him to be forwarded to Newcastle to be dealt with, witness saw him

off with escort, on the 8th May, heard of the murder, and set out in pursuit on the 14th, and apprehended him on the 27th June, with the constable's ammunition, pouch, and musket on him, he delivered him up to the Merton Bench, the belt and musket were produced in Court and identified.

This closed the case for the Crown.

The prisoner put in a written defence, which was read, and in which he stated that the constable was shot by him accidentally.

Robert Eden : Had known the prisoner for some years, did not know that he had anything amiss in his mind, had never observed that he was easily excited by drink.

Mr. Charles Boydell, one of the jurors : Knew the prisoner as a shepherd in the late Mr. John Blaxland's employment ; he was much given to drinking, and Mr. Blaxland said when in liquor he appeared to lose his senses, which Mr. Blaxland attributed to some wounds which he had received in his head while a soldier.

His Honor then summed up, and the Jury without retiring from the box, returned a verdict of guilty.

His Honor then passed **sentence of death** upon the prisoner in a solemn and impressive manner, exhorting him to prepare for eternity, as there could be no hope of mercy shown towards him in this world.

The Court then adjourned.

<http://trove.nla.gov.au/ndp/del/article/12421474?searchTerm=&searchLimits=l-publictag=Benjamin+Harris#pstart1520774>

Constable Jeremiah SLATTERY

23/10/2012

Constable Jeremiah SLATTERY

Shot – Murdered

Bungendore

12 January, 1843

Constable Slattery was shot to death at Bungendore during a prisoner escort from Queanbeyan to Goulburn. Four prisoners were being escorted at the time by Constable Slattery and Constable William Burton of Queanbeyan Police and had stopped for the night at Mr Dwyer's public house at Bungendore.

The story of the sad incident was told in the *Sydney Morning Herald* of Saturday 14 January, 1843:

Murder of a Constable. "A prisoner of the name of Porter, with three others, on their way down from Queanbeyan to Goulburn, who were escorted by two constables, had arrived at Bungendore, on Thursday evening, and put up for the night at Mr Dwyer's public house; the constables allowed them to have their irons off, and put them into a room to sleep, one constable was to watch and the other was to sleep: both

however dozed off, and one of the prisoners seized the opportunity, got up, laid hold of the carbine belonging to him who was to have kept watch, and shot him through the breast; he died almost immediately. An inquest was held on Friday evening, and a verdict of wilful murder was returned, and the scoundrel was committed by the coroner to take his trial for the same. Corporal Hewitt, of the Mounted Police, whose services are well known, apprehended the prisoner on a charge of robbery, near Queanbeyan, and from which Bench he was committed to take his trial for the offence, was sent for, who conducted and lodged him safely in Goulburn Gaol, on Saturday evening. Too much praise cannot be given to Mr Dwyer for his valorous conduct: the moment he heard the shot he rushed in and secured the other firearms, and bailed up the whole of the prisoners before he knew of the tragic affair which had taken place.

At the time of his death the constable appears to have been stationed at Queanbeyan.