



Where, oh where,
is
Wooger Vitnell?



by
Barbara Brown



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PREFACE

It is with pleasure that I prepare a preface for this delightful book *Where oh where is Wooger Vitnell?* I found it a most fascinating and interesting tale and once I picked it up I kept reading to the end. It's just one of those human interest stories which fascinate and enthrall.

Wooger Vitnell is certainly a character, and Barbara has captured this in an admirable way in her story of Wooger's life. He was no doubt a little elusive in life but it would seem that he is the same in death. Wooger popped up here, there and everywhere during his life, and when Barbara undertook research on him, she found his name occurring in the most unlikely places.

It is appropriate that this booklet be published by Paterson Historical Society because Wooger served at Paterson for a period in the Police service and more importantly, his descendants, the Dunlop family, have a long association with Paterson and the Historical Society.

The Society works to preserve the history and resources of the Paterson area, but often the social issues and like of the times are overlooked in research and conservation. This book on Wooger Vitnell adds an intimate dimension to the history of Paterson and the Lower Hunter which has been lacking in many other historical manuscripts. We are grateful to Barbara Brown for providing us with the opportunity to publish the story of Wooger and enabling it to be brought to a wider population.

Congratulations to Barbara on her thorough research and, you never know, we may still one day find out what happened to Wooger Vitnell.

A.C. ARCHER
President

ACKNOWLEDGEMENTS

This work would have been impossible without the assistance provided by those who have conserved the records through the years and the researchers who have produced information on the times during which Wooger lived.

The N.S.W. State Records

Letters to the Colonial Secretary

Merton Bench Books

Clerk of the Peace: Maitland Quarter Sessions

The Public Record Office

Kew, England

WO97

Muster Books and Discharge Papers of the East Kent 3rd Regiment of Foot

Family History Monthly

August, 1998

ROBB-WEBB, Jon Making Sense of the Census: Soldiers

Guide to the Museum of THE BUFFS

New Horizons Educational Computing Services

PO Box 658,

Armidale NSW 2350

Their two wonderful clipart CDs *True Blue ClipArt* and *True Blue ClipArt Volume 5 ANZACS, Shacks and Outback Tracks* provided the line drawings featured in the account of Wooger's wanderings

Gum Tree Graphics

Images - Australia Volume 1

A wonderful collection of Australiana Clip Art from which two of the cover illustrations are taken.

The editors and owners, past and present, of the *Maitland Mercury*

Without their efforts the wonderful contemporary history of Maitland and district would not exist.

And of course all those who owe their existence to Wooger and Martha

The Vitnell Family

First Acquaintance

I first learned of the existence of Wooger Vitnell through one of those chance meetings which are such a feature of family research. I already knew that the father of my great-grandfather, John Vitnell, was William Vitnell but I had been able to find few details other than the names and ages of John's brothers and sister.

My mother, Eileen Brown, and I were spending a pleasant Saturday afternoon in November 1982 driving around Mulbring, Buchanan and Maitland looking for traces of long dead Leggetts, Groves and Vitnells and finished our trip at Hinton cemetery with a visit to the grave of John Vitnell.

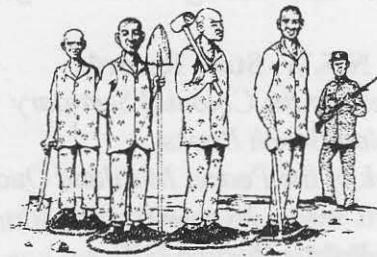
As we were leaving, two strangers came into the graveyard and, in answer to Mum's greeting, said they were looking for John Vitnell's grave.



John Vitnell shares a headstone in Hinton cemetery with his grandson, Brice Innes

You can imagine our delight at finding family connections! Dorothy and Maurie Gilbert were returning to Sydney from a holiday in Port Macquarie and had decided to make a slight detour to Hinton. Dorothy was descended from John's elder brother, William, and her brother, Les Vitnell, had discovered that our William Vitnell was Wooger Vetnal of the 3rd Regiment of Foot.

The Buffs had come to Australia in detachments as convict escorts between 1820 and 1822. Wooger was stationed in New South Wales and Port Dalrymple before returning to Chatham, England in 1824, to be invalided out of the army.



How long had he been in the army? Why was he invalided out? Why had he returned to England, rather than settle in Australia with a land grant? Why had he emigrated to Australia eight years later? These and many other questions teased us again and again as we set out in our search for this elusive ancestor.

We had to put Wooger's early history on hold until someone could investigate the regimental records, but even knowledge of his fate in Australia became a never-ending quest. Nobody in the family had any idea of when and where he had died, repeated searches of deaths in the Hunter Valley had proved fruitless. Our only clue to a date was the fact that his wife, Martha, had remarried as a widow in 1848, so Wooger must have died sometime between John's baptism in 1840 and Martha's remarriage.

The release of the N.S.W. Birth, Death and Marriage indexes on microfiche was great news for us. At last we would find out where and when he had died and be able to fill in the details of his parents from the information on his death certificate. I can already hear you laughing at our optimism.

Fourteen years later I still have occasional searches through the BDMs, convinced that details of Wooger's death are hidden under an even more obscure spelling than the ones I've already tried.

Kentish Roots

However, this is supposed to be about what we *do* know about this elusive gentleman, so here are the details we have managed to glean from various sources.

Our first stroke of luck came in March 1983 when, during a two month holiday in Britain with my mother and her sister, Elsie Nicol, I was able to obtain a copy of Wooger's discharge papers at the Public Record Office at Kew, England. As I took this single sheet of paper from its archival box, I was hard-pressed not to leap from my chair with a cry of "Eureka"! Here at last was a pen portrait of Wooger: He was 5 feet 8¼ inches in height, had brown hair, grey eyes and fair complexion.

This scrap of paper had survived more than 160 years of army reorganisation and movements from one place to another to provide us, Wooger's inquisitive descendants, with answers to some of our questions, as well as details of his almost 23 years as a private (and 119 days as corporal) in a regiment which served with Wellington in the Peninsular Campaign, fought through southern France, travelled to America and returned to Europe just too late to take part in the Battle of Waterloo.

According to his military record, Wooger was born January 9, 1785 in Barham, near Canterbury, Kent. Such precise information should make it easy to trace previous generations of the family. We would not even have to change our travel plans as we intended to spend Easter with friends at Chatham, a mere stone's throw (by Australian standards) from Canterbury. Ha, ha!

Armed with this information we three sailed merrily forth to track down Wooger's antecedents. The first stop

was a visit to St. John the Baptist Parish Church at Barham. How excited we were to view the lovely old church. How reverently we touched the font as we pictured Wooger's baptismal ceremony. At last we were establishing a direct link with our ancestor!

We would have liked to find some traces of Vitnells in the churchyard at Barham, but when we drew a blank there, we were not too disappointed; after all, it had been 200 years since Wooger's birth and many headstones were missing.



*Eileen Brown, Barbara Brown, Elsie Nicol
with English friends at Barham Church,
Easter Sunday, 1983*

The records of Barham Church in the Archives in Canterbury Cathedral would obviously provide the answers. How naïve can you be, especially when dealing with Wooger Vitnell? On the Tuesday I went over these records, both the Bishops' Transcripts and the original registers, with a fine toothcomb. I found Vittells and Whitnells in the records of this small village, but no person who could possibly be Wooger.

For one brief, shining moment I thought I had found him in the person of William Whitnell, baptised in 1785, but further checking showed this person had died at the age of 10.

The Scum of the Earth

This was the term used by Wellington to describe the common soldiers of the army he commanded during the Peninsular Campaign. Although it seems a very harsh indictment of men who fought a long campaign to rid Europe of the threat of Napoleon, army conditions were such as to encourage only the very desperate to join the ranks. We know nothing definite about Wooger's early life, but it is probably safe to assume that his existence cannot have been very comfortable if he felt compelled to join the army in November, 1802.



The poster shown above is typical of the signs which would be plastered around a town or village just before the arrival of the recruiting party. Despite the optimistic tone of the "call to arms" most joined the army as a last resort. The life of the common soldier was harsh and monetary reward was paltry - a shilling a day, even less than a village labourer might expect - and from this the soldier

was expected to purchase all he needed, including food and clothing.

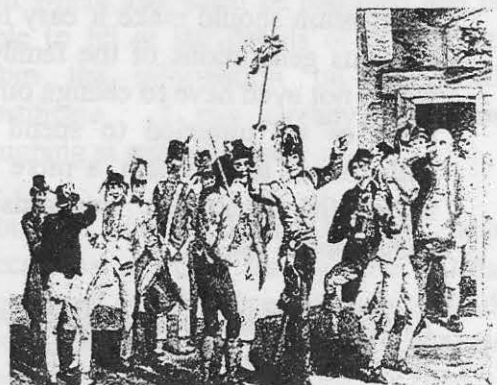
At the first Royal Commission into recruiting it was stated that "few enlist from any real inclination for military life, and enlistment is, for the most part, occasioned by want of work, by pecuniary embarrassment, by family quarrels, or by any other difficulties of a private nature"

However poverty and hunger were not the only reasons for enlisting. The army served as a refuge for men attempting to escape difficult domestic situations, debt and indiscreet love affairs. Once in the army he could not be arrested for a debt of less than £30 or for burdening the parish with the care of his wife or children, legitimate or otherwise.

We will never know whether Wooger was being pursued by some girl's irate father when he enlisted. It is more likely that he was seeking to escape the harshness of the rural life of the time. Perhaps his reason was similar to that given by a witness at the Royal Commission:

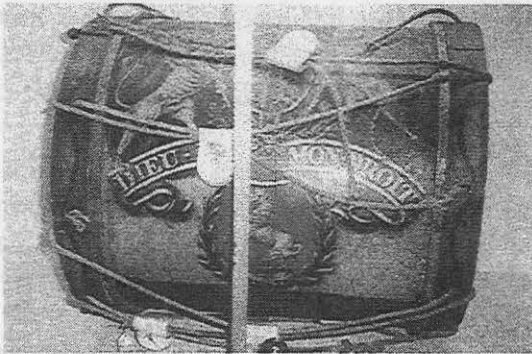
"I met the recruiting sergeant when I was going home one night with a heavy heart and a light purse."

In the Canterbury museum of the 3rd Regiment of Foot or East Kent Buffs as they were also known, a large cartoon by Rowlandson shows a band of Buffs literally "drumming up" recruits.



Where, oh where, is Wooger Vitnell?

Sgt. B. Watley and members of his "B" Company probably presented just such a sight when Wooger and several others "signed up" for the army. Was it the sight of the recruiting party's colourful uniforms, the tales of booty available for triumphant armies or the prospect of a bonus of 5 weeks' wages to be received when he was finally approved, which convinced Wooger that army life was for him?



The regimental drum on display at the museum in Canterbury

Prior to 1806 enlistment in the army meant service for life, but when Wooger enlisted, a form of limited service had been introduced so that new recruits could choose to serve for a certain number of years, after which they were entitled to take a discharge or re-enlist for a further period with increased pay. At the end of this second term of service, the soldier could then take a discharge with a pension.

Although the thought of a regular shilling a day may have seemed promising to Wooger, he would have soon found that he did not get to spend all this wealth on himself.

He was stopped 6d. a day for his rations: 1lb of bread and 12ozs of meat. During his army career Wooger dined on an unchanging menu of beef broth and boiled beef served up at the two meals per day which were provided at 7.30 a.m. and 1.30 p.m.

Further deductions made from Wooger's princely salary could include laundry, "maintenance of necessaries", hair cutting and "barrack damages".

Barracks varied enormously in both size and amenities but the majority were extremely small and insanitary. Cooking and washing facilities were usually inadequate and, in some cases, non-existent. In many cases men drew water from a pump in the barrack square or from a nearby stream and washed in a wooden tub which doubled as a urinal overnight. The sleeping quarters where the men also ate and drank (a beer allowance was an addition to the 1/- per day and on some occasions Wooger received an additional 1d per day "in lieu of beer")

Shortly after Wooger enlisted, the regiment was in Jersey and there were several more postings, including Ireland, before the Buffs reached Portugal in September 1808 to strengthen the forces needed to defeat the French Army in what became known as the Peninsular Campaign.

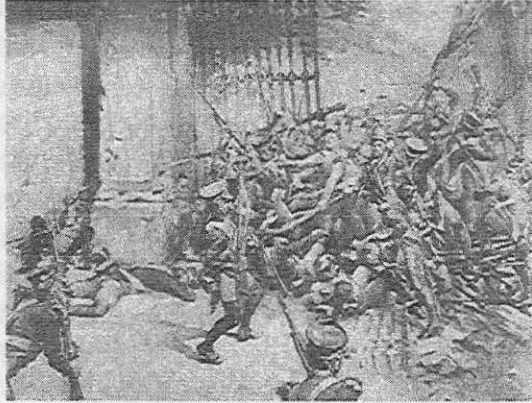
In October the Grenadier Company joined Sir John Moore's advance into Spain, which ended with the evacuation from Corunna during which battle Wooger received a musket shot in the left leg on January 7, 1809.

In April 1809 Sir Arthur Wellesley, the future Duke of Wellington, assumed command of the combined forces and ordered an advance on Oporto. This advance was led by the Buffs. When he found the bridge over the wide Douro River was demolished, a staff officer, with help from the Portuguese, daringly procured four barges from the far bank.

The Buffs were ferried over, 25 men to a barge, and gained entry into a bishop's seminary. Although they were caught

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napping initially, the French eventually made furious efforts to dislodge the Buffs, but they held on, aided at the end by three other regiments, and the French were forced to evacuate Oporto.



The Buffs and the French at Oporto

The victory at Oporto enabled Wellesley and his troops to advance into Spain, but he was forced to take a defensive stand at Talavera. The Buffs were involved in the most difficult part of the fighting, finally succeeding in repulsing the French, and it was here, on July 27, 1809, that Wooger received a contusion in the chest from a spent shot.

During the next 18 months the British made a gradual retreat right back to the lines of Torres Vedras.

The Buffs' next major battle was Albuhera. Fought on May 16, 1811, it brought horrifying losses to the Buffs. At the end of the day only 85 men were left standing out of 728. Wooger received a pike wound in the left arm and the scar remained for the rest of his life.

Other British regiments also suffered great losses on this day before the French were put to flight. and the horror of the battle was indirectly responsible for the erection of Saint James' Church at Morpeth. Amidst the carnage of that battlefield Lieutenant E.C. Close made a vow that if he survived, he would erect a church, a vow he fulfilled after he had

settled at Morpeth. It seemed appropriate that the church service for our Vitnell reunion in 1984 was held in St. James' Church at Morpeth.

The details on his discharge paper show that Wooger's general conduct as a soldier had been good, that he was about 39 years at the time of his discharge and he was by trade a labourer. The reason for his discharge? Visceral disease.

One of the questions which still remained to be answered: why did Wooger return to England to be discharged? It was only when we found the record of his marriage to Martha Avery Woods in London in 1831, that we were presented with a possible reason. At his marriage, Wooger stated that he was a widower.

Perhaps he had returned to England in search of a wife he had been forced to leave behind. After all, common soldiers were not entitled to take their wives with them when the regiment left England, unless they had been successful in the "wives' ballot" which was drawn before departure. According to this system, only six wives per hundred men were taken along to act as laundresses, nurses etc.



The wives who were unsuccessful in the ballot were left behind and if they had no family to shelter them, they were simply cast onto the streets, as the army made no provision whatsoever for support for them or any children. Perhaps Wooger's first wife was one of the many left behind and may have died even before he was able to return.

Return to the Colony

The England of the late 1820s and early 1830s was a place of great hardship, famine and starvation. In an effort to alleviate the problem, the Government offered pensioners, like Wooger, passage to one of the colonies in return for their pension.

Wooger and Martha (Avery Woods) were married in London in August, 1831 and set sail in the brig, *Mary*, landing in Sydney in February 1832.

The shipping records made it rather difficult to be certain that "our family" had arrived on this ship: William Vitnui?, George Vituli? and Matilda Whittle. However a check of the Shipping Intelligence in the Sydney Herald of Monday, 27 February, 1832 made us feel more confident that they had indeed arrived on the *Mary*.

Arrivals: In Brig *Mary* under Captain Turcan with cargo of sundries. Passengers Messrs. Hamilton, Hunter, R. Baker, G. Barrett, W. Cooper, G. Clay, L. Gaffney, J. Garrett, J. Hicks, T. Johnson, D. Hayes, J. Mumford, J. Ridgley, C. Ramsdale, T. Rothell, J. Turner, W. Whittel and J. Wilkins. Also Elizabeth Barrett, Mary Cooper, Charlotte Gaffney, Belinda Garrett, Maria Ramsdale, Mary Sullivan, Sarah Turner and **Martha Whittle**.
Left London 5th October

Wooger and Martha had brought George with them and William was born in June, 1832 at Kissing Point.

We are able to trace some of Wooger's career in Australia through the letters to the Colonial Secretary and the personal details given on the children's baptismal records.

The first record of employment appears in the letters to the Colonial Secretary, when Wooger was nominated for the

position of constable at Merton, William Ogilvie's large holding around the present site of Denman.

From the Letters to the Colonial Secretary

Sir,

We have the honour to request you will be pleased to appoint the under mentioned individual Constable for this district in room of Daniel Kenna, disciplined on the 14th August last.

Name: *Wooger Vitnell*

Age: *46 years*

Condition: *free*

Whether able-bodied: *Able-bodied*

Whether he can read or write: *can read and write*

We have the honour to be
Sir

Your Most Obd. Servants
William Ogilvie &
J. Pike
Magistrates

The Hon.

The Colonial Secretary

Added on side:

Vitnell is an Emigrant lately arrived and formerly a pensioner - has a wife & two children

On the back of the form

33/734

Schedule 51

30 January '33

Bench at Merton recommend Wooger Vitnell to be constable v. Kenna dismissed.

The orders on this subject are that Police vacancies shall be reported in order that they may be filled from the free people recently arrived but as Vitnell is one of the Emigrants there may be no objection to his appointment.



A Wandering Constable I...

At the time of Wooger's employment the Merton Police District included the area around Muswellbrook, parts of Jerry's Plains and the Goulburn River Valley. In the 1828 census Merton had been shown as a property of 9,000 acres. Ogilvie had a workforce of 41, 38 men and 3 women, consisting of a tutor, an overseer, a shoemaker, fencers, stockmen, ploughmen, house servants, a blacksmith, sawyers, shepherds, pigmen, carpenters and labourers. Many of these servants would have been assigned convicts. To maintain order, William Ogilvie was also entitled to two constables and a scourger.



The latter's job must have been exhausting, as most sentences meted out by the Bench consisted of the lash. The penalties were harsh, often 50 or 75 lashes

The first mention of Wooger as a constable appears in the Merton Bench Books of April 30, 1833.

Before Ogilvie, Forbes, Blaxland, Pike.

Prisoner John Newin, assigned to Captain Wright¹.

Charged with desertion

Deposition of Wooger Vitnell, Constable

"The prisoner was brought to the lock up on the 23 March from the lock up at Darlington with warrant now before the Bench, dated Windsor, 6 March. The scourger who was in the lock up about 4 weeks ago informed me that he had made his escape from him."

¹Captain Wright had been an officer in the Buffs and was a veteran of Albuhera. Perhaps he had used his influence to obtain the post of constable for Wooger.



Much of Wooger's time appears to have been taken up with similar lockup duties.

Before John Pike Esq. J.P.

Wm. Ogilvie Esq. J.P.

Prisoner John Hobson assigned to Mr. G. Blaxland

Charged with desertion

Deposition of Wooger Vitnell, Constable

On the fourth Inst the Prisoner was delivered to me by Cook, the Lockup keeper at Patrick's Plains with the warrant now before the Court. He escaped from the Lockup on the 6th inst in company with two other men. He was brought back by Mr. Blaxland's overseer on the 10th inst.

Merton, 14th May, 1833

In June Wooger was involved in the investigation into the activities of William Gibson.

Before Gregory Blaxland & John Pike
Prisoner William Gibson

Charged with having spirituous liquors in his possession for the purpose of illicit sale

Deposition of James Cheeseman, Constable

I went on Monday last with a warrant to search the premises of William Gibson for Wine or spirits, accompanied by Constable Vitnell. In the bedroom of the house we found two casks with corks in them, one was a half pipe and contained some wine, it was a regular wine cask. The other cask was nearly as large and contained gin. They were neither of them nearly full. I think there was about six gallons

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of Gin & four or five gallons of Wine. We seized them and took them in charge. About two or three years ago William Gibson was imprisoned for selling spirits without a licence.

Deposition of Wooger Vitnell,
Constable

After we seized the casks, Cheeseman went to the next farm to get a dray to take it away. While he was absent some of the Mounted Police called and they said something about a measure that he had had. I saw a wine flask in the room, but no other containers except tin pots and pannikins.

Gibson told me that he had the liquors for the purpose of selling quantities of two gallons and upwards and for paying part of the wages of his five men. I have seen 3 men there at different times. There is some fencing but I have not seen anyone at work on it. I have seen them ploughing sometimes, there is about 10 or 12 acres of ploughed land.

Wooger was next called to give evidence against against Jeffrey Morrissey whom he had captured in June.

The examination of Wooger Vitnell
Constable in the case of Jeffrey
Morrissey

Wooger Vitnell being duly sworn depose that about the 5th of June last, being down the river with some prisoners, he heard that Jeffrey Morrissey and another man named Mann had robbed some house near the Bulga. About four days afterwards he took Morrissey on Mr. Ogilvie's farm, he (Morrissey) being at the time illegally at large.

Merton 23rd July, 1833

August saw Wooger back to the more mundane prisoner reception

Thomas Greerson, assigned to Captain
Wright.

Charged with desertion.

Deposition of Wooger Vitnell,
Constable

"I received the prisoner from the lock up at Patrick's Plains with the warrant now before the court"

Greerson received 50 lashes

Wooger's career at Merton lasted until October, 1833 when he resigned "in consequence of being reprimanded by the bench..." The following case would appear to shed some light on the reason for his departure.

October 15, 1833

Prisoner John Donovan, assigned to
William Ogilvie.

Charged with disobedience.

Prisoner had absconded and the constable couldn't catch him.

At the conclusion of this case appears the note:

"Wooger Vitnell, constable, having tendered his resignation; it was accepted but he was ordered to continue his duty till a successor is sent up."

It would seem that Wooger had had enough. After all it must not have been easy for a 48 year old battle-scarred veteran to race around after runaway convicts.

The last depositions of Wooger in the Merton Bench Books appear on November 26, 1833 in the case of Richard Teesdale who had absconded from Mr. Ogilvie's service.

"The prisoner was reported to me as having absconded last Monday week. On Thursday morning I found him in a gully near an old station of Mr. Ogilvie's and apprehended him."



So began Wooger's pattern of moving from one place to another throughout the Hunter Valley, in search of work to support his ever-increasing family. What a joy it must have been for the seven months pregnant Martha, together with her two small sons, to be forced to follow her husband into such an uncertain future.

When his only daughter, Mary Ann, was baptised in February, 1834, Wooger was a labourer in Newcastle.

The Great Potato Scam

On February 26, 1836 charges were preferred against Wooger by Mr. Platt, whose farm he had been managing for more than 16 months.

Police Office Newcastle
26th February 1836

New South Wales
To Wit
Present James Henry Crummer Esq
Alexander Walker Scott Esq

William Wooger Witnell² appears to answer the complaint of J.L. Platt, on oath, of larceny --

Mr. John Lario Platt sworn says
"on the 31st December last, I was unable to go to my upper Farm and I sent up my Family to see what the overseer was doing, on going to the Farm the overseer was absent, on Mrs. Platt and the children going into the Hut of the Prisoner, "then my Overseer", they saw two bags of wheat and a quantity of potatoes.

I had previously heard that he had been sending Potatoes to Newcastle for sale, some days previous I visited Newcastle for the purpose of making enquiry, from the admission of Mr. Kemp, Mr. Hewson and Samuel Langan I found that he had sold to them potatoes to about fourteen Hundred weight, altho' he denied to me on the 20th of January in the presence of four witnesses that he had not sold any. The Prisoner had no land of his own to cultivate, he had positive orders not to sell any of the produce of the Farm.

I have been informed that the Potatoes was conveyed from my farm to Newcastle in a cart attached to the Govt Road Party.

Question put by the prisoner: Did you not give me permission to plant between three and four hundred of potatoes on your Farm?

Mr. Platt's answer: I did not -

Question of the Prisoner: Did you not give me permission to take some seed potatoes that were laying in my old Hut when you sent me of (sic) the Farm

Mr. Platt's answer: I did give the Prisoner permission to take some refuse potatoes away, about two bushells subsequent to the wheat and potatoes having been found in his hut."

Signed Jno L. Platt

Sworn before us this
26th day of February 1836

Signed J.H. Crummer J.P.
A.W. Scott J.P.



Robert Payne sworn says

"I was present on the 20th of January when Witnell asked Mr. Platt for a character. Mr. Platt told him he had taken him without a character and others might do the same. I did not hear the prisoner say that he was informed that Mr. Platt having accused him of stealing potatoes, Mr. Platt told me that he had told the prisoner to put in as many potatoes as he could but he did not tell me for what use. The seed was put into the ground on Mr. Platt's own ground but I do not know to whom the seed belonged.

The Defendant did buy some seed from "Yorkshire Johnny" at sowing time. The men on the farm, Mr. Platt's men, attended the ground on which the potatoes were sown. I saw Mr. Platt's men at work amongst the Potatoes.

his
Robert X Payne
mark

Sworn before us this
26th day of February 1836

Witness W. Rouse
Signed J.H. Crummer J.P.
A.W. Scott J.P.



Mr. Samuel Langan sworn says

"On the 22nd of December last I bought about three hundred and some odd pounds of potatoes of the prisoner at the Bar, they were new and very fine Potatoes"

Signed S. Langan

Sworn before us this
26th day of February 1836

Signed J.H. Crummer J.P.
A.W. Scott J.P.

²Above Wooger's name is written in pencil "this man signs his name Vitnell"

Where, oh where, is Wooger Vitnell?

Constable William Rouse sworn says

"Some time since about six weeks or two months ago I was standing in the street. I saw the Govt. Cart attached to the Surveyors' Department, as I thought, in the cart I saw some bags and I asked the man seeing it was a Govt cart what bags he had, the driver said they were potatoes belonging to that woman, meaning Mrs. Witnell, the defendant's wife.

I asked her if they were hers, she said they were - There appeared to be about a Hundred weight of Potatoes in a Sack and three or four Sacks more or less."

Signed W. Rouse

Sworn before us this
26th day of February 1836

Signed J.H. Crummer J.P.
A.W. Scott J.P.



Mr Simon Kemp³ sworn says
"about one or two months since I bought one hundred of Potatoes from the wife of the Prisoner.

The Prisoner owed me some money and I was riding by his house one day when he told me that he had no money but his master had given him leave to grow Potatoes and he would pay me with them if I would take them when they were fit to dig to which I agreed. It was in the latter part of November when I called at his house as I was going to the Court of Quarter Sessions at Maitland."

Signed S. Kemp

Sworn before us this
26th day of February 1836

Signed J.H. Crummer J.P.
A.W. Scott J.P.

³Simon Kemp was convicted of assault at the same sessions as Wooger in May and fined £5, gaol until fine paid

Committed to take his trial at the ensuing Court of Quarter Sessions holden for this district.

Signed J.H. Crummer J.P.
A.W. Scott J.P.

26th February 1836

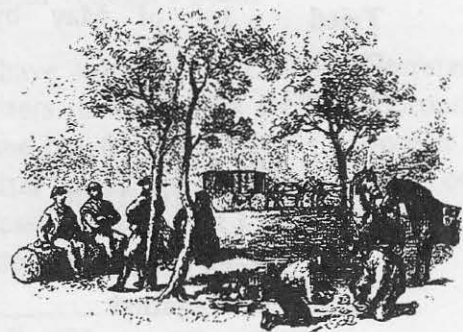
Charles Vitnell's baptismal record shows that he was born at Paterson on February 27, 1836. Could the worry about the hearing, and what would happen to her family, have brought on Martha's labour? Even if this were not the case, her life must have been one of great hardship as she trailed around the Hunter Valley with an ever-increasing family as Wooger went from job to job (or job to job-search).

From Robert Payne's testimony it would appear that, at the time of the hearing, Wooger had been out of work for at least a month and that when he came to Platt's farm he had no reference from his former employer, so there must have been some "disagreement" when he left his former employer. We become so engrossed in Wooger's little misadventures and peccadilloes that we forget that Martha and the children always suffered the consequences of his actions.

And now, as Alice would have said, it gets curiouser and curiouser. While awaiting trial, Wooger managed to obtain a position at Paterson as a constable!!!

Wooger Vitnell and John Malone, free, to be constables in the room of John Scanlan and Robert Furze, resigned.

Government Gazette
March 14, 1836



Where, oh where, is Wooger Vitnell?

As the following letter shows, Wooger did not intend to go to his trial without making some preparations for his defence

Paterson, 4th April 1836
The King against Wm. Wooger
Vitnele
Sir

As my trial is expected to come on at Maitland next Sessions you will please to send me subpoenas for the undermentioned witnesses that I may be prepared with my defence in this cause.

Your Very humble servt
Wm. Wooger Vitnele

Robt. Whitmore
William Hicks
Robert Paine
Frederick Garling Esquire

The Trial

In May, 1836 Wooger was brought before a military court to answer the charge of stealing potatoes from his employer. Here again we are presented with a puzzle: why a military court? Were all ex-soldiers entitled to this treatment or was a military court part of the normal legal process of the day??

Clerk of the Peace
Quarter Sessions Records
Case Papers

May, 1836 No. 11

Maitland Quarter Sessions
Tried 3rd of May by a
military Jury
Verdict Not guilty

THE KING ON THE
PROSECUTION
OF
John Lario Platt
against
William Wooger Vitnell

INFORMATION

a Larceny

Witnesses

John Lario Platt
Robert Payne
Samuel Langhan
William Rouse
Simon Kemp
John Butler Hewson?

Jurors impanelled

Henry Dangar	John Grills
Andrew Lang	Thomas Jones
John Leeds	Evan Evans
Thos. Godfrey	John Earl
William Hall	William Eckford
Andrew Dawson	John Johnston

William Wooger Vitnell:
Stealing a quantity of potatoes, the prop'y John Platt.

Magistrates:
Robt. Stewart, Houston Mitchell,
Wallis Scott

No. 11 Wm Wooger Vitnell

(First witness)

Simon Kemp

Lives at Newcastle, knows pr(isoner). owed me 30/- for rent, called upon him for payment. He said his master had granted him land He was in possession of potatoes. He said he would pay in this way. I agreed it. He said he had sent me cwt of potatoes which had come to me. Witness understood him to be an honest man....



John Lario Platt

I have a farm of which pr. has charge. I never authorised him to give away any of the produce of the farm. I did not give him any land to plant potatoes. I have reason to believe he had no land of his own There were 3/4 per acre of potatoes. I received 4½ cwt, 5 cwt left. There was a deficiency of 2 tons. I charged pr. with selling potatoes. He denied it.

Cross-examined by Mr. Nichols
He has been 16 months at 7/- week. There was no He wanted one I declined it, I never agreed he should have so much land to grow potatoes. I do not know whether it was good or

Where, oh where, is Wooger Vitnell?

bad crop. He had the whole management; 4 or 6 men. They are allowed to grow potatoes. He had the privilege of a garden. He was not allowed to do so. I never told prisoner he might grow potatoes. He is a veteran. He said those are my potatoes. I said if he had any claim he might take them

Cross-examined

He had the benefit of my garden and was strictly forbidden

He denied it was part of his duty the potatoes were dug

Pr. told me they were dug up before ?payment/Christmas day.



Wm. Rous, cons: Newcastle

In Jan. last saw pr's wife with potatoes in Newcastle

Verdict: Not guilty, no larceny

What a relief it must have been for the family that the breadwinner, unreliable as he may seem to us, was not to go to prison and leave them destitute. However any thoughts Martha may have had that the family might settle in Paterson were soon dispelled. By September 1836 Wooger was once again looking for employment.

Paterson: Thomas Franklin, free, to be constable from 5th Inst. in the room of Wooger Vitnell, dismissed for drunkenness.

Government Gazette
September 12, 1836

But all was forgiven (or forgotten) by July 1837:

From the
Letters to the Colonial Secretary

5/6544 18 July 1837

Recommending James Broderick and
Wooger Vitnell to be constables

Police Office, Paterson
14th July 1837

Sir,

I have the honour to state that I have sworn in as constables for the District of Paterson James Broderick and Wooger Vitnell in the place of James Wood Jnr. and William Fish who have resigned and I therefore beg the

sanction of His Excellency, the Governor, may be obtained for their being appointed from the 12th instant.

I have the honour to be, Sir

Your Obedient Servant

Edwd. Johnstone J.P.

Approved July 18

Gazette 24 July 1837

This appointment lasted only until December, 1837, when Wooger, once again, found it necessary to "resign"

5/11,030 18 December 1837

Appointment of a Constable

Police Office Paterson

14 December 1837

Sir,

I have the honour to state that I have this day sworn in as constables for the district of Paterson John Lawley (free) in the room of Wooger Vitnell, resigned. I have therefore the request that the sanction of His Excellency, the Governor, may be obtained for his appointment from this date.

I have the honour to be, Sir

Your obedt. Servant

Edwd. Johnstone J.P.

When my great-grandfather, John Vitnell was baptised in 1841, Wooger was a labourer in East Maitland.

Thus endeth the saga of Wooger Vitnell. We have found no further traces of him, although I still have one lead to follow:

In August, 1845 Mrs. Vitnell (this must have been Martha) was listed in the *Maitland Mercury* as having an unclaimed letter returned from East Maitland. Could this have been a letter from the Colonial Secretary, notifying her of Wooger's death.

I have searched the Colonial Secretary's letters to individuals for the appropriate time but found nothing⁴. However the letter could be lurking in some other classification which I will search at some later date.

⁴January, 1998

Martha

Martha Avery Wood(s) was born in London on July 6th, 1802, the daughter of Richard and Mary Wood. Richard was a porter at one of London's many markets. Martha and her brother, George, who was born on June 7th, 1804, were baptised together at St. Giles, Cripplegate on July 1st, 1804.

This is the only information we have on Martha until her marriage to Wooger at St. Mary Newington, Lambeth and their subsequent journey to the colony and their wanderings through the Hunter Valley. The date of the marriage, August 1831, makes it obvious that George was born before the marriage. We have been unable to find any record of George's birth under either Vitnell or Wood.

On August 22nd, 1848 at Maitland, Martha married Isaac Dodd, a 41 year old ticket of leave holder who, like Wooger, came from Kent.



At his trial at the Kent Session of Peace on June 3rd, 1835, Isaac had been sentenced to life for stealing corn. The severity of the sentence is explained by the fact that this was his second conviction. He had previously been sentenced to a term of six months.

At the time of his conviction Isaac was a 29 year old farm servant. He was 5 feet 2½ inches tall with a brown and freckled

complexion, brown hair, brown eyes and a brown natural mark on the back of his upper left arm. He arrived in the colony aboard the *Lady Kennaway* in October, 1836 after a voyage of four months.

Isaac was recommended for a ticket of leave by the Wollombi Bench in July, 1844. This was granted on November 14, 1844 and Isaac remained in the Wollombi District until January 31, 1848, when he was transferred to the Maitland District. In June, 1849 his conditional pardon was granted so he spent most of his married life as a free man.

At her marriage to Isaac Dodd Martha stated that she was a widow, so we assume that Wooger had died sometime between John's baptism and this second marriage; or could this gap of seven years mean that Wooger took off shortly afterwards and Martha assumed that by 1848 she was entitled to marry again? Just another curly question for us to consider in our search for Wooger's final resting place.

Martha stated on the marriage certificate that she was aged 35 years. This age is consistent with the age on her death certificate, and confused us for some time as we searched for a record of her birth around 1812. However the additional information "Avery" which was given on her son, John's, death certificate, allowed us to pinpoint her birth some ten years earlier.

Perhaps Martha wasn't sure of her age (although ten years is a big difference) or she wished to show herself as younger than her second husband. This flexible approach to age was inherited by her son, John, who never gave a correct or consistent age on any official documents. In fact he used the same ten year reduction at *his* second marriage, to my great-grandmother, Sarah Anne Foot (*née* Clayden)!

Where, oh where, is Wooger Vitnell?

In our research into the "infuriating" Vitnell family, we have tended to dismiss poor Isaac because he was "only" Martha's second husband. Yet he must have had an influence on Wooger's children and their upbringing. After all, John was only ten when his mother remarried and the elder boys did not leave the area for the northern goldfields until 1857.

Martha and Isaac's marriage lasted almost 30 years, until, as the following reports from the *Maitland Mercury* show, Isaac appeared to fall victim to a disease which still has no cure.

CHARGE OF BEING OF UNSOUND MIND

At the East Maitland Police Court on Tuesday, Isaac Dodd was brought before the bench on a charge of being of unsound mind and unfit to be at large. The defendant had been given into custody by John Vitnell, his stepson, on the above charge. From his general conversation and behaviour during the time he was under the charge of the constable, the latter was of the opinion that he was unfit to be at large.

John Vitnell, the defendant's stepson, said the defendant, who was between 65 and 70 years of age, had been living with him for the last two months. Lately he appeared to be not right in his mind and wanted to wander away in the bush. Defendant, when he became excited, got beyond their control, and would have his own way. He was afraid the defendant would do the children some injury, and thought he was unsafe to be at large.

The Rev. Lovick Tyrell had known the defendant for many years; during the last twelve months he had met him frequently, and noticed that his mind was going. Twice he had seen him wandering in the bush, talking incoherently about his crops and cows. Once before he had gone to live with his son, he had seen him in the company of his wife and he was then entirely beyond her control; from his conversation and demeanour witness believed him unfit to

be at large. Defendant was remanded for one week for medical examination.

May 18, 1878

LUNACY

At East Maitland Police Court on Tuesday, Isaac Dodd was brought up on remand on the charge of being of unsound mind.

Dr. Spink and Dr. Stride gave evidence to the effect that they had examined the defendant and were of the opinion that he was of unsound mind, and unfit to be at large. Defendant was committed to the lunatic reception house, Darlinghurst.

May 25, 1878

Isaac was duly despatched to Darlinghurst where he was admitted on May 28th. He was described as *quiet* until May 30th and was said to *eat and sleep well*. On June 1st he was *restless and troublesome* but by June 3rd he was *quiet and a little better* and he continued to be *quiet* until his transfer to "the Asylum" on June 5th. *The Medical Case Book* for Darlinghurst Reception House does not state to which asylum he was to be taken. We assume it was at Gladesville, as he died there only six weeks later on July 23rd 1878.

Martha died November 26, 1880 at Phoenix Park, where she had been living with her daughter, Mary Ann Stephens. On her Death Certificate (information was supplied by her son in law, George Henry Stephens) her first husband's name was given as Welham Vitnell. Martha, at least has a headstone. It is in the old Glebe Cemetery in East Maitland

Sacred to the Memory of
Martha Dodd
Widow of the late Isaac Dodd
Who departed this life
November 26th 1880
Aged 68 years
God is my salvation
I will trust

Looking Back

I must admit that the mystery surrounding Wooger's birth and death has made me obsessed with him. This obsession has led to my mentioning Wooger's name at every opportunity so that almost every member of Tamworth Family History Group and Maitland Family History Circle is aware of my "interest" in him.

When Tamworth friend, Leona Scott, was browsing through the Archives Guide to the Clerk of the Peace: Quarter Sessions Records (we'd had the book in our library for several years but I'd never bothered to look at it), Wooger's name leapt out at her. I'm not sure who was more excited, Leona or myself.

The next stroke of luck came when colleague and fellow member of the Tamworth Group, Bob Gordon, obtained the copies of Wooger's trial (for stealing the potatoes) for me on his next trip to Sydney. So I guess it pays to advertise (and have very kind friends).

It is rather ironic to realise, after putting these snippets of his life together, that I have far more information about Wooger's life than that of any of my other great-great-grandfathers who came to Australia about the same time as Wooger and Martha.

The discovery of these facts has been a real family affair with many members making contributions to the saga. We are all deeply indebted to the late Les Vitnell who set us on the track of Wooger, spending so many hours studying the Correspondence of the Colonial Secretary and Government Gazettes for the information about Wooger's career in Australia.

Les's enthusiasm for all things about Wooger, his name, his elusiveness and

idiosyncrasies imbued him with a mystique which has proved impossible for me (and many of my long-suffering relatives) to ignore.

Thanks must also go to Les's brother, Alan, who took on the task of compiling the tree of descendants of this gentleman who "wasn't born and didn't die".

Will we ever verify Wooger's birth or find his final resting place? Mum's sister, Nola Melville, remembered Nanna (John's daughter, Emma) saying that John Vitnell's father had gone off as escort with a gang of convicts and failed to return.

Is this how Wooger ended up? A lone grave in an isolated spot?



Barb Brown

26 Burnett Street,
Cessnock

Phone: 02 49 903419

September, 1999

The Legacy of Wooger & Martha Vitnell

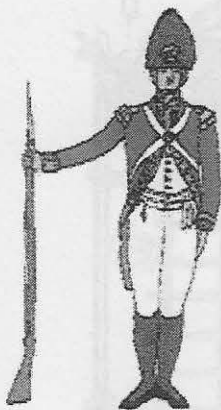
Mary Ann
 b. 1834, Newcastle
 m. George Henry
 Stephens
 d. 1914,
 Phoenix Park

John
 b. 1838, Maitland
 m. (i) Mary J. Watters
 (ii) Sarah A. Foot
 d. 1927, Buchanan

Charles
 b. 1836, Paterson
 d. 1916, Grafton

William
 b. 1832 Kissing Point
 m. Mary Ann O'Connor
 d. 1918, Mudgee

George
 b. c.1830, England
 m. Jane Rayner
 d. 1905, Dubbo



Wooger Vetnal
 b. 1785, Barham, England
 m. (ii) Martha Avery Woods
 d. ????????

Martha Avery Woods
 b. 1802, London
 m. William Vitnell
 d. 1880, Phoenix Park



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