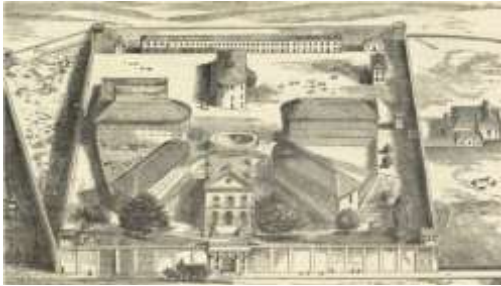


William Malbon –Bumbling Boss of Moruya Police

by Shirley Jurmann

William Malbon was noted for a series of gaffes, faux pas and total lack of aptitude for police work. As Peter Smith points out in his book on the Clark Gang, most of the police in NSW in the 1860s had absolutely no training and no idea of Australian conditions or the Australian bush. Most were English. It is not surprising that William Malbon found his life as a policeman difficult.

William Malbon is probably the Lt. W. Malbon who arrived in NSW on 8th March 1850 from London on board the “Sumatra” as an unassisted migrant. He lived in the Raymond Terrace area and married Martha Day in 1852. He was also around the Dapto area where he was a farmer, gaining considerable success at local shows with his produce. When he received his commission in 1862 he was 59 years old, bald and grey whiskered. He had absolutely no experience in police work but had made some successful inventions and also some less spectacular ones.



Darlinghurst Gaol. Sydney Illustrated News
November 1866

One of his less successful schemes was the use of artesian wells to solve the problem of Sydney’s water shortage. An artesian well was to be sunk at Darlinghurst Gaol in 1853. It reached a depth of 72 feet. At that point the boring tools became fixed in the rock by some iron pins becoming entangled in the cutters and this prevented their withdrawal from the bore. For several weeks many methods were tried to allow the tools to be extricated, without success. Finally an extra shaft round the boring rods was sunk and the cause of the problems discovered. Problems continued as the rock strata was too hard. Methods which had worked overseas did not work here.

One overseer got sick and died. William Malbon became ill and resigned from the project. Later Malbon drew up plans for the building of large steamers with draughts sufficiently shallow to allow them to navigate inland rivers. His was a known name when the Government was looking to appoint police. He was a civilian one day and Sub-inspector of Police for the Moruya District the next. When he arrived in Moruya he was determined to take no backchat from his immediate subordinate Sergeant Martin Brennan, an experienced policeman. One of Malbon’s early demonstrations of his police and legal amateurism came when he fronted up to the bench to prosecute a case against a man charged with trying to take his own life. Attempted suicide was at that time a crime. The Chairman of the Court of Petty Sessions asked Malbon under what statute he intended proceeding. He hadn’t a clue, and asked for time to consider the matter. He whispered to a constable who sprinted to the adjoining police station, returning with a wheelbarrow laden with statute volumes. The court watched on in dumbfounded silence as Sub-inspector Malbon began leafing through the first of the mountain of books. After some time of looking for this “needle in a haystack” he addressed the bench saying he could not at the moment locate the Act but would do so shortly. The whole court erupted in uproarious laughter. Finally a more knowledgeable constable came to his rescue and found the elusive statute.

In 1863 he was involved in a case where James Lynch, a respectable Moruya man, was charged with Highway Robbery after a false accusation by John McGregor. McGregor claimed that he was stopped at Dry River by three men under arms, dressed as troopers. A fourth man was in the bushes. One of them drew a sword and threatened to cut his head off if he did not hand over his money. He was robbed of 210 pounds, including two cheques, and was tied to a tree before the robbers disappeared. McGregor said he eventually got free and returned to Nerrigundah. News reached Moruya and Sub-inspector Malbon immediately headed for the Gulph (Nerrigundah). He returned a couple of days later having found out nothing but declaring he had important information which he would wisely keep to himself. A couple of weeks later McGregor was at the Moruya races when he spotted James Lynch and accused him of being one of the robbers. Sub-inspector William Malbon arrested Lynch. When he was brought before the Moruya Police Court William Flanagan of Mullenderree said that he knew the accused and could swear that Lynch was at Mullenderree for three days before the supposed robbery and for several days after. After some consultation between the magistrate and members of the bench the accused was discharged from custody and left the court without a stain on his character. McGregor was cautioned to be more careful in matters of this kind. However shortly afterwards he identified George Simms,

respected cattle inspector, of Bega as another of the robbers. Simms was brought before the courts but several men provided an alibi that he had been at Mullenderree at the time of the robbery and he too left the courts with an unsullied reputation. Again McGregor was cautioned.

In May 1863 Superintendent Markham was engaged at Moruya in investigating three charges preferred against Sub-inspector Malbon. The gravest of the charges was using threatening language, shaking his fist in the face of the complainants and obstructing an auctioneer when he was selling some cattle. Evidence was taken and the case referred to the Inspector General.



In time the Sub-inspector became the butt of press sarcasm.

The local newspaper had a field day after he invented an **"infallible protector"** for the gold being brought from the



Araluen-Moruya gold fields. The "protector" was put to the test

one night when a squad of troopers cantered into Moruya with 85,000g of gold. Malbon

instructed the men to place the gold in a chest in his bedroom where it would be protected

by the "infallible protector". The chest was only half a metre from the bed and screwed to the floor. Two thin

wires ran from it to a cow bell nailed to the ceiling of the station's office. This was the "infallible protector".

Later that night Malbon attended a social function. On his return his leg became entangled in the wires as he

was getting into bed, causing the cow bell to clang. A trooper in the office next door panicked and let off a blast

from his musket. The ball crashed through the partition between the office and the bedroom, slightly injuring

Malbon in the leg which had been the cause of all the trouble.



He was an out-going, friendly man who made friends easily. However their

patience was sorely tested on several occasions when he insisted on telling them

of his brilliant plans for achieving fantastic results in certain situations. He

prepared plans to capture Frank Gardiner's bushranger gang. As a joke, a Moruya

gold buyer, tired of Malbon's boasting of his plans, told him that he had heard from

a highly secret source that Gardiner was in the district and planned to conduct a

series of hold-ups. The buyer said he was afraid to travel alone. Malbon insisted on personally escorting the

man from Nerrigundah to Moruya when he had finished his business. Both men were armed to the teeth and on

fast horses. Malbon was determined to get the buyer home in one piece and carried his holstered Colt revolver

at full cock. When the pair came out of thick bushland near Bodalla, the gold buyer said he had been told that

Gardiner was in this area. He suggested Malbon ride a little ahead to spy out the country. The men were riding

at full gallop when three shots rang out behind Malbon. He threw himself on the horse's neck just as a fourth

shot rang out. This shot blew off the heel of the policeman's right boot. The pair continued at full gallop until

they reached Moruya. A breathless Malbon gasped out the news that the town was about to be attacked by the

Gardiner Gang. The town remained in a very anxious situation for several days until it was revealed that the

whole thing had been a joke. The gold buyer had fired the first three shots into the air to add a little drama to

the expedition. The fourth shot, which destroyed Malbon's boot heel, had occurred when his revolver accidentally

discharged when he threw himself onto the horse's neck.



Not long after the bushranger incident Malbon found a small gold nugget in the yard of the Moruya

Police Station. A trooper said that the escort often filled their empty bags with sand to use for

cleaning purposes. He reasoned that the small nugget had been stuck in a bag and fell out when the

bags were emptied. Sub-inspector Malbon would have none of this explanation and galloped off to

Bateman's Bay to proclaim a gold strike at Moruya. Prospectors were soon swarming to the district but found

nothing. Malbon was once again in an embarrassing position, saved from total disgrace by a real strike at nearby

Mogo.



From <https://en.wikipedia.org/>

Sub-inspector Malbon was determined to salvage some of his

dented reputation by freeing the district of horse thieves. The

thieves were men from a community of small time farmers and

settlers in the Jingeras, a spur of the Great Dividing Range, a

part of the country which would later give rise to the Clarke

Gang. These thieves stole the more wealthy graziers' horses,

burnt over the original brands and doctored their manes and

tails. The horses were taken to horse sales at Moruya,

Braidwood and Cooma. Malbon knew what was going on and attended the sales with a band of troopers who

would carefully exam all the horses, paying particular attention to the Jingeras horses. This made the buyers

nervous, fearing if they bought any of the horses their ownership might be challenged. The bottom fell out of the thieves' racket in this area and they moved on to sales at Nimmitabel and Queanbeyan. An auctioneer who had been making big money from these sales had friends in high places. He complained to authorities that Malbon had ruined his business. As a result he was transferred to Berrima.



Charles Cowper from
<https://en.wikipedia.org>

One day the NSW Premier Charles Cowper and his aides were travelling in a coach on the Great Southern Road out of Berrima. Premier Cowper had been responsible for putting through Parliament an anti-bushranger Police Act and he had undertaken this journey to see if it was working. Just as the carriage was approaching the crossing at Paddy's River a group of armed horsemen on the stream's far side appeared from the bush and galloped towards two riders who were about to make the crossing. When the gang came up to the two riders the leader slapped the horse of one of the men on the rump. The two riders, terrified that they were being attacked, took off back the way they had come. To Premier Cowper it appeared that the gang were bushrangers who had intended robbing the riders but changed their minds when they saw better prey in the Premier's coach. It seemed he was right for the gang headed straight for his vehicle.

They stopped a short distance away. The leader clambered to the ground, saluted and announced himself as "Sub-inspector Malbon of the Berrima Station". He explained that he had seen Premier Cowper's party approaching and seized the chance to demonstrate how carefully they were protecting travellers. He had judged from the riders' appearance that they were from "the criminal class" and decided to investigate. They were actually local farmers. Premier Cowper was not impressed at being scared out of his wits. Sub-inspector Malbon's brief career as a policeman came to an end not long after. It was memorable to some but best forgotten by the man himself.

The Berrima Post Office Directory of 1867 shows a man by the name of William Malbon living in the district. His occupation was farmer. He died in Sydney in 1890. His wife Martha died in Sydney in 1901.

References:

An Historical Feature in the Daily Mirror of 26th November 1980

Sydney Morning Herald of 4th July 1853

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Sydney Morning Herald of 10th June 1863

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NSW BDMs

Some more Police Stories

Extracted from the Newspapers by Shirley Jurmann

No Seasoning For His Christmas Goose (*Illawarra Mercury 3rd January 1859*)



James Ritchie of Moruya appeared before the Court charged by Henry Costin of Moruya with stealing onions from his field on Christmas Day. The reporter was inclined to think that Ritchie might be excused for being a little under the influence of drink and wanting a little seasoning for his Christmas goose on such a day. In fact his Christmas dinner was probably going to be only the onions – a goose he could not afford. As he had already been in gaol for two days, the magistrate thought that another two days would probably be enough to remind him not to steal any more of his neighbour's onions. John Fennell, of Moruya River was also charged with the same offence and sentenced to one week in Darlinghurst Gaol.

An Italian Named Murphy (*Illawarra Mercury 19th September 1859*)



Giordio Murphy had spent all day "sacrificing to Bacchus" in the "temple for that purpose" also known as "The Shannon View Hotel". He was charged with assaulting the "officiating priest" i.e. the landlord Mr Long. When no longer able to stand upright and being annoyed by Mr Long, who had probably refused him further service, Murphy pursued Mr Long on all fours, tearing up tussocks and pieces of sod and throwing them at him. The Bench fined Murphy one pound and gravely advised him to "refrain from quadrupedal progression except when scratching out potatoes."

Great Mullenderree Mail-bag Robbery (*Illawarra Mercury* - 30th June 1859)



In June 1859 the Mullenderree mail-bag was lost in a mysterious manner. The man in charge of the Mullenderree mail was thrown from his horse on the Clyde Road, the horse bolting and leaving the man senseless on the road. The horse was found shortly afterwards but the mail-bag was not recovered until several days later. It was found in the bush with several of the letters opened. The pocket which usually contained the registered letters was missing. Among the registered letters was one to the Under Secretary to the Treasury which may have contained the proceeds of the Government land sale at Moruya. It was said that as the robbery was not apparently the result of a stick-up, the contractor might be responsible. (Image from "Bush Mailman" by Samuel Gill)

Sunday Games (*Bega Gazette* – 30th October 1873)



One Sunday in September 1873 there had been horse racing and cricket matches, providing entertainment for participants and onlookers. A few fights at the races had added interest. BUT it was illegal for these activities to take place on a Sunday. The day's proceedings came to the attention of the police. They arrived with their summoning net and made a fine haul to present to the court on the Tuesday. Prior to the hearing the magistrates retired to a private room to study several Acts of Parliament to be certain of the law. When they emerged seven up and coming young local lads were called to answer the horse racing charge. An eighth was absent without leave, probably because he was afraid of the sermon he would have to face. He thought discretion was the better part of valour and discretely stayed away. The magistrates excused his non-attendance, possibly because they realised the young men were going to escape punishment. The remaining seven pleaded not guilty. Sergeant Hitch said he did not intend to press for the infliction of punishment but had summoned the parties as merely a caution. The Police Magistrate spoke to the young men very severely and read to them from three Acts of Parliament.

The first Act, from the time of King Charles 1 had been passed to prevent Sunday bull baiting, bear baiting and other sports and pastimes. The heaviest penalty for a breach of its provisions was 8 shillings and 4 pence or in default the offender to be placed in the stocks.

The second Act read was the Tolls Act, under which any horse racing on a high road could result in a fine of 2 pounds.

The third Act read was one of the Towns Police Acts, a breach of which could attract a fine of 5 pounds. Under one or all of these acts Sunday horse racing could be punished.

In this case the men would not be punished as Sergeant Hitch desired only a severe caution but they could not expect such leniency in future. The magistrates were very much astonished that young Moruya men would condescend to run horses on Sunday for money. They hoped that the reading of the Acts of Parliament would serve as a burial service over Sunday horse racing in the Moruya district. The young men were dismissed and their names not published.



In the next case ten men, less one absentee, faced the court on the **cricket playing charge**. Most of them were the ones who had appeared on the horse racing charge. Richard Piety acted as spokesman for the accused. A legal gentleman was of the opinion that the first Act read did not apply to cricket. The majority of the Bench, with the exception of Mr Flanagan, differed with him and considered it their duty to stop the game of cricket being played on a Sunday. Mr Piety said there was nothing against cricketing in the Act which had been read. His evidence was dismissed as being weak but in the end the men were dismissed.