

CROKER PRIZE FOR BIOGRAPHY 2022

2205 Shipwreck, Survival and Shady Deals

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Shipwreck, Survival, and Shady Deals

A few ill-chosen and overheard remarks caught the attention of the law. Afterwards it was known as the Great Spirit Fraud but for my 3rd great grandfather John Austin it was an ambitious mistake. The Austins' miraculous survival of the wreck of the *Netherby* in Bass Strait in 1866, and their subsequent settlement at Pine Rivers, north of Brisbane, are vivid handed-down tales. We come from a tradition of determination, resilience, and hard work. But there was an untold story, a surprising twist, shining a new light on where our character lies. For a few weeks in early 1879, John Austin's involvement in the largest illicit liquor fraud yet attempted in Brisbane was splashed across the newspapers.¹

It wasn't the Austins' first encounter with the law. Agricultural workers living on the edge of Dartmoor in Devon, they struggled to feed their family. Aged seven, John saw his father Josias arrested and marched away.² After Josias Austin was sentenced to transportation for life on 17 March 1835 for stealing sheep, John never saw him again.³ He was separated from his mother, Catherine, and siblings, and the insecurity of his early years haunted the rest of his life, testing his relationship with the law.⁴

In 1848, aged 21, he married Elizabeth Heard, already a grieving mother, having lost her infant son fathered by her abusive employer.⁵ With four children born in their first ten years of marriage, John and Elizabeth needed security.⁶ Supplemented by John's seasonal work, the lease of a 10-acre farm near Newton Abbot, Devon, was enough to feed the family, but when the property was put up for sale in 1857, they moved on.⁷ During their tenancy of their next farm, 44 acres at Great Parford on the edge of Dartmoor, it was advertised for sale three times between 1861 and 1864.⁸ Yearning for some security for their seven children, John and Elizabeth were enticed by the prospect a land order for each passenger immigrating to Queensland, passing off their two elder teenage sons as over 21 hoping to increase their allocation.

They left Plymouth on the *Netherby* on 11 April 1866, bound for Brisbane.⁹ After more than three months at sea, approaching Bass Strait, the *Netherby* was off course. On the night of 14th July, "she took ground on a rocky bottom" on the edge of King Island, uninhabited except for the lighthouse keepers at Cape Wickham.¹⁰ After a terrifying night in the bitter cold, on board the listing vessel, all the passengers and crew made it ashore. The survivors used rescued supplies to build a make-shift village.¹¹ A party trekked to the lighthouse to raise the alarm.¹² After nine days camping in the dunes, a rescue ship arrived, and the passengers waded back through roaring surf to the waiting vessel and safety in Melbourne.¹³ The Austins bravely continued on to Brisbane, arriving on 6 August 1866 to city in turmoil.¹⁴ The Queensland government, short of funds due to a London banking crisis, was unable to pay the minimal wages of thousands of new immigrants allocated to public works, including John.¹⁵

Eventually John was able to purchase land at North Pine, now Petrie, north of Brisbane.¹⁶ Farming was hard work; no cosy stone house, established orchards or yards like in Devon. Far from prying eyes, John, and his sons, soon explored more nefarious solutions to enhance their income. Eldest son William was jailed on a charge of breaking and entering. John was acquitted of cattle stealing. A charge of "furious riding" against William, and disagreements with neighbours hinted at the Austins' wild side.¹⁷

But when John began making bootleg liquor, it all unravelled. In March 1878 the Inspector of Distilleries, not convinced of John's insistence that the equipment he owned was not capable of distilling liquor, pushed the charge of possession of an unlicensed still to the Supreme Court. A former employee alleged that on discovering John manufacturing spirits in his barn, John had threatened her and her husband if they went to the authorities. He was found guilty and fined £100 or four-months imprisonment, but that didn't stop him from expanding his operation.¹⁸

A year later, thanks to an undercover informant who befriended John, authorities uncovered an elaborate operation, manufacturing and distributing fraudulently labelled illicit liquor throughout Brisbane. Much of it was distilled by John at a house in South Brisbane, specifically leased for that purpose. A witness in the case against John testified to finding seven vats of wash capable of producing up to 120 gallons (586 litres) of spirits. The judge reminded him that on his previous appearance at court he'd been warned that should he appear on a similar charge, the penalty would be severe.¹⁹ He was found guilty of his part in the Great Spirit Fraud, and unable to afford the steep fine, he was jailed for 12 months.²⁰

Afterwards, he returned to farming and a quiet life at North Pine, until his death in 1903.²¹ His wife, Elizabeth died in 1913.²² Their daughter Sarah, passed their stories through my Aunt to me. Generations of the extended Austin family still live in the Petrie area, proud of their origins, if still in the dark on the finer details.

Sometimes we forget that ingenuity, cunning, lapses of judgment, and hidden talents are also part of where we come from.

¹ Anon. 'The Spirit Frauds', *The Telegraph*, 4 March 1879, p. 2.

² *FindMyPast*, Baptism Record for John Austin, baptised 27 Jan 1828, 'Devon Baptisms, Sampford Courtenay, Devon', Accessed 6 Mar 2022.

³ *Western Times* (Exeter, England), 6 Mar 1835, p. 3, *Ancestry*, Australian Convict Transportation Registers - Other Fleets & Ships 1791-1868, Home Office: Convict Transport Registers, National Archives, Kew, Surrey, England, Accessed 7 Mar 2022

⁴ *Ancestry*, Census Record for John Austin, '1841 England Census', National Archives, Kew, Surrey, England, Accessed 6 Mar 2022, *Ancestry*, Census Record for James Austin, '1841 England Census', National Archives, Kew, Surrey, England, Accessed 6 Mar 2022.

⁵ *FindMyPast*, Baptism Record for Elizabeth Heard, baptised 25 Sep 1825, 'Devon Baptisms, Bow, Devon', Accessed 6 Mar 2022, Marriage Certificate of John Austin and Elizabeth Heard, married 3 September 1848, Death certificate for William Heard, died 17 June 1847, GRO Vol 10, p 56, *FindMyPast*, 'Bastardy – Quarter Sessions – Returns of Affiliation Orders', 1845, South Molton, Devon, Elizabeth Heard, 10 Jan 1845, *Thornbury Roots*, Early history of 50 & 52 High Street, <https://www.thornburyroots.co.uk/high-street/50-52-hs-early/>

⁶ *FindMyPast*, Birth Record for Edwin Austin, 'England and Wales Births 1837-2006', Accessed 7 Mar 2022, *FindMyPast*, Baptism Record for Sarah Elizabeth Austin, 'Devon Baptisms, Coombeinteighead, Devon', Accessed 7 Mar 2022, *FindMyPast*, Census Record for John Austin, '1861 Census England, Wales & Scotland', Parford, Moretonhampstead, Newton Abbot, Devon', Accessed 6 Mar 2022, *FindMyPast*, Birth Record for Selena Austin, 'England and Wales Births 1837-2006', Accessed 7 Mar 2022.

⁷ *Western Times* (Exeter England), 24 October 1857, p. 9.

⁸ *Exeter Flying Post*, 30 October 1861, p. 5, *Exeter Flying Post*, 8 July 1863, p. 1, *Exeter Flying Post*, 4 May 1864, p. 1

⁹ *Ancestry*, Immigration record for John Austin, 'Victoria, Australia, Assisted and Unassisted Passenger Lists, 1839-1923', Public Record Office Victoria, North Melbourne, Victoria, Accessed 7 Mar 2022.

¹⁰ Don Charlewood, *The Wreck of the Sailing Ship Netherby*, Warrandyte, Victoria, Burgewood Books, 2012, p. 16.

¹¹ Anon. 'The Loss of the Netherby', *The Queenslander*, 28 July 1866, p. 10.

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- ¹² Charlewood, *The Wreck of the Sailing Ship Netherby*, p. 19.
- ¹³ Charlewood, *The Wreck of the Sailing Ship Netherby*, p. 36, p. 40.
- ¹⁴ Anon. 'Shipping Intelligence', *The Darling Downs Gazette*, 9 Aug 1866, p. 2.
- ¹⁵ Anon. 'Public Works', *The Brisbane Courier*, 18 Aug 1866, p. 1.
- ¹⁶ *FindMyPast*, Land Record for John Austin, 'Crown Land Sales in Queensland 1860-1911, Stanley Queensland', Accessed 7 Mar 2022, *FindMyPast*, Electoral Record for John Austin, 'Australian Electoral Rolls, East Moreton, Queensland', Accessed 7 Mar 2022.
- ¹⁷ Anon., 'Central Police Court', *The Brisbane Courier*, 29 April 1870, p 2, Anon., 'Central Police Court', *The Brisbane Courier*, 21 January 1873, p. 2, *The Brisbane Courier*, 19 February 1874, p. 2, *The Brisbane Courier*, 25 April 1874, p. 6.
- ¹⁸ Anon. 'City Police Court', *The Telegraph*, 26 March 1878, p. 3, Anon., *The Brisbane Courier*, 05 April 1878, p. 2., Anon., 'Civil Sitting', *The Brisbane Courier*, 15 May 1878, p. 5.
- ¹⁹ Anon. 'The Spirit Frauds', *The Telegraph*, 4 March 1879, p. 2.
- ²⁰ Anon. 'Supreme Court', *The Brisbane Courier*, 3 May 1879, p. 5, Anon. 'Austin Sales', *The Telegraph*, 28 June 1879, p. 4.
- ²¹ *FindMyPast*, Electoral Record for John Austin, 'Australia Electoral Rolls, East Moreton, Queensland', Accessed 7 Mar 2022, Death Certificate of John Austin, died 7 February 1903, Register of Births, Deaths and Marriages Queensland, 1903/C524.
- ²² Death Certificate of Elizabeth Austin, died 27 March 1913, Register of Births, Deaths and Marriages Queensland, 1913/B17392.