

Robert Taylor Murder

Violent crime came to the island in a dramatic manner in June 1886 with the murder of Robert Taylor at Tryphena. As the murder case unfolded it gripped the imagination of the entire country because then, as now, New Zealanders' strong affinity with the sea served to heighten public interest, as central to the crime was a well known Auckland based cutter 'Sovereign of the Seas'. It also became apparent that even then, co-operation between Police on both sides of the Tasman had already reached a remarkable degree of efficiency. The outcome of the case also revealed that unlike a full century later, justice was administered in a far more summary manner. As is frequently the case, catalyst for the homicide was unrequited love. Principle personalities in the drama were the co-accused John Caney, William Penn and his female associate Grace Cleary, the victim Robert Taylor, known as 'Old Tusky' and his daughter Elizabeth Ann. John Caffrey was no stranger to the Barrier having taken the 53 foot cutter 'Sovereign of the Seas' there on numerous occasions to load firewood. Caffrey, who was of Irish descent, was born at Panmure, Auckland. He soon acquired a reputation as a self-styled swashbuckling pirate around the Auckland waterfront. His piratical appearance was enhanced by a beard and red hair and he often wore a black patch over his right eye which had been injured in a waterfront bar room brawl. Caffrey's partner in crime was Henry Penn, and though he was the son of a respected Auckland draper, he too had led a wayward existence around the waterfront and at his Court appearance in Sydney he was described as 'a rather wild looking young man'.

Robert Taylor settled in the small but somewhat exposed bay near the southern entrance to Tryphena harbour, and ever since the tragic event of 1886 still bears his name, Taylors Bay. Inspection of land titles at the archival section of the Department of Survey and Land Information in Auckland indicates that he purchased the land encompassing the bay from William Philip, the original owner, on 19 May 1879. Following the murder of 1886 the property remained in Taylor family hands until 14 June 1890 when it was purchased by the well known Tryphena identity Adam Blackwell, who continued to farm it until 8 April 1954. Because of a stern and uncompromising nature Taylor had earned the nickname 'Old Tusky'. Elizabeth Ann, one of his two daughters, was a particularly attractive young woman who had a talent for singing and was known locally as 'the queen of the Barrier'. It was these qualities upon which Caffrey's baleful attentions were focused. His advances flourished for a time but Robert Taylor considered that he was not the right suitor for his daughter, forbidding her to marry him and encouraged Elizabeth to wed local bushman, Frederick Seymour. Caffrey became very embittered towards Taylor, and in sinister overtones he told Elizabeth "I'll bring either a ring or a revolver for you". This was no idle threat and he at once began to hatch plans to abduct her and if necessary, put her father out of the way. His plan was to sail for South America, and accordingly he purchased charts of Peru and Chile from a downtown Auckland bookseller, and even boasted around the waterfront concerning his scheme. He was accompanied by Penn, who had befriended a 15 year old 'street girl' Grace Cleary. The trio sailed for

Tryphena at midnight on 17 June 1886 and shortly before departure Caffrey gave Cleary a piece of black satin and told her to make it into a flag. When she queried why he wanted a black flag he replied, "for the death of Old Tusky". Dropping anchor in the placid waters of Shoa~ Bay and armed with revolvers, Caffrey and Penn went over the hill to Taylor's cottage on the pretext that they wanted to buy butter, but in reality the object was to gain entry and forcibly kidnap Elizabeth Robert Taylor sensed that trouble was afoot and refused the pair entry and from that stage onwards violence erupted which culminated in his murder After the volley of shots near the front door, Taylor was injured and forced back into a bedroom where he received a fatal shot to the left temple Following upon this, Penn was about to cut Mrs Taylor down but Caffrey may have felt that they had already bungled their plan and told Penn to spare her Amidst the commotion Elizabeth and her sister jumped out of a window, hiding with baby Stenton in flax bushes and scrub. Meanwhile, the Taylor's son Lincoln had escaped over the hill to Shoal Bay and raised the alarm. Thwarted in their plan to abduct Elizabeth, the offenders returned to the cutter A blood stained Caffrey told Cleary that he had "put the bloody old curse out of the road." Hoisting a black flag to the masthead and with no other navigational aids apart from his ships compass, Caffrey sailed "Sovereign of the Seas" leisurely out of Tryphena and through the Colville Channel, knowing that as long as an easterly heading was maintained they could not fail to sight the coast of South America. Though there was no sighting of the pirates cutter for more than three months, Police in New Zealand were convinced that disaster had not befallen them, and their counterparts across the Tasman Sea were alerted accordingly. Alelled by his son Lincoln, news of Taylors murder spread rapidly and local residents armed themselves Two young men from Puriri Bay, a Bailey and a Blair, ran to the northern entrance of Tryphena Harbour and fired shots at long range in a futile attempt to halt the cutter as it sailed leisurely out of the harbour flying the black flag. Shortly afterwards, another two men took a small craft across the channel to Port Charles to alert the Auckland Police A couple of days later a Detective Tuohy arrived on the Northern Steamship Company Steamer 'Iona' to make an investigation and on 23 June 1886 a Coroners Warrant was issued for the arrest of Caffrey and Penn. Once clear of the New Zealand coast 'Sovereign of the Seas' battled for weeks against storms and made little easterly progress. Forced into a more northerly latitude and developing leaks, Caffrey decided to come about and make for Australia. Long before they made landfall discord erupted, both men quarrelled about Grace Cleary, and Caffrey, working on the premise that dead people tell no tales wanted to shoot her A bond existed between Penn and Grace Cleary and they came to an arrangement by which one of them always remained awake while the other slept. Penn took the added precaution of keeping his revolver loaded. After more than three months at sea, landfall was made near Port Macquarie, where they scuttled the vessel and camped in nearby bush for a fortnight. The quarrelling continued, with Caffrey insisting that for their own safety they should put Grace Cleary out of the way Penn refused, and they parted company. Wreckage began to drift ashore, including the nameplate 'Sovereign of the Seas'. The search for the offenders intensified and within a couple of weeks Caffrey was arrested while employed painting a bridge in a small township on the Billinger River. A few days later Penn and his companion Grace Cleary were arrested at Kempsey, 280 miles from Sydney. Both men appeared in Sydney's Water Police Court charged with the wilful murder of Robert

Taylor, their irons being removed before entering the dock Grace Cleary was charged with being an accessory after the fact. The court reporter noted that Grace, who was accommodated with a seat in the dock, 'had a prepossessing face and in no way vicious or criminal looking' She wore a black silk velvet bodice with a brown dress and a straw hat trimmed with blue ribbons. She seemed quite unconcerned, smiled frequently and was not at all disconcerted Her dress and demeanour was much the same when she appeared later in the Auckland court. In the Sydney court Detective James Tuohy of the New Zealand Police produced a warrant for the extradition of the accused The warrant was signed by H.G. Smith a magistrate of Auckland and endorsed by a New South Wales magistrate The warrants were ordered to be executed and all three remanded to stand trial in Auckland. The 'S.S. Waharoa' berthed at Queens Wharf Auckland on 27 October 1886, and milling around on the wharf was a large gathering hoping to catch a glimpse of the notorious prisoners They shuffled, heavily chained, and under police escort down the gangway and clanked awkwardly to waiting cabs. The riveter across the Tasman had done such a professional job with their fetters that it was necessary to employ a blacksmith to remove the chains from the prisoners, and the task took an hour to complete. At the subsequent Supreme Court trial there was little defence produced for the accused and it took the jury a mere one hour and twenty minutes to reach a verdict of guilty, but there was some consternation as the foreman added as a rider a recommendation to mercy. The reason for this was that during the course of the trial there was nothing to prove which of the two accused fired the fatal shot and it seemed reasonable that one or both should get the benefit of the doubt Nevertheless, the sentence of death was passed upon both Caffrey and Penn The case against Grace Cleary was dismissed, she was discharged and simply dropped into oblivion. She probably returned to her home town of Gisborne. As a result of the trial there was a measure of public sympathy for John Caffrey when it was rumoured that it was the violent Penn who had fired the fatal shot at Robert Taylor. Henry Penn was not without a conscience, when he later confessed to firing the fatal shot in the hope that Caffrey may have received a reprieve. It failed to change the outcome and both men were hanged on 21 February 1887 at Mt Eden prison after a short period of religious conversion. The last remark of Henry Penn on the scaffold to the prison chaplain was "Oh, happy day!".

Of interest are voluntary statements made by the prisoners while awaiting execution, and forwarded by a Prison Officer at Mt Eden to a Captain A. Hume, Inspector of Prisoners, Wellington on 26 January 1887

'At 915am, 24 January 1887, John Caffrey, a convict under sentence of death asked for an interview with the Gaoler. He was brought into the Gaoler's Office and made the following request, - "I would first request Penn to make a Public Statement with me, to acknowledge the deed that has been done I think it would be only fair towards the Public who have taken such interest in the case that we should make a true statement of what did occur from the time we left the vessel until we got back to her. I am aware Sir that we have had a very fair trial both by the Jury and the Judge, and I cannot say too much in praise of my Solicitors for the manner in which they have worked in my behalf to prove the guilt of the party who committed the

crime, after that I shall be quite satisfied to meet my fate like a man".

At 930am Convict Henry Albert Penn was called into the Gaolers Office and the above read to him, he said, - "Ves I am quite willing to make a truthful statement of what did occur". Convict John Caffrey was sent tor, and in his presence Penn made the following statement, "When we left the cutter we went ashore for the purpose of getting Mrs Seymour by fair means or foul. I went to the house and asked Mr Taylor for some butter for the purpose of getting them all inside the house, that is if any should be outside, as to enable John Caffrey to obtain admittance, which I succeeded in doing I was invited inside by the Taylor family, and

sat down just inside the door I had been there four or five minutes when Johnny rushed in, and as was stated in the Court he challenged Mr Taylor, and he not responding Caffrey fired one shot. He attempted to fire several times afterwards but the revolver refused to fire and during that time Lincoln Taylor tried to wrest the other revolver out of Caffrey's hand. I stepped up behind John Caffrey to prevent the Taylors from crowding on him and keep them at bay. Mr Taylor succeeded in getting away into the bedroom, he opened the door and both Caffrey and myself fired a shot at him, he either shoved the door to or fell against it. Johnny tried to force the door open but could not manage it, he called for my assistance to force the door open. I was just in the act of shoving the door and it opened by his force, he rushed into NO.1 bedroom, but just as he was inside the door Mr Taylor caught hold of him he tried to force him off but did not succeed, and they together both staggered into NO.2 bedroom. I noticed that Mr Taylor was smothered with blood, Caffrey still tried to throw him off but did not succeed. I said to him Caffrey, "Why don't you put him out of the road at once", he said, "I can't, my revolver won't go round". I heard his revolver keep clicking, that is, it would not work. I presented my revolver at Mr Taylor and fired, Mr Taylor released his grasp of Caffrey and fell. When I was going out of the door Caffrey told me to go and stop the old woman, and not let her run about. I did so, and while I was with her Caffrey came out of the house and went round to the right of the house towards the foot of the hill. While I was there with Mrs Taylor, Caffrey went into the house again to search if any of the girls were under the beds. After leaving the house he came across to where Mrs Taylor and I were standing and asked me if she knew where the girls were and I told him she did not know. Mrs Taylor asked him what I was going to take her] ife for, and he replied, "He is not going to touch you". Mrs Taylor then said, "Johnny, what have you done". He said. "I have done it this time". She said, "You have killed an innocent old man". Johnny said, "No, a bad old bastard"> We then left Mrs Taylor and went to the cutter, getting underway with the intention of sailing for America. During the time we were in N02 bedroom, Johnny was very much excited and it was through that, that I fired the last shot at his command".

The foregoing statement was made to the undersigned in the presence of Mr M. Flannery, Chief Warder .

G.A. Reston, Gaoler 24.1.87

John Caffrey then desired to give his statement and said, - As I hope to see heaven, I am going to give my statement true I shall not say anything but the truth, if I do so it will be unintentionally. Well in starting I had two revolvers, Penn had one. I also took some cord and said if Taylor should resist that we should make him fast, and so as he should not tell who done it, that if he made a any noise that I would cut a bit off his tongue or the tip off his tongue I had no intention of taking the knife for that purpose, but said I will take the knife with me because I might have more than him to tie up, Seymour might be there also. As we were leaving the cabin I said to Cleary in presence of Penn "Don't look scared Grace, because though we are taking three revolvers it is merely to give them a scare, they might also have such things, as I believe they will have, meaning firearms and it will also prevent them using any if they have them". Then Penn and I left the vessel, it was arranged that he was to ask for butter, to say he belonged to the 'Teviot', and it was for the 'Tairua'. It was not daylight at the time we went ashore and it was arranged that Penn should place himself in sight of the door so that he could see who came out or who went in. I was to go around to the back of the house and place myself so that I could see Penn coming towards the house when he was sure all the family were up out of bed. He was to carry out the plan re asking for butter. I said I know when a boatman goes to the house that their attention is taking up in talking to him, and then I should rush down off the hill and take them by surprise and I was not afraid that they would be fit or willing to resist me because I should present the revolvers and that would make it an easy affair for us to tie them up, meaning Taylor and Seymour, if the latter were there. If they did not resist there would be no occasion for making them fast. Where I placed myself was about eighty or one hundred yards from the house and in running that distance as quick as I could I fell headlong down the hill some eight or ten feet. I then got up and climbed over a fence as quick as I could and rushed into the house. I challenged Taylor to put up his hands but before that as I entered the house I noticed Taylor with a piece of iron in his hand, I did not know what it was (Penn interjected to say it was a butter skewer). I repeated the challenge several times, he said "Johnny" and rushed on me, in doing so he caught my left wrist, the boy (Lincoln), at the same time rushed over and caught hold of the revolver in my left hand, his Mother and Sister Janie also rushed on me to the Fathers assistance. While this struggle was going on I noticed Penn standing between the door and fireplace. I twice struck Taylor with my right hand which clutched a revolver and ordered him to get out of my way, in the meantime the boy had wrenched away the revolver from my left hand My attention being taken up with Taylor I did not notice what became of the boy. Through hitting Taylor I succeeded in forcing him back tt'om me, as I did I lay my revolver across his face and fired between him and his wife as they stood It had the effect of scaring Taylor, he stood and looked at me and hesitated As I fired this shot I heard a rush and screaming through the rooms I never intended the shot should hit Taylor or anyone else. I never saw the boy going through the door-or pointed my revolver at him I next saw Penn put his revolver to Taylor's head and fire, in the kitchen Taylor staggered and rushed for the bedroom and I knew he was wounded I was intent upon getting Mrs Seymour, I looked round the kitchen and rushed for the bedroom, also I noticed Mrs Taylor running about with her hands together and .her head down. I tried to force the bedroom door but found I could not Penn was close to me, I said "Harry, give me a hand to force this door quick because they are in here" I was first into the room, I cannot say if Penn did help me or not to force the door. As I entered the room Taylor had been

leaning against the door I saw him bleeding, the blood was running down his face and he clutched hold of me as soon as I entered the room I looked through the room while he had hold of me and then tried to throw him clear of me I made for bedroom N02 and did not succeed in throwing Taylor off me until I was in that room, when I chucked him clear of me. I looked around the room as quick as I could but saw no one, only heard a youngster crying. I was in the act of going into bedroom NO.1 when I saw Taylor and Penn wrestling with each other in NO.2 near the door. I saw Penn with his revolver to Taylor's head and he fired. Taylor fell and as he fell I saw the black mark on his head where the bullet had struck. I then rushed into NO.1 bedroom and Penn followed me closely. I said, "Here's a fix, see what's done, and she has got away after all, let us hurry as quick as possible and try to prevent her getting away altogether" We both left through the kitchen door, Penn being ahead. I ran up the gully facing the kitchen door and looked around but could not find anyone up there. I then returned to the house, looked quick through the kitchen and NO.1 bedroom and looked into NO.2 bedroom. Through the door I saw Taylor in a sitting position against the box, he appeared to be dead, I felt pretty certain he was. I remember then looking through the house to see if I could find the second revolver but did not succeed. I then left by the kitchen door again and stood facing- the same for two or three minutes and I can remember feeling strongly tempted to shoot myself as I was so much grieved at what had taken place. I looked along the beach and saw Mrs Taylor and Penn facing each other. I ran towards them, as I was doing so I heard Mrs Taylor say "Are YOll going to see an old woman killed, or this man kill me". I will not be certain which it was, or the exact words I said, "Don't be afraid Mrs Taylor, no one will harm you". I have no recollection of having said I was going outside to kill anyone there because I never thought of such a thing. She said, "Johnny you have killed an innocent old man". Being vexed as I was at the time I said, "He was a bad old something, I won't say what" Penn said "We had better get away as quick as we can" I said "As things have not gone as I expected, still we will go as we had arranged to clear out". Going towards the dinghy Penn held up his hands and said "Look at our hands, let us wash them". I then first noticed that both of LIS had blood on our hands. He said, "We must not let Grace see this, nor do not say anything to her about what has occurred" I said, "Allright". While Taylor and I had wrestled from No] bedroom his blood got upon my hands, and that is how I got blood upon me. The tide had risen and the dinghy was afloat out of our reach, we had to wade for her, I am not certain whether I or Penn brought her in I think it was Penn. I had the cord in my pocket, the pocket was full up with it, and in running about a small piece fell out of my pocket and I picked it up and wound it round my wrist, I do not know which, this accounts for Mrs Taylor seeing it on my wrist I wish to conclude that this is a true and correct account of the murder as before my maker, and as I hope to enter heaven".

When Caffrey completed his statement, Penn made the following brief observation:- "I did say we had better get out of this as Lincoln Taylor might have gone over the hill and taken the dinghy to prevent LIS getting aboard.