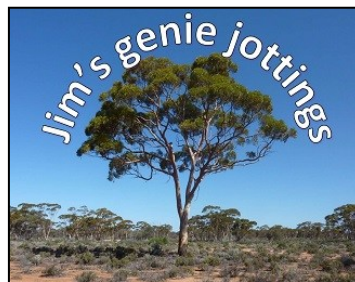


# From Waywardness to Solid Citizen

by James Michael Fleming  
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This story was entered in the  
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[Society of Australian Genealogists](#).  
The topic was “A family myth”



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**Researching:** Bowen, Flowerdew, Gardner, Gordon, Grady, Hanrahan, Jolliffe, Kemp, Kessey, Murphy, Poulton, Press and so many more!

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An indomitable myth persists among James Murphy's many descendants that he was buried in Bourke in 1914<sup>1</sup>. But a dignified gravestone in Sydney's Rookwood cemetery defiantly proclaims that James outlived his Bourke namesake by five years<sup>2</sup>.

Ten-year-old James was literate when he arrived in Australia from Glenbeigh in County Kerry (Ireland) with his parents (John and Mary) and four siblings aboard the *Talavera* in August 1853<sup>3</sup>. After spending time in quarantine on Sydney's North Head, the Murphy family travelled to Campbell's River near Rockley in the Bathurst District, where his maternal grandparents (Denis and Mary Shea) had previously settled. James helped his parents establish a farm there and later found work as a rural labourer before creating his own farm nearby.

When he married Ann Malcolm on 28 December 1864<sup>4</sup>, she was three months pregnant with their son James<sup>5</sup>.

In February 1866, James was charged by the Rockley Police with stealing a saddle belonging to Dennis Clifford<sup>6</sup>. His father (or brother) John Murphy was later acquitted on a charge of conspiring with Henry Neale to defeat the ends of justice by attempting to induce Clifford to refrain from pressing charges<sup>7</sup>. Found guilty in the Bathurst Circuit Court, James was sentenced to one year's hard labour in Bathurst Gaol<sup>8</sup>.

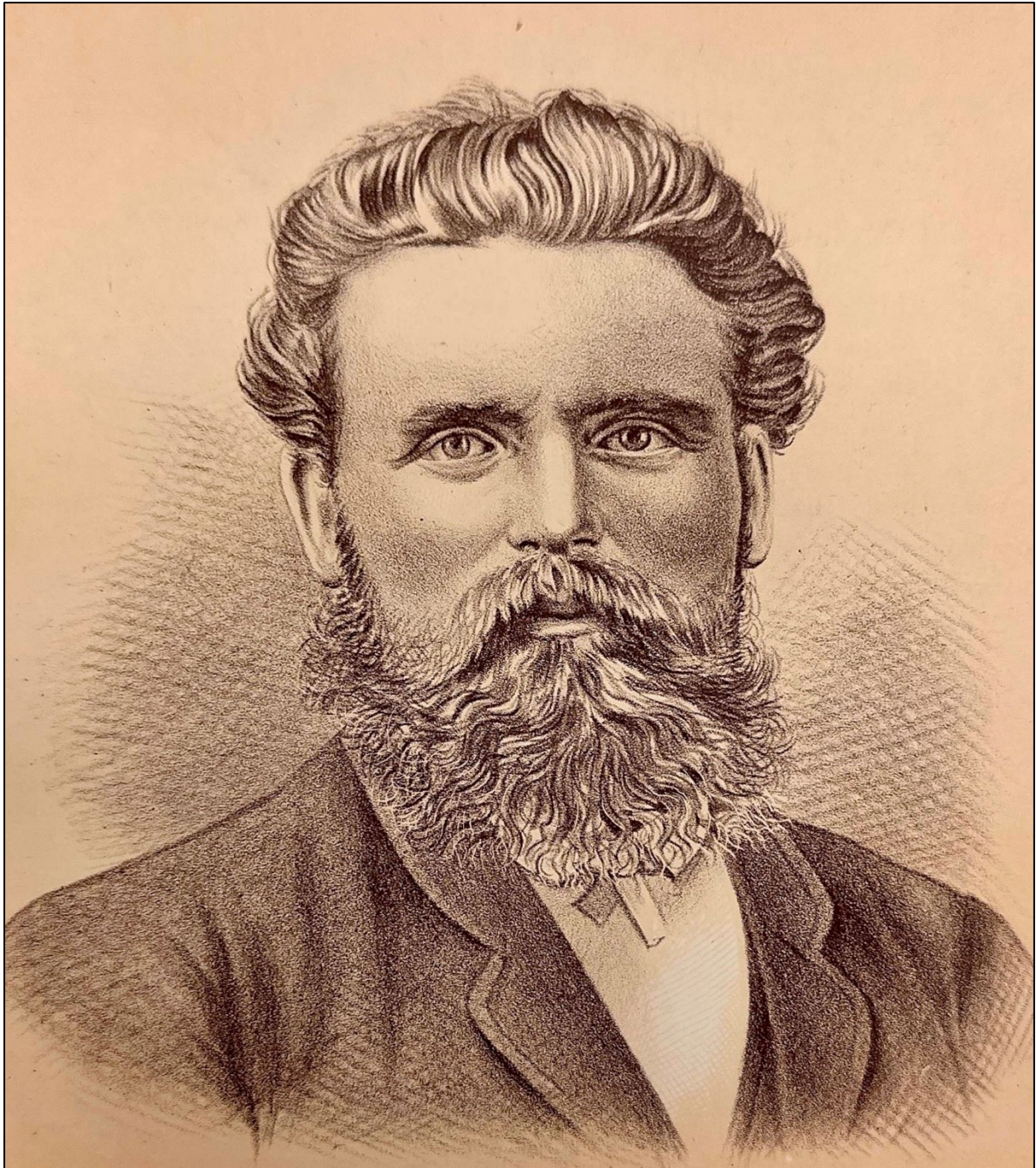
Six months after he returned home from gaol<sup>9</sup>, Ann gave birth to twin girls<sup>10</sup>, but they were premature and died within a few days<sup>11</sup>. Despite the impossible timeline, James accepted Ann's assurances that he was their father and they produced three more children during the next six years<sup>12</sup>. However, in April 1874, under James' dogged questioning, Ann eventually admitted that he was not the twins' father<sup>9</sup>. He immediately left the family home, never to return. This was a somewhat hypocritical reaction to her admitted adultery given his own role as the father of her illegitimate son Bernard, two years before their marriage<sup>13</sup>.

He later recalled that he then "travelled about to many places, taking any employment that offered"<sup>14</sup>. Four years later, in July 1878, he returned to Bathurst and engaged a solicitor to file for divorce<sup>9</sup>, which had only been available in NSW since 1873<sup>15</sup>.

His divorce petition accused Ann of adultery with Henry Herring while obscuring some of his own awkward truths. He described himself as a carrier of Bourke, even though he was working as a butcher at Gongolgon, 100 kilometres away<sup>16</sup>. This neatly hid his current whereabouts and prospects from Ann while giving credence to another fallacy that was designed to hide his prison sentence - that his absence from home when the twins were conceived was due an extended carrying trip.

Although Ann knew that he had been in gaol, rather than absent on business, she chose not to contest the divorce<sup>17</sup>. This suited her by enabling a later marriage to Herring<sup>18</sup>.

Within two weeks of signing the divorce petition, James had returned to Gongolgon and conceived a child<sup>19</sup> with Prudence Whye (nee Reed) who had been widowed a year earlier<sup>20</sup>. She was now the sole owner of several parcels of land and the prosperous *Lame Horse* hotel at Gongolgon that she and her first husband had established twelve years earlier<sup>21</sup>. James and Prudence were married on 18 May 1879<sup>16</sup> just four days after their first son was born<sup>19</sup>, a half-brother for her six surviving children. She was probably unaware of James' first family as he claimed to be a bachelor. They produced four more children over the next seven years<sup>22</sup>.



**James Murphy 1889**

Source: *Men of Mark* pp 320-321

The demands of child-rearing soon consumed most of Prudence's energy, so James took over the running of her hotel<sup>22</sup>. Three years later they bought the *Family* hotel in Bourke<sup>23</sup>, retaining ownership of both hotels for the next 21 years. He was soon hatching ambitious plans to expand their commercial interests by leasing land and dealing in stock<sup>14</sup>.

This new, prosperous lifestyle enabled James to indulge an interest in current affairs. He successfully lobbied the local MP for an upgrade to the road between Byrock and Gongolgon<sup>24</sup>; convened a public meeting to speak strongly against "alien labour"<sup>25</sup>; and supported a proposal that the Federal Capital be built at Orange<sup>26</sup>. His new-found status as a successful businessman was recognised with a hagiographic biography in *Men of Mark*, published around 1890<sup>14</sup>. Its



account of large landholdings at Louth and Gongolgon seems to have been hyperbole. Neither is there any acknowledgement of Prudence's contribution to his success. The overall impression is one of vainglory that may have been an early sign of the dementia that became more apparent in later years.

Both hotel buildings were now aging and trade at Gongolgon had been severely reduced when it was bypassed by the railway that reached Bourke in 1885<sup>27</sup>. He responded by diversification, including taking on mail contracting<sup>28</sup>, working as the starter at local race meetings<sup>29</sup> and becoming a trustee of both the local cemetery<sup>30</sup> and the common<sup>31</sup>. Nevertheless, the businesses faced increasing difficulties. His lease on 320 acres at East Bourke was cancelled in 1893 for non-payment of 45 pounds in rent<sup>32</sup>. Seven years later he failed to pay council rates on four properties, including his *Family Hotel*<sup>33</sup>. Finally, on 30 April 1903, the Supreme Court authorised a mortgagee sale of that hotel<sup>34</sup>.

While they managed to avoid bankruptcy, James and Prudence had to liquidate all their interests in the Bourke District. They moved to Orange where he was soon owner and licensee of the Green Gate Hotel<sup>35</sup>. But, as his health deteriorated, he had to sell it three years later<sup>36</sup> and thereafter lived in retirement<sup>37</sup>.

By 1909 Prudence had moved the family to Sydney<sup>38</sup> where she and her daughter Nora soon found that they could not care for him adequately. In the lead up to his death he was an inmate at the Lidcombe State Hospital<sup>2</sup>. James Murphy was buried at Rookwood Cemetery on 7 November 1919, survived by both of his wives and seven of his ten children. Prudence erected the gravestone that still stands in weathered testament to the strong and successful partnership that they had forged<sup>39</sup>.

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<sup>1</sup> NSW Registry of Births, Deaths and Marriages, Death Certificate 1914/013876, Bourke District, James Murphy aged 71 years, sailor, unmarried, parents unknown, buried 14 July 1914, Bourke.

<sup>2</sup> NSW Registry of Births, Deaths and Marriages, Death Certificate 1919/226406, Granville District, James Murphy aged 76 years, buried Rookwood Cemetery. Family Notices (1919, November 7). *The Sydney Morning Herald* (NSW: 1842 - 1954), p. 5. Retrieved July 6, 2022, from <http://nla.gov.au/nla.news-article15855079>

<sup>3</sup> Murphy family entry, *Talavera*, Passenger list, 6 Sep 1853; in 4/4935 (Kingswood: Archives Office of NSW), 2465.

<sup>4</sup> Marriage Certificate, James Murphy and Ann Malcolm, 28 Dec 1864, Registry of Births Deaths and Marriages, NSW. 1864/1546, Bathurst.

<sup>5</sup> NSW Registrar of Births, Deaths and Marriages. Birth Certificate 1865/5526, James Murphy, 3 Jun 1865, Campbell's River, parents James Murphy (farmer) and Ann Malcolm, no previous issue, witness Mrs Murphy. Transcribed on 11 Jun 1998 by Joy Murrin Transcription Agent for Edward Malcolm.

<sup>6</sup> Apprehensions. (1866, February 28). *New South Wales Police Gazette and Weekly Record of Crime* (Sydney : 1860 - 1930), p. 77. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article252042213>

<sup>7</sup> October 16th. (1866, October 19). *Empire* (Sydney, NSW : 1850 - 1875), p. 5. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article60601266>

<sup>8</sup> Government Gazette Notices (1866, May 9). *New South Wales Police Gazette and Weekly Record of Crime* (Sydney : 1860 - 1930), p. 170. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article252042384>

<sup>9</sup> Divorce file, 83/1878. State Archives, Kingswood, NSW, Australia. NRS 13495, 1873-1967, 1969-1976, James Murphy v Ann Murphy and Henry Herring, Affidavit of Petitioner, James Murphy, dated 29 July 1878, filed 9 Aug 1878, clause 5.

<sup>10</sup> NSW Registry of Births Deaths and Marriages, *Index to NSW Births and Baptisms*, Abbey E Murphy, parents James and Ann, 6343/1867 Bathurst. Also, Mary Murphy, parents James and Ann, 6342/1867 Bathurst.

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- <sup>11</sup> NSW Registrar of Births, Deaths and Marriages, Death Certificate 1867/4129, Mary Murphy, 12 Dec 1867, Campbell's River, 3 days old, elder of twins; parents James Murphy (labourer) and Ann Malcolm. Also, Death Certificate 1867/4130, Abbey Elizabeth Murphy, 19 Dec 1867, Campbell's River, 10 days old, younger of twins; parents James Murphy (labourer) and Ann Malcolm. Both transcribed on 11 Jun 1998 by Joy Murrin Transcription Agent for Edward Malcolm.
- <sup>12</sup> NSW Registrar of Births, Deaths and Marriages, Birth Certificate 1868/06313, Mary Murphy, 30 Nov 1868, Campbell's River, parents James Murphy (farmer) and Ann Malcolm. Transcribed on 22 Oct 1999 by Joy Murrin Transcription Agent for E&T Malcolm. Also, NSW Registry of Births Deaths and Marriages, *Index to NSW Births and Baptisms*, (Registry of BDM), Catherine Murphy, parents James and Ann, 6653/1870 Bathurst. And John Murphy, parents James and Ann, 6722/1873 Bathurst.
- <sup>13</sup> NSW Registry of Births Deaths and Marriages, *Index to NSW Deaths*, Bernard Murphy, parents James and Ann, 2726/1863 Bathurst.
- <sup>14</sup> Edited, "James Murphy, Esquire," in *Australian Men of Mark, Vol. 2, Series 2*. (Sydney: Charles F Maxwell, 1889), p 321.
- <sup>15</sup> Edited. 'Divorce Records Guide'. NSW State Archives. Accessed 24 April 2023.  
<https://mhns.wa.gov.au/guides/divorce-records-guide/>.
- <sup>16</sup> NSW Registrar of Births, Deaths and Marriages, Marriage Certificate 1879/2580, James Murphy (butcher; bachelor - sic - aged 33) and Prudence Whye (widow aged 33), both of Gongolgon, 18 May 1879, Gongolgon. Transcribed on 1 Jul 1998 by Joy Murrin Transcription Agent for Edward Malcolm.
- <sup>17</sup> Divorce file, 83/1878. State Archives, Kingswood, NSW, Australia. NRS 13495, 1873-1967, 1969-1976, James Murphy v Ann Murphy and Henry Herring, Decree Nisi, granted 4 Nov 1878.
- <sup>18</sup> NSW Registry of Births Deaths and Marriages, *Index to NSW Marriages*, 6761/1884 at Orange, Henry Heron and Ann Malcolm.
- <sup>19</sup> NSW Registry of Births Deaths and Marriages, *Index to NSW Births and Baptisms*, (Registry of BDM), Daniel Reed Murphy, 10313/1879 Bourke, parents James and Prudence.
- <sup>20</sup> NSW Registry of Births Deaths and Marriages, *Index to NSW Deaths*, Joseph Whye, 4163/1877 Bourke, parents William and Hannah. Also Gravestone of Joseph (7 May 1877), Joseph Headland, Kate Whye; and Daniel Reed Murphy, 1877-1884, Gongolgon Cemetery, Gongolgon, NSW.
- <sup>21</sup> Supreme Court of NSW, "Joseph Whye Probate," file, 2 August 1877, [17/1824] Series 3-1515, NRS 13660-3; NSW State Archives, Kingswood. Joseph Whye, died 6 May 1877.
- <sup>22</sup> Birth Certificate Vol 1880 No 11867, George Charles Reed Murphy, (11 February 1881), NSW Registry of Births Deaths and Marriages. Also 12559/1882 Bourke (Nora Lilian Murphy); 15004/1884 Bourke (Mary Ethel Murphy); 16331/1886 Bourke (Lila Kate Murphy).
- <sup>23</sup> NSW Land Registry Services, Sydney. Deed volume 38 folio 29, section 11 lot 5, 2 roods, corner Darling and Wilson Streets, Bourke.
- <sup>24</sup> Mr. Waddell at Byrock (1891, May 9). *Western Herald (Bourke, NSW: 1887 - 1970)*, p. 2. Retrieved April 22, 2023, from <http://nla.gov.au/nla.news-article142553123>
- <sup>25</sup> At Gongolgon. (1893, October 25). *Western Herald (Bourke, NSW: 1887 - 1970)*, p. 2. Retrieved April 22, 2023, from <http://nla.gov.au/nla.news-article142706387>
- <sup>26</sup> The Federal Capital. (1902, March 15). *Western Herald (Bourke, NSW: 1887 - 1970)*, p. 2. Retrieved April 22, 2023, from <http://nla.gov.au/nla.news-article103954621>
- <sup>27</sup> Wikipedia contributors, "Bourke railway station", Wikipedia,  
[https://en.wikipedia.org/w/index.php?title=Bourke\\_railway\\_station&oldid=1097256145](https://en.wikipedia.org/w/index.php?title=Bourke_railway_station&oldid=1097256145) (accessed April 24, 2023).
- <sup>28</sup> Government Gazette Tenders and Contracts (1896, February 19). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 1250. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article222650171>
- <sup>29</sup> Advertising (1887, December 17). *Western Herald (Bourke, NSW : 1887 - 1970)*, p. 5. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article141902907>
- <sup>30</sup> Government Gazette Appointments and Employment (1895, April 2). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 2219. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article224323063>
- <sup>31</sup> The Commons Acts, 1873-86. (1894, October 26). *New South Wales Government Gazette (Sydney, NSW : 1832 - 1900)*, p. 6788. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article220940201>

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- <sup>32</sup> "Forfeiture of Special Lease," notice, *NSW Government Gazette, Sydney*, 1 December 1893, page 9102; online image, *Trove* (<https://trove.nla.gov.au/>; online 20 April 2023), Newspapers and Gazettes; <http://nla.gov.au/nla.news-article220974476>. Lease 215 of 93-3900 for 320 acres in the parish of East Bourke in the County of Cowper was cancelled for non-payment of 45 pounds in rent.
- <sup>33</sup> Advertising (1900, March 7). *Western Herald (Bourke, NSW : 1887 - 1970)*, p. 3. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article104095179>
- <sup>34</sup> NSW Land Registry Services, Sydney. 4 roods sold after fieri facias, lots 4 and 5 in section 11, corner Darling and Wilson Streets, Bourke. Land deeds volume 38 folio 29 and volume 260 folio 245.
- <sup>35</sup> Government Gazette Notices (1904, August 23). *Government Gazette of the State of New South Wales (Sydney, NSW : 1901 - 2001)*, p. 6417. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article226483927>
- <sup>36</sup> Commercial News (1907, May 11). *Leader (Orange, NSW : 1899 - 1945)*, p. 4. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article252353803>
- <sup>37</sup> Marriage Certificate, George Charles Reed Murphy and Isobel Cox, 2 Jul 1918, Registry of Births Deaths and Marriages, Queensland. 1918/2177 677.
- <sup>38</sup> Watches and Jewellery Reported Stolen, Missing, Etc. (1909, June 2). *New South Wales Police Gazette and Weekly Record of Crime (Sydney : 1860 - 1930)*, p. 194. Retrieved April 24, 2023, from <http://nla.gov.au/nla.news-article251648215>
- <sup>39</sup> Gravestone of James Murphy, 1843-1919, Rookwood Catholic Cemetery, Sydney, NSW. (Mortuary 2, 5, grave 539).