

THOMAS HEALY – LIFE ON THE MANIOTOTO

By Dale Hartle, May 2026

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Introduction



Figure 1 - Thomas and Margaret Healy, c1900.

This document records the life and times of Thomas Healy (1840-1917) and his family on the Maniototo, Central Otago.

All the information collated in this document are from public sources, such as Archives New Zealand, local newspapers on Papers Past, Court Cases reported in newspapers, Births Deaths & Marriages, and family stories, including photographs of the properties over the years.

Some background information and commentary is included to pad out the story. Some information is already on the Webgirl – SharpHealy website¹ but is repeated here for clarity and completeness.

Naseby

When you wander around the delightful Naseby village, it is hard to believe it was once home to 4,000 miners, 18 stores, 14 hotels, two butchers and a hospital.

Today, there are only 120 permanent residents. But don't be fooled by Naseby on a quiet day. In the height of summer, the crib (southern for bach) owners return and visitors flock to the much-loved township, pushing the population above 4,000.

Gold was discovered in the Hogburn by a group of five, led by the Parker Brothers, in May 1863. Within three months, 2,000 miners had descended on the Mt Ida goldfield and the Naseby township was born. Soon after, the first gold escort of

¹ <https://www.webgirl.co.nz/SharpHealy/healy.html>

4,300oz worth \$5.6m in today's terms left for Dunedin. By Christmas, the population had doubled to 4,000 miners.

By 1878, there was a hospital, three banks, police station, courthouse, town hall, three churches, a fire brigade, council buildings, a lodge and numerous businesses. It was intended that Naseby would become the centre of the Maniototo. However, in 1898, the construction of the railway line 12km away resulted in Ranfurly springing into existence and services gradually moving away from Naseby.

At the time, the change appeared to signal Naseby's death knell. But, in fact, it transpired to be the village's making. Naseby became forgotten and out of sight for many years. Combined with the extraordinary Central Otago climate, hot dry summers and frosty white winters, much of the township's historic buildings and landmarks remained standing and delightfully original.

The first trees were planted in the early 1880's and the forest remains a significant part of Naseby's attraction. The township is essentially tucked on the edge of the forest, adding to its romantic quality and the feeling it is a well-kept secret.

The forest, the preserved history, the climate: they all make Naseby the special place it is today.²

Kyeburn³

Kyeburn is a small settlement on the [Maniototo](#), a wide, high plain stretching from the end of the Strath-Taieri valley.

Kyeburn stands at the junction of State Highways 85 ("The Pigroot") and [87](#), some 15 kilometres (9.3 mi) east of Ranfurly, on the Kyeburn Stream, a minor tributary of the Taieri River. The stream's name, from which the settlement gets its name, is one of those within "Thomson's Barnyard", an area dotted with northern English farmyard animal names, all given by early Otago surveyor John Turnbull Thomson. The area was, in its early years of settlement, called Cows Creek. ("kye" is a Northumbrian term for cows).

The area around Kyeburn was a busy mining location during the latter part of the Otago gold rush, with the mining settlement of Kyeburn Diggings (sometimes called Upper Kyeburn) located some 10 kilometres to the north of Kyeburn itself.⁴

Kyeburn is described as a farming locality on the bank of the Kye Burn, a major tributary of the Taieri River, 15km east of Ranfurly. The vast Kyeburn run was taken

² <https://www.nasebyinfo.org.nz/history.htm>

³ <https://en.wikipedia.org/wiki/Kyeburn>

⁴ <https://nzhistory.govt.nz/keyword/kyeburn>

up in 1858 by the partners Alexander McMaster and John Borton, then in 1875 bought up by runholder and later politician, Mackay John Scobie McKenzie.⁵

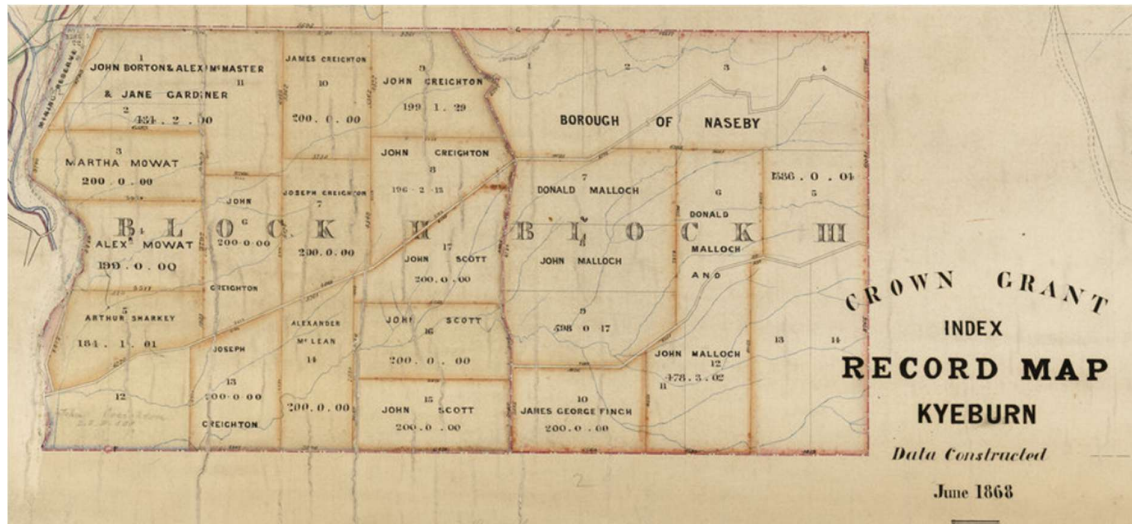


Figure 2 - Map of Blocks II and III, Kyeburn, June 1868

Link to full map: [Kyeburn Survey District](#)

Shows John Borton & Alex McMaster & Jane Gardiner, Sections 1, 2 and 11, of 454 acres.

The Kyeburn Hundred

The 63rd Hundred, known as the Kyeburn Hundred, was proclaimed in 1875. Until this time, the limited settlement “in the interior” that had taken place had been under the Agricultural Leases system. Under this system settlers were severely handicapped by the no grazing rights of the leases. But the Hundred Act offered grazing rights, and settlers were keen to get their hands on the land for sheep grazing. There was no limit on the numbers of sections taken up by one person, except by what they could afford. Applicants were required to pay the first half year’s “occupation fee” and the purchase money was paid in equal instalments over the following ten years. Settlement of blocks, mainly of 200 acres, was on a first in first served basis, but all applicants were required to apply in person to the land office.

⁵ Kyeburn District. NZ Heritage Maps Platform, accessed 11/04/2026, <https://maps.recollect.co.nz/nodes/view/656>

1800 acres in Block II of the Kyeburn Survey District were opened for application on 22 February 1876, at 3/- per acre per year for 10 year, and some were L.I.P. (Leases in Perpetuity).

THE KYEBURN HUNDRED BOUNDARIES.

The **Kyeburn** Hundred consists of 17,000 acres, in which are two blocks (5400 acres) on deferred payments. The following are the boundaries: All that parcel of land/being parts of runs numbered 203 and 206b, bounded by a line commencing at the **Kyeburn** and proceeding due east over Trig. Station G, **Kyeburn** Survey District, 35,000 links, to a point due north of Trig. Station C, Swinburn Survey District, thence due south across the said Station C.; 55,000 links to the main Interior Road, thence along the said road line in a westerly direction 133,000 links to the **Kyeburn**, thence along the **Kyeburn** in a northerly direction 70,000 links to the starting point. In other words the boundaries will commence at the **Kyeburn** Hotel, thence north along the **Kyeburn** river to a point above Borton and McMaster's Kyeburn Station, thence due east over what is known as the Round Hill and about 1½ mile beyond to the foot of and including part of the lower spurs of the Kakanui range, thence due south almost parallel to the **Kyeburn** to the new road, which it strikes about the gorge, thence back along the new road towards the **Kyeburn** Hotel the starting point. [*Mount Ida Chronicle, Volume VI, Issue 324, 21 May 1875, Page 2*]

Kyeburn Diggings

The Kyeburn Diggings goldfield was in existence even before the main finds at Naseby, gold being found there in 1861. Sluicing and dredging were the main mining methods with larger dredges working in the Kyeburn River until 1920. Hotels, stores, a butcher and a baker served the miners needs and a school opened in the mid-1860's, closing in 1935. Coal was also mined, providing the Maniototo with a good source of fuel until the railway arrived in Ranfurly allowing coal to be brought into the area. One of the few reminders of the settlement is the Upper Kyeburn Cemetery which sits silently alongside the road with prices for burial plots listed on a board.⁶

No members of the Healy or Sharp family are buried in Kyeburn or Naseby.

⁶ https://www.maniototo.co.nz/kyeburn_dig.htm

Lower Kyeburn

The Lower Kyeburn settlement area has virtually disappeared but the bridge over the Kyeburn River on State Highway 85 from Palmerston (known as The Pigroot), is a short distance away from the site of Maiseys Hotel which was the stopping point for Cobb & Co's coaches on their journey to Naseby and the goldfields in the interior of Otago. Once known as Cow's Corner because of the herds pastured there in summer, the only remaining evidence of the township are the Kyeburn School and the Hall and Library. While the School is now privately owned, the Hall and Library are both still in use. The Lower Kyeburn Cemetery is surrounded by trees and situated beside SH87 which leads to Middlemarch and the Strath Taieri.⁷

Lower Kyeburn – Healy family connection

It is against this background of Naseby and Kyeburn on the Maniototo, that the story of the Healy family begins. Lower Kyeburn is where the Healy family lived for many years, and this document records the location, financial transactions, activities, maps and court cases Thomas Healy was involved in over the years in relation to the area. From this we are able to trace his whereabouts and movements, and his family from which we are descended.

From the records, it appears Thomas Healy occupied **Section 3** in Block IV of the Swinburn of 200 acres from 26 April 1884 until 1928, first as a tenure, then as a Lease in Perpetuity which is where the Healy family homestead was built, Healy children were born, crops were grown and animals grazed.

He also owned the freehold **Section 16** which he acquired on 4 September 1903 and sold in 1913 to A. B. Hore, on which he grew crops.

Block IV, Swinburn

Section 3 – Leasehold in Perpetuity – 26 April 1884 – 1928 (house and buildings), transferred to W. D. Hore following Margaret Healy's death

Section 16 – Freehold – 4 September 1903 – June 1913 – sold to A. B. Hore

⁷ <https://www.maniototo.co.nz/kyeburn.htm>

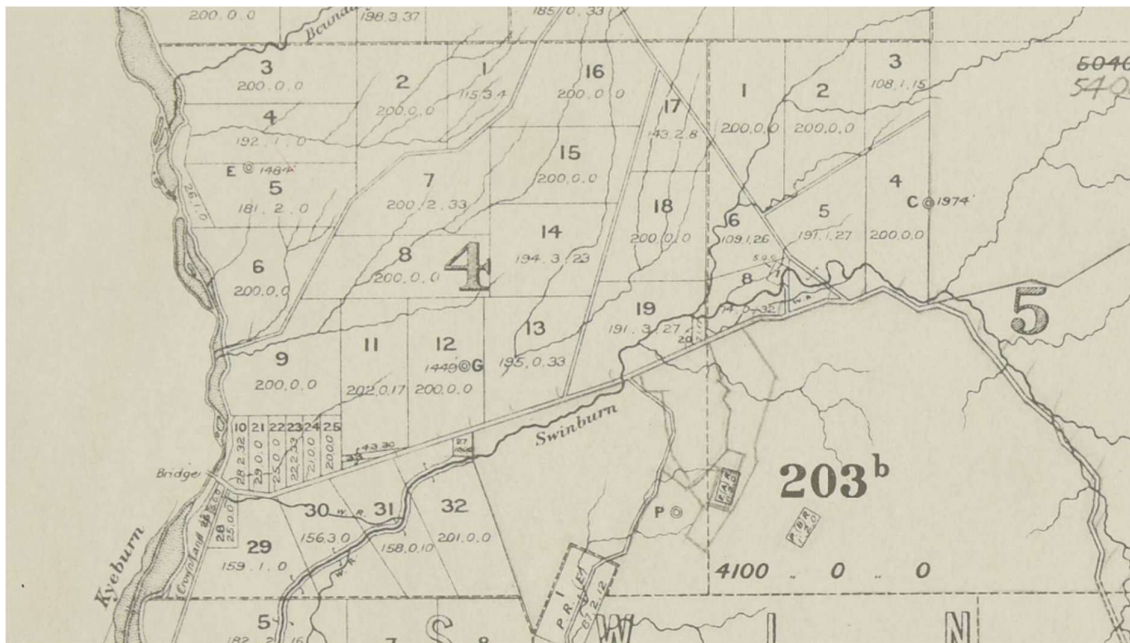


Figure 3 - Part of map of Plan of Block IV, Swinburn District, surveyed by D Barron, District Surveyor, March 1876

You can see Section 3 and Section 16 in Block 4 at the top of the map.

Known owners of surrounding properties at the time were: Coyle owned sections 2 and 4, Hore sections 1, 14 and 15, Pearson sections 5 and 7, Crutchley section 9.

The road going up from Section 6 to 1 is Pearsons Road, and the road going up between Sections 13 and 19 is Hore Road.

The road shown from “Bridge” out along the Swinburn River is the current state highway along the bottom of the map.



Figure 4 - Google Map 2026 showing outline of Section 3 and location of Healy's trees

This Google map taken in 2026 shows a closeup of Section 3 and the location of Healy's trees where the Healy homestead was built, and the river course of Boundary Creek. The Kyeburn River is clearly visible on the left of the image.

Kyeburn Bridge Coordinates: -45.148856, 170.261545

While the School building is now privately owned, the Hall and Library are both still in use.

Healy children who attended Kyeburn School were: Jeannie Healy 26/10/1888, Thomas Healy 28/9/1891, Rosann Healy 6/11/1893, Margaret Healy 1/10/1894, Fanny Healy 1/11/1894, Catherine Healy 7/12/1897, Susan Healy 13/9/1899, Patrick Parnell Healy 13/9/1899, and Denis Healy 17/8/1904.

Sharp children who attended Kyeburn School were: Eileen Sharp 3/3/1919, Joan Sharp 10/11/1919, and Doreen Sharp 12/5/1924.⁸

East Kyeburn Station

When Thomas Healy first arrived on the Maniototo in 1879-1880, he found a job working on East Kyeburn Station as Managing Shepherd for Alexander McMaster.

McMASTER, ALEXANDER (1823-85) was born at Stranraer, Scotland. As a young man he emigrated to Australia (1842) and obtained his first employment in the countinghouse of Benjamin Boyd at Twofold Bay. He then moved to Melbourne, and from there to the goldfields. Returning to the city, he took employment on the literary staff of the Argus and afterwards joined a bank, in which he became teller.

In 1857 McMaster came to Otago and joined Borton in the lease of the Maerewhenua run. Later they took up Tokarahi, thus increasing their holding to 13,000 acres freehold and 70,000 acres leasehold, on which they ran 42,000 sheep at the time they dissolved the partnership (1878). McMaster imported many fine merino sheep for his properties, and also stud horses. He was a successful exhibitor at many shows. In later years he lived at Waikaura, Oamaru. He had no inclination for political life, but in 1861 he permitted himself to be nominated for the superintendency on behalf of the squatting interest against Richardson. The result was: Richardson 292; Macandrew 189; McMaster 106. A month or two later he was elected for the Northern constituency in the Provincial Council, in which he sat until early in

⁸ Listed in appendices – Gateway to Maniototo, a History of Kyeburn and Kokonga Districts, Compiled by N.S. Mackenzie

1863. He died on 10 Sep 1885. He married (1860) Helen, daughter of John Adair, of Stranraer. (See T. G. Reap.)

Col. Gent.; Pyke; North Otago Times, 14 Sep 1885.⁹

Known as an intelligent and honourable man, “and we can pay his memory no higher respect than to say that his heart was as large as his head.”¹⁰

MR. JOHN BORTON Is an old and prominent settler in North Otago. He was born in Oxfordshire, England, in 1826, and was brought up as a surveyor and civil engineer. In the year 1849 he landed at New Plymouth by the ship “Cornwall,” and afterwards visited Nelson and Wellington before landing at Port Chalmers. In 1852 Mr. Borton went to Australia, but returned in the following year to New Zealand. He made three trips to England in 1853, and ultimately settled at Halfway Bush, Dunedin, where he built a house, which is still (1904) standing. With Mr. Julian Jeffreys he took up the Maerewhenua run of 15,000 acres, and the partners afterwards took up additional land, amounting, in all, to a quarter of a million acres. For many years Mr. Borton was interested in this property, and when the policy of the Provincial Government required that a portion of the run should be converted into freehold, about 30,000 acres were bought by the firm. Under Mr. Borton's direction this property was brought fully into cultivation; Mr. Jeffreys retired from the firm in the early stages of the estate's development. Mr. Borton was afterwards joined in partnership by the late Mr. A. McMaster, under the style of Borton and McMaster, the firm existed for many years, and was long one of the best known and most prominent pastoral partnerships in New Zealand; apart from its success as a private business, it rendered valuable service to the colony by importing and breeding stock of the best quality, especially Merino sheep. Ultimately the estate was divided, when Mr. McMaster took the Tokarahi portion, and Mr. Borton retained the Maerewhenua part. In 1895 Mr. Borton's property was

⁹ <https://dict-bio.howison.co.nz/person/alexander-mcmaster>

¹⁰ Otago Daily Times, Issue 7379, 9 October 1885, Page 1

acquired for closer settlement by the Government of New Zealand. A railway station on the Kurow branch line is named after Mr. Borton."

THE CYCLOPEDIA OF NEW ZEALAND [OTAGO & SOUTHLAND PROVINCIAL DISTRICTS] MR. JOHN BORTON.

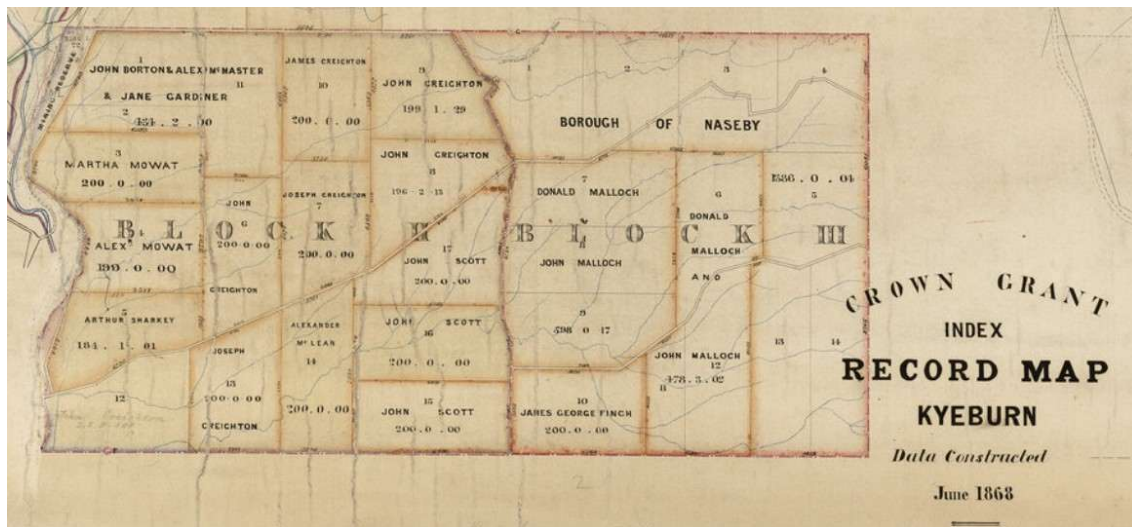


Figure 5 - Map of Blocks II and III, Kyeburn, June 1868

This map made in June 1868 shows Blocks II and III of the Kyeburn Hundred, naming John Borton and Alexander McMaster with Jane Gardiner, the Creighton family (John, James, Joseph), John Scott, Alexander McLean, James George Finch, and Donald and John Malloch – all owing property to the north of Block IV where Thomas Healy eventually had his properties. These names will pop up often in the documents and court cases mentioned here.

View a photo of Kyeburn Station by William Hart; photographer; 1876-1880; Otago.¹¹



Figure 6 - Kyeburn Station, Mount Ida, Otago, NZ

We know that Thomas Healy came to Otago in the late 1870s but what he did is unknown, although on one family tree document constructed by Eileen Sharp it says “gold miner, hotelkeeper, farmer”.¹²

Most of that is correct. However there are many newspaper notices documenting Thomas Healy’s activities at East Kyeburn Station and in the Kyeburn area from 1880 which are replicated here in chronological order.

Thomas Healy was no stranger to a courtroom, as you will read, he appeared many times either as a witness to someone else’s alleged wrongdoing, or in his own defence when he was accused of a felony. He also placed many notices in the local newspaper, mainly the Mt Ida Chronicle, selling items, making requests, or denying accusations made against him. His name was also spelt incorrectly sometimes, as Healy, Haly, Healey, but usually the articles located him at Lower Kyeburn, or of Kyeburn, so we know it was definitely him.

¹¹ <https://collections.tepapa.govt.nz/object/18280?page=1&rtp=1&ros=1&asr=1&assoc=all&mb=c>

¹² See <https://www.webgirl.co.nz/SharpHealy/thomasjohnhealy.html>

His brother Patrick Healy arrived in Port Chalmers, Dunedin on 28 August 1874 on board the "Otago" with his wife Ellen, and children Kate, Thomas and Patrick.¹³

His sister Honora who married a John Lawless emigrated to New Zealand along with their 3 sons - Stephen (10), Thomas (7) and John (2), on the "Corona" departing on 23 May 1874 from Gateshead and arrived in Otago on 28 August 1874.¹⁴

There are many newspaper references to the wider Healy family and their activities in the Naseby/Kyeburn area over the years.

While the focus of this document is on Thomas Healy, some other articles are included for completeness.

East Kyeburn Station - notices

IMPOUNDED on the 20th day of May 1880 by **Tom Haley**,¹⁵ **East Kyeburn** – 1 red and white steer, branded like P off rump, block brand on near rump, and tip off off ear; 1 white and red spotted steer, branded like S on off rump, and like AS on near rump, both ears marked. Owners unknown. Found trespassing on McMaster's Run, Kyeburn, for which the sum of 2.s 6d. per head is claimed for driving. In default of being released the above Cattle will be sold at the Naseby Public Pound on Saturday 5th June, at 12 o'clock, noon. P. McCLUSKEY, poundkeeper. [*Mount Ida Chronicle, Volume X, Issue 563, 29 May 1880, Page 3*]

NOTICE. Impounded on the 29th May by **Thomas Healy, East Kyeburn Station**, 1 Black Gelding, about three years old, branded like E off rump, both hind feet white. Owner Unknown. Found trespassing on the above station, for which the sum of 6s driving expenses is claimed, exclusive of poundage. In default of being released the above horse will be sold at the Public Pound on Saturday June 12th, at noon. P.M. McCluskey, Poundkeeper, Naseby. [*Mount Ida Chronicle, Volume X, Issue 564, 5 June 1880, Page 3*]

Notice. Tenders are invited for ploughing fifty acres tussock land on East Kyeburn. Information supplied and tenders received till 5th June by **Mr T Healy**. The lowest or any tender not necessarily accepted. [*Mount Ida Chronicle, Volume XII, Issue 659, 20 May 1882, Page 3*]

Notice: On and after this date Poison will be laid on the East Kyeburn Station. **Thos. Healy**. East Kyeburn Station, May 30th, 1882. [*Mount Ida Chronicle, Volume XII, Issue 661, 3 June 1882, Page 2*]

¹³ <https://www.webgirl.co.nz/SharpHealy/patrick-healy.html>

¹⁴ <https://www.webgirl.co.nz/SharpHealy/honorahealy.html>

¹⁵ Name spelt incorrectly.

Notice to owners of dogs. Notice is hereby given that Poison for the destruction of Dogs, has been laid on East Kyeburn Station. **Thomas Healy.**
[Mount Ida Chronicle, Volume XII, Issue 670, 3 August 1882, Page 2]

Witness, Sheep stealing, East Kyeburn Station

In August 1882, Thomas Healy was a witness in a case of sheep stealing, where John Creighton was accused of stealing and killing 6 branded sheep from Alexander McMaster's East Kyeburn Station. There was not enough evidence to go to trial, so the charge was dismissed. This is quite a lengthy but interesting article which you can read here.

[Mount Ida Chronicle, Volume XII, Issue 672, 17 August 1882, Page 2]

SHEEP-STEALING. John Creighton, farmer, was, on the information of the police, charged with having, between May 1 and August 2, 1882, wilfully and feloniously killed six sheep, the property of Alexander McMaster, proprietor of East Kyeburn Station, with intent to steal the skins, contrary to the form of the statute in such case made and provided therefor.

Sergeant Carlyon conducted the prosecution, and Mr Rowlatt appeared for the accused.

James Creighton, labourer, residing with the accused at his farm at Kyeburn, deposed that he remembered 2nd August last. On that day he went down to Maisey's hotel, Lower Kyeburn with a waggon, on which were some sheepskins and linseed. He got some of the skins from Fernvale Farm, some from Mowat's, and the rest from another part of accused's property. He did not know how many skins he obtained from each place, nor could he say where the skins came from originally. He did not kill any of the sheep from which the skins were taken, The skins he tied up in bundles and put in Maisey's store in company with the flax.

To Mr Rowlatt: He did not know if mutton was sold by the accused, or who generally did the killing for the farm. He (witness) was on the farm continuously between the 1st of May and the 2nd of August. He did not see the accused kill any sheep during that time. **Thomas Healy** was at Maisey's on August 2 when he took the skins there. After arriving at the hotel, he (witness), accused and Thos. Healy, at the invitation of the accused, went together and had a drink. Some time after this he was directed to carry the skins into the store. Healy was present when this order was given, and thought he was near enough to hear it uttered. He tied up the skins into four bundles, and then carried them into the store. Healy saw them carry the bundles in. Healy did not ask him anything about the skins.

Cross-examined by Sergeant Carlyon: He did not think tying the skins into bundles would conceal them. He placed the skins one upon the top of the other. Naturally the brands would be hidden. He took the seed off first. He (witness) loaded the dray, and the skins were not placed in any particular order.

At this stage, all witnesses in the case were, at the instance of Mr Rowlatt, directed to leave the Court.

John Creighton said he was a farmer, and was in partnership with his uncle, the accused. Some sheepskins were taken from his place on August 2 by James Creighton, who afterwards went on to Mowat's. He knew that the sheep from which the skins in question were taken were the accused's because they had his brands. The accused's brand was JC with a bar across, but did not know his colors. He never cut any brands or other marks from sheep owned by the accused or anyone else.

To Mr Rowlatt: He was not connected with the sheep department of the farm. The accused's ear-mark was "the top off one ear, and the back and front bit out of the other."

James Creighton, a son of the accused, corroborated the evidence of the two previous witnesses. He further said Alexander Mowat generally killed sheep for the farm.

Alexander Mowat, shepherd, in the employ of John Creighton, swore that eight or ten skins were removed from his place on or about August 1. He killed the sheep from which the skins came, and which he believed to be the property of the accused. He knew they belonged to accused by the ear-mark and brand. All had accused's ear-mark, and some his brand only. One of the sheep he killed had a red brand which, through mutilation, was only partly visible. The others were branded, but could not say what the brand was. The color of accused's brand sometimes was black and sometimes red. Accused's brand greatly resembled that on Mr M'Master's sheep. He had seen the skins in the possession of the police since the 2nd of August last. One had a red brand. (Skin produced). The brand on the skin produced resembled the marks on the one he saw in the hands of the police.

Cross-examined by Sergeant Carlyon: He lived about a mile away from the accused. He had been shepherding for him since 1st March last. He solely looked after the sheep, and killed them when necessary. Accused owned about 3,000 sheep. They ran on his farm, but there were others with them with brands different to that of the accused, although the ear-marks were the same. His supposition was that the sheep had been shorn by some one else

and branded by them. He had had delivery of sheep from McMaster's yards several times. He did not receive notice from Healy to remove them, but went to the yards and took them away. On one occasion he remembered taking several from the station, one of which had a red brand and another had a partly-mutilated brand. Accused did not tell him to kill the sheep which he was charged with killing with intent to steal the skins. He killed the sheep with the defaced brand. The two sheep in dispute were picked out by him because they were the only ones fit for the knife. He had never notified Healy that McMaster's brand was on accused's sheep.

Thomas and Joseph Creighton, sons of the accused, gave evidence similar to that of the previous witnesses.

Thos. Healy, managing shepherd of East Kyeburn Station, deposed that he had 10,000 sheep under his charge. On August 1 last he went down to Maisey's Kyeburn Hotel. He saw there the accused in company with one of his employees. Both were standing opposite the hotel door. He went to Craig and Co.'s stables, and when he returned to the hotel he saw that accused's waggon had come up during his absence. He heard accused direct the driver (Jas. Creighton) to turn the waggon opposite the hotel door. This was done, and he (Jas. Creighton) unyoked the horses and gave them a feed. Accused looked into the waggon, then he went in one gate and came out by another, and knocked about the place for about ten minutes. He sat down, and shortly after rose from his seat again, looked into the waggon, and finally asked the driver to have a drink with him, at the same time inviting him (witness) to join them, which he did. About 20 minutes after this, he went down to the stables and saw accused and his man bundling up some sheepskins in the waggon. He soon after went home. On the following morning he returned to Maisey's, and went into his store and examined some sheepskins therein. In consequence of the result of his investigation, he visited Naseby and gave information to the police. He went to Maisey's on August 3 with Sergeant Carlyon. They together visited the store, and he (witness) pointed out to him the skins which had been produced in Court, He noted that McMaster's brand was on one of the skins, and that on another had been tampered with. McMaster's brand was a right angle, both sides being of equal length. The skin marked "A" had the station brand on it. The brand on skin "B" had been mutilated and partly cut off. There were still traces of the brand visible. Skin "C" was tampered with in the same manner as the others. The remaining three skins corresponded with those marked, but could not well recognise them, although he believed them to be the property of Mr McMaster. On May 14 last all the sheep were taken off the

mountains, when he put some stores and fat sheep in the killing-paddock, which adjoined accused's farm. The fat sheep were raddled on the head.

Cross-examined by Mr Rowlatt: On August 2 he went to Maisey's on business. He had a suspicion that Creighton had some of McMaster's skins in the waggon, but did not make enquiries, because he thought it was not his business to do so. He would swear that all the skins produced were the property of McMaster. If he saw a sheep with McMaster's brand and accused's earmark, he would say it belonged to accused. If such a sheep was killed, and he saw the skin without the ear-mark, would say it was the property of McMaster. But, if such a sheep were killed in his presence, judging from accused's ear-mark, he would infer that it was the property of accused.

The witness, at the request of accused's counsel, went outside the Court-house to inspect three sheep there. On coming back into Court, he said that No. 1 had Creighton's ear-mark, with the brand of JP (conjoined), and believed it to be the property of Mr Joseph Preston. No 2 had accused's earmark, but he could not recognise the brand. No. 3 had McMaster's brand, but the earmark was strange to those of the other animals. He admitted that he was not friendly with the accused, but that was because he was so annoyed by him.

Thomas McWhirter, head manager of East Kyeburn Station, deposed that, previous to last shearing, the whole of the sheep were drafted for the purpose of culling, weeding-out strangers, etc. He produced two brands of the head station. On skin marked "A" (produced) noticed the station brand; also on skin "B." Had not the slightest doubt as to their being the property of Mr McMaster. The last skin resembled those of the East Kyeburn flock, and was that of a $\frac{3}{4}$ -bred Lincoln sheep - an unusual breed in the district. On four of the skins produced the brand had been cut away; that on another was plucked or pulled out; whilst it was intact on the 6th. No ears were attached to any of the skins, but there would be no difficulty in taking off the ears with the skin.

Cross-examined by Mr Rowlatt: He was present at the drafting at Tokarahi. Something under a score of accused's sheep were taken from the flock—cross-breds, mixed sexes. He was not certain if all accused's sheep were culled from his flock. Mistakes in culling were frequent, through carelessness on the part of station hands; but were not frequent at his station, as he attended to that part of the work himself. The station had four ear-marks. He had seen half-breds on accused's farm. The defacing of the brand he said had been plucked might have been caused by the sheep

rubbing itself against a rock or fence. (Three sheep were here shown to this witness, each having a different brand from the other, the object of which, evidently, was to show that many sheep brands in the district were alike.) He (witness) would not say that accused had never exchanged lambs with Mr Mackenzie, Mr Preston, or Booth Bros.

Jessie M. Maisey, licensee of the Lower Kyeburn Hotel, corroborated the evidence of Healy so far as the arrival of accused and the waggon and the unloading of the skins were concerned. Accused had dinner before unloading the waggon, and it was his opinion that no secrecy or attempt thereat had been displayed by the accused. There was nothing to prevent anyone from entering the store during any time, as the key of the door was always in the lock. Carriers were in the habit of sleeping in his (witness's) store.

Robert Hood, groom at the Lower Kyeburn Hotel for Craig and Co., gave evidence as to the arrival of the waggon, etc. The evidence of this witness was immaterial. In cross-examination, he stated that it was usual to send skins away either bundled, baled, or loose.

Thos. J. Miles, Registrar of Brands for the Dunstan sub-division, gave evidence relating to the registration, etc., of Mr McMaster's brand.

P. F. Carlyon, sergeant of police at Naseby, deposed to the finding of the six skins with which accused was charged with stealing.

Cross-examined: He visited Fernvale Farm on August 3, but did not arrest accused, as he could not find him. Accused visited his office early the next morning and asked him what he wanted him for. He told him that a charge of sheep-stealing had been laid against him. He (witness) showed him the skins. Accused said the brands thereon were very indistinct, and that no one could say whose brand it was.

This was the evidence for the prosecution.

Mr Rowlatt stigmatised the prosecution of his client as uncalled-for, and characterised it as one of the most malicious cases that had ever come under his notice. He contended that no evidence had been adduced to show that his client had obtained the skins in a surreptitious or illegal manner. The six skins in Court were undoubtedly the property of the accused. The ostensible proprietor had unblushingly sworn they belonged to him, and, as his statement was substantiated only by a mutilated or defaced brand, and as it had been proved that there were similar brands in the district, it was but justice to his client to honorably acquit him of dishonest intentions and to

suppose that the prosecutor had, unintentionally, made a mistake in the identification of the skins in dispute! But, taking a commonsense view of the case, was it reasonable to suppose, if the accused were really guilty, that he would have disposed of the skins in the way he did? He sent the skins, in open daylight and by an employee, to a well-known hotel; he made no secrecy about the matter (as several witnesses had proved), but did everything openly and publicly. The interior of the store was accessible at all hours by all persons; and could not those skins either have been removed or tampered with during the night? It was presumption to suppose Mr Healy could reliably swear to the identity of the skins. The brands to ordinary eyes were indefinable. Besides, there were similar other brands in the district, and, in the absence of ear-marks, there was only a defaced mark for Messrs Healy and McWhirter to base their assertions upon. Even assuming that the sheep were station property, where was the proof that his client killed the sheep? Mowat had sworn that he and he alone had killed the animals with the station's brand and accused's earmark, and had further acknowledged that accused had not known of the presence of strange sheep on his farm. It was a known fact that sheep trespassed on adjoining farms and stations, and were often shorn and branded without their presence being noticed. Mr Rowlatt concluded, an able advocacy of his client's cause by saying he could safely leave the case in the hands of His Worship, as it had been fully proved that his client was guiltless of the charge that had been laid against him.

The evidence being insufficient to put accused upon his trial, he was discharged.

Another case against John Creighton, of having illegally in his possession a certain skin branded "L" was withdrawn by the police.

Dog trespass case 1882

A case by Alexander McMaster complained that on 1 July 1882 “two dogs, the property of John Creighton, farmer, Kyeburn, trespassed upon his property and there killed twelve sheep, and worried, harassed and disturbed a flock of 400.” Thomas Healy was a witness in the matter. [**Mount Ida Chronicle, Volume XII, Issue 680, 19 October 1882, Page 2**]

Transcript:

DOG TRESPASS. Alexander McMaster complained that on July 1, 1882, two dogs the property of John Creighton, farmer, Kyeburn, trespassed upon his property, and there killed twelve sheep, and worried, harassed and disturbed a flock of 500. Damages, £26.

Mr Fraser for plaintiff, and Mr Rowlatt for defendant, whose plea was “Not Indebted”.

Thos. Healy, managing shepherd for plaintiff, deposed: That on July 1 he found two dogs worrying a sheep on plaintiff’s run. He drove the dogs away, and followed then to Creighton’s house. He searched the adjacent ground, and found four other dead sheep, which had been worried to death. [The evidence in this case was so voluminous, that we cannot hardly summarise it, in consequence of want of space. Healy’s evidence conclusively proved the worrying, and that the dogs who did the deed were the property of the defendant.]

Thos McWhirter estimated the value of the sheep worried to death at 10s per head, and considered that, if the dogs worried a flock for 20 minutes or so, it would be damaged thereby to the extent of from £10 to £50.

Joseph Creighton, jun, was put in the witness-box and swore to a conversation he had with Healy about the dogs in July last. [This witness contradicted himself several times, in consequence of which Mr Fraser decided not to prolong what he termed “a painful scene”.]

The defendant and his son Thomas Creighton both stated that they had, about four days after the occurrence, inspected the flat in front of their house, but did not find any dead sheep. The latter admitted that they did not visit the whole paddock, but considered it impossible that there could have been any dead sheep there, and not have seen them.

After counsel for the plaintiff and defendant had argued their respective cases, His Worship gave judgment for the plaintiff, with damages, £6, and 1s for injury to the flock by the worrying, and costs of case, amounting in all to £8 7s.

[Mount Ida Chronicle, Volume XII, Issue 680, 19 October 1882, Page 2]

Unlawful impounding case 1882

Resident Magistrates Court, Naseby, Monday 16 October 1882. **Thomas Healy** was again a witness in another court case between Alexander McMaster and John Creighton in which Creighton unlawfully impounded 254 sheep and kept the said sheep in a small paddock until he unlawfully drove the flock to the public pound in Naseby, thereby putting the plaintiff to much trouble and expense in the matter. McMaster and Creighton were adjoining landowners.

Full transcript:

UNLAWFULLY IMPOUNDING. A. McMaster v. John Creighton. - The plaintiff complained that the defendant, on or about August 7, 1882 unlawfully impounded 254 sheep, the property of plaintiff, and kept the said sheep in a small paddock until August 10, when he unlawfully drove the flock to the Public Pound, Naseby, thereby putting the plaintiff to much trouble and expense in the matter. In consequence of such treatment, the sheep were materially depreciated in value, besides losing 71 on the way back to the station; wherefor the plaintiff claimed as damages £72 5s, particulars whereof were as follows: To 71 sheep lost, £35 10s; damage sustained by the flock, £31 7s 6d; pounding fees. £2 17s 6d; loss of time in releasing sheep etc, £2 10s; total, £72 5s.

Mr Fraser (of Palmerston) appeared for the plaintiff; and Mr Rowlatt for the defendant. Plea "Not Indebted", and a general denial of the plaintiff's allegations.

Thos. McWhirter, manager for plaintiff, swore: That on August 13 he visited defendant's property (Section 10, Block II, Kyeburn Hundreds), and found nearly all of his fences in a bad state of repair [He (McWhirter) gave evidence, showing that defendant's paddock was quite open to the run, and that there was nothing to prevent sheep trespassing from one property to the other] He considered that the journey to Naseby combined with other circumstances has had the effect of causing the sheep in question to deteriorate in value and of making a break in the wool. In cross-examination this witness stated that he had, whilst residing at East Kyeburn Station, generally lived on peaceable terms with defendant. He had no personal feeling in the matter.

Thos Healy, managing shepherd at East Kyeburn Station, said that in the beginning of August he got a notice from defendant, informing him that he (defendant) had a flock of sheep of McMaster's at his place. He went to Creighton's farm on August 7th. Defendant wanted him to count the sheep, pay him for the damage done, and take them away. He offered to take tally of the sheep, and leave the question of damages open. Defendant refused to accede to this. On August 8 he again visited defendant's farm, and found that the sheep had been put in the stack-yard, in which was a stack of corn. On August 10 he saw defendant and A Mowatt driving the sheep to pound. Defendant came to the station, and asked him if he would take the sheep. He (witness) told him that he appeared to be doing as he liked with McMaster's stock, and that he could fire away. The sheep were only five hours in reaching the pound, and then they were yarded with a mob of cattle. He went for the sheep next morning. He found some of them very weak for want of proper food. In driving them to the station, he had to drop 71 of them on the

road. All the fences round section 10 were in a ruinous condition. The fence consisted of four wires, and three sods on the bottom, with standards averaging about 15ft apart, and laced here and there. [The whole of the witnesses for the prosecution swore that the defendant's fences were in a bad state, and were not sheep proof.]

Cross-examined: Defendant never offered to take them to the station and help him to cull the strangers from the station's sheep. He did not see Mowatt or Jas. Creighton at the defendant's on the 8th of August.

Hugh Cameron, sheep-farmer, Kyeburn, who was called as an expert, deposed: That the fences around defendant's section (10) were in very bad order on September 6th last He had had 23 years' experience as a sheep-farmer, and considered that a journey of 10 miles for a mob of sheep in the month of August would materially depreciate their value, and cause a break in the wool. It was a fact that the sheep in question would starve before they would tackle a corn-stack. He estimated the damage sustained by the sheep at from 2s to 3s per head. He did not consider that defendant's fences were sheep-proof.

Cross-examined: He did not consider the squatting interest was opposed to the farmers. To do sheep justice, it would take two days to drive a flock a distance of about ten miles.

Alexander Campbell, head shepherd for Messrs Stewart and Mackenzie, corroborated the evidence of the previous witnesses as to the state of the defendant's fences, and the damage that must have resulted to the sheep from the journey to Naseby and defendant's treatment of them. The market value of the sheep would depreciate from 3s to 4s per head, and the fleece be materially injured.

... contractor, proved that defendant's fences sheep proof. ... the case for the plaintiff.

Creighton, the defendant, swore that the fence round section 10 was in a good state. [This witness admitted the material of Healy's evidence re the conversation that took place between them about the sheep but was confident that he offered to take the sheep to the station and help him to count them.] He put the sheep in the stack-yard, and shortly afterwards he saw them standing on their hind-legs eating the corn; He left his (defendant's) farm, with the sheep at 7am and arrived in Naseby at about 4 p.m. The animals travelled well and they did not drop one on the road. The roads were not in very order, and the sheep were allowed to scatter on each side as they liked.

Mr Fraser severely cross-examined this witness, but he was unable to extract from him anything further than had come out in his examination-in-chief.

Alexander Mowatt, defendant's shepherd, corroborated the evidence of the defendant. He considered, the value of the sheep in dispute to be about 6s or 7s per head.

This was the case for the defence.

Mr Rowlatt having pleaded his case, and Mr Fraser having replied to.

His Worship reserved judgment till the following morning.

On the Court resuming on Tuesday morning, judgment was delivered on the case (McMaster v. Creighton). His Worship considered that in the case before him (as in all disputes between neighbours) there prevailed a spirit of bitterness, which of course hampered the Bench in attempting to get at the real facts of the case. He was of the opinion that the fence around defendant's section 10 was not of the nature laid down by the Act. Several disinterested witnesses had unhesitatingly sworn that the fence was not sheep-proof. One side of the fence in dispute was weaker than any other portion, and he ruled that its efficiency was to be judged by the weaker side. The evidence re the fences was of a very conflicting character. Mr McWhirter was positive that the cross fences on section 10 were in a ruinous state; whilst other witnesses for the plaintiff said they had been so for a considerable period. He had no doubt but that the sheep trespassed on defendant's property but it had not transpired how or where they obtained ingress to it. He was surprised that the defence had not tendered evidence to that effect. After further reviewing the evidence at great length, His Workship said he would give judgment for the plaintiff. As to damages, he assessed the injury sustained by the sheep at 2s per head. He said he was certainly surprised that such a journey as that described in the evidence had had the effect of lowering the value of the sheep to the extent deposed to. Mr Cameron had estimated such damage at between 2s and 3s per head; but it was not for him to set aside the evidence of such a witness because he did not understand the matter.

Judgment was given for £30 15s 6d, with costs of ease, £9 1s.

[Mount Ida Chronicle, Volume XII, Issue 680, 19 October 1882, Page 2

Marriage to Margaret Gallagher 1881

Until 1884, Thomas was Managing Shepherd of East Kyeburn Station for Alexander McMaster, and lived on the station property. He married Margaret Gallagher in 1881, who was noted as working for a local hotel, probably where Thomas frequented as a customer. Some reports say it was the Victoria Hotel.

MARRIAGE. Healy, Gallagher. At Dunedin, on the 5th Inst, by the Rev. Father Walsh, Thomas Healy, Manager East Kyeburn Station, to Margaret Gallagher of Naseby. [*Mount Ida Chronicle, Volume XI, Issue 614, 9 July 1881, Page 2*] [BDM 1881/2266]

Birth – Jean 1882

BIRTH: Healy. On the 6th April, at East Kyeburn Station, the wife of Thomas Healy, a daughter [*Mount Ida Chronicle, Volume XII, Issue 654, 13 April 1882, Page 2*] (Bridget Jane Healy) [BDM 1882/8311]¹⁶

Birth – Thomas, 1883

BIRTH: Healy. On the 9th inst., at East Kyeburn Station, the wife of Thomas Healey, a son. [*Mount Ida Chronicle, Volume XIII, Issue 709, 10 May 1883, Page 2*] (Thomas Healy Junior). Although his Army record states he was born on 9 May 1882. The newspaper record is probably more correct and his Births Deaths Marriages listing shows 1883. [BDM 1883/8856]¹⁷

Notices 1883

TO CONTRACTORS. Tenders are invited till the 28th inst. for Ploughing (in two or more blocks) about 400 acres of Tussock Land, near Booth's Homestead, Kyeburn. Land pointed out, and tenders received by THOMAS HEALY, East Kyeburn. [*Mount Ida Chronicle, Volume XIII, Issue 701, 15 March 1883, Page 2*]

TO CONTRACTORS. 500 acres tussock land to break up on Kyeburn Hundreds. Particulars given and tenders received by **T. Healey**, East Kyeburn. [*Mount Ida Chronicle, Volume XIII, Issue 702, 22 March 1883, Page 2*]

¹⁶ <https://www.webgirl.co.nz/SharpHealy/jeanhealy.html>

¹⁷ <https://www.webgirl.co.nz/SharpHealy/thomashealy.html>

Acquisition of Section 3, Block IV, April 1884

On 23 April, Thomas Healy was granted his **deferred payment licence** for **Section 3**, as in April 1884 this notice appeared in the Otago Witness:

LAND BOARD BUSINESS: DEFERRED PAYMENT LICENSES: The following applications for deferred-payment licenses were granted: **Thomas Healy, section 3, block IV, Swinburn** [*Otago Witness, 26 April 1884, Page 15*].

Pastoral leases were for a term of 10 years, and deferred-payment schemes were offered to encourage family farms. For agricultural land, the maximum block was 320 acres (130 hectares), the deposit was one-tenth of the price, and the money could be repaid over 10 years so long as the leaseholder lived on the land and made improvements (Land Act 1877).¹⁸

Under the Land Act 1882, pastoral leases were extended from 10 to 21 years and the so-called perpetual lease was introduced. Under this scheme land was offered at a maximum rent of 5% of the value per annum. Once again, residence on the land and improvements were required.¹⁹

This rectangular property is adjacent to the Kyeburn River, and had John Coyle owning a property to the east and south of section 3. Other landowners in the vicinity were Pearson, Hore and Crutchley. At that stage, Thomas Healy must have prepared to build the family homestead near Boundary Creek (remains of which still exist today) and started growing crops but was still living at East Kyeburn Station.

The Land Board also approved two other property acquisitions adjacent to Thomas Healy's Section 3 earlier in 1882 and 1883. These two men appeared often in newspaper and court cases related to activities of Thomas Healy:

LAND BOARD. Agreed - Alexander Pearson's application to purchase Section 5, Block IV, Swinburn. [*Otago Witness, Issue 1611, 7 October 1882, Page 14*]

LAND BOARD. DEFERRED-PAYMENT LANDS. Rural deferred-payment application for decision - John Coyle, section 4, block IV, Swinburn - License to issue. [*Otago Witness, Issue 1637, 7 April 1883, Page 13*]

¹⁸ <https://teara.govt.nz/en/land-ownership/print>

¹⁹ <https://teara.govt.nz/en/land-ownership/print>

Also in April 1884, Thomas Healy was advertising the following for sale from East Kyeburn Station:

FOR SALE, 3 superior quiet dairy cows, in milk, and to calve shortly; 5 steers, ready for fattening, 2 fat pigs. **Thomas Healey**, East Kyeburn Station. [*Mount Ida Chronicle, Volume XIV, Issue 760, 26 April 1884, Page 2*]

Breach of Sheep Act - court case 1884

Thomas Healy was a witness in a case of sheep stealing by Thomas McWirter, Manager of Tokarahi Station, Maerewhenua. This shows he must have left East Kyeburn Station by this time.

RESIDENT MAGISTRATE'S COURT NASEBY. Tuesday, July 15, 1884 (Before John S. Hickson, Esq., KM). BREACH OF SHEEP ACT. Thomas McWirter, Manager of Tokarahi Station, Maerewhenua, was charged, under the 49th section of the Act, 1878, with having on May 7 driven a mob of sheep across the upper portion of Run 206b, without having first given to the occupier of the said run 24 hours' previous personal notice of his intention to do so. Mr Shaw (of the Sheep Department) conducted the prosecution; Mr McWhirter was unrepresented by counsel. Plea "Not Guilty." David Barron, District Surveyor, gave evidence defining the runs respectively held by Messrs McMaster and Creighton. Cross-examined: In following the bridle-track from Maerewhenua it would not be necessary to encroach upon any portion of Run 206b. When Creighton bought the lease it was understood that a portion of the track was contained within its boundaries; but the Land Board had since decided that he (Creighton) had no right to the land on the northern side. It was also possible to drive a mob of sheep from Maerewhenua to Kyeburn, by way of Mount Pisgah, without going on Run 206b. John Creighton, lessee of Run 206b remembered May 7th last. On the afternoon of that day he saw a flock of sheep being driven, down a spur situate near the middle of his run. He had not received notice of the defendant's intention to cross the lease. He could not state who the sheep belonged to, nor the number that comprised the flock.

Cross-examined: When he first saw the sheep they were about a mile away. He did not ascertain any particulars about them. James Creighton, shepherd, stated that, on May 8, he went down to the sheepyards at East Kyeburn Station to inspect the sheep that had passed through the run the previous day. He traced the tracks, but did not come across the sheep themselves. In his cross-examination this witness admitted that he had not seen the sheep at all, but said Thomas Healy had admitted to him that they

belonged to defendant. **Thomas Healey, a deferred-payment settler**, who had been for some time in the employ of defendant as head-shepherd at East Kyeburn Station, deposed that, on May 7, he drove a mob of sheep (probably about 800) from McMasters yards on the Maerewhenua side of the Pass to East Kyeburn. He followed the track usually taken in driving sheep across the ranges, and which crossed Run 206b in several places. The sheep belonged to Mr McMaster, of Tokarahi Station, and consisted of half-bred lambs. He did not give the lessee the notice rendered necessary by the Act. Cross-examined: In his capacity of head shepherd it had been usual for him to give Mr Creighton notice in driving sheep from Kyeburn to Maerewhenua, but not if they were driven from Maerewhenua to Kyeburn. His instructions were to give notice only in the former case. Mr McWhirter said the witness had evidently mistaken his instructions, as he had repeatedly directed him to always give Mr Creighton notice when driving sheep across his run.

John Pringle, who described himself as a musterer, but at present as a rabbitier was next called. Mr Shaw: Do you remember May 7th last? Witness: No, I can't say I do. I am not in the habit of keeping records of dates.

His Worship: Evidently you have got a nice witness to deal with, Mr Shaw. Mr Shaw: It appears so, your Worship. (To witness): Do you remember meeting Healey at the yards on the other side of the range some two months since? Witness: I can't say I do. I have met him so many times, and I have had no cause to remember one occasion more than another. His Worship (co witness): It is evident you won't answer the questions, and I shall give you in charge and allow you time to reflect on your conduct. Constable Hasmussen, take this man in charge. The witness was then removed from the Court, His Worship remarking that it was evident he had not the slightest intention of answering the questions. John Sullivan, shepherd, Tokarahi Station, gave evidence which did not throw much light on the circumstances of the case. This was the case for the prosecution.

Mr McWhirter briefly addressed the Bench for the defence, and said the whole affair had been the outcome of the negligence of one of his employees. So far as the arrest of the witness Pringle was concerned, he would say this —that there was no cause to be surprised at the manner in which he had given his evidence. He was only casually employed about the station, and had no particular reason to remember anything that might have transpired in connection with driving the sheep to the yards on the 7th of May. Had he been a contractor, he would have taken a memo, of the date, number, etc., but, under the circumstances, there were reasonable grounds to suppose that he was as ignorant of the affair as he professed to be. Mr

McWhirter urged that His Worship should consider certain extenuating circumstances in connection with the offence of illegally driving sheep, as it had occurred through no real neglect of his.

His Worship considered the case had been proved, and fined defendant the minimum penalty of 3d per head on 800 sheep, with costs of Court 19s, and witnesses' expenses £4 1s, making in all a total of £15.

The defendant was then charged with having committed a similar offence on May 23rd. The evidence having been taken, His Worship fined him 3d per head on 400 sheep, with costs of Court 7s (in all, £5 7s). A third information against the same defendant was withdrawn by the Inspector. The witness Pringle was then brought into Court and admonished by His Worship, and the Court then rose. **[Mount Ida Chronicle, Volume XIV, Issue 772, 19 July 1884, Page 3]**

Birth – Rose 1884

Rose Ann Healy was born on 7 August 1884 (BDM 1884/18292) in Kyeburn.²⁰

Request for Access to property 1885

In 1885, under Engineer's Report for the Maniototo County Council,

Swinburn, Messrs Coyle and **Thomas Healey** are occupiers of sections 3 and 4, block IV, Swinburn, both having frontages to the Kyeburn, which is the only means of access to their properties. An expenditure of £5 or £10 would dissipate the difficulty. **[Mount Ida Chronicle, Volume XV, Issue 849, 5 December 1885, Page 3].**

Kyeburn. Moved by Cr Preston, and seconded by Cr Ewing – that the Engineer be instructed to prepare plans and call for tenders for work necessary on the road to Messrs Coyle and **Healey's** sections; to be dealt with at the next meeting of the Finance Committee. Carried unanimously. **[Mount Ida Chronicle, Volume XV, Issue 849, 5 December 1885, Page 3]**

It looks like Thomas Healy had taken up possession of Section 3 by 1885, and together with his neighbour John Coyle, they were requesting help with creating access to their landlocked properties, which at that time was by fording the Kyeburn River.

We can imagine that Thomas Healy spent time establishing his farm and building his homestead and outbuildings using river rocks from the nearby Boundary Creek

²⁰ <https://www.webgirl.co.nz/SharpHealy/rosehealy.html>

as there are no newspaper articles for a period of time. He would have planted crops and built up his livestock and other assets to work the farm.

Beverley Sharp (daughter of Frances Healy) quotes in her memoirs:

Thomas and Margaret built their own cottage of river stones and mud at Kyeburn, gradually enlarging it to contain four small bedrooms and various farm sheds as the family increased in size over the years. The surrounding scenery where they established their farm is magnificent; a green valley surrounded by snowcapped mountains, close to the Kyeburn river, with a crystal clear trout stream running through the farm close to the cottage. This little stream provided the only source of water for the house and farm and the water had to be carried in cans to the kitchen when needed. Apart from general farming, Grandfather Healy indulged his love of horses and kept a number of racehorses. He also opened and operated a small open cast coal mine in the nearby hills of Mt Pisgah.

The cottage was small, very small for a large family, with only candles and kerosene lamps for lighting. There was no laundry, and the weekly wash was boiled in a cauldron over a wood fire outside, and in the wintertime in freezing snow.

The children didn't start school until they were eight to ten years old as they had long distances to walk or ride a horse, and had two swift flowing rivers to cross over narrow bridges. In very bad weather, they had to remain home.

Yet even in these primitive surroundings, these children were taught the finer points of living. Girls were encouraged to be ladylike and well-mannered, shoes must always be shined, linen starched, silver polished regularly, food attractively presented, and woe betide those who slipped up on table manners.

There were no shops for miles, so every three months, Grandfather Healy would travel by horse and cart on the long journey to Dunedin to buy supplies. As we know people in those days had very large families, and married women were constantly pregnant. There was little or no medical help, and many mothers and babies died. On one of Grandfather Healy's journeys away for supplies Margaret, all alone except for her first three little children, gave birth to Beverley's mother, Frances. She delivered the baby, cut the umbilical cord, washed and dressed it and then cooked breakfast for the other toddlers. There was no-one nearby to help her. Her pride in her achievement turned to fury with Grandfather when on his return a week or more later, he did not notice she was no longer pregnant and had had the baby! She had to tell him!

Birth – Frances 1886

Frances, or Fanny as she was popularly known, was born in Kyeburn on 7 January 1886 [BDM 1886/18998].²¹

Crop growing success 1886

In 1886, an article appeared in the Mt Ida Chronicle lauding the initial success Thomas Healy had in growing crops:

In the growth of root crops some of the land under cultivation in this Country has developed a capacity somewhat extraordinary, if not phenomenal. Mr **Thomas Healey**, of Kyeburn Hundred, has left with us five potatoes which collectively turn the scale at 10lbs. The tubers are all of an average length of 8in., with a diameter of 3in. Mr Healey informs us that he recently lifted from a paddock on his farm eleven potatoes – the product of one root – which weighed an ounce or two over 23lbs. [*Mount Ida Chronicle, Volume XVI, Issue 872, 17 July 1886, Page 2*]

Later in July, Thomas Healy advertised Turnips for Sale:

For Sale, about 25 acres of First-class Turnips and Aftercrop, for Feeding-off Purposes. For further particulars apply to **Thomas Healey**, Lower Kyeburn. [*Mount Ida Chronicle, Volume XVI, Issue 873, 24 July 1886, Page 2*].

The land must have been quite fertile in those days, although the weather did have an impact on harvesting of some crops.

Also in 1886, tenders were called:

Light Formation Clearing etc, block IV, Swinburn, on the road leading to Messrs Coyle and **Healey's** sections. [*Mount Ida Chronicle, Volume XVI, Issue 860, 18 February 1886, Page 2*]. (Sections 3 and 4)

A tender was rejected for £6 15s as noted in the [*Mount Ida Chronicle, Volume XVI, Issue 862, 6 March 1886, Page 2*]

Boundary Fence Dispute 1886

Later in October 1886, there was a dispute which ended up in court between **Thomas Healey** and his immediate neighbour **John Coyle** over boundary fencing between their two properties, where John Coyle was seeking to recover from Thomas Healy the sum of £26 15s 5¼d, half the cost of erecting a barbed fence between **sections 3 and 4**, block IV, Swinburn district. They argued as to who had

²¹ <https://www.webgirl.co.nz/SharpHealy/franceshealy.html>

promised what and when and the quality of the fence. Eventually, "Judgement would be for the plaintiff for £15 10s, with costs £3 14s. In order to prevent further litigation he would give his judgement under the equity and good-conscience clause of the Act." [*Mount Ida Chronicle, Volume XVI, Issue 890, 28 October 1886, Page 2*]

Full transcript:

A boundary-fence dispute occupied the attention of the R.M. for a couple of hours on Wednesday. The suit was between **John Coyle and Thomas Healey (Kyeburn)**, plaintiff seeking to recover from defendant the sum of £26 15s 5¼d, half the cost of erecting a barbed fence between sections 3 and 4, block IV, Swinburn district. Mr Rowlatt for plaintiff; Mr McCarthy for defendant, who put in a set-off of the value of £17 5s for grazing a horse and several mobs of sheep and pleaded "Not Indebted" for the balance. The evidence of plaintiff was to the effect that about the time Healey took up his section he promised to pay half the cost of erecting the fence so soon as he was able to do so, but that he subsequently repudiated the agreement and refused to fulfil his promise. Plaintiff disputed every item in the set-off, and swore emphatically that he had never arranged with defendant to graze either his horse or his sheep; he had always had more grass for his stock than they were capable of eating off. John Scott said he had recently inspected and valued the fence in dispute and found it to be really serviceable and well and honestly erected. He valued it at 12s 6d per chain at present rates. For the defence, **Thomas Healey** deposed that he had never agreed to be responsible for half the value of the fence, although, when **Coyle** mentioned the matter to him, he said he would pay valuation for it. **Coyle** had asked him at different periods to graze various mobs of sheep on his holding, and he had done so, the price agreed on being 1s head for periods of time ranging in length from four to eight months. Defendant volunteered the statement that the fence was neither sheep nor cattle-proof nor of any practical value to him. Mr Rowlatt asked the witness whether he had heard Mr Scott's evidence and if he did not think it had been fairly and impartially given? Defendant: "Oh! I would not take Scott's valuation! It is worthless! If I were to; say a certain color was black he would say it was white!" (Laughter.) Mr Scott, who was in court, jumped up and exclaimed: "Healey only says that, your Worship, because I would not allow myself to be made a fool of by him in a valuation in which he asked me to take part!" A peremptory mandate from the bench had the effect of putting the quietus on the disputants. Mr McCarthy argued that the case must fail on these grounds (l) That the fence in question was not erected in accordance with the requirements of the Fencing Ordinance, both as regarded its height and the

number of wires in it; (2) that the requisite notice, calling on defendant to pay half the value of the fence, had not been served on Healey within a month from the date of his occupancy, as prescribed by the Ordinance; and (3) that such proof of the agreement mentioned by **Coyle** had not been adduced would justify the Court in mulcting defendant in the sum claimed. Mr Rowlatt replied that Mr McCarthy's contention with regard to the serving of the notice was erroneous. He argued that the section quoted by his learned friend merely imposed an obligation on Healey to pay the amount within a month from the date of his occupancy of the section. His Worship upheld Mr Rowlatt's contention; and in delivering judgment, he expressed his belief that Healey had promised to pay the amount in dispute, but had repudiated the agreement on getting at loggerheads with plaintiff. He would allow Healey £8 6s for grazing, and take Mr Scott's estimate of the value of the fence namely, 12s 6d per chain. Judgment would be for plaintiff for £10s, with costs £3 14s In order to prevent further litigation, he would give his judgment under the equity and good-conscience clause of the Act.

In 1887 at the County Council meeting, under Reports, is an item as follows:

The report of the Finance Committee was read and adopted. The pound inspector reported (and forwarded letter of complaint) that **Mr Thomas Healey, Kyeburn**, had been overcharged for the impounding of four horses, and that proper feed had not been given them. A letter from the poundkeeper was also read, denying the statements made by Mr Healey. The inspector was of opinion no overcharge had been made. Moved by Cr Lavery, and seconded by Cr Anderson – that the pound inspector's report be received; and with regard to that portion of it referring to complaints made by Mr T Healey of Kyeburn, regarding the excessive charges made by the poundkeeper on four horses belonging to him impounded on 24th March, this council is satisfied, after hearing the explanation of the poundkeeper, that no excessive charges have been made, but those authorised by the Impounding Act. Carried unanimously. [*Mount Ida Chronicle, Volume XVII, Issue 928, 9 June 1887, Page 3*]

No of Sheep Maniototo (In Dunstan Subdivision)

Healy, Thomas, Naseby: 1887 – 91; 1888 – NIL [*New Zealand Gazette.*]

Kyeburn, Otago, 81 miles NW by rail and coach via Palmerston, in Maniototo county. Healy, Thomas, farmer [*Wises NZ Post Directory, pg 257, 1887-1888*]

Birth – Margaret 1887

Margaret Healy was born on 30 June 1887 in Kyeburn [BDM 1887/7928]²².

Pigs for Sale 1888

Thomas must have been raising pigs on the property because he advertised for sale the following:

FOR SALE. 123 prime grain-fed bacon pigs in lots to suit purchasers. To ensure a bargain, early application is necessary. Parties purchasing pigs can have the use of the boiler on the premises to clean them before removal. Further particulars on application to **Thomas Healey**, Lower Kyeburn.
[Mount Ida Chronicle, Volume XVIII, Issue 966, 7 June 1888, Page 2]

Birth – Patrick Parnell 1887

Patrick Parnell Healy was born in Kyeburn on 11 April 1889, the 6th of ten Healy children [BDM 1889/15538]. His webpage describes the very sad life of Patrick, what happened to him, and the circumstances surrounding his death. These notes are compiled from his medical history obtained from the Otago District Health Board and it makes harrowing reading.²³

Kyeburn Residents 1888

Kyeburn Residents in 1888 (Stone's Directory 1888)

38 people listed, among others some names you will recognise as being involved with Thomas Healy:

- John Coyle, farmer
- John Creighton Jnr, farmer
- John H Crutchley, labourer
- George and William Currie, farmers
- **Thomas Healy, farmer**
- James McNamara, farmer
- Alexander Pearson, blacksmith
- James H Preston, sheep farmer “Longlands Station”
- James Reid, farmer

Application for Coal Lease 1889

In the Otago Daily Times, it was reported:

²² <https://www.webgirl.co.nz/SharpHealy/margarethealy.html>

²³ <https://www.webgirl.co.nz/SharpHealy/patrickhealy.html>

LAND BOARD. NASEBY – The District Land Officer at Naseby reporting on an application by J.T.B. Hickson on behalf of **Thomas Healy** for coal lease of 50 acres on Run 206D, stated that he saw no objection to the lease being granted. Consideration adjourned for a fortnight; Mr Mulloch to receive notice. [*Otago Daily Times, Issue 8507, 30 May 1889, Page 4*]

Birth – Catherine 1890

Catherine was born on 30 May 1890 in Kyeburn [BDM 1890/8792]. Like her older brother Patrick, she was born with congenital hypothyroidism, a disease caused by insufficient production of thyroid hormone by the thyroid gland, which results in a general slowing down both physically and mentally. It is genetic, predominantly in women, and caused by the fact, Eileen believed, that Grandma Margaret Healy had developed a large goitre, a problem rampant in rural inland New Zealand for many years due to lack of iodine in salt and foods. Because of this, the family believes that Catherine and her sister Susan did not develop physically and mentally beyond the age of 12 years, and so were sadly institutionalised all their lives.²⁴

Trespass notice and poison laying 1890

In 1890 Thomas Healy placed the following notice in the newspaper:

NOTICE. Any person or persons found trespassing on section 3, block IV, Swinburn district, Kyeburn will be prosecuted. And further Notice is given that poison for dogs will be laid on the said section on or after this date.

Thomas Healy. Kyeburn, 18 July 1890. [*Mount Ida Chronicle, Volume XXI, Issue 1076, 19 July 1890, Page 1 (Supplement)*]

Advertisement for sale of Section 3, March 1891

A notice then appeared in the local newspaper in March 1891 (presumed to be leasehold **Section 3** which he had owned since 1884) and at that stage he had seven children:

For lease or sale: A compact, improved farm of 200 acres at Kyeburn. Permanent running water. Fifty acres good turnips. For further particulars apply to Mr **Thomas Healey**, or R & S Inder, Auctioneers. [*Mount Ida Chronicle, Volume XXI, Issue 1111, 19 March 1891, Page 2*].

The permanent running water referred to would have been Boundary Creek.

This was seven years after Thomas Healy obtained rights to Section 3. Maybe the initial lease was up, or he thought he could sell the lease and move on. Why would

²⁴ <https://www.webgirl.co.nz/SharpHealy/catherinehealy.html>

he do that after building up the property. However, a record of any sale could not be found.

Under **Weekly Live Stock and Produce Report** for Wednesday July 23, 1891, it was reported the following livestock sale:

“For Mr **Thomas Healey (Kyeburn)** 180 two tooth crossbreds (stores) at 12s 6d.” *[Otago Daily Times, Issue 9175, 23 July 1891, Page 2]*

Boundary Creek – water rights application, October 1891

In October 1891, Thomas Healy applied “for a right to lift two Government heads of water for irrigation and machinery-driving purposes, commencing at a point where the dividing fence crosses the said creek, and terminating in **Section 3**.” This was for Boundary Creek which ran through Section 3. After much argument in court, the application was withdrawn, saying “if he was to be refused the water they could also take his section.” *[Mount Ida Chronicle, Volume XXII, Issue 1143, 29 October 1891, Page 3]*

Full transcript:

BOUNDARY CREEK. Thomas Healey applied for a right to lift two Government heads of water for irrigation and machinery-driving purposes, commencing at a point where the dividing fence crosses the said creek, and terminating in section 3.

The application was objected to by John Durward²⁵ (for whom Mr. Kerr appeared) on the grounds that (1) the granting of such quantity of water would give Healey a monopoly of the water in the Boundary Creek; and (2) the granting of such right would have the effect of depriving persons already settled on land in the vicinity of Boundary Creek of the right to secure water for domestic purposes and for stock. The objector also stated that he was perfectly willing that a much smaller quantity of water should be granted to the applicant. John Durward gave evidence to the effect that if the application were granted it would cause serious interference with settlement on the land above the point where it was proposed to lift the water. The witness was anxious to secure a small supply of water from the same creek for domestic purposes and stock at a point about five miles from where Healey proposed to divert, and was at present making inquiries with a view to communicating with the holders of the private property through which his proposed race would run. At present witness had to cart water from the river.

²⁵ John Durward owned Section 7 of Block IV., not connected, but to the south east of Thomas Healy's property. From the maps showing river courses, the damming of Boundary Creek may have had an impact on the water supply to his property.

Other settlers would be prejudiced by the granting of the right asked for. The average supply of water in the creek during the year was scarcely three heads.

In answer to questions by Mr. Healey, the witness said his land was not along the course of Boundary Creek, being about two and a-half miles distant. The persons through whose property the race intended to be applied for by witness would run were named Booth and Finch²⁶, and witness thought they would readily give their consent. It was true that witness some time ago got his land revalued and reduced on account of his representation that he had no water running through it. Witness was acting in this case solely on his own responsibility. John Coyle, farmer, stated that he lived lower down than Healey, and part of the water of Boundary Creek ran through his section and was the only water available by him. If two heads were allowed to flow in its natural bed witness would not object to the present application. In dry seasons there was very little water in the creek, sometimes not more than one head.

On the application of Mr. Healey the objector was re-called, and, in answer to a question as to his reason for not applying for a water-right long ago, said it was his intention for some time to apply for it after the New Year. Witness was engaged in carrying for a portion of the year, and would possibly be away from his farm for the next three or four months. He was not aware that people looked on him as being simply a dummy for another person. The applicant was then examined by Mr. Kerr. He said he wanted to divert the water from the creek chiefly for the purpose of irrigating some 40 or 50 acres of very poor land, which he proposed to plant with forest trees, with the object of obtaining compensation from the Government. There were about two heads of water in the creek now, and by the month of January next there would probably not be one head, although this season was much better than those experienced for some years. Coyle had a splendid spring 150 yds. from his house, which gave him a good supply of water. It would require fully two heads to drive a chaffcutter on applicant's land. At present he had to cart his straw two miles to get it cut. The very time that witness would require the water most would no doubt be the period when Durward would want it for domestic purposes and stock, if the latter's proposed application were granted. Witness's holding was the last on the creek, there being three settlers above him. His Worship said that if he granted the application the

²⁶ Booth owned Section 22 in Block I, and Finch owned a number of sections in Block I, through which Boundary Creek ran, as shown on c1900 maps.

applicant would be able to prevent the settlers above him from using the water.

Mr. Healey replied that he would always be willing to let them have water for chaff-cutting. If Durward's proposed application were granted, the water would be taken away altogether from its natural course, while if the settlers above witness used it for cutting chaff it would be returned to the creek and flow down to him.

His Worship said there was at present only Healey's own application before the court, and he could easily object to Durward's application being granted when it came up for hearing. From his own experience he certainly thought applicant was asking for too much water for irrigation purposes. The applicant pointed out that the ground was very shingly. Mr. Kerr said that for the purposes of irrigation half-a-head would be amply sufficient. If the right asked for were granted an injury would be done to the whole Kyeburn Hundred. The settlers must have water if they were to make a living, and this was a *sine qua non* without which it was useless to take up land. He held that a right for domestic purposes and for stock should have precedence over one for irrigation. His Worship said he agreed with Mr. Kerr, and would grant a right for one head subject to any grants that may be made in future for domestic purposes and stock. The applicant declined to accept this, and withdrew his application, saying that if he was to be refused the water they could also take his section.

[Mount Ida Chronicle, Volume XXII, Issue 1143, 29 October 1891, Page 3]

John Durward owned Section 7, Block IV, to the south of Section 2 (James Reid), Section 3 (Thomas Healy) and Section 4 (John Coyle), and all the water courses shown on maps of the day fed west into the Kyeburn River, although Boundary Creek was further north of Durward's property and fed in from James George Finch's properties, Sections 18-21 in Block I, according to a map circa 1900.

Then in November 1891 under "**Boundary Creek**":

The application of **Thomas Healey** for a right to divert water from Boundary Creek, Kyeburn, was reinstated. John Coyle also lodged a similar application. Mr W Kerr appeared for John Durward, who objected to the granting of Healy's application, and Mr McCarthy for Susan Cook and J G Finch who objected to Coyle's application. Thomas Healey also objected to Coyle's application being granted. After some discussion, His Worship adjourned both applications for inspection, intimating that he would take the earliest opportunity of visiting the ground. ***[Mount Ida Chronicle, Volume XXII, Issue 1146, 19 November 1891, Page 3]***

Also:

Mt Ida Miners' Association. At a monthly meeting of the Association held in the Town Hall Naseby on 31 October: **Mr Thomas Healey** wrote pointing out the necessity of the association urging upon the warden in granting water rights for irrigation purposes etc, to grant them only on condition that they would not interfere with or prejudice the rights of miners to discharge into such water courses any tailings or mining debris coming from mining claims. Moved by Mr W Blair and seconded by Mr J McGrath – “That the secretary bring under the notice of the warden the great danger that may arise to the prejudice of the mining community by granting rights for irrigating purposes without special conditions being imposed to secure miners against any action for polluting water sources by discharging tailings and tail water from their claims; and that the secretary interview the warden personally on the matter.” [*Otago Witness, Issue 1969, 19 November 1891, Page 15*]

In December, the following article appeared:

BOUNDARY CREEK. His Worship said that with regard to **Thomas Healey's** application to divert water from Boundary Creek, Lower Kyeburn, he had visited the ground, and did not feel the least inclined to grant the right asked for. On the occasion of his visit the applicant had all the water in the creek turned into a shingle bed, leaving none for Coyle, the objector; and he would advise him to come to some understanding with Coyle, who, in his Worship's presence, had made Healey a very fair offer. The applicant had not shown that spirit of generosity, which he liked, to see in every man. The application would be refused. **Mr. Healey** said he had to turn the water on to his land because his stock were starving for want of grass. As for coming to any arrangement with Coyle, he had been "nipped" too often by that person already. John Coyle (for whom Mr. Kerr appeared) also applied for a right to divert water from Boundary Creek, which was objected to by Susan Cook and J S Finch (for whom Mr. M'Carthy appeared) and Thomas Healey, the application was adjourned for a month. [*Mount Ida Chronicle, Volume 22, Issue 1150, 17 December 1891, Page 3*]

At the Warden's Court on 7 January 1892,

T Healey, water-race, Boundary Creek, Kyeburn – adjourned for a month to enable the applicant to notify the parties interested. [*Mount Ida Chronicle, Volume 22, Issue 1153, 7 January 1892, Page 2*]

Birth – Susan 1892

Susan Healy was the eighth child of Margaret and Thomas Healy. She was born in Kyeburn on 9 June 1892. However, on 14 August 1914, her mother Margaret signed the documents committing Susan to Seacliff Mental Hospital. This was the same day as her sister Catherine, and her two brothers Patrick and Francis.²⁷

Sheep stealing accusation, December 1892

THE COURTS, Resident Magistrates Court, Naseby, Wednesday January 20.
Before S Mead Dalgliesh, Esq. R.M. Alleged Sheep stealing.

In this article, Thomas Healy, farmer, was charged by the police with that he did on or about 26th December 1891, at Kyeburn, feloniously steal, take and drive away 29 sheep – to wit, 22 Merino ewes of the value of £12 4s, and seven Merino lambs to the value of £1 8s, belonging to Alexander Anthony and Ronald McMaster.

This is a lengthy article describing the very serious court case. The outcome was that Thomas Healy “was then formally committed to take his trial at the sitting of the Supreme Court, Dunedin on March 7th 1892. Bail was allowed the prisoner, himself £200 and two sureties of £150 each.”

On Friday Thomas Healey was also charged “on two informations by the police with unlawfully cutting out a certain brand (H4) from some sheep. He was also charged by W.A. Scaife, Stock Inspector, with removing more than one third of the whole of the right ear from each of 12 sheep found in his possession on January 9th, and with removing 22 sheep from a run at Kyeburn without consent. All the cases were adjourned until after the trial of the accused at the Supreme Court on the charge of sheep-stealing.

Full transcript:

THE COURTS. RESIDENT MAGISTRATE'S COURT, NASEBY,

(Wednesday, January 20.) Before S. Mead Dalgliesh, Esq., R.M.

ALLEGED SHEEPSTEALING

Thomas Healey, farmer, was charged by the police with that he did on or about 26th December, 1892, at Kyeburn, feloniously steal, take and drive away 29 sheep— to wit, 22 Merino ewes of the value of £12 4s., and seven Merino lambs of the value of £1 8s, belonging to Alexander Anthony and Ronald McMaster.

²⁷ <https://www.webgirl.co.nz/SharpHealy/susanhealy.html>

Mr. Kerr appeared for the prosecutors, and Mr. McCarthy for the accused. James Reid, settler, Kyeburn, deposed that he recollected the morning of December 26th last, on which day, when on his way to Kyeburn Station, he met Mr. Healey about 4.50 a.m. He could not say definitely whether Healey was on McMaster's run or on the road, the road-line being unfenced on one side. Healey was driving some of McMaster's sheep, probably between 25 and 30. He recognised them as being McMaster's sheep by the ear-marks.

Mr. McCarthy took exception to the witness stating what were McMaster's brands, only the Registrar of Brands being capable of doing so. He could say what were the brands he saw on the sheep, but that was all.

Witness (continued): He noticed the brands on the lambs, and recognised them as being those ordinarily used by McMaster. He had been resident five or six years in Kyeburn. The sheep, which were Merino ewes and lambs, were being driven by the accused along the side of McMaster's fence. The road-line near which he saw the sheep did not go in the direction of Healey's section, but it would be possible for Healey to go from there to his section by trespassing on McMaster's property, into which a gate opened. Healey was driving the sheep in the direction of this gate. Accused asked witness if he had seen any horses, to which he replied in the negative, and rode on.

Witness also passed a remark to the effect that he thought it was sheep Healey was looking after, but did not know if the accused heard him. When witness met Healey the latter left the sheep and came towards him, and when they parted as far as he knew, he did not return to them. The sheep were not shorn. The brand on the lambs was L coloured black, and the ear mark on the ewes was a fork out of the tip. Messrs. McMaster's land adjoined Healey's, but a paddock intervened between where he saw the sheep and Healey's section. Witness saw 400 or 500 of McMaster's sheep that morning in the corner of section 12, but noticed no one with them. Healey was coming away from this mob of sheep, and when witness met him with 25 or 30 sheep he was about 200 yards away from them. Witness could not say whether the lambs were scouring or not. Healey was a settler living at Kyeburn Hundred, and his land adjoined that of witness.

Cross-examined by Mr. McCarthy: He passed close by the mob of sheep which Healey was driving, but could not say that each one of them was branded or ear-marked. He could swear to having seen the earmark on half a dozen. What he had stated was all that took place between accused and himself. Healey was walking and driving the sheep. Witness was riding, and stopped his horse on coming up to the sheep, which were standing still when he took particular notice of them, he made himself positively certain that

those he noticed were McMaster's sheep, but he did not dismount from his horse to inspect them. If he wished to be very particular about the earmark he would get off his horse and examine the sheep thoroughly. Witness did not see Healey go back to the sheep after he left him.

To Mr. Kerr: He saw no other brands or earmarks but McMasters. All the sheep were uniform in appearance. He had no doubt about the sheep being McMaster's.

W. A. Scaife, Inspector of Stock, deposed: He knew the accused, and saw him on January 8th last, he told him that he wished to inspect his sheep. He replied that it would be inconvenient for him to go out that day, as he had other work to attend to, and could not be there before half-past three the following day, and an arrangement was come to for witness to go out the following Saturday. Healey asked if witness was making a general inspection, and he replied No. Healey further enquired his reason for wishing to see his sheep so particularly and he said because Healey had not forwarded a return of sheep owned by him to the department. On the 9th January he went to accused's place at a quarter past six a.m. being accompanied a portion of the way by John Coyle. On reaching accused's yards witness saw a riding hack in the paddock which was not there the previous night, and also heard what he believed to be Healey's voice speaking inside the house. He saw no sheep in the yards, and then went to look if they had been moved anywhere, and on reaching one of Healey's paddocks saw some sheep in the corner and waited there, keeping sight of them, till Sergeant Green and Mr. Millar came down about half-past eleven. They all rode to Healey's yards, and when accused saw them he asked witness if he had come to see the sheep. He replied "Yes." Witness started the sheep out of the corner of the homestead, toward Healey and Sergeant Green. Healey did not assist him, and witness asked if his dogs wouldn't work and help him in mustering. He replied: 'No the dog won't work.' Healey then asked if he (witness) was satisfied with the sheep, and he answered "No, I want to see them in the yards, because I may want to catch some." Accused then suggested that he should examine them in the paddock, and then endeavoured to bring them down without his dog, but not succeeding he put the dog on and it soon yarded them. Witness looked over the sheep and saw that among them were several newly ear-marked. He caught one, and showed it to Healey, Sergt. Green and Mr. Miller. He asked accused how he accounted for this and said it appeared there were a number of them. Healey replied: "They were all right when I branded them. Somebody's done it." He further added that there were some queer things done out there sometimes, to which witness replied: "Yea, it certainly appears so". Accused said the sheep were branded the day after New Year,

when they were not ear-marked. The ear-marking appeared to have been done within a week and since the sheep were shorn. Witness heard Sergt Green say to Healey: "Coyle says he's lost some sheep. Will you have any objection to his looking through these?" Healey replied that he would not allow Coyle on the ground as they did not agree. Sergt. Green answered there was no fear of any row in their presence, but there were more ways of inspecting the sheep if Healey did not consent. Accused thereupon agreed to let Coyle over, but could not identify any of the sheep as being his. Witness then decided to catch the newly ear-marked sheep, take their ages, and measure their ears. Sergt. Green and Mr. Millar assisted witness in catching them. They caught 22 Merino ewes and two Merino lambs all freshly ear-marked. Of these there was one 2-tooth, thirteen 4-teeth and eight 6-teeth. Among these 22 there were 10 sheep which had nearly half of the ear taken off, as had also the lambs. In these cases, every sheep had off more than the third of the ear prescribed by the Act. Witness measured the length of the ears with a piece of straw. A good many of these ewes were wet ones. Witness caught eight others out of the mob with more than one-third of the ear off. In the off ear of two of the sheep there were the remains of a punch hole. Witness counted altogether 65 sheep and 36 lambs on Healey's property. There were some Southdown lambs, and Healey said a Southdown ram had got among his ewes for a short time. The sheep were branded H4, the ewes in red and the lambs in black, well up the loin on the near side on the ewes, and on different places on the lambs. The red paint was wet. All the sheep examined had the tip off the off ear, and a back quarter on the near ear and a fore bit. The whole of the 22 sheep were marked as described, but some of the others were marked the opposite way, which accused said was a mistake. Witness had seen McMaster's sheep with the brand L on them, on the lambs about the ribs and on the ewes farther back. The 22 sheep and two lambs seen at Healey's appeared to be of the same type as those of McMaster's. Fully half the ewes were wet ewes. Accused told him that all the 22 sheep were shorn at the same time, and that Creighton and Cain had shorn them. Witness had been 18 years among sheep. The 22 sheep appeared to have been shorn later than the remainder of the flock. Witness saw no sign of scouring among the sheep. He produced a "Gazette" dated December 27, 1888, defining the districts.

Mr. McCarthy objected to the "Gazette" being put in, as the proclamation referred solely to the Sheep Act, which was prior in point of view to the Brand and Branding Act, which came into force on January 1st, 1881.

Mr. Kerr put in the "Gazette" defining districts under the Sheep Act, and also the "Gazettes" containing the appointments of Messrs Clifton and Shaw, of

Mr. A Douglas *vice* Mr. Clifton, and of Mr. Scaife, *vice* Mr. Douglas, as registrars of brands.

Witness produced the application of Healey for his brand, which had been taken from the file and sent by the registrar at Clyde. Mr. McCarthy objected that the whole register should be produced. He also held that until regulations were made by the Governor under section 20 of the Brands and Branding Act 1880, there could be no such thing as a register in existence.

Witness: The signature to the application by Healey was that of Mr. Shaw. There was an erasure, and he could explain that by saying that it was first signed by Mr. Miller, and after the re-gazetting of the districts owing to a defect in the regulations the alteration was made by Mr. Shaw.

By Mr. McCarthy: When Mr. Shaw's signature was substituted for that of Mr. Millar, Mr. Healey did not re-sign the application.

Mr. McCarthy objected that there was no branding registrar in existence at the time of Healey's application, and the register of Healey's brand was inadmissible because the evidence of Mr. Scaife showed that no application was ever made by Healey to a brand registrar as required by the Act.

Mr. Kerr replied that assuming it was not valid as a re-registered brand, he would put the application in as admission by Healey that he applied for the brand and had always continued to use it.

Henry Green, sergeant of police, stationed at Naseby, corroborated Mr. Scaife's evidence in every respect as to what occurred at Healey's yards on the 9th January. On Monday, 11th January, he, in company with Constable Johnstone, visited the Kyeburn River, and discovered twenty sheep and seven lambs all dead. All the sheep had their legs tied with binder twine of the same description and length. They had also a large patch cut out of the skin about the loins. On two of the ewes small patches of red paint were noticeable, but no brands were to be seen, and he supposed they had been cut out. The heads of the sheep had also been cut off, and he found several of them, on which the ears had been cut off short. He found no ears. The lambs' throats had been cut, and their ears cut off short. He found the sheep lying in different places down the stream, spreading over a distance of about a mile. The nearest sheep would be about 100 yds. from the crossing leading to Healey's farm. On the 15th witness saw two more, making a total of 22 sheep and seven lambs. As far as he could judge, the sheep he found in the river were the same as those examined by him at Healey's. Witness produced some of the string taken off one of the sheep. The sheep were found to be all ewes, some of them wet, while the lambs were of different

sexes. Witness and Constable Johnstone went up to the crossing leading to Healey's, where they found wheelmarks coming from the direction of his farm, going into the stream, turning round, and out again on the same side. The imprint of the wheels was quite fresh. Witness traced the wheelmarks in the direction of accused's, as far as the yard in which the sheep were on the previous Saturday. The dray had apparently gone direct to the stream from the yard, and in returning had gone up the stream on to a road and then back to the yard, and witness noticed that the width of the wheels would compare with the dray marks traced. They found the dray at the end of the marks. Accused went down to the yard, and witness told him he wanted to see the wool. They opened a bale and inspected some of the fleeces, and then witness asked Healey to let him see his sheep again. Accused said he had a complaint to make to witness about his sheep, as somebody had driven away a number of them during the night, and **Mrs. Healey** had heard somebody about the place. In reply to a question by witness, accused said he did not know how many were missing. Witness examined the cart, and found in it some lumps of clay, a piece of hose, and some sacking, and several small particles of wool were sticking to the sides, the dray having a greasy wet appearance. Witness drew Healey's attention to the cart having been out of the yard and he replied that he had been at the coalpit with it that morning. Accused said he had had the sheep in the yard since the rain on Saturday night. Witness examined the rest of the flock, which were brought down by Healey, and remarked to him that none of the newly ear-marked sheep were among them. Accused said "No." He asked him if he did not consider it singular that those sheep should be away, and he said it was strange. Witness asked if he thought they had been driven away to the mountains, and he said he did not know. They counted all the sheep and found 69 — 29 lambs and 10 sheep — there being also a dead one, which made a total of 70 — exactly 31 less than they counted on their first visit — 24 sheep and seven lambs. Witness visited the shed in the corner of the yard, which sheep had evidently recently occupied, and in that he found a quantity of binder twine similar to that with which the sheep's legs were tied, and all the pieces of the same length. When accused said he did not know where the sheep were, witness told him he thought he could show him where they were. Accused then accompanied him to the river, and on being shown one of the sheep remarked that the head was off and that the brand had also been cut out. He said he could not identify them as his, as there was nothing to go by. Witness drew his attention to the manner in which the sheep's legs were tied, and he said "Yes, it's binder twine." Witness and Constable Johnstone then left accused. Witness subsequently laid an information against him on the 15th.

Cross-examined by Mr. McCarthy: He had not had much experience among sheep, but was quite certain the sheep had been ear-marked about a week before he first saw them from their appearance. He did not measure the wheel-marks at the stream with those near the house, but he followed the marks right up to where the dray stood. The distance from the wheelmarks in the stream to accused's yard where he found the dray would be about 300 yds. It would have been easy for a person to have taken the dray out during the night unknown to the Healey family. The distance from where the dray was found to the house would be about 50 yards. Between the yard and the house there were two walls, one sod and the other stone. Anyone could have got into the small shed in the yard, the door having no lock. Witness attached some importance to finding the twine in accused's yard, but he knew it was used on many farms for reapers and binders. It was not the usual stuff used for tying sacks.

To Mr. Kerr: He did not measure the wheelmarks because they were the only marks to be seen. The twine after being used for tying up sheaves would be in the lengths found in the bundle.

Thomas Johnstone, police constable stationed at Naseby, deposed to having visited accused's farm in company with Sergt. Green on the 11th January, and corroborated in every point the latter's evidence with regard to finding the carcasses of 20 sheep and seven lambs in the Kyeburn River and the condition in which they were, and also with respect to the examination subsequently made. On the morning of the 14th witness found two more sheep in the river, which he skinned, and also two heads.

In cross-examination the witness stated that when Sergt. Green called accused's attention to the sheepskin which was hanging on the fence of the yard, Healey said he had recently killed a sheep for the use of his family. That would sufficiently account for the sheep having been rounded up in the yard. The dray being wet might have been caused by rain, but he did know whether it rained the previous night.

To Mr. Kerr: In answer to a question by witness on the 11th, accused said he had his sheep in the yard on the day before (Sunday).

John Coyle, farmer, Kyeburn, gave evidence to the effect that he knew the accused whose farm adjoined his. He corroborated in all material points the evidence previously given with regard to what took place at accused's yards on the 9th January in the presence of Healey, Messrs. Scaife and Miller, Sergt. Green and witness. He heard Healey tell Mr. Scaife that the brand and ear-mark on the ewes and lambs were both his. The sheep were like those he had

seen on McMaster's run, and had been shorn roughly, the trimmings not having been taken off the legs. Witness knew McMaster's sheep at Kyeburn, which were mostly 4-tooth Merino and 2-tooth half-bred hoggets. These were branded like L in black, but he had seen some branded in red. The earmark was a fork piece out of the top of the ear. The 22 newly ear-marked ewes which he had seen at Healey's on the 9th he saw again on Monday, the 11th inst. lying in the river. There were 29 altogether, 22 ewes with their heads cut off and seven lambs with their throats cut and their ears off. He handled a great many of them and knew they were the same sheep by the way they were shorn and by the place where the brand had evidently been cut off. The place where the skin was cut off the carcasses corresponded with the place where the brand was on the sheep he saw at Healey's yard. He knew of no sheep about Kyeburn like McMaster's, which were he thought, a special breed of Merino, with a large growth of wool about the head. The sheep he saw at Healey's appeared to have had a lot of wool about the head, the way they were shorn. Witness had known accused for seven or eight years, and had seen his sheep sometimes every day. He had never seen a ram among his sheep, except a southdown ram belonging to witness which was with his ewes seven years ago. He did not know of Healey having purchased any sheep since seven years ago. Healey had about 200 acres of land, 20 acres being down in English grass. Witness had no doubt that the 22 sheep he saw at accused's yards were McMaster's.

By Mr. McCarthy: Witness knew that Sergt. Green Mr. Scaife and Mr. Miller were going to the accused's place on the 9th because Sergt Green told him the day before at Kyeburn. Witness declined to answer a question by counsel as to whether or not he had given any information to the sergeant regarding Healey's sheep. He also declined to say whether he expected to be called in by the sergeant to see the sheep on the 9th but being ordered by his Worship, he admitted that he did expect to be called in. He was at McMaster's yards in February 1891, but could not say what kind of sheep they had then. On December 26 witness saw Mr. Little taking 400 or 500 ewes out of the paddocks, all apparently of the same age, but he did not "mouth" them. He knew the brand and ear-mark of neighbouring sheepowners. He would not swear positively that the sheep he saw in the river were the same sheep he saw at accused's on the 9th, nor would he swear that accused's sheep had not been put to a ram, nor that Healey had not purchased sheep since the first lot. Accused and witness some years ago had a law case about a boundary fence and some time ago went to court about some water, but witness had no spite against Healey and was sorry to have to give evidence.

Robert Little, manager of Messrs. McMaster's East Kyeburn Station, deposed that on 3rd December he had a mob of 478 ewes in a paddock known as "Malloch's" between which and accused's place there was a turnip paddock. The sheep put in were four-tooth Merino ewes and about 60 per cent of lambs, and were all branded like L in black—the ewe lambs on the near shoulder and wether lambs on the off shoulder. The ear-mark was a fork in the near ear for the ewes and in the off ear for the wethers.

Mr. McCarthy here objected to this evidence of the brand on the ground that no evidence could be given of any brand being commonly used by any sheepowner, apart from registration of such brand, because by section 15 of "The Branding Act, 1880", it is prescribed that all sheep above the age of four months shall be branded with the registered brand of the owner and for every sheep not so branded the owner shall be liable to a penalty, and the penalty imposed implies a prohibition against using other than a registered brand.

Witness (continuing): On 26th December witness counted the sheep in the paddock and found a deficiency of 33 ewes. Up to that time the sheep had not been shorn. Witness considered himself a judge of sheep, having been amongst them between 40 or 45 years. The sheep referred to were an established breed of strong combing merino, and there were no others of the same breed at Kyeburn. They had a large growth of wool about the head, and were of such a distinct type that a non-expert having once seen them could distinguish them again from other sheep. Those he found lost on the 26th had not been recovered. All the lambs had a scour of a black nature through eating fathen and other weeds. At the request of Sergt. Green, witness examined the sheep found by the Sergeant in the Kyeburn River on the 12th inst. He inspected the ewes which had been shorn, very minutely. The lambs, to the best of his belief, were McMaster's, and the ewes only wanted the heads putting on to make them McMaster's. The identical spot that witness branded his sheep on had been cut off. The lambs had the same black scour on them as those that came out of his paddock, and were about the same size and age. He noticed a blotch of red paint on the brisket of one of the sheep. Witness had not sold any sheep to Healey. On the 26th December, when he went to remove the sheep from the paddock, he found they had been rounded up into the corner and the earth trampled down. Witness had seen Healey's sheep, which were of a different breed from McMaster's, being "fine combings." He had never seen a ram amongst them. Accused's brand looked like H4 which could be used to obliterate McMaster's. Witness examined some wool fleeces in accused's possession on the 13th some of which were of the strong combing wool type and the larger portion crossbred

wool. Witness believed Coyle would be able to identify McMaster's sheep if mixed among others.

Cross-examined: Before witness would swear definitely regarding the ear-mark of a sheep he would always like to catch the sheep and closely examine its ear-mark. One fairly acquainted with witness's sheep could swear to 20 or 30 of them if passing them on horseback. If he were shown a sheep one day and the following day one mutilated as those required, he could not swear if they were the same. Witness thought it possible the lost sheep might yet be found on the hills, as he could not say definitely where they were until after the second muster. He wouldn't swear positively that the sheep found in the river were McMaster's, but only to the best of his knowledge and belief. Healey might have had a ram amongst his sheep.

To Mr. Kerr: The paddock was securely fenced. The brand on the sheep in the paddock from 3rd to 26th December was very distinct, and, if standing still could be distinguished at some distance by a person on horseback without stopping. This was all the evidence.

His Worship asked if Mr. McCarthy had any defence to make.

Mr. McCarthy replied that if his Worship had made up his mind to commit the accused he would reserve his defence.

His Worship said he had determined to commit him.

The prisoner was then asked if he had any statement to make, and replied that he had nothing to say, and would reserve his defence.

Accused was then formally committed to take his trial at the sitting of the Supreme Court, Dunedin, on March 7th, 1892. Bail was allowed the prisoner, himself in £200, and two sureties of £150 each.

On Friday the above accused, Thomas Healey, was also charged on two informations by the police with unlawfully cutting out a certain brand (H4) from some sheep.

He was also charged by W. A. Scaife, Stock Inspector, with removing more than one-third of the whole of the right ear from each of 12 sheep found in his possession on January 9th, and with removing 22 sheep from a run at Kyeburn without consent.

All the cases were adjourned until after the trial of the accused at the Supreme Court on the charge of sheep-stealing.

[Mount Ida Chronicle, Volume 22, Issue 1155, 23 January 1892, Page 3]

Also reported in:

Otago Daily Times, Issue 9331, 23 January 1892, Page 2

North Otago Times, Volume XXXVI, Issue 7349, 25 January 1892, Page 2

Mount Ida Chronicle, Volume 22, Issue 1156, 28 January 1892, Page 3

The case of Sheep-Stealing against Thomas Healey began on Tuesday 8 March before His Honor Mr Justice Williams and a common jury. The report is lengthy but a great read.

Transcript:

[SUPREME COURT. Otago Witness, Issue 1985, 10 March 1892, Page 26]

Tuesday, March 8. (Before his Honor Mr Justice Williams,). His Honor took his seat on the bench at 10. a.m.

SHEEP-STEALING. Thomas Healey was arraigned on an indictment charging him with that, on the 26th December last, he did feloniously steal, take, and drive away 22 ewes and seven lambs, the property of Alexander Anthony and Ronald McMaster. The Crown Prosecutor (Mr B. C. Haggitt), with him Mr Hosking, appeared on behalf of the Crown; and Mr F.R. Chapman, with him Mr McCarthy (of Naseby), appeared on behalf of the prisoner, who pleaded Not guilty.

Mr Hosking, in opening the case for the prosecution, referred briefly to the legislation of the country with regard to sheep and brands, for, he said, a good deal would turn on the question of brands. Legislation had been in force for a considerable period providing for the creation of sheep districts, which in turn were subdivided into subdivisions. Otago formed a district, and the Dunstan was a subdivision; and it was in the subdivision of the Dunstan that the sheep in question in this case were. The districts were subject to the jurisdiction of sheep inspectors, who had certain powers, the object of which was to prevent sheep-stealing, and one of the powers was that at any time they might call upon the owner of sheep to muster his flock for the purpose of seeing whether it contained sheep belonging to other persons. In order that sheep might be identified, the Legislature had also provided for the branding of sheep. Every owner had by law to register a brand, and there must not be two brands alike in the same district. In addition to brands on the wool, there was also an earmark, which often took the form of a hole punched in the ear. The earmark, as a rule, was on the tip or towards the end of the ear, and to prevent the destruction of brands the Legislature had provided that it was not lawful to cut off more than one-third of the ear of a sheep. In 1890 the Legislature, knowing that sheep-stealing was an offence

that was rife, made the act more stringent still, and one of the provisions of the new act was that ear-cropping was absolutely prohibited.

Proceeding to open the facts of the case, learned counsel stated that the prosecutors were Messrs A. A. and R. McMaster, who were runholders living in the Kyeburn. Their run stretched to within about 10 miles from Naseby and was known as Tokarahi, and the manager in charge of that part of the station was a man named Little. The prisoner had a piece of land of about 200 acres which adjoined McMaster's run and was only separated from one of the boundaries of the run by a post and wire fence; and the prisoner at one time was in the employ of the McMasters as manager of this part of their run. The prosecutors had a brand which was some times called an L or the two sides of a triangle, and they also had an earmark, consisting of a fork out of the top of the ear. The brand was placed on a particular position for ewes, on the near or left shoulder, and the earmark in the ewes was out of the near ear; and in the lambs the earmark was taken out of either ear, according to the sex. There was also an earmark, a piece cut across the ear, which was popularly known among all owners of sheep as "the thief's brand." The prisoner's wool brand was a very marked one, being H4, and his earmark was a slit across the ear. In addition to that he took what was called a quarter of the ear, and put a notch in. It was not suggested that the notch and the forequarter were used in any particular sheep for the purpose of distinguishing sheep, and the prisoner was not likely, in any case, to require any distinguishing marks for he had only a small flock. The McMasters' sheep were a very special kind, known as Fisher's breed of merinos, which were distinguished by the fact that they were very woolly sheep— so much so that the wool came over the face and in many cases rendered the sheep blind and stupid towards shearing time. They were also square across the back, deep ribbed, and shorter in the legs than the ordinary class of sheep. There was no other breed of that kind in the district. The prisoner's sheep were rather a mixed lot. There were some merinos, which were fine-combing, as distinguished from the McMasters' strong-combing, and there were also a few Southdowns, so that generally the flock was not uniform. On the 3rd December last Little put a number of McMasters' sheep into a paddock, called Malloch's paddock, which belonged now to the prosecutors, and the sheep that were put in were ewes— chiefly wet ewes— and there were a certain number of lambs, the latter being about 60 per cent, of the total, which was 478. The sheep continued in the paddock till the 26th December, on the morning of which day a man named James Reid, a neighbour of the prisoner's, while on his way to Mackenzie's station at Kyeburn, saw the prisoner driving a small mob of sheep. Healey was on foot, and had a dog

with him, and while he was driving the sheep Reid saw that a dog knocked down one of the sheep, and that the prisoner went forward and picked it up again. That was the sort of thing that was likely to happen to long-woolled sheep about shearing time. So soon as the prisoner saw Reid he came forward in front of the sheep and accosted him, asking him if he had seen a horse along the road, to which Reid replied that he had not. Reid passed on, but when he came up to the small mob of sheep he stopped his horse and looked at them. He saw that they were merinos, he noticed the earmarks and brands, and he knew from his previous experience in the district that these sheep were McMaster's. He rode on, and when he came to Malloch's paddock he saw a mob of 400 or 500 sheep huddled together. It was suggested that this was the remainder of the mob, and that they were huddled together in that way only in consequence of their being disturbed and mustered. There was no one else about at the time at which this took place, and the hour at which it happened was half-past 4 in the morning. Later on in the day Little counted the sheep in the paddock, and found that 33 were missing.

The next step in the case was that on the 8th January the sheep inspector, Mr Scaife, saw the prisoner in Naseby and said to him that he wanted to see the sheep that day. The prisoner said it would not be convenient, and Scaife suggested that someone else might muster for him. The prisoner objected to that, and said he would not allow anyone to muster his sheep. He urged as an excuse for not going back that day that he had business with the borough council which would delay him till half-past 2 next day, and Scaife made an appointment with him for 2.30 on the following day. It would be shown, however, that the prisoner did not stop in Naseby till the following day, but went back home that night or early next morning. Scaife anticipated the prisoner, though, and himself went out in the direction of the farm early in the morning. About half-past 6 he visited the place, and when he found where the sheep were on the farm he went off some distance to keep an eye on them, till the arrival of his assistant (Millar) and Sergeant Green. They went on to the prisoner's place about 11 o'clock and told him they wanted him to muster his sheep. One of the points that they noticed was that a number of the sheep in the flock, which consisted of about 101 sheep, were newly ear-marked. That was obvious from the fact that the sore was not entirely healed at the end of the ear, and it could be seen that the wool on the face of the sheep was clotted with blood, which indicated that the ears must have been cropped after the sheep were shorn, and the prisoner himself admitted that he sheared the sheep on New Year's Day. The prisoner was asked how it was that the sheep were newly ear-marked. The prisoner's reply was that "He did

not know; somebody had done it; they were not like that when he sheared them the week before, and they were all right then.” Then the prisoner said, in answer to a question, that he had bred the sheep himself, and he deliberately said he had not bought them. He was then asked to account for the absence of rams on the place— for not a ram had been seen there for about three years— and his explanation was that a ram had strayed into his place for a night and then gone away again. Of the sheep that were thus ear-marked there were 22, with two lambs, and the ears of both sheep and lambs had obviously, from their appearance, been marked at one and the same time. In the case of all the sheep a large portion of the ear was cut away with what was called the “thief s brand,” and in some cases more than a half of the ear had gone. These sheep had the prisoner's brand, which it could be seen was new, because the paint had scarcely yet dried on the wool, and his suggestion was that the sheep and lambs were branded at some time by someone within a week of the time when he met these people. These 22 sheep were merinos— many of them wet ewes, and nearly all four-tooth sheep. They bore the marks of having been recently and roughly shorn and they had indications of being an exceedingly woolly class of sheep. All the witnesses would concur in saying that these sheep were of the same type precisely as the breed which the McMasters' had on that part of their run, and they were also the same type of sheep as had been placed in Malloch's paddock. The next stage in the history of the matter was that on the morning of the 11th January Sergeant Green and Constable Johnston proceeded to the prisoner's farm. Before they reached it, they found in the Kyeburn stream the carcasses of 22 sheep and seven lambs, which evidently had been recently killed. In the case of the sheep the heads were cut off and the ears were cropped away from the heads, and the places where the brands had been were cut out of the skin so that the pelts had no traces of the brands, but on two of the sheep there were traces of red paint about the spot where the brand had been. The lambs had not their heads cut off but only had their ears cropped off. The sheep had the brands all removed from the left or near side — the side on which the McMasters' ewes were branded— but the lambs were of different sexes, and the skins had traces of cuts on different sides, so that they had evidently been branded on different sides according to the sexes. In order to connect the prisoner with the sheep in the river it would be shown that, leading from the prisoner's farm to the river, there were dray marks; and the dray was found in his yard at the end of the impressions which the wheels had made. After seeing the sheep, the sergeant and constable went to the prisoner's place, and when they arrived there the prisoner stated he had a complaint to make that someone had come about the place and removed some of this sheep. The sergeant said he thought he

would be able to find the sheep for him, and then he drew attention to the wheelmarks, and asked if he (Healey) had been to the river to which the prisoner replied that he had been to his coalpit. The dray had in it some canvas and hosing, but it was itself greasy and wet in appearance, and bore about its sides the marks of wool. The sheep, when found, were tied by three legs with binder twine of uniform lengths, and in a shed in the prisoner's place there was found a bundle of twine of lengths corresponding with the lengths found round the sheep's legs. There was this further singular circumstance that, upon the prisoner's sheep being mustered, it was found that the 22 sheep were missing which had, upon the inspection on the 9th, been found to be newly earmarked. One great point which the Crown relied on was the destruction of these very sheep to which the attention the inspector had been directed. While the sheep were in the creek, Little was summoned, and he made a careful examination of them there, when he identified them as being similar to the sheep missed from Malloch's paddock. It would be for the jury to draw their inferences from the facts that would be laid before them, and to say whether the prisoner was or was not guilty of having stolen the sheep that were mentioned in the charge.

The following witnesses were examined on behalf of the Crown: Willis A. Scaife, Sergeant Green, Constable Johnston, John Coyle, James Reid, John Cargill Millar, and Robert Little.

Mr Chapman intimated that he would not call any witnesses, but that he wished to address the jury.

His Honor suggested that as it probably be late before the jury could retire to consider their verdict, and as they had had a long day already, it might be better for learned counsel to defer addressing the court until the morning.

The suggestion was adopted, and the jury ordered to be kept together for the night.

The court rose at 5.30 p.m.

The court case continued the next day.

[Otago Witness, Issue 1985, 10 March 1892, Page 26]

SUPREME COURT. CRIMINAL SESSIONS.

Wednesday, March 9. (Before his Honor Mr Justice Williams and a common jury.) SHEEP-STEALING.

The trial of **Thomas Healey**, who was indicted upon a charge of sheep-stealing, was resumed at 10 a.m.

The Foreman said that the jury wished to ask whether the brands on the lambs seen in Healey's paddock were larger than the brands on the sheep. The Crown Prosecutor (Mr Haggitt) replied that there was no evidence of that, but one witness Scaife had said that they looked larger.

Witness Scaife (recalled) said that in his opinion the brand H4 on the lambs was larger than the brand on the paper.

To Mr Chapman: He could not identify a ewe lying in the creek by the wool on its udder unless it was of some peculiar colour.

The Crown Prosecutor then rose to review the evidence.

His Honor: Surely, Mr Haggitt, it is not usual to do that. You have the right, but it is not usually exercised excepting when the evidence given does not correspond with the opening.

After some discussion, His Honor said it seems to be reasonable that where the Crown is directly concerned, as in a post office prosecution for the larceny of letters, that you should have the right of reply, because you would be specially representing the interests of the Crown - not generally, as every Crown Prosecutor does.

The Crown Prosecutor remarked that he wished he had known beforehand that he would not be allowed to speak. He had specially prepared himself last night.

His Honor said that he did not prevent Mr Haggitt from speaking, but for the reason stated he hoped he would be concise.

The Crown Prosecutor replied that if he did speak he should be more than concise.

His Honor: Well, unless there is some special reason it does not seem to me to be your duty. There may of course be some special reason.

The Crown Prosecutor: As I have said, your Honor, I do not wish to speak for the sake of hearing my own voice. I should only do so as a question of duty; and as you say it is not my duty, I shall sit down.

His Honor: I do not say you should not sum fully, if there is a special reason for doing so. If there is, it is certainly your duty to sum up. However, if you do not care about summing up, there is an end to it.

The Crown Prosecutor: If I were to sum up after what your Honor has said, it would certainly appear to the outside public, and perhaps to the jury, that I was pressing unduly upon the prisoner, and I do not want to do that.

His Honor: Very well.

Mr Chapman delivered an eloquent speech for the defence, in the course of which he said the proposed evidence for the Crown was wholly insufficient to prove the case. His friend seemed to feel that this morning when he proposed to adopt the unusual course of following up his evidence with an address.

The Crown Prosecutor: Surely that is not a matter for comment.

Mr Chapman: And was ruled out by His Honor. He must have felt the stress laid upon him, and that the case was not the easy, glib matter that Mr Hosking had opened. He (Mr Chapman) said that unless the case itself convinced the jury without speeches from the prosecution there must be a doubt, and it was the duty of the jury to give prisoner the benefit of any doubt. The Crown had set themselves to prove that on the 26th December last prisoner stole these sheep from the Messrs McMaster, and they had conducted the case in a remarkable manner. What took place this morning was one sample, and Mr Hosking's interruption of the cross-examination of a witness yesterday was another. He (Mr Chapman) was not often engaged in a criminal case, but it was the first time he had been arrayed against a gentleman imported into the case in the private interests, it must be supposed, of the prosecutor. A struggle was being made to convict Healey, not so much in the interests of the country, but in the interests of a private person. Well, the Crown had to prove that these sheep were stolen by Healey on the date mentioned. It was not necessary to prove the exact number, but the particular sheep must be proved. What was the evidence on which the case was based? Really all that was known was what Reid had stated as to seeing Healey driving a mob of sheep and picking up one that had been knocked down by the dog. Reid did not handle the sheep; the whole transaction recorded between him and Healey took place inside of two minutes; and there was nothing in his evidence to lead any reasoning man to suppose that Healey would have gone off the road at all with the sheep but to rescue the one that had been knocked down. That was the first evidence. It gave the jury absolutely nothing whereby to determine the case, unless subsequent circumstances aided it. And it involved the Crown starting on the extraordinary assumption that Healey proceeded to take away these sheep and steal them knowing that he had been already detected. That was sufficiently monstrous in itself. And then the jury must assume that all the guilty and suspicious acts done by this man seemed to have been done in the presence of persons who were really detectives. The next step in the case was this: It had been said by Little that he found the sheep in the paddock

had been knocked about. There was absolutely no evidence to show it was Healey who had knocked them about. There was, however, evidence that they had been knocked about, in that both he and Little saw some time in the day that they were huddled up in a corner. But Reid said that he counted the sheep the same day, five hours after Healey had been seen in the vicinity; and what he found was not that there were 22 sheep missing, but that there were 33 missing. The defence could not be called upon to account for that. But it showed that, whoever it was who was interfering with Little's sheep, the number did not tally with the number alleged to have been taken by Healey. He (Mr Chapman) put it that the subsequent circumstances could not be invoked as evidence of stealing McMasters' sheep unless the jury considered it conclusively proved that the sheep to the number alleged were taken away by prisoner on that morning from McMasters' paddock; and secondly, that those identical sheep were found with false earmarks upon them in Healey's paddock some days afterwards; and thirdly, that the sheep found in the river were those identical sheep. All these subsequent circumstances in so far as they touched Healey, were valueless, unless the jury swallowed the first dose, that he stole the sheep in the presence of Reid. What had the jury to assume in order that the case for the Crown should be made out? First, that the man actually stole the sheep in the presence of Reid, and having apparently no packings of conscience arising from the circumstances that he had been detected by Reid, that he acted throughout simply as a lunatic. What, if guilty, would have been easier than to have cleared out and abstained from doing anything more after Reid detected him? Did it not seem absurd to suppose that after cropping these sheep and putting them in the river, after mutilating them to make them look like his own, that he should have mutilated exactly the same number of sheep as were taken from the McMasters. Would not a guilty man have blinded pursuit by mutilating some of his own sheep as well? Surely the jury must credit a thief with a grain of sense, and in this case only a grain was wanted to baffle detection by altering some, if not all, of his own sheep. Again, what could be more obvious than that a man twice detected— first by Reid and then by the earmarks — would have seen it his interest to bundle the sheep away on the mountain even at the risk of losing them? A couple of hours would have sufficed to do that. In this he had the means of escape at hand — nothing could be simpler. It had been suggested that he had good reason for putting off Scaife from inspecting his sheep; but the answer that could be made explained not only that matter, but also the possession of the hose with which it was suggested he sluiced down the cart. What would have been simpler than for him to have gone home from Naseby that night and tail the sheep and turn them out? That would have been the action of a thief. The

truth was, as the police knew, that he had a piece of land at Naseby that he was going to work, and that he was taking the hose there for sluicing purposes. It was said that the defence were called upon to explain away numerous circumstances in Healey's subsequent actions. All that he (Mr Chapman) could say about the alleged cropping of ears and cutting out patches of skin, and tying up the sheep, and putting them into the river, was that they were not the actions a guilty man would have done. A guilty man would not have done those things; an innocent man could not be expected to explain them. If he were guilty it would be idle to explain; if innocent it would be perfectly impossible to explain them. He (Mr Chapman) was entirely relieved of that explanation by assuming Healey's innocence, and he was entitled to do so until the contrary was proved. He would, however, address himself to one or two of the circumstances referred to. If this man had been guilty there would have been evidence against him that he could not have got rid of. The wool of those sheep would have been found with McMasters' brand upon it. The constables saw that. They searched his two bales of wool, and found not what they were after. And why? Because Healey had not stolen either the sheep or the wool. That was, and ought to be made, the turning point of the case, though it was not the only one. The constables did not forget to pick up the trifling circumstance that the twine with which the sheep were bound was the same as some found at Healey's, but it did not suit them to see whether the dray had been taken up to the coalpit, as Healey had said it had. They picked up the trifling circumstance that there were bits of wool on the dray caused, it might be supposed, by the man dumping his bales in the dray— but they did not find out other things which it would have been quite as easy to find if Healey did the deed charged. They did not find in or near his premises this immense number of large pieces of skin cut off the sheep, nor did they discover traces of blood on the man or on his clothes. No doubt the police searched for these; and it was inconceivable that a man could have butchered these 29 sheep and left no traces of the deed. These traces were not found because they did not exist. Another circumstance to which the attention of the jury should be called was to the identity of the sheep. This rested upon the most unsatisfactory evidence of class identification. Little, a witness on that point, had quite unconsciously over-valued his own evidence as to identification. He spoke of their being the difference between his sheep and others that there was between a Chinaman and a white man. That was a way of putting it which would not commend itself to the jury. Anyone could tell at a glance the difference, between a white man and a Chinaman, but with sheep the difference would be more like that which existed between Scotch and English— a difference which could not be determined at a glance. Further, Little saw among

Healey's own—undoubtedly his own sheep some that were sufficiently like McMasters' sheep to baffle even himself. Millar, an experienced and a careful witness, also relied to some extent on class identification, but he would not swear by it. It was only a guide to some extent. When he saw these sheep on Healey's land he did not rely upon class identification, but went back and made another examination, and then said that the class was alike. Class identification was not sufficient, and the casual identification which Reid gave was well enough in a general way—useful for general purposes—but not the sort of identification upon which a jury would send a man to a dungeon. He (Mr Chapman) put it that this class identification was utterly unsatisfactory, and yet it was all the jury had to rely upon. The Crown evidently felt the stress of this, for they had actually parted from their case as to the sheep, and now stuck to the lambs. And as for the brand on the lambs, if it was altered it was inevitable that the brand must not only have been larger, but to preserve symmetry it must have been double the size. [Learned counsel here exhibited a drawing of the brand and of the alteration necessary to convert an L into a figure 4.] As to that wretched little makeweight of the scour, he (Mr Chapman) asked the jury to attach no importance to it whatever. The weed spoken of grew all over the country, and if Little's lambs had black scour Healey's lambs would be likely to have it also. Again, Coyle, the witness who professed to identify one of the sheep, was a man who had been steeped in litigation with prisoner. It had been shown that he had not spoken the truth either at the Warden's Court or here; and his was evidence on which they would not hang a dog. Another point was that the police searched the river on the Monday and found 20 sheep and seven lambs. The two other sheep were not found till three days afterwards. Yet Coyle found the 22 on the Monday. How did Coyle come to know more than the police? It was also an extraordinary discrepancy that seven lambs with altered earmarks were not found at Healey's when seven were found in the river. He (Mr Chapman) put it that the case for the Crown had utterly broken down, and with confidence asked the jury to come to the same conclusion.

His Honor, in his summing up for the jury, said it was not necessary, in order to convict the accused, that the jury should be satisfied the sheep were stolen on the date mentioned in the indictment, or that the number mentioned had been stolen. It would be sufficient if they found the accused had stolen any of McMasters' sheep, and that, from the nature of things, must be proved by circumstantial evidence. If the sheep were McMasters'—as the accused asserted they were his and that he had bred them, and it was impossible to suggest they had come there by accident—then they would have little difficulty in coming to the conclusion that the accused was guilty.

The main question was: Were the sheep McMasters', and had that been proved to their satisfaction beyond any reasonable doubt?

The jury retired at 1 p.m.

At 4.30, it being understood that there was no chance of agreement, the jury was summoned to the court, and the foreman stated that there was no chance of the jury agreeing.

His Honor intimated that the Registrar would ask them again in the evening if they had agreed, and that if they had not, they would be locked up for the night, as they could not be discharged until they had been kept together at least 12 hours.

At 9 p.m. the Registrar inquired from the foreman whether the jury had agreed upon their verdict, and received the reply that there was no chance of their coming to an agreement.

The jury were thereupon locked up for the night, and the court was adjourned till 10 a.m. next day.

On March 11 the jury could not agree on a verdict and were discharged, and a fresh jury were empanelled. This jury returned a verdict of 'not guilty' and Thomas Healey was discharged. "It is understood Healey will now be charged with several offences under the Branding Act." **[Mount Ida Chronicle, Volume 23, Issue 1162, 12 March 1892, Page 3]**

Newspaper article:

Yesterday morning the jury in the case of sheep-stealing against Thomas Healey having been locked up all night through being unable to agree, were discharged from attendance, and a fresh jury were empanelled. Six persons who were called as jurors were challenged by the prisoner's counsel, and seven persons were ordered to stand aside at the instance of the Crown prosecutor, Mr Haggitt. Mr F.R. Chapman (with him Mr S.E. McCarthy) appeared for the prisoner. The witnesses called were W.A. Scaife, J. Coyle, J.C. Miller, Sergeant Green, Constable Johnston, Jas Reid and Robert Little. No witnesses were called for the defence. Mr Chapman made an eloquent speech on behalf of the prisoner, after which his Honour then summed up the case for the jury, who retired at 6.40 p.m. to consider their verdict. At seven minutes past nine the jury returned a verdict of "Not Guilty". The accused was then discharged; and the jury, after being thanked by His Honour for their attendance, were also finally discharged.

It is understood Healey will now be charged with several offences under the Branding Act.

On Thursday 10 March, the Supreme Court session continued.

Full transcript:

SUPREME COURT. CRIMINAL SESSIONS. (Thursday, March 10.)

(Before his Honor Mr Justice Williams and a common jury.)

SHEEP-STEALING. Thomas Healey, who was arraigned on a charge of sheep-stealing, was again placed in the dock, on the court resuming at 10 a.m., and Jurors who had been locked up all night again took their places in the jury box.

His Honor (to the jury): Have you agreed, gentlemen?

The Foreman: We are unable to agree.

His Honor: Then all I can do is to discharge you. About another trial, Mr Haggitt?

The Crown Prosecutor: The other trial, according to the act, may take place forthwith, or at some other time during the sittings. It is a matter for your Honor's convenience. If your Honor's engagements allow it, we can go on at once. The witnesses are all from the country, and it would be expensive to bring them down again.

His Honor: If the parties are prepared to go on at once it will be as well to go on.

Mr Chapman: We are quite prepared.

His Honor: These gentlemen, I suppose, had better be discharged, and not be asked to serve again.

(To the jury:) Well, gentlemen, I am much obliged to you for your attendance. I am sorry you could not come to an agreement. I will not ask you to serve any more. You are discharged altogether, you twelve.

The jury were then discharged from attendance, and a fresh jury were empanelled. Six persons who were called as jurors were challenged by the prisoner's counsel, and seven persons were ordered to stand aside at the instance of the Crown prosecutor.

His Honor, addressing the Crown Prosecutor, said: In, stopping you in summing up yesterday, Mr Haggitt, I did not express myself so clearly as I should have done. I did not explain why I stopped you, and as the case is coming on again it may be as well that I should explain. The question involved had been raised before me at Invercargill and my object was not to

rule you out of order in summing up, but to call your attention to English authorities to which my attention was called at Invercargill, so that the matter might be discussed.

The Crown Prosecutor: I had not then looked at them, your Honor.

His Honor: That was my object. It was not to rule that you were wrong, but simply, as the matter had been raised before me recently, to have it discussed.

The Crown Prosecutor: I did look at the cases afterwards, your Honor, and it seemed to me that it was a matter entirely at my discretion.

His Honor: Probably that may be so.

The Crown Prosecutor: Unless I went too far.

His Honor: Yes, as I have said, my attention had been called to these cases at Invercargill, and as the same question arose I wanted to have it discussed not to deprive you of your rights.

The Crown Prosecutor: If I had known that, your Honor, I should have been prepared to discuss it. It took me by surprise.

The new trial then commenced. Mr Hosking opened for the Crown, and the witnesses called were W. A. Scaife, J. Coyle, J. C. Miller, Sergeant Green, Constable Johnston, Jas. Reid, and Robert Little.

In the course of the cross-examination of Mr Little, Mr Chapman said: Do you know anything about a circular having been sent out to a certain class of people here to raise funds for the purpose of prosecuting Healey?

Witness: Never heard of it, till Mr McCarthy told us of it yesterday.

Then you have not contributed to it?— No.

Have you heard anything about it from anyone else? Someone told us yesterday about it in the street. About its having been circulated amongst a certain class of people to prosecute Healey? — Something of that sort.

And you did. not have anything to do with it? — No.

Mr Chapman: I am very glad to hear it.

Mr Haggitt: You do not know anything about it?— No.

Except what Mr McCarthy told you, and I suppose he told you in order that you might be asked these questions.

Mr Chapman: But somebody else told him.

No witnesses were called for the defence.

Mr Chapman then addressed the jury for the prisoner, commenting upon the evidence in a manner similar to that adopted by him on the previous day. The learned counsel before dealing with the evidence requested the jurors to divest their minds of anything they had previously heard of the case; and also remarked that this was a very unusual prosecution— that there were very unusual features about it. In the course of a number of years— some 18 or 20— during which he had been practising this was the first time, at any rate in any case in which he had appeared, when he had found his learned friend Mr Haggitt, who prosecuted for the Crown, assisted by a gentleman acting in private interests and on behalf of sheepowners. No doubt his learned friend Mr Hosking believed he was doing his duty— he always did his duty; but the appearance of Mr Hosking in the case and the endeavour to strain the case, to put it no more strongly, were fair observations to come from him on behalf of the prisoner. At a later stage the learned counsel in referring to the prosecution said, “Here is a kind of war syndicate with a subscription list and a contribution of funds for the prosecution.”

Mr Hosking: With regard to that your Honor, it is certainly a matter which, so far as I am concerned, I never heard of till yesterday, when I was told of it by someone in the street.

His Honor: The principal witness has been asked and knows nothing about it. The suggestion comes from one of the counsel for the prosecution.

Mr Chapman: I entirely acquit my learned friend of all knowledge of it. I do not think he would connect himself with anything of the sort. I did in the heat of the moment insinuate that my learned friend knew something about it, but I apologise. I do not think my learned friend, and I trust that no other member of my much abused and much maligned profession, would do such a thing.

His Honor then summed up the case for the jury, who retired at 6.40 p.m. to consider their verdict. At seven minutes past 9 the jury returned to court with a verdict of “Not guilty”.

The accused was then discharged; and the jury, after being thanked by his Honor for their attendance, were also finally discharged.

[Otago Witness, Issue 1986, 17 March 1892, Page 16]

The hearing of the charge of sheep stealing preferred against **Thomas Healey** was concluded yesterday afternoon, the jury retiring to consider their verdict at 1 pm. Later in the day the foreman announced that there was no prospect of the jury being able to agree upon the verdict, and the jurors were

locked up for the night. In all probably the jury will be discharged at ten o'clock this morning, a new jury empanelled, and a fresh trial, which is sure to take a full day, commenced. [*Mount Ida Chronicle, Volume 23, Issue 1162, 10 March 1892, Page 3*]

There was **editorial commentary** on the case on page 25 of the Otago Witness.

There is a certain **Thomas Healey**, lately before the Supreme Court for sheep stealing, and acquitted, who may be regarded as at the same time one of the most fortunate and unfortunate of men. He may esteem himself especially fortunate in that he lives in a country in which the time-honoured jury system is a part of the constitution. Edmund Burke said that the great end of the British Constitution was to get 12 men into a jury box. The British Constitution, at Mr Healey's trial, performed its highest function in a manner so entirely satisfactory to Mr Healey that he ought for ever after to be filled with a sense of gratitude to and admiration for the British Constitution. Then Mr Healey is extremely fortunate in that the Messrs McMaster, whose sheep the said Healey was accused of having stolen, were so anxious to see him convicted that they employed counsel to aid the prosecution. Now, the British Constitution, as represented by the twelve jurymen aforesaid, do not like anything that savours of "persecution", and have a trick of making their verdict defeat any such persecution in a very complete, if not entirely logical, manner. Lastly, Mr Healey was fortunate in possessing a counsel who knew the repugnance to persecution which worthily lodged in the twelve breasts of the British Constitution, and could work upon that repugnance without material assistance from exculpatory facts.

In all these things Mr Healey has been fortunate. But, as already said, he is also unfortunate. He is unfortunate in that he cannot get up at half-past 4 in the morning to pick up one of his neighbour's sheep (which had, however, been knocked down by his own dog) without having his philanthropic motives questioned by a passer-by, who also happened to be abroad at that unearthly hour. Then Mr Healey is extremely unfortunate in possessing an enemy who, without any advantage to himself, takes the trouble to transport a number of sheep, which we must assume to be Mr Healey's, to Mr Healey's paddock in order to put a rather suspicious mark upon them. Lastly, Mr Healey is unfortunate in having another enemy (or most probably the same one) who, still without self-interest, comes in the dead of night, catches these sheep and transports them, minus their heads which had the suspicious marks and with their legs tied, to the river. To do this, too, he would seem to have probably used Mr Healey's twine and Mr Healey's dray, which is clearly adding insult to injury. Under which unhappy circumstances

there is nothing for Mr Healey to do but to watch night and day for his mysterious enemy. We shall be much surprised if he ever catches him, although, unless he (the said enemy) mends his ways, we should not like to say that he will never be caught. Let us hope for the sake of humanity and Mr Healey's neighbours that he will mend his ways.

An incident occurred at this same trial of Mr Healey which may be worth adverting to for a moment if only to remark that it involved a matter which apparently is not, but ought to be, finally settled. When the evidence for the prosecution had concluded, Mr Haggitt, Crown Prosecutor, got up to review the evidence (Mr Hosking, who was associated with him, having previously opened the case). He was stopped by the judge, who, while admitting that Mr Haggitt had the right to sum up, practically said it would be improper to do so. After a good deal of argument Mr Haggitt, while claiming his right on behalf of the Crown, wisely refused to exercise it, as, after the expression of the judge's opinion, it would look as if he were pressing unduly on the prisoner. Now what the law may be on the subject we do not profess to know, but if it is on all hands admitted that the Crown Prosecutor has the right to sum up the evidence, it is for him and him alone to say whether he shall exercise it. In an unwritten Constitution like our own, the King or Queen may have certain rights, such as the disallowance of Bills (English, not colonial) which right dare not be exercised, and has long fallen into desuetude. But rights conferred upon subordinate officers of the Crown are rights conferred by statute, and are intended to be exercised while they remain on the Statute Book. It may not be always desirable to exercise them, but when the occasion arises a right is a right, and a public officer may be even culpable in not exercising it. It seems to us that Judge Williams really settled the matter against himself by admitting that Mr Haggitt had the right to sum up, and increased the confusion by endeavouring to define on what occasions it might be used: —

"It seems to be reasonable that when the Crown is directly concerned, as in a post office prosecution for the larceny of letters, that you should have the right of reply, because you would be specially representing the interests of the Crown— not generally, as every Crown Prosecutor does."

There are few people in New Zealand whose opinion on any subject, lay or legal, is entitled to greater weight than that of Judge Williams, but we must confess that the above statement seems to us not only unreasonable but in direct conflict with common sense. After endowing a Crown Prosecutor with a general right, intended to aid in the conviction of crime, it is absurd to say that it should be exercised when a man steals letters but not when he steals

sheep. Had Mr Healey been charged with a desperate murder, Mr Haggitt could not have summed up the evidence, or rather, according to His Honor, he should not do it, because he was "generally" not "specially" representing the interests of the Crown! The power to do so should remain dormant until someone stole letter or postage stamps! It is satisfactory to find that on a later occasion Judge Williams abandoned the position he had at first taken up, declaring that his object was not to decide but solely to elicit discussion upon the matter in dispute between himself and Mr Haggitt. But the discussion was not elicited, and unless we are to suppose (which seems probable) that the later statement was intended to signify that Mr Haggitt was right, the matter is not yet settled.

[Otago Witness, Issue 1986, 17 March 1892, Page 25]

Commentary

The interesting points about this sheep-stealing case was the number of unanswered questions the reader will be left with. As the actual court documents are not available unless you visit Archives NZ in Dunedin and request to view them personally, we can only go on the newspaper reports.

Some questions which come to mind are:

Why would Thomas Healy steal 22 ewes and 7 lambs in the middle of the night from his neighbour McMaster; it would have taken all night to round them up and drive them back down the road to his property, hoping he would not be seen. He had no previous criminal record, although had been a witness in several similar cases previously. No motive for the theft was given in the case.

Unfortunately James Reid saw Thomas Healy driving a mob of sheep at 4.30 a.m. in the morning, when it would probably have been still dark. How could he have positively identified the sheep in question as belonging to McMaster when he did not get off his horse to inspect them properly. Thomas Healy offered no explanation as to why he was driving a mob of sheep at that time of the night and none was asked for.

Another question is why did it take nearly two weeks from 26 December until 8 January for the Sheep Inspector to turn up wanting to inspect Thomas Healy's sheep, on the pretext that he can do this any time and that Thomas Healy had failed to put in sheep returns. If Reid had been suspicious why didn't he report it immediately to McMaster or the police for investigation. Little had reported 33 missing from McMaster's flock in his testimony, but there is no police report. Who alerted the police that the sheep were missing and to look on Healy's property?

Why were 22 sheep and 7 lambs found in the Kyeburn River not far from Thomas Healy's property, and John Coyle knew exactly where they were. Was it because they were near his property boundary with the river and he had seen them there and became suspicious. The sheep had been butchered with their heads cut off, brand removed from their skin and ears tampered with, along with the lambs ears being cropped. They were scattered over about a mile downstream. Why would Thomas Healy butcher and dump the sheep so close to home and how did he move them there.

Who actually stole the sheep? Was it Thomas Healy, John Coyle, or some other unknown person. How come no-one came looking for them between 26 December and 9 January when similar sheep were identified on Thomas Healy's property, which had been recently shorn and their ear markings tampered with.

Thomas Healy said he was at the coalpit with his dray – there is no corroborating evidence of that. He did not know if it had rained the previous night to explain why the dray was wet. Perhaps it had just been hosed down to wash all the blood off from the butchering. (A dray would have been a 2 or 4-wheeled flatbed carriage about the size of a modern large vehicle, towed by a horse. It would have been difficult to get 29 dead sheep on the dray at one time unless it had sides.)

Margaret Healy said she heard a disturbance in the night but did not investigate and was not asked to testify.

There is no evidence of when and where the sheep were butchered and dumped in the river, or if anyone saw this dastardly deed. They were reported as “recently killed”. There was no blood, and the wool from the shorn sheep was not found despite searches on Thomas Healy's property. Surely if this had turned up somewhere in the district, someone would have recognised and reported it. There are no subsequent reports, so where did the wool go?

Why did John Coyle say he had some missing sheep on the pretext of inspecting Healy's sheep, but on inspection admitted none of his were there.

It seems it was easy in those days to disguise ear-tagging by recutting the sheep's ear with a different brand, or cutting more than a third of the ear, potentially mutilating the original tag beyond recognition. This of course was an offence for which Thomas Healy was later charged.

No-one was subsequently charged with stealing the sheep, and there were no further reports about the incident.

Alleged breach of Sheep Act, 1892

The next case brought against Thomas Healy was about removing more than allowed from a sheep's ear:

At the Resident Magistrate's Court yesterday (before S.M. Dalgleish, Esq. R.M.) **Thomas Healy** was charged by W.A. Scaife, Inspector of Stock, with wilfully removing more than one-third from the ears of 12 sheep found in his possession on January 9th, 1892. Mr Wm. F. Inder conducted the prosecution, and Mr S.E. McCarthy represented the accused, who pleaded "Not Guilty". The evidence was similar to that adduced in the case of alleged sheep-stealing recently preferred against the accused. His Worship reserved judgment. Two other charges were also brought against Healey by Sergt. Green – one for cutting out the brands of a number of sheep and the other for polluting the Kyeburn river. Judgment was also reserved in these cases.

[Mount Ida Chronicle, Volume 23, Issue 1165, 2 April 1892, Page 3]

Full transcript:

RESIDENT'S MAGISTRATES COURT, NASEBY, Tuesday March 31.

ALLEGED BREACH OF THE SHEEP ACT.

Thomas Healey was charged by W.A. Scaife, Inspector of Stock, with wilfully removing more than one-third from the ears of 12 sheep found in his possession on January 9th, 1892.

Mr Wm. F. Inder conducted the prosecution, and Mr. S. E. McCarthy represented the accused, who pleaded "Not guilty." The evidence was similar to that adduced in the case of alleged sheep-stealing recently preferred against accused, Mr. Inder contended that section 78 of the Sheep Act (under which the case was brought) provided that all that was necessary on the part of the plaintiff was to lay the information, the onus of proving his innocence being thrown on the defendant himself. This, counsel held, was clearly the intention of the Legislature, which recognised it as being the only means of coping with the great difficulty which existed of obtaining convictions in such cases.

Mr. McCarthy characterised his learned friend's contention as perfectly absurd. He said he did not intend to call any evidence for the defence, and quoted numerous authorities to show that in the present and similar cases it was absolutely necessary that the plaintiff should actually prove the guiltiness of the defendant before conviction could follow. In arriving at this

conclusion, he said, it must lie remembered that all penal statutes are subject to the rule of strict construction, and this rule requires that if a penal enactment is at all capable of two constructions the person accused must get the benefit of any doubt. He held that his mere finding of the sheep in defendant's possession with more than one-third of the removed was not sufficient to convict the accused; it had to be proved that defendant actually committed the offence, and this had not been done. Then, it must be shown that the act was wilful - done with criminal intent - and that had been negatived by the higher court. His third contention was that it must be shown that the ears of the sheep were intact at the date of the alleged removal of more than the requisite amount. His Worship remarked that he would not be doing justice to the learned counsel engaged in the case if he did not take time to consider their numerous quotations. He thought it a pity, however, that the case had not been allowed to rest on the first of the contentions advanced by Mr McCarthy, instead of a whole day being taken up with arguments many of which were not relevant to the case. Judgment would be reserved. [*Mount Ida Chronicle, Volume 23, Issue 1166, 7 April 1892, Page 3*]

Verdict and fine

RESIDENT MAGISTRATE'S COURT, NASEBY. Wednesday April 20. (Before S.M. Dalgliesh, Esq. R.M.)

BREACH OF THE SHEEP ACT. His Worship gave judgment in the case brought by W A. Scaife, Inspector of Stock, against **Thomas Healey**, of Kyeburn, who was charged with wilfully removing more than one-third of the whole of the right ear from each of twelve sheep. His Worship stated that he had gone over the evidence and carefully considered the various points raised by counsel for the defendant (Mr. McCarthy), and had found that the whole chain of circumstances led up beyond the shadow of a doubt to the conclusion that Healey was guilty of the offence with which he was charged. He had no desire to inflict a heavy penalty, especially as the defendant had already incurred considerable expense in connection with, the matter in this and the higher courts, but the punishment would have to be such as would indicate the determination of the court to prevent as far as possible the repetition of such offences. He would inflict a penalty of £5, with costs (7s.) and professional fee (21s.), making a total of £6 8s. His Worship said his remarks in the above case would also apply to the two cases brought against

Healey by the Police for unlawfully cutting out wool-brands. In each of these cases the defendant would be fined 20s. and costs (7s.)

[Mount Ida Chronicle, Volume 23, Issue 1168, 21 April 1892, Page 3]

This whole Supreme Court case in Dunedin must have been extremely distressing for Thomas Healy and the family, and proved to be expensive, and even though he was acquitted of the sheep stealing charge, he was convicted on the charges of tampering with the branding back in Naseby. Thomas Healy was now a convicted criminal guilty of breaching the Sheep Act; this was not an uncommon offence in these early times.

The next newspaper article showed that Thomas Healy was in arrears in his lease payments.

LAND BOARD. SETTLERS IN ARREARS. At yesterday's meeting the Board came to the following decisions in regard to a number of deferred-payment and perpetual-lease selectors who were in arrears with their payments. Consideration was deferred of the case of **Thomas Healy**, section 3, block IV, Swinburn, the amount in arrear being £7 9s 2d. ***[Evening Star, Issue 9101, 6 April 1893, Page 4] [Otago Witness, Issue 2041, 6 April 1893, Page 22]***

Thomas also issued the following notice in June and July 1893:

£5 REWARD. Having rebuilt my Hut at my Coal-lease, Mount Pisga, which had been knocked down, and my tools stolen and broken, I offer the above reward for any information that will lead to the conviction of any person or persons who may have plundered, or who in future may interfere with my property in my absence. **THOMAS HEALY.** ***[Mount Ida Chronicle, Volume 24, Issue 1230, 22 June 1893, Page 2]***

Towards the end of October 1893, the following notice appeared in the newspaper:

LAND BOARD. KYEBURN. Mr **Thomas Healey** applied for the right to rabbit on Run No 206D, Kyeburn district, until such time as it was applied for. The application was declined. ***[Otago Witness, Issue 1851, 12 October 1893, Page 22]***

This must have been an attempt by Thomas Healy to earn some money from rabbiting which was a lucrative venture in those days. A few weeks earlier, J. Reid of Kyeburn had advertised, "As I have acquired the Right of Rabbiting on Run No 206D, Kyeburn notice is hereby given that any person, or persons, poisoning, dogging, or lifting poisoned rabbits from the above-mentioned run, after this date, will be prosecuted. J Reid, Kyeburn, June 1st 1893."

Birth – Francis 1894

Francis Joseph Healy was the 2nd youngest of the Healy family, and was born on 9 June 1894. His mother Margaret was aged 39 and his father 48 years. He was born at Kyeburn, but according to the Kyeburn School Register of Admissions, he did not attend school. The story of Francis Joseph Healy is as tragic as his older brother Patrick, and sisters Susan and Catherine. It appears Francis suffered from spastic diplegia (known today as cerebral palsy) from birth. It would appear that his physical disabilities precluded him from being gainfully employed, and he led a very sad life until his early death at Seacliff in 1921.²⁸

Land forfeitures 1894

A few months later, disaster struck.

LAND BOARD. FORFEITURES. The following perpetual leases, deferred payment licenses, were declared forfeited through non-payment of arrears: **Thomas Healey, Swinburn. [Otago Witness, Issue 2090, 15 March 1894, Page 22]**

LAND BOARD. Mr Thomas Healy applied for an extension of time within which to pay rent due upon coal lease No 120o, Swinburn. Referred to ranger for a report. **[Evening Star, Issue 9479, 30 August 1894, Page 4]**

New Zealand Directories 1866-1933.

1894: Healy, Thomas, Farmer, Kyeburn. Also Healy Patrick, miner, Naseby.

Later in the year, but we don't know what the contracts were:

Maniototo County Council. Healey's contracts. T Healey wrote asking the council to transfer from 1st inst. his contracts to his wife **Margaret Healey**, who would faithfully carry out the obligations of the contracts. If the council could not do so, he would ask it to cancel them. Moved by Cr Johnstone, and seconded by Cr Logan – that Thomas Healey's contracts No 465 Kyeburn Riding, and No 466 Mount Ida be cancelled in accordance with this request. Carried unanimously. **[Mount Ida Chronicle, Volume 25, Issue 1290, 13 September 1894, Page 2]**

Bankruptcy 1894

Thomas Healey then filed for bankruptcy two years after the sheep stealing accusations. It must have been a very tough decision to make.

²⁸ <https://www.webgirl.co.nz/SharpHealy/francishealy.html>

IN BANKRUPTCY. In the District Court of the Otago Goldfields, holden at Naseby. **NOTICE** is Hereby Given that **Thomas Healy**, Farmer, of Lower Kyeburn, was this day Adjudged Bankrupt; and I hereby Summon a Meeting of Creditors, to be holden at my office on the eleventh day of October 1894, at 1.30 o'clock. ROBERT P. INDER, Deputy-Official Assignee. Naseby, 20th October. 1894.

[Mount Ida Chronicle, Volume 25, Issue 1293, 5 October 1894, Page 2]

[Mount Ida Chronicle, Volume 25, Issue 1297, 1 November 1894, Page 2]

Also noted in the New Zealand Gazette, 1894

BANKRUPTCIES. The first meeting of creditors in the estate of Thomas Healey, farmer, of Kyeburn was held on Thursday, October 11th.

BANKRUPTCIES.

*The first meeting of creditors in the estate of **Thomas Healey, farmer, of Kyeburn**, was held on Thursday, October 11th. Mr McCarthy acted for the bankrupt, who was also present. The Deputy Assignee read the bankrupt's statement.*

The bankrupt stated that his present position was due to malicious prosecution three years ago, entailing heavy expense to defend himself; to loss in crop; and to pressure by his creditors.

In reply to Mr W. F. Inder (solicitor for Mr J. M. Maisey) the bankrupt stated that he borrowed the amount set down in his statement as owing to his wife from her in cash. The first amount of £47 was paid in sovereigns, and he spent it in opening a coal lease. He did not know where she got the money, but supposed she saved it out of her earnings when in service. He had been married 13 years. His wife had never been in service after her marriage. He supposed she had had the money all the time, but did not know where she kept it. He afterwards borrowed another sum of £30 from her which was also paid in gold. About two years after, his wife instructed Mr Francis to sell the Melbourne Hotel²⁹, which he did, and the proceeds were spent in his defence. His wife bought the hotel for £105³⁰, which she paid in instalments.

²⁹ In the **Mt Ida Chronicle, Volume 23, Issue 1166, 7 April 1892, page 2**, there is a notice instructing "Mr Francis: Sale of Building Material by auction on Saturday 16 April 1892, Galvanised Iron, Timber, Doors, Window Sashes, Firewood. The building is to be carefully taken down and will be sold in lots to suit purchasers."

³⁰ **Mount Ida Chronicle, Volume XXI, Issue 1086, 27 September 1890, Page 2** – "Messrs R and S Inder disposed of the Melbourne Hotel by auction last Saturday, **Mr T. Healey of Kyeburn**, being the purchaser at £105. Four sections of land, containing 26 poles were included."

She earned no money while these instalments were being paid, and he has lent her none. He paid Mr Pearson £27 by an order on Mr Preston, the latter gentleman owing him money for turnips. The turnips were secured to Mr Francis, who gave his consent to Mr Preston paying Mr Pearson. He gave Mr Francis a mortgage over stock &c, on condition that he guaranteed the expense of his defence in the case of sheep stealing in 1892. In 1894 he gave him a second mortgage. He did not then know he was insolvent. He could not say how much he was indebted to Mr Francis. He sold two head of cattle and four horses. It would take £150 to make his section freehold. He sold his sheep—about 50 head—to Mr Francis for 8s 6d each. He received cash for the same, which had been spent in household requisites. Mr Francis arranged with Mr McCarthy for his defence. He filed owing to pressure from Mr W. F. Inder. He also swore he called on Mr Inder and made an offer in connection with Mr Maisey's claim. He kept no books. Mr A. Pearson proposed, and Mr. A. Jones seconded - That the bankrupt be recommended for his discharge. Three creditors, representing £31 17s 4d, voted for the proposition, and one representing £42 6s, voted against it.

[Mount Ida Chronicle, Volume 25, Issue 1296, 25 October 1894, Page 3]

Mount Ida Chronicle, Volume 23, Issue 1164, 24 March 1892, Page 2: Notice advising demolition of Melbourne Hotel buildings.

Mount Ida Chronicle, Volume 24, Issue 1228, 10 June 1893, Page 3: Notice advertising sale by **T Healy** of "Sections 87, 88, 122 and 123 containing 27.4 poles, on which formerly stood the Melbourne Hotel, opposite the Town Hall. Title guaranteed."

The earliest newspaper article naming John Cogan as the Proprietor of the Melbourne Hotel was on 19 March 1869. His wife Catherine died aged 45 years on 9 May 1885, and a John Ryan and John McKay were respective publicans during the late 1880s until the sale was initiated by Margaret Healey. Thomas Healy's bankruptcy documents names his wife as the owner of the hotel. John Cogan died on 28 June 1897 aged 64 years and is buried at Naseby Cemetery. It is unknown how Margaret Healy managed to have the funds to own the hotel, and if she had previously worked there, as family stories suggest. In total Thomas Healy raised £182 from his wife Margaret.

HEALEY to a Coal Lease on Kyeburn Hundreds. [*Mount Ida Chronicle, Volume 25, Issue 1301, 29 November 1894, Page 2*]

LAND BOARD. A special meeting of the Land Board was held yesterday to consider the cases of persons who were in arrears with their rents: The following leases were forfeited: **Thomas Healy, section 3**, block IV, Swinburn. [*Otago Daily Times, Issue 10350, 3 May 1895, Page 4*] [*Mount Ida Chronicle, Volume 26, Issue 1323, 4 May 1895, Page 3*]

Section 3 was the property where Thomas Healy had built the family homestead and ran his farm.

Earlier in the year:

NOTICE OF APPLICATION FOR OCCUPATION LEASE. I THOMAS HEALEY of Naseby, hereby give notice that I have applied under the Mining Districts Land Occupation Act 1894 for an Occupation Lease over 100 acres of land, situated at, and being part of block VI, Naseby District; and that such application will be heard by the Land Board at Dunedin on 15th May 1895, at 11 o'clock a.m. Dated at Naseby this 11th day of April 1895. **THOMAS HEALEY**, by his Solicitor, S.E. McCarthy. [*Mount Ida Chronicle, Volume 26, Issue 1321, 18 April 1895, Page 2*]

LAND BOARD: Dunedin, May 23. The undermentioned applications for occupation leases, under "The Mining Districts Land Occupation Act 1894" were dealt with as follows: Robert Hosie³¹, 100a, block VI, Naseby district, consideration deferred for report from District surveyor; **Thomas Healey**, 100a, block VI, Naseby, consideration deferred for District Surveyor's report. [*Mount Ida Chronicle, Volume 26, Issue 1326, 25 May 1895, Page 3*]

Mount Ida Chronicle, Volume 26, Issue 1321, 18 April 1895, Page 2

LAND BOARD. NASEBY. Applications for occupation leases under "The Mining Districts Land Occupation Act 1894" were dealt with as follows: Robert Hosie, 100 acres on Run 219, Block VI, Naseby district – granted subject to survey and necessary roads, at 9d per acre; **Thomas Healey**, 100

³¹ Robert Hosie was a Naseby Saddler. He died on 22 October 1929 in Dunedin. Was this our Thomas Healey (Healy) or another person, as usually our Thomas Healy had the locality "Kyeburn" after his name. There is no other mention of this land being part of Thomas Healy's estate, so maybe it was the son of Patrick Healy. Thomas's nephew.

acres on Run 219C, same block – granted on the same conditions, at 7½ d per acre. **[Otago Witness, Issue 2162, 1 August 1895, Page 22]**

AGRICULTURAL AND PASTORAL NEWS: During the past week Robert Hosie and **Thomas Healy** each took up 100 acres of land in block VI, Naseby district, for occupation lease, under the Mining Act. In the case of Mr Hosie the rental was 7½d per acre per annum, and in that of Mr Healy 9d per acre per annum. **[Otago Witness, Issue 2164, 15 August 1895, Page 15]**

LAND BOARD. DUNEDIN, July 24. The Deputy Assignee in Bankruptcy at Naseby requested that **Mr Thomas Healey's** coal lease No. 120 be cancelled. Lease cancelled for non-payment of rent. **[Mount Ida Chronicle, Volume 26, Issue 1335, 25 July 1895, Page 3] [Otago Witness, Issue 2161, 25 July 1895, Page 28] [Mount Ida Chronicle, Volume 26, Issue 1335, 27 July 1895, Page 3]**

LAND BOARD. SWINBURN. The Receiver of Land Revenue reported that **Mr Thomas Healey**, whose deferred-payment licence 6159, Swinburn district, was declared forfeited, had now paid arrears. It was resolved that the resolution passed on May 2 declaring the license forfeited, be rescinded. **[Otago Witness, Issue 2162, 1 August 1895, Page 22] [Evening Star, Issue 9773, 1 August 1895, Page 2]**

IN BANKRUPTCY. In the District Court of the Otago Goldfields, holden at Naseby. NOTICE IS hereby given that Statements of Accounts and Balance Sheets in respect of the undermentioned estates, together with the Report of the Audit Office thereon, have been duly filed in the above Court; and I hereby further give notice that at the sitting of the said Court, to be holden on Thursday the 21st day of November 1895, I intend to apply for an Order Releasing me from the Administration of the said Estates. *Dated this 1st day of November 1895.*

Thomas Healey, of Kyeburn, Farmer.

Robert F. Inder, Deputy Official Assignee.

[Mount Ida Chronicle, Volume 26, Issue 1348, 2 November 1895, Page 2]

AGRICULTURAL AND PASTORAL NEWS. During the past week Robert Hosie and **Thomas Healy** each took up 100 acres of land in Block VI, Naseby district, for occupation lease, under the Mining Act. In the case of Mr Hosie the rental was 7½d per acre per annum, and in that of Mr Healy 9d per acre per annum. [*Otago Witness, Issue 2164, 15 August 1895, Page 15*]

James Reid, a key witness in Thomas Healy's sheep-stealing court case, died on 27 February 1896, leaving his estate to wife Bridget Christina Reid. He was a native of Perthshire, Scotland, and died aged 41 years, buried Swinburn Cemetery.

LOCAL AND GENERAL. Death notice: Mr James Reid, of Lower Kyeburn, passed over to the great majority on Wednesday. He had been ill for some considerable time prior to his death, and went through a great deal of suffering. Mr Reid was a settler in the district of ten years' standing, and during that time he earned the respect of all. He leaves a widow and a large family. The funeral takes place today. [*Mount Ida Chronicle, Volume 27, Issue 1374, 29 February 1896, Page 2*]

In 1904, his wife Bridget advertised his property for sale, Section 2, Block IV, Swinburn, of 200 acres held under Lease in Perpetuity – adjoining Thomas Healy's Section 3 – including stock, equipment and horses.

Robert F. Inder, by instructions from N.P. Hjorring, Esq., Deputy Official Assignee in the Estate of Bridget C. Reid, will sell by public auction, at Kyeburn, on Friday, 22nd April 1904 at 1 pm: Section 2, Block IV, Swinburn, containing 200a; held under lease in perpetuity. 50 sheep, 7 draught mares and Geldings, 3 cows and calves. Poultry. About 35 tons Oaten Sheaves, Springcart and Harness, Dray, D.F. Plough, Harrows, Chaffcutter and Horse Power, Reaper and Binder, Seed Drill and other Implements. Dray and Plough Harness and Numerous Sundries. Persons desirous of Selling Stock will kindly communicate with the undersigned. Robert F Inder, Auctioneer.

[*Mount Ida Chronicle, Volume 36, Issue 9415, 15 April 1904, Page 3*]

Snow storm - 1895

What started with 3 in. to 4 in. (75-100 mm) fall of snow on Thursday June 13, 1895, and was followed by a continued deterioration in the weather, became the worst snow fall experienced to that time. Inclement weather continued into July, when concern was expressed for the safety of three young men caught out behind Mt Buster. Thomas, John and Pat Healy had been rabbiting, and although having some provisions and firewood, a search party was assembled, Twenty-four men took part in the first abortive attempt, which was thwarted half way up Mt Buster by 3 ft to 4 ft (90-120 cm) of snow in which, not unexpectedly “the horses made a pretty pore showing”. Half of the party returned with the horses to Naseby, the other half continued next day to the summit, but a reconnaissance of the area had to be abandoned because of blizzard conditions. A later attempt found the party safe and well, still encamped, but down to their last loaf of bread.³²

THREE RABBITERS MISSING. STOCK SAID TO BE STARVING. (FROM OUR OWN CORRESPONDENT.) Naseby, July 4. Snow commenced to fall here on June 13, and there has never been six hours since that date without snow. It is now snowing heavily, 12 inches of snow having fallen since last night. Great anxiety is felt for the safety of three rabbiters named Healy. The Healys left here for the Otamatata about May 27. The Otamatata is a branch of the Waitaki river. Tuesday being a fine day, a search party of 25 men left here in search of the Healys. The party got as far as Mount Buster on Tuesday night and started for the Otamatata on Wednesday morning, but were met by a blizzard and had to return to Mount Buster. If the snow continues relief will have to be sent to the search party. **[OTAGO DAILY TIMES, ISSUE 10404, 5 JULY 1895, PAGE 2]**

The snowfall in the interior has been very heavy. Twelve inches of snow fell at Naseby on Wednesday. Since June 13th there has not been six hours without snow falling. Fears are entertained for the safety of three rabbiters named Healy. A search party of 25 men left Naseby on Tuesday to look for them, but Wednesday's blizzard drove them back. **[SOUTHERN CROSS, VOLUME 3, ISSUE 14, 6 JULY 1895, PAGE 12]**

The search party sent out from Naseby to look for the brothers Healey, the three rabbiters who it was feared had been lost in the snow, found them safe in their camp. **[OTAGO WITNESS, VOLUME 11, ISSUE 2159, 11 JULY 1895, PAGE 16]**

³² Excerpt from Gateway to Maniototo - a History of Kyeburn and Kokonga Districts, Compiled by N S Mackenzie. These were the three sons of Thomas Healy's brother Patrick. See <https://www.webgirl.co.nz/SharpHealy/patrick-healy.html>

Birth – Denis 1896

Denis Healy, (as on registered birth records, or Dennis as spelt on Army records and some newspaper articles) the youngest of the Healy family, was born in Kyeburn on 25 October 1896. On 28 August 1916 at Trentham, at the age of 19, Denis Healy signed the Attestation of Service and formally enlisted in the New Zealand Expeditionary Force. His story and war service is outlined on his webpage. Tragically, on a document named Field Service, it was reported that Private Dennis Healy 32666 of 4th Company, 3rd Battalion, Otago Regiment, NZEF, had died on 16 October 1917. He was at the No 2 Canadian Stationary Hospital in the field, France, and he died of "wounds received in action". No Will was found in his paybook or other documents. The form was signed in Rouen, France on 28 November 1917. He was buried in BOULOGNE EASTERN CEMETERY, VIII. I. 68. France.³³

Exchange of Section 3 from tenure to L.I.P. 1898

On 22 October 1898 it was reported under:

LAND BOARD BUSINESS: To exchange tenure to lease in perpetuity: Thomas Healey, **section 3**, Block IV, Swinburn. [*Mount Ida Chronicle* 22 October 1898 Page 3]. [*Evening Star*, Issue 10758, 20 October 1898, Page 4]

This means that Section 3 changed from being a tenured property to a 21 year lease, which would have made it much more valuable.

FINANCE COMMITTEE'S REPORT. The report of the Finance Committee was read and adopted on the motion of Cr Kinney, seconded by Cr Durward. KYEBURN. Cr Durward asked the council to grant the annual sum of £5 to **Thos. Healy** for the purpose of keeping the planks in position over the Kyeburn river, instead of £2 10s previously voted. Moved by Cr Durward, and seconded by Cr Johnstone – that the sum of £5 be granted. On the motion being put there voted: Ayes – Crs Durward, Johnstone, and Guffie; noes – Crs Turnbull, Kinney and Smith. There being a tie, the chairman voted against the motion. Motion lost. [*Mount Ida Chronicle*, Volume 29, Issue 1523, 6 January 1899, Page 3]

Thomas Healy is noted as contributing £2 6s to the Naseby Hospital appeal.

[*Mount Ida Chronicle*, Volume 32, Issue 9260, 22 March 1901, Page 3]

³³ <https://www.webgirl.co.nz/SharpHealy/denishealy.html>

Thomas Healy - Coal Miner 1901-1907

WARDENS COURT, NASEBY. Thomas Healey (Mr Cutten) – Lignite license 10a. bed of Kyeburn River. To be recommended for the Minister's consent; royalty fixed at 3d per ton. [*Mount Ida Chronicle, Volume 32, Issue 9296, 29 November 1901, Page 3*]

There is an Application for a Lignite Licence Bed of Kyeburn River - Thomas Healy, dated 1901-1907. From records obtained from Archives New Zealand, Thomas applied in December 1901³⁴ for the granting of a licence to raise lignite in the bed of the Kyeburn River. In a memorandum to the Under Secretary, Mines Department, Wellington dated 22 January 1902 from the Office of Inspector of Mines, Southern District, the Inspector states that he "visited the locality on the 13th inst, saw Mr Healy in Naseby on the 15th inst, and beg to report as follows: The sketch supplied by Mr Healy is in a general way fairly accurate but in detail it does not give a true description of the area applied for, for instance, the river is shown 5 chains wide whereas the stream is not 5 yds in width and is not in Healy's application at all the river or creek being, as I have since found out, included in an area applied for and granted to one Stephen Peer. As I surmised when offering no objection to Healy's application in minute of 16th December last, Mr Healy proposes to work a small seam which outcrops on the river bank and is high and dry above present river level but being of a highly sulphurous nature is very unpopular and will only find sale when other and better coals are not obtainable. The river bed it should be stated is the ancient bed of ages ago, the present water course being a mere trickle in comparison with the great volume of water that at one time poured down the valley."

An Application for Coal-Lease dated 9 February 1905, under Section 5 of the Coal-mines Act 1891, received by the Warden at Naseby on 24 February 1905 shows that Thomas Healy applied "for a license of the lands hereunder mentioned for the purpose of mining lignite: Precise locality - Kyeburn Survey District, in the bed of the Kyeburn River bounded on all sides by Crown Lands. Area of ground applied for: 10 acres. Term for which licence required: 3 years."

WARDENS COURT, NASEBY. Thos. Healy (Mr Hjorring) – Application for lignite license, Kyeburn River. Mr Hjorring said the Inspector of Mines expressed the opinion that a survey was advisable, but as the ground was only really required for prospecting purposes it was not worth his client's while to go to the expense. Granted, subject to the consent of the Minister of Mines; rent 2s 6d per acre; royalty 6d a ton. [*Mount Ida Chronicle, Volume 36, Issue 9471, 12 May 1905, Page 3*]

³⁴ [Search - collections.archives.govt.nz](https://search.archives.govt.nz)

Following this application there was a series of letters over the next few weeks between the Inspector of Mines in Dunedin and the Warden at Naseby questioning the exact location of the lignite licence area as "the applicant is somewhat undecided as to the actual area of the ground applied for by him. The boundaries are not defined other than 'about one chain from McCready and Coomb's Lease.'" In a memorandum to the Under-Secretary of Mines in Wellington, the Inspector of Mines stated that "the sketches accompanying the application were very rough and the area was inadequately indicated. I am of the opinion that a survey or, at any rate, reliable plan should be sketched on the back of the licences prepared for reference to should such become necessary so that in the event of another applicant appearing for an adjoining area there would be no trouble. There have been two if not three separate holders of licences on this coal area, at the same time the whole thing is not worth disputing about."

Finally on 7 June 1905 the Inspector of Mines received a letter from the Under-Secretary stating, "I have now to inform you that the Hon Minister of Mines has consented to the issue of a Lignite License over 10 acres in the Kyeburn Survey District, in favour of Thomas Healy" This was acknowledged on 24 July 1905 and on 30 July 1906 Thomas Healy submitted a Return for the half-year ending 30 June 1906 stating, "I beg to inform you that I have not made a start yet with the prospecting for the want of sufficient funds to carry the prospecting to a successful issue."

On the Return for the half-year ending 31 December 1906, Thomas's handwritten remarks state: "I beg to state that I have not made a start yet prospecting for the coal." The Return shows that the Output, Coal Sold and Number of Persons Ordinarily employed were "Nil". A further handwritten note dated 21/1/07 says: "Next time this person applies for Lignite License, bear in mind that he does no work on the area."

A typed note on the file before it was closed states: "Copy of remarks by Thomas Healey, holder of Lignite License, Kyeburn, on form of Return of Coal Output for half year ending 31.12.1907: I have nothing to say, only for want of funds. Owing to the severe winters and dry summers I have not been so successful in my farming pursuits as I expected. Therefore as this is about the last statement I will be called upon, as the license expires soon. I will not ask for a renewal until such time as I will have sufficient money in hand to thoroughly prospect the ground. In the course of a few years if I have the means and no one else takes up the ground I may try the place again."

Snow Storm – 1903

In mid July, a massive snowstorm caused much damage and stock losses for the people of the Maniototo.

THE SNOWSTORM

On Friday night last the district experienced the heaviest fall of snow it has seen within the memory of the oldest inhabitant. to go to bed in the evening with the ground in its normal state and awake in the morning to find 18in or 19in of snow have fallen during the night is an unique experience for even the inhabitants of these somewhat elevated regions, where Jack Frost, with all his adjuncts of hail, snow and blizzards, is supposed to reign supreme during this season of the year. In some winters we may have seen as much snow on the ground, but no one recollects seeing such a depth as the result of one night's fall. It continued to fall nearly the whole of Saturday. By the time it cleared there was a good 20in in the streets, while in places 23in and 24in were recorded. On Saturday morning those whose work compelled them to be out first found it fatiguing work walking about the streets, but as the day wore on fairly good tracks were beaten down in all the principal thoroughfares. Several old bachelors whose huts occupied more exposed situations found themselves in a worse predicament still. One of them informed us that there were 3ft 6in of snow packed against his door, and only that he was fortunate enough to have a shovel in the hut with which he dug his way out, would have been a prisoner. In another instance one old man is said to have been imprisoned until a good Samaritan came along and liberated him. The weight of a couple of feet of snow gave a good many roofs a severe testing, and in several instances rafters cracked and had to be supported by props, while in one or two old buildings the roofs collapsed altogether.

... The story continues that mail coaches were late, trains were halted and passengers had to sleep in railway carriages, and some trains managed to move with the aid of a snow plough. In other places "the drifts were so deep and so wide that they brought the engine to a standstill, but the driver backed and charged them till he forced his way through." In other places telegraph lines were broken and some poles bent almost to the ground. Travelling was difficult and dangerous especially for vehicular traffic. In Naseby the water supply to the town dam had broken away, and footpaths had to be cleared through the town as it was very slippery and unsafe for pedestrians. Stock, especially sheep suffered heavily and feed could not be taken to them, with fears of heavy losses. Mail was taken by horseback, goods traffic was suspended, and dozens of passengers had to abandon their planned trips.

At Lower Kyeburn the snow fall was not quite as much as in Naseby, but the snow storm was followed by intense frosts.

[Mount Ida Chronicle, Volume 35, Issue 9376, 17 July 1903, Page 3]

THE WEATHER.

On 24 July, the Mount Ida Chronicle reported that the temperatures had got to 14 degrees below zero at Ranfurly, saying "this is the most intense cold experienced in that district since it was settled." They reported that "owing to the intense cold the Chronicle staff found it extremely difficult to get their issue printed last week, as the papers would often freeze together, and it was only by thawing them over the stove that the work could be gone on with at all. This proved a very tedious process."

A number of cases of frostbite to ears, hands and toes were also reported with some people being hospitalised for treatment.

"Owing to the suddenness with which the severe frost set in, the town is in danger of a drought. A drought with so much snow about seems somewhat of an anomaly, but there is no water running in the races that commend the town dam, and the water that was stored is getting very low." There were reports of sheep eating the wool off each others' backs they were so hungry.

At Kyeburn, it was reported "We are pretty nearly snow-bogged and frost bound round this corner of the British Empire, and though our losses through the recent snowstorm may not be so serious as in other less favoured places, still the severity of the weather and the consequent scarcity of feed will take the condition off stock to such an extent that it will undoubtedly increase the death rate in the spring. The average depth of snow about the Kyeburn district was from seventeen to nineteen inches, running out to a depth of ten inches at the foot of the Kakanuis, which are now presenting the unusual sight of clearing fast while all the low ground is practically buried.

[Mount Ida Chronicle, Volume 35, Issue 9377, 24 July 1903, Page 3]

Purchase of Section 16 by Thomas Healy 1903

Earlier in 1895, **Annie Hood** sought to purchase on deferred payment which was approved, **Section 16**, Block IV, Swinburn. [**LAND BOARD. Otago Witness, Issue 2171, 3 October 1895, Page 24**]

Prior to that:

LAND BOARD, CAPITALISATION. The following applications to capitalise were approved: Annie Currie, Section 16, Block IV, Swinburn. [**Otago Daily Times, Issue 7929, 21 July 1887, Page 4**]

LAND BOARD, LICENSEES IN ARREARS. The Receiver of Land Revenue reported that the following licensees were in arrears: Annie Currie, licence 6177, Swinburn district. [**Otago Witness, Issue 2022, 24 November 1892, Page 20**]

On 23 February 1900 it was reported:

LAND BOARD BUSINESS: Annie Hood's application to purchase **section 16**, block IV, Swinburn, on deferred payment was approved. [**Mount Ida Chronicle 23 February 1900 Page 5**]. [**Otago Witness, Issue 2399, 22 February 1900, Page 30**]

His neighbour John Coyle advertised his Section 4 for sale:

SALES BY AUCTION. John Coyle advertised for sale by auction: Lot 1, 193 acres, being Section 4, Block IV, Swinburn District; held on lease in perpetuity; rent £5 14s per annum; rents paid up to 1903. [**Otago Daily Times, Issue 11680, 13 March 1900, Page 8**]

Later, on 3 June 1903:

OTAGO LAND BOARD: An application to complete purchase of land held under deferred payment licence 6177 **section 16**, Block IV, Swinburn, **Annie Hood**, was granted. [**Otago Witness 3 June 1903 Page 45**]

It would appear Section 16 was now being purchased by Annie Hood (marked as Annie Bell Hood on a c.1900 Swinburn map), which she was then free to sell.

Finally on 4 September 1903:

Mr R.F. Inder reports having sold, on behalf of **Mrs R Hood, section 16, block IV, Swinburn, a freehold section of 200a, to Mr T Healey**, of Lower Kyeburn, at a satisfactory figure. [**Mount Ida Chronicle, 4 September 1903, Page 2**].

Thence, Thomas Healy secured Section 16, but we don't know how much he paid for it as that was not disclosed.

On 18 December 1903 an advertisement appeared in the Mt Ida Chronicle:

ADVERTISEMENT: On account of **Mr T Healy**: 1 road dray by Reid and Gray, 1 tip dray, 1 gig, 200 rabbit traps and tools, 2 sets shafts and leading harness, small chaffcutter, half a mile of fencing material; Robert F Inder, Auctioneer.
[Mount Ida Chronicle 18 December 1903 Page 2]

Thomas was obviously selling some of his equipment, but for unknown reasons.



Figure 9 - 19th Century Agricultural Bental Chaffcutter

Otago Central Stock Sales, 1905

A listing was noted saying:

Stock and Produce Report. Waipiata: Sold: Mr Thomas Healy (Kyeburn), 54 lambs at 12s 3d, 56 merino ewes at 4s. **[Otago Witness, Issue 2660, 8 March 1905, Page 31]**

Boundary Creek Water Rights Agreement 1907

In 1907, at the Warden's Court in Naseby, Thomas Healy and John Coyle came to an agreement about water rights over Boundary Creek:

THE COURTS: WARDEN'S COURT, NASEBY. John Coyle (Mr Cutten) – application for water race out of Boundary Creek. Objected to by **T Healey** (Mr Kirk) and J G Finch (Mr Kirk). Last court day an arrangement was come to between Coyle and **Healey**, and the application stood adjourned till today to allow Mr Kirk to communicate with Mr Finch. Council now stated that Mr Finch would withdraw his objection, being at the time of lodging it somewhat

under a misapprehension as to the exact position. The application was then granted subject to Healey's grant No 78 having priority for half a head. **T Healey** (Mr Kirk) – application for water race out of same creek for 3 heads. Granted, half head to have priority over Coyle's. [*Mount Ida Chronicle*, 15 February 1907, Page 2]

Fat Lambs. 1200 were yarded for today and prices showed a very sharp rise, and all lambs fit for freezing realised high prices. ... **Mr T. Healy** (Kyeburn), 66 at 12s.9d. [*Otago Daily Times*, Issue 13886, 25 April 1907, Page 9]

Snow storm - 1908

In early July 1908, a massive snowstorm hit the Maniototo region and the town of Naseby, bringing all normal operations to a standstill. The snow was reported to be up to waist deep on an average sized man, and travel was virtually impossible. Apparently the deputy mayor helped organise “a team of draught horses round the streets and beat down a track, and this enabled people to move about with some degree of freedom”. Such a fall of snow was unprecedented in the history of Naseby and “it is a most unwelcome visitation for stockowners, and the prospects for those in the snow covered area are at present as dismal as they were in 1895.” Trains were halted at Hyde and coaches could not get out of town, and the local newspaper failed to get published. Eventually a breeze blew up but the “melting snow made the roads quagmires”. “It is impossible to say what the losses of stock will be. Probably in some quarters it will be like it was in 1895 when places where flocks of sheep huddled together were almost paved with bones for a long while afterwards. On properties like the Kyeburn station and Mr McCready's run it cannot be but that there will be a heavy loss, and owners of back country like Mr R Scott and Mr R B Hore will probably expect to find none of the sheep alive.” [*Mount Ida Chronicle*, Volume 38, Issue 969, 10 July 1908, Page 3]

“It is now over a fortnight since the record fall of snow fell, and we have become quite accustomed to the arctic appearance of our town. ... Probably what has caused the greatest inconvenience in many homes was a shortage of coal.

[*Mount Ida Chronicle*, Volume 38, Issue 38, 24 July 1908, Page 3]

Foray into Politics 1908

County Council Elections, Maniototo, Naseby, November 5. The nomination of candidates for election for the Maniototo County Council closed at noon today. The nominations for the various riding was as follows:

Kyeburn - Messes H. Lunin, Samuel Harris, and **Thomas Healy**. [*Otago Daily Times, Issue 14366, 9 November 1908, Page 8*]

MANIOTOTO. The following are the results of Wednesdays elections to the Maniototo County Council. Kyeburn riding (one member) – H. Lunan 29, Samuel Harris 24, Thomas Healey 4. [*Otago Daily Times, Issue 14370, 13 November 1908, Page 4*]

I presume this was our Thomas Healy, although there was another Healy family in the district at the time.

Fatal fire at Naseby 1909

Thomas Healy nearly lost his life in a house fire in Naseby where his friend died.

FATAL FIRE AT NASEBY. OLD MAN LOSES HIS LIFE. (From Our Own Correspondent.) NASEBY, March 12. Last night Naseby was awakened by the fire bell shortly after 10 p.m., and on the brigade appearing on the scene of the outbreak, the residence of Mr Dugald Sinclair (one of Naseby's oldest residents), was found to be on fire. The water supply at this part of the town, being on a high level, is very poor, the first jet throwing the water only a few yards. Captain Marslin, who was somewhat shorthanded, owing to several members of the brigade being at the fire brigades' demonstration at Auckland, then had a lead brought from the main supply of water, which threw a much better stream of water, eventually putting the fire out. After the flames had been extinguished the remains of the owner were found near the door in a terribly charred state. It was evident he had made an attempt to escape. The body was charred beyond recognition. **Mr Thomas Healy, Kyeburn**, who was in the house at the time the outbreak occurred, managed to get clear of the flames. [*Otago Witness, Issue 2870, 17 March 1909, Page 37*]

THE INQUEST ADJOURNED. (From Our Own Correspondent.) NASEBY, March 13. The inquest on the body of Dugald Sinclair, who was burned to death in his dwelling at Naseby on Thursday night, was held at the courthouse, Naseby, yesterday, before Mr H. A. Young, coroner. **Thomas Healy, of Kyeburn**, deposed, that he had known deceased for many years. He had been in the habit of calling on deceased at the house when he came to Naseby. He called on deceased on Wednesday last, and was with him on Thursday. On Thursday morning witness bought a bottle of beer and shared it with deceased. Witness had three "portergaffs" that day. In the evening he gave deceased 1s 6d to purchase three bottles of beer, which deceased

purchased and brought home to the house. They each had a cupful out of one of the bottles. About 10 o'clock that night **Mrs Healy** (witness's wife) called and took the remaining two bottles away. After this witness went to sleep, and was awakened shortly after by the intense heat. Witness tried the doors, and called to deceased, who was lying on the kitchen sofa. He pulled deceased off the sofa, and got the door open. He tried to pull deceased out, but could not stand the heat. Witness then ran to the fire brigade station and gave the alarm. On returning to the house no one could get near it on account of the flames. Witness had no idea what caused the fire. The lamp was burning when witness went to bed. He was standing in the kitchen on a small table near a partition. He had no reason to believe that fire was caused other than by pure accident. Constable Lemm deposed that he had known deceased for the last 11 years. During that time the deceased resided in the house that was burned. Deceased was 78 years of age. About 8 p.m, on Thursday witness called at the house, which was then in darkness. Deceased was lying on a sofa in the kitchen, and Healy was in bed in the bedroom. Both were fully dressed. Both were under the influence of liquor. Witness left shortly after 8 p.m. Deceased, who had lighted a candle, came to the door to show witness out. The house has three rooms. There was a lot of soft woollen stuff and rags about. At 10.30 p.m. witness saw the house on fire, gave the alarm, and rushed to the house. He broke a window over the sofa, but the deceased was not there. Witness opened the back door, but it was impossible to gain an entrance. Witness believed the house was accidentally burned. He did not know if it was insured, but he believed there was no insurance either on the house or the furniture. The deceased had been refused an old-age pension because of his intemperance. He had a little property, but it was not of much value. The coroner adjourned the inquest till 11 a.m. on Saturday, in order to obtain the evidence of Mrs Healy, she being the last person in the house before the fire. **[Otago Witness, Issue 2870, 17 March 1909, Page 37]**

BURNED TO DEATH - Per Press Association. DUNEDIN, March 16. At the inquest on the body of Dugald Sinclair, who was burned to death at his residence at Naseby on Thursday evening, **Margaret Healy, of Kyeburn**, gave evidence that on Thursday evening she went to deceased's house about nine o'clock. Her husband, who was staying with deceased, and deceased, were in bed. A light was dimly burning in the bedroom where her husband was sleeping. Deceased was lying on the sofa in the kitchen. Both were dressed. She requested her husband to come home. He said he would. Witness left shortly after. Before doing so she removed a bottle of beer, and took it outside. Deceased was certainly the worse of drink. Mr Healy was sober,

though he may have had a few drinks. The lamp was quite safe. There was no fire in the stove. She had no words with deceased or her husband. Her husband and deceased were very friendly. Witness had no reason to believe that the house was other than accidentally burned. The coroner found that deceased was burned to death at his residence through his house accidentally catching fire.

THE NASEBY FATALITY. NASEBY, March 15. At the adjourned inquest on the body of Dugald Sinclair, who was burned to death at his residence at Naseby on Thursday evening, **Margaret Healy, of Kyeburn**, deposed that on Thursday evening she went to deceased's house about 9 o'clock. She had known deceased for 37 years. Her husband, who was staying with the deceased, and the deceased were in bed. A light was burning dimly in the bedroom where her husband was sleeping. Deceased was lying on the sofa in the kitchen. Both were dressed. She requested her husband to come home he said he -would. Witness left shortly afterwards. Before doing so she removed a bottle of beer, and j put it outside. Deceased was certainly the worse of drink. **Mr Healy** was sober, though he may have had a few drinks. The lamp was quite safe. There was no fire in the stove. She had no words with deceased or her husband. Her husband and deceased -were very friendly. Witness had no reason to believe that the house was other than accidentally burned.

The Coroner found that deceased was burned to death at his residence, through the said residence accidentally catching fire. **[Otago Witness, Issue 2870, 17 March 1909, Page 52]**. Also reported in **Ashburton Guardian, Volume XXIX, Issue 7747, 17 March 1909, Page 4; Evening Post, Volume LXXVII, Issue 64, 17 March 1909, Page 3; Wairarapa Daily Times, Volume LX, Issue 9322, 18 March 1909, Page 4; Manawatu Standard, Volume XLI, Issue 8825, 17 March 1909, Page 8.**

Sections 3 and 16 – proposed sale 1909

The first attempt at selling both **Sections 3 and 16** came in April 1909 from this advertisement:

ADVERTISEMENT: Sale of Freehold and Leasehold Farm at Kyeburn, **section 16 and section 3** as instructed by **Mr Thomas Healy, Kyeburn**. Friday 23rd April at 9 am sharp, at Waipiata Saleyards, Freehold and Leasehold farm at Kyeburn. Dalgety and Co Ltd are instructed by Mr Thomas Healy, Kyeburn to sell by auction, at Waipiata Saleyards, on Friday 23rd April at 9 am sharp: **His freehold and leasehold farm** at Kyeburn comprising **Section 16**, block IV, 200 acres freehold – 40 acres in fallow, balance in English grass, hut and

sheepyards. **Goodwill of Lease of Section 3**, block IV, Lease in Perpetuity, 200 acres, together with 3 roomed House and Shed, and right for 3 heads of water; 30 acres fallow, balance in grass. *[Mount Ida Chronicle 8 April 1909 Page 2]*

However the sale was not successful.

Maniototo County Council. Kyeburn, Messrs Alex Pearson, John Durward, John Coyle and **Thomas Healy** wrote asking that all obstructions on the Kyeburn Cliffs road be removed. Letter received; arrangements made for the obstructions will be removed. *[Mount Ida Chronicle, Volume 3, Issue 3, 14 May 1909, Page 4]*

Sheep Returns, Maniototo County. The following are figures showing the number of sheep owned by the various owners on 30th April 1909 and 30th April 1910: **Thomas Healy Kyeburn** 238, 269 *[Mount Ida Chronicle, Volume XL, Issue XL, 16 December 1910, Page 4]*

Attempt to sell Section 16, 1911

The next attempt was for the sale of Section 16 in August 1911 when Dalgety and Co Ltd were instructed as follows:

To offer for sale Section 16, Block XIV³⁵, Swinburn district, containing 200 acres Freehold, divided into 3 paddocks; hut and yards on the property. All good agricultural land; grows splendid crops of grain and turnips; 100 acres have been ploughed, balance in tussock. *[Mount Ida Chronicle, Volume XL, Issue XL, 4 August 1911, Page 2]*

Attempt to sell Sections 16 and 3, 1913

Then in 1913, another attempt was made to sell the land by Dalgety and Co Ltd, by “**Mr Thomas Healy** (who is giving up farming owing to ill health and old age)”:

Sale of land and stock, on the Farm at Kyeburn, Friday 20 June 1913 at 1 pm. Offered by auction: HIS FARM being Freehold **Section 16**, Block IV, Swinburn, containing 200 acres more or less. And L.I.P. **Section 3**, Block IV, Swinburn, containing 200 acres, annual rental £7 4s.

Improvements: 4 roomed house, shed and other buildings, 3 heads of water for irrigation, chaffcutter driven by water wheel, subdivided into 8 paddocks. The land has all been cultivated. Situated about 1.5 miles from Kyeburn school and post office.

³⁵ This must have been a typographical error as Section 16 was in Block IV, not Block XIV.

Stock, which is for unreserved sale whether farm is sold or not:

150 2, 6 and 8 tooth crossbred Ewes

20 lambs

2 halfbred rams

1 cow and calf

3 draught mares

1 2-year-old draught gelding

1 half draught foal

1 hack mare

1 thoroughbred entire

IMPLEMENTS: 2 binders, mower, 1 farm dray and frame, d.f. plough, set 4-leaved harrows, spring cart, Cambridge roller and canisters, harness, Bentall chaffcutter, waterwheel, large boiler, retting, posts, fencing wire etc.

[Mount Ida Chronicle, Volume XL, Issue XL, 6 June 1913, Page 2, Mount Ida Chronicle, Volume XL, Issue XL, 13 June 1913, Page 2]

To Lease for three or four months, the grazing of 150 acres of English Grass, for sheep only. Particulars from **T. Healey, Kyeburn.** ***[Mount Ida Chronicle, Volume LX, Issue LX, 31 October 1913, Page 2]***

Problems with road access to Section 3

Maniototo County Council meeting: Mr T Healey, Kyeburn, wrote complaining that he had no road fit for heavy traffic leading to his holding. The road he had been using had been washed away by the recent floods. The surfaceman had repaired all the other tracks with the exception of his, leaving his property completely isolated, having neither road, bridge, nor plant conveniences. He had complained time after time, but beyond promises had not got relief. Moved by Cr Mann, and seconded by Cr Kinney – that the Engineer be instructed to inspect the road with power to act.

Carried. ***[Mount Ida Chronicle, Volume XLI, Issue XLI, 6 March 1914, Page 3]***

MANIOTOTO COUNTY COUNCIL, Engineer's report. He has been instructed to make certain improvements at Coyle's cutting on Coyle's road and on the track and crossing to **Healey's.** ***[Mount Ida Chronicle, Volume XLI, Issue XLI, 9 April 1914, Page 1]***

Attempt to sell Section 3, 1914

Another attempt occurred in 1914 to sell his leasehold property:

Tenders wanted: Tenders are invited up to 12 o'clock on Tuesday the 21st April 1914 for the purchase of **Mr Thomas Healy's** Leasehold Farm situated

at Kyeburn, comprising two hundred (200) acres, being **Section Three (3)**, Block Four (IV), Swinburn district. [*Mount Ida Chronicle, Volume XLI, Issue XLI, 9 April 1914, Page 2*]

TENDERS WANTED. Tenders are invited up to 12 o'clock on Tuesday, the 21st April 1914, for the Purchase of Mr Thomas Healy's Leasehold Farm situated at Kyeburn, comprising two hundred (200) acres, being Section three (3), Block Four (IV) Swinburn District. The particulars and conditions of sale can be inspected at the office of the undersigned, to whom tenders should be addressed. No tender will necessarily be accepted. J.I. Fraser, Solicitor, Naseby. [*Mount Ida Chronicle, Volume XLI, Issue XLI, 17 April 1914, Page 2*]

MANIOTOTO COUNTY COUNCIL, Engineer's report. KYEBURN. The formation and gravelling on Scott's road, and the back road through Kyeburn Hundreds was delayed somewhat on account of the difficulty experienced by the contractor in getting men, but the work is now finished and will be finally inspected tomorrow. [*Mount Ida Chronicle, Volume XL, Issue XL, 4 December 1914, Page 2*]

Committal of Patrick, Susan, Catherine, Francis 1914

On 14 August 1914, under Section 5 of the Mental Defectives Act of 1911, Margaret Healy of Kyeburn, applied to have Patrick, along with Susan, Catherine and Francis, committed to a mental hospital. Their stories are documented on their individual webpages.³⁶

Court case 9 May 1916

The next newspaper article is in 1916.

The Courts. Tuesday, 9th May.

(Before R.J. Acheson, Esq., S.M.) J. Brown and Son v **Thos. Healey. Kyeburn.** Claim, £8 19s 6d, for goods supplied. Mr Fraser for plaintiff, Mr McNeil for defendant. The claim was admitted, but defendant's case was that he had not been credited with £4 for eight bags of oats he supplied to plaintiff in November, 1914, whilst plaintiff said they had had no transactions

³⁶ <https://www.webgirl.co.nz/SharpHealy/patrickhealy.html>
<https://www.webgirl.co.nz/SharpHealy/catherinehealy.html>
<https://www.webgirl.co.nz/SharpHealy/susanhealy.html>
<https://www.webgirl.co.nz/SharpHealy/francishealy.html>

since September, 1912. Evidence was by both plaintiff and defendant. His Worship said in the case before him he would have to give judgment for plaintiff, but as there was the possibility that the oats had been delivered to someone in plaintiff's employ, who neglected to notify him, he suggested that plaintiff allow defendant £2 for the oats. Plaintiff agreed, and judgement was therefore given for £6 19s 6d, with court costs 10s and counsel's fee £1 6s; total £8 15s 6d. **[Mount Ida Chronicle, Volume XLV, Issue XLV, 12 May 1916, Page 2]**

Thomas and Margaret parting, 1916

A notice in the Mt Ida Chronicle states the following, indicating that Thomas and Margaret had parted, and Margaret must have moved from the homestead into Naseby sometime in 1916:

Notice: My wife, Margaret Healy, having deserted her home, I will not be responsible for any debts contracted by her on and after this date. **THOMAS HEALY.** **[Mount Ida Chronicle, Volume XLV, Issue XLV, 29 September 1916, Page 2]**

Margaret responded with the following notice two months later:

Notice. In justice to myself and family, I beg to state that my husband has sorely wronged me as I owe no debts, nor never have, and what he calls a home is only a hovel, as everybody knows. **MARGARET HEALY, Kyeburn.** **[Mount Ida Chronicle, Volume XLV, Issue XLV, 10 November 1916, Page 2]**

The reason for this exchange is not known and there are no family records indicating what happened.

Enlisting for the War

Thomas and Margaret Healy had two sons enlist for service in World War I. It must have been an emotional and worrying time for them both, with the war raging in Europe and reports of casualties coming thick and fast through newspaper reports.

Denis Healy

Denis enlisted with the New Zealand Expeditionary Force on 25 July 1916 for the Duration of the War. When he was seen by the Medical Officer at Naseby on 26 June 1916, Denis was noted as being 19 years 9 months of age, and was 5 ft 10 and a half inches tall, with dark hair and hazel eyes and he was in good all round health. His

religion was Roman Catholic. At the time he was listed as a farm labourer for C Donald in Kyeburn. You can read his story on his webpage.³⁷

A farewell social was held in the hall to bid farewell to Private D. Healey who has been home on final leave before leaving for the front with the 19th Reinforcements. The night being fine a good many rolled up. [**Mount Ida Chronicle, Volume XLV, Issue XLV, 20 October 1916, Page 3**]

Denis was killed in the Battle of Broodseinde Ridge, dying of shrapnel wounds to the back and abdomen on 16 October 1917 in the 2nd Canadian Standing Hospital. He was buried in France.³⁸

This news must have been a devastating blow to the Healy family and especially to Thomas and Margaret, losing their youngest son. There are numerous news stories about Denis and how he was thought of as a hero.

Thomas Healy

When Thomas signed up on 2 January 1917 with the New Zealand Expeditionary Force recruiting for reinforcements for the War, he was 34 years old. He signed the Attestation of Service and underwent a medical examination to ensure he was fit for duty. On the form, it states that Thomas was 5 feet 11 inches tall, weighed 168 lbs, had a dark complexion, with grey eyes, and brown hair. His religion was Roman Catholic. At the time he was a shepherd at Omarama for T Munro. You can read his story on his webpage.³⁹ Thomas survived the war and arrived back in New Zealand in mid-1919. He returned to his previous life as a Shepherd in Otago where he remained for the rest of his life.

Sale of Section 3 declined, 1917

In May 1917 an attempt was made to transfer Section 3:

The following transfers were held over: **L.I.P. 3**, Block IV, Swinburn, 200 acres – Mr **Thomas Healy** to Mr James George Finch; [**Otago Daily Times, Issue 17000, 10 May 1917, Page 7**]

On 20 July 1917 the Mt Ida Chronicle reported:

³⁷ <https://www.webgirl.co.nz/SharpHealy/denishealy.html>

³⁸ <https://paperspast.natlib.govt.nz/newspapers/OW19171031.2.36>

³⁹ <https://www.webgirl.co.nz/SharpHealy/thomashealy.html>

LAND BOARD BUSINESS: Section 3 Block IV, Swinburn, 200a – Mr Thomas Healy to Mr James George Finch – Declined [*Mount Ida Chronicle, Volume XLV, Issue XLV, 20 July 1917, Page 3*]⁴⁰

Death of Thomas Healy, 1918

It is assumed Thomas remained at the property until he ended up very ill in Dunedin Hospital where he died of heart failure on 10 August 1918 and is buried in Plot 55, Block 24, Andersons Bay Cemetery, Dunedin. He died intestate⁴¹.

His death notice read:

HEALY, on August 10, 1918, at Dunedin, Thomas, dearly loved husband of Margaret Healy (Late of Kyeburn, Central Otago); aged 78 years. R.I.P. Private interment. A.S. Archer and Co, undertakers.



Figure 10 - Headstone of Thomas and Margaret Healy, Andersons Bay Cemetery, Dunedin.

Occupation of Section 3 – 1918-1922

It appears the main property on Section 3 was still being occupied between 1918 and 1922 when it was abandoned as Margaret Healy had moved into Naseby in 1916.

The homestead was used for a short time during the Spanish Flu epidemic when Margaret Sharp took Eileen, Doreen, Joan and baby Denis there to escape the threat of illness.

Doreen: When Doreen was three, the family moved to Kyeburn to escape the influenza epidemic raging across New Zealand in late 1918. Hundreds of people were dying in Dunedin, so John Bentley Sharp had ordered the family

⁴⁰ Finch was an ironmonger who died on 28 July 1930 in Oamaru aged 82 years and is buried in the Old Oamaru Cemetery.

⁴¹ Intestate = having no will.

into the countryside. Margaret took the four children (Eileen 6, Joan 4, Doreen 3 and Denis 6 months) and moved into the old family homestead at Kyeburn since Grandma Healy was living nearby in Naseby following Thomas Healy's death in 1917.

Eileen: In 1920, we were still living at Kyeburn, mother used to take us down to the river, about a mile from where we lived, to the Taieri river, and quite often father would be out on his rabbiting rounds, and we would go down to the river for a picnic. Mother would pack a nice lunch and we enjoyed the outings.

Death of Margaret Healy, 1926

Records show that Margaret Healy died on 5 April 1926 in Naseby and is buried in Plot 55, Block 24 in Andersons Bay Cemetery with her husband Thomas.

Thomas had spent 52 years and Margaret 54 years in New Zealand.

Her death was recorded in the "Otago Witness":

***Healy** - on 5 April 1926, Naseby, wife of late Thomas Healy, Lower Kyeburn, 69 yrs. R.I.P.*

Also in another paper:

***HEALY**, On April 5, at Naseby, Margaret, beloved wife of the late Thomas Healy, of Lower Kyeburn, aged 69 years. Deeply mourned, R.I.P. Private Internment at Dunedin.*

The inscription on her headstone reads:

Thomas Healy, Also Pte Denis Healy Killed in France 16 Oct 1917. Also Margaret, Beloved Wife of above, Died at Naseby 5 April 1926, Aged 69 years R.I.P.

Disposal of Section 3, 1928

The remaining leasehold property (Section 3) near the Kyeburn River was transferred to W. D. Hore in 1928 following probate of Margaret's will. It was first advertised for sale by tender.

TENDERS. FOR SALE, LEASEHOLD FARM AT KYEBURN, 200 ACRES.

Tenders are invited by the Public Trustee, as Administrator of the Estate:

Thomas Healy (deceased), for the PURCHASE of LEASEHOLD FARMING PROPERTY, being Section 3, Block IV., Swinburn District (leasehold in

perpetuity at £7 4s per annum), comprising 200 acres, with improvements thereon. Property is situated at Kyeburn, Central Otago, and consists of sweet country under grass and suitable for mixed farming. Terms; 10 per cent deposit, balance 30th November. Tenders Close at the Office of the undersigned at 3 p.m. on MONDAY. 7th November, and should be specially marked "Tender for Purchase of Leasehold." Conditions and particulars of tender may be inspected and forms of tender obtained at the Public Trust Offices, Ranfurly and Dunedin. Highest or any tender not necessarily accepted. G. H. ELLIFFE. District Public Trustee, Dunedin. ***[Evening Star, Issue 19694, 22 October 1927, Page 8] [Otago Daily Times, Issue 20239, 26 October 1927, Page 9]***

This brought to an end 44 years of interest in Section 3, Kyeburn, where the Healy family resided.

Healy's trees, Section 3, Kyeburn, 2026

The most notable identification markers in the area of **Section 3** is **Healy's Trees** which can be seen from a distance, and now marked by a row of silver birch trees and two tall poplars, hence the name Healy's Trees. Several members of the family have visited the area over the years, but now it is virtually inaccessible, being on private farmland, which requires the owner's permission, a 4-wheel drive vehicle and a guide. It is advisable not to attempt to visit the location alone without permission.



Figure 11 - Location of Healy's Trees, Boundary Creek, Kyeburn (Google map)

In **March 2026**, Dale Hartle visited the site of Healy's trees with the current owner, and photographed the area. Most of the stone walls are derelict and overgrown, with very large trees growing out of them, or growing adjacent and pushing the walls over. There are a few bits of metal still visible, but most of the area is quite dangerous to walk on, and great care must be taken to not get injured. However, you can still see the remnants of the original homestead and outbuildings, corrugated iron and timber beams, and the surrounding embankment which protected the house from the adjacent Boundary Creek which the Healy children talk about in their memoirs.

The site had previously been visited in the early 1970s, 1990s and 2008.

The first picture below was taken many years ago by Eileen Baker and shows Healy's trees with the large silver birch trees and tall poplars. Notice the small vehicle at the right.



1981 – Laus Johnson and Shirley Gibbons visited and photographed the site



Healy Homestead (ruins), Kyeburn, Central Otago
Easter 1981

Laus Johnson and Shirley Gibbons.
Photo provided by May Johnson.



Healy Homestead (ruins), Kyeburn, Central Otago
Easter 1981

Tony and Shirley Gibbons.
Photo provided by May Johnson.

These pictures were taken in April 2008 by Desmond Sharp when the ruins were still quite identifiable.



Remains of Healy cottage, Healys Trees, Kyeburn
(Photo by Desmond Sharp, April 2008)



**Remains of Healy Cottage, Healys Trees, Keyburn
(Photo by Desmond Sharp, April 2008)**

These photos were taken by Dale Hartle in March 2026.



Some of the silver birch trees have been destroyed and two poplars have fallen over.

The next photos shows the remaining stone walls and aspects of the cottage still visible. Much of the area has been trampled by stock or destroyed by fallen trees.

The stone walls have been buried or fallen over and the remains of the homestead are barely discernible now.









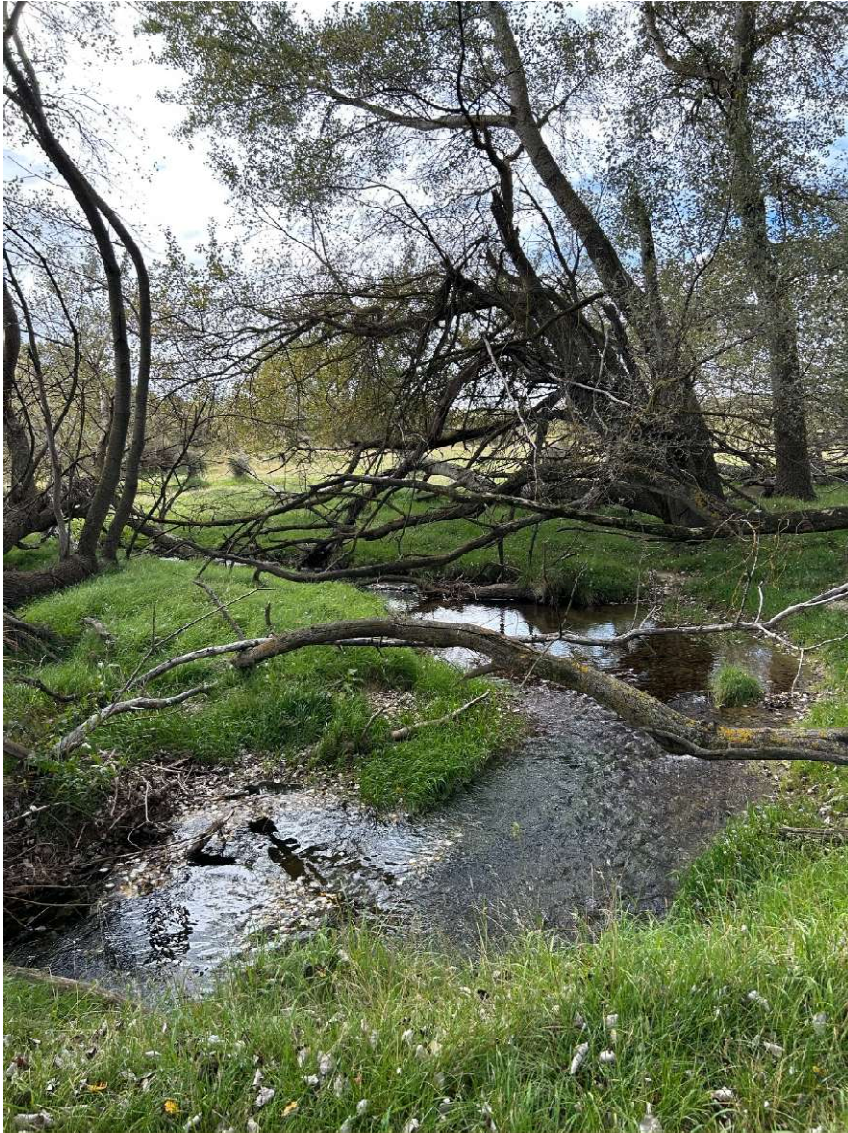












Boundary Creek.

References

Mackenzie, N.S. **Gateway to Maniototo, A History of Kyeburn and Kokonga Districts**, Compiled by N S MacKenzie ISBN 0-473-00882-3. Budget Print Ltd, 7 Bath St, Dunedin. Copy owned by Dale Hartle, and available from the National Library of New Zealand.

An excerpt from "*Gateway to Maniototo, A History of Kyeburn and Kokonga Districts*", summarises the sale of the Healy properties:

In June 1913, for "reasons of ill-health and old age", Thomas Healy advertised for sale his freehold land of 200 acres acquired in 1893*, and his leasehold land, upon which were erected a four bedroomed house, shed and other buildings. The area, all of which had been cultivated, was divided into eight paddocks and could be irrigated with a right to three heads of water. A.B. Hore bought the freehold, but the leasehold near the Kyeburn River remained in the Healy family until it was transferred to W.D. Hore in 1928. Prior to taking up land, Thomas Healy had been in the position of managing shepherd for Alexander McMaster and at one time had responsibility for 10,000 sheep. He was also instrumental in opening up a coal seam on a lower spur of Mt Pisgah.

(Reference: page 40, Gateway to Maniototo, A History of Kyeburn and Kokonga Districts, Compiled by N S MacKenzie ISBN 0-473-00882-3. Budget Print Ltd, 7 Bath St, Dunedin. Copy owned by Dale Hartle, and available from the National Library of New Zealand).

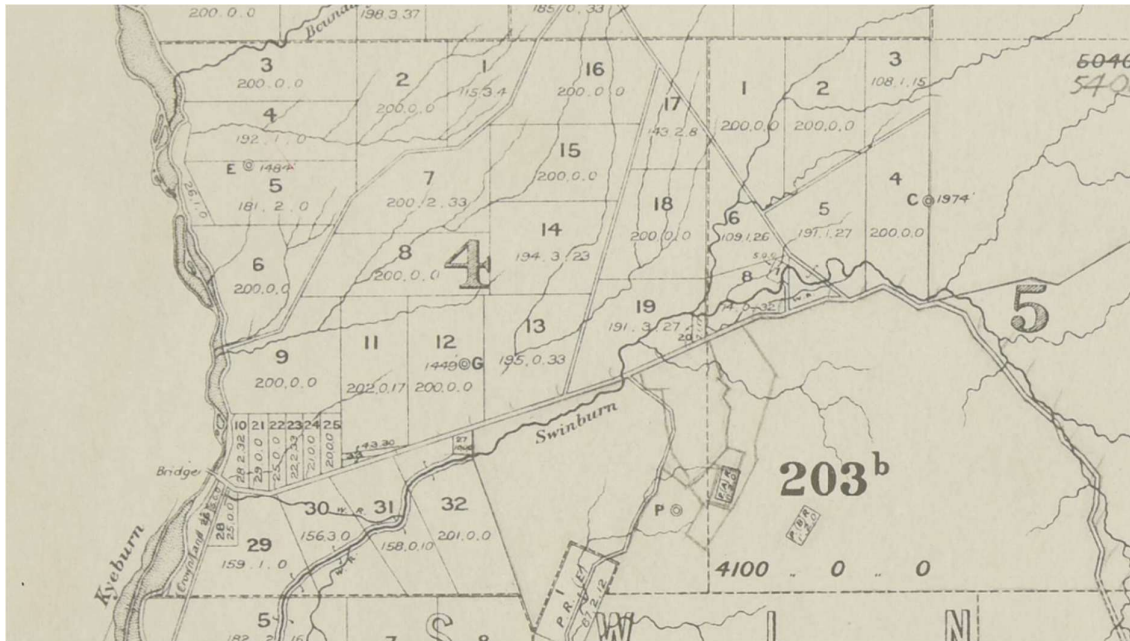
**This date is actually incorrect. The freehold land was acquired in 1903. The leasehold land was acquired in 1884.*

Section 3 – Leasehold in Perpetuity 200 acres – 26 April 1884 – 1928 (house and buildings), transferred to W D Hore following Margaret Healy's death

Section 16 – Freehold 200 acres – 4 September 1903 – June 1913 – sold to A B Hore

Maps

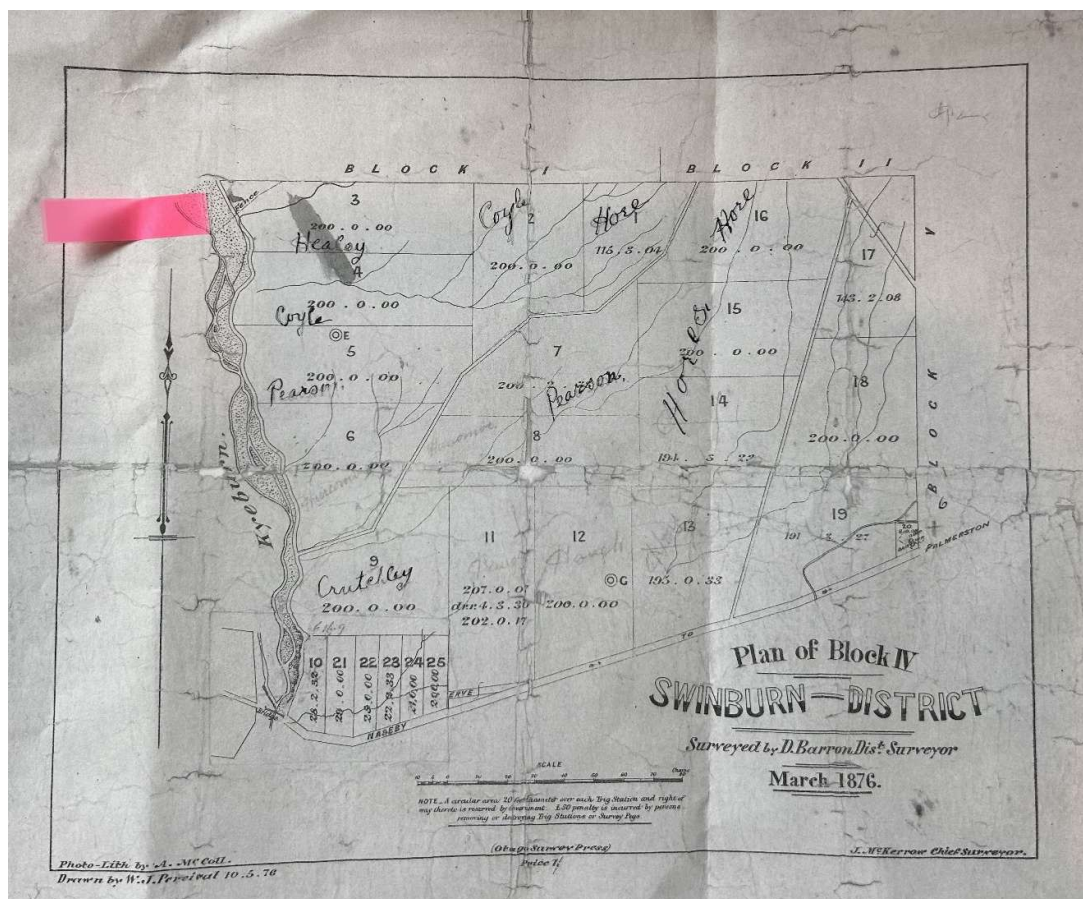
[View an old map showing Section 3 and Section 16, Block IV, Swinburn.](#)



Block 4, Swinburn. Date unknown.



Crown Grant Index Map, Swinburn – see Section 3 top left, Section 16 Centre with the name Annie Bell Hood. Date unknown but believed to be before 1903 as Thomas Healy purchased Section 16 in 1903.



Map Swinburn District, Plan of Block IV, dated March 1876. Section 3 Healey, Section 16 Hore. Date unknown but probably after 1913 when A B Hore purchased Section 16.

Map links:

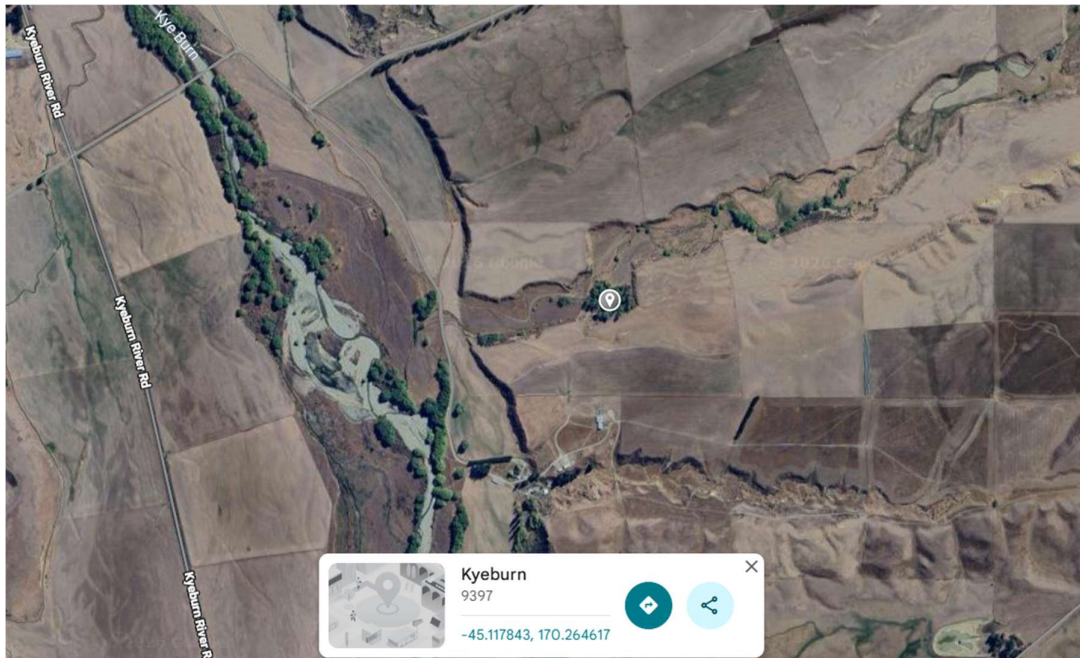
Topographical Map

<https://www.topomap.co.nz/NZTopoMap?v=2&ll=-45.076318,170.22457&z=11>

Zoom in Kyeburn, Scott Lane to see the copse of trees known as Healys Trees

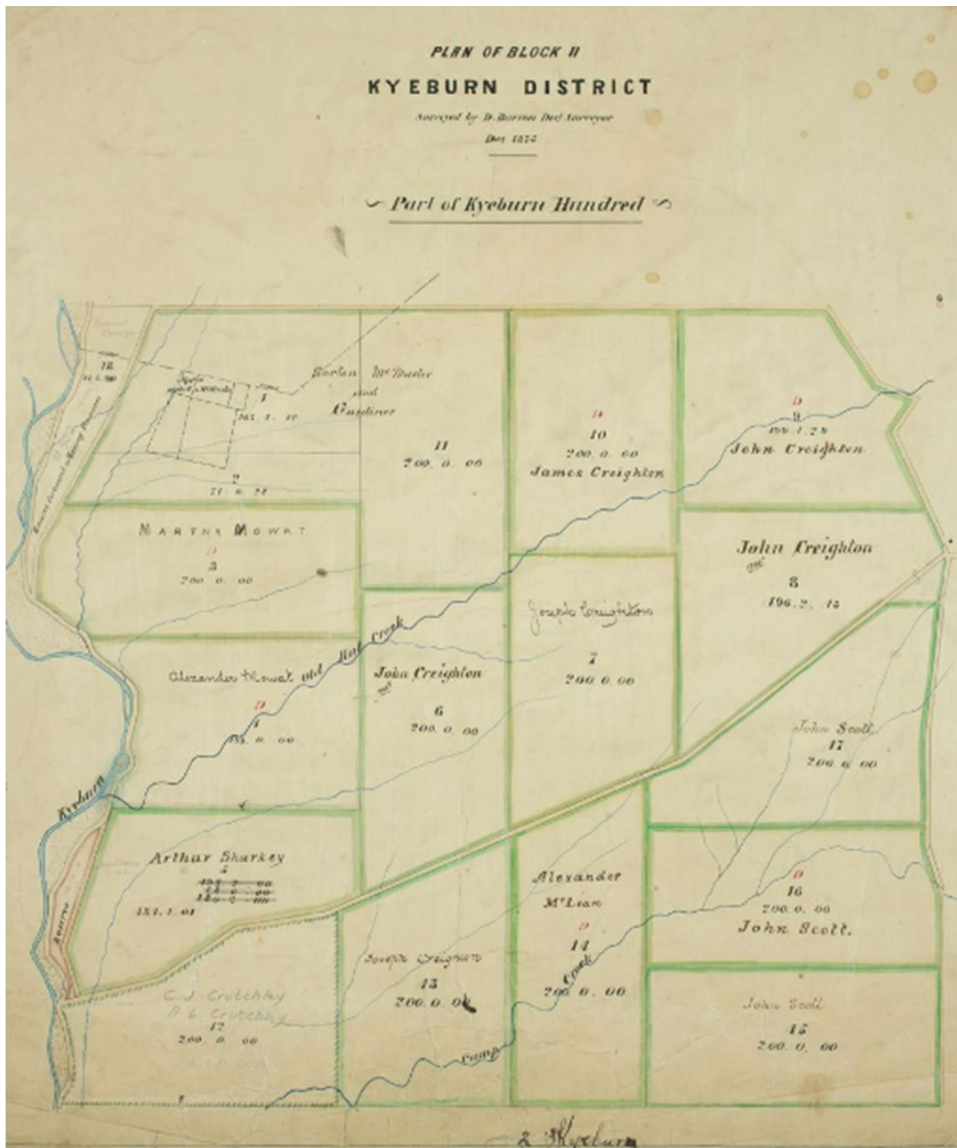


Google map



<https://maps.app.goo.gl/bTQkfmAWBdce1KLY7>

Map – Block II, Kyeburn survey district (Archives NZ) 1875. Shows Borton-McMaster-Gardiner property known as East Kyeburn Station, as well as properties owned by the Creighton family and other Kyeburn identities.



Link to full map

<https://collections.archives.govt.nz/web/arena/search#/entity/aims-archive/R10303344/kyeburn-survey-district---block-ii>