**Horse stealing case at Oberon 1894**

*​This horse stealing case went to court in Bathurst in 1894.  James Richard Robinson, one of the accused (and later sentenced) thieves, was related to many of the individuals who either had a horse stolen, or who were witnesses to the event.*

*​James was a nephew by marriage to the brothers John and Philip Gidley Green,[he would have been the nephew of Sarah Jane Robinson who married Philip and also related to John and Philips sister Mary Jane Green who married Sarah’s brother Edward Robinson. He was the son of either William Henry, John, Thomas, Joseph, George or Peter ]  who owned the property ‘Willow Springs’. Mrs Selina Shalvey [Selina was Selina Margert Green daughter of George Spencer Green and Mary Ann Cash-and grand daughter of Spencer Hall and Margaret Jane]  was a niece to the Green brothers, and Joseph Augustus Green was the son of Philip Gidley Green (not John as referenced in the article). Mrs Ann Foran [Ann Foran being referred to as Mrs Foran could be Agnes Cash dtr of Mary Ann Smith and Thomas Cash who married Phillip Joseph Foran. Mary Ann was the daughter of William Richard Smith and granddaughter of Frances Green. She was also niece to Margaret Jane Barsden]  is also another relative. An Alexander Whalan [Likely to be related to Elizabeth Whalan wife of Augustus]  is mentioned as a witness - Joseph Augustus Green went on to marry one of the Whalan clan when he grew up.*

*​The following is a report from the Bathurst Free Press and Mining Journal (NSW : 1851 - 1904), Tuesday 31 July 1894:*

*Quarter Sessions. MONDAY, July 30th, 1894. (Before his Honor, Judge Docker.)*

*​****ALLEGED HORSE STEALING.***

***​****James Richard Robinson and Edwin Michael Francis Foley were indicted for having; on 31st March, 1894, at Willow Springs, [Property of Phillip Gidley Green] stolen one mare the property of Patrick McMahon and one bay horse the property of Ann Foran. [Ann is referred to as Mrs Foran above so is possibly Agnes] Prisoners pleaded Not Guilty. Prisoner Foley was defended by Mr. Butterworth instructed by Mr. McIntosh, and prisoner Robinson was defended by Mr. Thompson.*

*​Ann Foran deposed that she lived at Willow Creek,[ not Willow Springs]   and owned a horse branded PF [PF could stand for Phillip Foran or Patrick Foran!]  over J [ yes that is Joseph so given the below we know this horse belonged to Patrick Joseph Foran who had died in 1888 at Fish River Creek]; saw him in March last in Green's paddock, and not again till the police had him in Oberon. To Mr. Butterworth : Two days before I missed him the prisoners were at my place to dinner.*

*​*

*Patrick Foran, [ OK this gives us some context-Patrick is the son of Ann so this identifies that Ann Foran is not Agnes but Anne Blanche Hanrahan who married Patrick Joseph Foran- he died in 1888 but Ann lived to 1914, We know now that Ann lived at Willow Springs maybe after her husband died but what is the connection to the Green’s? There is no clear connection except through Phillip Foran who married Agnes Cash and the connection is back via Frances Green and Margaret Barsden ] son of previous witness, deposed that the horse outside the court  was his mother's property ; saw it a few days before it was missed and got it from James Hanrahan [clearly related to Ann Blanche Hanrahan] . Patrick McMahon, farmer at Stoney Creek, about 14 or 15 miles from Mrs. Foran's, deposed that he owned the mare outside the court and saw her in March, after which he missed her; in April be got her back from John Green. [likely John Thomas Green]*

*John Thomas Green, farmer, of Willow Creek, [as opposed to Willow Springs is this is property called Norway which is cited in his obituary?] deposed that on the 26th March the mare claimed by McMahon was brought to him for agistment, and his son put her in the paddock; a few days afterwards he missed her, and found a number of tracks going out of the paddock in which she had been placed ; there were also tracks about trap yard, which had not been used for some time.*

*​Joseph Augustus Green, [Phillip Gidley Green’s son and his wife is Elizabeth Whalan] son of last witness, deposed that he put the mare in his father's paddock, and the horse belonging to Mr. Foran [that is interesting as Patrick Joseph Foran had died in 1888] was then there.*

*Phillip Gidley Green deposed that he tracked the horses that had been taken from the paddock along the Rockley- Goulburn road and Wiseman's Creek road; the tracks were of a mob of horses that had galloped, and near them were the tracks of a shod horse; they went through Mrs. John Foran's [ likely to be John Joseph Foran  born 2/3/1846 at Fish River who married Catherine English. If this is the case then Catherine held property in her own right as John did not die until 1923! There are no other John Forans who would have been old enough to won property at this time] paddock, in which was a trap yard which had recently been used, evidently for penning a portion of the same mob ; from there they out out on to one of the old roads. (A plan was produced, and witness was closely examined concerning the tracks followed.) In cross- examination witness said he had known prisoner Foley for seven years, but did not know anything against his character, except this charge.*

*​James Joseph Hanrahan, [ a relative of Anne Blanche ] laborer, of Fish River, deposed that about the time the horses were reported missing from Green's paddock he saw the two prisoners on the road, about a mile from the old trap yard, heading towards Goulburn ; they were about two miles from Robinson's place.*

*​Alexander Whalan [a relative of Elizabeth wife of Augustus Green] deposed that on 31st March he saw prisoner Robinson on the Swatchfield-Rockley road ; he was riding a roan horse, and had a companion whom witness did not recognise; they were driving a mob of horses which looked as if they had been driven hard ; the second man was riding a black horse. To Mr. Thompson : I had seen Robinson previously at the Oberon races, and knew him ; it was in the morning when I saw them.*

*​Frederick Morrow,[ Morrows are related to the Bailey family and they are linked to my mother’s family the Cunninghams-this is a synergy of 2 distinct lineages my mums and dads]  living with his father beyond Oberon, deposed that on 31st March he saw prisoner Robinson on the Wiseman's Creek road; he was driving a mob of horses, and was riding a roan horse ; another man was with him riding a bay horse ; did not know the second man. To Mr. Thompson : Could not swear that the horse Robinson was riding was a roan ; could not say if it was shod.*

*Fabian Foley, laborer, living with his father at the Wiseman's Creek, deposed that prisoner Foley was his cousin ; on 31st March be saw him with Robinson at Wiseman's Creek ; Robinson was riding a roan mare and Foley a black mare ; the roan mare outside the Court was the one, to the best of witness' belief ; they had dinner at witness' father's place and afterwards they rode away ; two or three hours afterwards he saw them again driving a small mob of horses about half a mile from his home ; after nightfall they returned to his father's place stayed the night ; they did not leave until about 11 o'clock next morning, Sunday ; when witness caught up to them on the road Robinson said he ought not to be with them, add after riding half a mile with them he left. To Mr. Thompson : Robinson was arrested eight days before Foley ; I was at the Police Court at Oberon when Robinson was remanded ; I heard the evidence given by Constable Fulton there, and I swear I did not see Ned Foley afterwards and before he was arrested; I don't think I did (Mr. Thompson : Will you swear ?— No answer.) I did not see him at father's house when I went home ; the roan mare that Robinson was riding was not shod ; cannot say if the black mare  ridden by Foley was shod ; I am son of Frank Foley, postmaster of Wiseman's Creek. To his Honor: We did not have any conversation about the mob of horses.*

*​Selina Shalvey, wife of George Shalvey, [Selina as above is Selina Margaret Green dtr of George Spencer Green and Mary Ann Cash and granddaughter of Spencer Hall and Margaret Jane Barsden. If we relate this to Phillip Gidley then Selina would be his niece] deposed that the roan mare belonged to her step-father, Mr. McMahon ;[We know Mary Ann Cash Green remarried after her husband George Spencer Green had died in 1862 to Patrick McMahon. Mary Ann was sister of Thomas Cash and sister-in-law of Mary Ann Smith whose children include the Forans.  ] on Saturday 31st March she saw prisoner Robinson and Foley driving a small mob of horses ; Robinson was riding the roan mare. To Mr. Butterworth : On the same evening I saw prisoner Foley shoeing a horse, but cannot say if it was the one he was riding.*

*Fabian Francis Foley, postmaster, Wiseman's Creek, deposed that the two prisoners came to his house on the Saturday, Robinson riding a roan mare and Foley a black mare;   they were driving; horses and put them in his backyard; heard Robinson say he would sell the roan mare if he got his price; subsequently Mrs Shalvey said something to witness, and witness said to Robinson "You can't sell the roan mare as she is not yours to sell, but belongs to Mr. McMahon" ; he replied, "It's, my property, and not McMahon's at all;" witness then said " If these horses are not yours then take them off my premises at once and I'll give information to the police about it ;" Robinson said again they were his and Ned Foley said ' If they are yours own to them at once, as if they are not yours I wouldn't go to the yard with you and be found in your company." To Mr. Butterworth : Ned Foley was riding a black mare, his own property, and he shod her at my place during the afternoon ; have known Ned Foley since a child, and he has borne a spotless character. To the Crown Prosecutor : Ned Foley had   taken the shoes off the black mare before he rode away from my place ; she had been running at my place for some time before ; he rode her away about a week before returning; with Robinson.*

*​Constable Fulton, stationed at Oberon, deposed that he arrested Robinson at Oberon on 7th April ; in answer to questions prisoner said he was at Wiseman's Creek on 31st March ; he said he had left Ted Robinson's and went to Shooter's Hill, and after an early dinner went to Foley's at Wiseman's Creek ; that, on the Saturday morning Dave Foley and he went out riding together and when returning in the evening they saw Ned Foley coming along- the road, driving a mob of 12 or 15 horses ; prisoner said he asked where he was taking the horses to and he replied "It would suit some people better to mind their own ----- business;" that, he did not say any more, but rode along with him to Frank Foley's, where the horses were turned into the yard ; that he stayed there that night and so did Ned Foley, who got up about 4 o'clook next morning, and went away ; in answer to witness prisoner said he knew one the horses as Mrs. Foran's very well ; when witness charged prisoner he said ' Oh, all right, it wasn't me stole them, I believe it was Ned Foley ;" on the 18th April Ned Foley came to the police office and said he heard that there was a warrant out for him ;   in answer to questions concerning his where- abouts on the 31st March, he, after some   hesitation, said he was at Wiseman's Creek, and he saw Robinson there, but refused to say whether he (prisoner Foley) was driving horses with him, saying he would tell witness by-and-bye ; subsequently he said he had helped drive the horses along the road, but when Mrs. Shalvey recognised the mare he " dropped down " that they wore stolen, and advised Robinson to take them back again, helping him back along the road with them as far as Riding's, near Oberon, where he left them.*

*​Senior-constable Hayes gave evidence concerning the distances on the road along which the horses were driven. He gave both prisoners a good character.*

*​For the defence — Prisoner Robinson deposed : On the 30th March I left home to go to Dennis', about five miles, and from there went to a dance at Foley's ; arrived there about five o'clook in the afternoon ; stopped there that night ; Frank Foley and Fabian Foley were both at home ; next day Fabian and myself went for a ride after dinner ; we went up Wiseman's Creek a bit and met Ned Foley driving horses ; shook hands with him and asked him whose horses they were, and he said, " Mind your own business;" went, back with him to the house, and after yarning awhile went inside; Frank Foley the father was there, too ; this was about 5 o'clock ; went inside, and then Ned and Frank came in also ; had our tea and I went out once after- wards ; the horses were in the yard; came in then and went to bed ; saw Nod Foley next morning (Sunday) about. five o'clock; he shook hands with Fabian and then left the room ; heard some horses going away soon after this ; did not see the horses after this till I was shown three of them at Oberon, where I was before the court; Constable Fulton gave evidence there; one of the Foley's and his uncle were present in court while the   evidence was being given; saw Mrs. Shalvey at Wiseman’s Creek about 4 o’clock when the horses came there; heard Frank tell Ned to put the horses in the paddock, he also Said Mrs. Shalvey knew the mare and the best plan was to turn her out and she would go home in five minutes; am, not in the habit of visiting at that house, at Wiseman’s Creek, know witness Whalan, not much, only to speak to ; can any the horse Ned Foley was riding was shod ; it was a black mare. To the Crown Prosecutor : If Ned Foley said he met by appointment and saw me driving a mob of horses it is not true ; all the rest of his evidence is a matter of invention, and he is just putting all the blame on my shoulders ; Whalan also is against me as about 6 months ago I had a row with one of his friends; also had a quarrel with Morrell ; I did not ride a roan mare down to the place, and if all these witnesses say I did they are wrong and I am right; can't account for the roan mare having girth galls and bad back a few days after ; it was not after Mrs. Shalvey recognised the roan that we decided to let her go for fear of being caught ; it is not true that I rode along with Fabian Foley that day nor did I stay at his father's that night; no one turned up to the dance : Foley was riding the black horse when I saw him first ; most of the evidence for the Crown regarding me is incorrect. To Mr. Butterworth : On Thursday night I slept at home ; I slept at Frank Foley's on Friday night. (Witness proceeded to contradict statements made by Pat Foley as to his movements about this time) did not go with Ned Foley to Hanrahan's that night to get tea, and after that take him to the old yard where the horses were; the horses were not in the yard ; did not let them out of the yard and drive them away; Ned Foley did not ask me if I was horse-dealing, and I did not tell him some belonged to me ; those who swore they saw us driving the horses that night have sworn falsely; I did not leave him in charge of the horses while I went in search of some horses which had gone astray ; did not meet Whalan that morning, and did not speak to him; Whalan is no relative of Foley’s; did not drive on to Wiseman's Creek and see prisoner Foley there; Fabian Foley and I went out for a drive in the afternoon and met the mob of horses coming up out of the creek ; Ned Foley was driving them, and when I asked him where he was going he told me to mind my own business; I was not riding a roan mare at all that day; I did not leave the post-office until Monday morning; went to Donnelly’s on Thursday and borrowed a crupper from Jack Hanrahan.*

*​Edwin Michael Francis Foley, prisoner, was called by Mr. Butterworth, and deposed : I live at Golded Grove ; I have known prisoner Robinson for two years ; have never had any dealings with him ; on the Tuesday before the Friday I saw him at his uncle's ; met him at Foran's on the Thursday, within 100 yards of the house; before this nothing had been said between us about horses ; we had dinner that day and I rode afterwards to John Foley’s ; I had gone there after a horse ; Robinson was riding a mousy mare of his uncle’s with a foal at foot; prisoner left me 100 yards from Foran’s ; after dusk that night I went to Paddy Foran’s [ Paddy is a name for Patrick which could refer to Patrick Alfred Foran son of Anne Blanche and Patrick Joseph Foran. Patrick Alfred was born 9/9/1867 so would have been 27 at this time] and met Robinson there; this is about two miles from his uncle’s ; [reference to Robinsons uncle would be Phillip Gidley Green] he came there after dark and asked if he could put the mare in the stable ; he slept, at the house and next day asked me to go with him to Dennis ; I told him I was going to a dance at Wiseman’s Creek that evening and I asked him to go ; he said he would be down that way and he asked me what time I would go; the place was 15 or 18 miles away ; he asked me to meet him near Jim Bell’s about 4 o’clock in the afternoon ; I left about 2 o'clock for John Foley's and then started to meet Robinson; I rode to a culvert, but Robinson did not come until late in the evening; I waited for two hours for him ; he was riding McMahon’s roan mare ; did not know the mare then ; he had no other horses with him; he said he was very hungry and wanted to go to Hanrahan’s for food ; he said he had horses in the yard and asked me to help him down with them; we rode to Hanrahan’s and had supper [This Hanrahan would likely have been one of Blanche’s brothers Michael 1824-1910 or Phillip 1825-1907]  ; before going there I suggested that he should leave the horses as it was late for us to go to the dance ; he said it would be all right, as after starting we could gallop along and get there by 10 o’clock ; we went to the yard and I found nine horses there ; we started the horses, but before doing so I asked Robinson if he was horse buying ; he said he was, that some were his and some were his uncle’s ; after driving them for some distance and near Beaconsfield fence four horses got away ; at his request I stopped with the five while he went after the other four ; I waited there with them for several hours ; it must have 2 or 3 o’clock in the morning before he returned ; we then drove them towards Wiseman’s Creek ; met no one during the night ; we drove on towards the reserve near Wiseman’s Creek ; it was then day light and the sun was up ; we let the horses feed, lay down in the bush and slept for an hour; after driving them on again we met Whalan [a relative of Elizabeth Whalan wife of Gus Green]  ; Robinson said he was hungry, and suggested to push on the horses ; we trotted them on and reached Fabian Foley’s about 9 o'clook ; we had breakfast there, and I stopped there till about 3 in the afternoon ; after breakfast Robinson went after the horses again and returned to dinner ; he asked me after dinner to help him catch a horse he wished to ride, and I did so ; he was then riding the roan mare, and when we caught the brown filly he turned the roan out with the others ; when he mounted the brown filly he turned the whole of the horses into the road and left them there; Frank Foley came down to the yard and was talking to Robinson about selling the mare ; later in the evening my uncle asked me whether I know anything about the mare ; I told him I thought it belonged to Robinson ; uncle then said to Robinson, : " it appears you cannot sell this mare ; it is claimed by Mrs. Shalvey ; if these horses are not yours, put them off my land at once ; " I said " Is that the case, Dick ?" he said " No, I care for no one ; the horses are all my property ;" I then told him that if the horses were not his to say so, as I would not be seen in his company if such was the case ; he again said the horses were his ; later on I again asked him if it was all right, and if it was not, to see and make things straight, as I did not wish to be mixed up with him in anything, as Mrs. Shalvey had identified the mare and seen me in his company ; Robinson replied, " You need not fear anything, Ned, old man, as the mare is square enough ;" we slept together that night, and next morning he asked me to get up and catch the brown filly which was running with my mare in uncle’s paddock ; I got up, and after catching his filly I rode away a couple of miles to, look after a foal ; on my return I met Robinson driving the mob of horses, and he left them on the creek ; on our way back he asked me if  there was any short road from there to Oberon, and when I told him there was he   asked me to accompany him; as I was going in that direction I agreed to go with him ; we had breakfast, and stayed in the house until dinner; we then left together, and were overtaken by cousin Frank, who rode with us for about a mile; did not hear Robinson say to him, “You should not be with us;” we rode on in the direction of Mayfield and found four of the horses; we rode up to Hogan’s and had tea ; after tea we started again with the horses and rode together as far as the Riding’s where I left him ; I went towards the Homeward Bound and be was on the old Oberon Road ; the roan mare was then with the four horses Robinson was driving; the constable's statement as to the conversation with us is true ; when Robinson told me the horses were square I was satisfied ; up to the time Mrs. Shalvey claimed the roan mare I had no idea the horse was stolen ; I know that he dealt in horses and I did not think they were stolen ; I had no interest whatever in those horses, nor dealings in them.*

*​The Crown Prosecutor : You say that Robinson is a liar, and Robinson says you are a liar.*

*​  Mr. Butterworth : I object, for if is vulgar to use such language.*

*The Crown Prosecutor ; I admit, it is vulgar. I will be more polite. You say your story is true and his untrue?*

*Witness: Yes; I had no idea that Robinson had given me away when he was arrested ; did not know that the constable had given evidence two days before l went to the Police ; do not know that my people were in the court and heard this evidence it was not because     Robinson gave me away that I gave information to Fulton; my uncle had invited me to the dance a fortnight before; that was the only thing that took me to Wiseman’s Creek ; do not know the distance between Behan’s and Wiseman’s Creek, but swear it is not 25 miles ; it was after half past 8 o'clock be- fore we left Behan’s, and it would take us three hours at least to go there ; we started with the intention of going to the dance ; that was my intention when we started but after a time I thought of business I had at Hotham’s ; in going to  Hotham's there was no occasion to go to Wiseman's Creek ; my reason for going on to Wiseman’s Creek after I know it was too late for the dance was because I wanted to shoe my horse ; I got no sleep that night ; I did this to oblige a friend, and I would do it again ; we trotted the horses along until reaching the reserve, we then met Whalan.*

*​To Mr. Thompson : I am not an intimate friend of Robinson’s ; merely a friend ; I was working at George’ Plains when I heard of his arrest ; after this and before my arrest I was at several places ; was at Edward Robinson’s and Wiseman’s Creek ; was not there after I heard of Fulton's evidence ; I afterwards gave myself up to the police ; I was bailed out, and since then have been  out to Wiseman’s Creek to see a witness ; did not think it was strange to have these horses in a bush paddock ; did not ask him where he was driving them to ; it took me all my time to mind my own business ; do not know if my uncle Frank knew where he was taking the horses to, although he put them in his paddock.*

*​To his Honor : There is a yard at Ted Robinson’s, whose place was only two miles from the track paddock ; I did not think it strange they should not be at his uncle’s ; it did not concern me where the horses were kept.*

*Archibald Stevenson, [ had married Harriet Humphries on 26/10/1875 at Essington Park . Harriet was the daughter of Henry Humphries and Sarah Dix and sister to Emma Humphries who had married William Richard Smith and Mary Ann Barsdens first born son William Henry Smith and hence created the family division of the Dix’s ie Stan Dix of Dixies wharf fame where I grew up in Lake Heights and the Smith’s. My dad and Stan were cousins and knew nothing of it] grazier, of Essington Park, Oberon, deposed that he had known the prisoner Foley since he was a boy, and he had always borne an excellent character. The court, at 10.25, adjourned until 9.15  this morning. They were found guilty in August 1894.*