

The Great Mount Egerton Bank Robbery



Brian Pola

Author Statement

The Mount Egerton locality has been the sacred country of the Wathaurung peoples for millennia. It continues to be so today. The arrival of settlers and miners in the nineteenth century turned the country upside down. I am sorry this happened. The following pages tell a story about the settlers. I pay respect to the Wathaurung peoples, their elders past and present and those to come.

To the descendants of those whose names are mentioned here I am sorry if some of the material here is hurtful. The story that follows has been painstakingly researched and I accept responsibility for any mistakes.

A special thank you to Dr David Waldron (Senior Lecturer, History, Federation University); Claire Gervasoni (Curator, Art and Historical Collection, Federation University); Gabriel Waldron (Independent Researcher); Keir Reeves (Professor of History, Federation University).

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ISBN 978-0-646-59878-9

Catalogueing-in-Publication; The Great Mount Egerton Bank Robbery. 1st edn. 2023;

1. Pola, Brian. 2. Victoria, History. 3. Captain Moonlite. 4. Bushranging

Cover Design & Layout by Waller & Chester Printers

Printed by:

Waller & Chester Printers

53-59 Scott Parade, Ballarat

Victoria, 3350, AUSTRALIA

The robbery of the London Chartered Bank at Mount Egerton on 8 May, 1869, remains unsolved.

Initially, two were charged and acquitted. A third, Andrew George Scott, was found guilty three years later. The verdict remains contested. For Scott, it was to end with his execution in 1880.

So interwoven are the threads of events that chapter headings are pointless. I have opted for a continuous narrative for an easy read.

Central to the event is Andrew George Scott. His year of birth varies. On his death certificate it's 8th January, 1843, in the town of Rathfriland, County Down, Ireland. According to Wikipedia he was baptised on 5th July 1842. Other sources say 1844 and 1845. I'm settling for 1842, his baptism year.

Andrew George Scott, or Captain George as James, 'Jim' Nesbitt, Scott's young lover affectionately called him, was the son of a well-to-do Church of England Minister. His father had a B.A. from Trinity College Dublin. He had a brother and a sister. He completed studies in London and qualified as a Civil Engineer. From 1856 to 1859 he was a trainee naval rating in the Royal Navy on HMS Britannia. In 1861 the family emigrated to New Zealand on the Black Eagle. Unsuccessful on the goldfields, Scott enlisted as a Captain in a voluntary militia during the Maori Wars. Seeking a better future, Scott arrived in Melbourne in 1868. He was 26. His background gave him a love for firearms, sailing, the Pacific islands and a strong sense of honour. He was brave, highly intelligent and physically strong. He was professional, well-educated and spoke well. During the Maori Wars he was wounded in both his lower legs which resulted in him having a limp and a drag in his right foot.

With a family history of Church Ministry he met Bishop Parry in Melbourne who offered Scott a lay reader position at Bacchus Marsh, with a view to further studies in the Ministry. In March 1868 he arrived there to assist the Reverend Thomas Cooper.

His troubles really began in the small town. His stay in ‘The Marsh’ was itself memorable for the wrong reasons, so much so that he was placed by the Diocese at Mount Egerton, a rougher, more isolated mining town. Mount Egerton had a relatively young and shifting population of about 6,000 with 16 licensed ‘hotels’ and an unknown number of bars. He was supposed to receive a stipend of 130 Pounds per annum but Scott states he never received it. To support himself he advertised in the Bacchus Marsh Express on 28th November 1868 as a consultant in civil engineering and a licensed government surveyor. He was not successful. He often stayed at James Crook’s mansion ‘manor house’ and had private rooms at a Mr Breen’s. Francis Harbottle Crook, young son of James, often rode out with Scott at night to check Crook’s cattle, check fences and keep a lookout for the James family, who were thought to be rustling Crook cattle. Scott and the 13 year old boy slept in two single beds at Crook’s house. Scott also tutored Francis. Scott would provide an untrue alibi for another son Robert and was found to do so. This did not go down well with the local police, the Church and the community. Scott was conspicuous about town, quite dashing in his red shirt on his grey mare horse, often carrying a firearm. Invariably he had a ‘groom’ with him, always a young man. The locals did think Scott slightly eccentric. The Captain Moonlight epithet grew with him from New Zealand and evolved with his moonlight night rides patrolling the Crook land and doing the rounds of the district. The nickname travelled with him. Scott said of his nickname that ‘In New Zealand my comrades used to jocularly call me Captain Moonlight.’ (The Argus, 26 July 1869)

In Bacchus Marsh Scott also befriended a young widow, Mrs Mary Ames who had a son aged 8. Mrs Ames would stand by Scott until the very end in Sydney, 1880. Mary Ames was reported in the press as a mysterious woman in black. She was wealthy, well-informed and respectable, with good Melbourne connections. She clearly loved Scott but Scott’s affections seemed to be based on friendship.

So the signs were there from the start at ‘The Marsh’. So much so that four years later he would be on the run as an escaped prisoner from Ballarat Gaol.

How did it come to this? Scott’s story from 1868 to 1872 forms the essence of this narrative. It is these very active years that provide the context for his execution in 1880.

So it was then that on Sunday 9 June 1872, Scott was ready to make a break for it. A prisoner in Ballarat Gaol, he’d been arrested in Sydney in March and taken under guard from Sydney to Melbourne to Ballarat by train.

In March 1872 he'd gone to the police station in Sydney to collect belongings placed there after his imprisonment for passing a bad cheque. He'd done 15 months for that, mainly at Maitland Gaol, then, pretending insanity, Parramatta Lunatic Asylum and finally Parramatta Gaol.

Scott had a weakness for bad cheques.

In 1870, he'd produced a bad cheque for a yacht to sail again to Fiji. He'd already completed a return sail to Fiji, Noumea and New Caledonia mainly smuggling liquor and deals in Fiji land. The Sydney water police arrested him at Cowper Wharf, Woolloomooloo, on 30 November just as he was again getting ready to sail.

Now, having done his time, he's under arrest again. It wasn't long before he was back in Ballarat Gaol.

On arrival at the Sydney police station in March 1872 he was served with an arrest warrant. He'd been set up. It was for an event he thought he'd escaped from.

The Mount Egerton bank job on 8th May 1869.

It was Brunn, Ludwig Julius Wilhelm Brunn, the former agent of the Mount Egerton London Chartered Bank, who had hired Sydney solicitor, a Mr George Sly, to trace Scott down and have Scott arrested for the bank job. Brunn had heard that Scott was doing Gaol time in Maitland. Brunn always denied he himself had anything to do with the bank robbery. Brunn was just 17 at the time he was 'stuck up'. Scott always denied involvement. (Brunn is sometimes spelt Bruun)

Brunn had named Scott as the man who had robbed the Bank.

Brunn and James Simpson, the local school-teacher, had been arrested in 1869 the day after the job. At trial in Ballarat six weeks later, they were acquitted in July 1869. Scott had given evidence at Brunn's trial, for the prosecution, and was found in contempt by Justice Redmond Barry. Why? Scott had refused to name whom he was with on the night of the robbery. He asserted he was out of town. Witnesses said no, he was in Mt Egerton. Consequently, he had no alibi. Scott was placed in the cells for the remainder of Brunn's trial for contempt of Court. Brunn was found Not Guilty.

The Argus reported on 26 July 1869 that Scott stated of his whereabouts on Saturday 8th May:

'I was at a house all night on Friday in Ballan and all day Saturday, and left it about 10.00p.m on Saturday. I rode to Mount Egerton part of the way and walked some, accompanied by Mick. A female was at the house too. The horse was Mick's. I came

from Melbourne to Buninyong by train on Friday and rode to Mount Egerton before riding to the house near Ballan. I got home about twenty minutes to 1.00a.m.’

Witnesses, including Scott himself, would testify that Scott was in Mount Egerton much earlier that night.

So, Scott was no stranger to the Ballarat Gaol set up by the time he was again placed in the Gaol in March 1872 three years later. The ‘gingerbread’ Gaol Scott called it.

Scott had now been in the Gaol for three months from March to June 1872. He thought about Brunn. Thinking, while tooling up to remove the lock on his cell door. He had to get out. He was up for trial in July, just days away. He only had a few days up his sleeve. Otherwise, he was looking at very serious time indeed.

This time, Julius Brunn would be the star witness against him. They’d been such good mates for those few months from February to May of that busy year in 1869, in that tin-pot but gold rich mining town at Mount Egerton. Scott had little money and had debts. There was no money as a lay reader at the local church anyway. No money at all. It was Julius who had access to money. As did Samuel Lewers, Manager of the Bank of New South Wales in nearby Linton. Scott occasionally stayed there as a lay preacher. Scott later said he didn’t rob the Linton Bank because of the kindness of the Lewers family.

A rather indiscreet comment.

But there was cash at the small branch of the London Chartered Bank at Egerton. And, to top it off, it was run by the very cute 17 year old Julius, a good-looking, well-educated fellow of a good Bacchus Marsh family. Slightly built and not in great physical shape, young Brunn was just the kind of lad that made fit and handsome Scott weak at the knees. And he ran the little wooden Bank. Perfect.

The small timber Bank next to Tanner’s house had only just been completed by Ralph Tanner in December 1868. It was all fresh and new when Julius Brunn took over management.

Scott, by his own statement, had the hots for young Julius. And they’d surely had a lot of fun together, in the young, fast moving gold-town, for a few weeks. Doctor Dunbar Tweeddale of Bacchus Marsh had introduced them to each other either in Bacchus Marsh in 1868 or early 1869 in Mount Egerton itself. Brunn, Scott and Tweeddale all lived in Bacchus Marsh in 1868.

In 1869 Scott called in to see Julius every day, during the day, after hours too, in Julius’ small bedroom at the Bank. He was just the type of lad Scott fell for, a youth,

slim, pale, a bit weak. They were inseparable. He wanted to stay overnight but Julius said no. They'd already had a lot of fun but Scott wanted more. They argued in the street. It was public. Scott threatened to horse-whip him. Break-up time. Scott was too much, too hungry for it, for Julius to handle. Brunn was straighter, more conservative than Scott. Brunn was frightened of Scott. Brunn's friends advised him to be wary of Scott. It's suggested they had a sexual encounter, that Brunn had regrets and reacted negatively to Scott's further suggestions. I guess we'll never know. There were other reasons too why they broke up.

And Scott had a temper when his dignity was insulted.

So, on Saturday night, 8 May 1869, here is one alleged scenario.

Scott had little cash and now no Julius. He'd been staying at miner John and Anne Morgan's house but was short of cash to pay for room and board. There was a way out. He had had a few drinks at nearby Roberts Hotel at 9.00pm. It was a dance night. Between there and the robbery at 10.00 he dressed for the part, a black mask, some dark makeup and black coat would be fine. He'd hold Brunn up. And he did. So it was alleged.

He secretly waited for Brunn to return home from James Simpson's place, Brunn's chum. Just as Brunn was opening the front door to the small timber bank he leapt out and held a Colt revolver to Brunn's neck. Inside they went.

Brunn recognised as Scott's an educated voice and strong Irish accent and is reported to have asked

'Is this a suitable practical joke for a respected clergyman to play?'

Brunn quickly realised it was no joke. It seems Brunn had assumed it was Scott. He thought he knew. Or rather, said he knew. (1)

Cash and gold were bagged. Brunn was hysterical but compliant. No fight at all. To what extent Brunn was helpful, played along is debatable.

'Are you sure a clergyman should be doing this?' asked Brunn. This would imply that Brunn believed it was Scott. But it's just Brunn saying this was said.

At Brunn's committal hearing in May 1869 at nearby Gordon, Scott says:

'I knew Brunn well and was very intimate with him for two or three weeks. During that period I saw him almost daily. I knew Simpson well. I resided with him for a

week and was very friendly. A coolness took place between us a few weeks later and about the same time there was a coolness between Brunn and me.'

'On the night of 8 May I was visited while in bed by Constable Monckton, Constable Maxston and the prisoner(Brunn) and was told that the prisoner had accused me of sticking up the bank. I said it was a conspiracy. I had no Colt revolver. They examined my firearms.'(2)

Brunn himself said of their relationship to a crowded courtroom:

'Our intimacy continued until the end of March. Scott used to go into the Bank office and into my private room. One night he proposed to sleep in the Bank but I said there is only one bed. He said 'you sleep on the floor' and the matter dropped.' (3)

What's going on here? Is Scott just looking for free accommodation or...?

In the trial evidence of Brunn and Scott there are hints and suggestions that Scott is consumed by being with Brunn. It's interesting that both Scott and Brunn feel, well, comfortable using the word 'intimate' in a packed Ballarat courtroom in 1869. An entire essay could be written about that.

And the robbery itself?

Saturday night 8th May 1869.

It was dark. The town had no electric or gas street lighting. There was a Scotch mist. Homes were dimly lit by kerosene or oil lamps or candles.

'He told me to be quiet or he would shoot me. ' Brunn stated.

Inside, they went around the small counter with the scales on it into the small bedroom.

'Now open the safe and give me everything you have in it.'(4)

Gold and silver coins, London Chartered Bank notes, a cake of gold. Over a thousand pounds of loot.

Brunn tried to put a cake of gold up his coat sleeve.

'None of those larks then' said the robber. But the robber let it pass. Brunn kept it. Extraordinarily, Brunn would give Scott the cake at a witnessed meeting a few days after Brunn's trial in early August 1869. That's according to Scott's Egerton

Statement, written by Scott in 1880, a few hours before he was to be executed. In that circumstance, I tend to believe Scott.

Brunn actually handed the robber the loot at the Bank. 'Here, take it' he said. The robber put it into a leather shoulder bag. The robber blindfolded him and ordered him out of the bank.

They then began a half hour walk about town looking for a spot to tie Brunn up. The robber tells Brunn he's going to tie him up in the bush but Brunn begs him not to and starts crying. The robber told Brunn to remove the blindfold. Then began what appears to be one of the strangest walks in Australian folk history. During the walk from Blackhorse Lane he asks Brunn if he'd seen the parson riding around on a grey bay mare and whether Brunn knew him. 'A little' offers Brunn. 'Do you know where he lives?' he asks Brunn. 'At Morgan's place' says Brunn. He asks Brunn would he like a smoke or a drink. Brunn declines. 'I've seen you around smoking a pipe' says the man. Brunn knew Scott the parson a lot more than 'a little'. They'd been friends. Intimate friends. But all that had changed.

At one stage, in Church Street, near the then Catholic church and near to the turn into Tanner's Lane (today's Water Tank Road), they sat chatting on a stump for ten minutes.

The robber's questions are leading question, a sounding out, a making-out to confuse his identity. Perhaps, if indeed the robber was Scott, Scott was simply teasing or menacing Brunn. Brunn finally suggests taking him to the empty schoolhouse where James Simpson was the schoolmaster. The robber agreed.

Read differently, the questions could just as well have come from James Simpson himself or another person altogether, not Scott at all.

According to Brunn, inside the Schoolhouse the man orders Brunn to write a note.

'I hereby certify that L. W. Brunn has done everything in his power to withstand our intrusion and the taking away of the money, which was done with firearms.'

The robber then signed the note 'Captain Moonlite.'(5)

Brunn asserted it was written by matchlight. The lamp was unable to be lit. Perhaps on their walk they had a lamp? There's no mention of one. Police Officer Eason checked that out a few hours later. Eason could not light the Schoolroom lamp after three attempts. They were in the dark. There is a solid case that Brunn's copperplate note writing was written that evening at Simpson's. Copperplate writing in the dark? Doubtful. The signature, so writing experts would testify, was the disguised hand of

James Simpson. Also, Brunn's writing and the signature are written with different ink. The ink for Brunn's handwriting is paler than the dark ink used for the signature. The 'Moonlite' note would have been written at Simpson's between 6.00 p.m. and 9.30 p.m. doubtless under Simpson's direction. Brunn arrived at Simpson's shortly after 6.00 p.m. and left about 20 minutes to 10.00 p.m. Simpson had obtained a page from the Rollbook that afternoon. It was signed in the Schoolhouse.

The Schoolhouse.

The robber loosely tied Brunn up with the rope cut from the school bell.

'Don't move until sunrise. I've got a man outside.' He then left with the bag of loot. A muffled voice outside, Brunn would testify, was an effort by the robber to make out there was a man outside. There was no-one. Indeed, throughout their earlier walk, the robber made clicking noises with his tongue, saying 'I have mates around.' But no 'mates' appeared. 'We're doing the bank in Gordon now too,' he said. Not true. (6)

Clearly, the robber was acting and a clever liar. Clearly, the robber knew Brunn and his regular habit of returning to sleep at the Bank around 9.30 after dinner at Simpson's. Clearly the robber had knowledge of the inside layout of the Bank. Clearly, the robber had a good knowledge of the town's unmade tracks. Clearly, the robber knew the job would be worth it. Unusually, and against senior Bank advice, the safe was loaded and Brunn had neglected to lock it. It was closed but not locked. Against regulations, Brunn kept all keys on one ring.

It didn't take long for Brunn to work his way free of the rope. Brunn then rushed over the road to the working Ercildoune shaft to sound the alarm and told mine-bracer Andrew Jenson that it was Scott. He'd identified Scott because of the tell-tale limp every time Scott walked and the Irish lilt. And he knew Scott very well.

But was Brunn telling the truth?

When the Gordon police and Brunn fronted Scott at 3.00a.m. Sunday morning at Morgan's house Scott denied involvement.

Scott to Brunn and police: 'Go on then, go to the Magistrate and charge me then.'

Brunn to police: 'Just leave him then.'(7)

That left Brunn and Simpson to be charged. Both were acquitted six weeks later. That left Scott as the 'person of interest'. Scott had stayed around for Brunn's trial to be a witness. To flee was a giveaway. Brunn, acquitted, left town for studies at the University of Melbourne and then a position at Geelong Grammar. Just about

everyone suspected the masked man was Scott. But no-one knew for sure it was Scott. One would have to be naïve not to have suspicions. It was time for Scott to leave town. It was noted by more than a few that Scott paid off some bills on the Monday after the robbery. He headed for Sydney from Melbourne. Was he really cashed up? Was it the Bank's cash? Scott did have money due to arrive about the same time from a share in New Zealand property.

By 1870, the now 18 year old Brunn was determined to name Scott, all from the comfort of newly established Geelong Grammar School . After being advised to resign from the Bank's employ, he briefly studied commercial accounting at Melbourne University and then secured employ as an assistant Master at the Geelong school.

Just Julius' cup of tea thought Scott, as he lay on his bed two years later in Ballarat Gaol.

It could've been so different Scott thought. But it wasn't and that was that. George Sly in Sydney wrote to Brunn at Geelong Grammar in February 1872:

'Re: Andrew George Scott.

I have had considerable trouble in making inquiries with reference to this person and I have, I think, obtained sufficient information to raise a reasonable presumption of his guilt, or at any rate, to show that his character is such that he would not scruple to do the act for which no-one has been punished.'(8)

Sly followed with a lengthy account of Scott's bounced cheques in Sydney. Brunn and Sly tracked Scott's every move. Brunn forwarded information to Ballarat police, Sly forwarded information to Sydney police and interstate police cooperated.

At 10.00 Sunday night, 9 June 1872, there was but one warder on duty at the Ballarat Prison, William Irwin. For Scott, there was a spring and catch on the lock to dismantle. No problem. Five men escape. Scott needed their help to get over the wall. A blanket was put over the warder's head who was then tied hand and foot with hemp. Scott needed the other four to stand on each others' shoulders to create a human ladder to scale the South wall. Scott was last over and with the aid of a rope they were all out by 5.00 a.m. All are re-captured within days around Haddon.

But not Scott.

Ten days later, re-captured at Specimen Vale, Sandhurst, Bendigo, Scott stated of his escape:

‘We used force to silence him. We put a blanket in his mouth as he was crying out to wake the gaol. We got ropes and forms and placed them against the wall and hoisted each other up. I was the last up. We got down by a rope. The other prisoners were all like children. I was quite cool and remained to the last. On effecting our escape, we, that is Dermody and I, went to Bacchus Marsh and afterwards returned to Soldiers’ Hill, Ballarat, where I left Dermody and have not heard from him since nor any of the others, and if I did know I would not tell you. I was on my way, when you arrested me, to New South Wales. I thought I was safe, it being my tenth day out. I intended to go by Echuca. I travelled through thick country and was taking the back way to New South Wales. Had I carried out my intention I would not have been arrested. My intention was to Queenscliff or Geelong, take a cutter and go to New Zealand.’(9)

So, Scott made it to Bacchus Marsh, Scott’s old stamping ground. It was where Brunn’s family lived and Mrs Mary Eames, a widow Scott was friends with; also, the rich Crook family with whom Scott had stayed in 1868. In that year Scott had provided a false alibi for Robert Crook, son of James Crook, one of the town’s richest men.

The prisoners had scrambled down the embankment at the south wall of the Gaol. There were stabled horses around. They initially headed to Haddon towards Carngham Station, to shepherd’s huts. They soon split up. Scott headed south east toward the coast and hopefully a ship to get away.

Scott picked up a gun and revolver from a mate’s place on the way. He’d planned to cut the Ballarat to Geelong telegraph line but didn’t. The cut would locate him.

Alone now, at Bacchus Marsh, he again changed his mind. He headed to Bendigo instead, through the Dead Horse Ranges, heavily wooded, with the intention of getting to New South Wales via Echuca.

On the way to The Marsh he would’ve passed close by Mount Egerton, where, three years earlier, young Julius Brunn had been ‘stuck up’. In Bacchus Marsh in 1869 at the front door of the Brunn home, he’d remonstrated with Julius and his father Edward Brunn in an effort to stop Julius accusing him of the bank job. Julius hid behind his father. Scott threatened to horse-whip Julius.

‘Take me to the police station and have me charged,’ he dared Julius.

Now, three years later, Julius was to be the star witness against him.

As Justice Redmond Barry was to succinctly observe to the jury at Brunn’s July 1869 trial: ‘You must assume at once that either Simpson alone or Simpson and Brunn were

in the case, or that Scott independently, or that Scott and Brunn were concerned from beginning to end.’

After all, Brunn was tied up in Simpson’s school-house, not at the Bank. To what extent were Brunn and Simpson complicit? That very evening of the robbery over dinner at Simpson’s home, Brunn had let it be known that there was an unusually large amount of cash and gold in the Bank safe.

And, the day after the robbery, a Sunday, Scott had audaciously preached at the service. He announced that, because he was a person of interest regarding the previous night’s events, he would ‘step aside’ from his lay reader position. On the Monday he paid off his debts with fresh London Chartered Bank notes.

The case against Brunn filled Redmond Barry with doubts. But he was surer about Scott.

Now, three years later, Scott was on the run.

Scott remembered Bacchus Marsh with a wry smile.

In 1868 he was there as lay preacher at Holy Trinity Anglican Church. He spent a lot of time with the well-known James Crook family and stayed at the mansion home. The Crook family had a 12 year old son and Scott and he occasionally slept in the same room. Scott and the boy often went on moonlit horse rides together, purportedly to check fences and stock. Rumours, innuendos spread. The name Moonlite was again passed around and ‘Captain’ had been added from his time as a captain in the Maori Wars in New Zealand. The name ‘Moonlite’ actually came from his New Zealand days. Scott was obliged to leave Bacchus Marsh, no charges laid, and was demoted to the more isolated Mount Egerton. A lay preacher did not attract a stipend. Scott also had a ‘personal groom’ in Bacchus Marsh, a young man John Connell, a colourful character who did a few days in the local lock-up for drunk and disorderly. That didn’t help. So, in a sense, Scott was on the run in more ways than one. Also, Scott had provided a false alibi to a Crook family member of interest to police regarding missing livestock. And, to top it off, he couldn’t get any work as a civil engineer, despite advertising and a lecture.

Then came the Egerton demotion.

But all that was three years ago. Back again in Bacchus Marsh as an escapee, Scott thought the Geelong option too risky after all and headed towards Bendigo through the Dead Horse Ranges towards the Murray River and New South Wales. He also re-visited Soldiers’ Hill, Ballarat, in a rather daring visit, the same town he’d just escaped

from. To get a fresh horse maybe? This detour may explain the locally recognised Moonlite's Cave near Mount Ercildoune. Scott may have sheltered there on his way to Bendigo. So a legend has it.

But the Bendigo option was his undoing. A big mistake. Sleep was a luxury and food a rarity. He talked his way into hurried meals at isolated huts. And it was cold.

He found a lonely hut on Specimen Hill. A young boy lived in the hut who was away a lot. The boy worked nightshift at a nearby mine. Scott befriended him or rather, thought he had. The boy didn't like Scott's imposition and went and told the police that a man had taken over his hut. He gave the police a full description but not a name. The police, notified of Scott's escape, acted. Scott had failed to win the boy over.

On 18 June 1872 the Sandhurst police sent scouts into the bush. They'd already received a tip-off that 'a strange looking man' was around the Bone Mills near Specimen Vale. An alarm was not immediately raised. But here was the boy with a possible location of George Scott. At 2.00a.m. on the 20 June, Officers Drought, Alexander, Brown and Bradley went to Specimen Hill in a police cart, left the cart and by foot crossed into New Zealand Gully. They came upon the hut in the bush just off Marong Road. Creeping along they noticed the hut appeared to be barricaded and fortified. They were unsure of whether to barge in or not. The boy was with them. The boy had described Scott who he'd just met the previous day. The boy told police 'I don't like the man'. The boy had a billy he wanted to get from the hut. It was awkward for the boy, as 'the strange man' had taken over the hut and barricaded himself in. Always the epitome of bravery, the police induced the boy to go to the hut and ask for the billy which was inside the hut chimney. The four coppers and the boy approached the hut.

The boy knocked on the hut door whilst the coppers crouched out of site. Scott must have jumped.

'Mate, it's me, give me the billy.'

'What billy?' asked Scott.

'The black billy in the chimney.'

Unaware of the trap, Scott fetched the billy.

He unbarricaded the door.

Scott opened the door slightly and thrust out the billy through the half-closed door. The police rushed in.

Scott made a desperate attempt to grab a single barrel fowling piece and a six-barrel pepper-box revolver which were loaded and capped. But it's too late. He's overwhelmed by the four coppers who pin him to the floor and cuff him.(10)

In Scott's own words on the way to the Sandhurst lockup:

'I'm Scott. It is all up with me. I'm glad there are no lives lost. My intention was not to be taken alive. If you hadn't taken me suddenly I would've shot the first man who entered. I've suffered much misery since my escape. If it'd been daylight I would've cautioned you not to approach and if you ventured to approach I would've shot you and then destroyed myself.' (11)

In his cell at Sandhurst lockup he checked the cell for detail and cheekily observed:

'Do you call this lining? I call it nothing but sheet tin and brown paper. I would get out of it in twenty four hours.'

He gave his occupation as civil engineer. He was placed before Bendigo Court on Thursday 20 June. He was besieged by an army of over a thousand sensation seekers. Hundreds were turned away. Everyone wanted a look at the man known as Captain Moonlite . A large number of constables and troopers guarded him from the lock-up to the Court building. He was charged with having escaped from the Ballarat Gaol and remanded until Tuesday 25th June to again appear at Ballarat.

'I cannot understand why so many people can be found to neglect their business and gather round a lock-up to see man in trouble' he told his guards.

A local barrister, Dubliner James Martley, asks Scott if he'd like a photograph taken by the local press.

'What do you want my photograph for?'

'You have made yourself quite famous by breaking out of that gingerbread gaol,' says Martley, 'they want to see a man of such celebrity. You are not particularly a bad looking man.'

But Scott wouldn't fall for that.

'People want me to do this merely for the gratification of morbid curiosity. I am quite notorious enough. I've no time for the press. They called me a ruffian. I've never been a ruffian. I escaped because I followed the instincts of human nature which has a repugnance to being deprived of liberty.'

Scott usually liked an audience but only of his choosing and when dressed for it. He's exhausted and cannot control the crowd.

'Well here I am, dressed like a blackguard. I don't like to have my photograph taken.'(12)

And it wasn't. Not then anyhow.

He's kept in Gaol until 12.00 noon, 20 June then taken to Bendigo station for the train to Melbourne, then to Ballarat by train. Hundreds gathered at the stations at Bendigo, Melbourne and Ballarat to catch a glimpse of him, Captain Moonlite. He despised them.

At Ballarat station they do not see a man strong and fierce looking, a savage. No, instead they saw a gaunt and weary 30 year old man in borrowed swagman's clothes he'd been given when he was on the run.

As he's taken up Lydiard Street in a police cart to Ballarat Gaol, the 'escape-proof prison', a group of boys ran along-side cheering loudly. Ballarat larrikins. One wonders if Scott knew some of them.

Why, one might reasonably ask, did Scott escape at all if he knew he was innocent? He knew he had not put forward a satisfactory alibi. It's suggested he wanted to get to Bacchus Marsh to have Mrs Mary Eames provide an alibi. After failing to get Brunn to back off, Scott approached Henry and Hanna Heathorn who would testify that Scott promised money and a horse if they would testify he was having dinner with them on the night of the robbery. They refused. This desperation on Scott's part would not escape the Jury in July 1872. For Scott, he felt he had no alternative. The political winds had changed.

For his escape, he was sentenced to twelve months. He was placed in the underground cells in leg-irons. The warders weren't taking any chances this time. His real trial was yet to begin. And for the first time in three years he'd again lay eyes on Julius Brunn, their roles of defendant and prosecutor reversed.

The trial began in the last week of July 1872. A packed court. He's dressed very well, just as a well-educated, professional gentleman should dress.

He's applauded when he calls the charge of bank robbery a 'horrible, deep-dyed villainous conspiracy.'

Scott put on a real show. He took on his own defence.

‘I do not think much of Brunn’s evidence but the gold I sold in Sydney will be a strong point against me’ he had told a Melbourne detective.

It was a seven day trial before Justice Redmond Barry.

John McDonnell of Mount Egerton said he’d seen Scott around 9.00pm at Roberts’ Mount Egerton public house on that Saturday night. McDonnell stated that Scott had entered the premises and gone behind the bar and got himself a drink. Perhaps this act is revealing of Scott’s state of mind at the time, not happy and a tad arrogant. There was a reason for that too, as we shall see.

It was further gossiped by locals that after the robbery Scott was suddenly owner of three horses and a buggy.

He kept Brunn on the stand an entire day. Brunn’s evidence is uncertain, contradictory, and he’s nervous. Scott lashes Brunn, accusing him of corrupt perjury.

Brunn:

‘I thought you would have a down upon me for turning you out of the bank, that you would revenge yourself in some way whenever you got the chance. I dreaded you.’(13)

After all, Scott had threatened to horse-whip him for accusing him of the bank job.

Brunn’s weak evidence is not enough to convict. And James Simpson is discredited as a drunk.

The day after Brunn gave evidence at Scott’s trial, Geelong Grammar advised Brunn that his employment was terminated because he was perceived as being ‘untruthful’ at the trial. Scott heard about this in prison but it was too late.

From John Bracebridge, Headmaster, 26 July 1872:

‘My Dear Sir,

I sincerely regret to inform you that in consequence of the disclosures made in the present trial in connection with the Egerton Bank Robbery and more especially that portion which shows you to have been in some points untruthful, I feel it my duty to request you to resign your appointment here. It will be better that you should not return into residence at all. As the decision I have reluctantly come to is not caused in any part by your conduct here, I consider you entitled to your salary to the end of the current quarter and enclose my cheque for the amount due at that time 40 pounds.

Believe Me,

Yours Truly.' (14)

Was it the 'intimate friends' that Brunn and Scott had referred to? Was it Scott's sarcastic question to Brunn regarding Brunn enjoying the thrashing of the boys? Or was it that Brunn could not positively identify Scott as the robber beyond saying 'I could tell by his walk and talk.'

In the end, Scott is unable to explain how he passed a cake of gold at the Sydney mint almost identical to the one taken at Mount Egerton.

It only took the jury two hours. Guilty. Ten years hard labour. A week later he is taken to Pentridge Prison. There, the taking of his photograph was compulsory. His prison report states him as being 'recalcitrant and violent'. Yet he was admired by prisoners and warders alike for his leadership and helping others. Many prisoners were illiterate and Scott helped them. He was out in seven years.

He had a gentle relationship with young Jim Nesbitt, which began in Pentridge and continued to when he cradled Nesbitt in his arms as he wept over his dying body at the Wontabadgery Station seige in November 1879.

George Scott was a man of very deep passions.

In 1972, when I was a political prisoner in Pentridge, it was a strong self-defence to be regarded as 'recalcitrant and violent'. To be otherwise meant being stood-over and worse. Pentridge, in my experience, was a very violent place to be, but not if you knew how to protect yourself. Scott did. Coincidentally, my sojourn was 100 years exactly after George Scott began his own sentence there.

In Pentridge, because of his knowledge, experience, education, natural magnetic personality and gift for public speaking, Scott was respected as a gifted, natural leader by prisoners and warders.

It's ironic, perhaps causal, that in 1861 the English Parliament legislated that for acts of sodomy the sentence would be ten years, and that's exactly what heterosexual Redmond Barry gave Scott, known by 'society' to be partial to young men.

Scott was released from Pentridge on 18 March 1879. He would be dead within nine months.

He lectured on the evils of prison for a few months. He called for an inquiry into Victoria's penal institutions. On 10 July Scott and Nesbitt attempted to free prisoners

held at the Williamstown Battery. This failed because the warders were well-armed. Avoiding capture, they fled to Buninyong then to Creswick where they were spotted, so they fled to Clunes where they surrendered to the Clunes police on 18 July. Scott had lectured at Clunes. They were handcuffed together and both taken to Melbourne and charged with attempting to rescue a prisoner. Handcuffed together, their physical closeness to each other would have provided some comfort. Both maintained they had not intended to free anyone at all and the charge was found to be false. They were freed. The police were watching them closely. James 'Jim' Nesbitt was always with him. In Ballarat, Scott booked Her Majesty's Theatre but on hearing who the speaker was, management cancelled him. Scott went around the corner to the Unicorn Hotel upstairs and lectured. He was well received by the 300 or so present. He would not be silenced and he was on a mission. The police and the State hated him for it. (The Herald, July 18, 1879).

Scott and Nesbitt constantly suffered from police harassment. Any robbery was blamed on 'Captain Moonlite and his gang' such as a false accusation that he'd robbed the Lancefield Bank.

He had gathered some young men, some still boys, around him. Gus Wernecke was just 13, others in their late teens. Thomas Rogan was 19, and was executed with Scott. Graham Bennett was also 19. and Thomas Williams was 18. All, coincidentally, rather good-looking. Scott soon had had enough of Victoria so he and his group of vagabonds decided to set off for New South Wales. On foot. It was this act that Scott earned a name as a bushranger. His followers were town boys from Fitzroy and Ballarat, could not ride, had no firearms experience and had little or few bush skills.(15)

His prison years, society's rejection of him after his release, police harassment, his same-sex romance with young James Nesbitt, just 18 when they met in Pentridge, all were to provide a stage for the deadly siege at Wontabadgery Station near Gundagai, New South Wales, in 1879, and his execution at Darlinghurst Gaol on 20 January 1880. He was 36.

After the tragic siege at Wontabadgery on 15 November 1879, where the great love of Scott's life 'Jim' Nesbitt was killed, cruel homophobic articles appeared about Scott. For example, this from the Bendigo Advertiser 22 November 1879:

'a man propagating doctrines of the most detestable tendency to corrupt the hot-blooded youth of the country, the victims of his vile seductions.'(16)

Well, you can't make it plainer than that.

Richmond Thatcher, a Melbourne based journalist, helped Scott organise and advertise Scott's lecture tour. Thatcher managed to visit George Scott, Dan Rogan, Thomas Williams and Graham Bennett in Darlinghurst Prison in December 1879. Nesbitt and Werneke had been shot dead at Wontabadgery. Thatcher wrote that 'The three young men with Scott presented as fine young men of good Ballarat and Melbourne families.' Scott told Thatcher that:

'The Police would give me no rest and persecuted me. They would not give me the chance of earning an honest livelihood. If they hang me it will be judicial murder.'
(The Evening News, December 2, 1879)

But the State did just that.

William Baynes, manager at Wontabadgery, called Nesbitt a 'puff' on seeing the closeness between Scott and Nesbitt. Scott heard but ignored it. A further comment to young Gus Wernecke, 'this is bad work my boy, bad work', and Scott flew into a rage, grabbed Baynes by the throat and yelled 'I'll kill you.'

He was calmed down. Perhaps by Nesbitt himself, or by 21 year old Harrow educated Claude McDonald, co-owner of the Station. The two well-educated intellectuals got along well. They understood each other.(17)

The day before his execution at Darlinghurst Prison, Andrew George Scott wrote these lines for his lover Jim Nesbitt:

Now call me hence by thy side to be,

The world thou leavest hast no place for me.

Give me home on thy noble heart,

Well we have loved –let us both depart. (18)

Garry Linnell and Paul Terry cover this later part of Scott's life in their excellent books.(References)

As said however, this story relates to the period 1868 to 1872, and centres on the robbery itself.

So, what really happened on that Saturday night, 8 May 1869 at about 10.00pm? It's an important question. Scott denied having anything to do with the robbery right up until the day he was executed. Brunn was acquitted of involvement and was vehement in his pursuit and blame of Scott. But why? Why didn't Scott appeal his conviction in 1872 if innocent? Perhaps the evidence was convincing enough beyond reasonable

doubt. Certainly Scott did not believe so. As Justice Barry pronounced sentence Scott said 'But I am an innocent man.' To Scott, the verdict and sentence seemed to defy reason.

But what actually happened that night? Or, should one ask, what is alleged to have happened that night?

A scenario?

Scott was in Mount Egerton that night. That's a fact. He was identified as being at Mrs Roberts house of, shall one say, not of high repute. It was a dance night and he helped himself to a drink. He may have had a small shoulder bag already with him. If not, he picked one up, with a section of black crepe, perhaps at Morgan's house where he'd been staying. Allowing for a time at Mrs Roberts, a walk back into town to Morgan's and getting ready, he would have been in a position to wait for Brunn to leave Simpson's at 9.40p.m, which Brunn did. Scott always carried a pistol or revolver.

Brunn had locked up the Bank about 6.00pm and went to James Simpson's house.

Scott would have known where Brunn was and when he would return. Brunn had to be present at the Bank to access the money. He had to wait for Brunn to return. Scott premeditated to some extent. He waited for Brunn. He knew he would not have to wait long. He knew Brunn's conservative habits. He hid near Tanner's Store in the dark until he spotted Brunn making his way up the street through the dark and light mist. He came up behind him.

Scott put a colt revolver to Brunn's neck just as Brunn was putting the key in the door.

So it was alleged.

The evidence however, does not support this scenario.

Scott's conviction led to Pentridge, the Wontabadgery tragedy and execution.

It's time to look at the evidence more closely.

We turn to original witness statements, newspaper reports, Scott's and Brunn's statements. Reading them, you are invited to make up your own mind. These statements were sourced at the Public Records Office of Victoria. (See References)

First however, a walking tour.

Today, the walk that Brunn and the robber took starts at the Main St, Water Tank Road corner. Turn left down to Reserve Road East then into Black Horse Lane near Puddlers' Dam. Turn around back to Main St. then left into Carney St to Church St and left to the end of Church St. The present day Primary School is on the right and used to be the Catholic church site. If you carefully study the Brunn/ police map of 1869, it roughly fits into place. In 1869, the end of Church St became what was then Tanners' Lane. Today it is Water Tank Road. Basically, it's a walk around the block. In 1869 there were tracks only and later re-defined as streets. One should use one's imagination. It's a very evocative walk on a sunny day.

It was at Black Horse Lane where the robber, according to Brunn, removed Brunn's blindfold.

The location of the Bank was on the right hand side of Tanner's house. This is close to the Water Tank Road, Main St corner. The store itself was at the left side of Tanners' house which was destroyed by fire. Some of Ralph Tanner's house, much modified, appears to remain. One can see where the Bank was. The Bank, according to oral history, was moved across the road to the present day store/café, and a careful look at the roofline of the café reveals this. The original small, rectangular, timber, hip-roof can be detected. A careful study of the Tanner's Store photos is interesting. In the photos, late 19th century, undated, the Bank site is obscured by a cypress tree but Tanner's store and house is there.

Before the actual Statements we need to study Brunn's trial.

Brunn was on bail from 9 May to 23 July when his trial began before Justice Redmond Barry sitting as Ballarat Circuit Court. During the trial, Barry refused Brunn bail. McDermott, for the defence, offered 20,000 pounds for bail but Barry refused.

'Even if you offered 40,000 I'd refuse.'

McDermott: 'But the young man is delicate and is suffering even now.' (19)

Barry directed Brunn be looked after but refused bail. Barry was not taking any chances. On 25 May, Brunn and Simpson, at the Gordon Police Court, had been committed to stand trial. At Gordon, Brunn admitted to police and Bank officers that he had been a coward and that he was paralysed with fear during the robbery, and that the robber 'might have been James Simpson'.

The trial began on 23 July and went until 11.00 p.m. Saturday night 24 July. After sitting all day, the Jury returned with Not Guilty, 9 for, 3 against. It was a packed

Court. There were loud cheers and embraces from Brunn's friends, father and McDermott.

Brunn was tried separately even though Brunn and Simpson had been jointly charged and arraigned together. McDermott, to assist greatly Brunn's defense, used a Statute that an unnaturalised citizen must be tried by having a jury comprising half his native countrymen, in Brunn's case Danish. After some debate, this was done. But this did not apply to Simpson, a subject of the Crown. Hence, Brunn was tried alone. There was general agreement from the prosecution that had both been tried together as originally planned, the verdict would have been different. Very different.

Brunn was released.

Brunn had joined the London Chartered Bank at 15 and at the time of the robbery was 17. He'd been in the employ of the Bank for two and a half years.

On the night of the robbery, Brunn was heard by a neighbour to say goodnight at Simpson's front door. Brunn walked to the Bank alone. Well, he may have thought he was not followed, but he was certainly observed by someone. It has never been mentioned whether Brunn carried a lantern with him. He mentioned later that once he and the robber were inside the Bank, he lit a lamp.

A study of the Bank layout on the 1869 police/Brunn map becomes useful. The Bank was an attachment to Tanner's house. A shoulder-high timber partition was attached to the timber studs of Tanner's house, above which was calico lining. Ralph Tanner had it built in an arrangement with the Bank. There was no plumbing, no kitchen, no power, just a can-drop closet at the back. That's why Brunn boarded at Simpson's for 15 shillings a week. Brunn only worked and slept at the Bank. Scott had lived at Simpson's too, for a week, and shared the dining room table with Brunn and the Simpson family. Scott did not pay Simpson for the week. Any friendship between Simpson and Scott evaporated soon after.

At the Bank, Ralph Tanner could hear the conversation and activity through the thin wall, but it was muffled.

Brunn's 'intimate' friendship with Scott had ended a few weeks earlier. They'd met early March, perhaps earlier. Brunn had settled into the Bank which was new-built in 1868. Scott arrived late February, early March. Scott marked his target well and groomed him. Scott, worldly wise, physically and intellectually stronger, cultivated Brunn, naïve at 17. Brunn, by his own admission, was scared of Scott who had a strong personality and had a way with words and was expert in firearms. Brunn had

English as a second language but was fluent in English. Brunn, in turn, was intelligent, slightly built and more passive.

Brunn was born in 1851 in Denmark. He was 7 when the family arrived in Bacchus Marsh. He married late at 48, Alicia Beilby, who was 31, in 1899. They made a home in St. Kilda. Brunn died in 1924, the result of an accident in Queen Street, Melbourne. They had a son, Terence, who married and from whom there were four children. (20)

Brunn had left school in 1866 at 15 and became an employee of the London Chartered Bank. From late 1869 to 1870 he studied commercial subjects at the University of Melbourne, and from 1871 to 1872, was an assistant master at the Geelong Grammar School. He was of 'good family'. He was, in short, establishment. His linen was washed and ironed in Ballarat.

The Ballarat Courier covered Brunn's July 1969 trial in full. There were no Court transcripts except for brief witness summaries.

Brunn: 'Scott was frequently in my bedroom but did not sleep there. Scott asked to sleep there but I said no, there was only one bed and Scott said I could sleep on the floor. One day there was a fight in the street and Scott broke it up. Scott threatened to horsewhip me for not helping him. I was with Scott a great deal. I was advised by friends in March not to see Scott. I told Scott not to visit the Bank again. Scott had left some clothes at the Bank and he sent a boy to pick them up.'

During the fight, Brunn had hidden behind Tanner's fence.

'On the night of the robbery the man took me into the bedroom and blindfolded me. He asked me if I had any drink. I said no, just some portwine. He said no, do you have any brandy? I knew it was Scott because he dragged his right leg and by his Irish accent. After we left the Bank we walked about the bush about an hour. After being tied up in the schoolhouse I told Andrew Jensen at the Ercildoune Shaft over the road. We went to Tanner's.'(21)

That long walk about the bush and the talking have been a matter of speculation ever since.

At 10.50 Brunn, with Jensen, knocked on Tanner's door.

'Tis I Brunn. I'm stuck up. Oh, Mr Tanner, I'm stuck up and it's that man Scott. I know him by his voice and walk.'

‘Tanner gave us two horses to ride to Gordon at 11.00 and we got to Gordon at 12.00 midnight. We arrived back at Egerton with police at 1.00. We later went to Morgan’s house where Scott stayed. Scott denied it.

We went back to the schoolhouse and found the note. We returned to Gordon.

Before I was stuck up at 10.00, I walked to the Bank from Simpson’s house. Simpson did not know I was going and I did not wish Simpson goodnight.’

A neighbour had heard Brunn say a goodnight at Simpson’s door. Where exactly was Simpson at that time? Brunn swore on oath he did not walk with Simpson that night. Did Brunn just say goodnight to no-one in particular? Simpson was meant to accompany Brunn.

As late as 3.00am at Gordon, police and Bank officers questioned Brunn. At one stage Brunn stated ‘Yes, it must have been Simpson. It was Simpson.’(See Police statements)

A moment of weakness? A moment of truth?

Brunn spent the rest of the night sleeping at the Bank Manager’s at Gordon. He was charged with 7 counts of larceny the following day. Simpson was co-charged on the Monday.

And where was Scott on the night? Scott was at Mrs Roberts’ bar, a dance night, about 50 metres from Simpson’s. For Scott, it would’ve simply been a matter of waiting for Brunn to make his way home.

John McDonnell: ‘Scott came into the bar and helped himself to a drink. I know Scott well as he is often there.’(22)

So, Scott was very close by on a very dark, misty night.

Ralph Tanner, around 10.00, had heard another voice with Brunn as Brunn opened the Bank door. Brunn lit a lamp inside the Bank. They were out of the Bank by 10.10p.m., according to Brunn’s watch.

Brunn had pushed a gold nugget up his coat sleeve.

The robber: ‘None of your larks there or I’ll blow your brains out.’

Brunn maintained to police he was trying to save the nugget for the Bank. What he didn’t mention to Bank and Police Officers was that he kept the nugget.

The nugget stayed with Brunn. It was secretly handed to Scott by Brunn a few days after Brunn's trial verdict of Not Guilty, perhaps as a going away present or an apology. This paper-wrapped parcel transfer was witnessed at the Bijou Theatre in Ballarat by two others.

Brunn's naming of Scott and Scott's outrage resulted in Brunn being afraid of Scott for his physical safety.

Not only Brunn. Scott had threatened to horsewhip Edward Witherdon over money owed by Scott concerning a harmonium. The Mount Egerton community thought Scott eccentric and volatile. There's no evidence that Scott ever actually horsewhipped anyone. One suspects that Scott's language was worse than his bite. He did, however, have a love for firearms, kept them and used them. People knew to be wary.

During the Bank robbery, the robber pocketed Brunn's Dean and Adams pistol. It was retrieved from an old shaft between Morgan's and the Bank in December 1871, together with a Colt revolver. Both weapons featured in the Robbery. The Colt, if Brunn is to be believed, was the robber's; the Dean and Adams was the Bank's.

At Brunn's trial Adamson for the prosecution observed: 'It's a very strange case, Brunn was very lightly tied up and Brunn has conflicting explanations.'

Scott appeared as a witness for the prosecution because of his association with Brunn.

Scott had been a tutor for one of well-to-do James Crook's boys in Bacchus Marsh and a respected, in some circles at least, lay preacher in the Holy Trinity Anglican Church. Prior that is, to his Mount Egerton demotion. The police regarded Scott as a person of interest but was not, at this stage, charged. The 'of interest' arises because of Scott's extensive knowledge and possession of firearms. Also, at Bacchus Marsh and Mount Egerton, Scott was seen to be constantly accompanied by young men. On a separate occasion after the robbery, at miner John Morgan's where Scott stayed, Scott was again visited by police regarding an unpaid account. Young men sat at the kitchen table with Scott. Scott told the police to 'go to hell.' The previous year at The Marsh, Scott had young John Connor as a 'groom'. Connor was fined for being drunk and disorderly. Scott had also arrived in Mount Egerton with a 'groom.' Could one of Scott's companions have been the robber? Scott was seen to be very 'flash' after the robbery. Morgan's house was just three hundred metres from the Bank via Black Horse Lane. Scott, however, did have other resources, such as a New Zealand land interest, a small share in an Egerton mine and well-off friends in Bacchus Marsh, the Crook family and the widow, Mrs Mary Eames. And, as a lay-preacher, he had access to hospitality.

Tellingly, at Scott's own trial in 1872, it was proven that Scott had produced a similar gold nugget to the Egerton nugget, cashing it in on 31 December, 1869 at the Sydney Mint for 503 pounds. At trial, Scott whittled expert gold assayers down to phrases such as 'similar', 'most likely', 'might be'.

Patrick Lyons, a Sydney detective, arrested Scott for the robbery in 1872. In a brief Directions Hearing at a Sydney Court Scott stated that:

'Brunn and Simpson were mates in the affair. There was no such robbery as that described and the whole affair was a swindle.' Further, at his own Ballarat 1872 trial, that:

'All Brunn's evidence is quibble and lies and he's a gross perjurer. It was Brunn and Simpson.'(23)

Three years earlier on 9 May 1869, the Sunday after the robbery, Brunn himself had stated at Gordon Police Station before detectives Eason and Monckton that

'I am the head and tail of the conspiracy.' Further, that 'Simpson did it'. He'd also stated however that 'it was Scott who stuck me up.' For Brunn, to settle on Simpson as the robber would mean incriminating himself. He was torn.

But by 1872, Brunn's contradictions were not enough to withstand the welter of publicity that Scott had been subject to. Scott's portrait had been printed off and posted and hawked all over the country. Brunn, according to verdict, was not guilty. Double jeopardy, that is, one cannot be charged with the same offence twice, perhaps played a role. Scott was the only one left in the frame. The press reported that Brunn came from a good, religious family background. And young Brunn had plenty of his young friends in Court. Support for Scott waned. Simpson was eventually dismissed as an accomplice.

And Scott, by 1872, had 'form', had done 'time' and was an escaped felon. And there was the homophobia about his private life.

Scott in Court 1872:

'I'm friendless and alone in the Colony and Brunn and Simpson have conspired against me.'(24)

There was some light applause for Scott, instantly suppressed by Justice Redmond Barry. Heterosexual Barry had Scott where he wanted him.

Contradictions surround the robbery. On 9 May, 1869, detective Alexander Eason (Ballarat based and in charge of the case) with officers Monckton and Baker, and Bank officers Sutherland and Asketell, interviewed Brunn at Gordon. Brunn stated that he could recognise the robber but had not seen him before. That would, if true, rule out both Scott and Simpson. Questioned further, Brunn stated that 'It must have been Simpson who stuck me up.' Brunn had verbally named Scott on the night but in his signed statement the following day he only referred to a 'he'. In fact, it was not until Brunn's sworn statement in March 1872 that Brunn finally named Scott formally in a Statement.

If it was Simpson who signed Captain Moonlite on the schoolhouse note written by Brunn, it might explain Simpson's hatred for Scott at Scott's 1872 trial. Scott had drawn Justice Barry's attention to Simpson's inebriated state.

Simpson to Scott: 'You're the intoxicated one, intoxicated with your own importance. I was not out of my house on the night of the robbery.' (25)

In April 1869, after Brunn and Simpson had fallen out with Scott, Brunn invited Simpson and four other men back to the Bank to play whist, a card game, and to drink port-wine. Simpson stated he had been to Brunn's Bank quarters on a social basis 'about four times.' So, the possible list of possible culprits expands. So, who really did rob the Bank a few weeks later? All we know for sure is that Brunn handed over the loot to a man. As Brunn himself told Simpson over dinner that same night, 'There's a large amount in the safe'. Well, that's indiscreet at the very least, especially to James Simpson, hard pressed for cash with a wife and yes, eight children to support and a heavy drinker.

At Brunn's 1869 trial, a sawman and wood-splitter, John Herbert, testified he saw Brunn walking with another man after 10.00 pm that night and that the man was distinctly not Scott.

James Crook of Bacchus Marsh, with whom Scott had stayed at Crook's 'mansion house', testified that he sighted a letter to Scott regarding sale of Scott's New Zealand property for 300 pounds and Scott's half was on its way. Scott was not totally strapped for cash, just short.

Ludwig Edward Brunn, Brunn's father, stated that his son had a 100 pounds a year salary, was 17 and a half at the time and that 'I did not think the Crown would bring false witness against my son.' In May 1869, when Scott had confronted father and son at the Brunn home in Bacchus Marsh, Scott again dared Julius Brunn to go 'to the police and have me charged.' Again, there was the threat of a good horsewhipping and

demand for an apology. To avoid further visits from Scott, Brunn's father wrote to Scott:

'Spare your trouble Sir, my son is not in town. When the robber is found-and if you are not the robber-my son shall apologise to you.'(26)

With Brunn's trial over, Scott finally left for Fiji on 9 September 1869, the gold nugget in his bag. And, it was observed, with cash.

A few months earlier, at his final Church service the Sunday after the robbery, Scott audaciously observed to an enthralled congregation in the same schoolroom where the night before Brunn had been 'tied up':

'Lets's pray that those responsible for the robbery last night are found.' He then stood aside from his lay readership. From the night of the robbery to his death in 1880, Scott consistently affirmed it was Brunn and Simpson.(27)

Perhaps it would be useful to read, at this stage, Julius Ludwig Wilhelm Brunn's actual signed statement made on 9 May 1869, signed L.W. Brunn:

Mr Brunn States:

'That about 10.00p.m. on the 8th inst. I was going into my quarters at the London C Bk Aus. Mt Egerton. As I was getting the key in the door a person came and tapped me on the shoulder and said be quiet and open the Bank and at the same time cocked a pistol or revolver. He then said show me the way into the Bank, which I did. There was no light in the Bank. He asked me 'if I had any firearms' and then took my revolver from me. He then bandaged my eyes with a pocket handkerchief and told me to open the safe and give him everything that was in it in the way of cash, which I did and after I done so he said he would have a look for himself. We will go now and you must not kick up any noise. He then took me on the road down towards the Puddlers' Dam and then told me to take the bandage off, which I did. He then stood by a stump and said he was waiting for a mate and then said he would take me out into the Bush and tie and gag me. I said not to do so as I was in bad health but to put me into a shelter of some sort. We then returned going round Harris' Commercial Hotel towards a stable which belongs to the Bank. When he saw the stable he said it was 'not strong enough' and I would get out too soon. He then asked me where he could put me and I said there is the Catholic Church up there if you like to put me in it. He said he would not put me there but would wait again for his mate. He asked me if I knew anyone who had a good horse. I told him Witherden, Tanner's Foreman, had good horses. He said he thought he would have to kick up too much row to get them and asked me if I did not see a parson knocking about on a good bay mare or horse, and asked me what the

parson's name was and whether I knew him. I said I knew him a little. He asked me where the parson lived. I told him at John Morgan's who is a miner. He then asked me if I would have a drink. I said I would not. While waiting for the mate the second time, he asked me if any of this money belonged to me. I said ten pounds and fifteen shillings belongs to me and he said he would give me that and gave me eleven pounds in half sovereigns. He asked me if I smoked and I said a little. He said I thought so as I saw you with a pipe in your mouth about the street. He then made a peculiar noise with his mouth and said it was to keep his mate within hearing. I then proposed that he should lock me up in the Schoolroom to which he assented. We then went to the Schoolroom and came down the lane between Tanner's and Mains the blacksmith, and through the street to the Schoolroom. We met no one passing the Ercildoune Claim. When we were at the Puddlers' Dam we saw a man with a lantern and also when near Harris' he took me aside from their path and told me to make no sign to them. When we came to the Schoolroom he said he did not want me to get into a row and would sign any paper saying it was done under force of arms. I wrote the paper and he told me to turn round so that I would not see him while he signed it. While looking for the rope to tie my hands I heard him drop some money. He also asked me what the time was and said he did not want to take anything belonging to me. He tied my hands and told me not to stir till daylight and he would have his mate outside who would shoot at me if I stirred. When he threatened to tie my hands and while I was looking round for to let him sign the paper I put my knife in my hat. I was about 10 min. tied when I got my knife and cut the rope. I listened and hearing nothing. I bolted out of the Schoolroom and across to the Ercildoune Company. I got one of the men to accompany me to Tanners and from thence to the Police at Gordon.

Cake of gold weighing 164 oz.; 2 dwt. retorted gold; 60 pounds in gold coins of which he returned 11; 3 pounds in silver; 70 pounds in notes of different banks; 5 oz. of Alluvial gold;

London Chartered Bank: 280 one pound notes; 38 five pound notes; 9 ten pound notes.

All for a total of 1195 pounds.

I think I came out first but can't remember. I opened the door. He, the robber, dictated the latter part of the document found by Constable Monckton, 'in my presence' in the Schoolroom. I wrote the commencement of it.

I certify that this Statement is correct. L.W. Brunn.'(28)

What does one make of Brunn's statement? The parson referred to is Scott. Brunn is known to the robber by sight at least. Scott is, by sight, known to the robber and to

Brunn. The chummy yet strange nature of the conversation between Brunn and the robber supports a view that Brunn and the robber knew each other. Was the robber Simpson, Scott or someone else?

Also, Brunn was less than truthful about the ten pounds, fifteen shillings, he got the robber to give him. Brunn was paid separately by the Bank. He did not simply take his salary from the safe. Asked at Gordon by Police and Bank Officers, Brunn stated that 'I was trying to get something back for the Bank.' So, the money wasn't Brunn's personal savings either. Brunn was all half-truths and doubtful testimony. That's why he was dismissed from Geelong Grammar.

We turn now to Andrew George Scott's statement taken in May 1869 at Gordon.

'This deponent Andrew George Scott on his oath saith:

'I was employed as a lay-reader but not licensed. I have been acting as lay-reader since the first of March at Egerton and prior to that acting in the same capacity at Bacchus Marsh. I know the prisoner Brunn. I have known him from the first day I resided in Egerton. We were upon very intimate terms for about a fortnight or three weeks. The intimacy was strong then broken off. During our intimacy I saw him almost every day and sometimes several times in the course of a day. I have also known Simpson from the first day I went to Egerton. I resided in his house for one week. After that we continued on friendly terms for about a fortnight or three weeks. I have some firearms. I am an ex-officer of the Navy and also the Volunteers. Brunn had not seen my firearms but I told him what they consisted of. Brunn knew nothing about firearms. About the 17th of March we had a conversation about revolvers in general. Brunn told me he had a revolver at Gordon which he would get. I offered to lend him a case of pistols. I asked him who was the maker of the revolver. He said he did not know. I described the difference betwixt certain revolvers. After this intimacy was broken off I did not see Brunn often but Simpson I often did. There is a peculiarity about Simpson's walk in the movement of the shoulder and leg together. I remember the evening of 8th May. On the morning of the 9th between two and three o'clock I remember the prisoner Brunn with two Constables coming to my place. I was aware before they came that I had been suspected of robbing the Bank. They examined my firearms. Constable Eason then told me that I had been accused of sticking up the Bank. I said it was a conspiracy and asked where the nearest Magistrate was to be found. I said this in the presence of Brunn who made no remark before me. I was asked by the Constable where I had been. I said I had come down by train from Melbourne that evening. This statement was not correct. It was Friday evening previous that I came from Melbourne. I said I was not at the London Chartered Bank Saturday night. I am living at Egerton doing nothing. I have not

received any pay. On hearing I was charged with the robbery I resigned and doing nothing since the robbery. I have some London Chartered banknotes. I left the Naval Service in 1859, I left the Britannica to New Zealand. I went to live with Simpson, I did not put in any board. I was in the habit of carrying with me a Sharpes Repeater four barrel but not for the last four months. I was in the habit of carrying a large knife. I volunteered in New Zealand, I am Major Scott, I have been called Captain Scott and Captain Moonlight(sic). I generally patrolled between 10 and 11 o'clock on the night of the robbery. I did not get to bed until ten minutes before the police came. Morgan and his wife were at home. I returned home about one o'clock. I refuse to say where I was before then. I know what an alibi is. I was examined in a case at Bacchus Marsh of alleged cattle stealing. I was called to prove an alibi, Crook was party to the charge. I know that an alibi is either a good defence or a very bad one if not well proved. I told the Constable a lie when I said I had returned from Melbourne on the previous evening. I was out on the night of the robbery when I was charged with it.'(29)

Scott was simply accused, not charged in 1869, and was only formally charged in 1872. The most interesting fact Scott states about Simpson is that Simpson also had a tell-tale limp movement, as did Scott. The limp was Brunn's identification for the robber.

Scott at Brunn's 1869 trial stated that:

'I know Simpson pretty well. He had a peculiar walk, with a rolling motion of the body.'(The Argus, 26 July 1869)

Scott's movements on the night are also interesting. He 'patrolled' from 10 until 11, after having a few drinks at Roberts' bar. Between 11 and 1.00 he 'was out.' Not, apparently, at the Bank. Obviously, Scott liked to have some fun and what he did between 11 and 1.00 is, as he believes, quite rightly, his own private business. Perhaps he found someone at the dance night at Roberts' Bar, known as a place for 'casual encounters.' Scott's earlier statement that he was at the time on his way back from Ballan may appear contradictory to this scenario but not necessarily. The Ballan evening ride back, the Roberts' Bar sighting and 'patrolling' may all have actually happened that way. In terms of time there's no reason why it did not happen that way. But only if Scott did not, in fact, rob the Bank.

I now turn to the Police deposition of Detective Constable Alexander Eason, the Officer in charge of the investigation, sworn at Gordon on 25 May 1869:

'This deponent Alexander Eason on his oath saith: I am a Detective Officer stationed at Ballarat. On Sunday 9th May I went to the London Chartered Bank at Gordon about 11 o'clock accompanied by Constables Monckton and Baker. Mr Orr, Mr Auketell

and the prisoner Brunn were there. There was some conversation about the robbery. I was speaking to Brunn. Brunn said the robber must have known his habits very well because he, the robber, fetched him round the Bank counter. A person not knowing the Bank would very likely upset the gold scales in passing round the counter. Brunn said that when the robber asked him for his revolver he gave it to him and that he told him to open the safe and that he handed him out the gold and money, that he was blindfolded by the robber. I remarked that it was rather a strange proceeding as you were both in the dark. I asked him if he had any recollection of ever having seen the man before. He said no, he was so disguised all the while that he could not tell. He told five or six times that the robber was either blackened or masked. I asked him where the robber put the money and gold after he got it. He said into one or two carpet bags that he had slung across his shoulder. He said that the only light that was struck in the Bank was a match which was struck by the robber who looked into the safe to see if there was any more money left there. I said it was very strange how you could see that if you were blindfolded. He said nothing. I asked him who lit the matches in the school room whilst he wrote the document. He said the robber and that the robber dictated the latter portion of the document and then turned him up against the side of the room till he, the robber, signed the paper. Constable Monckton asked if he, Brunn, endeavoured to secret any money of the Bank. Brunn replied he never attempted to do so. I asked Brunn if he ever told any person that he endeavoured to put the cake of gold up his sleeve and that the robber saw him and told him to put it down. He said no, he never said anything of the sort. I said it was very ridiculous if he did say so as they were both in the dark. Monckton took the warrant out of his pocket and arrested him. Previous to his being arrested I said it was time to put an end to the farce and let us have some realities. Brunn was brought to the Police Station at Gordon. I was present when he was cautioned. Monckton asked him if he had anything to say. He said that he wished to have the Statement which he had previously made to Monckton read to him. It was read accordingly and Brunn signed it. He said 'Now that you come to think of it, it must have been Simpson who stuck me up and that if it was him he must have been very much disguised'. Early the next morning the three of us went to Simpson's house. We saw him there. He said I suppose you have come about the Bank robbery. I nodded assent and said I suppose you know Brunn is in custody. I think he said he did not know. I asked him when Brunn left his house on Saturday night. He replied that he left about 20 minutes to 10 o'clock. He was annoyed to find that Brunn was gone as he wanted to go to the Schoolroom for the Rollbook. He said that he afterwards went to the Schoolroom for the book(which he then pointed to) lying upon the table. I arrested Simpson then. Monckton came into the room with Mrs Simpson who kept repeating the words that he had not been out that evening at all. Simpson said 'Oh yes, I was up at the Schoolroom for the Rollbook.' She said no, Jos the girl brought it down on the afternoon. He said no, I brought it down myself. She said 'No

my dear, you must have forgotten, as the girl brought it down in the afternoon with four other books.'

Let's interrupt Eason for a moment.

Originally, Brunn and Simpson had arranged to walk at least as far as the Schoolroom, then, presumably, Brunn would continue alone to the Bank. Brunn said a goodnight at Simpson's door who was out the back. Receiving no response, Brunn went alone. Annoyed, Simpson followed him up, dressed for the part. The Rollbook was collected on the Saturday afternoon and the page torn out and the note written, unsigned, at Simpson's. It was pitch dark in the Schoolroom. Brunn's copperplate writing would not be possible. A few matches however, would be enough light for Simpson to attempt to disguise a Captain Moonlite signature. Mrs Simpson's manic repetition that Simpson had not been out that evening is revealing in itself. Brunn's story presents as false.

Back to Eason:

'On the 15 May accompanied by Monckton I went into Simpson's house and took away the two books marked F and G. We then went into the Schoolroom and found the envelope now produced marked C. Simpson admitted to me that it was his handwriting. On the 24th, yesterday, I went with Monckton to Simpson's house at Egerton. I said I understand from Mr Robertson that you wish to see me. He said yes. Monckton left and Simpson and I walked up towards Harris' public house. He said I want to assist you in this matter and I have been thinking a good deal about it and I have formed three hypotheses. The first hypothesis is that Brunn is alone guilty in the matter. Second, that he has an accomplice, and the third that Brunn was really robbed and now tells this tale to save himself. I said Mr Simpson, I cannot get over the fact that you signed the document marked A, the note, and you have not offered any explanation about it. He said I never had an opportunity of offering an explanation. I said I don't believe your third hypothesis is correct. Why don't you explain your writing Captain Moonlight. He said I never did it. We went into Harris' Hotel. He said he could dovetail some facts which in my hands would enable me to make something of the matter but that he would not reveal them till Tuesday. I said to him Simpson, how can you account for bringing five or six men to the Schoolroom to show them where Brunn had been tied up when you could but have had guilty knowledge of the fact. He said I know that but I never was at the Schoolroom on Sunday nor took any men there. I said take care what you are saying, are you stupid, the men can prove all about it. He said never mind it, Mr McDermott will tell them all about it on Tuesday. He also said if I had only time I could reveal something to you. He said that Brunn was always frightened of Scott. Simpson went away and said he would be back soon.

Whilst Simpson was away Monckton came in. Shortly after Monckton came in. Shortly after, Simpson returned. I said to Monckton in the presence of Simpson it was strange that he, Simpson, asserts that he never took those men to the Schoolroom on Sunday to show where Brunn was tied up, nor was he in the Schoolroom all that day. He said that he had been away getting witnesses to prove it. He said I heard of the robbery at Tanner's on Sunday at 11 o'clock. From there he had gone to Shannon's and from thence home to dinner, and was not in the Schoolroom at all on Sunday. He then put forward the three hypotheses referred to when Monckton pulled out the document marked A and said we are in a position to show you that it was written by you and how do you explain it. He looked at it and said he never made a C like that. This was the C in Captain. I know all about it he said, Brunn has written it and he has attempted to imitate my hand-writing. I asked him if he would say so before Brunn's face, he said he would. Monckton took from his pocket the envelope marked C and showed it to Simpson who said that it was his. Monckton said what about this S in Secretary, referring to the document marked A and writing of the S in both documents. Simpson said it was mine but Brunn has copied it, he's had my boy writing Captain Moonlight for him in my own house and he, Brunn, must have copied it when he came up to the Schoolroom, and I'll show you it. He took us to the Schoolroom, he opened the door and lit a candle. He went about the room a little and went out of the front door and returned again. Monckton asked him if the forms were in the same position then as they were in on the evening of the robbery. He said I'll answer you no questions till after Tuesday, the Committal Hearing. Monckton said what did we come here for, let us put out the lights. He said no, let us see the boy's book. He produced a copy book with Captain Simpson written at the bottom of a number of leaves, it appears in four places. Now you'll come down and see the little boy who will tell you that Brunn had the little boy writing Captain Moonlight for Brunn to copy. He took us down and on our way I told him to let the boy answer the questions put to him by himself. The boy said he never wrote it. At this time a Mr Willis came to the door. Monckton left with him leaving Simpson and I in the room. I said Brunn must have known that he had a large sum of money in the Bank that Saturday. Mrs Simpson said yes and he told us all about it at the dinner table. Asked about swearing an information, Simpson said I would've sworn on the Saturday night had I been here and possessed of the information which I had on the Sunday night, I would have sworn an information against Brunn. I had not all the information on Sunday night which I have now. Constable Baker was with us all through the transaction.'(30)

Simpson is in denial about his writing of Captain Moonlite, about the Rollbook and his movements on the Saturday night and Sunday morning. To top it off Simpson then pushes blame onto Brunn. Eason was convinced enough of Simpson's involvement to

have him charged as an accomplice. Pointedly, Simpson's three 'hypotheses' do not include himself. Hardly surprising.

Julia Maher, a servant in Simpson's employment, supported Simpson, to some extent, in a sworn affidavit:

'I remember the night of the 8th of May. I remember Brunn going out at about half past 9 o'clock. He went out alone. The School was quite near and Simpson might have gone there without my knowledge. Mr Simpson made some gruel for Mrs Simpson, this was after Brunn went out, this was about half an hour after Brunn went out. After making the gruel he rubbed his daughter's foot with painkiller for chilblains. After this I heard him playing in the parlor with the children. He went to his bed about half past ten o'clock. I went to bed about eleven o'clock. I do not know whether he went to the School or not but I am certain that he could not have been out more than quarter of an hour. He got up next morning about eight o'clock. We waited till ten o'clock, our usual time for breakfast on Sunday and when the children returned from Sunday School. When they returned we were told the Bank was robbed. I told Constable Monckton on the Monday that Simpson might have gone out without my knowledge on the Saturday night.'(31)

This statement is supportive of Simpson to an extent but left the door open enough for the Police to still charge Simpson as a co-accused. Simpson did have a 'window of opportunity.'

The Rollbook, according to John Hicks, the pupil-teacher at the School, often went from Simpson's house and the Schoolroom and back again.

The relevant point is that Simpson had arranged with Brunn to wait for him so as to accompany Brunn at least as far as the School. Brunn didn't wait. Simpson, by his own admission, was angered. It's reasonable to suggest that Simpson followed Brunn up, at a distance, and caught up with Brunn at the Bank as Brunn was opening the door.

Also relevant is what other witnesses saw on the night.

John Herbert recalled and swore a Statement on 26 May at Gordon Police Court that:

'I see Mr Scott in Court, I have known him for some time at Egerton. Mr Scott was not the man I saw with Mr Brunn on the evening of the 8th May. He differs in build, in shape and make from the man I saw.'(32)

Charles Harris supported this. After the robbery, Brunn and the robber walked past Harris' fence.

‘I see Mr Scott in Court. He is not like the man I saw at Harris’ fence on the evening of the 8th May. He is not the same build, he is also taller than the man I saw. The man I saw had a beard. I swear that according to Scott’s appearance now, he was not the man I saw.’

Scott did not have a beard. He shaved. Simpson had a full beard. Harris continues:

‘I am a miner living at Egerton. I remember Saturday the 8th of May. John Herbert was with me that night, he is my mate. I had a lamp with me, it had a reflector on the sides and back and throws a good light in front. The night was very dark. I know Harris’ Hotel. I went into it. I met two parties near the Hotel before I went in, standing at the corner of Mr Harris fence. I was about four feet from the corner of the fence. This was about 17 minutes past 10 o’clock. The men were talking together and walking along quickly. I heard the word yes and then yes again and just before they came to me I heard no no. As they came near me I turned my lamp upon them, they were walking quite close, they were about 16 feet from me when I turned my lamp before them. The prisoner Brunn is one and I believe the prisoner Simpson to be the other but I am not sure. Neither were disguised. I have seen Simpson once before but the other I never saw before to my knowledge. I don’t think that the man who was with Brunn had anything in his hand. I did not see the handle of a pistol sticking out of his coat. I’ll swear he had a large beard. The second man had nothing on his face. The prisoner Brunn did not appear to be in the custody of the second man. If Brunn had called for help I could have rescued him. Brunn did not speak to me or my mate.’(33)

Herbert and Harris, in that case, saw Brunn and the robber after both were returning from Blackhorse Lane, where Brunn removed his blindfold and the robber disposed of the pistol/revolver down a mineshaft near Puddlers’ Dam. Harris and Herbert certainly do not even consider Scott, and make clear that the man with Brunn may have been James Simpson or someone else entirely.

Now let’s look at what happened according to Ralph Tanner, the storekeeper who was next door.

‘This deponent Ralph Wing Tanner on his oath saith: I am a storekeeper residing at Egerton adjoining the premises of the London Chartered Bank. There is a wooden partition between the Bank and my house. The partition is double-breast high. I can hear distinctly any noise in the Bank from my place. On the 8th May after closing my store I sat down by the fire in my parlor. The night was a dark drizzly night. About 10 o’clock I heard what I thought was Mr Brunn come to the door of the Bank. This was about ten minutes to 10 o’clock. I heard the Bank door open. Brunn was in the habit of going into the Bank about that hour. When he went in I heard voices in the Bank. I

could not distinguish the voices. There was nothing unusual in the talking. I could have heard any loud voices. I did not hear any knocking at the partition that night. I saw Brunn about 11.00 o'clock that night. He came hurriedly and knocked at the door and stated that he had been stuck up. I brought him in and he stated that he had been stuck up and that it was that fellow Scott, that he knew him by his voice and walk. We had some conversation, and put two or three questions to him. I said why did you not call out to me. He said he was too frightened to make a noise and that the robber had a pistol to his head. He told me that after the Bank had been robbed he was walked about the bush for an hour. I asked him whether he had met any person or not and he said no. I heard two distinct voices in the Bank. When Brunn presented himself he appeared in a state of honest excitement and appeared to me that he was stating what was true.'(34)

There were well-known people who knew the Bank was cashed up that night. For example, William Bailey, who was an investor in the Learmonth and Ercildoune Companies. Bailey was to become one of Ballarat's richest and had Bailey's Mansion built in Drummond Street. Bailey stated that:

'I reside at Egerton and am manager of the Egerton Gold Company. On Friday 7th of May I sold 127 ounces to the prisoner Brunn. I got a receipt for same. I have occasionally made larger sales of gold to the prisoner Brunn, say as much as 250 ounces at a time.'(35)

So, it was no secret in Egerton that the Bank was well-stocked on 8th May.

The testimony of Andrew Jenson is useful. When Brunn left the Schoolroom after being tied up he hurried over to the Ercildoune Shaft over the road.

'Andrew Jensen, being duly sworn in at Gordon on 25 May, states:

'I am a miner residing at Gordon. On the night of the 8th of May I was at Egerton. I was at work on the Ercildoune Claim about 300 or 400 yards from the Schoolroom. I was on the brace, as braceman. I was there between ten and eleven o'clock that night. I was there both before and after ten o'clock. I did not see any one at the Schoolroom that night. It was very dark. I saw no light shining in the Schoolroom that night. There is a road which passes the Claim and the Schoolroom. About ten minutes after ten two men passed by. I asked the time of night and one of them told me. I did not recognise the two men. At about half past ten o'clock the prisoner Brunn came to me and said the Bank had been stuck up. I did not see any rope with the prisoner Brunn. I did not notice a handkerchief round his neck. I then went with him to Tanner's. Brunn appeared excited and alarmed when he came to me. I took it to be real fright.'(36)

James Simpson had denied he had taken men to the Schoolroom on the Sunday morning. Here are some of the men's Statements:

'Henry Morris being duly sworn states: I am a miner residing in Egerton. About ten or eleven on Sunday forenoon several of us were talking over the fact of the robbery. Simpson came up and taking me aside said 'Have you seen Brunn?'. I asked him if he was not aware that the Bank had been stuck up and robbed the night before. He said 'You surprise me.' He added 'The wife and me have been waiting about an hour and a half wondering, he did not come down as usual.'(37)

John Leake, being duly sworn, also stated that;

'I am a miner living at Egerton. I recollect Sunday 9th May, I talked to Simpson that morning in company with Morris and others. It was about 11.00 a.m. About one o'clock Simpson asked us to go to the Schoolroom to look at the door, saying that 'no-one except me used to the fastenings could open the door.' We also looked at the bell-rope. Simpson asked if it had been cut with a blunt knife. A sailor there said it had been cut with a blunt knife. The carpenter, one of those with us, opened the door himself easily with a knife or stick. When we got inside I asked where Brunn had been tied and Simpson without any hesitation pointed out a spot. He said 'In the corner, alongside the door as we go in.'(38)

The question was asked of Simpson how did he know where Brunn had been tied up if he wasn't there himself doing the tying up. Simpson had no satisfactory answer.

Alice Roberts also made a sworn Statement regarding events on the Saturday night.

'I am wife of Morgan Roberts, a miner residing at Egerton. I live next door to the prisoner Simpson. The distance may be 25 yards. I recollect the 8th day of May. I was in my own house that night. I was in all that evening and night. About ten o'clock or rather, after ten I heard someone say goodnight. I did not take particular notice but I took it to be the prisoner Brunn's voice as he was in the habit of going there. On Sunday at dinner time I saw prisoner Simpson going to his house and asked him if it was true that the bank had been robbed. He said 'Yes, it was 2400 pounds taken.' I replied that it was 800 pounds by report and he said it would be that at least. He said 'I suppose I will be taken up too for it.' I said 'I suppose you are joking.' He replied 'Tanner, Morris and others say that I will have to give an account of myself. I can soon do that.' On the night of the robbery I heard a horse being ridden past, that was past 11.00 p.m that night. The rider was urging on his horse down the hill and cursing as he went, riding as fast as he could go. I heard the words of his cursing distinctly.'(39)

So, who was this rider? Could he have been the unknown robber? Was he part of a gang that also fronted at The First Horse in Buninyong later that night? He was headed toward Buninyong. The robber had constantly alluded to 'mates' during his walk with Brunn. Was it Scott himself? Not likely. Scott was definitely in Egerton at 1.00a.m. The time frame for a return horse ride would be too tight on a dark, misty night on a dirt track. Scott simply stated that between 10.00 and 1.00 he was 'out patrolling', that he 'was out'. He was at Roberts Hotel at 9.00, a dance night, and may have simply lingered on there for some time. The rider, whoever it was, was racing to get out of Egerton.

Thomas Webb also provides a sworn Statement about unusual riders that night.

'I keep the First Horse Hotel at Buninyong Road Railway Station. I recollect the night of 8th May. I saw two men come to the door of my licensed place about midnight to 25 minutes past twelve, and after tapping ask for some ale. I got up and opened the door and served them with ale. They produced a tin billy and asked for the ale to be put into it. I did so, giving them a gallon. They went out and as I was shutting the door a horseman came to the door and asked for a stiff nobbler of brandy. I did so.

He was sitting on his horse at the door all the while. He paid for it. He came as from Egerton along the main road. I did not get a very good view of the man as he kept to the side of his horse, and the side of his face toward me, as if he did not wish me to get a good look at him. I remarked to him about the lateness of his being out and he made no remark in reply to me. I remember him lifting up the tail of his coat and that he had something in the nature of a holster on the near side of the saddle to me, and on the off-side of the horse. The horse's head was then towards the railway gate. I noticed then something in the shape of a valise or bag on the front of the saddle. He did not hand me back the tumbler. He threw it back to me. He appeared in that very dark night a short, thick set man with a cloak on. I soon closed the door on him. '(40)

Could this have been the same rider Alice Roberts heard galloping past about 11.00 p.m. in Egerton?

The riding times fit. The holster and valise or bag are revealing, and the man had a special liking for a quick fix of brandy, as did the robber of the Bank, as opposed to ale, port or wine. Scott, by the way, was tall and lean and fine-set.

A man similar to the man who had called in at Thomas Webb's hotel had also called in at Mr Thomas' small hotel at Forest Creek, between Egerton and Buninyong and asked for and got a glass of brandy. That was between 12 and 1.00 o'clock.

It's about 21 kilometres from Egerton to Buninyong. In the witness and police statements it's given as about eight miles. Distances vary according to route taken, then and today.

Was this the same man? Again, the times fit.

Also, on the night of the robbery two lads named Harry Hoar and Flemington Hoar were riding one horse home past Tanner's as Brunn was nearing Tanner's door. So, that would've been just before 11.00 p.m. Brunn called out 'stop that horse and bring him back.' They didn't, but kept on, going past Mrs Roberts. Was this the horse Mrs Roberts heard? The Hoar brothers were simply going home and had nothing to do with the robbery. Brunn, in his confused state, may have thought otherwise.

Let's now have a closer look at the much studied 'Captain Moonlite' note left in the Schoolroom with the loosely 'tied up' Brunn. It was written on a page torn from the Rollbook. Evidence above indicates that the body of the note could have been written at Simpson's earlier that evening or at the Schoolroom itself.

David James was sworn in, again with the other witnesses at Police Magistrates Court, Gordon, on 25th May. He states:

'I reside in Fitzroy, Collingwood in Melbourne. I am a lithographic writer and a professional expert in distinguishing handwriting. I have examined the account books(from the School). I have the signature 'Captain Moonlite' before me. This signature is not the same as the writing in the body of the document to which it is attached. I have compared the signature Captain Moonlite with the handwriting in the account books(Simpson's). My opinion is that the signature is a disguised handwriting and that it is not the natural handwriting of the person who wrote it. My opinion is founded on the word 'Secty' which follows the signature. The writer of this last word seems to have been off his guard as it approaches to a natural handwriting. To the best of my judgement there are similarities between the signature 'Captain Moonlite' and the writing in the said books. Also, in the word 'Secty' and the said books. For instance, the M in Moonlite and S in Secty with the said books. The two 'oo's in Moonite bear a strong resemblance to the 'oo's in the books. I distinguish a similarity even in the disguised hand and the writing in the books, for example the writing of M in Mr and the M in Moonite. In my opinion, the writing on the said books and the said signature is by the same person.'

Julius Hamel supported James. Hamel, an engraving and lithographic expert from Melbourne, verified that the 'Captain Moonlite' and 'Secy' were 'written in deliberate backhand style so as to disguise it.'(41)

Brunn, as we know, wrote the body of the document. Simpson, as well as Schoolmaster, was Secretary of the School. Scott had no such position at Egerton.

The Police investigation was on-going.

Detective Eason wrote a Detective Report in Ballarat on 9th June 1869, regarding The Queen V. Brunn and Simpson. This was one month after the robbery and before Brunn's trial.

'For the Superintendent by telegram from the Crown Solicitor. The following additional information has been obtained:

The witness Harris who saw Brunn and another man immediately after the men were heard in the Bank by Tanner will now positively swear that Simpson is that other man, he having better opportunities of seeing Simpson walking since the latter's release on bail. Brunn in his statements charges this man so identified as Simpson with being the robber.

In the evidence given in the defence of Simpson by his servant girl and little daughter Rebecca, they state that they knew the hour from the whistle of the Claim when he, Simpson, was at home. Now, the engine driver of the Claim referred to, has been seen and he asserts that no whistle was blown on that night after 7 o'clock, it being Saturday night, nor is it blown on any Saturday night after 7 o'clock.

Detective Eason, having obtained a clue to the horseman referred to by Thomas Webb hopes to be able to find him shortly, and steps have been taken to find more evidence at Egerton regarding Simpson.'

Indeed, well after Brunn was found Not Guilty in July, the Ballarat Police were still interested in Simpson. Eason in an internal Police report stated that:

'Simpson, who is at large, is being under surveillance.'(42)

The servant girl and daughter stated they knew the time that evening by the whistle. There was no whistle after 7.0'clock. Consequently, their statements regarding Simpson's movements and activities later that evening are, it would seem, unreliable.

On 9th May, the day after the robbery, Thomas Monckton, Constable at Gordon who accompanied Eason in the investigation, wrote on his Charge Sheet .

'This deponent, from information received, believes that the said offence was committed by the said L.W. Brunn and James Simpson of Egerton, and prayeth that warrants may be issued for the said L.W. Brunn and James Simpson.'

The Police believed they had a strong case. Mind you, they still were suspicious of Scott, particularly in Scott's unpreparedness to detail an alibi, with varying statements such as 'I was in Bacchus Marsh'; 'I was at Mick's near Ballan'; or simply 'I was out'.

Monckton followed up with a very detailed Statement regarding events on 8th May. It's lengthy, but it provides a new perspective:

'On Saturday night the 8th of May the prisoner Brunn came to the Police Station at Gordon. He said he was stuck up and that the Bank had been robbed. I spoke from my bedroom window. I said is that you Brunn, I knew his voice. He says 'I have been stuck up, the Bank has been robbed and I'll swear that Scott the Parson has done it.'

I know Scott, He is taller than Brunn. I said why do you suspect Scott. He said from his walk and talk. I said come around to the front and I'll let you in. I let him in and struck a light. He then took his handkerchief off his neck and said the robber had tied it round him and that it evidently had been dirtied for the purpose. It is evidently a new handkerchief. I told him then to go and call Constable Maxton whilst I was dressing. He went to call Maxton but did not succeed in calling him. I went and called Maxton. On our way to the stable Brunn repeated the words Scott the parson did it and I would bring him before a magistrate and swear an information against him. I said have you told Sutherland(the Bank's Officer in Gordon). He said Sutherland is in Ballarat. We went to the Bank, Maxton, Brunn and myself. I knocked at the window and Mr Anketell answered. I said to him Brunn has been stuck up. He let us in. Brunn then stated that he had been stuck up and said the robber asked me what funds were to my credit in the Bank. I said ten pounds fifteen shillings and he gave me eleven pounds which I will now hand over.' I said don't be in a hurry there will be time enough. Anketell was dressing and I told him to stay where he was as we did not want him to go to Egerton. On our way to Egerton he said Sutherland ought to have been over on Saturday and taken away some of the big notes. Maxton said why did you not give them to me when I was over this afternoon. He replied you left too early. Maxton said 'I did not leave till after two o'clock.' Brunn was silent.

On our way I asked Brunn if he was prepared to give Scott in charge for the robbery. He said yes he was. I said very well, we'll see when we get there. We went to the Bank and Brunn opened the door and locked it. We went behind the counter which he also unlocked. As far as the counter was concerned everything appeared in order, also the safe, with the exception of the two bowls for holding the coins which were on the floor in front of the safe. On the shelf to the right of the safe there was a file with the cheques and vouchers on it which did not seem to have been disturbed at all. I looked about for some small thing or other that might give a clue but could find nothing. I

said we'd better go and see the Schoolroom. On our way to Egerton, Brunn had also told me that the robber had dropped a couple of sovereigns in the Schoolroom. He told me that the robber either had his face blackened or that he wore a piece of crepe which fitted closely. He also told me that he was tied by the robber in the Schoolroom with a piece of rope which he, Brunn, had left at Tanner's. I asked him how the robber came to lose the money in the Schoolroom. He said he didn't know, he said that he told him to write a paper saying that he was stuck up by force of arms and that the robber signed it. He didn't know whether he had left it in the Schoolroom or not. He said that the robber did not want to do him any harm. He said it was written by matchlight and that the robber struck a light and that he, Brunn, wrote the paper to the robber's dictation. He gave me a more detailed statement on the following morning. He told me on our way to Egerton that the robber came to him as he was putting the key in the door. He told him not to make a noise and to show him the way into the Bank. When he went into the Bank Brunn said that he made for his revolver which was on top of the safe. The robber asked him for any firearms which he had and that he handed over his revolver. We went to the Schoolroom from the Bank. On our way we obtained a lamp. Maxton and Brunn were with me. This was about half past 1.00 o'clock. When we got to the School the door was ajar about six inches. Brunn was first at the door and he said you can see we have been here, pointing to the door being a little open. On our way I asked him if the door was locked. He said there was only a little fastening to it. We walked straight down the Schoolroom, Brunn first, I second, Maxton last. There were some three or four small books lying upon the top of one another, and the document now produced lying on the top of them. It appeared as if it had been laid upon them. The document was on its end resting against the books. Brunn was the first to say here is the paper putting his hand upon it. I then took it from him and read it. I said it has been written evidently by someone who could spell. We then went to look for the sovereigns which had been lost. I first picked up half a crown, next a shilling, then a sovereign under the table. We had a lamp. We could not obtain the slightest clue of a(used) match. There were some matches lying on the table. Brunn pointed them out to me. He said here, here are the matches. They were unused. They were in a heap on the table. Brunn said that the robber wrote the document on the table. We made a most careful search in the vicinity of the table. I then examined Brunn's wrists for the mark of the rope. He told me that while the robber was signing the paper he sent him to the far end of the Schoolroom. I found no marks whatever of his having being tied in the manner indicated. He pointed out the spot where he was tied in the Schoolroom, about two yards inside the door on the right side and near the centre of the room. We then went to Tanner's and got the rope after we left the Schoolroom. He went into Tanner's and brought the rope out. I asked him did he think it was a piece of the bellrope. He said no, it couldn't be, for the bellrope was very much worn. We then went down to Scott's, all three of us. There were some pistols over the fireplace and

some firearms over Mr Scott's bed. I took them down and showed them to Brunn. I asked him if any of these were what the robber used. He said no, the one the robber had had much more silver on it. There was no Colt revolver. We went into Mr Scott's bedroom and examined the firearms there. Brunn made the same remark. Mr Scott said 'Monckton, this is a vile conspiracy to do injury to me.' Mr Scott, I believe, was previously aware of the object of our visit. This was said in the presence of Brunn. When we were walking back again towards the Bank Brunn said 'What does he mean by a conspiracy?' I said I don't know. Brunn said 'I am the sole conspirator. I am the head and tail of the conspiracy. What will he do in the matter?' I said he can take an action for you for defamation of character. Brunn accompanied us back to Gordon that night and he stopped at the Bank. On Sunday morning about 11.00 o'clock I took down a statement from the prisoner Brunn and on Sunday night I arrested him. I asked him if he would make a statement and he said he had done so already and until that was read to him he would not make any further statement. He was cautioned in the usual way. I produced the statement he had made and read it to him. I asked him if it was correct and he signed it. This is the statement produced in Court. Previous to his arrest I asked him why he did not go into Murphy's (Hotel nearby). He said the door was shut. On the 10th of May I went to Simpson's house accompanied by Detective Eason and Constable Baker. When we went in he said 'I suppose you've come with reference to this Bank robber?' Detective Eason said we have. Detective Eason asked Simpson what time Brunn left Saturday night. He stated he left twenty minutes to 10.00 o'clock and that he was rather annoyed at Brunn having left as he went to the kitchen to get his hat and when he came back Brunn had left. He said that he intended to go to the Schoolroom with him to bring back the Rollbook. He stated then that he knew nothing about the robbery until the children came back from Sunday School and told him. He said they usually had breakfast (with Brunn) at 9.00 a.m. but that they had waited that morning till 10.00. Mrs Simpson was in the kitchen during this conversation. I then arrested him. Detective Eason cautioned him. Simpson asked me to acquaint Mrs Simpson of what had just taken place. There was a dispute or difference between Mrs Simpson and her husband about bringing down the Rollbook, as to who brought it down and the time it was brought down. Simpson's statement was that he went on Saturday night after Brunn left and brought down the Rollbook. Mrs Simpson said 'Oh no dear, it was Jos brought it down with four other books early on Saturday. You sent her for it yourself.' The Rollbook produced in Court is the book which was lying on Simpson's table and which was taken away by me on 10th May. Simpson repeated 'No, I brought it down Saturday night.' Mrs Simpson adhered to her original statement that 'it was early on Saturday.'

On 24th May I went to Simpson's house accompanied by Detective Eason. We met with Simpson at Harris' Hotel. I placed the note signed Captain Moonlite in front of

him and said how do you explain that, pointing to the words Captain Moonlite Secretary being in your handwriting. He said that is my handwriting imitated by Brunn. I said isn't that your S? He said it was his S imitated by Brunn. He said that Brunn got his boy to write Captain Moonlight to that document, that the boy was in the habit of writing Captain Moonlight. The document was shown to the boy and the boy persistently denied having written it.'(43)

We learn from Monckton that the bellrope's authenticity is in dispute and there are no marks on Brunn's wrists indicating being tied up. Murphy's Hotel was close by and open when Brunn passed by after the robbery, according to Mrs Murphy. Brunn said it wasn't. Perhaps Brunn did not want help, being himself complicit. Brunn's statement that he himself is the sole conspirator is self-admittance pure and simple. Scott, when visited, is sure of his own innocence. The matter of when the Rollbook was brought to Simpson's supports a view that the page was removed and the note written earlier that evening by Brunn, left unsigned, at Simpson's. Simpson himself states he left his house after Brunn had gone ahead, to the Schoolroom he says, but perhaps Simpson continued a further 300 yards to the Bank. After the actual robbery and erratic bush walk, Simpson simply produced the note in the Schoolroom where he and Brunn had finally went and, in a disguised hand, signed it. It is interesting that Brunn suggested the Schoolroom and that the robber readily agreed. After all, access was guaranteed if the robber was Simpson, a familiar place. With the pre-written note, anonymity for Simpson was assured. One thing is for sure. It was a planned attempt to blame Scott.

Well, it's a plausible and reasonable scenario.

According to Scott's 1880 Egerton Statement, after Brunn's trial Brunn met with Scott at Ballarat's Bijou Theatre on August 4, 1869. With witnesses present, Brunn handed Scott the cake of gold neatly wrapped, the gold Brunn had slipped up his sleeve at the 'robbery.' Was this a conciliatory gesture, an apology of sorts? Brunn and Scott were now free men. Three years later they would meet again under very different circumstances. The day after the Bijou Theatre meet, August 4th, Scott was seen riding his fine grey bay mare along Blackhorse Lane in Mount Egerton. He was alone. He was headed for Melbourne, Sydney and Fiji, anywhere else but out of Mount Egerton. A few days later he sailed on The Pilot from Melbourne, headed for Fiji.

A note here regarding motivation for Brunn and Simpson.

James Simpson had eight children to support. This, and his alcohol problem with brandy kept him poor.

Brunn, on the other hand, had no trouble raising bail from his father. On May 26 at Gordon, Brunn was bailed for 500 pounds. Simpson did have trouble raising the 500

pounds surety (in the event of non-appearance at Court). On 4 June, 1869, he relied on Edwin Witherdon of Egerton (a business partner of Ralph Tanner) and David Marks, a money broker in Melbourne, to provide sureties. Simpson, it appears, had none. Indeed, on 4th August, just after Brunn's trial, Simpson wrote to the Ballarat police asking for a return of the Rollbook from which Simpson had torn a page on the Saturday of the robbery. Simpson wanted the Rollbook because 'I hadn't been paid for the past four months'. Remember, Simpson was still on bail and had not yet had his trial. He never would face trial. He had been required to reappear in October which he did, and it was then that he was released due to lack of evidence. However, his recognizance to reappear if new evidence was found was only finally removed on 22nd of July 1873, four years later, and a full year after Scott had been convicted. It was rather cheeky of Simpson to ask for a primary exhibit to be returned when he hadn't even had his matter heard.

The Ballarat police thought so too. The Rollbook after Brunn's trial had been placed with The Crown Solicitor's Office in Melbourne. Detective Eason, after receiving Simpson's letter, wrote to the Crown Solicitor who returned the Rollbook to Eason. The Crown Solicitor wrote to Eason on 9th August that 'It will be advisable to hold possession of the book for the present. Simpson may have access only.' Eason decided that 'The Rollbook must not be allowed out of our hands as it might be required to reappear in October or in any future case against Simpson.' Clearly, the Ballarat police suspected Simpson and continued to do so even a year after Scott was convicted for the same offence.(44)

Presumably, Brunn was in custody from 9th to 26th May when he was bailed, then for a few days in Ballarat in July for his trial.

The three London Chartered Bank Officers based at Gordon and Ballarat also interviewed Brunn. John Sutherland interviewed Brunn on 13 May. The robbery details basically tally with Police statements made by Brunn. Brunn said in his statement to Sutherland :

'A person came walking quickly up to me as I was putting the key in the door. I thought it was a joke until he put a pistol to my neck.'

Brunn described the man as:

'Low, thick set, large cloak, felt hat, and his face was craped or blackened. He demanded my firearm and he then brought me into my bedroom and bandaged me. At the safe I tried to secret the cake of gold up my sleeve. The robber remarked on it and threatened to shoot me. Up to that time no light was struck. We went to the Dam where the robber allowed me to remove the bandage from my eyes. He threatened to

bind and gag me. The robber took me up to the Bank stable and the robber remarked 'Oh! This is the place I have my horse.' I asked him how the horse got in. He said 'Oh, I could just see that the back door was open. The robber said it was not secure enough. We then went to the Church(Catholic) and sat down for ten minutes before going to the Schoolroom. I wrote the paper to his dictation with the aid of matches.' (45).

Brunn then detailed going to Tanner's with Andrew Jenson and the saddling of two horses for Brunn and Jenson to ride to Gordon. Brunn was a Bank officer under Sutherland's control who daily went to Egerton to clear the safe. He missed one day for a Ballarat commitment. That day was 8th May. Robbery day.

The conversation Brunn relates about the robber stabling his horse at the Bank's stable is intriguing. He had used the Bank stable with or without Brunn's knowledge. The robber stabled his horse there. This would imply both had some knowledge of each other, even if minimal. Brunn states that when he and the robber were at the stable he heard some breathing and that 'There might have been a horse there'. The robber says he had a horse so where was it on the night? Why did he ask Brunn where he could get a good horse if he already had one? Was this the horse the rider went back to get after leaving the Schoolroom? Riding at a gallop, Mrs Roberts certainly heard one, as the rider raced down Main Street towards Buninyong, cursing as he went. The rider who liked a brandy.

The robber also knew his way into Brunn's bedroom. Brunn only refers to 'the robber', not to Scott. It adds to the view that initially, the plan was to blame Scott but it fell apart. It was to be three years later, in 1872, that Brunn finally made a formal, sworn, signed statement naming Scott.

On 20th May 1869, Bank Officer Orr made a sworn statement at Gordon.

'Brunn said to me on 9th May that about ten o'clock Saturday night he went to the Bank to sleep as usual. As he put the key in the lock a man came up to him and laid his hand on his shoulder and told him to open the door or he would knock him down and throttle him. The robber pushed him into the Bank while presenting a pistol, a Colt Revolver by its click with silver mountings. He told him if he made any noise he would knock him down and shoot him and he cursed and swore in the Bank. He asked Brunn if he had anything to drink. Brunn said portwine but the robber refused it, preferring brandy. He had a flask of his own. Holding Brunn's arm he took him down Blackhorse Lane. Brunn asked the robber to place him in a place of shelter. The robber asked Brunn if he smoked. He said a little. 'I know you do' said the robber, 'I've seen you smoke a pipe in the street.' He asked Brunn 'Do you know anyone who

has a good horse?’ Brunn said ‘Tanner and Witherdon do.’ The robber said ‘Isn’t there a parson chap who rides a good horse. Do you know him and where does he live?’ Brunn said he knew him a little and he lived at Morgan’s. Brunn described the robber as thick-set and shorter than himself with his coat buttoned up to his chin and a crape mask around his face. He said the man had a peculiar walk. Brunn said he was paralysed with fear and had acted in a most cowardly manner.’ (46)

Orr’s statement is Brunn’s variation of the same story. The robber indicates a previous close observation of Brunn. The robber knew of Scott and his fine horse. The version Brunn relates to Orr indicates a man other than Scott, yet a local man. Scott was taller than Brunn yet the robber was even shorter than Brunn, making the robber rather short and, as Brunn himself states ‘thick-set’. Brunn also told Orr that the robber often made strange clicking noises with his tongue, ‘to my mates nearby.’ But there was no sign of any ‘mates’ throughout the entire robbery, unless the midnight horse-rider galloping down Egerton’s main street, with brandy stops at Forest Creek and Buninyong, was part of the robber’s ‘mates’. So, with a strong liking for brandy, who was this robber who was in need of a good horse? Was he making out he had mates to scare Brunn? Possibly. Again, Brunn does not mention Scott in his statements to Orr, just ‘the robber’.

The final bank officer to consider is William Auketell. His sworn Statement reads:

‘I am acting accountant at the London Chartered Bank Gordon. I remember Saturday night 8th May. About twelve o’clock I heard a loud knocking. I asked who was there. Monckton came to the window and said Brunn has been stuck up. I got up and let in Constables Monckton and Maxton and Brunn. I had some conversation with Brunn when he came in. I asked him if the gold had been taken. He said yes and he believed it was Scott who stuck him up. I asked him why he did not shout out and he said he was too frightened. Maxton, Monckton and Brunn then left for Egerton. He came back about half past 3.00. Brunn asked me if I had any Brandy which I gave him. Maxton left, and Brunn went to bed. We both slept in the same bed. I asked Brunn to let me know all about it. He did not seem inclined to tell me. He was sleepy and I woke him. He told me that when coming up from Simpson’s about 10.00 o’clock just as he was putting the key into the door, a man came up behind him, put his hand on his arm and said ‘Now young fellow don’t make a noise and keep quiet or I shall have to gag you.’ Brunn then opened the door and the man pushed him in. When in, the man told him to lock the door. He took him round the counter and said ‘You have got a revolver here’ and put his hand on just where it lay on the top of the Safe, and put it in his pocket. He then told him to open the Safe, at the same time handing him a dirty pocket handkerchief for the occasion, namely to put the cash in. He then gave the man all the money which he, Brunn, tied up in the handkerchief and handed him the gold. I then

asked Brunn if it was too dark, why he did not try and hide the gold. He said yes, he was trying to put it under his waistcoat and the man said to him 'None of your larks there or I'll put a bullet into you'. After giving him everything the man struck a light to see if he had everything out of the Safe. The man then asked him what time it was. Brunn said he then looked at his watch and saw that it was ten minutes past 10.00 o'clock. He then asked him if he had any drink in the house. Brunn replied yes, there is some portwine inside. The man said using an oath 'What is the use of portwine, haven't you any brandy?' Brunn said no, I don't take it. The man, offering him a bottle said 'Here, take a drink of this.' They then left the office, the man taking him down to the dam opposite the Bank. When there the man told him he was going to tie him up to a tree. Brunn said 'Oh don't do that because I have a sore throat. There is an old stable up here in which you can put me.' The man said 'No I won't do that, I shall take you down to the Schoolroom.' I then asked Brunn why didn't he run into Murphy's Public House. He said the door was shut and it looked as if nobody was in. When at the Schoolroom the man gave him a piece of paper on which he wrote as the man dictated. What he wrote I don't know. He then made Brunn turn his face towards the wall while he signed it Captain Moonlight. 'I am now going to tie your hands', and as he said that Brunn put his hand in his pocket and pulled out his knife and put it in his hat. The man then told him that 'There are four of us in this affair and one has gone to Gordon to stick up the Bank there, another is outside and if you dare to run away my mate outside will shoot you.' The man then went out. When out, Brunn heard him talking as if to another but he didn't think there was anybody out there at all. He thought he did it only to frighten him. After being in the Schoolroom a quarter of an hour he made a rush over to the Ercildoune Claim. Brunn then seemed as if he could not keep awake any longer. I then asked him how he got over to Gordon. He said he rode over. I then asked him why he thought it was Scott. He said he couldn't mistake the voice and that when the man asked him if he knew where he could get a good horse Brunn had said 'Oh yes, Tanner and Witherdon have very good horses.' The man said it would kick up a row getting them. The man then said 'But haven't you seen a parson riding a good kind of grey horse? Where does he live?' Brunn then pointed out where he lived and said this might have been said by the man to throw off suspicion. At half past four o'clock on the morning of that Sunday I unlocked the Bank door at Egerton and found everything as usual with the exception of the Safe. All the money and gold were gone There should have been 280 pounds in five pound notes, 90 pounds in ten pound notes and a cake of gold as well. Brunn fell asleep twice when he was making the statement. I was obliged to make efforts to keep him awake. I have known Brunn since February. It was not right of Brunn to leave the key of the Safe on the same ring as the door key. He had no right to carry it with that way.' (47)

On Thursday, May 6th, John Sutherland had called in to see Brunn and told him he would not be calling in on Saturday as he'd be in Ballarat. On the Friday, Anketell again told Brunn this but Brunn opted to retain the Safe's holdings. He had a chance to hand the Bank holdings to Constable Maxton on Saturday but didn't. Questioned about the above, Brunn was silent or made excuses.

On Sunday, Auketell rode over and inspected the Egerton Bank at 4.30 a.m., leaving the sleeping Brunn about 3.30 to ride over alone to Egerton. Brunn is consistent in stating that the note was written by him in the dark Schoolroom with the aid of matches to light him in one hand, pen in the other. That's quite a juggling act to come up with, copperplate writing for Exhibit A, the note. Also, Brunn states again that the robber made him turn about-face while he, the robber, signed it Captain Moonlite.

Detective Constable Eason asked Brunn how he was able to see in the pitch black Bank and the Schoolroom. Brunn was silent, except for the dubious matches story. In fact, no-one asked Brunn if he carried a lamp from Simpson's. There is an admission from Brunn regarding a lamp at the Bank.

Andrew George Scott was well-known in both Bacchus Marsh, Mount Egerton and the district as Captain Moonlight, a nickname he'd earned in New Zealand which travelled with him to Australia. The nickname had no connection to Scott being a 'bushranger' at the time of the robbery. Why, if it was Andrew George Scott signing the note, would he totally give himself away by signing it Captain Moonlite? Why would Scott identify himself that way? The answer is that he didn't. He wasn't the man who signed it. Unless, the whole robbery, the weird conversation, the strange bush walk, were all the result of Scott having a severe psychotic episode. Scott had his unpredictable moments for sure and was known for them. However, the event simply does not fit Scott's sophisticated, educated, urbane style. It simply does not add up that Scott was the robber.

So why, in July 1872, 3 years later, was Scott found guilty? Given that there is insufficient evidence to substantiate a conviction beyond all reasonable doubt? Indeed, as shown, there is evidence that Scott did not commit the robbery.

By the time of Scott's trial Scott had lost some credibility. Also, Brunn's relentless campaign against Scott. One might think that having been found not guilty in 1869 that Brunn would put it all behind him. He'd lost his job at Geelong Grammar over it. Maybe that was it? Revenge. And revenge, as we know, is a dish best served cold. Brunn was frightened of Scott but every person is capable of taking action from a distance and when safe to do so.

Scott had lied about his whereabouts on the Saturday night. He later admitted he had lied and corrected his statement that he was on the train coming back from Melbourne that night. He said he actually came back on the Friday night. His statement that he was in Ballan Saturday night with a woman, Scott was unable to verify, for reasons of 'honour'. His statement that he was with 'Mick' at a house near Ballan, Scott was not able, or unwilling, to substantiate.

Scott was seen at Roberts bar around 8.00 and 9.00 o'clock that evening. He was home at Morgan's by 12.50 a.m. Sunday morning. In between, 'It was a dance night at Roberts and other than that I was out patrolling.' One wonders. So, no substantive alibi for a robbery committed at 10.00 p.m.

A few days before Scott's trial was set to begin in 1872, he broke out of the Ballarat Prison and was on the run eleven days. This, to a jury, might signify that Scott was guilty. It certainly weighed against him.

Brunn's certainty with Ralph Tanner on the night and with Bank officers and the Police, in naming Scott, was not helpful to Scott, even though Brunn had also named James Simpson.

Scott had good local knowledge of the tracks around town and had intimate knowledge of the Bank and Brunn's bedroom. That's a telling fact for a Jury.

The robber's 'making out' with the conversation with Brunn during their bush walk could read to a Jury as Scott teasing, even taunting Brunn. And yes, the strong suggestion, not explicitly stated, that Scott had motive in wanting to get back at Brunn for spurning him. There were multiple undercurrents in their brief friendship. Simpson observed that 'Brunn was always frightened of Scott.' Scott knew that and played on it.

Scott was reported to have been flush with bank notes after the robbery.

Scott is a contradictory personality. In his Egerton Statement he denies being a drinker yet admits drinking hard in Sydney after leaving Egerton in 1869.

Brunn's own 1869 trial worked against Scott in failing to provide an alibi.

In 1872, after being a witness for the prosecution against Scott, Brunn was asked about his own trial in 1869. He was asked by a Courier reporter 'If you had been tried with Simpson would the case against you have been stronger?' 'Yes' replied Brunn. (48)

Obviously, Brunn regarded himself as lucky not to have been convicted.

Brunn's Defence Counsel, McDermott, used a not well-known legal stratagem that six of Brunn's Danish countrymen were to be part of the twelve jurors. He had to be tried alone, not with Simpson. Together, as Brunn admits, he might well have gone down. Simpson was acquitted due to lack of evidence. Scott was left as the sole suspect and, one might reasonably say, the eventual scapegoat.

This is clear from the Moonlite Papers. They are in four Volumes. The Egerton Statement is Volume Two, and it consists of 36 statements made by Scott concerning the robbery. The Papers contain most of Scott's writing whilst in Darlinghurst Prison awaiting execution. He explicitly stated he wanted his papers to be handed over to Mrs Mary Ames but this was not done. Scott's papers were held by the Crown, archived, then transferred to the Mitchell Library. They were unearthed by M r. S.J. Williams in 1995 and had a limited, popular circulation of 50 copies when published in 1998.(See References)

Scott writes that 'I had 120 pounds per annum. Brunn had 100 pounds per annum. Brunn gambled and drank. I did neither.' Scott did enjoy a drink. However, it's Scott's statement about Brunn that is useful. Brunn, apparently, was not as pristine as his family and The Ballarat Courier might have imagined. During and after Brunn's trial, The Courier had extolled Brunn's good reputation.(49)

Scott also states that James Simpson used to take Sunday School and the Choir. This was followed by Scott's lay service. Scott had to dismiss Simpson one Sunday due to drunkenness. Scott was also not happy with the messy state of the Schoolroom after Simpson's activities. There was no actual Anglican church in Egerton in 1869. That was erected in 1870. A poor relationship between Scott and Simpson might have been useful for Scott's defence but not, apparently, useful enough.

At Brunn's trial some morsels did emerge. Remember, this is as The Courier reports. There were no sound recordings or transcripts.

Brunn: 'Simpson left the room at 9.30 to go back and make gruel for his wife. I amused myself with the children. At about a quarter to ten I left Simpson's. When nearing the Bank I heard a person walking quickly after me. When putting the key in the door he tapped me on the shoulder and presented a pistol and told me to be quiet. At first I took it for a joke. From the time of leaving the Bank he had a revolver to my breast. The robber had a silver mounted Colt revolver. He was a short, thick-set man two inches shorter than me.'(50)

Simpson testified that 'Brunn has asked me up to the Bank lately, three or four times.'

Scott also testified: 'I was a lay reader at Mount Egerton but not licensed. I arrived about 1st March 1869. I was not paid. I was to receive 130 Pounds per annum. I lived with Simpson but did not pay him. I left the Royal Navy in 1859. I had money sent to me from New Zealand. I arrived home at Morgan's about a quarter to 1.00 a.m. Mr and Mrs Morgan were there.'(51)

In the light of Brunn's description of the robber, Scott stated: 'As you can see, I am rather slight and more than two inches taller than Brunn.'

Ralph Tanner testified that Brunn had several times answered to him on that night to Tanner's question 'Is it Scott?'. Brunn twice answered 'Yes, I'll swear it was.'

After Scott had dismissed Simpson from Sunday School for being drunk, Simpson had threatened Scott. Simpson was often complained to for being drunk. Indeed, McDermott, Brunn's Defense Counsel in 1869 stated that 'The possibility of the prisoner arranging a crime like this with such a man as Simpson is too ridiculous to be taken seriously.'(52)

Constable Monckton testified that 'The pen was still wet with ink three hours after Brunn was there. There were no used matches about.'(53)

The two miners out on the night electioneering testified that it was Brunn and Simpson they saw in the street shortly after 10.00 p.m. and that neither of them was disguised or appeared to be in the custody of the other. John Herbert and Charles Carrington: 'We were about sixteen feet from them and I turned my lamp on them. It was Brunn and, I believe the other was Simpson.'

Charles Harris testified that: 'At 10.17 p.m. I met two parties at Harris' Commercial and Family Hotel in the main road. They were talking together and walking quickly. One was Brunn. The other might have been Simpson.'(54)

Brunn and the robber left the Bank at about 10.10 p.m. So this sighting was when Brunn and the robber were in the early part of their walk about town. Harris' Hotel is on their way.

Mrs Roberts testified that she saw Brunn and Simpson in front of her house about 9.40 p.m.

John Bice Hicks, a pupil-teacher at the School, testified that 'The paper on which the writing was signed Captain Moonlite' was left at the Schoolroom by me on the day of the robbery.' So, the question still is, was the body of the writing written at Simpson's or the Schoolroom? Otherwise, why would Hicks take a single sheet of blank paper, torn from the Rollbook, back to the Schoolroom on the same day? It's quite odd.

It's all interesting testimony. Brunn, Simpson and Scott did agree on one matter however, and that is that 'it was all a conspiracy'. Brunn was not the sole conspirator, nor was Simpson and neither was Scott. There seems to have been however, some kind of conspiracy. It is this aspect that remains the tease in the Mount Egerton Bank robbery. Simpson knew Brunn's movements that night. It was a pattern. Scott knew too. Scott was at Roberts Hotel, which lay between Simpson's House, the Schoolroom and the Bank, an overall distance of about 400 yards. Morgan's house, Scott's abode, was about 300 yards from the Bank via Blackhorse Lane. Readers might carefully consult the map.

On the Sunday morning, 2.00 or 3.00 a.m, police and Brunn made their way up Blackhorse Lane to Morgan's house to confront Scott about Brunn's accusations. Scott simply replied 'Well charge me then. It's all a conspiracy.' Brunn turned to leave, saying 'Let's just leave it then.' Brunn, according to Constable Monckton, then stated as they walked back along Blackhorse Lane, 'It's me. I am the sole conspirator. I am the head and tail of it.'

Of course, it had been a long night for Brunn. It is, however, a revealing outburst and perhaps a moment of truth.

After Brunn's acquittal, Scott left Egerton on 4th August, on his grey mare, to Buninyong Station to train to Melbourne. He then left for Fiji on the Captain Flynn on 6th September. He was 27. He returned and arrived in Sydney from Fiji in mid-1870 and cashed in the gold at the Sydney Mint. After a spree he was done in December 1870 for passing valueless cheques. He was released from Parramatta Gaol in March 1872 after doing 15 months and re-arrested for the Egerton robbery. His trial began in Ballarat on 23 July. He was found guilty on 31st July. Scott eventually admitted, after much argument with expert witnesses and after his trial, that he had got the gold from the robbery. On 3rd August, Scott, through intermediaries, arranged to meet Brunn to receive the written apology Scott demanded. This meeting was witnessed by Detective Constable Alexander Eason and Mr Otto Berliner. Brunn said 'I've no written apology.' He handed the small wrapped parcel of gold to Scott and immediately left. The audacity of this act is staggering. Eason wasn't to know of course and it would be the last thing on his mind. Scott wasn't expecting it either. Brunn was not without a sense of the bizarre. But there it is, written in Scott's Egerton Statement, written just hours before his execution. I couldn't believe what I was reading but I do believe Scott. After all, how else did Brunn come to be in possession of it if he was not complicit in the robbery.

Interestingly, none of the notes or sovereigns have ever been recovered from the robbery. Only the cake of gold Scott passed in in Sydney. No trace of the cash.

Also, about a week before the robbery Scott had actually left Mount Egerton. He'd lost those he thought to be his friends and a ship was listed for Melbourne to Fiji. Scott left Egerton to be on it. But fate intervened. Scott states:

'I had intended to sail to Fiji a week before the robbery and had gone to Melbourne to board the barque Spring-bok which was to have sailed 8th May but it had sailed a day earlier.'(55)

So Scott returned to Egerton on the Friday night train, stayed in Buninyong overnight and was back in Egerton on Saturday. Perhaps Brunn and Simpson knew of Scott's return, enabling the note to be signed Captain Moonlite. Otherwise, with Scott gone, Scott would have an alibi and the blame would fall on Brunn and Simpson. After Brunn's trial Scott simply resumed his original intention.

Brunn heard from Mr Sly in Sydney that Scott had sailed for Fiji on The Pilot and Sly placed a friend on board who kept a diary of Scott's activities. Brunn: 'A friend on board just sent me a diary of what was done on board.' Scott was in Fiji from late August to early December. Scott arrived back in Sydney on 24th December 1869 on the schooner Sarah Pile. Four days later he passed over the cake of gold to the Sydney Mint for cash. Scott had failed payments in Fiji. A promissory note for land in Fiji, for 260 Pounds, was never paid.

If Scott had robbed the Bank, why didn't he use that cash? The answer is that he never received the cash. Just the gold. Scott, with his considerable sea-faring knowledge, probably worked his way to the islands. Ships were chronically short-handed and his skills were proven.

Little is known of Scott in Sydney for 1870 but he admits he lived very well. Until the money ran out.

On 28 November 1870 he was charged with false pretences. He'd passed cheques that bounced. One for a revolver(4 Pounds); one for a yacht, the cheekily named 'Why Not'(130 pounds). Just as he was to sail from Cowper Wharf, Woolloomooloo, he was arrested by Detective Bowen. Perhaps he was returning to Fiji to pay out his Promissory Note. Perhaps sailing to New Zealand where he had family. Having done fifteen months for false pretences, on 28 March 1872, just as Scott was collecting his belongings from Sydney Police Station, he was served with an arrest warrant for the Egerton Bank robbery. Mr Sly had kept Brunn well informed in his new position at the Geelong Grammar School. Brunn passed the information on to the Ballarat Police. And that was where the warrant was made out. Ballarat. Brunn was a determined man and wanted to finally clear his own name. He named Scott as the likely robber and it

was on the strength of Brunn being prepared to be a prosecution witness that the Ballarat Police were finally in a position to serve a warrant.

He was returned by train under guard to Melbourne thence to Ballarat. On 15 April before a Magistrates Court, he was formally charged with having robbed with arms, the London Chartered Bank, Mount Egerton, on 8th May 1869. Namely, Cake Gold 127 ounces; 2 dwt of dust; 697 Pounds, 5 Shillings and 3 Pence in notes and coin. He was remanded. He was reported to be 'very cool' and collected. He had done almost three months of remand in Ballarat and was about to face trial when he and five others made their escape over the high back wall. Scott's fellow escapees were recaptured within a few days, such as Dermody who was captured at nearby Carngham on 16 June. Scott was free the longest. He was recaptured on June 19 in a scene already described. Scott had basically followed the Castlemaine railway line to Sandhurst but had got lost and lacked food. He was transported to Melbourne then to Ballarat by train. Crowds of onlookers were at each location to glimpse 'Captain Moonlite'.

He was further charged with having escaped, and got 12 months for that, so he was no longer just on remand for the robbery, he was now a convicted person. Again.

He faced Justice Redmond Barry on 24 July, 1872.

Adamson led the prosecution. McDonnell was Scott's defence Counsel. McDonnell wanted to consult Scott privately but Barry disallowed it. It was uphill for Scott from the start.

Scott soon dismissed McDonnell and conducted his own defence. Brunn, the chief prosecution witness, had come up from Geelong Grammar.

Some interesting background emerged from the trial of Scott.

Brunn had been introduced to Scott in early February 1869 by a Doctor Tweedale in Mount Egerton. Scott only took up his formal position in Egerton on 1 March. Scott had time on his hands. Given the time of year, perhaps Brunn did too. Brunn had taken up residence at the little Bank in early January. Their intimacy ended at the end of March. Scott had become very attached to Brunn as 'intimate friends'. This friendship lasted about eight weeks.

Scott had visited Brunn every day, even more, and was in the habit of going around the counter into Brunn's bedroom. After the break-up Scott never returned to the Bank. They'd argued about Brunn not going to Church. The next day, Scott sent a boy to pick up a black leather valise Scott had left at the Bank. Scott never had an account at the Bank.

Brunn was mercilessly questioned by Scott for two days. Brunn was really under pressure from Scott. Scott obviously enjoyed himself. Brunn testified that:

‘A lamp was lighted in The Bank to illuminate the robbery. I wasn’t blindfolded until we left the building.’(56)

This is extraordinary evidence. Brunn had never mentioned lighting the Bank’s lamp before. It suggests collaboration between Brunn and the robber. In the past, Brunn had only said the robber lit a match to check the Safe. This is the first time in the entire story that a lamp has been lit. Further, Brunn stated that ‘I wasn’t blindfolded until we left the building.’ This contrasts to his previous statements three years earlier when he says he was blindfolded in the bedroom in the dark. Brunn had lied in 1869. Brunn admitted that the robber ‘Might have been Simpson or anyone else.’

This was not what the prosecution wanted to hear as Brunn’s testimony fell to pieces.

Brunn also testified to Scott and the packed Courtroom that ‘I did not see anyone else between the Bank and the Schoolhouse.’ But Brunn’s earlier statements say that the robber and Brunn had gone out of their way to avoid the two miners Charles Harris and John Herbert standing outside Tanner’s Store. Herbert had previously testified as to the brightness of his reflecting lamp and that he was standing near Tanner’s Store which also had a large lamp. ‘We were standing at Tanner’s fence. The two men passed by me at six or seven feet. One was Brunn. The other was not Scott.’(57)

Brunn and the robber must have seen them.

Brunn stated to the Court that ‘I have never apologised to Scott for accusing him but one was demanded of me, at Morgan’s house where Scott lived and at Bacchus Marsh. Scott told me to go to the police or apologise.’(58)

Scott had preached in the Schoolroom the Sunday after the robbery and told the gathering ‘It would be best not to continue until the matter of the robbery is cleared up. I will step aside.’ Later, at Morgan’s home with friends around the kitchen table, Scott went to a room and returned with a veil and slouch hat and put the items on. ‘Can you say it’s me?’ he asked everyone, ‘no, of course not.’

Scott asked Brunn ‘You ought to have been able to identify the robber. You had lamplight.’ Brunn replied ‘No, I couldn’t, he was too well disguised.’

Scott was asked why he had fallen out with Brunn. ‘Because of his cowardice’ Scott shot back, ‘Brunn sheltered behind the Bank fence when I went to break up a fight in the street.’

Brunn admitted that he was not owed the 10 Pounds and 15 Shillings the robber gave him in Sovereigns on the night's bush-walk.

Over seven hours, Brunn's answers were shaky, uncertain or just plain silence. Asked by Scott why he hadn't called out as he passed by Bernard and Anne Murphy's Mount Egerton Hotel and by Harris' Commercial and Family Hotel, Brunn was silent or didn't know.

Scott's financial situation at the time of the robbery might have been edgy. In early May 1869, Dodson Harwood of Melbourne, engineer, lent Scott money and Scott had repaid it with a valueless cheque. After the robbery, Scott repaid Harwood from a roll of banknotes. Scott testified that he'd been waiting on a remittance from New Zealand and hadn't received a stipend. Scott's friend James Crook in Bacchus Marsh had said they had seen Scott with a letter saying the New Zealand money was coming. Scott was at times, short of cash and at others, had plenty.

Scott made a lot of the fact that the cake of gold he passed in Sydney weighed two ounces more than the Egerton cake. A small amount of alluvial gold had also been stolen. Perhaps Brunn added this to the amount Brunn handed to Scott at the Bijou Theatre? The Sydney cake was 129 ounces, 2 dwt, 20 grms. The Egerton cake was 127 ounces, 2 dwt. There is no record to show there was any alluvial gold added to or not added to what Scott passed in at the Sydney Mint. Scott closely questioned expert witnesses about the authenticity of the Sydney gold. In the end it was left in considerable doubt as to whether the two cakes were one and the same. That said, Scott admitted in his Egerton Statement that Brunn had given him the cake of gold in August 1869. Scott, on trial, was simply exploiting the fact of the discrepancy in weight.

In 1872 on 25th March, when Scott was arrested by Detective Lyons in Sydney for the robbery, Scott told him:

'I know nothing about the robbery. Brunn was tried for it and I was a witness for the Crown. For the past two years Brunn and his friends have been working to get evidence against me but it's a gross perjury and a bitter, malicious prosecution. I would not trade places with the shivering wretch Brunn or with Simpson.' (59)

Well, no love lost there.

At Scott's trial, attention was again drawn to how Brunn was able to hold a pen and a lighted match in the Schoolroom whilst writing a note in copperplate style. This was actually attempted in Court. Paper, ink and pen were placed before Brunn and the Court darkened. Brunn had a lit match in one hand and a pen in the other. He

attempted what he said he'd done in the Schoolroom. Brunn was not able to do it. That is, the body of the note was, more than likely, written earlier at Simpson's. Also, the similarity between the word Moonlite and the cognomen Secy, and Simpson's own hand, was also mentioned by Scott as having been supported by expert witnesses.

But none of this seemed to matter to the Jury.

The weather was again mentioned. It was said that on the night of the robbery there was no moon. At 10.00 p.m. there were but few stars to be seen and the night was very dark and misty.

Scott was also unlucky at his trial because key witnesses at Brunn's trial were no longer available for Scott. Three years had passed and three years was a long time in the fast-moving gold-rush towns of Victoria in the 1870s, just eleven years after the first rush.

The braceman miner Andrew Jensen did not appear. Miner Charles Harris did not appear. Mrs Roberts did not appear. All three had testified to sighting Brunn and Simpson either before or after the robbery, near Simpson's house, near Tanner's and the Bank or near the Schoolhouse. If they'd appeared for Scott as they'd appeared for Brunn three years earlier, it's quite probable Scott would have been acquitted.

There is no evidence that Scott was the robber. Indeed, there is strong evidence that it was either James Simpson or another local man.

The reason Brunn had insisted he was blindfolded in the Bank and that the robber was masked and not identifiable except for 'Scott's walk and talk' is because to identify the robber as Simpson, which Brunn did at times, would implicate Brunn as an accomplice. There is no evidence that the robber had a limp at all or had an Irish lilt. We just have Brunn's word for that. In any case, Simpson himself had a limp, an odd walk. Brunn, perhaps in a tired moment of lucidity at Gordon police station at 11.00 a.m Sunday, the morning after the robbery said 'Come to think of it, it must have been Simpson'.

At one stage during the investigation Simpson stated that it was Brunn himself who had signed the note. Well, presuming the note was signed in the Schoolroom how would Simpson know that unless he was there himself?

All considered, it is my conclusion that Andrew George Scott was wrongfully convicted of the Mount Egerton Bank Robbery due to a lack of evidence. Indeed, there is sound argument to support an approach to the Victorian Government and the Supreme Court to have Scott's guilty verdict quashed. One cannot prove however, that

the robber was absolutely not Andrew George Scott. Further, the robber was either James Simpson or another local man, identity unknown. Finally, if James Simpson and Julius Brunn had been tried together, there is more than even chance they would have been found guilty. That said, both Brunn and Simpson may be entirely innocent. In 1872 an opportunity presented itself to have Scott charged and he was convicted.

You, however, may reach a different verdict on the Great Mount Egerton Bank Robbery.

This narrative has focussed on Scott's life for the period 1868 to 1872 and the Mount Egerton Bank robbery. It was the robbery and Scott's conviction for it that were to culminate in the tragic shootout at Wontabadgery Station 1879. The period of his imprisonment up until his execution, 1872 to 1880, is a study on its own.

The siege at Wontabadgery occurred on 17 November 1879. Scott's lover James Nesbitt was killed. So was 15 year old Gus Wernecke. Constable Webb-Bowen was killed. A charge of murder was made out against Andrew George Scott and Thomas Rogan for Webb-Bowen's death. Scott only used a Snider rifle at the siege, due to distance. Webb-Bowen was killed by a bullet fired from a Colt revolver, fired, perhaps in error, by an officer, volunteer or gang member. Rogan spent most of the siege under a bed. (60)

In 2017 in a digitalised forensic study it was found that there was a high probability that it was 15 year old Gus Wernecke who fired the shot that killed Webb-Bowen. Using Terrestrial Laser Scanning in situ scientists found that Wernecke was the only one in range and line with Webb-Bowen. (Forensic Science, Medicine and Pathology, October 2017).

Forensic expert evidence was provided to this effect at Scott's 1879 trial by Gundagai's Doctor Robert McKillop but dismissed as not substantive by Justice Windemeyer.

In an emotional address to a packed Courtroom, Scott pleaded for the lives of Dan Rogan, William Bennett and Thomas Williams. Rogan hadn't even fired a shot.

Both Scott and Rogan were found guilty of murder and duly sentenced to death by Justice William Windemeyer.

It is my conclusion that Andrew George Scott was wrongfully convicted for the 1869 Mount Egerton Bank robbery, wrongfully imprisoned in 1872 and wrongfully executed in 1880. Further, that from his arrival in 1868 to his death in 1880, Scott was the victim of what we would call out today as homophobia, police harassment, political persecution and, as Scott said himself, 'judicial murder.'

Wontabadgery and the trial are well covered in Garry Linnell's 'Moonlite'(61)

We are left with Andrew George Scott's own assessment. Scott, at his final trial in Sydney, 1879, resulting from the Wontabadgery siege, stated that:

'I honesty regret that I let despair force me into bushranging. I deeply, earnestly deplore the blood that was lost. I feel the weight of its bitterness is worse than death to me. I have finished. I have spoken the truth so help me God, in whose presence I may soon stand.'(62)

Investigating the Mount Egerton Bank robbery and Andrew George Scott has been fascinating. Many continue to examine it. Scott and his friends would quietly smile at their strong on-line and research presence today. Scott and his friends have, I suggest, been vindicated. The tragic aftermath of the Captain Moonlite story leaves a lingering sadness that permeates Australian history to the present day.

Notes

1. Brunn stated at his trial he initially thought it was a joke being played by a man he may have thought was Scott. We can only say that Brunn may have said this to the robber. At the very least however, he certainly thought this. Brunn testified to it. (The Ballarat Courier. 23-31 July 1869; Ballarat Circuit Court report; Argus, 31 March, 1956).
2. Scott's Deposition at Gordon Police Station, May 1869. VPRS 30/POO29, 4, Set 3.
3. Brunn's evidence, The Ballarat Courier 25 July 1872.
4. Brunn's Statement. VPRS 30/POO29, 4, Set 3.
5. Exhibit A. Brunn's trial. July 1869. VPRS 30/POO29, 4, Set 3; Scott's Trial. VPRS 3523 POOOO, Case 11, Set 3; for the map and Captain Moonlite note also see VPRS 4969/POOOO, 95 and 96, in the Kelly Historical Collection, PROV.
6. Brunn's Statement(above)
7. Officers Monckton and Eason Statements VPRS 30/POO29, 4, Set 3.
8. VPRS 3523 POOOO, Case 11 Set 3. Sly to Brunn 24.2.1872. For Scott's trial 23 July 1872. See also VPRS 4969/POOOO, 95 and 96.
9. See Andrew George Scott's account in Williams S.J. The Moonlite Papers. Blainey Centre. Federation University. See References.
10. Williams, S.J. Moonlite Papers. op.cit.
11. The Bendigo Advertiser. 18-24 June 1872. The Ballarat Courier 18-25 June 1872.
12. Scott's Trial as reported in The Courier 23 July 1872 to 27 July, 1872.
13. Brunn's Trial as reported in The Courier, 23-28 July, 1869.
14. Geelong Grammarians, for 1872, p.242. The Teacher and the Bushranger. The Geelong College, Corio, Victoria.
15. Linnell, Garry. Moonlite. Pub. by Michael Joseph(Penguin Random House); 2020. Part Two covers the group Scott gathered around him, with photos.
16. Bendigo Advertiser. 22 November 1879.
17. Linnell, Garry. Op. cit. pp. 271-273.
18. As written by Scott in his letters, written in Darlinghurst Prison, 1879-1880, in Williams S.J. Moonlite Papers. op.cit.
19. Brunn Trial, July 1869, as reported in The Ballarat Courier, July 23-25, 1869.

20. PROV Inquest for Brunn, L.W. held on 1 May 1924. Inc. police and witness statements.
21. The Ballarat Courier, 23-28 July, 1869.
22. Witness Statement VPRS 30/POO29, 4, Ballarat Circuit Court, Set 3, July 1869.
- 23-25. The Ballarat Courier, July 23-31, 1872.
26. VPRS30/POO29, 4, Ballarat Circuit Court, Set 3.
27. Moonlite Papers, Vol.2 Egerton Statement, op.cit.; and VPRS30/POO29,4, Set 3.
28. Brunn, Statement, VPRS 4969/POOOO, 96, 95; also, VPRS30/POO29,4, set 3. Exhibit B at Brunn's Trial, July 1869.
29. VPRS 3523, POOOO,11, Set 3. July 1872.
30. Eason Statement VPRS30/POO29,4, Set 3, Ballarat Circuit Court July 1869.
31. Maher Statement. VPRS30/POO29,4, Set 3.
- 32-40. Ditto
41. VPRS 4969/POOOO, 102.
- 42-44. VPRS30/POO29,4, Set3.
- 45-47. VPRS 4969/POOOO96, 95; VPRS30/POO29,4, Set3.
48. The Ballarat Courier, July 25-30, 1872.
49. Scott's Egerton Statement, Moonlite Papers op.cit.
- 50-52. The Ballarat Courier, July 22-30, 1869
53. Monckton Statement. VPRS30,POO29, 4, Set3.
54. The Ballarat Courier, July 22-30, 1869; also VPRS30/POO29,4, set3.
55. Egerton Statement, Moonlite Papers, op.cit.
- 56-58 The Ballarat Courier, July 25-30, 1872; also, Harris and Herbert Statements.
59. Scott's Egerton Statement, Moonlite Papers, Vol2; also Scott's Sworn Statement 25 May, 1869; and as reported in Ballarat Courier, July 25-30, 1872.
- 60-61. Linnell, Garry; Moonlite; op.cit.
62. Scott in Moonlite Papers op.cit. Vols. 1-4; SMH November-December 1880.

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1. TROVE has been sourced extensively, as has PROV. Primary searches done by Dr. David Waldron and myself. For PROV, go to the Criminal Trial Briefs and Kelly Historical Collection(for Scott/Captain Moonlite). For Scott, records are in different boxes and are not in a single depository at PROV.
2. Sparrow, Jeff. A Queer Bushranger. The Monthly. Nov. 2015
3. Calderwood, G. Captain Moonlite. Adelaide 1971.
4. Australian Dictionary of Biography. V. 6. MUP. 1976
5. Cluff, Caleb. The Ballarat Courier, 2 January 2021
6. Wotherspoon, Garry. Moonlite and Romance. Royal Australian Historical Society, December 1992
7. Linnell, Garry. Moonlite. Random House 2020. Linnell provides an extensive bibliography.
8. Pola, Brian, Waldron Gabriel, Waldron David; Homosexuality on the Goldfields. In Waldron D.(Ed.) Goldfields and the Gothic. Australian Scholarly 2016.
9. A search on Google provides interesting historiography. In 1910 'Moonlite' was a silent film of 42 minutes. Dir. By John Gavin. Believed lost. There is now an extensive on-line presence for Captain Moonlite and Andrew George Scott.
10. In 2010 'Moonlite', a feature film , was partly shot but not completed and not released. Dir. Rohan Spong. Film Australia. Acc. to Spong(2023) any 'green' footage is lost. Graphic novel format.
11. YouTube, 2017, has a four part video 'Captain Moonlite'.
12. Moonlite. A musical play. Bitten By Productions. By Gabriel Bermosser. Music by Daniel Nixon.
Midsumma Festival, Grace Darling Hotel, Melbourne. Febuary 2018.
13. Moonlite Rides Again. 5-25 March 2021. Ballarat CAFS. Visual Stories of Ballarat Pride. On YouTube, CAFS 5 March 2021, An Art Installation, in 3 video clips. And on Facebook as Captain Moonlite Rides Again.
The occasion included an enactment of Moonlite's escape from Ballarat Goal. Acc.to Brett Edgington(Ballarat THC Secretary), a Performing Arts student at the time.
14. The research into George Scott and his mythology as Captain Moonlite continues to grow, especially in Australia's GLBT community as Australia's 'Queer

Bushranger', but also in academe. For example, the Gay and Lesbian Archives at the Pride Centre, Fitzroy St. St. Kilda, has a strong file on 'Captain Moonlite'.

15. The Geelong Grammar School Grammarian, 1872. Thankyou to GGS Archives Office.

16. The Moonlite Papers, Vols. 1-4, S.J. Williams, 1998. P.O. Box 221, Woden 2606. Williams compiled the Papers from A.G. Scott originals held at the Mitchell Library NSW.

17. The Ballarat Courier, May-August 1869, June-August 1872. Thankyou to Ballarat Mechanics Institute Library staff.

18. Tales From Rat City.com as Podcast. Part 1: Moonlite, 2019; Part 2, Moonlite in Prison 2020; Part 3, Moonlite at Dawn, 2021.

19. February 2023. Interview with Laurie Moore, present at re-burial of George Scott from Rookwood Cemetary to Gundagai Cemetary 1995. 'The police wanted to piss on Moonlite's coffin.'

Also present at re-burial was S.L. Williams.(See above)

20. Smith, Jane. Captain Moonlite. Simon and Schuster, 2014.

21. Thankyou to Dr. David Waldron, Clare Gervasoni and Gabriel Waldron at Federation University for discussing Andrew George Scott, and the development of a research base at the Blainey Research Centre. Thankyou also to Professor Kier Reeves for his support.

22. Thankyou to the Mount Egerton and Ballan Community, especially Richard Biden(Ballan Historical Society), Noel Anderson(Egerton Gold Battery), Chris and Ben Creany(Gordon and Egerton Historic Group News, edn. 76, 2023, article on 'Moonlite').

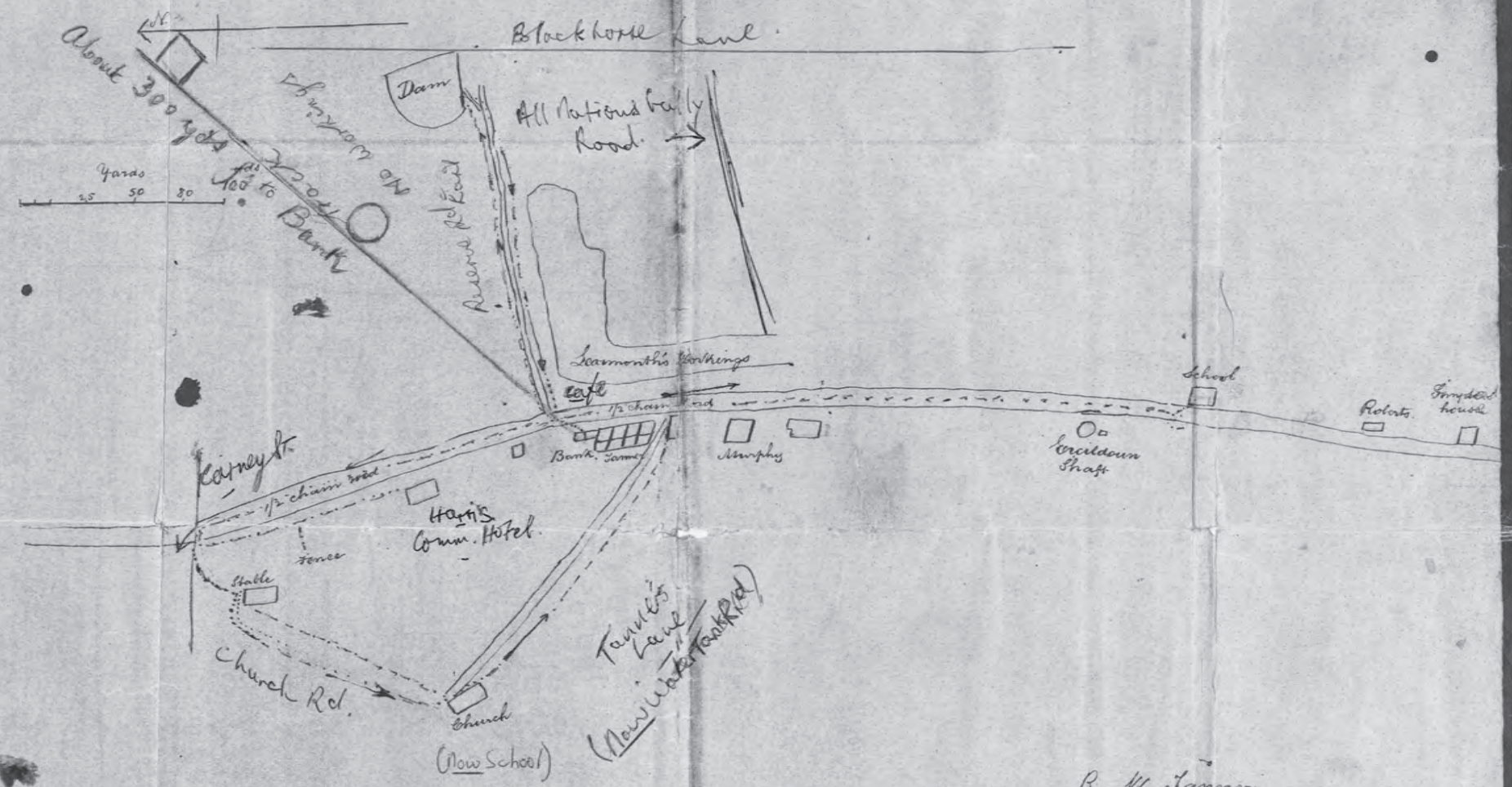
23. Criminal trial Briefs VPRS 30 for July 1869. Set Three. P0029, 4; VPRS 3523 P0000, July 1872, Case 1, Set 3, Ballarat Circuit Court. Also, PROV Kelly Historical Collection, Part 5, Miscellaneous Records, PROV 4969/PO Unit 4. Also, VPRS 30/POO29, 4, Set 3, for Brunn, July 1869, Ballarat Circuit Court. Also VPRS/POOOO/95/96/102/112 are useful for A.G. Scott and L.W.J. Brunn.

Records for Scott/Moonlite often require multiple searches. Thankyou to Marlene Cantwell, PROV, and Dr. David Waldron, Federation University.

24. The Argus, 1869, 1872, 1879, 1880.

25. Terry, Paul. In Search of Captain Moonlite. Allen and Unwin, 2013.

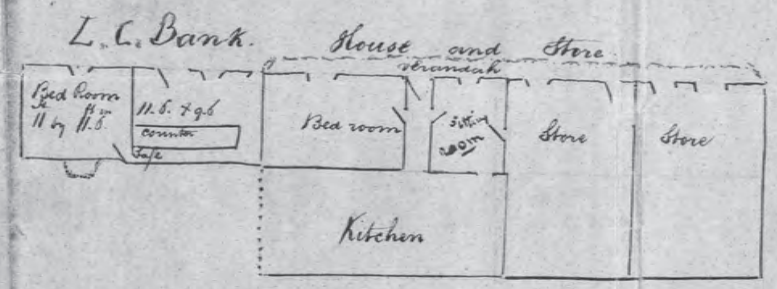
Sketch of Egerton



Distances

| | |
|--------------------------------|-----------------|
| Bank to Dam | 220 yards |
| " Harris door | 80 " |
| Harris door to corner of fence | 55 " |
| Fence to Stable | 90 " |
| Stable to Church | 85 " |
| Church to James | 175 " |
| James to School | 300 " |
| School to Simpson | 135 " |
| Robbers and Brunns route | about 1225 yds. |

R. W. Tanner



- Shaft where pistols were found.
- Morgan's house where Scott lodged.

Map Courtesy of PROV and Dr David Waldron of Federation University
 This map was presented at Brunns trial in 1869. The author has added minor references.



Two photographs approx. c.1870, showing R. W. Tanner Store and house.
The London Chartered Bank was sited behind the fence.
Photos Courtesy Ballan Historical Society.



Historic headstones at Mt Egerton Cemetery



No. 2170

Name *A. G. Scott alias Capt^m Munnicht*

Date when Portrait was taken, *26th Nov^r 1879*

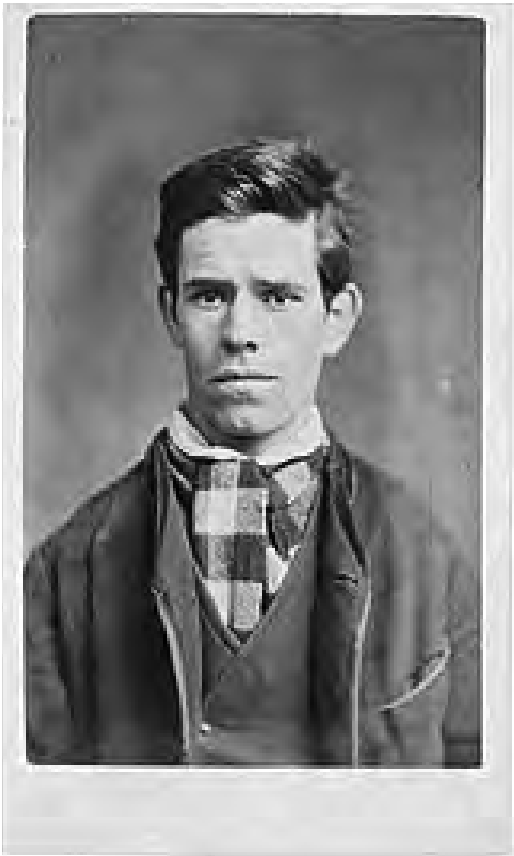
Native place *Ireland*
 Year of birth *1843*
 Arrived in { Ship *Edwin Allen*
 Colony *1867*
 Trade or occupation } *Carriage driver*
 previous to conviction }
 Religion *C of E*
 Education, degree of *V. P. M.*
 Height *5* feet *9 1/4* inches
 Weight { On committal *14.3*
 in lbs. { On discharge
 Colour of hair *Brown*
 Colour of eyes *Gray*
 Marks or special features



Where and when tried } *Sup. Ct. Court*
11 Dec. 79.
 Offence *Murder*
 Sentence *Death*
 Remarks

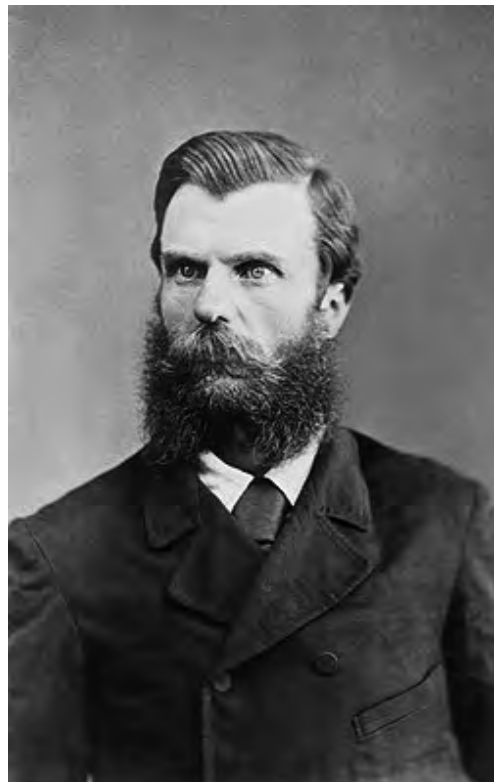
Executed
20 Jan'y. 1880.

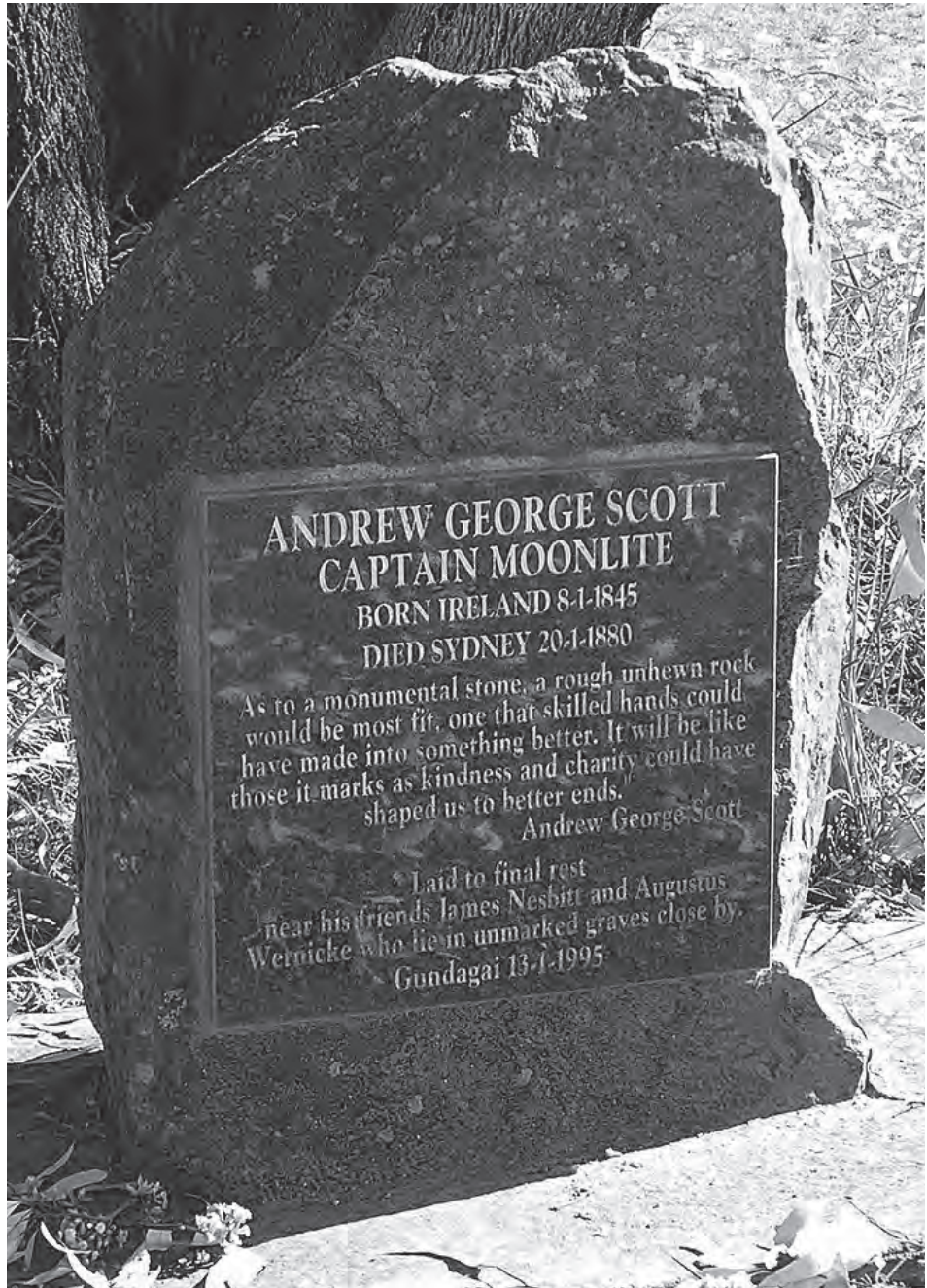
Andrew George Scott's Prison Record 1880.



James Nesbitt
1857-1879
Buried in an unmarked grave at
Gundagai Cemetery in 1879.

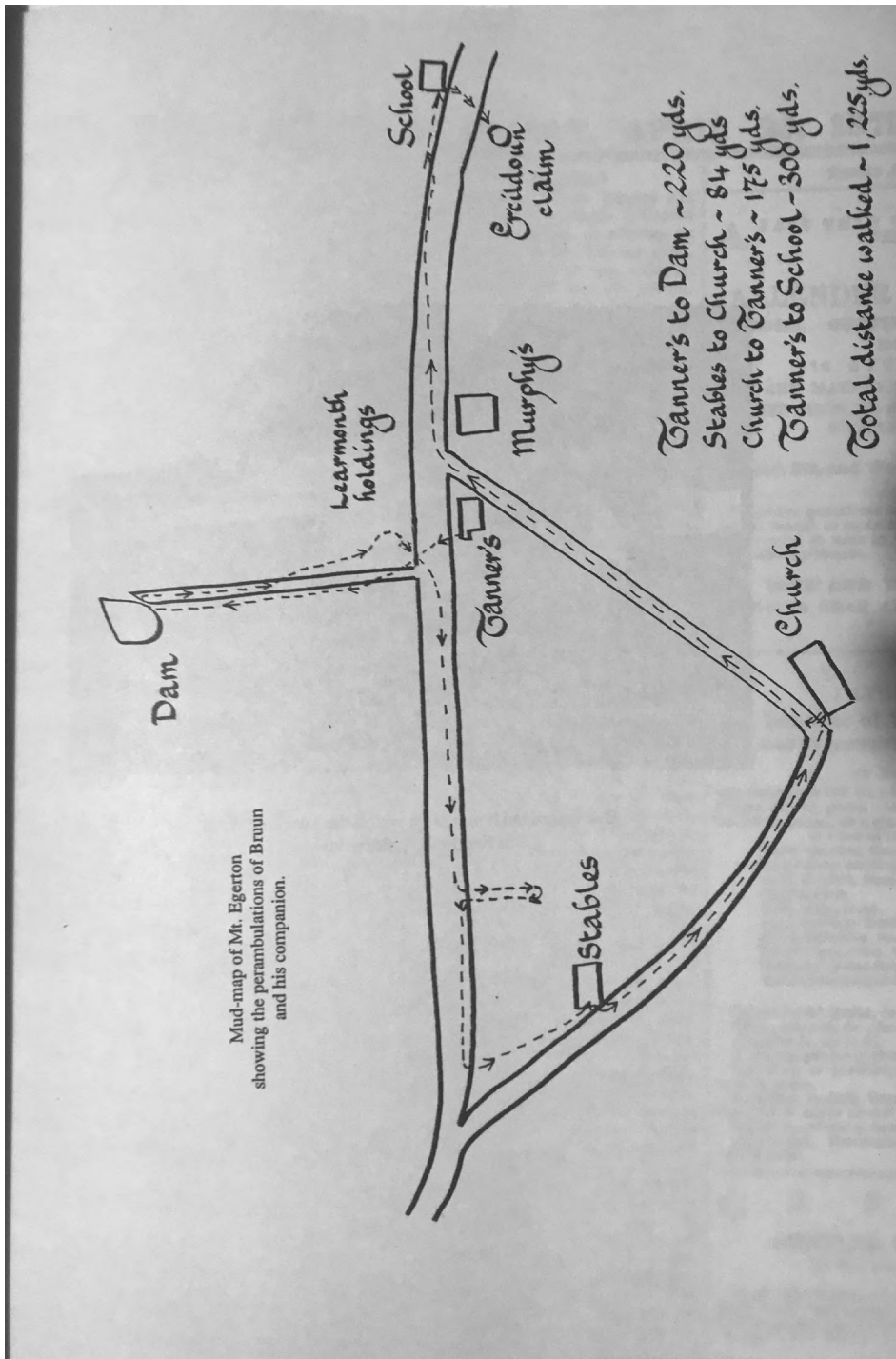
Andrew George Scott
Lecture Tour 1880.





Andrew George Scott's remains were moved from Rookwood Cemetery to Gundagai Cemetery in the 1990's.

Scott's last wish was to be buried with his lover James 'Jim' Nesbitt.



An additional Police Map produced at Brunn's 1869 Trial.

*pp. Gordon
 photo*
B
 Surety certifies that R. W. Brown
 has done everything in his power
 to withhold and not intrusion and
 the taking away of the money
 which was done with falseness
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 Captain Moonlight
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 x P. Stewart
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Ballarat Gaol 1872.

Andrew George Scott escaped from here in 1872.

*This photograph is from the Max Harris Collection held by
the Ballaraat Mechanics' Institute.*



Pentridge Prison.

Andrew George Scott was a prisoner here in 1872-1879.

'Captain Moonlite' (Andrew George Scott) is often blamed for the robbery of the Egerton branch of the London Chartered Bank in 1869.

Brian Pola goes back to original witness statements and actual evidence. This forensic examination comes to a different conclusion.

Brian Pola is a Ballarat based author.



ISBN 978-0-646-59878-9



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