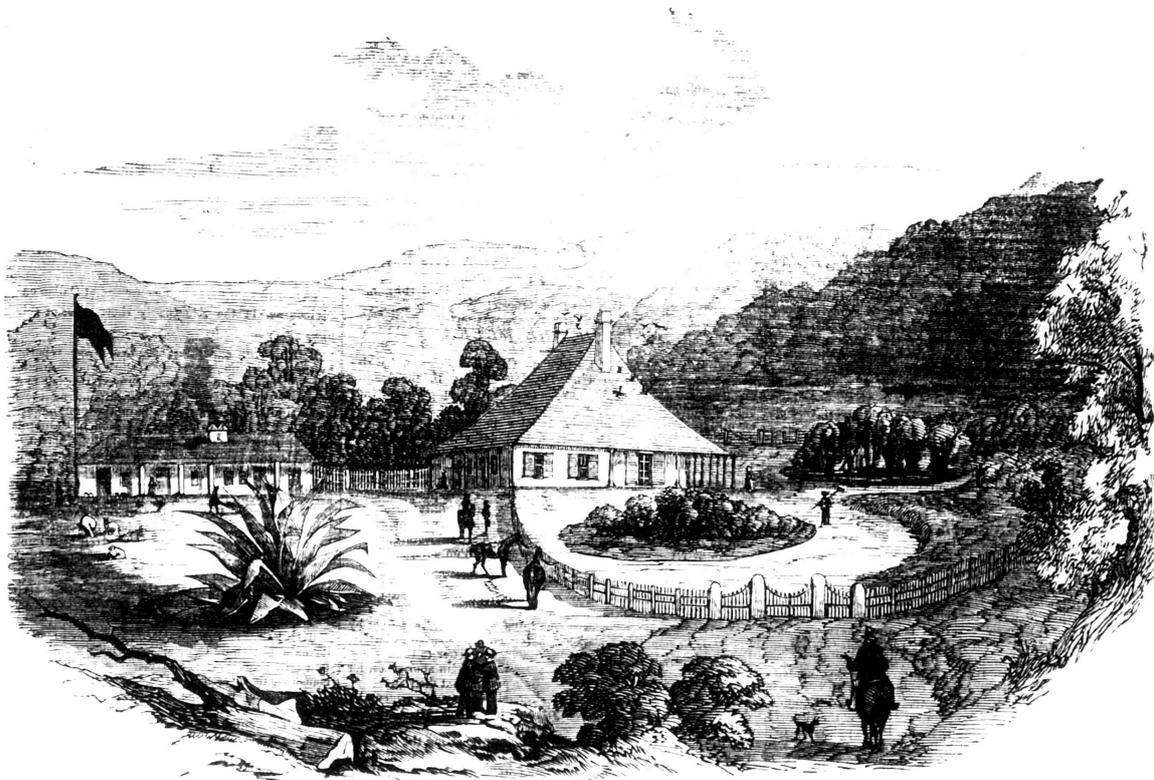


# By the Pleasing Countenance of My Superiors

The life of Dungog Magistrate Thomas Cook, J.P.

by

Michael Williams



AUSTRALIAN SCENERY.—VIEW NEAR DUNOG.

The estate of Thomas Cook, Auchentorlie, near Dungog  
from the *Illustrated Sydney News*, August 5<sup>th</sup>, 1854

## By the Pleasing Countenance of My Superiors

Thomas Cook, Esq. J.P. was one of many immigrants of middling income and status who early in their life threw in their lot with the young Colony of NSW. Like many, Thomas Cook made his contribution without achieving a major place in the history books or leaving behind enough of a record to present a complete picture of his life. Nevertheless, sufficient can be found to provide some fascinating glimpses of the man, the magistrate and of the village of Dungog in the mid-nineteenth century.

An good image of Thomas Cook as a magistrate can be built up from the chance survival of the Magistrates Letterbooks of the Dungog Court in which is preserved much of his official outward correspondence, particularly from 1837 throughout the 1840s, dealing with a wide range of issues.<sup>1</sup> From these letters Thomas Cook, Esq. appears an active and intelligent magistrate, though we also have an early complaint making the opposite claim, namely of ‘the inactivity of the police force, under the orders of Mr. Cook’.<sup>2</sup> Cook makes suggestions regarding the training of new arrivals to minimize accidental death, he badgers the government in Sydney for funds to improve the facilities at Dungog, to pay arrears owed people employed under him, and to secure blankets for the local natives. Cook is prepared to argue with the local landowners over legalities and shows occasional sympathy to those convicts and ex-convicts, who come before him.<sup>3</sup> Not that this was enough to have made him loved by those outside the law, and in at least one case a bushranger named Opossum Jack is reported to have made threats against him.<sup>4</sup> Cook also made efforts to assist the local people who were rapidly being displaced by the new settlers, making efforts to secure sufficient blankets and also to intervene, even if ineffectually, in at least one case where an overseer was holding Aboriginal women against the wishes of their male kin.<sup>5</sup>

Thomas Cook (c.1788 – 1866), son of merchant Robert Cook, was born in Paisley, Scotland, (near Glasgow) arriving with his wife of eleven years and their four children in Sydney on the *Eldon* from Greenock (also near Glasgow) via Hobart Town in April 1834.<sup>6</sup> Cook was appointed a ‘Magistrate of the Territory’ on 5<sup>th</sup> November that year, becoming the Police Magistrate of Port Stephens.<sup>7</sup> Cook replaced a Captain Moffiat who had become involved in a dispute with the Australian Agricultural Company (AAC), which owned much of the land in the district and had even paid part of his salary. Cook’s quick appointment, at an increased salary, may have been due to his connection (their wives were sisters), to Colonel Snodgrass, former commandant of the mounted police and member of the Legislative Council.<sup>8</sup> From Port Stephens

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<sup>1</sup> The first of these letterbooks is the Magistrates’ Letterbook for the police districts of Dungog and Port Stephens, New South Wales, 1834-1839, a manuscript held by the National Library of Australia - MS 3550. The bulk of the letterbooks, running until 1851, are held in the NSW State Archives -

<sup>2</sup> *Sydney Gazette*, 31/3/1838, p.2.

<sup>3</sup> Magistrates’ Letterbook, Dungog, various letters.

<sup>4</sup> *The Sydney Herald*, 9/9/1839, p.2.

<sup>5</sup> Magistrates’ Letterbook, Dungog: Cook to Colonial Storekeeper, 13/3/1837 & Cook to Thomson, 14/12/1837.

<sup>6</sup> NSW Death Certificate, Thomas Cook, No. 1866/002181 & *Sydney Gazette*, 5/4/1834, p.2.

<sup>7</sup> *Sydney Herald*, 17/11/1834, p.4.

<sup>8</sup> *The Australian*, 9/12/1834, p.2. See also *Sydney Morning Herald*, 8/6/1874, p.1.

Cook was ‘directed to visit once a fortnight’ the ‘township of Dungog’ where cattle stealing was seen as a major problem.<sup>9</sup> The Williams River district, on which Dungog lies, was soon after Thomas Cook’s arrival the scene of much uproar with the deaths of five convict shepherds in what was at first thought was a general native uprising and about which it was reported that: ‘Our various letters are loud in their complaints of the inactivity of the police magistrate Mr. Cooke, ...’<sup>10</sup>

Soon after, in 1837 when the police districts were reorganised, Cook was appointed Police Magistrate of both Upper William and Port Stephens, but in a move intended to distance the magistrate from the influence of the AAC, he was now to reside at Dungog.<sup>11</sup> Cook served as Police Magistrate at Dungog (travelling once a fortnight to the court at Stroud within Port Stephens) from 1837 until 1843. Thereafter he continued to reside at Dungog on his property Auchentorlie (named after an estate at his native Paisley), acting as a local magistrate and also registrar and coroner. Sometime around 1860, Thomas Cook left Dungog for Woollahra in Sydney where he died in 1866 aged 78; his wife Mary survived him by a few years, also dying in Woollahra in 1871.<sup>12</sup>

Cook seems to have firmly believed in the authority that he represented and in its power and duty to control and help those who this authority deemed needed such control and assistance. When asked if a loan should be raised to encourage immigration to the colonies the answer of ‘Thomas Cook, Esq., Police Magistrate, Dungog’ was: ‘I do think were such a scheme adopted, it would instantly operate in favour of the Colony, not only as regards its agricultural and commercial prosperity, but in its best interests, the moral improvement of the people.’<sup>13</sup> This interest in ‘moral improvement’ is perhaps what involved Thomas Cook in a sectarian controversy during the 1840s that first brings him to wider public notice.

In the early period of many settlements the court house was the first and for long the only public building. As such, court houses were often used on Sundays by the various Christian groups for services, and in the absence of an ordained minister or priest it was not unknown for a prominent member of the community to read services or simply from the bible. This Cook appears to have done as Police Magistrate, practicing a ‘voluntary performance of Divine Worship’ which in 1837 (when presumably Cook first commenced it), was praised by the Lord Bishop of Australia, who gave ‘a set of church books’.<sup>14</sup>

However the degree of ‘voluntary performance’ involved when a magistrate requested his ticket-of-leave constables to attend services is questionable, and when the Irish Catholic background of some of these constables is combined with a Presbyterian Scots magistrate, the opportunities for conflict grow. Such a conflict appears to have become public in March 1840 when the editor of the *Australasian Chronicle* launched

<sup>9</sup> *Sydney Herald*, 8/10/1835, p.2. Magistrate Thomas Cook is sometimes mistakenly credited with having ‘named’ Dungog, but this had officially occurred before even his arrival in the Colony.

<sup>10</sup> *The Sydney Herald*, 1/6/1835, p.2.

<sup>11</sup> *Sydney Gazette*, 16/11/1839, p.4, Report of the Committee on Police and Gaols.

<sup>12</sup> *Sydney Morning Herald*, 12/2/1866, p.1 and 6/9/1871, p.8.

<sup>13</sup> *Sydney Herald*, 7/12/1841, p.2.

<sup>14</sup> *The Colonist*, 8/6/1837, p.3.

an attack on ‘the most tyrannical, illegal, and arbitrary’ of proceedings. This was the dismissal of the lock-up keeper and a constable at Dungog - both Catholics and one a veteran of ‘the Peninsula’ - for ‘refusing to betray the faith’ of their forefathers. This was an act of ‘religious intolerance’ that Cook compounded when he advertised for replacements with the notice that ‘none but Protestants need apply’.<sup>15</sup> In the same issue as this editorial, the details of Cook’s behaviour were given by a local witness, including his demand that all constables and ticket-of-leave men attend his Sunday service on pain of either dismissal or having their tickets revoked. It seems the lock-up keeper, James Boland, and ordinary constable, Patrick Coleman had refused to attend Cook’s service after being talked to by a Catholic priest. The writer also complained that Cook had refused the use of the court house or the barracks to Catholics and their visiting priest, the Rev. E. Mahony. The same writer also claimed that Cook had been nearly dismissed the previous year due to complaints made and that none but those in fear of Cook attended his Sunday services.<sup>16</sup>

The following Sunday Cook appears to have defended his actions to those attending the service and blamed the interference of the priest concerned, the Rev. Mahony.<sup>17</sup> The controversy was taken up in other papers, with the very non-Catholic *Sydney Herald* agreeing in Cook’s ‘total unfitness for the magisterial office’ but expressing the view that to attack him ‘under the influence of sectarian feeling’ rather than on ‘public grounds’ was not the best. The *Sydney Monitor* in quoting the *Sydney Herald* felt that this paper merely feared that Cook’s Presbyterian zeal might overflow beyond Catholics to include ‘Episcopalians’.<sup>18</sup>

The *Australasian Chronicle* followed up later in the month with the statement that Cook had received a letter from the Colonial Secretary about his ‘protestant only’ notice and had offered the two men their positions back but only on the promise that they would continue to attend his Sunday services. The editor asserted that they ‘submitted’ with ‘want staring them in the face’. This editor went on to claim that Cook regularly used publicly paid officers to perform his private business and called for his dismissal.<sup>19</sup>

In early May 1840, Cook wrote to the *Sydney Herald* to defend himself. He began by denying that he had nearly been dismissed the previous year, claiming that in fact he was ‘honored and gratified by the pleasing countenance’ of his superiors. As to the Sunday services, they were well attended and often had a Rev. Mr. Ross from Paterson preaching at them. Cook however did not deny the charges of forcing people to attend his services, claiming that both the ‘Roman Catholic Clergyman’ and surprisingly the ‘Clerk of the Bench’, had encouraged his constables ‘in the dereliction of duty for the sake of *their* religion’.<sup>20</sup> Presumably Cook meant a duty to attend his services. He added that the need for ‘only Protestants’ was ‘necessary for

<sup>15</sup> *Australasian Chronicle*, 31/3/1840, p.2. [*The Australasian Chronicle* was a pro-Catholic paper edited at that time by a Scottish convert to Catholicism, William Augustine Duncan.]

<sup>16</sup> *Australasian Chronicle*, 31/3/1840, p.2.

<sup>17</sup> *Australasian Chronicle*, 3/4/1840, p.2.

<sup>18</sup> *The Sydney Monitor and Commercial Advertiser*, 6/4/1840, p.3S

<sup>19</sup> *Australasian Chronicle*, 21/4/1840, p.2.

<sup>20</sup> *Sydney Herald*, 11/5/1840, p.1S.

the security and good order of the District' and denied ever refusing the use of the court house to the 'Roman Catholic Clergyman'.<sup>21</sup>

The *Australasian Chronicle* published a letter supporting its views on Cook by one who signed himself 'A Subscriber & A Protestant', while Cook's defence only led it to renew its calls for Cook's dismissal.<sup>22</sup> It also brought forth a short note from P. H. Magrane, the Dungog Clerk of the Bench, denying all accusations of interference on his part with the constables and also stating that Cook's letter contained other 'unfounded' statements, which Magrane refused to go into details about.<sup>23</sup> This notice of Magrane's was reprinted in the *Australasian Chronicle* with the addition: 'Mr Magrane does not seem to be aware that "all things are lawful" to a certain description of "saints". – Ed.'<sup>24</sup> At the end of May 1840 two more letters were published from residents of Dungog, one denying the claims made by Cook in his *Sydney Herald* letter about the numbers attending his services and the near loss of his position, and another detailing Cook's refusal to hear any cases brought by Mr Hooke, a large landowner with whom Cook was at odds (over shooting a pig), which according to the writer resulted in Hooke's assigned servants not being punished.<sup>25</sup>

Throughout all this public controversy Thomas Cook as Police Magistrate was maintaining a regular correspondence with Sydney based officials, including the Colonial Secretary. This correspondence is preserved in the Dungog Magistrates Letterbooks and in his letters very few hints regarding the controversies he was involved in are given by Cook. An exception being the copy of a note to John Hooke:

Police Office Dungog, 24<sup>th</sup> April, 1840.

Sir,  
I do myself the honor to inform you that until you make an ample apology for the contempt shown to this Bench the last time you visited this Court House I must decline entertaining any cases you may be disposed to bring before me.

I have the honor to be Sir  
your most obedient servant,  
Thomas Cook, JP  
Police Magistrate.<sup>26</sup>

To John Hooke Esq,  
Croom Park.

<sup>21</sup> *Sydney Herald*, 11/5/1840, p.1S.

<sup>22</sup> *Australasian Chronicle*, 14/4/1840, p.2, & 12/5/1840, p.2.

<sup>23</sup> *Sydney Herald*, 22/5/1840, p.2.

<sup>24</sup> *Australasian Chronicle*, 26/5/1840, p.2.

<sup>25</sup> *Australasian Chronicle*, 29/5/1840, p.2.

<sup>26</sup> SRNSW: NRS 2965, [4/5539-40, 2/8210 2], Thomas Cook to John Hooke, 24/4/1840.

The controversies continued with perhaps one helping to fuel another with Michael Ryan, who also wrote to the *Australasian Chronicle*, complaining that Cook had denied him a publican's license because he was a Catholic. Michael Ryan provided letters of recommendation from a number of local landowners (including Hooke) and claimed that Cook had told him he would grant him a license, on the strength of which a 'house' had been built.<sup>27</sup> Cook in writing to Ryan simply says his lack of letters of recommendation from Paterson, from where he came, and 'unpardonable reports' lead to his declining to grant a license.<sup>28</sup> A month after this, when Philip Magrane resigned as Clerk of the Bench in July, this was naturally ascribed by the *Australasian Chronicle* to Magrane's being Catholic and Cook a 'sectarian magistrate'.<sup>29</sup>

In August the *Australasian Chronicle* was on the attack again, this time overjoyed that 'some settlers from the Upper Williams' River' had come to Sydney to complain of Cook, and publishing two letters of Cook's thanking people for assisting him in various ways - the implication presumably being that these were forms of bribery.<sup>30</sup> Continuing the following month, the paper referred to an investigation and also published a letter in which Michael Ryan, the denied licensee, provoked Cook in his own court to declare him 'a d --- d rascal' - a shocking use of language at the time.<sup>31</sup> This was presumably at the time Michael Ryan was arrested for keeping a disorderly house, the same letter by Cook also revealing that Ryan, also known as 'Mickie the Priest' had been reported earlier as a receiver of stolen goods.<sup>32</sup>

Having carried on its anti-Cook campaign since March 1840 the controversy widened in scope when in October the 'Auxiliary Catholic Institute of Hunter's River' carried a series of motions drawing the attention of Magistrate Cook's activities to the Institute's Central Committee in Sydney, including his 'unmerited insults to the Catholics of the colony'. Attending the meeting and proposer of the first motion was Cook's former Clerk of the Bench, P. H. Magrane ('M'Grane').<sup>33</sup> This rather organisational and rhetorical move on the part of Catholics prompted the *Sydney Gazette* to begin beating the gong and issuing warnings of a Catholic takeover. According to the *Sydney Gazette* the true object of 'Papists' and of this development of an 'Inquisition' to put officials on trial, was now evident; a plague was beginning, but these people the *Gazette* dismisses as 'petty shopkeepers' who are liable to use aliases. The editor defended Cook, who it declared had reason to believe a priest had 'interfered with a policeman'. No direct mention was made of the compulsion to attend Sunday services but instead an ingenious argument was made that Cook was saving the consciences of Catholics from the clash of needing to serve a Protestant authority. After all, no one could trust an 'ignorant Papist, where a Priest interferes'. The editorial then moved onto an even higher level of hysteria, declaring that the Catholic Institute has 'treason for its aim, and blood for its end' and finished with a call for Protestants to unite.<sup>34</sup>

<sup>27</sup> *Australasian Chronicle*, 25/6/1840, p.2.

<sup>28</sup> SRNSW: NRS 2965, [4/5539-40, 2/8210 2], Thomas Cook to Michael Ryan, 5/5/1840.

<sup>29</sup> *Australasian Chronicle*, 21/7/1840, p.2.

<sup>30</sup> *Australasian Chronicle*, 20/8/1840, p.3.

<sup>31</sup> *Australasian Chronicle*, 5/9/1840, p.2.

<sup>32</sup> SRNSW: NRS 2965, [4/5539-40, 2/8210 2], Thomas Cook to Attorney-General, 14/9/1840.

<sup>33</sup> *Australasian Chronicle*, 22/10/1840, p.2. This notice was repeated in several following editions.

<sup>34</sup> *Sydney Gazette*, 5/11/1840, p.2.

Having reached this frenzied pitch the Cook sectarian controversy seems to have gradually petered out. The *Australasian Chronicle* did continue to publish complaints against Police Magistrate Cook, such as another letter from a Dungog resident going over some of the old issues and adding one of cowardice in pursuit, or lack of pursuit, of local bushrangers. The writer added that this anti-Catholic magistrate had happily directed armed Catholic ticket-of-leave men guard his family during the incursion and called again for an investigation.<sup>35</sup> Another wrote the following year detailing how Cook had casually ordered twenty lashes and did not care when fifty were administered instead.<sup>36</sup>

But just as Cook's problems with Catholics appeared to be fading he managed to annoy the Protestants of Dungog. It seems that on Sunday, December 26<sup>th</sup> 1840 Cook began reading a sermon from a printed book of such sermons, as he had often done. The difference this time being that an ordained 'Presbyterian clergyman', the Rev. Mr. Comrie was present. There is some uncertainty whether Mr Comrie was late arriving or was in fact present when Cook began preaching. In either case Cook continued to read, while signalling Mr. Comrie to sit.<sup>37</sup> The end result of this behaviour was a meeting of Presbyterians at Stephenson's Inn, Dungog a few months later at which it was agreed not to attend services at the court house but instead to use an unoccupied house offered by a community member. A writer to the *Sydney Herald* recounted Cook questioning the Rev. Mr. Comrie publicly as to his intentions when told this decision and that Cook subsequently put up a notice declaring that prayer meetings would no longer be held at the court house but that musters of constables would continue.<sup>38</sup>

Despite this seeming unpopularity, Thomas Cook was to remain acting as a magistrate in Dungog for many years. Cook's difficulties, if that is what he felt them to be, may have reached their peak in 1841. Nothing either good or bad is heard of him in 1842, and although in early 1843 a fire is thought to have been deliberately lit on his property, that same year it was proposed to collect subscriptions 'to purchase a piece of plate' to present to the 'late Police Magistrate' in appreciation of his services.<sup>39</sup>

The collection was because Cook ceased acting as a paid Police Magistrate in early 1843. While such a token of appreciation may not be all it seems (this was a meeting to discuss a meeting to collect money), the loss of his position as a Police Magistrate does not appear to have been directly due to any previous complaints. Rather it was likely due to a gradual reduction in paid Police Magistrates throughout NSW and their replacement with local landowner's who were Justice's of the Peace performing the duty unpaid.<sup>40</sup> It is probable that this was part of a gradual reduction in Police Magistrates taking place whenever it was considered 'there are a sufficient number of unpaid Magistrates to do the duty'.<sup>41</sup> Cook would have lost his position by 1844 in

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<sup>35</sup> *Australasian Chronicle*, 26/12/1840, p.2.

<sup>36</sup> *Australasian Chronicle*, 18/9/1841, p.2.

<sup>37</sup> *Sydney Herald*, 28/1/1841, p.3, & 2/2/1841, p.3.

<sup>38</sup> *Sydney Herald*, 18/5/1841, p.2.

<sup>39</sup> *Australasian Chronicle*, 21/2/1843, p.3, & *Maitland Mercury*, 1/4/1843, p.2.

<sup>40</sup> *Sydney Herald*, 13/11/1839, p.1S.

<sup>41</sup> *Sydney Herald*, 13/11/1839, p.1S.

any case, as by then the government had reverted to nearly all unpaid magistrates as a cost saving measure.<sup>42</sup> Cook continued to be a Justice of the Peace and acted therefore as one of these unpaid magistrates, though for a time local lobbying did attempt to have the paid position restored.<sup>43</sup>

In 1845, when after some lobbying it seemed certain that the paid Police Magistrate's position would not be restored, a collection was made and a 'purse' of £43 was presented to Cook in appreciation of his services with notice of this reprinted a number of times.<sup>44</sup> However this public expression of appreciation brought out at least one enemy of Cook's who roundly condemned the whole exercise as a farce and published details of the collection of the £43 showing that some £30 of it came from staff of the AAC, and that money from Dungog was only donated by various workers within the legal establishment and ticket-of-leave holders, with nothing at all from 'Landed proprietors' or 'Gentlemen'.<sup>45</sup> The implication was that Cook put pressure on those he could and that he was in favour with the AAC but not with the respectable folk of Dungog itself.

Having ceased to be paid as a Police Magistrate, Cook did not cease acting as a Dungog magistrate since he was still a Justice of the Peace. Cook and his family had settled on the Williams River and at some point it seems purchased land that had been part of Crawford Logan Brown's 1829 Cairnsmore grant just north of Dungog village, which he named Auchentorlie.<sup>46</sup> And in 1839, Cook also bought eight perches of town blocks for a cost of nearly £50 within the area of the recently laid out village of Dungog, presumably for purposes of speculation; all but a handful of these allotments were sold and Cook was the largest single purchaser.<sup>47</sup>

In addition to general duties as a magistrate, Cook also acted as Commissioner for Affidavits, Coroner, Commissioner of Crown lands, and could order out the mounted troopers when occasion demanded.<sup>48</sup> Recognised as the 'senior magistrate', Cook often had a role in community positions, such as the convening and chairing of meetings; including one meeting concerning roads in which his opening address was described as 'a most eloquent and appropriate speech'.<sup>49</sup> In May 1849, Cook was appointed to the new District Council of 'Raymond Terrace and Dungog and again in 1853'.<sup>50</sup> It is in 1851 that Cook received another address in appreciation of his services, one reputedly signed by nearly 500 'respectable persons'.<sup>51</sup> Also in 1851 his name headed a petition from the residents of Dungog requesting road repairs, and in

<sup>42</sup> *Maitland Mercury*, 19/3/1844, p.S1.

<sup>43</sup> *Maitland Mercury*, 28/6/1845, p.3.

<sup>44</sup> *Sydney Morning Herald*, 16/6/1845, p.1; *Maitland Mercury*, 28/6/1845, p.3.

<sup>45</sup> *Morning Chronicle*, 5/7/1845, p.2.

<sup>46</sup> This was presumably after Auchentorlie House located in the district of Paisley in Renfrewshire, Scotland.

<sup>47</sup> *NSW Government Gazette*, Oct 1839, pp.1159-1160.

<sup>48</sup> *Maitland Mercury*, 25/2/1846, p.4; 18/11/1846, p.2; 21/10/1846, p.2; 3/11/1849, p.4.

<sup>49</sup> *Sydney Morning Herald*, 12/3/1844, p.3; *Maitland Mercury*, 16/2/1848, p.2, & *Maitland Mercury*, 5/9/1846, p.2.

<sup>50</sup> *Maitland Mercury*, 16/5/1849, p.4; 23/7/1853, p.4.

<sup>51</sup> *Maitland Mercury*, 9/8/1851, p.3.

1854 he was part of a group that examined the children at the new National School and provided the speech in reply.<sup>52</sup>

The newspapers that are the source of most of our knowledge about Thomas Cook focus much on his official activities, but occasionally more personal aspects slip through, as when in October 1845 Cook lost his watch on a farm on the Williams River. He advertised a £2 reward for the return of this 'plain gold watch' with the inscription God and King in French.<sup>53</sup> Later, in early 1848, Cook nearly drowned when he slipped fording a flooded river near his home; he managed to grab hold of a tree trunk to pull himself out, while a passersby rescued his horse.<sup>54</sup> At the end of this same year a severe storm damaged the roof of his house at Auchentorlie.<sup>55</sup> The following year he advertised some 40 acres of farm land to let, land Cook claims yielded 35 to 40 bushels of wheat per acre and situated where 'pilfering (the greatest curse to the small settler) is unknown'.<sup>56</sup> And a few years later it would seem all controversy of the past was forgotten as the 'senior magistrate of the district' and his daughter 'Miss Cook' opened with a bottle of sherry 'The Union Bridge' over Verge Creek midway between Dungog and Clarence Town.<sup>57</sup>

Apart from their names little is know about Cook's family either in Dungog or Scotland. He left an 'only sister' Sarah in Scotland, who died in 1836.<sup>58</sup> We also know that Thomas Cook was unlucky with his children, with two dying in early adulthood while living at Dungog, Henrietta, his eldest daughter aged 20 'after a short illness' in 1842, and his youngest son Thomas in 1852 aged 24 from an infection after being bled by a 'quack doctoress' using an 'unclean lancet' according to the local newspaper.<sup>59</sup> Cook's eldest son Robert did not outlive him very long, dying in London in 1874, while nothing is known of the remaining daughter who helped him open the Union Bridge, Janet.<sup>60</sup>

In 1855, Cook is naturally part of the notables involved in a local patriotic fund formed to support Britain's just commenced war with Russia.<sup>61</sup> In that same year, and ready as usual to make a speech, Cook lay the foundation stone of the 'Established Church of Scotland'.<sup>62</sup> However, this last seemingly innocent participation in a community event may hint at deeper divisions within the community, for less than a month afterwards another laying of a foundation stone for a Presbyterian Church occurred in Dungog. On this occasion local landowner George Mackay lay the

<sup>52</sup> *Sydney Morning Herald*, 12/12/1851, p.2; *Maitland Mercury*, 29/3/1854, p.4.

<sup>53</sup> *Sydney Morning Herald*, 16/10/1845, p.3.

<sup>54</sup> *Maitland Mercury*, 12/2/1848, p.2.

<sup>55</sup> *Maitland Mercury*, 15/11/1848, p.2.

<sup>56</sup> *Maitland Mercury*, 3/2/1849, p.3.

<sup>57</sup> *Maitland Mercury*, 18/10/1854, p.2.

<sup>58</sup> *The Colonist*, 20/10/1836, p.7.

<sup>59</sup> *Sydney Morning Herald*, 21/11/1842, p.3 and *Maitland Mercury*, 29/5/1852, p.2.

<sup>60</sup> *Sydney Morning Herald*, 8/6/1874, p.1.

<sup>61</sup> *Maitland Mercury*, 21/3/1855, p.1S. (Now known as the Crimean War.)

<sup>62</sup> *Maitland Mercury*, 5/9/1855, p.2.

foundation stone for the Presbyterian Church of Eastern Australia, associated with the Free Church of Scotland.<sup>63</sup>

It is unclear if this religious division within the Presbyterian community was a cause or effect of other divisions within Dungog, or indeed even if it was a significant division. But a reported speech of Cook's and a further public controversy is suggestive of factions, and religion was a significant 'grouping' factor in people's lives at that time. Cook for example appears to have been aware that his career in Dungog had not been the smoothest, being reported in a speech of appreciation of one of Dungog's doctors to have said: 'He had been a magistrate in the neighbourhood for many years, and though he had trod on the toes of many, still he felt that, having done his duty, he had nothing to fear ...'<sup>64</sup>

While this speech of Cook claims that he did what he considered right without fear or favour, another incident around this time raises some doubts. In this controversy, Cook, though not a major participant, is not seen in a good light. The issue concerned the dismissal of the long time Chief Constable of Dungog, seemingly for his having come into conflict with a drunken J.P. In 1854 Thomas Abbott had charged Mr. Foster, J.P. with being drunk and disorderly. Soon after this he was accused by Foster of using insulting language to a magistrate. In both cases the presiding magistrates preferred to send the case off to the Attorney-General rather than face either dismissing their Chief Constable or fellow Magistrate.<sup>65</sup> Soon after Abbott was ordered to live within the town, while Abbott claimed that his house was only one quarter of a mile from the Court House.<sup>66</sup> Despite his arguments, Thomas Abbott was dismissed as Chief Constable for failing to reside in the town. At this time the magistrates were Chas. H. Green, John Hooke, George Mackay, Thomas Cook and Thomas Holmes.<sup>67</sup> The case is unclear (except for the obvious nearness of Abbott's still standing house to the town and where he had lived throughout most of his tenure as Chief Constable), but Cook and the other magistrates appear to have participated, even if only by omission, in the victimisation of the less powerful for the purposes of revenge and the dismissal of a man unwilling to turn a blind eye.

Despite this unpleasantness a similar subscription in appreciation of Cook's services at Dungog to that of 1845 was made in 1857, marking twenty years of such service. A sum of £34.2s was gathered, with this time the AAC uninvolved and, although some prominent storekeepers are, none of the major landowners' names appear in the published list this time either.<sup>68</sup> This testimonial notice is also reprinted a number of times in the *Sydney Morning Herald*.<sup>69</sup> The following year Cook received another testimonial, for £100 with an attached subscription list, and again, although two of his

<sup>63</sup> *Maitland Mercury*, 22/9/1855, p.2. The Free Church of Scotland was formed after the 'Disruption of 1843' when 450 ministers of the established Church of Scotland broke away over the issue of the Church's relationship with the State.

<sup>64</sup> *Maitland Mercury*, 8/5/1856, p.4.

<sup>65</sup> *Maitland Mercury*, 4/10/1854, p.2.

<sup>66</sup> *Maitland Mercury*, 2/10/1856, p.4.

<sup>67</sup> Votes & Proceedings of NSW Legislative Assembly, 25/8/1857, 'Thomas Abbott, Late Chief Constable at Dungog'. *Maitland Mercury*, 2/10/1856, p.4.

<sup>68</sup> *Maitland Mercury*, 14/2/1857, p.7S.

<sup>69</sup> *Sydney Morning Herald*, 3/2/1857, p.1; 7/2/1857, p.3.

fellow magistrates, Dowling and Foster, are listed, the others are not, nor are the names of such prominent local landowners as Alison, Hooke or Mackay.<sup>70</sup>

Seemingly ever willing to take on any court related job, Cook in 1858 becomes the Dungog ‘Registrar of Births, Deaths and Marriages’.<sup>71</sup> However the long period of quite for Cook, at least as far as the newspapers are concerned, ended in this same year. In that year the Ross family was drowned during a flood and their deaths investigated. A jury found that not enough had been done to assist the family and this resulted in an angry exchange of letters in the *Maitland Mercury* as various parties sought to justify their actions. As a result, Thomas Cook was much abused in a letter written by James Newell who hinted at factions within the community.<sup>72</sup>

By this time Cook was probably in his late 50s or perhaps early 60s and perhaps spent less of his time sitting on the bench than breeding horses, for in May 1859 he is selling 12 horses by auction at West Maitland.<sup>73</sup> Not much is heard of Thomas Cook in the next few years, though in early 1863 he is still listed as a J.P. at Dungog.<sup>74</sup> Then suddenly Cook is making a petition to the NSW Legislative Assembly, ‘complaining of unjust deprivation of his salary as a police magistrate.’<sup>75</sup>

The loss of his position as Justice of the Peace by Cook may have been part of a general government reform whereby numerous names were removed from the list of Justices of the Peace for a variety of reasons.<sup>76</sup> However, Cook first presents his petition in July 1863, prior to the announcement of the government reforms and again in April 1865, ‘complaining of having been dismissed without compensation’. This matter is still unresolved on the death of Thomas Cook in February 1866 at Woollahra, Sydney.<sup>77</sup> The decline of the status of Cook seems complete when in 1870 a petition is presented to the NSW Legislative Assembly ‘from Mrs Mary Cook, widow of the late Mr. Thomas Cook, who was for many years Police Magistrate at Port Stephens, praying that the services of her late husband might be taken into consideration’.<sup>78</sup> Mary died the following year.<sup>79</sup>

This rather modest end to the career of Thomas Cook is not the final word however. Dogged by controversy throughout his life it seems to have followed him long afterwards. This occurs in the form of newspaper accounts in the following century declaring him to have been a flogging magistrate and linking him with a number of exciting tales of death, convict murder and avenging bushrangers. These sensational stories find no trace in the newspapers of the day and are perhaps variations on a single story and may even relate to another Cook entirely.<sup>80</sup> They appear to have

<sup>70</sup> *Maitland Mercury*, 11/9/1858, p.1.

<sup>71</sup> *Maitland Mercury*, 13/4/1858, p.3.

<sup>72</sup> *Maitland Mercury*, 3/9/1857, p.2; 26/8/1858, p.3; 7/9/1858, p.3; 25/9/1858, p.1 & 14/10/1858, p.3.

<sup>73</sup> *Maitland Mercury*, 17/5/1859, p.4.

<sup>74</sup> *Sydney Morning Herald*, 12/2/1863, p.5

<sup>75</sup> *Sydney Morning Herald*, 31/7/1863, p.4.

<sup>76</sup> *Maitland Mercury*, 30/7/1864, p.2.

<sup>77</sup> *Sydney Morning Herald*, 12/2/1866, p.1.

<sup>78</sup> *Sydney Morning Herald*, 9/4/1870, p.4.

<sup>79</sup> *Sydney Morning Herald*, 6/9/1871, p.8.

<sup>80</sup> *Daily Mirror*, 8/12/1981.

originated in the work of ‘The Man in the Mask’, the pen name of a number of contributors to *Smith’s Weekly*, one of whom was undoubtedly Gordon Bennett, Dungog born and son of the founder of the *Dungog Chronicle*.<sup>81</sup> Bennett also wrote other inaccurate pieces in which Thomas Cook is usually referred to as Captain Cook. This is a title Cook seems never to have used himself, although at the time of the sectarian controversy he was accused of doing so by at least one writer.<sup>82</sup>

Thomas Cook, father, Presbyterian, magistrate, J.P., letter writer, horse breeder, landowner, opener of bridges, speech-maker, and at times a figure of some controversy. Despite this list, our picture of the man remains incomplete and the temptation to fill in the gaps in the manner of Gordon Bennett is great, though in modern times we might emphasise his family relations and political interactions over the number of floggings meted out or murderous convicts encountered. For the time being, until further information is uncovered, we must be content with what tantalising glimpses the often sketchy historical record has left us.



**FUNERAL.**—The Friends of the late THOMAS COOK, Esq., deceased, are respectfully invited to attend his Funeral; to move from his late residence, corner of Denison-street and Point Piper Road, THIS (Monday) MORNING, at half-past 9 o'clock precisely. JOHN HILL and SON, Undertakers, William and Riley streets.

This research on Thomas Cook is ongoing and this paper will be revised accordingly from time to time. If any reader has any information about Thomas Cook please write to the author at – michaelstor@yahoo.com

<sup>81</sup> Maurie Garland, *The Trials of Isabelle Mary Kelly*, p.74.

<sup>82</sup> Cook is referred to by “Urbanus” writing from Berrima as “the Buffoon Cook, (or Captain Cook, as he has dubbed himself without commission in army or navy, since his elevation from the spinning jenny at Manchester to the Australian bench)”. *Australasian Chronicle*, 7/4/1840, p.2.