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2304 Andrew Gillis – Malefactor

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Andrew Gillis - Malefactor

The family myth: Was Gillis Innocent?

The backdoor deal was done, and the publican had procured the forefinger of the malefactor Gillis – hung that morning for murder. The dodgy hospital worker was more than willing to sell it to him after the body had been dissected and anatomised.¹ Displaying the macabre curiosity in his pub drew the patrons in. It was a little horror that they couldn't resist and a marketing triumph.²

The malefactor had proclaimed his innocence to the very end, although doubt certainly persisted³. After all, can the testimony of an accomplice be relied on?⁴ John Hoy, his so-called partner had kept the secret of Kelly's murder for over twelve months before informing the police.

Kelly was one of Andrew Gillis' workers, who helped to sell his sly grog to the isolated residents of the Murrumbidgee area. It was a shady business that broke the alcohol licencing laws. Transporting casks of spirits in two carts, Gillis, Kelly and another "man and a boy"⁵ slowly moved along the rural roads, supplying a product that the people wanted.

Gillis, a dealer from Sydney, had left his wife Bridget Howell⁶ and her children to pursue this trade, although it is possible the boy was Bridget's son Samuel.⁷

Kelly and Gillis had parted ways on frosty terms after a pay dispute. Gillis refused to pay Kelly for an unexplained absence. Kelly threatened to inform the police of the sly grog selling so Gillis relented and paid him.

Still spiteful, Kelly went to the magistrates where he was deputised as a constable, given a gun, and sent with Chief Constable Dannaghan to collect the evidence – Gillis' spirits.

Bush telegraph Lacey⁸ let Gillis know that Kelly had snitched and was on his way. Infuriated, Gillis instructed the group to hide the casks, before he went bush.

¹ *Sydney Gazette and New South Wales Advertiser*. 1837. 'MARKETS.', 18 February 1837. 2. <http://nla.gov.au/nla.news-article2209473>.

² *Australian*. 1837. 'Advertising', 21 February 1837. 3. <http://nla.gov.au/nla.news-article36858314>.

³ *Australian*. 1837. 'No Title', 17 February 1837. 2. <http://nla.gov.au/nla.news-article36856892>.

⁴ *Sydney Monitor*. 1837. 'LAW INTELIGENCE.', 15 February 1837. 2. <http://nla.gov.au/nla.news-article32154892>.

⁵ *Australian*. 1837. 'LAW.', 17 February 1837. 2 <http://nla.gov.au/nla.news-article36856889>.

⁶ 'New South Wales, Australia, Applications and Admissions to Orphan Schools, 1817-1833, Application for Removal, 1832'. n.d. Ancestry. Accessed 19 April 2023. Image 63. https://www.ancestry.com.au/imageviewer/collections/1676/images/30517_081769-00260?pid=105.

⁷ '1828 New South Wales, Australia Census (Australian Copy) for Samuel Howel. (NRS 1272) 1828 Census: Alphabetical Return> Surnames C-L'. n.d. Ancestry. Accessed 19 April 2023. Image 435. https://www.ancestry.com.au/imageviewer/collections/1224/images/41711_330417-00434?pid=45967.

⁸ *Sydney Gazette and New South Wales Advertiser*. 1837. 'SUPREME COURT.', 16 February 1837. 3. <http://nla.gov.au/nla.news-article2209410>.

Dannaghan and Kelly arrived and finding no significant proof they confiscated the horses and carts, letting Hoy know that the case would be heard in Yass.

With no solid evidence, Kelly was sent to deliver summonses to all the residents who had bought Gillis' sly grog. Their testimony would put a stop to his business.

Gillis and Hoy met up the next day. Needing information, they followed the trail of the Chief Constable back to Yass, where they learned of Kelly's assignment. Filled with trepidation at the thought of losing everything, Gillis hatched a plan with Hoy. They would intercept Kelly and persuade him not to deliver the summonses. Mounting their horses, they headed to the Murrumbidgee, forty miles away.

Customer James Connor told Gillis he could not lie if summoned, but he would do his best to evade being served. On leaving Connor's the pair met up with Kelly coming along the road, musket slung over his shoulder.

Gillis, desperate, kneeled and begged. Imploring Kelly not to ruin him. He offered to give Kelly thirty pounds – the fine for breaching the Licencing Act.⁹ Kelly agreed not to return to Yass. The three men then started for home. Gillis even gave his horse to Kelly while he walked. Reaching Jugiong Creek, they took the opportunity to quench their thirst. Kelly placed the musket on the ground to have a drink when the side of his head was bashed in with a rock. Kelly fell forward and his attacker dragged him out by the collar. Grabbing a larger rock, that "he raised with both hands and threw it on the head of Kelly."¹⁰ The body was weighed down with rocks and rolled into the waterhole before being hauled out the next day and buried.

The court case was dismissed after Kelly failed to appear. Gillis's carts and horses were returned to him.

Hoy and Gillis, bound now by the murderous incident conspired to stay quiet. Hoy later claimed that fear made him stay silent, yet he admitted that Gillis had said, "Jack, my life is in your hand."¹¹ A sure indication Hoy felt no fear at all. Similarly, the two men subsequently built a house and were residing together. An act that is counterintuitive to fear. In their new partnership, they grew grain for distillation into spirits. Meanwhile, Gillis was living with a "wretchedly uneasy mind,"¹² plagued by nightmares.

After twelve months they started quarrelling about the possession of the station they were squatting on, and Hoy went to the magistrates to implicate Gillis as the murderer of Kelly. Hoy took the new Chief Constable, Rouch, to the body where he took possession of the battered skull and the thigh and rib bones, for evaluation by Mr Tawell, the surgeon at Yass.

⁹ *Australian*. 'LAW.' 2.

¹⁰ *Sydney Monitor*. 'LAW INTELLIGENCE.' 2.

¹¹ *Australian*. 'LAW.' 3.

¹² *Sydney Monitor*. 'LAW INTELLIGENCE.' 2

Arrested and locked up at Yass,¹³ ¹⁴Gillis was then transferred to Sydney for trial at the Supreme Court. Appearing before Acting Chief Justice Burton and a civil jury, the skull was produced in evidence. The shocking display for the jury must have had some prejudicial value.¹⁵ Gillis took the chance to speak in his own defence. Professing his innocence, he implored the jury to consider that if he had been the murderer, and knowing someone else knew where the body was, wouldn't he move it? He said Hoy was the murderer. The case was over in less than a day. And the jury took just five minutes to decide his guilt. The judge passed the sentence of death, declaring the execution was to be carried out in two days, with his body to be dissected.¹⁶ It was a fate shared by hundreds of other ex-convicts convicted of serious crimes. "Hanged on the gallows next to the jail in George Street"¹⁷ and their corpses later used for practice by surgeons at the Rum Hospital.

Two days to contemplate. What unimaginable horrors he must have felt. Briefly eased by Rev. McEnroe's visit and stopped completely when "the fatal signal was given, the drop fell, and Gillis's soul ascended to its Maker."¹⁸

Innocent or guilty? The myth remains.

¹³ 'New South Wales, Australia, Criminal Court Records, 1830-1945 for Andrew Gillis.' 1836. Ancestry. Accessed 18 April 2023. Image 76.

https://www.ancestry.com.au/imageviewer/collections/5325/images/41725_307628-00624?pld=43445.

¹⁴ 'New South Wales, Australia, Gaol Description and Entrance Books, 1818-1930 for Andrew Gillis. Entrance and Description Book, Sydney'. 1834. Ancestry. 1838 1834. Image 440.

https://www.ancestry.com.au/imageviewer/collections/1783/images/32245_223267-00482?pld=59628.

¹⁵ Tim Anderson, Sydney. 2014. 'Find Legal Answers. Defending Yourself: Facing a Charge in Court. Chapter 11: Evidence'. State Library of NSW. June 2014. <https://legalanswers.sl.nsw.gov.au/defend-yourself-facing-charge-court/evidence>.

¹⁶ *Sydney Gazette and New South Wales Advertiser*. 'SUPREME COURT.' 3.

¹⁷ 'Execution and Dissection'. 2023. Museums of History NSW. 2023. <https://mhnsw.au/stories/general/execution-and-dissection/>.

¹⁸ *Sydney Gazette and New South Wales Advertiser*. 1837. 'SHIP NEWS.', 16 February 1837. 2. <http://nla.gov.au/nla.news-article2209416>.