

Murder on the Maungatapu



This walk contributes to Year 13 History

NCEA Achievement Standard 3.1 Plan and carry out independent historical research.

NCEA Achievement Standard 3.2 Communicate historical ideas.

This programme starts at the museum and proceeds to Bridge Street and to the courthouse before returning to view the Maungatapu exhibits in the museum.

Students are issued with laminated booklets of photographs to support their investigation.

The walk lasts about 1 hour leaving approx 15minutes in the museum.

This is the script used by the narrator.

Maungatapu Walk – Script

1. At The Nelson Provincial Museum

Actor has on bowler hat. He has a sack and it contains the rest of his props.

As the narrator he greets the group and gives a brief story of Nelson Gold mining 1860's.

The 1860s was the time of the goldrush in New Zealand. The country was full of men seeking their fortune. Some of the men were newly released from prison in Australia and some of these were not very nice people.

Gold from the rivers was exchanged for pounds in small banks. Getting to the bank was dangerous and gave many opportunities for robbery and violence.

In 1866 the Wakamarina River gold had been worked out and the Canvastown area was coming to the end of its gold rush. Many of the prospectors were beginning to move on to other diggings.

The track over the Maungatapu saddle between Canvas town and Nelson, was used by many people and there were accommodation houses and stables along the way. These places were great sources of information about people in the area.

Nelson was a small town, the locals were well known and strangers were watched with interest.

Narrator gives out laminated booklets. First pictures are of Nelson in the 1860s and men drinking outside a pub and of the Commercial hotel on the site where you are now standing.

At Deep Creek, seven miles up the Wakamarina River from Canvastown, four men made the decision to move on and try their luck on the West Coast. On 12 June, 1866, Felix Mathieu, hotelkeeper, John Kempthorne, storekeeper, James Dudley, storekeeper, and Jaynes de Pontius, Frenchman, with 300 pounds in gold dust and notes, loaded a packhorse with their swags.

They left Deep Creek and spent a night at Mrs Couper's Pelorus Accommodation House and set off for Nelson, travelling over the Maungatapu Saddle route. Mathieu, who owned the packhorse, had arranged for a friend named Moller to follow them later and bring the horse back from Nelson.

Actor takes off jacket and puts on flat tweed hat and takes out a whip (handle, leather bound stick and a lash). He is now Moller, the man who raised alarm.

I (Moller) left Deep Creek one day behind the four men and as I had no baggage I travelled quickly.

I met people along the route who told me I was gaining on my friends and that they had been seen at Franklyns Flat - a small flat area about half way between Canvastown and Nelson.

About three-quarters of a mile past Franklyn's Flat and after passing a large rock, I met a man on a horse coming from Nelson who said he had not seen the four men. I was puzzled but I went on to Nelson where I could find no trace of my friends so I went back to Canvastown I got there on 16 June. I stopped to talk to Mr Jervis the storekeeper.

Actor puts whip back in satchel and puts on a white canvas apron to be Mr Jervis the storekeeper who had seen the murderers.

I had allowed four men to stay for three nights in that empty building beside my store. They arrived from Nelson on 9 June and one of them went up to Deep Creek for one night. (This was later found to be Phil Levy who had learned that Mathieu and party were planning to leave for Nelson and were taking gold with them.)

I thought I'd ride over to Nelson and have a look. I didn't find them so I reported my suspicions of foul play to the police.

People found it hard to take me seriously - they couldn't believe that such a crime could happen in their peaceful community. Soon information arrived from Greymouth identifying the four strangers as Burgess, Levy, Kelly and Sullivan and that they had already committed crimes on the West Coast.

A report came in that three men had been seen on the road to Foxhill. So I set off with some policemen to follow them. We went about eighty miles before we found them. They were completely innocent, minding their own business.

2. To site of Porcelli's Oyster Bar

Actor takes off his apron and puts his original hat back on and group walk to the site of Porcelli's Oyster bar. (Down Hardy St, through Montgomery carpark to Bridge Street. Porcelli's was on the southern side about halfway between Trafalgar and Rutherford).

At Oyster Bar site actor takes helmet and whistle on lanyard out of his satchel – he is now a policeman (Constable Murphy).

Show photos of Murderers

I have just had a sighting of Burgess in Bridge Street. I hear he and another man spent the night here at Porcelli's Oyster Bar. There are lots of oyster bars in Nelson. Seems they are just the thing to go with a good ale.

“Excuse me Sir have you seen a man here who has just come from the Coast. He is a bit bald and has a full beard and moustache. I hear he was in trouble in Greymouth. His name is Burgess. We want him for questioning about the murders. Could you go into the Oyster Bar for me and ask one of the Italians while I keep watch out here?”

‘There he is’ “Grab him Constable.”

3. Cross to North side of road walk up towards NW corner (Westpac bank)

Actor is still a policeman.

Show picture of Wakatu Hotel. Probably later than the murders.

That's good, we've got one of them. I've heard that Levy was seen buying flash clothes at Merrington's Drapery and here at the Wakatu Hotel. There he is, quick grab him. Mr Levy, I arrest you in the name of the law. Take him away.

That was lucky now we only have Kelly and Sullivan to get.

Hullo Sergeant Edwards what news have you got? (use a student or teacher!)

I went to the Lord Nelson down there and we searched a room that we think was hired by Kelly. We found a possum rug and a knife. Then we were in luck. We found him coming out of the dining room. He's at the police station now.

Just Sullivan to go now.

4. Over the road to SE corner the site of the Trafalgar Hotel. (Air NZ)

As group moves to Trafalgar Hotel actor takes off Policeman symbols takes out a bell (tiny bell is sufficient) and becomes the Town Crier calling the public to a meeting.

Oh yea oh yea Come one come all - to the Trafalgar Hotel. We need good men, strong men, to search the Maungatapu for our luckless friends.

It is now 20th June

The student group is the public. A bit of repartee would be good here. They are trying to raise a posse of men to look for the bodies and a reward has been offered.

Show photo of Trafalgar Hotel

At the Trafalgar hotel site the actor becomes Mr Luckie the newly appointed chairman of the group who will look for the four men's bodies. He puts on a top hat.

My name is Mr Luckie, chairman of this meeting. It is wonderful to see 300 citizens gathered here today. I am glad to tell you that all four suspects have now been captured. The last was Sullivan seen leaving the Mitre Hotel having drunk more than he should!!

A great crime has been committed we have suspects in custody but we have no bodies. We need to find our poor friends so we need volunteers to form a strong party to explore the place where the men were last seen alive.

We need money to supply the searching expedition with provisions, tents, and implements. We already have some volunteers who have worked in the bush and they should be ready to go the next morning.

Mr Lightband has suggested that Maori from Wakapuaka who are masters of bush life are much better than us to follow the tracks.

Thank you Mr Kempthorne, for your offer of a reward for the person who found the bodies including that of your brother.

You sir, thank you, and you and you, give your names to the clerk here.

Now we have 40 forty volunteer searchers.

Thank you all for your donations. We now have 50 pounds.

5. Move to the grass on the Suter side of the courthouse where you can see the Engine Shed.

Actor changes back to his original persona to tell group about where the murdered men were found and about poor James Battle.

The body of the packhorse was discovered about 10 feet below the track and about half a mile from the rock. The swags were still attached to its body. After this find, the search party searched for eight days on the lower side of the road for, five or six miles on the Nelson side of Franklyn's Flat.

On 29th June they discovered James Dudley and Felix Mathieu. Thomas Mabile drew the bodies as they were uncovered before they were moved. In all 5 bodies were found, Felix Mathieu, John Kempthorne, James Dudley, Jaynes de Pontius and James Battle

Show pics of bodies

This fire engine shed was made into a temporary morgue and the murdered men's bodies were laid out here. Thousands of people came to view them!!!

6. Move or just look towards Courthouse

Show picture of Old Provincial Building. The court was a small part of this.

On 28th June Sullivan had confessed to the murder of James Battle, the miners and Mr Dobson on the West Coast. He offered to give evidence and assist in the conviction of the other three in exchange for leniency.

On 10th July the court sat and depositions were heard. Burgess gave a full confession on 19 August. This is what came out.

James Battle had been travelling to Nelson with his horse and the murderers stopped to talk to him. They noticed his bulging pockets and thought they must contain gold. They over took him, waited and then held him up at gunpoint, strangled him and took his money - only 3pounds. They buried him with his own shovel before camping at Franklyn's Flat.

The plan was to hold the four miners up the next day, the 13th June. As the miners had met Levy at their camp and could identify him, they decided to murder them as well as rob them. The murderers hid behind a rock and several people passed the place that day.

Eventually the four miners came along. They were held up, tied up and taken into the scrub in different directions and murdered. Their bodies were hidden. The murderers shot the packhorse and then made their way to Nelson with 300 pounds worth of gold and some coins and notes.

The trial started on 12 September presided over by Judge Alexander Johnson. It took six days and resulted in a verdict of guilty and a sentence of execution by hanging.

The actor becomes the judge and gives the sentence.

“I sentence you to death by hanging. This will take place on 5 October at the jail in Shelbourne Street. “

Show photo of Jail

6. Return to Museum to look at Maungatapu exhibits. They are displayed in quite a small space so students will have to be patient and take turns.