

Doctors of Gympie from 1867

Dr Theodore Edgar Dickson Byrne
First Doctor in Gympie
1867-1872 and 1874



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Linda is a volunteer at the Gympie Regional Library and the Gympie Regional Gallery. She writes local history for both organisations.

In 2013, Linda wrote a short history of Hugo Du Rietz which is available at the Gallery and the Library. She recently completed a historical biography of Edward Bytheway. Both men made significant contributions to the development of Gympie between 1867 and 1908. Very little is known of these prominent 'fathers' of Gympie and certainly next to nothing has been written about them since they died.

Linda retired from a high level senior executive career in Canberra in 2004. Since that time, she has had a range of volunteer positions in New South Wales, and from 2012, in Gympie. From 2012, Linda's volunteer work has included and continues:

- *Teacher Aide* at the Gympie State High School working with intellectually disabled and autistic children, and more recently working with students in years 7, 8, 9 and 11 in literacy and English communications.
- *Coordinator and Convener* for the five annual Gympie Workshops for Cancer Patients as part of the national and international Look Good Feel Better Program.
- *Chief Researcher, Archivist and Manager* for the Troizen Archaeological Project, Greece (the project is ongoing). In June 2013, she produced the first information booklet for the Project which was presented to the Greek Prime Minister and other Greek Ministers of the Government and Senior Ephorate Officials later that month.
- *Chief Researcher, Writer and Editor* with Sydney author David Hill in the writing of a number of Australian history books (in 2015 he dedicated one of these books to her).
- *Chief Researcher and Administrative Manager* for work being undertaken by the International Association for the Return of the Parthenon Sculptures (IARPS) to have these sculptures returned to Greece.

Linda had a very successful career as Senior Executive with the Australian Federal Government and the ACT Government. She was also a deputy President and Council Member of the Australian Institute of Public Administration; a Business Manager for a national company; Head of Secretariat and Researcher for a number of high level Government Inquiries including the writing and delivery of public reports tabled in the Australian Federal Parliament, and the ACT Government. Linda has also worked overseas for the Australian Federal Government, and in high level sensitive areas of the Departments of Defence, Treasury, and Prime Minister and Cabinet.

She served as Secretary for the Murrumbateman Bush Fire Brigade in NSW and was a fully trained and active member of that brigade; Treasurer of the Yass Classical Musical Club, and Assistant to Archaeologists on major archaeological projects in Jordan and Syria. For three years, Linda was the Assistant Manager of the National Cool Climate Wine Show which handled around 800 entries for judging, and she wrote the first Practice Manual for a Yass Doctor's Clinic where she worked as Practice Manager for 12 months.

Sincere thanks to Beth Wilson Head of the Local History Section at the Gympie Regional Library who assisted me in the preparation of this history and gave me guidance at all times when needed.

Contents

Chapter 1. Gold and the First Doctor Arrives.....	6
Chapter 2. Dr Byrne and Family Matters	13
Birth, Marriages and Children	13
Siblings	20
Death.....	26
Chapter 3. Dr Byrne - Doctor and Surgeon.....	29
Chapter 4. Dr Byrne in Gympie.....	35
Chapter 5. Dr Byrne Practising Medicine in Gympie	50
Chapter 6. Dr Byrne’s Failed Political Career	82
Chapter 7. Dr Byrne’s Prospecting Claims and Interests in Gold Mining.....	96
Chapter 8. Dr Byrne In and Out of Court.....	117
BIBLIOGRAPHY and FURTHER READING	131
ONLINE ARTICLES AND RESOURCES	133
LIBRARY COLLECTIONS AND PAPERS, JOURNALS	135
INDEX	137



Picture of a doctor's home at Caledonian Hill in Gympie in 1872 believed to be the home of Dr T. E. D. Byrne. From descriptions of Dr Byrne gleaned from *The Gympie Times*, he did have a red beard. It can almost confidently be assumed that Dr Byrne is the man in the left of the picture with the beard (standing); the man seated on the ground is believed to be his brother, journalist 'Bobby Byrne'. Certainly the face of the gentleman sitting on the ground bears a strong resemblance to later photographs of Bobby Byrne.

Dr Stephen Burke, the second doctor in Gympie, lived here until his departure from Gympie.¹

¹ Photo courtesy Gympie Regional Gallery Local History Section

Chapter 1. Gold and the First Doctor Arrives

Queensland separated from New South Wales in 1859. Severe recession had followed the extensive drought, so much so that Queensland was on the verge of bankruptcy. Thousands of men were unemployed, with the numbers peaking in 1866. In 1867 large quantities of gold began to be produced in Gympie. This timely injection of money into the economy of Queensland saved it from the serious economic crisis it was experiencing.

The first gold finds were in 'south-east Queensland – either at Lord John's Swamp, 12 miles south south east of Warwick (later proclaimed as the Lucky Valley Goldfield) or at Black Snake south of Kilkivan, approximately 30 miles north west of Gympie ... the government, on the 8th January, 1867, offered a reward of three thousand pounds for the discovery of payable goldfields in the State. Soon after, the picture changed ... 1867 saw four more gold rushes.² The Government later amended the amount of the reward to £1,000.

James Nash had been prospecting for gold for some 10 years in New South Wales (Turon Goldfield and Kiandra on the Snowy River) and Queensland at Calliope, Imbil, Bella Creek (Yabba Goldfield) and Nanango and finally the Mary River, specifically Gympie Creek (Nash's Gully) near Gympie's current Town Hall and Fiveways. In October 1867, this last location yielded 75 ounces in 7 days. He later reported his find in Maryborough.

The place became known as Nashville and quickly became a goldfield, with a maze of buildings already in place within five weeks of the discovery. News spread of its being a rich gold field and soon hundreds were 'hurrying away to the place indicated; old men have again become boys and boys, wallabies in their jump at fortune.³ At one stage it was estimated that there were 16,000 men on the field with batteries to crush the quartz beginning to arrive in 1868. Newspapers began reporting that there were splendid finds of gold in the Gympie district.

By December 1867, 'nugget alluvial gold was found at One Mile Creek and Deep Creek,

²http://www.treasureenterprises.com/Gold%20Prospecting%20Information/gold_prospecting_locations_Queensland.htm Treasure Enterprises of Australia: information from Queensland Department of Mines and Federal Government Bureau of Mineral Resources

³ The Maryborough Chronicle, Wide Bay and Burnett Advertiser 11 December 1867- this report being made at Nash's Creek on 6 December 1867

leading to 'all the probabilities and appearances [being] in favour of the belief that the large population now camped at the heads of the Mary River will become a settled and increasing population- a population having almost all that goes to make up a civilised life still to be provided for or by it, and to be provided with as little delay as maybe –all which circumstances and considerations will be held as good and sufficient ground for our again and again reverting to our subject of the gold field.'⁴ In its first year Nash's Gully produced 84,792 ounces. In ten years from 1868, Gympie produced 666,564 ounces of gold. At the end of 1872, the Charters Towers gold finds attracted many of the men of Gympie away from the town. Later the Palmer's Rush of 1873, 1874 and 1875 did the same.

A second settlement grew up, the One-Mile Township, about one mile distant from Nash's Gully and the settlement called Nashville. At the same time in late 1867, the first medical man arrived in Gympie. Dr Theodore Edgar Dickson Byrne came from Brisbane, and quickly became known as the controversial 'Jumping Doctor'. Apart from being an investor in the gold mines, he was noted for snatching up abandoned claims.' This "Jumping Dr of Gympie"⁵ also gained a reputation as a great irrepressible, inexhaustible doctor. He had registered to practice medicine in Queensland, his name appearing on 28 January 1867 in the list of medical practitioners qualified to practice under the *Medical Act of 1861*, and who had been enrolled as such up to January 1, 1867⁶:

MEDICAL PRACTITIONERS.- *Brisbane Courier* Page 3 Monday 28 January 1867
(From Saturday's Government Gazette)

THE following is a list of medical practitioners qualified to practice in Queensland under the Medical Act of 1861, and who have been enrolled as such up to January 1, 1867 :-

Armstrong, William; Aldred, Samuel; Bailey, William Lee; Bell, Hugh, M.D.; Benson, John R.; Burnett, Henry; Brock, Frederick George; Burke, John Stephen, M.D.; Bellinfante, Simon; Bucknell, Ebenezer; Bancroft, Joseph, M.D.; Bullen, Francis D.; Berncastle, Julius; Byrne, Theodore Edgar Dickson ; Cannan, Kearsey; Cumming, Frederick, M. D.; Cunningham, Charles L. ; Challinor, Henry; Callaghan, William; Callan, John Bartholomew; Candiottis, Spiridion; Costerton, Horatio; Dorsoy, William McTaggart, M.D.; Dixon, Frederick B. M.D.; Davies, John W.; Ewington, William F.; Fullerton, George, M.D.; Ford, Branthwayte, B.; Gunn, Ronald; Geiger, Heinrich; Gillespie, James R., M.D.; Hobbs,

⁴ The Maryborough Chronicle, Wide Bay and Burnett Advertiser 11 December 1867

⁵ http://www.digplanet.com/wiki/John_Edgar_Byrne

⁶ The Brisbane Courier from the Saturday Government Gazette printed on Monday 28 January 1867

William; Hancock, Robert; Harrison, Henry Edward; Honan, Frederick; Huntley, William A.; Heeneey, Francis X.; Howitt, William G.; Howden, James, M.D.; Hodgkinson, Edward B.; Koch, Carl Robert; Keogh, Patrick Mooney; Kempf, Joseph; Labatt, Jonathan, M.D.; Lyons, Michael J.; Lansdown, Joseph R.; Luce, James J., M.D.; Lossberg, H. de; Lang, Ludwig; Macnish, John; Mason, John Bridges; Moran, Charles J.; Morton, Selby B.; Mullen, John J.; Margetts, Frederick; McNeeley, Hugh, M.D.; McPherson, Charles H.; O'Doherty, Kevin I.; O'Grady, Thomas J.; Oldmeadow, John Henry P.; Palmer, Edward F.; Paynter, George W.; Purdie, Robert; Plowman, William T.; Prentice, Charles; Robinson, Archibald C.; Rowlands, Thomas; Sachse, Otto, M.D.; Shaw, Alfred; Swift, Jacob M.; Stacey, John Edward; Smith, Stephen W.; Stevenson, William H.; Spencer, John; Salmon, David; Tymons, J. B.; Thon, Guido; Ward, Joseph H.; Ward, William J.; Waugh, John N.; Walthardt, Gustave; Webster, Marshall Hall; Wilkie, Oscar A. G.; Wilson, Jacob A.

Three other doctors who came to Gympie not long after Dr Byrne are also on this list: Dr Stephen John Burke; Dr John R. Benson; and Dr John Bridges Mason. While still in Brisbane, Dr Byrne had been appointed as Surgeon (volunteer) to the Fortitude Valley Rifle Corps (the Spring Hill and Fortitude Valley Rifle Corps).⁷

He must have given some serious consideration to staying in Brisbane as the evidence shows he took up investment in land. In August 1867, at the Surveyor-General's Office in Brisbane, he selected 92 acres at Tingalpa in Brisbane under the *Leasing Act of 1866*. The 92 acres was made up of two blocks, one of 52 acres, the rent for 1869 being £9/4/2 per annum (lease number 891, portion 185, and the other of 40 acres, the rent for 1869 being £7/7/18 per annum Lease number 892, portion 186). He had applied for this land on 21 August 1866.⁸

During his time in Brisbane, the community on the Logan River south of Brisbane requested passionately that he become their doctor. It was reported that 'the area on the banks of the Logan River with the discovery of coal and a great agricultural wealth would soon become a busy and thriving appendage to Brisbane'⁹. When Dr Byrne, while still a ship's Surgeon, visited the Logan area in 1866, he apparently showed interest in living there, after which the local residents formed a committee and enrolled subscribers who were willing to pay him as their doctor until his practice was self-supporting. The people of Logan felt they were going to realise the long-felt want of a resident doctor. They applauded Dr Byrne as having had some good experience due to

⁷ The Brisbane Courier 3 June 1867

⁸ The Queenslander 14 September 1867

⁹ The Brisbane Courier 27 October 1866

his experience as a Surgeon Superintendent, having served in Her Majesty's Service during the whole of the Russian War [Crimean War] and in the service of the Imperial Government on the occasion of cholera in England. Dr Byrne did not stay in Logan or Brisbane. By late 1867 he took up residence in Gympie.

Not long after his arrival in Brisbane in 1866, he began his habit of writing to the newspapers voicing dissatisfaction about issues and defending his 'good name'. He continued this habit in Gympie. Within 7 days of his arrival into Brisbane on the *Eastern Empire*, Dr Byrne writes on 21 September 1866 to the Editor regarding his experience of being Ship Surgeon on the *Eastern Empire*¹⁰. Apparently, his official report to the Colonial Secretary of the voyage appears to have been misreported in the newspaper, so Dr Byrne went public to correct what was reported, and in doing so, to defend his good name. In that letter Dr Byrne describes himself as T.E.D. Byrne, L.R.C.P. and M.R.C.S London, late Surgeon-Superintendent of ship *Eastern Empire* residing at the Exchange Hotel in Edward Street, in Brisbane. Again from his place in Wickham Terrace on 1 October 1867, Dr Byrne wrote lamenting the fact that His Royal Highness Prince Alfred, needed to be received by a local band, and that the Prince be approached to refurbish the Mechanic's Institute to 'embrace the requirements of our youth and benefit the citizens of Brisbane.'¹¹

In a public letter, Dr Byrne's defends his expertise as a surgeon and doctor as he espouses considerable medical experience in the Crimean War and in England, to confirm his knowledge of typhus fever and cholera.¹² The letter was in response to a certain Dr Challinor alleging 'typhus fever on board the *Eastern Empire*' during the time of Dr Byrne's service on the ship. Dr Byrne pointed out that Dr Challinor needed to be exposed to such fevers before he attacked 'a professional brother in the dark', and that he should consult some authority on fever, and I feel sure he will be more sparing in such sweeping assertions as he made the other night'.¹³

In November 1867, Dr Byrne is again writing to a newspaper strongly commenting on the lack of a medical report or any medical evidence to confirm the cause of death of a South Sea Islander who died on the Albert River. His letter intimates that the establishment where the death occurred is a slave establishment and that slaves deserve the same professional treatment as all people.¹⁴

¹⁰ The Brisbane Courier 24 September 1867

¹¹ The Brisbane Courier Saturday 5 October 1867

¹² The Queenslander 13 October 1866

¹³ The Queenslander 13 October 1866

¹⁴ The Queenslander 9 November 1867

Descriptions of Dr Byrne suggest and confirm that as a man he was quick tempered, impatient, intolerant, loved to accuse others of wrong doing; quick to judge; quick to strongly react if people dared to challenge him in any way as he deemed he was always right; was constantly in an angry state of mind, often abusive, insulting, and seeking revenge; had a vindictive streak in him and seemed to enjoy creating conflict; had a very high opinion of himself, his medical qualifications and his expertise as a doctor, and saw himself as a great writer and orator. He comes across as the kind of man who could have been almost impossible to work with.

He took no time in trying to use any means to make money on the gold fields, and had no qualms about taking whatever claims he liked out there. One hint of generosity in his character, however, appears in his intimate relationship with one Esther Warford. This lady appears on papers as a partner to his gold claims and for whom he purchased a house in Gympie. What must be added here is that at the time of his arrival in Gympie in 1867, Dr Byrne was still a married man with a wife and two children in England. Certain records suggest that Esther Warford had a child to Dr Byrne. She also left Gympie at the same time Dr Byrne returned to Scotland.

While Dr Byrne's ethics and morals might be regarded as somewhat doubtful, and that he was accused of not spending enough of his time providing medical services at the hospital or to the public of Gympie, he did have a certain dedication to his profession, providing many of his services free of charge, especially those he provided at the Gympie Hospital (originally known as the Nashville Miners' Hospital).

A brief timeline of Dr Byrne's life provides some detail of the man who was the first doctor in Gympie:

- | | |
|-------------|--|
| 22 May 1832 | Born in Dublin Ireland of ancient Scottish heritage |
| 1853-1856 | Commissioned Officer in the Royal Navy as an assistant surgeon in the Crimean War |
| 1857 | Married Jane Pearson Taylor, aged 34, in Newcastle, England. Jane was baptized at All Saints Church Newcastle-on-Tyne on 22 September 1823. Jane was nine years younger than Dr Byrne. Dr Byrne and Jane have three children, two daughters and a son (still born) |
| 1857-1859 | Dr Byrne continues his studies in medicine in Newcastle and Edinburgh. He became a member of the Royal College of Surgeons England in 1858, and of the Royal College of Physicians Edinburgh in 1859. He |

registered as a doctor in 1859 and from 1859 to 1863 he works with a parish doctor in Islington, and he also worked in the Newcastle Hospital in northern England

- 1859 Dr Byrne becomes a Freemason¹⁵
- 1863 to 1866 Surgeon Superintendent on migrant ships going to Australia from England
- 1866 Arrives in Brisbane on the Eastern Empire (a migrant ship) and decides to stay in Australia
- 1864 to 1866 His book 'Lunacy and the Law: Together with hints on the Treatment of Idiots, was published in London in 1864 by H.K. Lewis, as well as other learned papers on obstetrics and gynaecology including his work on as 'Laceration of the Vagina'; 'Fibrous Tumour of the Uterous' and the conditions of Placenta Previa'. He was a member of a group of distinguished physicians in England and Ireland
- 1867 Arrives on the Gympie Goldfields to be Gympie's first doctor. He also establishes a surgery in Imbil and provides medical services at the One-Mile
- 1872 Returns to England and it is assumed he again worked at the Newcastle Hospital
- 1874 Returns to Gympie for a brief period to settle his outstanding accounts and other legal matters, such as the sale of land/houses and settling his mining interests
- 1874 Sails on 24 March from Noosa to Maryborough on the steamer Culgoa and then onto Brisbane on the Leichhardt
- 1874 Sails on 30 March from Brisbane on the Balclutha
- 1874 Early March, Esther Warford (Dr Byrne's partner while he was in Gympie) marries a Mr Davies on 14 March 1874 in Sydney

¹⁵ The Newcastle Guardian and Tyne Mercury 24 December 1859 (English newspaper)

- 1874 Dr Byrne marries Ellen Susanna Warner on 26 November and has six children with her. He lives in Elsieshields in Scotland on property inherited from his father, and later Devon. He continues to practice Medicine
- 1882 Dr Byrne dies on 9 September in Salcombe, Devon.

Dr Byrne spent six years in Gympie between 1867 to 1874, this period broken with a trip back to England during 1872 which lasted almost two years. He returned to Gympie in March 1874, to settle his outstanding legal matters, accounts, debts, mining interests and other outstanding business. When he returned to Gympie, Gympie's community presumed that he intended to permanently reside on the gold fields 'which owed in great measure to his presence what little liveliness it ever possessed.'¹⁶ He was very soon on his way back to Scotland, arriving in Brisbane from Maryborough on the *Leichhardt*.¹⁷

This book has attempted to give a thorough picture of the man who was Gympie's first doctor- a man of colourful and complex character, who in his own idiosyncratic way was so involved with the community of the town and well known around the Region. A working miner in 1871 encapsulated his personality beautifully 'Dr Byrne is not the man to tamely submit to injuries or brook insults when he can retaliate or repel them.'¹⁸ He often behaved with characteristic wrong headedness.¹⁹ He was a member of a range of very important community committees and local courts, was instrumental in the initiative to establish a permanent hospital, made several investments in its land and mining, and dabbled in the politics of the Region. In his own way he also practiced dedication to the standards of medicine and surgery of the time. Whatever his foibles which became synonymous with his name, early Gympie owes a debt of gratitude to him, and he should be acknowledged and remembered as a pioneer whose special expertise Gympie desperately needed on the goldfields and in the community. He was followed by Dr Stephen John Burke. He often worked with Dr Burke on the various medical cases and accidents of the goldfields and its people.

¹⁶The Maryborough Chronicle Wide Bay and Burnett Advertiser 24 March 1924: compiled from the Maryborough Chronicle Wide Bay and Burnett Advertiser of week ended 21 March 1874

¹⁷ The Telegraph (Brisbane) 25 May 1874

¹⁸ The Gympie Times and Mary River Mining Gazette 29 November 1871

¹⁹ The Gympie Times and Mary River Mining Gazette 21 October 1874

Chapter 2. Dr Byrne and Family Matters

Birth, Marriages and Children

Reverend Ann Shukman, an Anglican priest of Dumfries and Galloway in Scotland confirmed on 30 January 2009 to the Local Historian of the Gympie Regional Library, Beth Wilson, that Dr Byrne was a member of the Byrne family who were descended from an ancient local family, the Johnstones. The Johnstones had lived at Elsiefields since at least the late 15th century, 'the Laird of Elsiefields was one of five Johnstoun Laids in Dumfriesshire in 1597, the other four being Johnstoun, Newbie, Graitney, and Corhead.'²⁰

Reverend Shukman lives in and owns the ancient Elsiefields Tower, and uses it for religious and cultural events. Reverend Shukman's information refers to the Elsiefields property 'being passed three times through the female line'. So Dr Byrne carried the names Theodore Edgar who died in 1784, and was the husband of Marion Johnstone; and Dickson who died 1858 who was the husband of the daughter of Theodore Edgar. The daughter of Mr Dickson married William Byrne who must have been fairly wealthy because a lot of Victorian additions were made to the house during his time.'²¹

Reverend Shukman confirmed that Gympie's Dr Byrne was the son of the Dickson daughter and William Byrne. Theodore Edgar 'was a local Dumfries man who went to London where he worked as a 'chirurgeon' [a surgeon] and made enough money to build the very charming additions to the house. Reverend Shukman 'was unable to trace anything of the Byrnes in the later 19th century, with a Census document showing that the house was either empty or sublet...there was a boy born at Elsiefields in 1879, described as 'the first heir for 200 years' which she surmised that may have been a son of Dr Byrne's born after his return to Scotland. This son who was named after Dr Byrne, Theodore Edgar Dickson, was born in 1879 to Dr Byrne's second wife.

A history of the Johnstones cites that 'The Will of John Johnstoun of Elsiefields, grandson of Wilkin or William, was proved January 1688. He was Provost of Lochmaben and M.P. for the Dumfries Burghs. His son, Alexander, was M.P. for same (1693-1702). The younger Elsiefields married first Marion Grierson in 1684, by whom he had a daughter Marion. His second wife, Janet was mother of his two sons, and after his death

²⁰ Grahame, F.R. History of the Johnstones, 1191-1909, with descriptions of border life. Edinburgh : W. & A.K. Johnston, Ltd. 1909. Chapter V Johnstones of Elsiefields

²¹ Email dated 30 January 2009 to Beth Wilson at the Gympie Regional Library from Reverend Ann Shukman ann.shukman@virgin.net

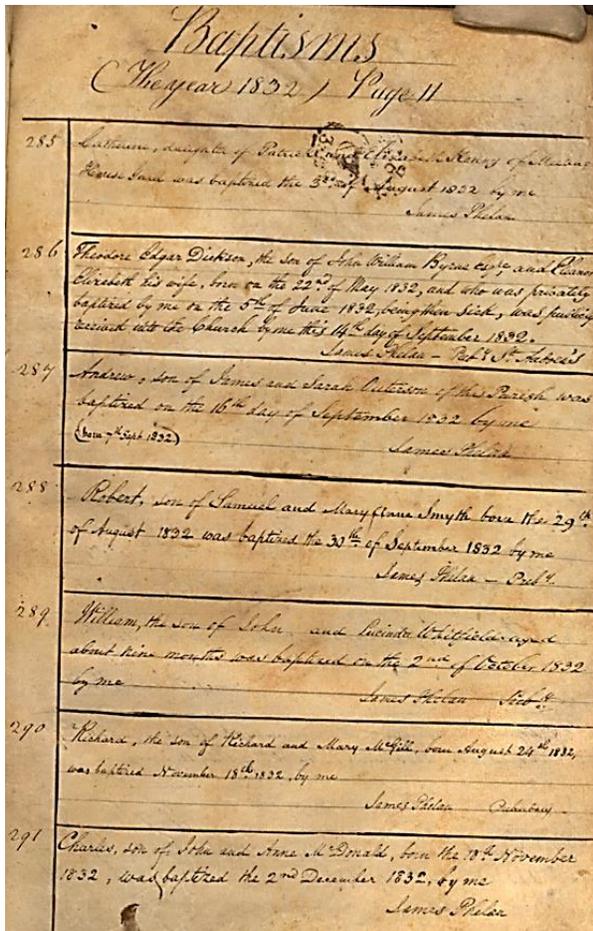
in 1703, she married James Maxwell of Barncleuch. Gavin Johnstoun was served heir to his father in the lands of Elsieshields and Esbie, and of Newton in Kircudbright, and in 1707 he and his infant half-brother James of Barncleuch, were served heirs to his mother, Janet. Gavin's brother and heir died childless in 1738 when the lands of Esbie went to James Maxwell, and Elsieshields to the heir of his half-sister, Marion, who had married Robert Edgar, a Writer in Dumfries. Their son, Theodore, who married Esther Pearson, who had returned heir to his grandfather, Alexander, in 1738, and died in 1784. His sister's daughter Marion, married John Dickson of London, and their daughter Marion, married William Byrne, also of London.

Their grandson, Theodore Edward Dickson Byrne of Elsieshields, a J.P. for Dumfriesshire and Kirkcudbright (1833-1882) was a medical officer for the Navy during the Crimean War, and eldest son of John William Byrne of Elsieshields and of Eleanor McAlpine, his wife, who died in 1876. Mr Byrne died in 1882, leaving by his wife, Ellen Elyln, the present representative of this branch Theodore Edward Dickson Byrne, born in 1879, and other children.²²

Dr Byrne's family of Johnstones had strong connections to Ireland, owning land and property there, so it might come as no surprise that Dr Theodore Edgar Dickson Byrne was born in Dublin, Ireland on 22 May 1832. His father was John William Byrne (occupation Esquire) and his mother was Eleanor Elizabeth McAlpine Byrne of Elsieshields in Dumfriesshire and Drumness Kirkcudbrightshire in Scotland. A copy of the baptisms for 1832, page 11 lists him at number 286. The entry describes him as being publicly baptised on 5 June 1832²³ in St Audoen's Church in Dublin. Apparently he was a sick baby and was received again at the presbytery at St Andrew's Church Dublin on 14 September 1832. No evidence has come to light as to why the Byrnes were in Ireland for the birth of their son, or what kind of sickness he had for it to be necessary for him to be presented again on 14 September to the same priest, James Phelan.

²² Grahame, F.R. History of the Johnstones, 1191-1909, with descriptions of border life. Edinburgh : W. & A.K. Johnston, Ltd. 1909. Chapter V Johnstones of Elsieshields. Pages 32-33

²³ Dr Byrne's baptism record from the Irish Genealogy website



Copy of Dr Byrne's Baptism record

When his father died in 1876, Dr Byrne inherited his father's large and valuable property Elsiefields Tower in Scotland. The Tower was owned by the Byrnes right up to the Second World War. An excerpt from *Nelson's Handbook for Tourists 'The Mansions of Elsiefields ...are in the neighbourhood and the first of them, the seat of John E. Dickson Esq. has a massive ancient tower in conjunction with a modern edifice from 1860'*.²⁵ The Elsiefields Tower dating to the sixteenth century, has a fine tower house with another wing joined to another eighteenth century house. Later extensions and alterations were made with a complete restoration in 1966.

The *Transactions of the Historical Society of Lancashire and Cheshire of 1862* suggests that William Johnstone, was the Laird of Lochab 'whose feudal residence in the usual form of a crude square tower is still to be seen in good preservation. In a feud between the Maxwell's and then Johnstones, James Johnstone was slaughtered there. There is also another reference to 'a certain laird of Elsiefields, a small estate near the royal borough of Lochmaben'. Another reference describes Elsiefields Tower in the south of

²⁴ www.irishgenealogy.ie

²⁵ *Nelson's Handbook for Tourists*

Scotland as a mansion in Lochmaben parish, Dumfriesshire, on the right bank of the Water of Ae, two miles north northwest of Lochmaben. Partly a modern edifice, partly a massive old tower, it is the seat of Theodore Edgar Dickson Byrne, Esq. (born 1833; succumbed 1876), who owns 823 acres in the shire, valued at £963 per annum.²⁶

Dr Byrne confirmed his Scottish lineage in a letter to the Editor of the *Gympie Times* (although the letter is very much about his clearing his name over an assault that he had committed). Dr Byrne talks of 'a line of ancestry whose escutcheon is unsullied and whose name I trust will be honoured by posterity; on behalf of aged and honoured parents, one of whom (John William Byrne, Esq. of Elsiefields in Dumfriesshire and Drumness Kircudbrightshire, and whose heir (entail), I am'.²⁷

Ten years before he arrived in Gympie in 1867, Dr Byrne had married thirty-four year old Jane Pearson Taylor on 23 February 1857 at St Andrew, Newcastle-on-Tyne Northumberland, England.²⁸ In his household at that time were living Dr Byrne's father John William Byrne and Jane's father Thomas Taylor. By the time of his marriage to Jane, both his mother Eleanor Elizabeth McAlpine Byrne and Jane's mother Mary Ursula had passed away. Dr Byrne served in the Crimean War until its end in 1856, and so it seems he married Jane very soon after his return to England from that War. His first baby was born not too long after his marriage.

He had a son and two daughters with Jane: Theodore Edgar Dickson still born in 1858; the birth was registered in the District of Gateshead, County Durham²⁹; a daughter Jane Moncrieff Byrne born in 1861 in Whickham, Durham and a second daughter Eleanor Elizabeth Moncrieff McAlpine Byrne born at St Gluvias, Cornwall in 1863. She was baptised on 27 February 1866 Penwerris Cornwall.³⁰

The 1861 England census record shows the Byrne family living in Pineapple House in Whickham, Durham (in the Newcastle area). Jane Pearson Byrne is described as Dr Byrne's wife- *doctor's wife*. Living in Pineapple House are Dr Byrne and Jane; their daughter Jane; his wife Jane's eighty year old aunt, Jane Taylor; a female and male servant, a nurse, and a wet nurse. Jane's age is entered as 32, Dr Byrne's entered as 34 and he is shown as the head of the household. His occupation is shown as LRCP Edin. MRCS London and confirms his membership of the London Royal College of Physicians

²⁶ F.H. Groome, Ordnance Gazetteer of Scotland (1882-4); © 2004 Gazetteer for Scotland

²⁷ The Gympie Times and Mary River Mining Gazette 6 March 1869

²⁸ Ancestry.com England & Wales, Free BMD Marriage Index, 1837-1915 about Theodore Edgar Dickson Byrne

²⁹ England & Wales Births 1837-2006 shown at Genes Reunited website

³⁰ Ancestry.com. England, Select Births and Christenings, 1538-1975 [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2014.

Edinburgh, the Royal College of Surgeons London.

The 1871 England Census shows Dr Byrne's daughter Jane, as going to school.

Thirteen years after the completion of his service in the Crimean War and when his two daughters were yet babies, Dr Byrne's familiarity with Australia, in particular, Queensland, began from 1863 when he was the Surgeon Superintendent of the ship the *Light Brigade*. His first visit to Brisbane occurred when the *Light Brigade* arrived there on 18 May 1863. When, after only nine years of marriage to Jane, he arrived in Brisbane on 14 September 1866 on the *Eastern Empire* as its Surgeon Superintendent, he stayed on. For whatever reason, he simply left his wife and two very young daughters in England. In 1866, his daughter Jane was five years old and his second daughter, Eleanor, three years old.

After almost twelve months in Brisbane, he went to live in Gympie, to take advantage of the town's prosperous gold field. His life to that point had been one of challenge and achievement and loss: he became a doctor and surgeon; he married and lost his first son in a still birth, and left his wife Jane and his two young daughters in England; he served in the British Royal Navy as a Surgeon in the Crimean War; he worked on the immigrant ships coming out to Australia from England as Surgeon Superintendent; and in 1867 he was the first doctor on a large goldfield which became the town of Gympie. He failed to gain election for that area as a State Member of the Parliament of Queensland. He never forgot his attachment to the Royal Navy for even in 1869 at a banquet given for Commissioner H. E. King in the Varieties Theatre with the cooperation of the mining and mercantile interests of Gympie, when it came to giving toasts, the Chairman proposed toasts to the Queen and Royal Family, The Governor, and the Army, Navy and the Volunteers, Captain Townley responded for the Army, and Dr Byrne for the Navy.³¹ History tells us that being physicians and members of parliament, and other professional careers, was a feature of the wider Johnstone family, as well as being close to royalty. Dr Byrne had every right then to feel he was superior to many of the populace in Gympie; he was merely emulating what was in his genes, it just didn't always work well for him in Gympie.

At the same time as Dr Byrne is living with Esther Warford and working in Gympie, his wife, Jane, still in England, is recorded in the 1871 England Census as a physician's wife, living at 10 Meneage Street, Helston, Cornwall. Her daughter Eleanor, aged eight, and a domestic servant, named Mary Anna Eva are with her.³² Eleanor's sister Jane, now aged

³¹ The Gympie Times and Mary River Mining Gazette 7 April 1869

³² Ancestry.com 1871 England Census [data base on line] Provo, UT, USA: Ancestry.com Operations, Inc., 2014

10, is not shown in the 1871 Census. Dr Byrne's wife, Jane, is not shown in the 1881 UK Census, but what is recorded is the death of Jane Byrne on 31 January 1872, the cause of death cited as Measles and Pneumonia.³³ The Death Register of the St Marylebone Schools, records she was admitted on 19 June 1871, which indicates she may have been ill for some time before she died. Both Dr Byrne's girls would have been nine and eleven years old respectively at the time of their mother's death. In December 1872, Dr Byrne had left Australia to supposedly settle matters related to his father being ill. Almost twelve months earlier, the wife he left in 1866, had passed away. The question might be asked whether he was informed of Jane's death and left Gympie to tend to his daughters- the pages of history do not reveal if this be the case.

REGISTER OF DEATHS in <i>St. Marylebone, School</i> Workhouse.				REGISTER OF DEATHS in <i>St. Marylebone, School</i> Workhouse.			
FORM T.							
Date of Death.	NAME.	Age.	To what Parish chargeable.	Date of Death.	NAME.	Age.	To what Parish chargeable.
1872							
4 Jan. 9	Michael Mc Cardy (admitted 13 July 1871)	27 ^{yr}	Measles. Pneumonia				
5 " 10	Thomas Cooper * (admitted 29 Nov. 1871)	47 ^{yr}	Bronchitis.				
6 " 15	Ellen Barron * (admitted 15 April 1869)	57 ^{yr}	Measles Diarrhoea				
7 " 21	Hannah Smart * (admitted 4 Jan. 1872)	97 ^{yr}	Measles & Diarrhoea				
8 " 23	Annie Carroll (admitted 16 Dec. 1871)	8 ^{mo}	Measles & Bronchitis				
9 " 26	Jane Ford (admitted 6 Sept. 1871)	21 ^{mo}	Measles & Pneumonia				
10 " 31	Jane Byrne (admitted June 19. 1871)	15 ^{mo}	Measles & Pneumonia.				
11 Feb ^{ry} 1	Caroline Woodger (admitted Jan. 6. 1872)	37 ^{yr}	Bronchitis.				
12 March 11	Elizabeth Baker (admitted Feb. 7. 1872)	4 ^{yr}	Want of breast milk				
13 " 12	Edward Firth (admitted Feb. 4. 72)	1 ^{yr}	Atrophy				

34

The death record of Jane Byrne, Dr Byrne's first wife

It is not certain where his daughters were living in 1872 after their mother died, but nine years later they are recorded in the 1881 UK Census as living with Dr Byrne who was now aged forty-eight. Dr Byrne returned to England/Scotland permanently leaving

³³ Ancestry.com London, England, Church of England Burials 1813-1980

³⁴ Record death for Jane Byrne from Ancestry.com London, England, Church of England Burials 1813-1980

Gympie in October 1874. Almost immediately he arrived back in England, he married twenty-eight year old Ellen Susanna Warner on 26 November 1874 at Budock, Cornwall. Ellen was born in 1846 in Sheffual, Shropshire, England. The 1881 Census shows her as Mrs Byrne of Elsiefields, Dumfriesshire and Drumness, Kirkcudbrightshire and as being the only daughter of Edward Eykyn, Esq., of Woodfield, Cornwell. As he married so soon after his return in 1874, it could be assumed that he had met Ellen Warner during his 1872 visit. One could also surmise that he may have left his daughters in her care until his return in 1874. In the same year as his father died, 1876, his second wife had their first child.

Dr Byrne's second wife bore him his six children three girls and three boys. These children were Ethel E.E. Byrne, born 1876 in Newcastle, Staffordshire; Lucy G.J. Byrne, born 1877 in Lochmahan, Dumfriesshire, Scotland; Theodore E.D. Byrne, born 1879 in Lochmaben, Dumfriesshire, Scotland; and Ellen V.E. Byrne, born 1880 in Lochmaben, Dumfriesshire, Scotland; Gavin in April 1881 and Alexander Johnstone in January 1883. The last child was given the name Johnstone, from the early forbears of Dr Byrne. Gavin is a name in the Johnstone family that goes back to 1419, so Dr Byrne must have been closely in touch with his ancient family's history.³⁵ Alexander was also an old family name. Dr Byrne also honoured his mother in giving his daughters his mother's name.

In 1881, when Dr Byrne's daughters Jane and Eleanor were aged 20 and 18 respectively, the family was living at 13 Eaton Place, Exeter St Sidwell in the County of Devon in England. Dr Byrne is described as Landed Proprietor, married to Ellen Susanna Warner.³⁶ The census also records that Dr Byrne's religion was that of the Church of the Latter-day Saints.³⁷ With his six children and it is assumed his two daughters, Jane and Eleanor, Dr Byrne and his second wife Ellen later go to live at Elsiefields Tower Lochmaben, 'the estate lay near the Royal Castle of Lochmaben.'³⁸ In all, including children from his second wife, Dr Byrne would have had nine children in his lifetime, four boys (including the still born Theodore in 1858) and five girls.

An 1891 Census (page 27) of the Administrative County of Cornwall, of the civil parish of Falmouth, Parliamentary Borough of Penryn, shows Ellen as Dr Byrne's widow, living at 49 Berkeley Vale, living there together with three daughters and three sons: Ellen E. Byrne; Gwendoline J. Byrne; Theodore D. Byrne; E. Violet E. Byrne; Gavin J. Byrne, and

³⁵ Grahame, F.R. History of the Johnstones, 1191-1909, with descriptions of border life. Edinburgh : W. & A.K. Johnston, Ltd. 1909. Chapter V Johnstones of Elsiefields

³⁶ Census returns of England and Wales

³⁷ Ancestry .com has sourced its original data from Census Returns for England and Wales 1881, record for Theodore E.D. Byrne

³⁸ Grahame, F.R. History of the Johnstones, 1191-1909, with descriptions of border life. Edinburgh : W. & A.K. Johnston, Ltd. 1909. Chapter V Johnstones of Elsiefields

Edgar Alexander Johnstone Eykyn Byrne.

Siblings

Dr Byrne had two brothers and a sister- John Edgar Byrne (born at Pennyfields, Poplar, London in April 1843); Julius Byrne a stockbroker of Gracechurch Street in London; his sister who was born in 1861, died at the age of 22 years, a year after Dr Byrne in 1882. Nothing more is known of Julius Byrne and Dr Byrne's sister, but his brother John (later known as 'Bobby' Byrne, sometimes spelled 'Bobbie') arrived in Australia in 1863, and never left. He finally settled in Queensland in 1866 after three years in New South Wales, becoming a highly respected journalist and proprietor of his own newspaper in Brisbane. While Dr Byrne was serving in the Crimean War and then later completing his medical studies and serving on the immigrant ships, Bobby arrived in Australia on the *Merrie England* into Sydney from the Port of London on 2 June 1863. Dr Byrne arrived from England some three years later, on 14 September 1866. Perhaps Dr Byrne's arrival motivated Bobby to go to Queensland. Clearly they spent some time together as the photograph at the front of this book shows.

While in Gympie, Dr Byrne stayed in touch with his sister, writing to her at one time about a snake that turned up in his surgery: 'I heard a noise in my surgery the other night, and, going out, this is what I found.' He had sent a photograph of the snake, which, with the letter appeared in England in an article titled "*Old Johnathan*" in an illustrated periodical "*The British Workman*" showing 'this huge snake in the act of darting at the rat, for which the gin had been set, and both the rat and the snake are caught.'³⁹ Not long after he had been back in England, Dr Byrne 'succeeded in creating a great sensation by exhibiting a steel rat trap containing a mouse on the iron plate and a carpet snake with its head gripped by the teeth of the trap ... [his] theory was that whilst the mouse was feeding on the bait the snake had darted at the little animal and sprung the trap, thus committing involuntary suicide.'⁴⁰ His sister at the time must either have been amused or terrified to know that such destructive creatures as the snake infested Dr Byrne's home and surgery and might be there in surprise at any time.

In Queensland, Bobby gained experience in a variety of different occupations in many challenging places, until finally he settled into journalism and then managing the newspaper, the *Queensland Figaro & Punch*. He 'visited the far northern part of Queensland, where for a short time, he was ... digging for gold.'⁴¹ While in northern

³⁹ The Gympie Times and Mary River Mining Gazette 5 May 1875

⁴⁰ The Gympie Times and Mary River Mining Gazette 5 May 1875

⁴¹ The Brisbane Telegraph 16 November 1906

Queensland, Bobby also became a fine horse rider and stockman. In Bowen, he worked as a journalist; in Burketown he worked as a clerk 'in the store of Ellis, Reid and Co. While in Burketown, he met and worked with Mr George Phillips in April 1866. Both of them contracted 'gulf fever' together and thought they were going to die, but luckily they didn't. Phillips left this part of the world, as Bobby became a storekeeper on the Albert River, followed by work in Cooktown, Townsville, and Charters Towers 'where he became associated with Mr Thadeus McKann.'⁴² Moving further south, he joined the staff of the *Wide Bay and Burnett News* in Maryborough, became married in Brisbane, and then settled in Maryborough in 1871. Within the next nine years, he moved to Brisbane, where at first he worked for the *Patriot* (a new daily paper in 1878), then in 1880, became editor of *Queensland Punch*. The '*Figaro*' which had been launched around 1887, merged with *Queensland Punch*, and he became the proprietor of the very successful *Queensland Figaro and Punch*. The paper was known to distribute up to 20,000 copies a week at threepence a copy.⁴³ This was his lifelong work until his death. It is known that 'on the staff of *Punch* were ... some of the best literary men and artists of that day.'⁴⁴ The office of *Queensland Figaro and Punch* was at 208 Elizabeth Street, Brisbane.⁴⁵

His work was highly respected and his political opinions carried weight, so much so that that at his funeral, 'the press recognising the worth of the man ... sent many representatives to his funeral, the *Courier*, the oldest daily, doing honour to itself as well as the dead by permitting the attendance of several of the senior members of the literary staff, and almost every metropolitan newspaper rendered similar tribute.'⁴⁶ It appears he loved children, however, none of his children or others of his family attended his funeral. The attendance was small but the burial plot was a carpet of flowers and wreaths.

He had five children, not quite as many as his brother, Dr Byrne. Bobby had two women in his life, Irene Dubois and Ellen Jane Black. Irene was mother of Edgar William Leo, born 3 January 1881. Ellen Jane Black was mother to four children: Lavinia Ellen Byrne born 25 March 1886; Gladis Byrne born 29 August 1887; Ivy Iris Byrne born 23 September 1888, died 4 December 1888 just over two months old; Maudie Byrne born 4 December 1890, died 4 March 1891, just three months old.⁴⁷ Of his five children, only three survived, Edgar William Leo, Lavinia Ellen, and Gladis. He lost two daughters when

⁴² The Brisbane Telegraph 16 November 1906

⁴³ Queensland Figaro 31 October 1901

⁴⁴ The Barrier Miner 24 November 1906

⁴⁵ Australian City Directories. Mediasvc.ancestry.com

⁴⁶ The Brisbane Truth 25 November 1906

⁴⁷ Ancestry.com

they were just babies.

Byrne's first born and son, Edgar William Leo Byrne, was in London early in his life: 'Leo, the prodigy who is gaining histrionic popularity in London in Christie Murray's *'Chums'*, is son of *Punch* Byrne, of Brisbane (Q), familiarity known as Bobbie Byrne, and who was christened John Edgar.'⁴⁸ In fact he and his wife took Leo to England where from another report, the story goes that 'the clever boy quite early made his mark on the dramatic stage.'⁴⁹

Bobby has been described as 'an exceedingly sociable man ... most reticent about his domestic affairs ... a Bohemian to the last degree ... [with] a remarkable capacity for winning confidences and gathering around him men who would willingly do anything for 'Bobby'.⁵⁰ He was most close with the men who were his publishers Messrs. Gordon and Gotch, who established a business still functioning with the *Gordon and Gotch* name. He held his private life so very close that after his death, there were those who wished to write a biography, 'but his habits of reticence baffled them.'⁵¹

What was found was from others. Mr S.W. Brooks, Bobby's shipmate on the *Merrie England* espoused that he 'was at the time a most entertaining young man of about 20. On board the ship he was known as "the doctor" from the fact it is thought that he had previously been an assistant to a medical man or a chemist. On the voyage, he bled the captain of the ship at the latter's request.'⁵² Mr Brooks later caught up with Bobby in Brisbane in 1880. In England, 'he studied medicine and worked at Guy's Hospital, but conceiving a hatred of the medical profession, abandoned it just prior to leaving England.'⁵³ He was known as a 'Scotchman and proud to be one, and sometimes exhibited to his cronies a picture of his birthplace in the land o' cakes.'⁵⁴ He was a man who helped everyone if they needed money, so he left no money and few effects – 'when he was "in funds" nobody was ready to assist a derelict Bohemian than he'⁵⁵.

⁴⁸ The Newcastle Morning Herald & Miners' Advocate 24 October 1891

⁴⁹ The Brisbane Telegraph 16 November 1906

⁵⁰ The Brisbane Telegraph 16 November 1906

⁵¹ The Brisbane Truth 25 November 1906

⁵² The Barrier Miner 24 November 1906

⁵³ The Brisbane Truth 24 November 1906

⁵⁴ The Brisbane Truth 24 November 1906

⁵⁵ The Barrier Miner 24 November 1906



The block is an enlargement of a snapshot photo taken in July, 1904, by Mr. Theo. Lewis, of Brisbane, for which I am indebted to the courtesy of the managing director of the Telegraph Newspaper Company.

56

Bobby Byrne in 1904

When considering the personality of Dr Byrne, these two brothers could not have been more dissimilar. Bobby seems to have had a sense of humour as evidenced by the following, "Bobby" of *Queensland Punch*, has been poking fun at the efforts of some of our amateur poets. We recently printed a long piece from Longreach and the critic snipped it out of the *Champion* and sent it back to us. On the margin of the poem "Bobby" had marked various numbers of drinks, our poet being given the credit of having consumed ten over his effort. The first stages of the poem have the marks very far apart, but towards the end, where the "10th drink" figures, the signs are pretty close together.⁵⁷

⁵⁶ Queensland Figaro 22 November 1906

⁵⁷ The Western Champion and General Advertiser for the Central-Western Districts 23 May 1893

In his later years, acute neuralgia plagued Bobby's health. He spent his later life living at the Wynnum Hotel in Brisbane. In 1905, he was in St Helen's Private Hospital in Brisbane, 'his condition giving his friends much concern'.⁵⁸ His condition never really improved and he died on 16 November 1906 from neuralgia of the spine. He was buried at the Toowong Cemetery in Brisbane in portion 5/section 49 /grave 15 on 17 November 1906.⁵⁹ A tragedy for one of our treasures of history exists- people still refer to *Queensland Figaro and Punch*. But Bobby Byrne lies in an unmarked grave, covered in grass, virtually unknown to Queensland. It means nobody tends the plot, and neither does the Brisbane City Council who operate the Toowong Cemetery.

Dr Byrne went back to live in England and Scotland in 1874. Bobby would have been living in Maryborough at that time with his new wife and family. One wonders just when it was that these two brothers saw each other for the last time.

Bobby's son Leo came back to Australia and became an electrical engineer. Australian Electoral Roll records and the Australian City Directories dating back to 1913 and onwards, confirm that Leo lived in a number of places in Victoria. It is apparent that his work as an electrical engineer would have taken him all around the State, to places like Mortlake, Camberwell North, Kooyong, Sandringham, Kew. In 1925 he was living in Sandringham; 1926 to 1928 at 218 Canterbury Road, Kooyong; 1928 finds him at 13 Studley Park Road, Kew until 1938; he moved again to 118 Park Road Kooyong, and later in 1954 he had moved to live Surrey Hills in Deakin. In 1901, he married Eleanor Clarice Theodore Brewer (born in 1878 in Hay, New South Wales) in Perth. It is a mystery as to why Leo moved back to Western Australia after his retirement, as he died there aged 77 years in Perth in 1957, his death being registered in Perth.⁶⁰ The entry for Leo Byrne buried in Perth shows:

BYRNE EDGAR WILLIAM LEO 77 years 1957 WEMBLEY,⁶¹ which means he lived and died in Wembley.

From a search of the records, it can be deduced that Leo and Eleanor's marriage did not last so very long, because from around 1913, Eleanor is in New South Wales and died

⁵⁸ The Brisbane Telegraph 18 February 1905

⁵⁹ <https://graves.brisbane.qld.gov.au/>. Toowong Cemetery is located at Cnr Frederick Street and Mt Cootha Rd Toowong. 4066

⁶⁰ Mediasvc.ancestry.com

⁶¹ Family Tree Circles Byrne buried Karrakatta & other Perth Cemeteries
http://www.familytreecircles.com/u/ngairedith/?format=full&sort=alpha&__=&next=634

there. As she was born in New South Wales, she may have gone back there to more familiar territory. She lived in a number of places at various addresses mostly around Sydney and for a short period in Molong near Orange in 1913 and Mitchell in 1954⁶². Eleanor lived varyingly at Darlinghurst, Mosman, Rose Bay, Bellevue Hill, Milson's Point, Warringah, Dover Heights, Woollahra, and North Sydney, and Potts Point. From 1913 until 1954, Eleanor worked as a postal assistant, and when she was not working she was described in the Electoral Roll as undertaking home duties.

Leo and Eleanor had a child Frances Eleanor Laura who was born on 4 June 1901, which may suggest Eleanor may have been pregnant at the time of her marriage to Leo in 1901. Frances was named after her maternal grandmother, Eleanor Mary Laura Jones, who was married to Edward Richard Brewer. Her parents had married in Robe South Australia on 19 May 1875. Eleanor's father Edward died in Brighton, Victoria in 1906, and her mother, Eleanor died in 1934. Eleanor had a sister Emily Violet, who died in 1965 in Victoria, and a brother Edward who died in 1964. Eleanor died on 28 March 1955 at Pott's Point in Sydney-just two years before the death of her husband in Perth.

Records are unclear as to which parent Frances at twelve years old, may have remained with when her mother went to live in New South Wales in 1913.

The search for other descendants of Dr Byrne and his brother Bobby in Australia could be extended, for example for the daughters of Bobby Byrne. Suffice it to say that some of the family continued to live in Australia. Dr Byrne, Bobby, Bobby's son Leo (Dr Byrne's nephew) all made significant contributions to Australia in their work. The detail underpinning the broken marriage of his son, Leo, the loss of two of his daughters Ivy Iris and Maudie as very young babies would have distressed Bobby, and obviously there was some kind of breakdown in the life of his own family for him to have lived alone for so long. It seems no wonder Bobby wanted to keep it all to himself and never speak of it.

⁶² Ancestry.com Australian Electoral Rolls 1903 -1980

Death

Dr Byrne died in July 1882, only eight years after he returned to England from Gympie, and eight years after he had remarried. He was just 50 years old.

The entry dated 30 March 1883 for Dr Byrne in the *England & Wales, National Probate Calendar (Index of Wills and Administrations), 1861-1941* record for Theodore Edgar Dickson Byrne (page 405), confirms that:

"The Confirmation of the Commissariat of Dumfries and Galloway dated 6 February 1883 of Mrs Ellen Susanna Warner or Byrne of Edinburgh House Salcombe South Devon the Wife as Executrix Nominate of Theodore Edgar Dickson Byrne of Elsiefields in the Parish of Lochmaben and County Dumfries who died at Rock Park Salcombe 9 September 1882."⁶³

The Medical Register of 1882 from Dumfriesshire and Drumness, Kirkcudbrightshire, Scotland, records that Dr Byrne died on 9 September 1882 at Salcombe, South Devon. He was 50 years old. Reverend Shukman's information was that his health has for some years been far from robust, having had a lot of medical issues with his lungs. She also confirmed that he died on 9 September 1882 with the death being registered at Dumfries, Dumfries and Galloway, Scotland.⁶⁴

The obituary of Dr Byrne in the *Medical Register of 1882* reads:

'Theodore E. D. Byrne, J.P., L.R.C.P.Ed., M.R.C.C.S. Mr. Byrne, of Elsiefields, Dumfriesshire and Drumness, Kirkcudbrightshire, died at Salcombe, South Devon on September 9th, at the comparatively early age of fifty-three years. His health had for some years been far from robust, but the lung mischief which proved fatal only lasted three days. Though of an old Scottish family, the deceased was born in Dublin, where he sided for several years, afterwards spending considerable time in foreign travel. Having studied medicine at Newcastle and obtained his licence, he served throughout the Crimean War, obtaining a medal in recognition of his services. His next few years were passed in merchant and emigrant services, after which he settled in medical practice at Newcastle, till on the death of his father in 1876. The he took on the family estates, and settled at Elsiefields. Retirement and leisure being uncongenial to such an active man as Mr. Byrne, he devoted himself to the consideration of local matters, to which he imparted a lively interest. He contested the Dumfries burghs in 1880 as an independent Conservative candidate, but though his meetings were much enjoyed by those who

⁶³ Ancestry.com.au-England & Wales, National Probate Calendar (Index of Wills and Administrations)

⁶⁴ Ancestry.com 1861 England The 1861 England census record

loved quick repartee and versatility, his candidature was not considered serious, and at the poll he could only command about fifty votes. Locally he had little fellowship professionally, but from the various forms of activity manifested by him, and his trenchant criticism of men and manners, his place will be difficult to fill.'

Dr Byrne's obituary in the *British Medical Journal of 7 October 1882*⁶⁵ reads:

'THEODORE E.D. BYRNE., L.R.C.P. Edin., M.R.C.S. Eng., J. P. Mr. Byrne whose death took place on September 9th at Salcombe, South Devon, whither he had retired in failing health, commenced the practice of his profession as assistant surgeon in the Royal Navy, but resigned his Commission at the close of the Crimean War. He subsequently practiced with much success at Newcastle-On-Tyne, until the death of his father in 1876, when he removed to the family estates of Elsiefields, near Dumfries. He possessed a spirit of indomitable courage and perseverance, and, even amidst the active duties of his profession, never flagged when kindness was to be done, or an abuse redressed. His work on Law and Lunacy, published in 1864, showed the power with which he advocated the cause of those in distress; the kinder treatment now afforded the insane is in a measure due to him. He was a candidate, in the Conservative interest, for the representation in Parliament of the Royal burgh of Dumfries; but although a remarkably apt speaker, and commanding the hearty good will and admiration of the majority of those who knew him, he failed to win many votes. The papers published in Dumfries referring to his death, express very clearly the esteem in which he was held there. He leaves a widow and seven children.'

The death of Dr Byrne was reported in Brisbane:

'The *Salcombe Advertiser* announces the death of Dr T.E.D. Byrne, who was formerly well known in Brisbane, Gympie, and other parts of the colony. The notice is in the following terms: We are sorry to announce the death of Theodore E.D. Byrne, Esq., of Elsiefields, Dumfriesshire, which took place at Rock Park, Salcombe, on Saturday last, the 9th instant, after a short illness. The deceased was the eldest son of the late John William Byrne Esq. of Dumfries and Drumness, and was a justice of the peace for Dumfries and Kircudbright. He was educated at Durham University; gained an M.R.C.S., London, and L.R.C.P., Edinburgh, and was an assistant surgeon in the Crimean War. He leaves a widow and seven children. Dr Byrne has only recently come to reside at Salcombe. The funeral took place yesterday at the cemetery.'⁶⁶

⁶⁵ *British Medical Journal of 7 October 1882*. Page 711

⁶⁶ *The Brisbane Courier 17 November 1882*

Elsieshields and its wealth were inherited by Dr Byrne's eldest son, Theodore Edgar Dickson Byrne. But this son eventually moved to Canada, selling Elsiehields in December 1913 to his younger brother and second son of Dr Byrne, Gavin, an Army Officer. Gavin, born in 1881, was educated at Fettes College, Edinburgh, and was a Major in the 104th Wellesley's Rifles, Indian Army. Gavin held Elsiehields until November 1943. Dr Byrne's other son, born in 1882, was Alexander Johnstone who became a Chartered Accountant in London. He was also educated at Fettes College, Edinburgh.

Chapter 3. Dr Byrne - Doctor and Surgeon

Dr Byrne was educated at Durham University (Newcastle England), then studied medicine in Edinburgh in Scotland and Newcastle, England, where he obtained his doctor's degree. Dr Byrne qualified as a doctor (physician and surgeon), with registration on 1 January 1859. The Medical Register⁶⁷ shows his residence as being Elsiefields, Lochmaben, N. B. (Scotland). The qualification awarded was Mem. R. Surg. Eng., 1858. Lic. R. Coll. Phys. Edin., 1859.⁶⁸ The *Brisbane Courier* of 17 November 1882, described his qualifications as M.R.C.S London and L.R.C.P Edinburgh. The *British Medical Journal* of 7 October 1882 recorded his qualifications in the same way. It is understood that he practiced medicine with much success at Newcastle-on-Tyne following his return to England from Gympie in 1872 and then from 1874. He did this until the death of his father in 1876, when he went to live on the family estate with his wife and six children at Elsiefields, which he had inherited from his father.

He served as an assistant surgeon in the Royal Navy for the full term of the Crimean War between 1853 and 1856. Dr Byrne spoke of his 'medals on my breast for services to my country during the Russian War'.⁶⁹ Historian John Shepherd recorded that '*Naval doctors who served in the Baltic Fleet in 1854 or 1855 were entitled to the Baltic Medal, while those serving in the Naval Division or in the Marines ashore, together with some of those in designated warships in the Black Sea Fleet, were eligible for the Crimean War Medal, with appropriate bars.*'⁷⁰ The Crimea records are not totally complete, so it must be assumed that Dr Byrne received at least one of these Medals or both. Dr Byrne could only have left the Crimea deeply affected by what he had experienced and no doubt it made him a more experienced doctor for it, ready later for any of the terrible injuries and diseases that he would encounter on the Gympie Gold Field in what for him would have been a post Crimean War period.

A brief reflection on what Dr Byrne's experiences may have been as an assistant surgeon serving in the Crimean War, shows that 'doctors at the Crimea had courage, a great devotion to duty, and that 'their skills were not widely or substantially appreciated.'⁷¹ It was found that 'during the Crimean War, 100,000 wounded British soldiers were repatriated by Royal Navy Hospital ships'.⁷² There was a shortage of medical officers

⁶⁷ The Medical Register in England 1879, page 145

⁶⁸ The Medical Register in England 1859

⁶⁹ letter to the Editor of The Gympie Times 6 March 1869

⁷⁰ Shepherd, John. The Crimean Doctors A History of the British Medical Services in the Crimean War Volume 2 at pages 618-619

⁷¹ Shepherd, John. The Crimean Doctors A History of the British Medical Services in the Crimean War Volume 2 at pages 618-619

⁷² Commander (Professor) Noel Tait RANR The Heritage of Naval Surgery

especially assistant surgeons. Some were medical students who went to the Crimea and worked as dressers. Although Dr Byrne was at the beginning of his medical studies when the Crimean War broke out, he served as a medical officer with the Royal Navy. He would have been witness to the horrendous wounds that soldiers and others incurred in that war due to the heavy artillery and other guns used in the Crimea which caused highly serious injuries to soft tissue and bone as had not been experienced in any previous campaigns by the British.

It is likely that his 'pay was at 6 shillings a day in the rank of an acting assistant surgeon...the introduction of students awarded the rank of acting assistant surgeon was greatly objected to by the assistant surgeons already in the Navy, since the latter were fully qualified and had held that rank for many years.'⁷³ It has not been possible to find exactly which ship or where Dr Byrne served for the years he was in the Crimea as the Royal Navy records are incomplete in respect of dressers and assistant surgeons. Shepherd records that the recruits coming from the civilian life to join the Crimean War were taken on 'in the rank of assistant surgeon, with a full commission or with a temporary acting rank.'⁷⁴ As Dr Byrne resigned his commission at the end of the War, it could be assumed that he was one of these recruits that had been taken on in that context. Shepherd has been able to trace only 18 of the civilian doctors who joined, and Byrne is not included in those names.⁷⁵

While in the Crimea, it could be guaranteed that Dr Byrne would have been associated with treating febrile diseases such as cholera and typhoid; catarrhal epidemics; smallpox; scarlatina; measles; bowel and stomach diseases including diarrhoea; dysentery; chest diseases including lung and pleura infections; respiratory tract infections; haemoptysis, phthisis and tuberculosis (consumption); a range of diseases of the skin including erysipelas, ulcer infections, scurvy; tetanus; meningitis; poisoning; medical conditions associated with falls from the rigging of ships or other ship board hazards such as boiler explosions; horrendous gunshot and mortar wounds to all parts of the body with severe bleeding which were frightful to look upon; fractures of all kinds, especially of the skull and limbs; burns from exploding magazines, hand grenades, grape shot; bodies mutilated and lacerated by large shells; hospital gangrene; amputations; frost-bite; shock and nervous collapse. Shepherd confirms that the British Hospitals and field hospitals in the Crimea were 'dirty, foul-smelling, and ill-ventilated'.⁷⁶ Reports confirm

⁷³ John Shepherd (1991), *Doctors of the Crimea A History of the British Medical Services in the Crimean War*, Volume 2, page 542

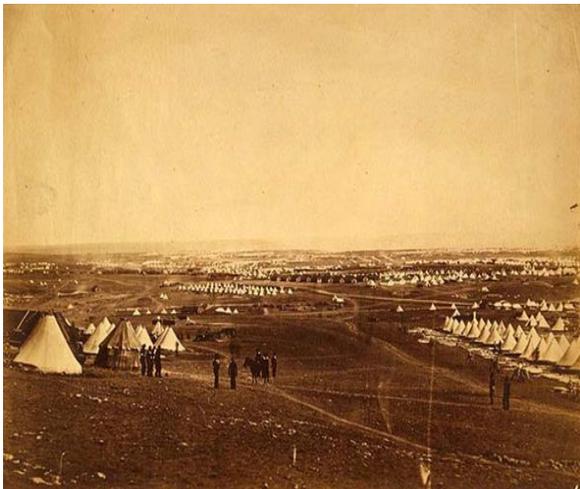
⁷⁴ John Shepherd (1991), *Doctors of the Crimea A History of the British Medical Services in the Crimean War*, Volume 2, page 413

⁷⁵ John Shepherd (1991), *Doctors of the Crimea A History of the British Medical Services in the Crimean War*, Volume 2, page 415

⁷⁶ John Shepherd (1991), *Doctors of the Crimea A History of the British Medical Services in the Crimean War*,

low standards of hygiene and drainage; overcrowding; some hospitals were not water proof, although this improved over time; water was contaminated by corpses of animals or human excretia; the wounded had to be transported often long distances to receive medical/surgical attention. It seems that fevers and bowel conditions headed the disease list, and that management of wounds and operations were undertaken in extremely primitive poorly sanitised conditions.

This experience combined with his experience as Surgeon Superintendent aboard migrant ships between 1863 and 1866 prepared him eminently well for a township in its bare beginnings and a gold field with around 16,000 men. Three photos taken at the Crimea by Roger Fenton are included to give a feel for what it was like in the war zone at that time, as well as a sketch of the Barrack Hospital.⁷⁷



Left: Plateau of Sebastopol: Allied camp on the plateau before Sebastopol. LC-USZC4-9122

Right: General view of Balaklava, the hospital on the right. LC-USZC4-9198



Balaclava looking seawards, the Commandant's house in the foreground. Balaklava looking seaward showing general view of the landscape and buildings with the Commandant's house in the foreground, behind which, to the right, is the ordnance wharf and the harbor with a line of ships receding to the middle distance, and in the upper left corner, the remains of the old Genoese castle perched on the hills that line the harbor. LC-USZC4-9142



78

⁷⁸ Shepherd, John A. *The Crimean Doctors Volume 2 A History of the British Medical Services in the Crimean War*. (Liverpool historical studies) (Vols 1-2). Liverpool University Press, 1991. Plate XVIII: An Overcrowded corridor in Barrack Hospital, in the winter of 1854-55

An overcrowded corridor in Barrack Hospital, in the winter of 1854-55

After his return from the Crimean War in 1856, he resigned his Commission from the Royal Navy, and completed his medical qualifications. He was a surgeon apprenticed to a parish doctor at Islington (London) and worked in the hospitals in Newcastle. During this time he would have been writing his *book Lunacy and the Law: Together with hints on the Treatment of Idiots* (published in 1864) and other papers including *Placenta Previa*.

He later signed up as a Surgeon Superintendent on the immigrant ships going to Australia from England. His service began in 1863 on the *Light Brigade* which left London on 3 February 1863 and arrived into Brisbane on 18 May 1863. The ship's complement was 438⁷⁹. On 26 February 1863, the Colonial Secretary, Henry Jordan, of the Queensland Emigration Office, 17 Gracechurch Street London had changed the arrangements applying to Surgeon Superintendents serving on board immigration ships taking passengers under the new plan for assisted emigration, full paying passengers and passengers in the steerage. *The Light Brigade* was the first ship to sail under the new arrangements. Dr Byrne would have been sailing under these new arrangements.

The Colonial Secretary issued certain instructions to Surgeon Superintendents, including that they were responsible for:

- The appointment the subordinate officers
- Certification that these officers' discharge of their duties proved their claim for the amounts payable by the government on arrival
- Ensuring that the expense of the payments to subordinate officers was shared equally by the ship owners and the government, The ship owners had to pay their half ninety days after the sailing of the ship.

The Colonial Secretary ordered that the medical officer will be paid £50, and a return passage from the ship owners, and five shillings a head on all those landed alive in the colony from the government, after the sailing of the ship. The Colonial Secretary was to receive £50 from the ship owners ninety days after the sailing of each ship for the doctor well as the gratuity of five shillings for each adult.

For the first sailing of *The Light Brigade*, Dr Byrne was to be paid £50 by the ship owners, but after that the February-May 1863 voyage, the government would pay and the ship

⁷⁹ Queensland Archives

owners would pay into the Queensland Office in London, their share of £50, ninety days after the sailing of the ship. The Surgeon Superintendent had the power to record in the medical log any refusal on the part of the crew to support him in the performance of his duties on board. The Colonial Secretary made the point that the medical officers he was appointing were of a high class and they would be advantageous to the emigration plan. Dr Byrne was on the ship *Eastern Empire* which arrived in Moreton Bay (Brisbane) on 14 September 1866 from London.

Dr Byrne is described to have been Surgeon Superintendent Byrne on this ship. On 12 October 1866, the Immigration Office in Brisbane (John McDonell Immigration Agent) declared that Dr Byrne had fulfilled the duties of Surgeon Superintendent of the immigrants' ship *Eastern Empire* on her recent voyage from Great Britain to this colony, in accordance with the terms of the agreement with Henry Jordan, Esq. on behalf of the Government of Queensland, this first-class certificate is hereby granted in testimony of the ability with which those duties were performed'.

Sometime after his arrival on the *Eastern Empire* on 14 September 1866, Dr Byrne chose to remain in Queensland.

Chapter 4. Dr Byrne in Gympie

When Dr Byrne came to Gympie in late 1867, he described himself as a Physician, Surgeon, Accoucheur. L.R.C.P and M.R.C.S. London.⁸⁰

An enterprising person, Dr Byrne very quickly established himself in Gympie. He wasted no time in acquiring considerable business interests in gold mining and land. In his first twelve months, he established his medical services advertising regularly from early 1868 in the *Nashville Times* in respect of his consultations as well as arrangements for prescriptions and dispensing of pharmaceuticals; he held his clinics in three locations so as to give the miners and settlers ready access to medical services. At a meeting of the Hospital Committee as early as 12 February 1868, he voiced strong views that a miner's hospital be established. He bought five blocks of land for around £22 and between August and November 1868, and he owned at least nine mining claims.

Dr Byrne had his own surgery in the main centre of Gympie, at the One-Mile and he ran a surgery in Imbil (some 63 miles from Gympie or 39 kilometres- a long ride for a horse!); he worked at the Gympie Hospital (known then as the Nashville Miners' Hospital and later the Gympie Hospital) mostly in an unpaid capacity. In 1872 he was described as a 'physician, miner, public speaker, litterateur, politician, and seeker out and redresser of grievances'.⁸¹ An interesting and colourful character who dabbled in the mines, he was a member of many of the early Committees of different organisations, and sat on the Magistrates and Local Court Bench. He was also mentioned regularly for various reasons, good and bad in *The Nashville Times*, later *The Gympie Times and Mary River Mining Gazette*.

In his endeavours and daily life, he would display high spirited behaviours, often appearing in court charged with assault. As with many in those days on the goldfields, he liked to indulge (and sometimes over indulge) in the delight of alcoholic beverages. He held a good many views which made him publicly unpopular. The outcome from his many court appearances suggest a man with a penchant for often not taking responsibility for his actions, disclaiming his liability for expenses, but being the first to strongly and loudly object when he was not paid what he thought he was due for his services or if he was owed money. He was publicly accused of neglecting his medical responsibilities at the hospital.

He quickly become unpopular in Gympie, and seemed almost always in an argument

⁸⁰ Note: An accoucheur is a male midwife

⁸¹ The Gympie Times and Mary River Mining Gazette 23 October 1872

with someone about something. He appears to have had strong views on almost everything. He was vociferous on such matters as his view of himself as a good and conscientious doctor; his elite position in society; issues relating to mining taxes and mining rights; fighting for what he thought was his or what he was entitled to; defending himself or Ms Esther Warford on a range of issues in the courts; and how he saw himself having the best interests of the community at heart if only they would elect him as their political representative. Esther Warford was his live-in partner for whom he purchased house and land in her name, as well making her a shareholder with him in his mine prospecting claims. Ms Warford was the only woman to own land in those days of Mary Street. She was a shareholder with Dr Byrne in the Ballarat Star, Theodore, Doctor's and Jones' reefs. In those days it was unusual for a woman to have shareholdings in the goldmines.

He was generally described as eccentric, irascible and against just about anything, particularly the Mining Court, and came across as the kind of man who put himself above others and tried to claim immunities and privileges not extended to ordinary mortals. Dr Byrne's reputation was also one of being a rogue who never paid any of those who worked for him. In any case Dr Byrne's investment appeared to involve contribution of cash to his partners to keep them going until gold was found, or not found!

From early in his time in Gympie, he sat on the bench of the courts in town. He strongly wished the townspeople to accept and see him as an advocate for the poorer people there. He took an interest in certain local issues especially those that concerned the running of the hospital and its regulations, and the legal framework that governed registration and protection clauses for ground on the goldfields. He attended as many meetings as were possible relating to such matters, especially where he had personal and vested interests in such areas. He almost always spoke out quite volubly on any of the issues, such speeches often being prone to character assassinations of others, especially when he wanted people to believe it was he who was the miner's friend.

He had a habit of querulously questioning decisions made in the Courts or other Committees when such decisions went against him. There were many letters from him to the Editor of *The Gympie Times* and public statements made about the injustices done to him, or what he saw as injustices done to others. The evidence also shows that he was not averse to making public character assassinations in some of his letters to the Editor, especially about matters of money. For example in a letter to the Editor about a dispute relating to the payment of some money he wrote '...I will console myself with another old proverb, viz., "You cannot touch pitch without being defiled," and simply answer his falsehoods (his vile insinuations can only recoil the evil disposition from

whence they emanated) in vindication of my honour, which he has impeached'. His high level of education and the fact that he was well read can be gained from his turn of phrase in his many public letters, although he was prone to a good lot of invective.

He gained a reputation as being an erratic opinionated character, 'agin the government at every turn'. To demonstrate an element of Dr Byrne's character, he placed a short column in Gympie's newspaper of 15 February 1868, which simply said 'Dr Byrne (of Brisbane) Author of "*Lunacy and the Law, Together with Hints on the Treatment of Idiots*" "*Placenta Previa &c&c* Alfred Street Gympie'. In a letter to the Editor of *The Gympie Times* of 6 March 1869, he uses this book as a means to try to clear his reputation in respect of an assault he committed in October 1868. He states '...I am egoist enough to state, they may find some useful hints for the management of Woogaroo. I also can look back with pride on the testimonials I enclose, which include a first-class one from the "Queensland Government"... I can look my fellow man straight in the face and defy him to drag me from the pinnacle on which I stand'. What becomes clear is that he makes publicly known his views, either vociferously at meetings, by letter, or letters to the Editor of *The Gympie Times*. What is also clear is that more often than not his views were strongly refuted publicly in the *Gympie Times*.

With his considerable gold mining interests in Gympie, it seems that when he was not on the gold fields or registering for another new prospecting claim, or transferring his interests to and from one claim or another, he was in court in dispute over matters relating to gold prospecting claims, or because of abusive behaviour and/or strong language, or he was busy trying to campaign for a seat in parliament. From around 1870, Dr Byrne was working toward becoming a Member of Parliament for Wide Bay, although he was not successful.

As well as his gold mining claims, he made investments in land in Gympie. In May 1868, when Crown land was being sold⁸², for an amount of £22, Dr Byrne purchased five blocks of land, a total of 42 roods or ten and a half acres. The Land Sale details show that Dr Byrne purchased Lot 17, Section 45; Lot 18, Section 47; Lot 13, Section 48; Lot 14, Section 48; and Lot 20, Section 48.

⁸² The Nashville Times 9 May 1868

LAND SALE.				
At a Sale of Crown lands held at the Court-house on Wednesday the following lots were disposed of:				
Lot.	Sec.	Area.		Purchaser.
		A.	R. P.	
		Price.		
		£	s. d.	
17	45	0	1 0	2 0 0 ... T. E. D. Byrne
20	45	0	1 0	2 0 0 ... E. H. Booth
1	47	0	1 0	2 5 0 ... A. Hutchinson
2	47	0	1 0	2 0 0 ... ditto
3	47	0	1 0	2 2 0 ... W. Kidman
4	47	0	1 0	4 15 0 ... J. Donald
5	47	0	1 0	2 15 0 ... E. H. Booth
6	47	0	1 0	2 2 0 ... M. O'Connell
7	47	0	1 0	2 0 0 ... ditto
8	47	0	1 0	3 5 0 ... ditto
9	47	0	1 0	4 0 0 ... R & J Kingsford
10	47	0	1 0	2 5 0 ... J. Jenyns
11	47	0	1 0	3 2 6 ... W. Kidman
12	47	0	1 0	4 0 0 ... W. J. Costin
13	47	0	1 0	3 10 0 ... W. Kidman
14	47	0	1 0	3 0 0 ... W. J. Daniel
15	47	0	1 0	3 2 0 ... A. Dorsey
16	47	0	1 0	4 17 6 ... ditto
17	47	0	1 0	11 0 0 ... G. Robinson
18	47	0	1 0	4 0 0 ... T. E. D. Byrne
19	47	0	1 0	4 15 0 ... J. Buckle
20	47	0	1 0	3 10 0 ... ditto
1	48	0	1 0	4 10 0 ... A. Hutchinson
2	48	0	1 0	3 10 0 ... J. Nicholson
3	48	0	1 0	4 10 0 ... W. P. Morgan
4	48	0	1 0	7 0 0 ... A. Hutchinson
5	48	0	1 0	5 0 0 ... A. Dorsey
6	48	0	1 0	2 10 0 ... J. Pyne
7	48	0	1 0	3 0 0 ... W. Widdop
8	48	0	1 0	5 2 6 ... J. J. Stewart
9	48	0	1 0	5 0 0 ... W. P. Morgan
10	48	0	1 0	5 2 0 ... V. Booth
11	48	0	1 0	3 15 0 ... J. Nelson
12	48	0	1 0	6 0 0 ... A. Hutchinson
13	48	0	1 0	2 2 0 ... T. E. D. Byrne
14	48	0	1 0	4 0 0 ... ditto
15	48	0	1 0	3 5 0 ... A. Dorsey
16	48	0	1 0	5 5 0 ... S. P. Scowen
17	48	0	1 0	12 0 0 ... Perkins & Hutchinson
18	48	0	1 0	7 2 6 ... W. W. Burton
19	48	0	1 0	5 10 0 ... M. Booth
20	48	0	1 0	9 9 0 ... T. E. D. Byrne

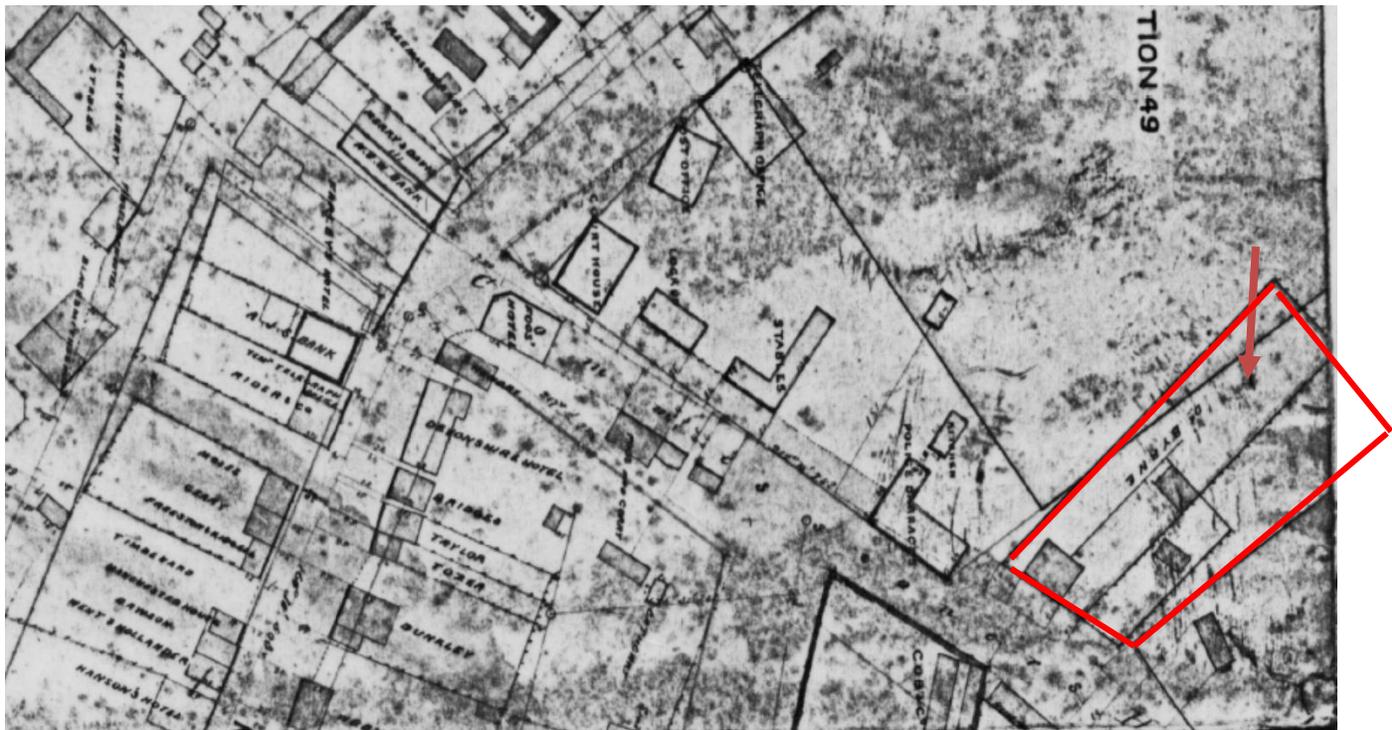
Excerpt from *The Nashville Times* 9 May 1868

During his life in Gympie, Dr Byrne lived in a number of places, including:

- December 1867 Consulting Rooms in his residence opposite the Court House
- December 1867 Prince Alfred Street Gympie Creek
- February 1868 Prince Alfred Street Clan Alpine Cottage
- April 1868 King and Channon Streets
- December 1868 Commissioner's Hill
- March 1870 Mary Street Residence
- March 1870 Temporary Residence at Corry's Cottage next to Foo's Hotel on Commissioner's Hill
- May 1870 Imbil in his tent opposite Kelly's
- November 1870 Consulting Rooms at the One Mile
- October 1871 Caledonian Hill (referred to as a new residence)

Of Dr Byrne's house/houses during the 1870 flood, the *Gympie Times* reported that Dr

Byrne's house is leaning toward the street [Mary Street]⁸³; he was among a group of house owners in Mary Street who were compelled to remove themselves from their homes and that 'Dr Byrne's dwelling has been very much shaken and it is feared that the foundation has been destroyed; the back buildings were carried away'.⁸⁴ His house had been set back from Mary Street on Esther Warford's land with a garden in front. Granger's saddler shop, located in front of Esther's second block, had been inundated with floodwater to a metre above the ridge poles. After the 1870 flood, Dr Byrne moved to the higher ground of Commissioner's Hill and later to Caledonian Hill. He had quite a large block of land on Commissioner's Hill which can be seen in the 1869 map, indicated with a red arrow.



Section of 1869 Survey Map of Mary Street and surrounds by Clarendon Stuart-
 overlaid red marking indicates Dr Byrne's land on Commissioner's Hill

In 1868, other doctors came to Gympie, men like Dr Stephen John Burke (the second doctor to arrive in Gympie), Dr John Bridges Mason, Dr William Armstrong and Dr John Benson. As early as March 1868, Doctors Mason and Burke were advertising in the *Nashville Times*. Dr Mason advertised himself in a similar way to Dr Byrne, that is, as a physician, surgeon, and accoucheur, who obtained his diploma in 1858. He had

⁸³ The Gympie Times and Mary River Mining Gazette 12 March 1870
⁸⁴ The Gympie Times and Mary River Mining Gazette 19 March 1870

obtained his diploma one year before Dr Byrne obtained his.

Dr Mason advertised his credentials as M.D. Lic. Roy. Coll. Surgeons; Lic. Midwifery, London; Operative Surgery, Paris; Late Surgeon Superintendent to Government Hospital and Lunatic Asylum, Dominica West Indies; Visiting Surgeon to Lying-in Hospital Brisbane. He advertised as being available for consultation ALL HOURS, at his temporary surgery and dispensary, adjoining Mr. S. F. Robinson's store, Prince Alfred Street. His fees for a consultation and all medicines was 5s. To 10s. Prince Alfred Street is now called Alfred Street.

Dr S. J. Burke advertised as being of the firm of "Doherty and Burke, Brisbane. Consulting Rooms, Mary Street and One-Mile Creek.

Dr Byrne placed an advertisement in *The Nashville Times of 21 March 1868* which then appeared regularly:

*'Dr Byrne (of Brisbane),
At home for consultation before 10am and 6 to 8pm—Residence: Opposite
the Courthouse*

Dr B. Having made arrangements with a first class Pharmaceucist, all his prescriptions are now dispensed on the premises, where the public may also be supplied from a carefully selected Stock of Drugs, Chemicals, &c., &c.,

N.B. A Large Stock of Dr J. Collis Brown's Chlorodyne on Sale.⁸⁵

Dr Armstrong's advertisements commenced from April 1868 in the *Nashville Times*. He advertised as being available for consultations daily at his surgery opposite Dr Burke's Rooms in Mary Street Nashville.

Almost immediately after the arrival of these other doctors, they and the public began to criticise Dr Byrne for not being available as much as he should have been, especially when required at the hospital. It could be surmised that with other doctors in town, he felt more at liberty to tend to his other interests, such as the many gold prospecting claims he had, or his other business, investment and personal interests. His reputation both as a doctor and a miner seemed to be constantly under a 'cloud', although Dr

⁸⁵ The Nashville Times 21 March 1868

Byrne did not seem care that he was seen as having no credibility as a person or as a doctor. Still he had certain good aspects of his character that should be rightly acknowledged in his concern for human life, for example the time he was in 'the neighbourhood of the Hospital and saw a woman rush out of a humpy followed by a man, the flash and report of a pistol followed. Dr Byrne went up to see what was the matter, when the man threatened to blow the woman's brains out if he came any nearer.'⁸⁶ In the event the police arrested the man and he was remanded in custody charged with shooting with intent to cause grievous bodily harm.

With his broad interest in local and State matters, Dr Byrne attended almost any and every meeting in Gympie. Among the meetings he attended were those of the Gympie School of Arts, of which he was a member. He was his usual irascible self when he attended these meetings and was on occasion asked to leave these meetings. In 1871, a group of people in Gympie, including prominent business man Edward Bytheway, had agreed that Gympie needed a School of Arts. Following a successful application to the Queensland State Government, land was reserved for a new School of Arts (the location being where the current Gympie Regional Gallery stands at 39 Nash Street). In that year on 21 January 1871 'a public meeting was held where it was moved by Mr J.G. Kidgell 'that it is desirable to establish a School of Arts'. The motion was seconded by Mr Mellor. The early days of the School of Arts were marked by controversy over where it should be sited and also ... Rules of Procedure. After several meetings it was decided on 24 April 1871 to start all over again and elections were called for a new committee and twelve new committee men were elected who then ran the School of Arts'.⁸⁷

Dr Byrne created frustration in the community with his penchant for loquacious pompous abuse and haranguing. A letter to the Editor from a member of the community and presumably also a member of the School of Arts, demonstrates the ructious and most unhelpful nature of his outbursts: "The School of Arts Meeting. Sir will you allow me, through the medium of your journal, to make a protest against the way the meetings of the Gympie School of Arts are obstructed by one of its members. Nearly every meeting. Dr Byrne has been present at has been a scene of frolic and larking instead of business and deliberation; and I cannot but think that the young institution is likely to be a good deal damaged by it. Dr Byrne seems to come to the meetings for no other purpose than to kick up rows. It may be a very congenial occupation for him to abuse a man because he is, or has been, a manufacturer of soap; but let me tell him that if people used soap more they would want physic less. Then why should a doctor sneer at a soap boiler-the latter is quite as honourable a profession! As the former, even Dr

⁸⁶ The Darling Downs Gazette and General Advertiser 6 January 1869

⁸⁷ The Gympie School of Arts and Library 90 Years of Service 1905-1995', Rae Webb. Pages 7-8

Byrne finds the use of *soft soap* desirable (especially about election times). I think, Sir, you will agree with me that when a man adopts the course of sneering at others in a personal manner he must be awfully hard up for arguments. Any idiot can make a hit at a man because of his trade; you can sneer at a tailor because of his "goose" or his "cabbage"; at a bank clerk (or even an editor) because he is a "quill driver"; at a publican because of his "poison"; at a doctor because he amuses his patients with soap-and-bread pills while nature cures them. But a sneer requires very little sense; and is not at all a criterion of the high intellect which Dr Byrne wants us to all believe he possesses. I really hope Dr Byrne won't come down to our meetings trying to be funny; we meet for business; when we want some empty blowing we'll send for him. I am. Yours obliged, A. Member."⁸⁸

Although it is unknown who wrote this letter to the *Gympie Times*, from the learned well written style, it could have been Hugo Du Rietz, who had in fact established a soap factory in Gympie to cater for the miner's hygienic needs. Another person who wrote the letter might be Mr Edward Bytheway, who was very instrumental over a number of years in the development and management of the School of Arts, as well as being the Chairman of the Committee of the School of Arts over some 34 to 35 years. All three men would have been in Gympie around four years by the time a proposal for a School of Arts was discussed, and would have come to know each other reasonably well. The subscribers met on Friday 31 March 1871 and appointed the permanent committee.⁸⁹ Edward Bytheway and Hugo Du Rietz were members of that first Committee along with Messrs McGhie, Daniell, Jamieson, Mellor, and McGroarty and Dr Benson. There was a formal protest lodged at the appointment of the committee but nothing happened because it was late and the issue would be taken up at the next meeting. What is also published is another letter to the Editor written by Dr Byrne: 'Sir,-Allow me to contradict an error of your reporter in the last issue whereby I made to resign nomination for the Committee of the School of Arts, for same reasons as Mr Kidgell. Now, as I have opposed that gentleman from the commencement on the subject of the building, I could not resign as stated. Anent the same object, I say to my anonymous slanderer that I *pity* him, and would recommend him to read the author who states, "there is not *pity* but mixed with *scorn*," and remain, Sir, yours truly, T.E.D. Byrne.'⁹⁰ Dr Byrne had already clashed with Dr Burke over hospital matters.

Dr. Byrne put a lot of people offside with his offensive, intolerant, cruel, arbitrary and often selfish behaviour. For example, he put a great deal of pressure on Charles Drew,

⁸⁸ The Gympie Times and Mary River Mining Gazette 29 March 1871

⁸⁹ The Gympie Times and Mary River Mining Gazette 1 April 1871

⁹⁰ The Gympie Times and Mary River Mining Gazette 1 April 1871

who since June 1868 had lived on a humpy 'on the Caledonian Hill, which has answered as a home for myself and family during the reign of Messrs King, Stuart, Townley, and Ranken without the slightest interference by them or complain by the public. My palace is close to the thoroughfare and directly in front of a cottage erected by George Marshall fully two years after mine on land I might have claimed, but which I, in friendly spirit surrendered to him, and which Dr Byrne lately purchased at auction.'⁹¹ Dr Byrne who had tried to give people the impression that he was a friend of the poor and the miner's friend, was determined to have this man evicted because he [Dr Byrne] wanted to improve his view. So determined was Dr Byrne that he had the Gold Commissioner Mr James Clarke visit Charles Drew without warning and instructed he had to remove his dwelling within fourteen days. Charles Drew believed that his 'miner's right authorised [him] to occupy, for the purpose of residence, any waste lands of the Crown.'⁹² Dr Byrne himself had lived in premises for twelve months on Commissioner's Hill which at that time was in the middle of a surveyed and gazetted street. Dr Byrne had it made official through the Gold Commissioner's Office in a document to Charles Drew:

"Queensland, Gympie, to wit:

"Be it remembered that on the 26th of July, 1871, complaint was made before the undersigned, one of Her Majesty's Justices of the Peace in and for the said colony, by T.E.D. Byrne, that-Drew was obstructing a public thoroughfare, I have on the said 26th day of July viewed the said alleged obstruction made order that such building should be removed within 14 days from that date, and such order not having been obeyed, I now therefore give you notice that unless the said building be removed by 19th August, proceedings will be taken against you for contempt of such order.

Given under my hand and seal of this 27th day of August, 1871,

C.J. Clarke, J.P. (Seal.)"

Charles Drew entreated the Miners' Protection Association to assisting in this matter where '*might is crushing right*'.⁹³

On 14 October 1872, Dr Byrne was in the Gympie Police Court before Messrs Clarke and McGhie on a case of Abusive Language Samuel Barter v. Dr Byrne. He was accused of being 'the poisoning doctor, if Benson's account [Dr Benson] of you is true'. He also had other court cases in progress during 1872.

A report of 16 October 1872 on the case for Abusive Language, Dr Byrne admitted that

⁹¹ The Gympie Times and Mary River Mining Gazette 19 August 1871

⁹² The Gympie Times and Mary River Mining Gazette 19 August 1871

⁹³ The Gympie Times and Mary River Mining Gazette 19 August 1871

he sometimes got intoxicated. Descriptions of Dr Byrne do confirm that he did have a quarrelsome kind of character. One can also conclude that during 1872, he must have been contemplating some changes to his life as he began clear all of his accounts owing and selling off his assets. His trip to Europe was cancelled on 26 July 1872 as his replacement doctor, Dr Jaap, failed to carry out the agreement made by him with Dr Byrne.

In October 1872, Dr Byrne relinquished his medical practice to Dr Doudney, and put up for auction all of his household possessions, his property at Caledonian Hill and property in Mary Street, as well as his mining interests in the South Smithfield Mining Company, Central Smithfield Gold Mining Company, Warren Hastings Reef, South, New Zealand Reef, special holdings between St. Kilda and Hope Reefs, and the Gympie Crushing Company.⁹⁴ Dr Byrne posted a notice in the *Gympie Times* of 6 November 1872 for the continuation of his clearing out sale on 7 November 1872 at his premises at Caledonian Hill.

Dr Byrne along with the other doctors present during his time in Gympie, such as Dr Stephen Burke were vital members of the community for the medical services they provided either at the Gympie Hospital or in their private practices. With Dr Byrne it is difficult to ascertain whether he made his contribution to Gympie more as medical doctor/surgeon/physician or as business man on the goldfields or in his support of miners as member of the Local Mining Court. When the Local Mining Court "died" in October 1874 (it was also known as the Great Palaver Shop), the *Gympie Times* published an obituary on it its life and times, recording that Dr Byrne 'became a member on the strength of a pledge that he would undertake the character of a "firebrand".⁹⁵ Some of his fellow members on the Court were known to have referred to him as 'that foul and rotten source.'⁹⁶ Were he here today, probably he would refute everything and say that he eminently contributed to all these matters.

Dr Byrne was a loyal monarchist and a couple of examples show this side of his character. He was one of a group of ten men to write to the Gold Commissioner, Mr H.E. King Esq expressing their feelings 'regarding the late dastardly attempt on the life of H.R.H. the Duke of Edinburgh, request you will be pleased to convene a Public meeting for that object at your earliest convenience', to which Commissioner King convened a public meeting at the Court House at 4pm on Saturday 14 March 1868. There had been an attempted assassination on 12 March 1868, on the Duke of Edinburgh's second visit

⁹⁴ The *Gympie Times* and *Mary River Mining Gazette* 6 November 1872

⁹⁵ The *Gympie Times* and *Mary River Mining Gazette* 21 October 1874

⁹⁶ The *Gympie Times* and *Mary River Mining Gazette* 21 October 1874

to Sydney where he was invited by Sir William Manning, President of the Sydney Sailors' Home to picnic at the beachfront suburb of Clontarf to raise funds for the home. At the function he was wounded in the back by a revolver fired by Henry James O'Farrell. The Prince was shot just to the right of his spine, and was tended for the next two weeks by six nurses, trained by Florence Nightingale and led by Matron Lucy Osburn, who had just arrived in Australia in February, 1868. The Duke of Edinburgh was Prince Albert of Saxe-Coburg and Gotha, and was known as Duke of Edinburgh from 1866. O'Farrell was executed on 28 March 1868 for his attempted assassination on the Duke.

Dr Byrne was quite instrumental in the preparations being made by people of Gympie and the One -Mile for celebrating Queen Victoria's birthday.⁹⁷ At that time, Gympie and the One-Mile regarded each other as two separate townships. Dr Byrne presided over a meeting held at the Theatre Royal at the One-Mile where he 'proposed that the inhabitants of Gympie proper and of the One-Mile should act in concert'⁹⁸ to decide where a race meeting would be held to celebrate Queen Victoria's birthday.

The history uncovered of Dr Byrne in *The Gympie Times* and other sources has more information about his interests in the goldfields and his various brushes with the law via appearances in Court than the contribution he made as a doctor. This may be because the gold mining issues in Gympie took such high prominence at that time, with so much to be done to set in place some appropriate legal framework so that miners could operate within clear legal and business boundaries and settle disputes within a framework that would work for the gold mining in Gympie. Dr Byrne also had an unfortunate relationship with Gold Commissioner Mr H. E. King and often had clashes with him in the Mining Court.

It is noteworthy that the miners did not give him a farewell or any send off, and neither did the public. However an article was published which provides a valuable summary of the man he was and how he was regarded by the public around the region. His influence and reputation had spread across the district into Wide Bay. One thing is certain he left an indelible mark the people of the district. Sadly though, there seems to no one in Gympie who has even heard of him, except the Local Historian of the Gympie Regional Library and another local historian, Dr Elaine Brown. Dr Byrne was not just any doctor; he was a highly capable man with a strong character, a big opinion of himself and his background both personal and professional, but someone who cared in his own way for the welfare of the people he treated, even if there appeared to be a lack of consistency in this side of his character. ***He was Gympie's first doctor.***

⁹⁷ The Nashville Times of 9 May 1868

⁹⁸ The Nashville Times of 9 May 1868

The article is taken from *The Maryborough Chronicle* and republished in *The Gympie Times*⁹⁹:

'This certainly is the "silly season". We take the following from Saturday's Maryborough Chronicle, leaving comment to our readers:-Another of the familiar names whose sound will for ever be interwoven with the memories of what may be termed the Eocene or dawn period of Wide Bay, is about to be "scratched" from the district list. We understand that Dr Byrne of Gympie, is about to retire a while from the laurels earned by him in his manifold capacity as physician, miner, public speaker, litterateur, politician, and seeker out and redresser of grievances generally. His professional mantle he has bequeathed to Dr Doudney, late of the ship Polmaise, who has purchased his business; but it is as yet too early to say how other voids created by his departure are to be filled up. It is no compliment to our old acquaintance to assert that he will be greatly missed from Gympie, and that his absence will be felt, in a modified degree, even here. There are few prominent men in the district that have not, at one time or another, been brought into relations of a more or less lively kind with the impulsive doctor, and much good printer's ink has been spilt, and much editorial patience wasted in the acrimonious discussions thus engendered. But for all that, we doubt whether Dr Byrne ever succeeded in making a down-right enemy, while hundreds can testify to the liberality and true kindness of heart that lurked beneath his numerous eccentricities. Although too caustic and reckless of speech to ever acquire that popularity many less able men have managed to secure by the golden gifts of silence and inertia, it is indisputable that the Doctor was a recognised power "on Gympie" and that the community owes to him, in a great measure, its rescue from utter stagnation of mind which is apt to befall a place of that kind, which has grown out of the one local speciality of gold production and is not conscious of any community interest with others.'

[Note that the Eocene is the epoch, lasting from 56 to 33.9 million years ago]

With Dr Byrne leaving to go back to England, Esther Warford left Gympie travelling north with her young son. She was listed as travelling on the *Leichhardt* sailing for Rockhampton, Bowen and Townsville, as Warford and child.¹⁰⁰ Miss Warford was then recorded to be on the *City of Brisbane* bound for Sydney on 16 February 1874.¹⁰¹ Esther Warford arrived in Sydney on the *City of Brisbane*.¹⁰² On 21 February 1874 at St Phillip's Church in Sydney, Esther Warford recorded as being of Queensland, married Frederick

⁹⁹ The Gympie Times and Mary River Mining Gazette 23 October 1872

¹⁰⁰ The Shipping Register of the Brisbane Courier of Wednesday 18 December 1873, page 2

¹⁰¹ The Queenslander Saturday 21 February 1874, under the heading Departures

¹⁰² The Sydney Morning Herald Thursday 19 February 1874 under the heading Shipping

Davies of Adelaide.¹⁰³ They moved to Adelaide where her descendants still live.

From her research, Gympie historian Dr Elaine Brown is certain that Esther Warford was Dr Byrne's partner. She was one of the only women at her time to own property in her own right in Mary Street in Gympie, Dr Byrne having bought this for her. She had a child whom she named George Edgar Warford, born on 22 April 1870.¹⁰⁴ Dr Brown has hypothesised that Dr Byrne and Esther Warford could not marry because his wife was still alive back in England. Certainly his wife died in England in January 1872. This child certainly was blessed with one of Dr Byrne's names 'Edgar'. Dr Brown learned some of the history of Esther Warford some years ago when two of Esther Warford's descendants came to Gympie to follow up on a story that Esther Warford had once lived in Gympie.¹⁰⁵ It is also known that Esther also named one of her children Theodore.

¹⁰³ Births-Deaths-Marriages the Queenslander Saturday 14 March 1874, page 4

¹⁰⁴ Ancestry.com. Australia, Birth Index, 1788-1922

¹⁰⁵ Facts provided to Linda Atkinson by Dr Elaine Brown

leading men left!¹⁰⁶ Dr Byrne had been gone almost two years, and Gympie was not wishing him back!

In December 1872, he left Gympie for England to take inheritance of his father's large and valuable property *Elsieshields Tower* in the south of Scotland. Returning in early 1874, he only stayed for a short while to settle some outstanding legal matters. He went back to England in March 1874 never to return to Gympie. Here he was reunited with his daughters Jane and Eleanor, his wife having passed away. In November 1874, he remarried in England, and during the next nine years, he and his wife Ellen had six children, three boys and three girls. At first the family lived at Elsie Shields, but Dr Byrne's erratic behaviour continued and although he was the Laird, he fell out with the neighbourhood. The family then moved to Devon, on the warmer south coast of England, and they were living there when he died. With his health problems relating to his lungs, Dr Byrne must also have considered the warmer climate better for his overall well-being.

His last child, Alexander was born in January 1883¹⁰⁷, some four months after the death of Dr Byrne on 9 September 1882. Dr Byrne did not live to see his last son. One can only imagine the grief his death must have caused for the family as Dr Byrne died young and too early to see his second family with his wife, Ellen, grow up. Nevertheless, he had had quite a substantial, pioneering and varied life.

¹⁰⁶ The Gympie Times and Mary River Mining Gazette 26 June 1875.

¹⁰⁷ Ancestry.com.uk All England & Wales, Civil Registration Birth Index, 1837-1915

Chapter 5. Dr Byrne Practising Medicine in Gympie

Dr Byrne's almost six years as a doctor in Gympie seems to have been fraught with personal frustration and probably on the whole not a completely satisfying experience for him. He was heavily criticised publicly for neglecting his medical responsibilities to the mining community and others of Gympie and its surrounding district. The Queensland press is littered with a plethora of evidence that over his time in this Gympie district, he became a man that the community preferred not to have in their company or in service to them.

With his mining, land investments, ambitions to be a State Member of Parliament, and commitments to sit on the bench of the Local Court, this may have had an element of justification. The Local Court was the only legislative and judicial body on the gold field for a long while, and Dr Byrne attended its meetings from its establishment in 1868. He had strong but sensible democratic views that 'all meetings of the Local Court should be public. If the members were representing the people, they could expect no good to arise out of the meetings which in any way excluded the community for which they attempted to legislate. There was no transaction of that Court which did not go out of doors to its members.'¹⁰⁸ But as early as October 1869 he was already having to answer criticisms in the Local Court in matters relating to his behaviour and conduct, to which of course he said the criticisms were entirely false.¹⁰⁹ Like the criticisms of his neglect of his medical responsibilities, Dr Byrne did not attend the meetings as often as he should, and like the meetings of the Hospital Committee, he did begin by making positive and constructive contribution to its business.

Certainly the evidence confirms that he had a positive dedication to his profession as a doctor and surgeon, even though he may not have attended as many cases as those in Gympie at the time believed he should have. He did split his professional life between being a doctor/surgeon, managing his mining and land interests, sitting on the Local Court and the Local Mining Court, sitting as a member of the Hospital Committee and taking an interest in other community projects, and indulging in the process of becoming the Local State Member for Wide Bay. He also sustained his personal relationship with Esther Warford. His was not the same benevolent caring nature as that of Dr Burke who quickly became a very favoured and liked doctor and surgeon among the people of Gympie.

¹⁰⁸ The Gympie Times and Mary River Mining Gazette 19 May 1869

¹⁰⁹ The Gympie Times and Mary River Mining Gazette 9 October 1869

The town was in its raw beginnings when he arrived here, with around 16,000 people living in primitive conditions and all hungry to strike it rich. He had moved very quickly to make himself available to treat those in Gympie, because within six weeks of gold being discovered at the very end of October 1867, he had made one first advertisements for doctor's services in Gympie¹¹⁰:

DR. T. E. D. BYRNE,
(Of Brisbane),
PRINCE ALFRED STREET,
GYMPIE CREEK.
At home for consultation from 6 to 8 p.m.
daily, Sundays excepted.

He may have earned himself a reputation as an obstreperous character in various and many ways while in Gympie, but he was in fact from a group of distinguished physicians and surgeons in England and Ireland, specialising in every branch of obstetric medicine, including midwifery and gynecology. He was more than a consulting doctor. He was a doctor who made valuable contributions to medical science in this area. He wrote many learned papers on his own and in collaboration with other doctors, on such matters as *'Laceration of the Vagina'*; *'Fibrous Tumour of the Uterous'* and *the conditions of Placenta Previa*. He was also renowned in England for his work with the Lunacy Commissioners on improving the treatment of lunatics living at home. In addition, Dr Byrne came to Gympie with a vast breadth of experience which he had gained from his work in the Crimean War during 1853 to 1856, working in the hospitals of England, and years as Surgeon Superintendent aboard the migrant ships coming to Australia from England. Gympie was lucky to have such an experienced doctor and surgeon as its first medical man.

He saw himself as having superb credentials as a medical practitioner having published in a letter the Editor, a number of testimonials which he said covered a period of sixteen years. The testimonials dated from his apprenticeship as medical officer in England in 1853 through to his service as a ship's surgeon on his journey to Australia in 1866. They included Wm. George Gill, M.R.C.S, England, LSA Medical Officer St Mary's Islington, 29 September 1853; Hy. St. Jno. Bullen, Medical Officer to the Stepney Union, 30 September 1853; D. B. White, Physician to Newcastle Infirmary, Newcastle 22 April 1859; George Yeoman Heath, Surgeon to the Newcastle Infirmary, Eye Infirmary and Lecturer on Surgery in the Durham University, March 1859; William I. Browne, Union Clerk, Union Offices, Gateshead, 18 December 1861; and John McDonell, Immigration Agent

¹¹⁰ The Maryborough Chronicle, Wide Bay and Burnett Advertiser 11 December 1867

Immigration Office Brisbane, 12 October 1866 (on Dr Byrne's having been given a first – class certificate following his service as Surgeon Superintendent on the immigrant ship '*Eastern Empire*').

The Mary River Goldfields were 'diggings that were "all right". An increasing number of people are getting gold, and the diggings extend...everyone coming from the diggings say there is a large quantity of gold in the digger's hands.'¹¹¹ On Monday 9 December 1867, the Manager of the Commercial Bank, Mr Pockley had christened the Lady Mary Reef. Within five weeks of Nash discovering the gold, the whole place was a buzz of men wanting to make their fortune, and arrangements for getting the gold out of Gympie were already in place, 'the last Brisbane steamer took away 167 ounces, and the Sydney Steamer took 548 ounces, making a total of 715 ounces for the week.'¹¹² Also within that short time Nashville had a competent doctor, Dr Byrne. He would have had little time for any set up as the call for medical attention and expertise came immediately. A 'man named Smith, engaged as a carpenter for the erection of a house for Mr Ashbury Bright' had died on Sunday 8 December 1867 of a heart attack, and he had to process a post mortem on Smith for the Magistrate.¹¹³

It has to be amazing that within two months of the discovery of gold in October 1867 that Dr Byrne's advertisements for his medical services available on the Gympie Goldfield had already begun to appear in local newspapers.¹¹⁴ He advertised as Dr T.E.D. Byrne (of Brisbane), Prince Alfred Street Gympie Creek 'at home for consultation from 6pm to 8pm daily, Sundays excepted'. In fairly quick time he also had his surgery at his home in Caledonian Hill.

He advertised himself as Physician, Surgeon, and Accoucheur or simply as Physician and Surgeon, T.E.D. Byrne L.R.C.P. & M.R.C.S., London. Some insight into the advertisements is provided in the *Gympie Times and Mary River Mining Gazette* of his consultation times during 1870 appearing under the heading 'Medical'.¹¹⁵ He informed the public that he was available at his temporary residence at Corey's Cottage, next to Foo's Hotel, Commissioner's Hill, and that he also had experience in specific female medical issues as well as childbirth. In May 1870 his residence had nearly burned down 'on Saturday evening last, Dr Byrne's premises narrowly escaped serious injury, if not total destruction, by fire, through some cinders which fell from a fireplace in one of the rooms. The flooring boards were set on fire but no other damage was done, a copious

¹¹¹ The Maryborough Chronicle, Wide Bay and Burnett Advertiser 11 December 1867

¹¹² The Maryborough Chronicle, Wide Bay and Burnett Advertiser 11 December 1867

¹¹³ The Maryborough Chronicle, Wide Bay and Burnett Advertiser 11 December 1867

¹¹⁴ The Maryborough Chronicle, Wide Bay and Burnett Advertiser of 14 December 1867 and 4 January 1868

¹¹⁵ The Gympie Times and Mary River Mining Gazette of 12 March 1870, 23 March 1870 and 16 April 1870

supply of water being fortunately within reach!¹¹⁶ He recovered quickly from this misfortune placing an advertisement for his services within a few weeks of the fire.

Throughout 1870, he placed advertisement frequently:

- 11 May 1870: consultations at his Residence, Gympie daily before 10am and from 6 to 8pm; at his Consulting Rooms at the One Mile from 1pm to 2pm on Monday, Wednesday and Friday in each week, and at Imbil, in his tent, opposite Mr. T. Kelly's every Thursday from 9am to 2pm.
- 18 June 1870: consultations in both Gympie, the One -Mile and Imbil. Consultations at his Residence, Gympie daily before 10am and from 6 to 8pm; at his Consulting Rooms at the One-Mile from 1pm to 2pm on Monday, Wednesday and Friday in each week, and at Imbil, in his tent, opposite Mr T. Kelly's every Thursday from 9am to 2pm.
- 16 November 1870: consultations daily before 10am and 6pm to 8pm at his residence, Gympie. Consulting Rooms, One-Mile every Monday, Wednesday and Friday from 1 to 2pm. Vaccinations were available every Monday 2 to 3pm, One-Mile, and every Tuesday 3 to 4pm, Gympie—Fee 10 shillings. The advertisement does not indicate what kind of vaccinations he was giving.
- 24 December 1870– same advertisement as for 16 November 1870.

He became active almost immediately in wanting to improve the medical well-being of the miners and other of Gympie's citizens. Dr Byrne was involved in the initial establishment of what became the Gympie Hospital. The first hospital was located where the Masonic Hall stands in Channon Street today. The first cemetery was nearby to what became King Street and where the Ambulance Station is now located.

The Nashville Miners' Hospital would rely on paid subscriptions and donations and 'the first meeting of subscribers to the Nashville Miners' Hospital was held at the Maryborough Hotel on Friday, 31st January 1868. The officers elected included President, Mr. H. E King, the Gold Commissioner; Vice-President Mr. J.F.G. Pockley; Secretary F. Lord; medical officers, Dr. T.E. D. Byrne and Dr. S. Bourke and other members including Messrs. C.J. Clarke, M. Donnelly, W.A. Smith. J.H. Pengally, C.S. Hawthorne, W. Kidman, F. Goodchap, E.T. Gilbert and R.G. Balding.¹¹⁷ This first committee was appointed to enter into a contract to erect a temporary hospital for miners. An application was made to the Government for a grant of £100 (equivalent to

¹¹⁶ The Gympie Times and Mary River Mining Gazette 18 May 1870

¹¹⁷ Historical Sketch of Gympie 1867-1927- Its leading Institutions. Romance of the Goldfield Days. Transition from the Mining to Agriculture. Gympie, September 1927. Page 145

\$14,355 in 2016)¹¹⁸ for relief of pauper patients unable to make any contribution to the Hospital. Such a grant was to make up the deficit between contributions of those able to pay some of the cost, the proceeds of fines inflicted at the Police Office, Nashville, and the cost of building, drugs sustenance and Staff. The hospital was primarily for indigent miner's treatment, and refused to see cases of venereal disease. Nashville badly needed a hospital and the building of the hospital was being pushed forward, entreating the citizens of Gympie to 'come forward' more liberally with their subscriptions.¹¹⁹ The money in hand at present will not be sufficient to raise the building, while more will be wanted to keep the patients who are certain to come in. It seems to be not generally understood that Dr Burke and Dr Byrne give their services gratuitously to the hospital. The Government donation will be proportionate to the amount subscribed by the people here.'

Dr Byrne is also recorded as having been at a meeting of the Hospital Committee on 12 February 1868. It seems that the Committee approached a number of people to be patron of the Hospital including Lord Bishop of Brisbane. Lord Bishop of Brisbane wrote from St John's Parsonage on 13 February 1868, that he was 'glad to find that it is proposed to erect a Miner's Hospital at Nashville' and that he would be quite ready for his name to appear as patron of the institution, and to further its object in any way in his power. He wrote that 'If you will let me know what is the contemplated cost of the building, and send me a list of subscribers, I will (D.V.) when the work is in progress remit to the Treasurer a small donation towards its erection'.¹²⁰ At the time the Hospital Committee's application for funding from the Queensland Government had been lodged too late for it to be included in the Estimates before Parliament. The Under-Colonial Secretary A.W. Manning had written on 27 February 1868 that 'there were no funds at present available to the Government from which such aid could be granted'.¹²¹ Other members of the Committee moved that another letter be written to the Colonial Secretary 'requesting him to reconsider his determination respecting the endowment to the hospital, and representing the claim of the miners'.¹²² It was Dr Byrne who moved (with Mr Pockley) that the Committee 'write to certain members of Parliament to support the application. At the end of that meeting, MLA O'Sullivan had been added as a new member of the Committee.

Dr. Byrne writes to clear his name of some accusation or another on many occasions in the newspapers during his time in Gympie. An early example of this is a letter to the

¹¹⁸ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹¹⁹ The Nashville Times 26 February 1868

¹²⁰ The Nashville Times 14 March 1868

¹²¹ The Nashville Times 14 March 1868

¹²² The Nashville Times 14 March 1868

Editor from his Clan Alpine Cottage in Gympie.¹²³ Dr Byrne writes 'as the only qualified physician on Gympie Creek diggings for some weeks, I beg most emphatically to deny, as far as I am concerned, any case or cases alluded to in the *Queensland Guardian* and furnished by their own at Nashville'. Because Dr. Byrne had been prominent in advocating for the building of the hospital in Gympie, the writers to the *Queensland Guardian* had chosen to target him as being responsible for the misuse of certain monies and certain fees (£29) charged for the treatment of a patient who was left destitute because of the fees, having ended up in Maryborough Hospital. Dr Byrne called for the names of the parties who had so drawn such public impression and inference to his credibility.

At a meeting of 26 February 1868 of the Hospital Committee, Dr Byrne was recorded as being concerned about extreme cases of destitution and the hospital being able to accept such cases for treatment. This concern was acknowledged by the committee agreeing to a special meeting of subscribers and others to arrange for the reception of urgent cases pending the erection of the hospital. Dr Burke, and Messrs. Thrower, Lord, Pengally, Sigerson and Mr Commissioner Clarke, Dr Byrne was appointed to draw up the rules for the management of the hospital.¹²⁴ As time went on though, Dr Byrne had many a clash with the Hospital Committee.

At this stage the Hospital was still operating out of tents and Dr Byrne was intent to have a proper hospital erected for the miners and other residents. At the 22 April 1868 meeting of the Hospital Committee held at Mr Thrower's Freemason's Hotel, and which was attended by Mr C.J. Clarke J.P. (chair), Mr E.H. King J.P., and Messrs G. Thrower (Curator of the Hospital), Dunlop, Pengally, and F. Lord (Honorary Secretary), Dr Byrne ensured that accounts for deceased without Wills, were being made out to the Curator of Intestate Estates; played a quality control role in having tenders for supplies rejected and new tenders sought; and Mr Thrower continue to provide the catering for the Hospital until suitable tenders were decided upon.¹²⁵

Dr Byrne played an active role on the Committee of the Miners' Hospital especially in his commitment to find a way to have a proper hospital built, the funding for the hospital and tenders for medical supplies to the hospital.

Dr Byrne 'had kindly lent a large tent [to the hospital] to be used for fever patients of which there at present four dangerous cases'.¹²⁶ Dr Byrne was eventually seeking to

¹²³ The Nashville Times 22 February 1868

¹²⁴ The Nashville Times 7 March 1868

¹²⁵ The Nashville Times 25 April 1868

¹²⁶ The Nashville Times 25 April 1868

recover his tent, being prepared to sell it for a sum of £6 (equivalent to \$861 in 2016)¹²⁷. Members of the Committee agreed at a later meeting to purchase Dr Byrne's tent. At the Public Meeting of 27 October 1868, about 100 miners considered the present condition of the Miners' Hospital, because there was every possibility the Hospital might have to close, as funding was in a poor way, and 'business and mining pursuits were in a great state of depression.'¹²⁸ One of the Committee Members, Mr E. H. Booth, who had also presented the financial report to those present, claimed that many who could afford to pay were receiving treatment gratis, and there was a real need to introduce a scale of charges, and that bedding was not being changed and blankets were being used over and over again for different cases.

Dr Byrne, being of deep concern about such matters, stated that 'neither himself or Dr Burke were aware that any blankets in which patients had died or which had been used in the treatment of contagious disease had ever been used again for other patients. There was a tent for the treatment of contagious diseases, but no blanket used in it had ever been used in other parts of the hospital. About 600 people had been treated there, and yet there had been no contagious diseases in other wards...he had a long conversation with the Hon. Minister for Works on the subject of the hospital, and his (Mr Hodgson's) idea was to make it a Government institution, if the public were willing, on certain conditions. The apathy of the class which ought to support the Hospital was remarkable. The great body of diggers had not appeared to know that the institution existed until they had taken ill while destitute of means; then they came to the hospital.'¹²⁹

Dr Burke supported Dr Byrne and explained that 'he had to turn out ailing patients to make room for those who were worse, and it was possible that in these cases the blankets had been transferred. But this had never been the case in cases of fever or contagious diseases. The Hospital was very short of blankets and in fact the committee had never seemed to have the funds for a proper supply ... not more than a dozen out of 600 patients at the Hospital had been other than miners, and yet the principal subscriptions had come from the storekeepers.'¹³⁰

The Hospital operated with funding from subscribers to it, and with the services of honorary medical officers and surgeons, with sometimes these being paid for their services. This created an awkward situation when it came to the Committee of the Hospital overlooking the performance and input of such medical officers to the

¹²⁷ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹²⁸ The Nashville Times 29 October 1868

¹²⁹ The Nashville Times 29 October 1868

¹³⁰ The Nashville Times 29 October 1868

hospital. The issue of funding for the hospital was an ongoing matter. Dr Byrne was insistent that the Committee write to members of Parliament to obtain support for the funding of the Hospital.¹³¹ The hospital struggled for funds; there was criticism that the miners had contributed very little money for its operations; the Committee was being accused of apathy and failure to obtain funds, there was extensive sickness on the gold fields and it was feared that hospital would be compelled to refuse patients.¹³² Around 181 subscriptions were received, which together with the £100 (equivalent \$14,355 in 2016)¹³³ Government endowment, total funds received were £374/9/- (equivalent to \$53,751 in 2016¹³⁴).¹³⁵ By May/June 1868, the total funds were £275/12/6 (equivalent to \$39,565 in 2016¹³⁶).¹³⁷ To sustain funding for the Hospital, events were held such as the one on the evening of Monday 14 September 1868 under the patronage of the Miners of Gympie– the price of admission being 2 shillings (equivalent to \$14 in 2016)¹³⁸; Front Seats, 3 shillings (equivalent to \$22 in 2016¹³⁹).¹⁴⁰

Dr Byrne may have had a supporter in Edward T Gilbert who wrote to the Editor suggesting that if 'every bank purchasing gold asked the vendor for one penny per ounce' this would bring an 'annual amount of between £600 (equivalent to \$86,127 in 2016)¹⁴¹ and £700 (equivalent to \$100,482 in 2016)¹⁴² per annum'. Mr Gilbert suggested that this would 'enable the medical officers of the hospital to afford greater comforts to the patients, and in fact would be the means of ameliorating the condition of every unfortunate applicant that required medical treatment that would otherwise be without the means of obtaining it'.¹⁴³ It has not been possible to find whether there was any follow up to this suggestion.

The Minister for Works (Mr Hodgson) visiting Gympie on 30 October 1868, found Dr Byrne part of a delegation that met with him in the Court House to discuss the future of the Miners' Hospital. At that meeting it had already been recognised that a suitable site needed to be found for the construction of a hospital, and indeed the Colonial Architect's Office had already found a suitable site at no great distance from the

¹³¹ The Nashville Times 14 March 1868

¹³² The Nashville Times 4 April 1868

¹³³ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹³⁴ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹³⁵ The Nashville Times 22 April and 29 April 1868

¹³⁶ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹³⁷ The Nashville Times 9 May and 20 May 1868

¹³⁸ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹³⁹ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁴⁰ The Nashville Times 12 September 1868

¹⁴¹ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁴² <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁴³ The Nashville Times 24 June 1868

township. The Minister had noted that the Committee needed to appoint trustees and other officers, and that a sum of £500 (\$71,773 in today's currency)¹⁴⁴ would be placed on the estimates toward improving the current hospital or building a new one. Dr Byrne had asked a series of questions of the Minister during the meeting, to which the replies were:

- The amount received by the Maryborough Hospital never exceeded £400 per annum (\$57,418 in today's currency)¹⁴⁵;
- The Government would not interfere with the action of the Committee to appoint a medical officer
- The Minister would do his utmost to urge the Government to at once advance £100 (\$14,355 in today's currency)¹⁴⁶ in aid of the hospital.¹⁴⁷

His concerns extended to the quality of food being provided for patients of the hospital and more than once asked for 'tenders for supplies now before the meeting be rejected an ineligible, and that fresh tenders be called for a period of three months, and that Mr Thrower be requested to act as caterer until the tenders were accepted'.

Dr Burke was officially appointed on 20 July 1869 by the Committee of the Miners' Hospital as a Paid Medical Officer, with the date of the appointment to begin from 1 August 1869. Both he and Dr Byrne had been providing services gratis from 1868. From 1869 Dr Byrne began to express dissatisfaction at not being paid as a medical officer at the Gympie Hospital, and he also publicly expressed dissatisfaction at not being paid properly for attending accidents or making other necessary medical visits. Dr Byrne took complete umbrage at the fact that Dr Burke had been appointed as a Paid Medical Officer, stating in a letter to the Editor of 22 July 1869¹⁴⁸ that he had been done an injustice; he had been the originator of the Gympie Hospital; he was the only medical man here; he had provided gratuitous services to the Gympie Hospital from its commencement; the appointment of Dr Bourke had been made without consultation with the subscribers and was therefore not a legitimate appointment; he could no longer attend patients without charging them a fee. Any seriously injured or seriously ill patients would suffer as a consequence, and it may not be possible for him to save a human life.

Eventually Dr Byrne was accused of being negligent in his attendance as a medical officer/surgeon at the Miners' Hospital, and brought to the attention of the annual

¹⁴⁴ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁴⁵ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁴⁶ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁴⁷ The Gympie Times and Mary River Mining Gazette 31 October 1868

¹⁴⁸ The Gympie Times and Mary River Mining Gazette 24 July 1869

meeting that year that he had been he had received no consideration when the Committee appointed Dr. Burke as the paid medical officer. This grudge about paid medical officers and his neglect of his medical duties would be become a consistent feature of his life while ever he lived in Gympie. The Miners' Hospital Annual Meeting¹⁴⁹ recorded that 'at the commencement of the year there were two honorary surgeons; some time after it was found that the attendance of one of them was not so regular and satisfactory as could have been wished.'

Dr Byrne addressed that meeting saying that he 'would take this opportunity of most emphatically denying the charge, and of challenging the Committee to prove it. They had thought it proper to meet and elect a medical officer without the slightest regard to the services he [Dr Byrne] had rendered. When there was no other medical man in Gympie, Dr. Byrne had been always ready and willing to attend the sick patients gratuitously: he had done all in his power in this way: and therefore he thought that when a paid medical officer was to be employed, Dr Byrne ought to have been considered'. The Committee accused Dr Byrne of irregular attendance at the hospital, and were not impressed that Dr Burke therefore had to do the work of two doctors gratuitously as a consequence.

Dr Byrne found fault with the manner in which the Committee 'harshly and unexpectedly dismissed from the post of honorary surgeon to a hospital which he was mainly instrumental in establishing and supporting in its infancy: and if anyone had a right to the office of paid Medical Officer, he, who had been identified with the institution since its establishment, and has given so much time and attention to patients, ought to have been appointed'. Following the issue of payment to Dr Burke and not to Dr Byrne, Dr Byrne 'made up his mind to charge for his services to the hospital. He would always have been happy to give his assistance to the institutions gratuitously had he been fairly dealt with; and he would still be willing to do the same for the poor people.'

Later on 12 December 1870, Dr Byrne wrote another letter to the Editor¹⁵⁰ to publicly put the issue about his statement at the Hospital Committee 'that if they had funds to pay a secretary £100 (\$14,355 in today's currency)¹⁵¹ a year, they should have a paid medical officer'. At this stage Dr Byrne was still holding an Honorary position as Physician and Surgeon to the Miners' Hospital. Since July 1869, Dr Byrne was most irritated and unhappy that Dr Burke was a paid medical officer and he was not. Dr Byrne would never accept that there were those that could prove that his 'attendance at the

¹⁴⁹ The Gympie Times and Mary River Mining Gazette 22 January 1870

¹⁵⁰ The Gympie Times and Mary River Mining Gazette 14 December 1870

¹⁵¹ The Gympie Times and Mary River Mining Gazette 22 July 1869

Hospital was irregular, wholly in consequence of Dr Byrne's neglect'.¹⁵²

Dr Byrne always wanted regard to be taken by the members of the Hospital Committee of the extensive services he had rendered for a nil monetary return. But the Hospital Committee had already publicly remonstrated Dr Byrne for neglect of his duties, and true to form, Dr Byrne denied the charge of neglect. His apparent unreliable, opinionated, erratic temperament often led to disagreements with the authorities, litigation and appearances before the courts, differences of opinion with his fellow doctors and difficulties with the miners. Dr Byrne's contradictory style became a feature of his relations with the Gympie Hospital Committee. On one occasion he told the Committee that 'he [had] set the Committee, their rates, and the regulations of the Hospital at defiance ... he would do just as much of his Hospital duty as he pleased, and this, too, where and when he liked ... the Committee give me eighteen shillings a week [\$129 in today's currency¹⁵³], for which I will give them an eighteen shilling 'stroke', the value of their money and no more.'¹⁵⁴

The annual general meeting of the Hospital Committee in early 1871, was tainted with Dr Byrne's slanderous and misrepresented ravings and insults of the Committee being comprised of 'ignorant men'.¹⁵⁵ This scandalous behaviour motivated a subscriber to the Hospital, Mr Henry Gillen, to go to print to defend the subscribers and the Committee, having also described Dr Byrne's letter to the *Gympie Times* on the matter as a 'incoherent, medley of facts, fictions and nonsense, strung together loosely, unmeaningfully and illogically.'¹⁵⁶ The subscribers saw that the mere existence of the Hospital to that time as a credit to the colony of Queensland, whereas Dr Byrne had gone to the extent of describing it as a 'Cottage Hospital'. It is true that he had a good part in establishing the Hospital, but his obverse views in 1871 are all at once surprising and not surprising. His grudge lay in the fact that Dr Burke was being paid for his services while Dr Byrne was being accused of negligence. He regarded himself as superior to all around him in Gympie, yet could make public in his letter such confusing representations as 'I received 27 fresh out-door cases, many seen daily; but given the average as every other day gives 15 days to multiply 27 consultations, yielding 405 consultations in one month.'¹⁵⁷

Just how much irritation Dr Byrne whipped up in the community and how criticism of

¹⁵² The Gympie Times 22 January 1870 from the report on the annual meeting of the subscribers to the Gympie Hospital

¹⁵³ <http://www.rba.gov.au/calculator/annualPreDecimal.html>

¹⁵⁴ The Gympie Times and Mary River Mining Gazette 12 April 1871

¹⁵⁵ The Gympie Times and Mary River Mining Gazette 8 February 1871

¹⁵⁶ The Gympie Times and Mary River Mining Gazette 8 February 1871

¹⁵⁷ The Gympie Times and Mary River Mining Gazette 8 February 1871

him in the delivery of his medical responsibilities was a critical issue for the subscribers and the community, is vented by a subscriber in a public letter¹⁵⁸:

DR. BYRNE AND THE GYMPIE HOSPITAL.
TO THE EDITOR OF THE "GYMPIE TIMES."
SIR,—It is unfair to the inhabitants of Gympie, to say the least of it, that they who have subscribed and are subscribing so liberally to the Hospital, should be continually pained by reports, nay, by positive knowledge, that the only paid medical officer belonging to the institution, so far from performing his duties as he ought to, conscientiously, kindly, and regularly, on the contrary acts negligently, harshly, and irregularly. In fact, Dr. Byrne has declared that he has set the Committee, their rules, and the regulations of the Hospital at defiance. He expressly stated before two members of committee that he would do just as much of his Hospital duty as he pleased, and this, too, where and when and how he liked. "The Committee," he exclaimed, "give me eighteen shillings a week, for which I will give them an eighteen shilling 'stroke,' the value of their money and no more." But does the Doctor really give the Hospital professional value for eighteen shillings per week. No, nor value for eighteen farthings per week; on the contrary, he does the institution a great deal of mischief per week. I request the subscribers, as many as can conveniently do so, to make themselves acquainted with the facts and nature of Dr. Byrne's conduct relative to the Hospital since he became paid medical officer; and ask them is it right or proper that he should be continued sole medical officer; for Dr. Benson is reported to have thus expressed himself at the last committee meeting—"Things had gone so far that he could no longer act with Dr. Byrne; either one of them must take sole charge of the institution." Now the alternative is plain. Are the subscribers willing to install Dr. Byrne sole medical officer of the institution? How many patients has Dr. Byrne on his hands now; and how many has he had since his stipeudary tenure of office commenced? It requires one merely to go to the Hospital, see and inquire of the patients, and I guarantee he shall have the case, "Dr. Byrne and the Gympie Hospital," in a nutshell. I may say I am no enemy of Dr. Byrne, but I regret his conduct for his own sake, and I deplore it for the sake of the Hospital. His conduct we are told by one skilled in the laws of medicine has been so far unsatisfactory that something must be done. Plainly this, Sir, the time for action in this matter is now come, the time for mere words is passed.
At the risk of becoming both lengthy and tedious I shall notice, briefly, the proceedings of the last Hospital Committee meeting, as given by the *Gympie Times*. Dr. Byrne is reported to have submitted a claim for professional services rendered by him after Dr. Burke's resignation as medical officer, and prior to Dr. Mondelet's appointment in the same capacity. Why, the fact is, Dr. Mondelet acted in his capacity of medical officer of the institution with Dr. Burke for at least a week before Dr. Burke resigned said

for at least a week before Dr. Burke resigned said office. What then, I ask, can be the meaning of the Doctor's bill?
It seems to me that the Doctor has a decided taste for letter-writing, for in letter No. 2 he is reported to have said that "he must decline to alter his present mode of attending the out-door patients and visiting the Hospital, as it would materially interfere with his private practice. Indeed, I should think any change in the Doctor's conduct towards the Hospital would be an improvement. The report goes on to say, "Dr. Byrne also said, in conclusion, that he was willing to perform the whole duties of the Hospital at his present remuneration, but suggested that Dr. Benson's voluntary services should be still retained." What nonsense! Dr. Byrne, by his own admission, cannot perform part only of his Hospital duties at his present remuneration, and yet for the same remuneration, and under the same circumstances, he will undertake to perform the whole duties of the Hospital. What! he cannot perform part of the duty only, and yet he will take the same payment for the whole! In this, as in similar instances, the Doctor's sophistry throws doubt on his honesty of purpose.
And as to the Secretary having, as he stated at the meeting, "waited" on Dr. Byrne, I believe it would be more business like and satisfactory did he communicate with him by letter. No doubt individuals are sometimes gifted with a very strong power of retention, yet if I have read psychology to any account, I learned that "memory is likely to deceive." I must say, however, I believe the Hospital Secretary is both energetic and efficient, and hence it seems paradoxical to me that he has not ere now furnished the subscribers, each one, with his quota of tickets, "indoors" and "out" to which they are entitled. Why has he not carried out the system initiated by Mr. Rider, or some other system tantamount to it; that is to divide the gold-field into certain geographically convenient districts, ascertain by his list the names of the subscribers living in each, envelope the number of tickets to which they are individually entitled with the necessary superscriptions, and deposit the same for distribution, with trustworthy persons in the most frequented place in each district? The Secretary should have adopted some such system as this at least six weeks ago.
It appears that Mr. Baird has tendered his resignation as member of the committee, stating that he cannot act so long as Dr. Byrne has any connection with the Hospital. I really regret that Mr. Baird should find himself so constrained to take this step, but I am gratified that the Committee have not accepted his resignation; he is one of the most energetic of its members. I have no doubt Mr. Baird had serious reasons for resigning, yet if every other Committee-member acted similarly, for similar reasons, the motto of the working of the Hospital, would be "all worse, and no better." I trust

¹⁵⁸ The Gympie Times and Mary River Mining Gazette 12 April 1871

Mr. Baird will re-consider his determination in this matter.

I was much surprised to find that the Committee, at their last fortnightly meeting, resolved (Mr. S. Landy being the impelling cause) "that Dr. Byrne be requested to attend all the Committee-meetings for the purpose of making suggestions." *Requested*, if you please! What right had the Committee to pass such a resolution in direct and open violation of the Hospital Regulations? I need scarcely say they have no right whatever, nor power; their action is invalid. A repetition of this conduct on their part will convince me that Dr. Byrne was pretty near right when he styled them "ignorant men." I am satisfied, however, that a man of Dr. Byrne's discrimination will be far from accepting Mr. Landy's invitation.

The Committee will, in all probability, determine at their next meeting to paint the exterior of the Hospital building, but I trust, for the sake of the *infirm*, they will not repeat the operation of "painting up" any portion of its internal organisation, particularly the medical department. They have already tried this conciliation scheme of theirs between the doctors and it is found to be a failure. As I am fond of figurative language, I shall conclude by comparing the Hospital, as a moral body, to a man who has been for some time sick, having all the while one extra-distempored member; the symptoms of mortification are now fast setting in, and death must certainly ensue, unless said extra-distempored member be forthwith amputated.

I would say to the gentlemen of the Committee that the most satisfactory course they could pursue would be to call a general meeting of subscribers, as soon as possible, leave Dr. Byrne's conduct plainly before them, the Secretary being prepared with a written statement of facts, and depend upon it the inhabitants of Gympie will not allow Dr. Byrne, or any other man, to treat the poor sick in such a harsh, unjust, and neglectful manner.

I am, Sir,

Your obedient servant,

A SUBSCRIBER.

[Our correspondent will observe that we have omitted all unnecessary personalities, which, by the way, would tend to the defeat of his object. Presuming that his intention is to induce a reform in the management of the Hospital, we consider his concluding suggestion—that a general meeting should be called—a very good one.—Ed. G. T.]

At the Hospital Committee Meeting on 17 April 1871, not for the first time since he arrived in Gympie, he was accused of being an unprincipled man. In a letter to the *Gympie Times*, he vehemently defended himself in his conduct, asserting that the Committee thinks it can 'slander and abuse Dr Byrne as they like with impunity.' As in 1870, he found fault with the conduct of the Hospital Committee. His letters to the newspaper shown here demonstrate his character of contradiction, refutation and a continual denial of any wrong doing on his part:

DR. BYRNE AND THE HOSPITAL COMMITTEE.

TO THE EDITOR OF THE "GYMPIE TIMES."

SIR,—When I attended the Committee meeting at the Hospital last Wednesday I expected to be allowed to contradict the assertion made in the prior report which made me out an unprincipled man, attempting to obtain payment for work never performed; also a *liar*, for stating I worked the Hospital single-handed for any time, but what was my astonishment to find that I was not allowed to say a single word, good, bad, or indifferent; but I had my satisfaction in seeing the documents proving at whose door the untruth lay, and I can only (from their own conduct) conclude that the Committee were aware of the (to them) unpleasant truth of the following documents. Firstly, a letter from Dr. Burke, resigning his position as medical officer to the Hospital, bearing date October 14th, 1870. Secondly, the minute dated on November 2nd, 1870, accepting Dr. Mondelet's services. I ask who attended in the interim? I leave the subscribers to judge, and trust a meeting will be called, as I court the fullest investigation, and will abide the issue, though knowing that the conduct of the Hospital Committee has a most demoralising effect both inside and outside of the Institution,

And remain, Sir, yours obediently,

T. E. D. BYRNE.

159

¹⁵⁹ The Gympie Times and Mary River Mining Gazette 22 April 1871

**DR. BYRNE AND THE HOSPITAL COMMITTEE.
TO THE EDITOR OF THE "GYMPIE TIMES."**

"He is praised by these."

Sir,—There is an old adage—"Give a dog a bad name," &c.; this appears to be my fate on Gympie, nor is it confined to individuals, for even Committees appear to suffer in the same manner and think they may slander and abuse Dr. Byrne as they like with impunity. Now, however mistaken my acts during my residence on this goldfield may have been, my motives have been right, nor do I intend that any amount of persecution shall compel me to shut my eyes when I see what I conceive to be a wrong committed. These reflections were induced by reading your report of the meeting of the Hospital Committee, wherein I am publicly branded as a liar both by them and Dr. Benson; and it is to refute this that I trouble you with a letter at all. The following quotation will prove my assertion:—"The members present were sure that no time had elapsed between Dr. Burke's resignation and Dr. Mondelet's appointment, and that Dr. Byrne's assertion that he had attended exclusively the patients at that time was not true." Now, Sir, allow me, through you, to inform the said Committee that they are mistaken, for I accepted entire charge of all patients from Dr. Burke at a time when the Hospital was full; and had it struck any of the "potent, grave, and reverend signors" to send for the wardman, the question could have been solved without their forgetting that I have feelings which may be hurt. For further proof I called on Mr. Taylor, the then hospital chemist, and put the following question to him:—"How long was it from Dr. Burke's resignation until you received Dr. Mondelet's first prescription?" Answer: "I cannot say to a day, but I think three weeks."

I shall reserve further remarks on the Committee pending a meeting of subscribers, and proceed with Dr. Benson, who "declared that at the time Dr. Byrne said he required the battery he had no patient to attend." Now the patient for whom I required the battery was a child named Draper, suffering from St. Vitas's dance, and under my care from 26th February; and, more than that, the poor child and her mother came into Hospital since and had to go back again (a walk of five miles) unattended because the battery was at Dr. Benson's house. Dr.

Benson knows full well that such an instrument may save life by speedy application; and I hold that the subscribers expect their purchases to remain in their building ready for any emergency. For example, a case of suspended animation (and such might occur) where a smart galvanic shock will restore life: what chance has the patient if he has to wait a journey to Dr. B's and back prior to obtaining the battery?

The action of Mr. James Baird is so masonic and manly, to carry his private feelings into a public institution, that I cannot forbear to repeat publicly what I told him verbally, viz., to mind his own business, and that he is quite out of place as a Civil servant mixing up with any public movement. For his farther information I would direct his attention to the minute passed by the Executive; if my memory serves me it was introduced by Mr. Taylor, in consequence of some acts of Mr. J. C. White, then a Police Magistrate, and subjected any Civil servant to dismissal who interfered with public matters.

I have now completed the task I took upon myself, and will only request that the enclosed letter be published, wherein I am told I have no voice, not vote, and leave the conclusion in the hands of your readers. As to the anonymous scribbler calling himself "Subscriber," I leave him to my legal adviser, and the justice of the case to a discerning public, and

Remain, Sir,

Yours, obediently,

T. E. D. BYRNE,

Medical Officer Gympie Hospital.

Gympie, 17th April, 1871.

"Gympie Hospital, 16th Feb., 1871.

"Dr. BYRNE.

"Dear Sir,—The Committee desire me to inform you that they regret that Rule 12, of the Hospital Regulations, decides that a paid officer of the institution cannot have a voice in the Committee.

"I am, Sir,

"Yours, obediently,

"F. E. CONLAN,

"Secretary."

160

Criticisms of neglect of his medical responsibility around this time could have been misplaced as it seems from this schedule that he was genuinely trying to cover the needs of the settlements on the gold field. In 1871, Dr Byrne accused the Hospital Committee of 'illegal and unjustifiable conduct' in 'preventing the POOR availing themselves of his services'¹⁶¹, such was the nature of the type of conflict he could find himself in in relation to the Hospital and his alleged performance as a doctor.

¹⁶⁰ The Gympie Times and Mary River Mining Gazette 19 April 1871

¹⁶¹ The Gympie Times and Mary River Mining Gazette 12 August 1871

MEDICAL

IN consequence of the illegal and unjustifiable conduct of the "Hospital Committee" in preventing the POOR availing themselves of my Services, by instructing the Chemist not to dispense my prescriptions, I hereby give notice I will ATTEND such persons DAILY before 9 a.m., supplying all drugs required, at a uniform charge of TWO SHILLINGS AND SIX-PENCE (2s. 6d.) per consultation, at my NEW RESIDENCE, CALLEDONIAN HILL.
T. E. D. BYRNE,
L.R.C.P. & M.R.C.S., London.

N.B.—Vaccination every THURSDAY, 2 to 4 o'clock p.m.—Fee 10s.

Dr Byrne's relations with the Hospital Committee continued to deteriorate and perhaps by June 1871, he would have been feeling some considerable pressure on how tenable was his future position as a doctor in Gympie. The Hospital Committee Meeting of 21 June 1871 began in a normal way with discussion about patients, finances, subscriptions and the Government grant. There was even discussion about a patient by the name of Beeton who had a chronic condition, whom Dr Byrne had recommended to Dr Benson, the then honorary surgeon to the Hospital, be moved to Brisbane for treatment. Only six members of the Committee were present, Dr Byrne not being present at this meeting. Discussion then turned to the matter of the appointment of a paid medical officer. The Committee was considering applications from doctors to be appointed as the paid medical officer. Dr Benson resigned at the Committee meeting because he was one of the applicants. His wish was that if chosen, he would want his appointment ratified by the subscribers. At this point:

A letter was here read from Dr. Byrne enclosing a certificate from the Immigration Office, omitted to be sent with his application, and stating that he was quite willing to conform to any rules made by the Committee, and that he would use his best endeavours to make the medical department of the Institution complete, should the Committee do him the honour of increasing his salary, and giving him entire control of such department.

162

But it was here that Dr Byrne was perhaps cleverly holding the Committee to ransom because the Committee wished to clarify if Dr Byrne had been appointed for twelve months as a paid medical officer, as Dr Byrne believed he had.

Mr Landy said he knew that Dr. Byrne would hold the Committee responsible for one year; he suggested that advice should be taken as to whether Dr. Byrne had the power to do this, and also that a special meeting should be called to decide the question before the meeting so that there might be a larger attendance.

163

The special meeting proceeded on 23 June, where it was proved that Dr Byrne had not been appointed for twelve months as a paid medical officer, the Committee merely confirming by minute on 1 February 1871, that the medical officers should have requested to act as paid medical officers at a salary of £50 per annum each. No written confirmation of any kind of twelve month appointment was ever sent to Dr Byrne, although he did have a copy of the minute which he had acknowledged in reply to the Secretary of the Committee, in the event he was ever requested to act as a paid medical officer. The Committee took a ballot on those that had applied for the position which resulted in Dr Benson being elected, the results of the ballot being:

¹⁶² The Gympie Times and Mary River Mining Gazette 24 June 1871

¹⁶³ The Gympie Times and Mary River Mining Gazette 24 June 1871

Dr Benson 7; Dr Byrne 0; Dr Martin of Avoca Victoria 1; Dr De Leon of Raymond Terrace New South Wales 1; Dr Schulzen of Clarence Town New South Wales.

Dr Byrne would have been mortified to know he received absolutely no votes from the Committee, and even worse, he would be receiving a letter telling him that his services would no longer be required after one month on 31 July 1871. It begins to be not entirely surprising that he might begin to feel defeated and consider leaving Gympie which he did just eighteen months later, combined with other circumstances that motivated his temporary departure at the time. He continued to provide medical services despite the situation he now found himself in- he was still in demand right up until his journey to Scotland in December 1872.

In July he distracted himself a little from his medical situation and again turned his attention to his ambition to become a State Member of the Queensland Parliament. But he was to suffer further blows to his ego here. He returned from Maryborough to Gympie on the evening of 12 July and was jeered about town, 'and was compelled to meet the electors at the Varieties Theatre, then offered to retire from the contest for Wide Bay, but the meeting would not accept his resignation. He was eventually pelted off the stage with eggs.'¹⁶⁴

His frustrations and outbursts in 1872 began on 18 January at a meeting of the Hospital subscribers (called the one pound and one shilling subscribers) of the Hospital; members of the public who were not subscribers of the hospital also attended this meeting. Just as the annual report of the Hospital was about to be seconded, in came Dr Byrne primed to disrupt the meeting and graced the meeting with one of his loud abusive outbursts; he had 'an amendment a yard long. A great speech of 30 minutes' duration succeeded in elevating the meeting to a proper sense of their duty on such occasions, and deafening shouts of acclamation went forth. The speaker, in upholding his reputation for sobriety and stainless morality, wax furious over the Hospital surgeon, Dr Benson, and the committee of management. The former he charged with having butchered a number of persons both in and out the institution; the latter with being a set of illiterate shopboys and purse proud sweeps. Hereupon, Dr Benson produced a "word painting" of his professional opponent's character, in well-rounded periods, plentifully besprinkled with ugly epithets. There followed a violent altercation as to who killed the late Mr Murdock in the course of which the death agonies of our deeply regretted townsman were depicted with a fervor and eloquence of savagery that proved too much for even the insatiable curiosity of the audience, who had come that evening

¹⁶⁴ The Darling Downs Gazette and General Advertiser 15 July 1871

on purpose to be edified by the expected performance.¹⁶⁵

The meeting deteriorated into almost chaos; Dr Byrne moved that a separate committee be appointed to investigate the conduct of the surgeon and the conduct of the Hospital Committee. This just led to several dramatic episodes of uproar and confusion and everybody nominated everybody else, such was the impact of the outburst of Dr Byrne, which was not unusual when he attended public meetings. Even the journalist who wrote the piece for the newspaper, said that what was happening 'exceeded his power of description' ... and the meeting 'was terminated by a drunken squabble on the verandah [of the Court House where the meeting was held].¹⁶⁶ Ironically Dr Byrne's motion of the appointment of the committees was carried! That night Dr Byrne had numerous of the town to hear him, with all the spaces in the Court House filled to overflowing so that people were out on the verandah and on the street, 'so unusually large an assemblage, on the occasion of an ordinary annual meeting, would at first sight lead one unacquainted with Gympie ways to believe that an institution commanding such manifestations of sympathy was well supported.'¹⁶⁷

Still, later when the Hospital Committee met on 25 January 1872, the Committee agreed to a motion that Drs Byrne and Benson 'be appointed as surgeons at a salary of £100 per annum each, and be subject to such regulations as the Committee might make.'¹⁶⁸ This came about because patients in the Hospital felt they should not be under the care of just one medical officer.

Despite the extensive criticism Dr Byrne received at the hands of the Gympie public and subscribers to the Hospital, he did attend numerous cases. These cases give a glimpse into the ghastly reality of the mining injuries, the difficulty of life on the Gympie Goldfield, the many woundings of people by others and Dr Byrne's integral role in what would have been many incidents. These incidents also show his working closely with Dr Burke on many of the cases, and provide evidence of just how regularly these doctors were called out to attend a vast range of injuries and to undertake post mortems. The high expectation was that a doctor would be in attendance very soon after any accident. Dr Byrne appeared before Magisterial Enquiries regarding matters relating to deceased persons, or injured prisoners, and accident victims. Cases could be a matter of a person being stabbed after a quarrel¹⁶⁹ or a murder.

¹⁶⁵ The Gympie Times and Mary River Mining Gazette 25 January 1872

¹⁶⁶ The Gympie Times and Mary River Mining Gazette 25 January 1872

¹⁶⁷ The Gympie Times and Mary River Mining Gazette 25 January 1872

¹⁶⁸ The Gympie Times and Mary River Mining Gazette 27 January 1872

¹⁶⁹ An example is Dr Byrne's attendance of a man in Junin's Kitchen who had been stabbed after a quarrel. The Gympie Times and Mary River Mining Gazette 23 March 1870

Nashville Times 2 February 1868: the story of the attendance by both Dr Byrne and Dr Burke of a man on his own who had come into town with his little boy of ten or twelve years, from Tucker's Gully where he had a claim. He was ill when he came in and stayed in the unfinished house of Mr Burton. Both were found lying among the planks and shavings that littered the floor, with the little boy crying by the side of his father 'My father is ill, and I am hungry'. The man had nowhere to go and lay in the unfinished house until he died, a few days later. Dr Byrne had prescribed certain medicines for which it was obviously too late.

Nashville Times 19 February 1868: In the Police Office before Mr King, Acting Police Magistrate: Inquest of a man taken out of a shaft in Nash's Gully (George Knight). Dr Byrne records 'The body was so decomposed as to render it impossible to see any marks of violence; I could detect none; I should think the body had been in the water three or four days; it was that of a man between fifty and sixty years of age; death had been caused by suffocation.

Nashville Times 19 February 1868: Inquest into the death of William McGough at the Two-Mile Flat. Dr Byrne records 'Between 6 and 7 o'clock last evening I was called to see a boy at the Pine Scrub, who, I was told, had been hurt by the falling of a tree; on my arrival I found the deceased William McGough lying in a tent, suffering from fracture of skull with extravasation of blood; I concluded the case was hopeless; he died before midnight; the injuries were sufficient to cause death.'. The verdict was accidental death.

Nashville Times 11 March 1868: Tuesday March 9 1868 before Mr King, Acting Police Magistrate, on a case of Lunacy, on the evidence of Dr Byrne and Dr Burke, William Pearson was committed to Brisbane Gaol for medical treatment.

Brisbane Courier 31 March 1868: Inquiry before Mr Commissioner King, Acting Police Magistrate as to the cause of death of one John Warren, who stabbed himself in the throat while suffering delirium tremens. Dr Byrne made a post-mortem examination. The man had gone out to camp complaining that there was a conspiracy at the One-Mile. He remained there quietly for some time in a tent which the police allowed him to remain in. Wishing to leave, he was confined by the only means possible to the police. He managed, however, to find a knife and inflict the wounds, which proved fatal.

Brisbane Courier 31 March 1868: Dr Byrne was brought to attend a woman in the bush who in his opinion had sustained a blow that had knocked her insensible as 'she

remembered nothing until she found her husband [a man of surname Chadwick] cutting her throat with a razor. From the wounds on her face, hands and arms, a desperate struggle must have ensued. She fainted; on reviving, she felt her husband cutting her throat at the back; she describes it as if he were "sawing through meat". He then cut his own throat slightly, after which he caught a little dog that belonged to his wife which followed them, and almost severed its head from its body. He then inflicted another wound on his throat.' The husband began walking on the road back into Nashville and was picked up by a man driving a spring cart. He told the man that that his wife had cut his throat and committed suicide. Mr Commissioner Clarke, Sergeant Moore and Dr Byrne went to where the wife was lying in a pool of blood but still alive. Both the husband and the wife were taken to hospital under guard. Chadwick was charged with the attempted murder of his wife, and thanks to Dr Byrne 'who has been assiduous in his attendance, that the man will, and the woman, may recover.'

Nashville Times 25 April 1868: Dr Byrne saw a patient (a miner called Robert Hodgson) who had been ill with typhoid fever for 21 days, on the day he died.

Gympie Times and Mary River Mining Gazette 23 January 1869: Dr Byrne undertakes work for the police to examine a prisoner who was suffering from a gunshot wound. The prisoner was William Bond a bush ranger who had been shot by one of the Cobb & Co passengers of the coach that had been held up by William Bond and others.

Gympie Times and Mary River Mining Gazette 16 March 1869: Before the Police Magistrate John Henry Talbot and Margaret Bradley were charged with the willful murder of John Bradley of Gympie on 17 August 1868. Dr Byrne had been called with the Police to the One-Mile to examine a man who was alleged to have shot himself- 'there was a small bruise on the forehead and a black mark on the throat under the windpipe.'¹⁷⁰ He died fifteen minutes after Dr Byrne arrived. The scene Dr Byrne was faced with was a bloody one – the body was covered in blood, his right hand was full of blood and there was blood all over the hard floor of the tent. Dr Burke and Dr Burke made a post mortem examination of the body which was of a robust man aged between 25 to 27 years old and found that the cause of death to be from a bullet through the brain. The bruise on the forehead was from a blow to the skull. Both Drs Burke and Byrne were experienced in diagnostic post mortems and so their skill and expertise help to prove a case of murder.

¹⁷⁰ The Gympie Times and Mary River Mining Gazette 16 March 1869

Gympie Times and Mary River Mining Gazette 9 December 1869: Dr Burke and Dr Byrne attend a serious accident on 4 December 1869 at Golden Currie's claim. Dr Byrne had to amputate the right arm of a Mr Karl Eisert who was very badly wounded in the accident.¹⁷¹ This is just one gruesome job that Dr Byrne would have had experience in from his service in the Crimean War, which iterates the luck Gympie had in having such an experienced doctor as Dr Byrne, irrespective of the criticisms he continued to receive. Gympie also needed to acknowledge similar experience in Dr Burke.

¹⁷¹ The *Gympie Times and Mary River Mining Gazette* 9 December 1869

(Gympie Times, December 4.)

We are sorry to chronicle another shocking mining accident, which occurred on Thursday afternoon at 5 o'clock, in the deep shaft of the Golden Currie Co.'s claim. Two men, named respectively Matherson and Karl Eisert (a German), had attempted to fire a shot, which missed twice; they then foolishly commenced drilling out the charge, which unexpectedly exploded. Both men were very badly injured, Eisert the more severely, and they were brought up to the mouth of the shaft with some difficulty. Dr. Burke was in attendance, and found that Matherson was suffering from a badly broken finger, injuries to his eyes by powder, and several cuts on the arms, legs, and the back of the head. None of these hurts are considered fatal, however. Eisert was much more dangerously wounded; besides a comminuted fracture of the right elbow, and fractures of the right forearm and wrist, he received two very bad lacerated and confused wounds on the left arm, hand, and leg. Both men were removed to the hospital. During the night Dr. Burke found it necessary to amputate the right arm, and the operation was performed with the assistance of Dr. Byrne, and Mr. Block, chemist. We hear that the poor man is in a very dangerous state, as severe bleeding and mortification set in yesterday; the shock to the system was, no doubt, very great. In justice to Mr. Davis, the manager of the mine, we may give his explanation, which is that the men attempted to drill out the unexploded charge without his knowledge or consent; he prevented them on two previous occasions from going down the shaft after the failures so soon as they would have done, and he was under the impression that they were again endeavoring to fire the charge in the usual way, with fuse. Therefore, Mr. Davis appears to be quite blameless. He has stated that he will discharge at once the first man who again attempts to drill out a shot in the company's claim.

Darling Downs Gazette and General Advertiser 23 January 1869: The death of Mr Jewell, a man with whom Dr Byrne shared an interest in a mine is described vividly. Dr Byrne and Dr Burke attended Mr Jewell who 'fell down a mining shaft in a

stooping position. The spine appears to be dislocated in two or three places and the bone can be seen through the flesh. Mortification of the lower extremities set in some days ago, and has extended ever since, so that it is not surprising that he sufferer, though resigned and quite sensible, has long prayed for death. His son-in-law, Mr George Myers, who came up from Brisbane, and other gentlemen, have been most assiduous in their attendance upon him, although they could do nothing but administer stimulants, and anxiously hope that his suffering may not be prolonged.' Drs Byrne and Burke who had predicted his death from the time of his fall down the shaft, were most surprised at his constitution to last eight days from the time of the accident. It must have been some source of great grief for Dr Byrne to see a partner die in this awful way, as well as feeling helpless to save him.

The Queenslander 5 June 1869: An example of another horrendous mining accident.

A very serious accident happened to Mr. Henry Hargreaves, at his claim on the Caledonian Reef. He had been placing shots in two drives at a 50-foot level ; his mate, after assisting him to fire the fuse, went up to the top of the shaft, followed, as he thought, by Mr. Hargreaves. As the latter did not appear, however, he gave the alarm, but soon afterwards one of the shots went off, and in a short time the other also. Men were lowered directly. They found Mr. Hargreaves lying on the bottom of the shaft, conscious, but hardly able to speak ; he had sustained a fearful gash on the head, and had to be carried to his residence, where he was attended by Drs. Byrne and Burke. The following night he suffered greatly, being attacked by fainting fits, but afterwards a change for the better took place. It is believed that one of the veins of the brain is bruised. The accident happened through the ladder breaking whilst Mr. Hargreaves was about 12 feet from the bottom of the shaft ; being a heavy man he fell to the ground, striking his head violently against the rock. One of the blasts was merely a "lifting shot," and did not do much harm ; but it is miraculous that the second did not shatter him to pieces. Providentially, however, it blew into the face of the wall instead of outwards, as was expected.

Gympie Times and Mary River Mining Gazette 15 June 1870: Dr Byrne attended 'Mr Corry, the proprietor of Foos' Hotel... [who had] accidentally trod on a stone, fell to the ground, and sustained a fracture of the ankle.' The accident which happened to Mr

Corry on Saturday 11 June 1870, was going to keep him indoors 'for the next four to five weeks.'

Gympie Times and Mary River Mining Gazette 1 October 1870: Dr Byrne attends with Dr Mason (a doctor on a visit to Gympie who later stayed) a young boy who suffered extensive injuries and died as the result of being thrown off a horse. Dr Byrne attended the boy at his father's house after he had been sent into town by Dr Burke on a litter. All three doctors agreed at the enquiry into his death before the Police Magistrate that 'the boy could not live long' following his injuries. Below is the report on this matter as it appeared in the Local and General News Section¹⁷²:

It becomes our melancholy duty to have to record an accident accompanied by a fatal termination which occurred on Wednesday last, to a lad of the name of Boddington, the third son of a very old and respected resident on this goldfield. The sad circumstances of the case, so far as we have been enabled to gather them, are as follows:—On the morning of Wednesday, Mr. Buckland, the manager, of the Bank of New South Wales, being anxious to send out a note as far as Mr. King's place, at the Commissioner's Camp, and seeing the boy Boddington standing about idle, asked him if he would like a ride, the boy said yes; and Mr. Buckland mounted him on his horse, Loadstone, and away he went. The lad arrived safely at the Camp, and delivered the note, and on his return was asked by one of Mr. King's servants to bring a parcel into town; he took the parcel and started, but it appears the horse became frightened and bolted, and knocked the poor boy off against the limb of a tree. The horse was seen to come into town riderless, and Mr. Staley went out immediately in search of the boy, and found him

laying speechless near the track. Dr. Burke was promptly summoned to the scene, but from the first expressed no hopes of the poor lad's recovery. By the doctor's direction he was placed on a litter, and brought into town to his father's residence, and was then attended by Dr. Byrne and also by a Dr. Nason, who happened to be in Gympie on a visit; nothing, however, could be done for the unfortunate little sufferer, and he expired about 1 p.m. without ever breathing a word, except a few imperfect ones to his poor mother. The funeral took place on Thursday afternoon, and was most numerous and respectably attended. We need scarcely add that the occurrence has been a sad blow to his family; the boy was, indeed, well-known, and liked by a large number of persons who really, at first, could hardly realise the fact that he was no more. An enquiry into the cause of death was held yesterday afternoon by the Police Magistrate, and the following witnesses were examined, viz.:—C. J. Buckland, Maria Weir, John Staley, Charles Boddington, Thos. Price, and Dr. Burke. The evidence went to prove the accident having taken place, as we have stated, on the boy's return to town. Price gave evidence to the effect that he cautioned the boy, when he was starting, about the horse; he seemed, however, quite confident, and said there was no fear. Dr. Burke said that there were extensive injuries of the right side of the chest and shoulder, that nearly all the ribs on that side were broken, some of them in two or three places; the right arm was broken in two or three places, and the right shoulder blade. From his surmise that there had been an extensive tear of the right lung, he felt sure that the boy could not live long; and after his removal into town, when Dr. Byrne and Dr. Nason saw him, they were both of the same opinion also.

¹⁷² The Gympie Times and Mary River Mining Gazette 1 October 1870

The Queenslander 2 April 1870: Another bloody accident, this time not related to a mining incident!

On Sunday morning the town was thrown into a state of excitement by a report that Mr. P. Millerick had been stabbed at Junin's Hotel, and was in a dying state. The appearance of some constables, having a Chinaman in custody whose hands were bloody and whose appearance showed that he had recently been engaged in a struggle, added to the excitement. On inquiry we found that Mr. Junin had given Mr. Millerick permission to get some fire in an oil-can; the Chinese cook, who, it is said, had instructions not to allow anyone to meddle with the fire, tried to prevent him; Millerick then struck him with a fire-stick across the chin; a short time elapsed, after which the cook tried to remove the oil-can; Millerick interfered and then the Chinaman stabbed him in the left side with a knife. The weapon penetrated the floating rib and beyond it, though fortunately without cutting the intestines. It was feared that there was little hope of the sufferer's recovery, and his depositions in regard to the facts of the case were taken; however, no internal injury was sustained, and the patient was out of danger on Tuesday morning. The Chinaman was immediately arrested, and brought up on Monday morning at the Police Court. No further particulars were elicited, and the prisoner was remanded for a week. Mr. Millerick has been attended by Drs. Byrne and Burke.

[We have since learned by telegram that the Chinaman was tried at the Gympie District Court, on the 25th instant, for the offence, found guilty, and sentenced to eighteen months' imprisonment.]

Gympie Times and Mary River Mining Gazette of 13 April 1870: Dr Byrne conducts the post mortem (assisted by Dr Burke) of Mr R Forrest, Postmaster and Acting CPS at Kilkivan, who was found dead in his bed. The post mortem was supported by a magisterial inquiry.

Gympie Times and Mary River Mining Gazette 2 November 1870: In the Gympie Police Court, Dr Byrne in evidence deposed that a child named Ann Jane Howden was a confirmed idiot and dangerous to herself, was sent to Lunatic Reception House, Brisbane for one month.

Gympie Times and Mary River Mining Gazette 22 April 1871: Laurence Power and James Hays were seriously injured around 230am on Thursday 20 April 1871 at the Nos. 2 and 3 North (amalgamated) Hilton mine, when the spark from a rammer set off an explosion before both these men could be hauled out of the mine.

Gympie Times and Mary River Mining Gazette 5 October 1872: An inquiry had been undertaken to determine the cause of death of a certain Margaret Duggan, whom Dr Byrne had attended before she died. Dr Byrne using his usual approach of verbose statements to the editor of the *Gympie Times* often when he wanted to defend himself in some way, had written a letter in his usual acerbic tone to express the fact that he had been denied a contribution to the inquiry, and that he had to make the statement so the 'unprofessional reader'¹⁷³ of the *Gympie Times* would be clear about his role at the time of her death. Dr Byrne had attended Margaret Duggan a couple of days before her death and had administered certain mixtures to her when she was already in a state of what he describes as 'stupidity' or disease. In the event when Margaret Duggan died a medical expert Dr Taylor diagnosed her death to have been cause by narcotic poisoning, related to the use of excessive opium grains. Dr Byrne's letter emphasizes his view that she did not die of narcotic poisoning. By 1872, Dr Byrne opines that he had been in the medical profession for some 25 years and had had experiences with seven cases of narcotic poisoning, claiming that on this basis he knows the symptoms of narcotic poisoning well. It appears that the deceased was under sixteen years of age. Dr Byrne's expertise suggested to him that the 'deceased was suffering from disease of the brain when first seen by me. Proof: her dullness of apprehension and rambling, & within an hour after the visit, and the fact of showing the symptoms ten hours before taking the narcotic poison. Secondly, her resisting to take the powder and therefore wasting much of it. Thirdly: when in a state of coma the utter inability of the friends or anyone to rouse her all night or prior to death. 4thly. the state of coma lasting from 9pm to 2pm, a period of 17 hours. 5thly. the total absence of lividity of countenance or stertorous breathing. 6thly. The dose of opium being only a medicinal one (two grains) and its narcotic properties diminished by the ipecacuanha, and then not more than half taken. 7thly. The time which supervened between the dose and death (17 hours), and lastly, to the total

¹⁷³ The *Gympie Times and Mary River Mining Gazette* 5 October 1872

absence of any 'post mortem' appearances to account for 'narcotic poisoning', whilst there existed ample evidence in the lungs to account for death.¹⁷⁴ Dr Byrne signed this letter 'Licentiate of Royal College of Physicians, Edinburgh, Member Royal College Surgeons, London' as he concluded 'for the benefit of the officials with a quotation from my favourite author "Taylor's Jurisprudence," page 15, who says: "on the other hand the occurrence of symptoms resembling those produced by poisoning soon after food or medicine has been taken may be a pure coincidence. In such a case, poison is always suspected by the vulgar, and it will be the duty of the medical jurist to guard against the encouragement of such a suspicion until he has strong grounds to believe it to be well founded. No public retraction or apology can ever make amends for the injury which may in this be inflicted on the reputation of another, for they who hear the accusation may never hear the defence."¹⁷⁵

Dr Byrne in his letter quoted Dr Taylor to justify his claim that narcotic poisoning was not the cause of death as well as to indirectly complain that his reputation had been tarnished. Dr Byrne always made it known in the *Gympie Times* when he thought his professional or personal reputation had been tarnished in some way, which seemed to occur often and explains why many of his written communications or reports about him appeared in the *Gympie Times* during his period of time in Gympie. It also helps to explain the rather negative reputation he brought upon himself. Many a time he pointed out how superior to others he was, or he refuted what had been said about him. This incident will have occurred shortly before Dr Byrne was readying to return to England for a short time.

The news of the world today is often peppered with stories of drugs, and of course palliative care patients can be administered doses of morphine to help deal with their pain or other associated conditions. The use of opium as a medicine was routine in Dr Byrne's time so the text he quoted on the use of opium for his defence makes interesting reading, 'Now what says Dr Taylor, than whom a higher authority cannot be quoted, in his work on medical jurisprudence anent poisoning by opium (the drug used). In page 186-"The medicinal dose of opium in extract or powder for a healthy adult varies from half a grain to two grain. Five grain would be a very full two grains. Five grams would be a very full (not poisonous) dose. The smallest dose of solid opium which has been known to prove fatal to adult is a quantity equivalent to four grains of crude opium. The smallest dose of the tincture (recorded same page) is two drachims or equivalent to over 6 grains of crude opium, the case having lasted only

¹⁷⁴ The *Gympie Times* and *Mary River Mining Gazette* 5 October 1872

¹⁷⁵ The *Gympie Times* and *Mary River Mining Gazette* 5 October 1872

twelve hours. But (he goes on to say) the quantity actually swallowed appears involved in doubt, for it is subsequently stated that half an ounce or four drachims may have been taken." Now what same authority state in his work on "poisons," page 588- "one of the greatest distinctions between the coma of disease and that of poisoning by opium is that in the latter only can the patient be readily roused and made to have a temporary consciousness. In a doubtful case, therefore, therefore this condition should be looked for." Again, in page 600 is the following remark, viz. "lastly the operation of opium is much modified by combination with other substances. Its narcotic properties are diminished by combination with ipecacuanha, a powder which existed in the dose ordered in the same ratio as the opium itself." The same author lays it down as a rule (page 602), that "most cases of poisoning by opium prove fatal in from six to twelve hours." Those who recover from the stupor and survive longer than this period generally do well." In his "Medical Jurisprudence," under the head of "Symptoms (page 183) he states that "in a later stage when coma has supervened, with stertorous breathing it will be difficult if not impossible to rouse him." Great stress was laid to explain the deceased "tearing the bedclothes, &, after the bottle, which contained in sixteen doses two drachims of tincture of Henbane, or 7½ drops to a dose, while the medicinal dose (page 723 Taylor on Poisons) is from half a drachim to two drachims, or 30 drops to 120. As to the positive assertion that adult age was not arrived at prior to 21 years in the female, it is too preposterous to talk about, but I recommend any man who holds such a theory to study the author I have quoted so largely, together with the effect of climate on the sex."

In April 1871, Dr Byrne's appeared before a Magisterial Enquiry regarding the death (suicide) of a John Bradley. From the report 'Theodore Edgar Dickson Byrne deposed that he was a legally qualified medical practitioner and surgeon to the police at Gympie. As such he went to the deceased tent, One-Mile road, on Monday morning last, at a quarter past 3'oclock [am] and there found deceased in articulo mortis, with a bullet wound in his right temple. Deceased died about fifteen minutes after his arrival.' Before G. Faircloth Esq., P.M., 'Dr Byrne deposed that he had made a post mortem examination of the body of the deceased, and found that the death of John Bradley was caused by a bullet passing through his brain, entering at the right temple, and proceeding through the brain to the top of the skull, from whence it descended and lodged in the base of the skull. A bullet from the revolver produced would have caused such a wound'. It took William Condel who was hauling the men up from the mine, about fifteen minutes to run at speed to Dr Burke's house where he awoke him around 3am. Condel asked Dr Byrne to go immediately to tend to Power and Hays, but Dr Byrne refused by saying emphatically 'Go and shove them in the Hospital.'" Condel tells the story that 'I remonstrated with him, moderately at first, but afterwards roughly;

remonstrance was useless.¹⁷⁶ Condell told Dr Byrne that the men could not be moved, but still Dr Byrne told him to shove them in the Hospital. Even though Dr Byrne was at home he bed, he gave Mr Condell the excuse that he was tending a sick woman. Mr Condell went back to the claim, and finally around eight and a half hours later, Dr Byrne arrived around 11am the next day, the men refused to have him treat them. The men told Dr Byrne "No! never! - we shall rather die than accept of his services now. We shall wait for the return of Dr. Benson from Maryborough."¹⁷⁷ The man who when he wanted to win election called himself the miner's friend was 'hotted off the ground by about 30 miners present, and narrowly escaped being subjected to the operation of "Lynch law".¹⁷⁸ Dr Benson was expected to arrive in Gympie around 12 midday, which even though the men were suffering from enduring great pain would be not too long to wait. By then they would have been waiting around nine hours for treatment for their horrific wounds, Power in particular having sustained a fracture hand.

In most newspaper reports Dr Byrne comes across as an irascible quick tempered man who drank a lot, and this incident, it could be assumed would have been indicative of this consistent behaviour.

Dr Byrne knew that he had his inherited property at Elsiefields in Scotland, and this would have influenced his decision to leave Gympie. By 16 October 1872, Dr Byrne sold out to Dr Edwin Doudney, of whom Dr Byrne apparently spoke highly¹⁷⁹ and relinquished his practice to Dr Doudney. Almost immediately following, he tendered his resignation as Medical Officer from the Gympie Hospital at that monthly meeting of the Hospital Committee. The Hospital Committee accepted Dr Doudney's offer to replace Dr Byrne.

In terms of his reputation as a doctor, an article of 23 October 1872 was written at the time of his retirement and sale of his medical practice at Caledonian Hill to Dr Edwin Doudney.¹⁸⁰ The article emphasized that Dr Byrne was more a 'power on Gympie' and an 'impulsive doctor' and a person of 'true kindness of heart that lurked beneath his numerous eccentricities ... there are few prominent men in the district that have not, at one time or another, been brought into relations of a more or less lively kind with the impulsive doctor, and much good printers' ink has been spilt, and much editorial patience was wasted in the acrimonious discussions thus engendered'.

¹⁷⁶ The Gympie Times and Mary River Mining Gazette 22 April 1871

¹⁷⁷ The Gympie Times and Mary River Mining Gazette 22 April 1871

¹⁷⁸ The Gympie Times and Mary River Mining Gazette 22 April 1871

¹⁷⁹ The Gympie Times and Mary River Mining Gazette 16 October 1872

¹⁸⁰ The Gympie Times and Mary River Mining Gazette 23 October 1872

On 9 November 1872, he called for all parties indebted to Dr Byrne 'to settle their accounts with himself or his agent, Mr Hazell, not later than 18 November, in consequence of his speedy departure for Europe'.¹⁸¹ Again on 14 December 1872, Dr Byrne requested all parties indebted to him ... to pay the accounts to Mr. John Staley (Staley and Finney) ... who will also pay all demands made for mining work.

Following Dr Byrne's request for all parties who owed him money to come forward and pay their accounts, he had been in the Petty Debts Court for two cases T.E.D. Byrne v. C.J. Buckland and T.E.D. Byrne v. G. W. Gaynor. Mr. Gaynor responds to Dr Byrne's letter to the Editor of 23 November 1872 bemoaning his maltreatment by the Bench of the Petty Debts Court in a letter to the Editor, which all but calls Dr Byrne a charlatan in the manner in which he goes about charging fees and trying to bolster himself up as a 'worthy man'.¹⁸² Dr Byrne seemed to have issue about the payment or non-payment for his services from the beginning of his time in Gympie right until he left Gympie. Mr Gaynor further describes Dr Byrne as a 'false prophet' and someone who tells 'falsehoods from beginning to end.'¹⁸³

He apparently continued to make himself unpopular right up until he was due to leave for Scotland on 14 December 1872, as he is reported to have made bids for sites at the Christmas Races. One gets the feeling that he would jump at almost any chance to make a profit– in this instance he bought 'two sites and a fruit stall and afterwards sold the former at a profit and presented the stall to Garner, the blind violinist'.¹⁸⁴

It is easy to forget that as a doctor in this gold mining town, with mines located in Imbil and Kilkivan, and farms all around, that Dr Byrne had to be a fine horseman. He would often ride out to these places and to Brisbane and to Maryborough and back. He had to carry all of the medical equipment he needed and even tents on the back of his horse. Not only that, people and the Police expected him to attend them in double quick time when serious accidents occurred. His other medical colleagues were also under the same expectations with their horse riding skills. History as we have found it never records any complaint or injury he may have endured because of his horse or the hurry to be in attendance to save a life.

Dr Byrne returned to Gympie in March 1874 after his sojourn in Scotland and England. In March 1874 Dr Byrne advertised that 'he can be consulted at Croaker's Hotel daily

¹⁸¹ The Gympie Times and Mary River Mining Gazette 13 November 1872

¹⁸² The Gympie Times and Mary River Mining Gazette 27 November 1872

¹⁸³ The Gympie Times and Mary River Mining Gazette 24 November 1872

¹⁸⁴ The Gympie Times and Mary River Mining Gazette 14 December 1872

before 12 o'clock on and after March 16—fee—One Guinea'¹⁸⁵, (Croaker's Hotel/Inn had been in operation almost immediately after gold was discovered) In the same paper, is an announcement that reads 'Our old acquaintance Dr Byrne announces that he may be professionally consulted at Croaker's Hotel on and after Monday next; we therefore presume that he has returned from the old country and intends permanently resuming practice in Gympie.' This period of his consultancy only lasted a short time when on 24 March 1874, Dr Byrne sailed on the steamer *Culgoa*¹⁸⁶, on his way to Brisbane to return to England. The *Culgoa* arrived in Brisbane on 25 March 1874¹⁸⁷. He departed on March 30 1874 on the *Balclutha* (S.N. Co.s 262 tons) bound for Rockhampton. The assumption could be made that he went to Rockhampton to follow Esther Warford who travelled there immediately following her departure from Gympie in 1873. Ms Warford had married in Sydney on 14 March 1874 in Sydney, so his journey may have been fruitless in his search for her. The *Balclutha* departed on 8 April 1874 sailing directly for Sydney¹⁸⁸, but Dr Byrne is not shown on the passenger list.

In the same year, and clearly not too long after he arrived back in England, he married his second wife in Cornwall on 26 November 1874. As he had done in 1866 leaving his wife and two daughters behind in England, he left Esther Warford and her four year old boy, George Edgar Warford, allegedly his son. By the end of 1874, both had separately married other partners.

¹⁸⁵ The Gympie Times and Mary River Mining Gazette 14 March 1874

¹⁸⁶ The Gympie Times and Mary River Mining Gazette 28 March 1874

¹⁸⁷ The Brisbane Courier 26 March 1874

¹⁸⁸ The Rockhampton Bulletin 9 April 1874

Chapter 6. Dr Byrne's Failed Political Career

Dr Byrne harboured an ambition that he would make a great person to represent the people of Gympie in the Queensland State Parliament's Legislative Assembly. He lost badly when he stood for election on two occasions, in August 1870 and July 1871. After his return to Scotland in 1874, he tried again as an Independent Conservative and again lost badly. From the History of the Burgh of the Dumfries¹⁸⁹ it is recorded that 'Mr. E Gordon a London Solicitor, was the official Conservative candidate, and Mr. T. E. Byrne of Elsiefields also entered the field as an independent Conservative and lost badly.'

Dr Byrne was registered in the Wide Bay Electoral Roll as 'Byrne, T E Dickson, Commissioner's Hill'.¹⁹⁰

On 27 July 1870, he addressed the electors of Wide Bay at the Apollonian Hall. On 29 July 1870, he again addressed the electors at the Varieties Theatre where he explained his political views. However 'some of his assertions about Mr King, Mr Tozer and Mr Hamilton were flatly contradicted by them. Dr Byrne condemned the absence of the [*Gympie Times*] reporter as a 'political dodge'; 'well, we have only to say that if he expects a bi weekly journal to report his electioneering speeches at length, and also do justice to its readers who are interested in other matters, he asks too much'. Still, the vote of confidence in him was unanimous and cordial.

Dr Byrne's basis for appealing to the electors was that it was time 'somebody was sent to parliament to represent the constituency of Wide Bay who would look after the interests of Gympie'. As he did in Scotland, he stood as an independent candidate, not aligned with any party, emphasising that he would not be 'brow-beaten in the House by any Party' and said he would go into Parliament as 'the working man's friend'. Dr Byrne believed that the miners in Gympie had lost a lot due to improper decisions of the Commissioner for Mines. He advocated a similar system to that in Victoria—one of a Mining Board and a Court of Mines. Other key issues included in his speech were:

- Gympie needed capitalists;
- The gold Mining Laws in relation to claims and disputes were not suited to attracting investors and the processes needed to be changed so that the working miner could better understand the provisions of the laws. What was needed was the establishment of Mining Boards and a Court of Mines such as that which Victoria had;
- The taxes on gold and the ad valorem taxes needed to be abolished;

¹⁸⁹ McDowell, William and Truckwell E. History of the Burgh of the Dumfries 1972. Page 840

¹⁹⁰ The Gympie Times and Mary River Mining Gazette 3 August 1870

- The Government needed to establish an assay office on the principal gold field in Gympie, so that miners could get the full value for their gold;
- Revenue should be obtained from taxing every acre of freehold unimproved land to compensate for the abolition of taxes on gold; and
- He was in favour of national education.

At this meeting, Dr Byrne received support from a Mr. Henderson who shared Dr Byrne's views and stated publicly that 'Dr Byrne was the most useful man in the colony that electors could have to represent them. Mr Henderson moved that 'Dr Byrne is a fit and proper person to represent this constituency', this being carried unanimously at the meeting. It would be a fair observation that based on his views, he did have some forward thinking insights, but his manner would let him down as would the electors.

In early August 1870, a Herbert Rogers had quite strongly disagreed with Dr Byrne's being fit or proper to represent the citizens of Wide Bay on the basis that Dr Byrne had allegedly made a statement derogatory to Catholics 'I do not believe in the oaths of a Roman Catholic made on the English Bible. But, the wretches, I'll make them swear on the Douay Bible'.¹⁹¹ The letter also contains another example of Dr Byrne's coarse behaviour 'What caused Dr Byrne to go about the diggings for the last few days burs soiree lately given in aid of the Catholic School? What motive but a consciousness of his own penchant for election trickery? ... the low buffoonery and coarse personal invective he has had recourse to in his electioneering speeches as seldom used by a scholar, the politician, or the gentleman. He seems to consider his style of abusive spouting the most effectual argument he can bring to bear upon the obtuse intellect of his hearers... how can I ask this man make laws for the suppression of crime, or for the protection of public morals?'¹⁹² Herbert Rogers makes the point that 'all intelligent men know that Dr Byrne's only trump card is the suppression or misrepresentation of facts'. A little more of Dr Byrne's character was revealed via this article in that Mr Rogers intimates that Dr Byrne told the *Gympie Times* that he hoped his bullying 'would not be taken as personal, as it was merely political'.¹⁹³

Dr Byrne held his fourth meeting in relation to his campaign for the Wide Bay Election on Monday evening of 8 August 1870 at the Varieties Theatre¹⁹⁴. His speech was largely a condemnation of Mr King, the Gold Commissioner in very personal terms. He put forward nothing to allow electors understand what he himself was offering as a candidate: 'Mr King could not properly represent the people, as he essentially a squatter.

¹⁹¹ The *Gympie Times* and *Mary River Mining Gazette* 10 August 1870

¹⁹² The *Gympie Times* and *Mary River Mining Gazette* 10 August 1870

¹⁹³ The *Gympie Times* and *Mary River Mining Gazette* 10 August 1870

¹⁹⁴ The *Gympie Times* and *Mary River Mining Gazette* 10 August 1870

He advocated trial of mining disputes by a judge and jury of miners with an appeal to the Supreme Court alone.' Dr Byrne condemned Polynesian labour as slavery and stirred up the meeting by inferring that King would have his mine employees supplanted by niggers. He fundamentally tried to convince the crowd that King could not be trusted. He also made an attack on another contender for the Wide Bay Elections, Mr John Hamilton of the One-Mile. This was in relation to the treatment of a patient at the hospital. The meeting ended with Dr Byrne attempting to bully and intimidate one of the *Gympie Times* reporters and there being three cheers for Dr Byrne.

The full speech as published follows,¹⁹⁵ and is then followed by Herbert Rogers' letter to the public of Gympie after Dr Byrne made this address, only served to provide more evidence of Dr Byrne's unfortunate character¹⁹⁶. His letter began 'to the Public of Gympie, at the meeting held by Dr Byrne ...

¹⁹⁵ The Gympie Times and Mary River Mining Gazette 10 August 1870

¹⁹⁶ The Gympie Times and Mary River Mining Gazette 10 August 1870

WIDE BAY ELECTION.

At the Varieties Theatre, on Monday evening, Dr. Byrne held his fourth meeting, at which Mr. Corry took the chair. There was a crowded attendance.

The following is an abridgement of the candidate's remarks upon subjects not before dealt with:—He contended that Mr. King could not properly represent the people, as he was essentially a squatter. He advocated trial of mining disputes by a judge and jury of miners, with an appeal to the Supreme Court alone. He condemned Polynesian labour as slavery, and pointed out that the Polynesians were employed, not only in sugar and cotton growing, but in many other industries in which white men ought to be employed. He would let the Polynesian come here of his own free will, but he would not have Europeans deluged into coming from their own country to compete here with the niggers, who were paid £6 per year. How were the miners on Messrs. King and L. rd's claims to know that they would not be supplanted by niggers who would receive this sum? He had met Mr. King fairly and like a man at Maryborough, and had beaten him on the question of Polynesian labour, what did Mr. King do? Why, he immediately rode off to Gympie and held meetings, attended by his quack doctor and mountebank. Mr. King's inconsistency was shown by this: that he would admit the Kanaka as "a man and a brother," and yet would not, if he became a naturalised citizen, and otherwise qualified, to become an elector. He attacked Mr. King for "perversion of the truth," and the *Gympie Times* for publishing articles and letters against him (Dr. B.) In reference to what he had

said of Mr. Lillis, he had a right to make use of any political chance. He certainly had alluded to Mr. Lillis as having served behind Mr. Young's counter, but it was only whilst asking how that gentleman would have liked to have been thrust out of his billet by a Kanaka at £6 per annum. Mr. King's remarks were—not lies—but most "damnable perversions of the truth." He (Dr. Byrne) explained the transaction of his watch and chain being sold, as being a sale under an execution, whilst he had been absent. As for holding meetings before the nomination, the state of the case was this, he had proposed to Mr. King that they should occupy the same platform at meetings, but had afterwards told him that he had been advised by his agents to withdraw that proposition, and to hold his meetings separately. If there were any pledge not to hold meetings before the nomination, why did Mr. King trot him (Dr. Byrne) out after the municipal meeting, whilst he was quite unprepared to speak? Having mentioned other "perversions of the truth" on the part of Mr. King, he said that if a man was a liar he was not fit to represent such a community as this. He said these things not in malice, but in defence of his character. He condemned the £1 fee, thinking that the Commissioner should be in a similar position to a Police Magistrate. In allusion to Mr. King's candidature, he said that in ancient times Kings were accompanied by their quack doctors and jesters; and he attacked Mr. Hamilton, a man whom he had to pro-

secute for following a learned profession without proper qualification. A young man might be seen at the Hospital now laid up there through Hamilton, who had treated him for a disease he did not understand. He did not mention this in malice, but to show the sort of persons who attacked him. Then there was the native lawyer, who was born like a possum under a gum-tree, and who had adopted a profession he was a disgrace to.—Mr. Tozer. He had told the meeting at the Apollonian Hall that he (Dr. Byrne) had been compelled to come to him to have a report of five or six lines written! Mr. Tozer perverted the truth; he (Dr. Byrne) simply went to him, as a client, to have the report put into legal phraseology for which he expected to pay a fee. And yet Mr. Tozer had divulged the secrets of his profession and perverted the truth. Some allowances must be made for him, as he was a native, but had he been in the home country he would, for such a breach of trust, had his robes stripped from him, and have been scouted from society. His (Dr. Byrne's) opponents had tried to stab him in the dark by setting a section of religion against him; and by having blackguard pamphlets stuck under the doors of Gympie residents. He thought that it was disgraceful when he had pledged himself publicly that the *Gympie Times* should say that "it was a pity the electors could not trust him." After further remarks Dr. Byrne answered several questions in a manner satisfactory to the meeting. He was repeatedly cheered. The *Chronicle* was cheered for reporting his speech; and the *Gympie Times* lustily groaned at for opposing him. The vote of confidence was almost unanimous.

After an attempt by Dr. Byrne to bully and intimidate one of the proprietors of the *Gympie Times* into a breach of confidence, in which he was assisted by Mr. Seowen, and which failed, the meeting closed with a vote of thanks to the Chairman and three cheers for the candidate.

On Monday evening Mr. King addressed the electors, for the second time, at Ryan's Hotel, Muckland, where about 150 persons assembled. Mr. Whitby took the chair. After explaining his political views, Mr. King satisfactorily answered some questions, after which a vote of confidence in him was passed. There were no personal allusions and the meeting was of a most orderly character.

Last night Mr. King held another meeting, at the Varieties Theatre, where the supporters of each candidate were present in great force. Mr. King's political sentiments were listened to with attention, after which he answered several questions. During the latter part of the proceedings there was a great amount of cheering, counter-cheering, groaning, and general confusion, according as the name of each candidate excited his friends or opponents. The usual vote of confidence was passed. Mr. McGhie was in the chair.

A night that individual made a characteristic and, consequently, unfair and unmanly, attempt to bully me into a contemptible breach of business confidence for the gratification of his spite and revenge, and this five minutes after having abused Mr. Tozer for an (alleged) similar betrayal of a business secret. I was endeavouring to obtain a hearing for the purpose of explanation when this "manly" person interrupted me, well knowing that my statement would convince those who had an atom of the spirit and honor of men, that I was asked to do a thing from which they themselves would shrink—to become an *informer*—a detested character even when the object is the public good, and not the gratification of private malice.

This "manly" creature, who challenges all opponents to "come upon the platform" and speak, would not allow me to offer a personal statement, but urged on the meeting, by melodramatic yells and gestures suggestive of his great work on Lunacy, to refuse to hear me; he succeeded, and the men whom he induced to forget the first principle of "fair play" are welcome to the credit of the achievement. I am now forced into a personal statement in print.

At the commencement of this contest a person came to the office of this paper with the printed slip entitled "The Doctor" and asked me if I would have a number of copies struck off. I replied that such a thing would be most cowardly and unfair, and I made use of these words as nearly as I can recollect: "I won't do it; I don't like Dr. Byrne, and he knows it, but if you're going to fight him, fight him fair; none of this sort of thing." "But," said the person, "it's all true." "I dare say a good deal is true," I replied, "but that's nothing; there are a great many things in every man's past life which he is ashamed of, and which it would be cruel to rake up in public. All truths are not to be told, and I won't do this. Besides, it's actionable." The applicant then simply said, "Well, I don't agree with you." and left the office.

Now whatever may be thought of this man's conduct in the transaction described I know him to be honest and truthful, and moreover he is no coward. He has not rolled helplessly drunk through the main street, chaffed upon his "political opinion" by little boys; he has not been publicly spanked across the face, in my presence, in Maryborough and not retaliated in a "manly" manner. He has not endeavoured to tamper with Mr. Tozer's clerk on the sly, trying to ferret out

secrets of Mr. Tozer's private life for the purpose of attacking him at a public meeting. Were this person to do such things I would tell him that he was what Mr. Hamilton would call him, "a liar, a cur, and a traitor."

Dr. Byrne well knew that he was sympathised with and defended in the *Gympie Times* in connection with this very printed slip, and he expressed gratification in reference to "the handsome letter Rogers had sent him," and so forth. He has accepted my explanation, public and private, in regard to the difficulty of reporting his speeches at length in a bi-weekly paper. But enough of this: all intelligent men know that Dr. Byrne's only trump card is the suppression or misrepresentation of facts.

What will even those men who howled and hooted at me, when this ex-officer in Her Majesty's service urged them on, think, when they hear that he has since expressed a hope that his bullying "would not be taken as personal, as it was merely political!" Such is the fact; he spoke this to one of the proprietors of this paper yesterday. What a man for a legislator! Even in his policy of intimidation and cunning he cannot be true to himself for a single day.

HERBERT ROGERS.

Another citizen of Gympie, J. R. McWilliam wrote in a letter to the Editor that Dr Byrne 'stands on a good political platform, viz., the liberal and progressive one.... [but he should not] use vituperation and slander as his weapons in the contest'. Mr McWilliam was referring to Dr Byrne's view that injustice had been done by the Crown Land Commissioners in respect of the Lady Mary P.C. and Alma mining claims. The intimation being made by Dr Byrne was that Mr H. E. King had been corrupt in the way the land claims had been marked out and handled. The underlying issue was the manner in which the *Mining Act and Regulations* had been framed without any knowledge of actual mining, so the boundaries of prospector's claim sometimes overlapped and meant the loss of dearly prized ground to some miners.¹⁹⁷ Commissioner King's more measured address¹⁹⁸ stood in contrast to that of Dr Byrne's:

¹⁹⁷ The Gympie Times and Mary River Mining Gazette 13 August 1870

¹⁹⁸ The Gympie Times and Mary River Mining Gazette 10 August 1870

THE ELECTION.
ROLL UP! ROLL UP! VOTERS!

MR. H. E. KING will ADDRESS the Electors

WEDNESDAY NIGHT, 10th August, at 8 o'clock,
at Jas. Ryan's, at the One-mile.

THURSDAY, 11th August, in Gympie.

TO THE ELECTORS OF THE WIDE BAY
DISTRICT.

GENTLEMEN,—Having decided, at the request of some of your numbers, to offer myself as a candidate for the representation of your district in Parliament, I now come forward to explain to you my opinion of the present state of affairs in Queensland, and declare the course which I shall follow, if

elector.

In the first place I must state that I am not an adherent of either of the political parties now engaged in conflict; I shall not pledge myself to support either Palmer or Macalister, but if I enter the House of Assembly I shall take my seat there as an independent member.

At the present time, however, I base my claims to your support on the ground that I am a determined opponent of the policy set forth by Mr. Macalister as that of the present Opposition. I will briefly recapitulate the resolutions proposed by Mr. Macalister as an amendment on the address to the Governor at the recent opening of Parliament, and explain my reasons for opposing the policy disclosed by them.

The first resolution condemned the Palmer Ministry because they were not prepared to impose additional duties on colonial produce imported from the neighbouring colonies. The second condemned them because they were not prepared to undertake a large extension of railways in the Southern corner of the colony at the expense of the colony at large. The third resolution declares that no additional members shall be granted or any attempt made to rectify the injustice of our present system of electoral division till the two-thirds clause of the Constitution Act has been repealed. The fourth, without expressing the policy of the Opposition, condemned the Ministry for not being prepared to introduce some measure to provide for the separation of the Northern part of this colony, and its erection into a separate dependency.

With reference to the first resolution, I may inform you that it has been declared by one of Mr. Macalister's principal supporters that the duties which they seek to impose will be a duty of one shilling a bushel on maize, and proportionate charges on all other imported colonial produce, flour included. Now, I am an opponent of this proposed scheme of taxation on two grounds. First, I am an advocate of inter-colonial free trade, as I believe that any attempt to restrict that trade will be most injurious to all the colonies, and that the effects of the isolation, to which the destruction of inter-colonial trade would condemn Queensland, would be more disastrous to us than to the more populous and wealthy colonies. Secondly, this tax would not be levied on the community at large but on certain classes only, and the class which would have to bear the largest portion of it would be the mining population, which, in my opinion, is already sufficiently taxed without the addition of further imposts on food and forage.

With reference to railways, I am opposed to the policy by which Districts which receive no benefit from them are heavily taxed to pay for their construction and maintenance; but if it were possible to arrange to pay for their construction in land, I would gladly see such works initiated again.

The third of Mr. Macalister's resolutions discloses the fact that it is the policy of his party to oppose any alteration of the present electoral divisions of the colony, or any augmentation of the number of members to be returned by them. As I consider that an Additional Members Bill should be the first measure brought before Parliament on their meeting, I am, of course, opposed to any attempt to postpone that bill till after the repeal of the two-thirds clause of the Constitution Act shall have been repealed and approved by Her Majesty, which will take probably not less than twelve months, perhaps more. Should you do me the honor to elect me, I pledge myself to support by every means in my power the immediate passing of an Additional Members Bill, providing for the due representation in Parliament of every part of the colony, the number of members allotted to each District to be in proportion to its population.

I shall also support such an alteration in our Electoral Law as will give a vote to every British subject who shall have been the holder of a miners' right for six months before the Election at which he claims to vote.

I shall also endeavour to support such an economical expenditure of the public money as may enable the Parliament to abolish the export duty on gold, and the *ad valorem* duties. There are, no doubt, many other measures required to reform both our laws and the administration of our Government; but I do not believe that such questions can be satisfactorily dealt with by a House which does not represent the colony or the people of Queensland; it will be impossible to prevent jobbery, or to obtain impartial legislation on any subject as long as the few constituencies which at present return a majority of the House, can be bought over by an unjust and extravagant expenditure of the General Revenue within their boundaries. In fact, it is useless to expect real reform of any abuses until we have a reformed Parliament, and having informed you of the nature and extent of the reform in the Representative body which I am prepared to advocate, if elected, I consider it unnecessary to protract my address any further, especially as before the election I shall have opportunities of meeting you, and of answering any questions which you may put to me on those subjects which I have not mentioned here.

I remain, Gentlemen,
Your obedient servant,
H. E. KING.

The Wide Bay Elections were held in August 1870. Mr H. E. King, the Gold Commissioner, won the seat to be the Member for Parliament for Wide Bay which included Gympie. Being true to curmudgeonary character, Dr Byrne of course wanted to challenge the result; he could not conceive that he had not won the election or that his mode of electioneering did not inspire confidence in the electors, despite his plea of being the miners' friend. So on Friday evening of 5 August 1870, he demanded a poll be taken by a show of hands.¹⁹⁹ Dr Byrne lost 143 votes to 54. Mr King remained the member from 1870 to 1874.

In May 1871 almost twelve months after the election, he was still smarting from not winning the seat of Wide Bay in the Queensland Legislative Assembly. One of his letters of 17 May 1871 reflecting on Mr King was dismissed by a writer to the Editor as a 'loosely written, ill-timed, and nonsensical letter... [and that the writer] could contradict, repudiate, and decapitate every sentence. He [Dr Byrne] is like the famed astrologer whom the fableist, Aesop, relates to get his reasons 'from the bottom of the bottle'...paragraph 3 is literally crammed with verbiage, which would verily puzzle the intelligence of the most astute hieroglyphical decipherer to unravel.'²⁰⁰

Dr Byrne was prone to using a form of convoluted often untrue verbal abuse when issues irritated him, and he *was* easily irritated. He frequently published tirades in the *Gympie Times*. What comes through from the many newspaper reports is that on the many occasions when he did speak in public, his speeches were characterised by a great deal of haranguing rather than being logical or factual. In July 1871, the *Gympie Times* included a strong comment about one of his letters 'Dr Byrne did not speak as he asserts he did, and the persons who were present on this occasion will bear out the substantial correctness of our report. Our impression is that Dr Byrne had a very confused idea of what he was talking about. Ed. G.T.'²⁰¹ This statement by the Editor of the *Gympie Times* had had to be made following Dr Byrne's letter of correction submitted after he had been at a meeting of Mr King, and obviously had made a number of comments there which required correcting. Dr Byrne's letter read 'Sir, allow me to correct the report in your last issue as to what I said at Mr King's meeting, viz.: 'if the Opposition pledge themselves for local taxation in the places where public works or railways run, and not tax the whole colony for the benefit of a mere section, I will pledge myself.' etc, this is very different to giving unconditional pledge as reporting.'²⁰²

¹⁹⁹ The *Gympie Times* and *Mary River Mining Gazette* 6 August 1870

²⁰⁰ The *Gympie Times* and *Mary River Mining Gazette* 20 May 1871

²⁰¹ The *Gympie Times* and *Mary Riving Mining Gazette* 1 July 1871

²⁰² The *Gympie Times* and *Mary Riving Mining Gazette* 1 July 1871

The flawed character of Dr Byrne continued to be revealed following attempts to win the July 1871 Wide Bay Election and is shown in the public analysis of the candidates. For Horace Tozer who won the seat 'even though those Gympie residents who have had personal and legal differences with Mr Tozer, the representative for the Liberal cause, shelved them for the time and did their best to make his election as nearly unanimous as possible; for Mr Henry Palmer, his 'chance of being elected was very slight ... he treated the electors in an offhand manner, not thinking it necessary to come to Gympie and woo their 'sweet voices.'²⁰³

But the stark contrast of comment when it came to Dr Byrne speaks for itself, and is an indictment on the man that could not blend, sit, or represent the community in almost any endeavour he pursued, whether it be medicine, mining investments and or politics.

²⁰³ The Gympie Times and Mary River Mining Gazette 15 July 1871

We shall say little more than is necessary of the third candidate. Although having invariably offered strong opposition to Dr. Byrne as a public man, even when he was most popular, for we never could believe in him, we feel sorry that the advice of his friends, and his own singular want of political morality, should have led him into a maze of contradictions and inconsistencies terminating in disaster and humiliation. But his case is not so uncommon; there are many instances of men possessed of a certain superficial ability, fluent and unscrupulous in speech, ready-witted, and fond of popularity, who have come to signal grief through greatly over-estimating their influence, and undervaluing the intelligence of the people. Popularity is, no doubt, gratifying enough at all times, but to be deserved and lasting, it must have for its foundation something more substantial and more worthy than mere highly seasoned clap-trap. Dr. Byrne has now met the fate which was inevitable, sooner or later; but if he is the man we take him for he will pluckily accept "the situation" without flinching, profit by its somewhat over-tough lesson and endeavour to win his way back to public favour more by actions, and not so much by words.

With regard to the conduct of those persons who aided Dr. Byrne to deceive himself, and then left him in the lurch, we can only say that they fully deserved the expressions of popular contempt which have been so plentifully showered upon them within the last two days.

204

Public feeling against Dr Byrne built up during his 1871 campaign for the Wide Bay State seat. When was the last time anyone saw a crowd of three hundred people in Mary Street? Well it happened on 12 July 1871, when Dr Byrne rode into to Commissioner's Hill, where around 7pm 'two to three hundred people were around him, jeering, groaning, hissing, and otherwise expressing their indignation and hostility. Dr Byrne was followed down Mary Street for some distance. He suddenly turned back, however, and rode into the police yard amid a tremendous uproar.²⁰⁵ He was struck with an egg at this point, and later went down to Croaker's Hotel.

²⁰⁴The Gympie Times and Mary River Mining Gazette 15 July 1871

²⁰⁵The Gympie Times and Mary River Mining Gazette 15 July 1871

In October 1871, Dr Byrne was the target of a letter to a regional newspaper, which purported to represent certain unethical and unfortunate elements of Dr Byrne's character in relation to his behaviour during the election campaign. The writer spends considerable explaining and repudiating certain accusations made by Dr Byrne, the emphasis of which was 'it seems to me unfair, to say the least of it, that this wretched, illiterate, mischief making fellow subscribing himself as T.E.D. Byrne should be allowed to palm himself off with impunity on the Maryborough public-as he formally tried to but signally failed, on Gympie our respected medical practitioner.'²⁰⁶ In the same month he was accused of intimidation and persecution against the Gympie Miners in the 1871 Wide Bay Election. His façade of being the miners' friend was simply that, a façade. Some of the florid comments made which support this pretence he made to be the friend of the miners, include²⁰⁷ :

²⁰⁶ The Maryborough Chronicle Wide Bay and Burnett Advertiser 31 October 1871

²⁰⁷ The Maryborough Chronicle Wide Bay and Burnett Advertiser 31 October 1871

contrary. What a peculiar pair of optics Ted must be possessed of, for, contrary to all we know of the science of optics, the farther he recedes from any given point the greater becomes his discernment of the objects, and actions of objects, in and around said given point. This case of increased optical power of discernment, as one recedes in the dim distance, seems so singularly exceptional that it might be well to send it for record in the archives of some of the leading universities. Why, these wonderful pair of eyes far surpass the Yankee patent rifle gun that used to shoot round the corner. "Ted" next avers that not only "intimidation" but "persecution" of the grossest kind was the result. The result of what? I ask, "and pause for a reply." He then puts a series of questions—if they can be called questions—to Mr. Tozer, the first being— "Is it true that on my arrival I was assailed . . . by some two hundred rowdies?" &c. Well, Sir, I think it is a generally received rule that, in order to answer a question, one must first know what the question is, but here I defy any man to tell what exactly is the nature and extent of this question of "Ted." Does "on my arrival" mean the termination of some journey, the platform whence he spoke, or what else? "Ted" then goes on to particularise two individuals, whom he describes as the leaders of "some two hundred rowdies," but, would you believe it, one of them, Crawford, the bellman, was his chairman at the election meeting which he refers to. What impudence!

This "Ted Byrne," according to his own telling, convened, by advertisement, a number

of respectable citizens, in order to parade before them his aptitude to reflect their political sentiments in parliament, and he then opens the proceedings by placing in the controlling chair a street disturber, the joint leader of two hundred ruffians. I feel bound to say, however, that Mr. Crawford, the bellman, whom "Ted Byrne" thus brands as a blackguard, is a respectable, industrious, man, and far from being a street rowdy. Were "Ted's" remarks correct the people would have had every reason to be dissatisfied with his disreputable conduct, for it would have been an outrage on public decency. He next makes a most wanton, stupid, attack on our distinguished townsman, Mr. Mellor, saying that from his (Mr. Mellor's) *size* and *means* he should have known better. What sublime philosophy, dressed up in exquisite language. Here again "Ted's" knowledge of that branch of metaphysics called psychology is preeminently superficial. I, too, have "travelled through" a fair share of the "classic shades of yore," but have never seen therein anything, either expressed or understood, which would warrant me to conclude that extension of magnitude in any specific individual of the human genus, and a larger amount of means are indices of a greater intelligence. I would ask him ("Ted"), for the sake of information, where he finds the principle he enunciates, viz., that the intelligence of a man's mind is proportionate to the extent of his *corpus* in cubic measurement. I strongly recommend your correspondent "T. E. D. Byrne" to read attentively that excellent work of his illustrious namesake, Dr. Byrne, of Gympie, on "Lanacy and Law," and I am satisfied the perusal will dispel for ever his hallucinations on the relation between mind and matter.

"Ted" next asserts that intimidation was used by the mob in the case of Captain

Croaker, and in proof hereof he says they beset the captain's house, because he "did not please them by voting." Mark the words—because he *did not* please them by voting. According to "Ted's" own telling, then, the captain had recorded his vote already when the mob "beset" his house, yet he tell us he was "intimidated." I would ask the learned scribe to explain how is it possible to prevent a man to do what he has already done. *O tempora!* His ("Ted's") must be an obscure idea of the etymology and generally received technical meaning of the term "intimidation." "Ted" next gives it as his decided opinion that Mr. Palmer was "intimidated" in Maryborough because a rowdy mob "rushed" the mail coach on Gympie—Gympie and Maryborough being sixty miles apart! What finished burlesque!

He next complains that Mr. Hamilton read a letter "purporting" to be from Mr. King, to the effect that he ("Ted Byrne") had gone round the public-house bars in Maryborough "blackguarding" Mr. King. Now, whether the letter referred to was genuine or not, I know not, but I do know that T. E. D. Byrne tried his utmost to blacken Mr. King's character in Gympie, and I have it from eye-witnesses that he did the same in Maryborough. T. E. D. Byrne repeatedly asserted that Mr. King was an Orangeman, which was an impudent falsehood, and proved most injurious to the interests of the Liberal party, whom he (Mr. King) represented, in Maryborough. But it is useless to pursue this subject further. I declare emphatically that I corroborate Mr. Toser's testimony, that the charges of intimidation made by "Ted Byrne" and others against the Gympie miners are absolute falsehoods.

208

Dr Byrne remained incensed at the manner in which he was regarded by many in the community, as he often did. In December 1871, he wrote of 'willful, malicious and unmitigated falsehood' in respect of himself that had been published in the 22 November 1871 edition of the *Wide Bay and Burnett News* 'Dr Byrne the dummy candidate set up by Mr Walsh to annoy Mr King at the last election.'²⁰⁹ Dr Byrne with his

²⁰⁸ The Maryborough Chronicle Wide Bay and Burnett Advertiser 31 October 1871

²⁰⁹ The Gympie Times and Mary River Mining Gazette 2 December 1871

defiant character tells the reader he 'can live all calumny down'²¹⁰ because he claims he went through proper procedures to declare himself a candidate.

It is fortunate to have had such thorough and almost unbiased factual newspaper reporting in the days when Dr Byrne lived and worked in Gympie for without this, we might never have been so privy to this man and his ways-after all he was the first doctor here and cared for many people during his time here.

²¹⁰ The Gympie Times and Mary River Mining Gazette 2 December 1871

Chapter 7. Dr Byrne's Prospecting Claims and Interests in Gold Mining

As well as being one of the few doctors in Gympie, Dr Byrne held considerable passion about investing in several gold prospecting claims. The problem was he was also passionate about gaining other claims by 'jumping' on them. Money and his legal rights were important to Dr Byrne, and so he incurred a number fractious relationships associated with his mining interests, his 'jumping' habit and his poor record for not paying the men who worked for him.

It did not help his reputation in the town that he continually and publically expressed strong and sometimes offensive views about almost anything, and frequently wrote to the local newspaper, or was reported in the newspaper for his obstreperous behaviour. He was in the Commissioner's Court on many occasions about his mining interests, his poor luck in not winning cases continued. Many other prominent men in Gympie also had substantial mining claims at the same time as Dr Byrne, but it is Dr Byrne's name that almost always appears in Commissioner's/Mining Court deliberations. The regular almost every day instances of his appearance in Court provided in this history give light to the time taken from his medical responsibilities, his multifarious interests, and his cantankerous, fractious, and disagreeable personality.

Soon after he arrived in Gympie, articles began to appear in the local newspaper relating to his actions in jumping claims. Dr Byrne's reputation as the 'jumping doctor' had some credence, despite the fact that he always vehemently denied such accusations. His penchant for jumping claims received regular public airing and upset a number of the citizens in Gympie, especially as he would react strongly against the practice of jumping when people did it to his claims. It took only twelve months for actions such as those he was taking to prompt the Premier, the Hon. C. Lilley to establish District Courts in Gympie because of 'the strong feeling of dissatisfaction at present expressed relative to the administration of justice on this important goldfield.'²¹¹ We learn that "'the jumping doctor" is doing his best to fulfil the trust he has assumed as a quickening Aeolus in the stagnant precincts of the Gympie Local Court. On the occasion of a legislation sitting of that body, for the purpose of considering certain amendments proposed in the registration and prospecting clauses of the Regulations, ... Dr Byrne protested against the way in which the clauses were being rejected by 'a packed court' and said that he would recommend the miners to request McAlister to suspend the functions of the Local Court. The august tribunal to which these observations were applied has obviously nothing for it but to "shut up" incontinently after this.'²¹²

²¹¹ The Gympie Times and Mary River Mining Gazette 15 December 1868

²¹² The Gympie Times and Mary River Mining Gazette 15 December 1868

Dr Byrne was emphatic that he was the 'miner's friend' or 'diggers' friend'. The literature tells us that most miners saw Dr Byrne as a nuisance and that this title might have verged on the fraudulent. Dr Byrne in his many public and written disputations about decisions made by Commissioner King, drew such letters to the Editor²¹³ of the *Gympie Times*, signed Veritas which stated, 'This gentlemen, who aspires to represent the miners of Gympie, first states a tissue of fabrications and then deduces from the conclusions that The Lady Mary appears to have the regulations warped to suit every case. It would of course be heresy to question the purity and disinterestedness of his motives'. Naturally Dr Byrne publicly disagreed with the view of Veritas and iterated that he was a 'personal sufferer from regulations being warped'.²¹⁴ Dr Byrne was a persistent man and he and his mining colleagues went on to carry on the contest in another form.²¹⁵ However, little evidence comes forward to substantiate Dr Byrne's strong contention that he was indeed the miners' friend.

August to November 1868 were busy months for Dr Byrne as he lodged at least nine mining claims and prospecting claims and took shares in many reef mines. As a shareholder, he paid other men to do the heavy work in exchange for a portion of the gold they found. If he was not happy, he took them to court, and the *Gympie Times* recounts many cases where he sued miners for unpaid debts or for issues relating to the boundaries of claims. In addition he continued to attend to his medical responsibilities as one of the Gympie's only doctors. Dr Byrne had no inhibitions in showing his feelings. We know that after 'a slab Court House was put up it was the scene of a hospital fracas when Dr Byrne, the jumping doctor, as he was called, led the miners in procession round it, singing "Marching Through Georgia" and "Old John Brown", whilst a meeting was being held inside. A local Court was being established for mining appeals.'²¹⁶

He appeared in the Local Mining Court or before the Gold Commissioner on a number of occasions. His strong clashes with Gold Commissioner H. E. King began early in his time in Gympie and continued for the duration of his life in Gympie. Commissioner King was one of the first goldfield commissioners, the other being Commissioner James Clarke. They held their 'Court in a bark hut on Commissioner's Hill, and nearby was Dr Mason's canvas hospital.'²¹⁷ Dr Byrne spent considerable time at that Court in front of the Commissioners for his 'jumping' and other questionable behaviour on the

²¹³ The Gympie Times and Mary River Mining Gazette 11 March 1869

²¹⁴ The Gympie Times and Mary River Mining Gazette 16 March 1869

²¹⁵ The Gympie Times and Mary River Mining Gazette 27 March 1869

²¹⁶ The Older Days from Gympie's Jubilee publication of 1985 Reminiscences of a Pioneer Octogenarian from Gympie Times October 16 1917, page 23

²¹⁷ The Older Days from Gympie's Jubilee publication of 1985 Reminiscences of a Pioneer Octogenarian from Gympie Times October 16 1917, page 23

goldfields, such as nonpayment of his workers.

It is interesting to note that one constant name that appeared with Dr Byrne's on relation to his mining investments, was Esther Warford. Ms Warford was also known to make prospecting claims in her own right. In an interpleader case of McGurrin vs. Byrne in the Petty Debts Court on Monday 18 August 1870, 'the bailiff had levied upon certain chattels which Esther Warford claimed as her property'.²¹⁸ Dr Byrne held investments in a number of mines which he either owned, directed, had a partnership or had shares in:

No. 3 South holders Theo. Byrne, Hunt, Rice and Lubin. No. 3 South 'is down 15 feet, with indications of a reef at the bottom of the shaft'.²¹⁹

Ballarat Star P. C.²²⁰ 360 feet, applied for on May 28, 1868, by Theodore Byrne, James Dunn, John Davidson, John Campbell, E. Warford, and Thomas Gardner. Dr Byrne and his party have the reef in their old shaft: they are now sinking another shaft to catch the Canadian reef, which is thought to run through their claim.²²¹ In November 1868, Dr Byrne and his party were on the Canadian reef on a leader at 47 feet and driving.²²²

Cairngorm Reef P.C. (No.227) 360 feet, applied for on June 25, 1868, but full extent of claim is unknown, date of registration 19 November 1868-Allan Stewart, John J Stewart, John O'Brien, David O'Brien, Charles O'Brien, John Farrell, Henry Pemberton, William Annand, Theodore Byrne. Dr Byrne had the miner's right for this claim on 14 December 1867.

Doctor's Reef P.C. 360 feet, applied for on May 28, 1868, by Terence Ahern, Michael Mortimer, Thomas Riley, Theodore Byrne, E. Warford, Dr. Stephen J. Bourke (second doctor in Gympie) and J.S Cullinane. This was registered claim No. 873 and was registered on 28 April 1869. However it was 24 April 1969 when it was recorded that a few tons from this mine were being crushed, described as 'Dr Byrne's Doctor's reef'.²²³ A copy of the records showing original Prospect Claim shows that the claim was made by Dr Byrne with J.S. Cullinane, but then was transferred to the names of Henry Sampson, Alex McKenzie, E. Warford, Timothy Sullivan, and Dr Byrne. The claim also shows that it was for 240 feet. It also shows that on 14 June 1869 and 25 June 1869 transfers of the P.C. were made to Dr Byrne and E. Warford.²²⁴ He shared the ownership of Doctor's

²¹⁸ The Gympie Times and Mary River Mining Gazette 24 August 1870

²¹⁹ The Nashville Times 20 October 1868

²²⁰ PC means Prospecting Claim

²²¹ The Gympie Times and Mary River Mining Gazette 14 November 1868

²²² The Gympie Times and Mary River Mining Gazette 14 November 1868

²²³ The Darling Downs Gazette and General Advertiser 24 April 1869

²²⁴ Copy of original pages from the Register of Claims held at Local History Section Gympie Regional Library

Reef Mine with his doctor colleague, Dr Stephen Burke. This was an odd relationship because over time he held a grudge against Dr Burke, because Dr Burke became the paid Medical Officer at the Gympie Hospital, and not him. Dr Byrne cancelled his involvement in Doctor's Reef, while Esther Warford later cancelled all but one of her miner's rights to the claim. The entry is shown in mining register on 13 August 1869. Some are shown as abandoning their interest in the claim. Others involved in the claim were Horace Tozer, John McGurrin and John Fogarty.

The Doctor's Reef claim was the subject of a range of transfers with different people having different shares over a period of time. A note in the Register of Claims of March 1869 indicates that Dr Byrne had a third share of the claim and J.S. Cullinane was to have two-thirds of the claim but that they were to be both equal shareholders. This action followed the transfer by George Mortimer (miner's right number 17457 to J.S. Cullinane). The location of the Doctor's Reef shafts were 'In the centre of Henry Street, just north of the corner of Henry and Iron Streets.'²²⁵ There was a second shaft in the centre of Jane Street just opposite the Gympie General Hospital boiler house. No worthwhile returns were found. Six and a half tons of rock and soil yielded only 15 ounces gold. W.E. Mulholland recalls a shaft being sunk in 1913 just west of the second shaft mentioned, to a depth of 60 feet in search of supposed box of specimen stone left in second Doctor's Shaft. Result – debris only.

Jones Reef P.C.-240 feet, applied for on May 1, 1868, by Richard Jones, Arthur Jones, Richard Jones (jnr), T.C. D. Byrne, and E. Warford. The location of the 'Jones Prospecting Claim was described as being at the intersection of Jones Hill Reservoir Road, about 15 chains south west of the reservoir, and an unnamed road and a number of Jones Shafts were sunk in the vicinity of Jones Reef and Enniskillen Reef. Production of the shallow mines in this part of the field was never spectacular and always uncertain.'²²⁶

Theodore Reef P.C.-360 feet, applied for on July 8, 1868, by T.E.D. Byrne, E. Warford, R. Dunn, C. Fisher, R. Ottaway, and J. Campbell.

Long-looked-for Reef. On 5 June 1872, it was reported that DR T. E. D. Byrne and others applied for a lease of 200 yards of ground on the line of the Long-looked-for reef, commencing at the boundary of Dodd's prospecting claim.

Nicholls Reef No. 1 North Quartz Claim (No. 419) 25 November 1868. This claim was around 160x125 feet. Henry Theiler, Joseph Oswald, Frederich Finselbach, Henry Bush,

²²⁵ Mulholland. W.E. The History of Gympie Mines. 2011 page 24

²²⁶ Mulholland. W.E. The History of Gympie Mines. 2011 page 49

E.P. Cordery, Andrew Slater, Augustus Strodo, T.E.D. Byrne. This claim was sold an order from the Court of Petty Sessions Gympie Purcell and others. T. Byrne and others. The claim was given protection registration for six months on 5 July 1870. Again there seems to have been a transfer to T.E.D. Byrne and E. Warford in October 1870. As illustrated below in two cases brought before the Mining Court and the District Court, this Reef became the subject of dispute between various parties, with Dr Byrne being generally always dissatisfied with the actions or decisions of Commissioner King or his colleagues Commissioners Clarke and Pollock.

Quartz Claim Business Area Main Street (No. 1874) 5 December 1868—66x165 feet

North Caledonian Reef-On 3 March 1869, the mining register records show that a John Cleland (miner's right 22030) transferred one quarter share to Dr Byrne (miner's right number 24563) of the North Caledonian Reef, Number 1.

Dr Byrne continued to keep his eye on this claim and in April 1872, he actually jumped this claim, without one of the current owners of the claim, Mr Delisser, objecting. Dr Byrne believed the 'claim had actually and completely abandoned and consequently forfeited.'²²⁷ He had brought what he thought was a strong case, to the Commissioner's Court against Messrs A Pollock and Delisser claiming that three weeks prior to the application to the Court, there had not been any work done on the claim.'²²⁸ Technically though, the title to the claim for Pollock and Delisser was not void. Messrs Delisser, Pollock to the claim had decided not to work on the ground until the lease for the reef was granted; both had also forfeited shares in the claim. But Dr Byrne on jumping the claim did not take up the claim in accordance with the relevant by-laws, although he said he had marked out the claim 'in the spirit of the byelaw, and that the more precise adjustment of boundaries was the business of the Mining Surveyor, not the miner's duty.'²²⁹ He and his party lost this case.

Alma Reef-1869²³⁰- Dr Byrne was a partner with Smith, Jewell and party who around December 1868 had jumped the Alma Reef. In 1869, Dr Byrne and Party had been given possession of the Alma mine, via one of the party Mark Sullivan, 'provided they did not encroach on any claim on the same line of reef.'²³¹

Lady Mary No. 6- 1869-Dr Byrne claimed he had jumped the whole of the Lady Mary

²²⁷ The Gympie Times and Mary River Mining Gazette 17 April 1872

²²⁸ The Gympie Times and Mary River Mining Gazette 17 April 1872

²²⁹ The Gympie Times and Mary River Mining Gazette 17 April 1872

²³⁰ The Gympie Times and Mary River Mining Gazette 1 May 1869

²³¹ The Gympie Times and Mary River Mining Gazette 27 March 1869

As early as August 1868, Dr Byrne responds extremely strongly to having been accused of 'jumping claims'. He writes 'I never, either personally or by order, "jumped" any one's claim; and I throw down the gauntlet on his head, although several points have been taken against me. I treated this character of a "jumper" at first as a joke, which assumed greater proportions for certain political reasons; but Aristides" has brought the affair to a climax and compelled me to reluctantly defend my character through your columns.'²³⁵ He annoyed the locals so much with his claim jumping that his property and papers were damaged at his home by one Jane Jones, because Dr Byrne had 'tried to jump her husband's claim.' Jane Jones had apparently been 'pitching into' Dr Byrne for his alleged actions.²³⁶ Another example of his jumping claims happened in the same month as this incident at the Big Nugget Claim when he was accused of taking 18 feet of ground from this claim by a Mr Poole who was purchasing the claim from Messrs Curtis and Spry. Dr Byrne and his other mining colleagues had appeared before Commissioner King, Commissioner King ruling that Dr Byrne and his party were not entitled to the ground.²³⁷ Dr Byrne was most dissatisfied with Commissioner King's decision who declared that there was evidence of his jumping at least two reefs, the Alma Reef and No. 6 Lady Mary. It is said that he tried to jump the Alma Reef at least twice, even to the extent of having it surveyed and ignoring the surveyor's report when told that what had been surveyed belonged to Alma Reef. The shareholder of No. 6 Lady Mary, Jas McLeay, questioned both the Commissioner's credibility and Dr Byrne's in his letter to the Editor 'surely Dr Byrne must have served sometime to the jugglery (I don't mean jugular) business, he is well up on deception. Now Mr. Editor, of what use is Commissioner's or Judge's decisions if they can be heard and reheard by the Commissioner at pleasure, and know ad infinitum? If the Commissioner does not know his business why should he cajoled into doing what he knows to be wrong?'²³⁸

First, Dr Byrne jumps the Alma, and when he finds that no go, tries the Lady Mary, and then again the Alma. He explained to the Commissioner that the claim had already been settled by three or four Commissioners' decisions, and one by the District Court Judge; but all to no purpose, and he decided to hear it again at the Local Court on Monday week. Another hearing involved Caledonian and McLeay and party in No. 7 Lady Mary v. Hunt and party of No. 6 north, Alma.²³⁹

Another instance of Dr Byrne's having confirmed his reputation as the 'Jumping Doctor'

²³⁵ The Nashville Times 15 August 1868

²³⁶ The Nashville Times 12 and 16 September 1868

²³⁷ The Nashville Times of 19 September 1868

²³⁸ The Nashville Times of 19 September 1868

²³⁹ The Gympie Times and Mary River Mining Gazette 27 March 1869

appears in a letter to the Editor from A Jennings²⁴⁰. A. Jennings writes of Dr Byrne 'It is not very long since this gentleman earned for himself the title of the 'Jumping Doctor' from acidity with which he rushed everybody's claims whenever a pretext presented itself, and sometimes with no pretext at all... Dr Byrne jumps up like a Jack-in-the-Box at every public meeting for the purpose of proclaiming with volubility and verbosity for which he is so distinguished, that he, and he only, is the working miner's friend; yet there is no employer of labour on this goldfield who has been involved in so many discreditable Local Court and Police Court cases by his constant practice of endeavouring to shuffle out of the payment of the men who work for him. This was the origin of the Commissioner's case decided against him on the Canadian Reef, and of which he complains.'

Dr Byrne cannot bear what he sees as inconsistencies in Commissioner King's decisions, so he goes public with his views, in order to demean the integrity of Commissioner King.²⁴¹ He strongly implies that Commissioner King favours those that own the Lady Mary mine whatever the situation brought before him- 'Lady Mary appears to have the regulations warped to suit every case'. The cases specifically mentioned are McLeay and party of No. 6 Lady Mary, v. Rider and Party of No. 4 South.'

In the 1870's, publican's licence fees could cost as much as £180.00 per year. Even though it was well known for the early miners to be hardworkers, they were often also hard drinkers which created trouble on the fields. Some publicans threatened to withhold their licence fees until the "Government got rid of the 'notorious shanties of music and dancing, pickpocketing and fighting. Their wares and their women are displayed before the face of the day and their casks of grog actually standing in the street... the major reefs in Gympie were the Jones, Otago and Dawn which produced a higher percentage of gold than many of the better known Gympie reefs... until around 1888.'²⁴² Dr Byrne and E. Warford, together with Arthur Jones, and Richard Jones (jnr) were the principals of some of these major reefs. This group applied for the rights to Jones Reef on 1 May 1868.

In 1868 Dr Byrne was elected to the Gympie Local Mining Court, where he was often in conflict with his fellow magistrates [elections to the Gympie Local Mining Court were made yearly]. To everyone's surprise, after a thunderous campaign of speech-making, he was re-elected the following year. During this election, his opponents attacked him with slogans such as '*Byrne, Bounce and Bunkum*' and 'Listen to the clap trap and you

²⁴⁰ The Gympie Times and Mary River Mining Gazette 26 May 1869

²⁴¹ The Gympie Times and Mary River Mining Gazette 8 March 1869

²⁴² Pedley, Ian. Winds of Change –100 Years in Widgee Shire. Published by the Gympie Times in 1979. Pages 264-265

will be deceived', but he kept on, entertaining with fiery speeches. At the declaration of the poll, he berated the Gold Commissioner Henry King, saying that although King was a nice bloke, some of his decisions were illegal.

Hector Holthouse has described how Dr Byrne won his place on the Local Mining Court: 'In an attempt to help the overburdened Gold Commissioner, a poll was held in November 1869 to elect a nine-member Gympie Local Mining Court consisting of practical miners. One of the leading candidates was Dr Theodore Edgar Dickson Byrne, a bouncing, colourful character better known as the "Jumping Doctor". He was against the Government on things like fees, rates and taxes, and was rarely silent on anything that could be argued about. He regarded himself as the "diggers' friend" and a lot of diggers regarded him as a nuisance. Bill O'Regan, one of his rivals for the court position, advertised, "vote for the Jumping Doctor if you want to be bled". J.D. Collis, another candidate, advertised: Byrne, Bounce and Bunkum...Byrne won and quickly said that the Commissioner was quite a nice fellow, but that some of decisions were illegal'.²⁴³ Evidence of Dr Byrne's low opinion of Commissioner H. E. King is shown in his letters to the Editor of the *Gympie Times*, and his various appearances before Commissioner King in the Local Mining Court.

At a special meeting of mid December 1868 of the Local Mining Court at which Dr Byrne was present, as were Messrs. Milligan, Fisher, Browne, Goodchap, Hamilton, McGhie, and Poole, and the Chairman of the Court, Commissioner H. E. King, Dr Byrne was arguing that any new legislation did not need to cover current registrations as ground had been taken up under old regulations. He called upon the Chairman to get a legal opinion on the matter from Mr MacAlister of the jurisdiction of the old regulations on the current registration of ground at mining claims before forming any new clauses of legislation. The Committee at first agreed with Dr Byrne, but in the end the Commissioner in the Local Court decided that Mr MacAlister as head of the goldfields department could give instructions on the subject of registration with which he would abide.²⁴⁴

On 4 March 1869, Dr Byrne was discharged from his official function as Magistrate of the territory of Queensland its Dependencies. He claimed he was never a J.P. but the title J.P. continued to be attributed to him in formal notices such as death notices. He was extremely upset about being discharged but he did continue to sit on the Magistrate's Bench. Even in his obituary, he is described as Dr Byrne J.P. On 10 July Dr Byrne resigned from the Local Court²⁴⁵ and on 13 July 1869, he resigned as a member of

²⁴³ Holthouse, Hector. *Gympie Gold: A Dramatic Story of Queensland Gold*. Angus and Robertson, Sydney 1973.. page 159

²⁴⁴ *The Gympie Times and Mary River Mining Gazette* 17 December 1868

²⁴⁵ *The Gympie Times and Mary River Mining Gazette* 10 July 1869

the Local Mining Court. He continued to sit as a member of the Local Court, making a great suggestion in 1869 when the Court had some surplus funds that they be used to publish a weekly Local Court Gazette to record all abandoned shares and all registrations, with each member being entitled to a copy. One can only suppose that for Dr Byrne this would make it easier for him to know which claims to jump!

One of Dr Byrne's key complaints about the mining in Gympie was that the gold mining laws in relation to claims and disputes were not suited to attracting investors and the processes needed to be changed so that the working miner could better understand the provisions of the laws. He was aware that mines were operating under New South Wales law that 'often had little application to local problems'²⁴⁶

At another meeting of the Local Court in May 1869, Dr Byrne was concerned that Mr Ballard, the Mining Surveyor, be paid for the work he had done since his appointment. He was supported in this motion by Messrs Hamilton and Milligan, even though agreement was reached to postpone the matter for a month until the arrangements for Messrs Ballard and Drummond be clarified, given that the balance owed was between £35 and £40.²⁴⁷ At this meeting Dr Byrne raised other matters including:

Money: Mr. Drummond to pay money to Dr Byrne as requested;

Breach of Regulations: Charges brought against the Mining Registrar and also members of the Court, should be heard and examined. Dr Byrne was supported in this motion by Mr Hamilton. Mr Milligan moved that the case should be referred to the Judicial Sittings of the Court, as a breach of Regulations;

Marking out of Claims: Dr Byrne tried to question the Chairman about his recent decision to taking up auriferous ground by agents, the principals not being present. Dr Byrne was denied his question but the Chairman indicated he would be happy to explain his late decision on the subject to any member of the court;

Mr Browne: Dr Byrne complained that Mr Browne was making and amending regulations for the Local Court without authority. Dr Byrne was put in his place as Mr Fisher told the Court that the Minister had asked Mr Browne to do such work in accordance with the passing of the new bill;

²⁴⁶ Holthouse, Hector. *Gympie Gold: A Dramatic Story of Queensland Gold*. Angus and Robertson, Sydney 1973. page 159

²⁴⁷ *The Gympie Times and Mary River Mining Gazette* 1 May 1869

Mining Surveyor: Dr Byrne moved that the present Mining Surveyor be also appointed Inspector of Shafts, at such salary as the Court shall think fit.

On 12 July 1870, the Gympie Local Mining Court gave notice of a meeting to be held on 6 August 1870 with the purpose of electing nine persons to be members of the Local Mining Court, signed by Mr H. H. King.²⁴⁸ Dr Byrne held a poor track record of his service in the Gympie Local Court as shown in a report of attendance of chairman and members for the year ending 6 August 1870.²⁴⁹ It shows that '*Dr T.E.D.Byrne: appointed 7 August 1869; retired 9 December 1869. Attending nil out of 18 Judicial Meetings, and 14 out of 18 Legislative Meetings.*' How ironic was his resignation when in 1876 two years after he had left Gympie, he was still being quoted in matter relating to the Local Court. When on 18 January 1876, a furious storm wreaked havoc in the town smashing the Local Court 'to the earth like a bandbox', Gympie was reminded that when a member of the Local Court, Dr Byrne had said in a moment of prophetic inspiration said that "this iniquitous institution would someday be swept to destruction by the winds of heaven."²⁵⁰ The list of the prospecting claims (P.C.) taken up in Gympie during 1867 and 1868, with the length and the line of the reef and the names of the original applicants have been published elsewhere.²⁵¹ Further information from the State Archives Register of Applications for Auriferous Leases 18 March 1868-7 December 1872 31 October 1871(Register of Claims Mining Warden Gympie 1868-1875) records other P.Cs that Dr Byrne may have been involved in.

Dr Byrne was accused of neglecting his work as a doctor in the town. Between 1868 and 1872 he had 11 claims concurrent, plus his interest the Central Smithfield Gold Mining Company, which demonstrates his considerable investment in the gold mines of Gympie. These responsibilities and along with other interests such as his efforts to become a politician would have diverted him from his work as a doctor and overtaken his medical responsibilities. As was written in 'The Older Days' of the reminiscences of a pioneer Octogenarian in talking about the various gold mines in Gympie 'some stuck to the old Smithfield surface blows of quartz'.

Between 1869 and 1872 his passion for the gold mining business continues with his interest in the North Caledonian Reef, Quartz claims, and the formation of Central Smithfield Gold Mining Company Limited with others. Dr Byrne was one of the Provisional Directors of the Central Smithfield Gold Mining Company Limited²⁵², which

²⁴⁸ The Gympie Times and Mary River Mining Gazette 20 July 1870

²⁴⁹ The Gympie Times and Mary River Mining Gazette 10 August 1870

²⁵⁰ The Gympie Times and Mary River Mining Gazette 22 January 1876

²⁵¹ The Historical Sketch of Gympie 1867 to 1927. Pages 18-23

²⁵² The Gympie Times and Mary River Mining Gazette 10 August 1872

was established to work one of the richest and most permanent reefs on the field of Gympie—the claims known as Nos. 4 and 5 South Smithfield, comprising an area of 480 feet along the line of reef, bounded on the one side by the South Smithfield Gold Mining Co.'s ground, and contiguous on the other side to all the most valuable Smithfield claims.' Dr Byrne was a Director with other prominent citizens:

Hon. G. Harris, MLC
Thomas Lillis, Esq
Adam Black, Esq
Callaghan Walsh, Esq
R.S. Lord, Esq., J.P.
Lawrence Rice, Esq

F. O'Donnell, Esq
Walter Taylor, Esq
Richard Hyne, Esq
H. Tozer, Esq
Percy Ramsay, Esq
Chas Whitby, Esq

There was at least one notice of a meeting of Shareholders in Nos. 4 & 5 South Smithfield being called in 1873 at Hyne's Mining Exchange Hotel at 'half-past 7 o'clock.'²⁵³ A special meeting of shareholders of the South Smithfield Company was also held on 8 April 1874 and on 5 May 1874.

The 8 April meeting was attended by twelve persons holding a total of 4,702 shares. Dr Byrne spoke several times at this meeting making a number of complaints, including that he was not satisfied with the way the company was being managed. He made a number of remarks about the board of directors. Mr Horace Tozer stated that Dr Byrne's remarks were 'entirely out of place... and that the shareholders of the company were to blame 'for the range of matters. Dr Byrne 'suggested that overtures should be made to the Central Smithfield Co. (in which he said he was also interested) with a view to an amalgamation of the two claims. He believed that an amalgamation on favourable terms could be effected'. At this meeting Mr. Hugo Du Rietz countered Dr Byrne stating that 'instead of the present directors being censured every shareholder ought to be thankful to them for securing the Company's plant.... and that he believed that the Central Smithfield Co. would only amalgamate on the terms that the South Smithfield Co. should give them their machinery for nothing'. It was a meeting where Dr Byrne in his usual manner usually voiced different opinions to the general run of the conversation.²⁵⁴

The 5 May 1874 meeting had Dr Byrne almost dominating the discussion, refusing to have the minutes confirmed, and strongly supporting the move to amalgamate the

²⁵³ The Gympie Times and Mary River Mining Gazette 2 April 1873

²⁵⁴ The Gympie Times and Mary River Mining Gazette 11 April 1874

Central Smithfield Company with the South Smithfield Company, which the previous day at a meeting of the Central Smithfield Company, 'had been thought of most favourably.'²⁵⁵ Dr Byrne continued that there was no need to 'point out to the shareholders the advantage that would accrue to both companies by an amalgamation; he might say that the terms on which it was proposed to amalgamate were that the Central Smithfield should pay £500 and be merged into the South Smithfield, and that fresh scrip, all contributing, should be issued With regard to the proposed increase of the capital of the company he objected to such a large advantage being given to the public over shareholders who had expended so much as the present contributories had; he objected to two thirds of so valuable an interest as the South Smithfield Company's being thrown away, and protested against the interests of the present shareholders being rendered comparatively valueless, as would be the case if shares paid up to 15s., could be obtained for 6d., when by other means and a large issue of scrip they might have one of the finest companies on the field.'²⁵⁶

Less than a week later on 12 May 1874 an application was lodged by Messrs Gericke and Ryan to object to Dr Byrne's registration as owner of the share No. 3 South New Zealand, abandoned by Mr F. Boyd.²⁵⁷ Dr Byrne lost this claim which no doubt would have made him most irritable and unhappy. His passion for owning mines did not wane, despite that it would be only a matter of weeks before he would depart from Gympie for good. Dr Byrne was nothing if not persistent and consistent in his mining interests.

²⁵⁵ The Gympie Times and Mary River Mining Gazette 9 May 1874

²⁵⁶ The Gympie Times and Mary River Mining Gazette 9 May 1874

²⁵⁷ The Gympie Times and Mary River Mining Gazette 16 May 1874

MINING.

On Tuesday last application was made to Messrs. Clarke and Joseph, sitting as Justices, to have an objection, lodged by Messrs. Gericke and Ryan, to the application of Dr. Byrne to be registered in the Local Court as the owner of the share in No. 3 south New Zealand, abandoned by F. Boyd, set aside. On behalf of the objectors it was argued by Mr. Tozer that they were the holders of an unexpired lease which included claim No. 3 New Zealand, and that Dr. Byrne's application could not hold good, because it sought to create a title inside the lease, which was a higher title than the Local Court one.—Mr. Morgan, on behalf of Dr. Byrne, maintained that his client was entitled to be registered, independently of any lease, or anything else, for a share which he found standing in the books of the Local Court as abandoned by Boyd; if the leasees had a better title they could not be damaged; he was willing to take the registration for what it was worth. He mentioned that Dr. Byrne had at one time held an interest in the ground in question and it had been taken from him through the medium of the Local Court.—Mr. Tozer replied that the Local Court title had not been acted upon by the leasees; another person had been registered for Dr. Byrne's share because there had been no objection.—The Bench upheld the objection, being of opinion that the Local Court title, whatever it might have been, merged in the lease. £2 2s. professional costs and 16s. 8d., expenses of two witnesses, were allowed. The granting of costs was opposed by Mr. Morgan.

258

On 11 December 1868 Dr Byrne expressed his strong support for the establishment of a Miners' Mechanics' Institute.²⁵⁹

On 19 May 1869 Dr Byrne was attending a Special Meeting of the Local Court where it was to discuss some matters relating to the work that a Mr De Courcy Browne was doing on behalf of the miners of Gympie in Brisbane. Dr Byrne's strong views once again came into play as he questioned the Chairman of the Meeting if the meeting was to be help open to the public or be held in private. Dr Byrne was of the strong view that the meeting should be open to the public because 'if the members were representing the people they could expect no good to arise out of meetings which in any way

²⁵⁸ The Gympie Times and Mary River Mining Gazette 16 May 1874

²⁵⁹ The Gympie Times and Mary River Mining Gazette 17 December 1868

excluded the community for which they attempted to legislate.’ The ruling was made by the Chairman that it would be a meeting behind closed doors, but that he was prepared to allow the Press in and that the public could find out about the outcome of the meeting through the Press. Dr Byrne was obviously dissatisfied with the Chairman’s ruling and chose ‘as one of the public to retire’ from the meeting. Dr Byrne had previously questioned under whose authority telegrams had been sent to and received from Mr Browne, especially as one of the telegrams was in reference to the new discovery of gold.²⁶⁰

Dr Byrne had no patience with nepotism as illustrated by his comments in the Local Court on 20 May 1869, again in reference to Mr De Courcy Browne’s work for the Court and the apparent possibility that Mr. Brown was ‘button-holing’ for a Commissionership. In this case he also seemed to want the Government to act with due process ‘If the Government required information for the good of the community, let them send for it through the Chairman of the Court. He also won the support of one of the other members of the Court, Mr. Pollock, who asked for a ‘proper account of the way in which the expenditure connected with Mr. Browne’s mission [to Brisbane] had been managed, and he trusted that Mr. Browne would be able to give a correct and satisfactory account of his stewardship.’ The Court carried the motion ‘that it is inexpedient to give [the Government] the required information until it be known what use will be made of it’.

In a public meeting held at the Varieties Theatre on 11 May 1869, Dr Byrne indicated that he was close to the miners.²⁶¹ The purpose of the meeting to allow expression about the proposed new *Goldfields Bill and Regulations* being put by the Queensland Government. Around 300 persons attended the meeting including Dr Byrne. The firm mood of the meeting was condemnation for the Queensland Government of the draconian nature of the *Bill*, and the complete lack of consultation with the miners and that the proposed Bill was unacceptable unless ‘the principle of local legislation is provided for a Mining Board. It was time for the Queensland Government to support the miners of Gympie and other parts of Queensland who had saved Queensland from bankruptcy’ The Queensland government ought to be proud to assist the miner who had rescued them from the threshold of ruin’.

As usual Dr Byrne spoke strongly about a range of things including the matter of Mr Browne’s trips to Brisbane and the purpose and cost of these, the fact that so many issues relating to the goldfields was coming out of the pockets of the miners, but most importantly, his wish to ‘smash the Local Court, that he would not be a delegate for that

²⁶⁰ The Gympie Times 1 May 1969

²⁶¹ The Gympie Times and Mary River Mining Gazette 15 May 1869

'infernal machine' [i.e. the Local Court], but he would be 'proud to go as the delegate of the miners...If the Government wanted the barricades of Ballarat, let them come to Gympie; he [Dr Byrne] was ready to lead the miners on– to where he often led them in the Local Court-to victory'. Dr Byrne seemed to be right on one count that came out of the meeting, that in other of the colonies 'Local Courts invariably became antagonistic to the best interests of the diggers'. Dr Byrne on this occasion won the sway of the meeting which agreed that:

- It was not advisable to send resolutions down to Brisbane [ie the Queensland Government] hastily
- The diggers should subscribe a sum for the purpose of sending a telegram to their servant, the Minister for Mines, desiring him to stop the passing of the bill, pending the arrival of a petition on the subject from Gympie. [Dr Byrne had proposed sixpence a head]
- The meeting being held was premature and that the miners should be given more time to consider what should be in the bill– the Government should not have had the audacity to discuss the bill without first asking the opinion of the miners of Gympie.

Despite being a thundery night and the meeting being held in the open air, the *Gympie Times* reported that upwards of 200 people attended. It must have one of the few public occasions when Dr Byrne received support, even though at the start of the meeting he was not well received. He must have become 'the miner's friend' for a short time that night!

Dr Byrne may have been trying to convince the miners of Gympie that he was the miner's friend again in May 1869, when the Local Court was considering the proposed *Goldfields Bill*. His comments on the proposed *Bill*, for which he did gain unanimous support, were:

- 'if the miners allowed the yoke to be put upon them they must bear the chafing of it afterwards. He [Dr Byrne] insisted upon the miners having a voice in the making of laws which were to condemn or acquit themselves, and he agreed with Mr Tozer in condemning the folly on the part of the Government in legislating upon matters they did not understand. He [Dr Byrne] did not believe any of them knew the difference between a drive and a shaft, and yet they pretended to tell the miners how they must drive and how they must sink. He [Dr Byrne] urged the mining community to impress upon the Government their determination to make their own laws'
- 'leasing should form a portion of local legislation... it was connected with the vital

interests and prosperity of this goldfield, and therefore this community ought to have a voice in it'

At the end of the meeting, the Chairman informed that a telegram had been sent to Brisbane asking for the legislation on the subject of the gold fields should be suspended until the arrival of a position from Gympie, to which there had been a response from the Undersecretary of Works that a draft of the new *Bill and Regulations* would be forwarded. This is all reported in the as was the comment that public meetings on the *Goldfields Bill* had had few speakers, and those who had spoken were not practical miners.²⁶²

Gold Commissioner H. E. King had before him on 3 June 1870, a dispute between Dr Byrne and party, holders of No. 1 North and the McGhie and party, holders of the neighbouring claim No. 1 South St Patrick's.²⁶³ Dr Byrne and his party had complained that McGhie and party had encroached upon their claim and had removed auriferous quartz therefrom. This hearing became known as the Nicholls Jumping Case. Commissioner Clarke made his decision on the dispute following having Messrs Pollock and Stuart make an assessment on the ground, 'The complaint was lodged by Bush and party for encroachment by No. 1 South , St Patrick's, upon their claim; it was a surface encroachment; the pegs of the claim were in dispute when I decided on the case; I was shown only one peg, the one to the westward; the decision was that there was no encroachment on the part of St Patrick's, and Bush and party were ordered to leave the ground; the complaint then made to me was the same as was made to you [Commissioner King] on the ground the other day.'²⁶⁴

The decision was a point of major dissatisfaction for Dr Byrne, as he was not even allowed by Commissioner King to further question Commissioner Clarke, and Commissioner King made it clear that Commissioner Clarke's decision was final. The lawyer who appeared for defendants Mr H. Tozer, had also iterated that the decision of Commissioner Clarke could not be ignored as it was final.

Following the hearing in the Commissioner's Court over the matter heard by Commissioner King on 3 June 1870, Dr Byrne took strong issue with Gold Commissioner King publicly in June 1870 in a letter to the Editor over King's decision to allow the Local Court Surveyor to allow Nicholls Reef ground, No. 1 North to be pegged off in favour of some men already working there, whom Dr Byrne says could scarcely see Nicholls Reef.

²⁶² The Gympie Times and Mary River Mining Gazette 22 May 1869

²⁶³ The Gympie Times and Mary River Mining Gazette 4 June 1870

²⁶⁴ The Gympie Times and Mary River Mining Gazette 4 June 1870

It would seem that at this time this Reef was still in the hands of Dr Byrne and his party. The problem was that Commissioner King 'in faith' told the men to continue working there and that he would put those that were pegging off the Reef off, once these Germans had found the Reef– in the event these Nicholls prospectors struck gold. Commissioner King left Gympie for Europe for a while when he made this 'loose decision in favour of the German workers. This event was closely followed by the neighbouring workers from St Patrick's No. 1 South commencing to sink their shaft close to No. 1 North Nicholls. Dr Byrne tried to get the Germans off the Reef through the processes of the Mining Court. There appeared to 'loose' or at best 'inconsistent' decision making occurring on the part of Commissioner King and his colleagues Commissioners Clarke and Pollock. Dr Byrne could not get his appeal heard in the District Court to set matters right on his Nicholls Reef. Dr Byrne had also questioned how one Commissioner (Commissioner Clarke) could reverse Commissioner King's decisions in his absence and then why the decisions could not be then reversed again once Commissioner King had returned to duty. Dr Byrne clearly feels he had been disadvantaged in his prospecting for gold by the spurious decisions of the Commissioners. His final statement in his letter to the Editor 'The sooner we have laws to govern us that we can all understand, and people to administer then who have neither interest nor connection on the field, and cool and well-ordered brains, the better for ourselves, the prosperity of the colony, and the encouragement of capital-the want of which is now being felt so much on Gympie'. The advertisement seeking the election of nine persons to form a Local Mining Court appeared some 3 weeks after this incident on 12 July 1870.²⁶⁵

On 20 August 1870 there was an extensive letter to the Editor regarding Sleeping Shares. The letter was to show 'the great and unjust hardship this decision inflicts upon all holders of sleeping shares on this goldfield'.²⁶⁶ The letter mentions that the Petty Debts Court ruled that Dr Byrne was liable for his share of the expenses of carting the quartz from the claim. The writer goes on to say 'then again, with reference to his contention, that because Dr. Byrne could have derived a benefit from the crushing of the quartz if it had turned out remunerative, he ought to pay his share of the expenses for carting it'. The writer (who signed himself *Your obedient Servant Freedom of Opinion* 6 August 1870) concludes by saying 'The law on the subject requires immediate amendment; but still I can't see why at the present time, the sleeping shareholder should be made to suffer, however hard a case might be upon a third person'.²⁶⁷

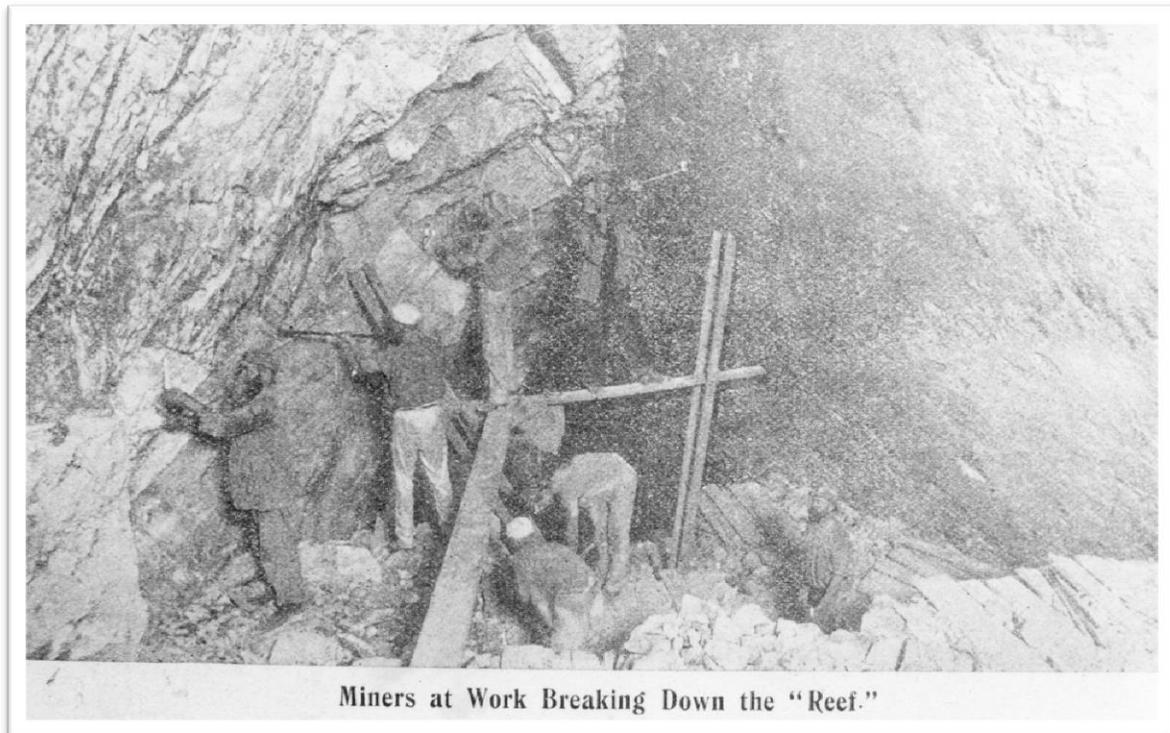
²⁶⁵ The Gympie Times and Mary River Mining Gazette 20 July 1870

²⁶⁶ The Gympie Times and Mary River Mining Gazette 20 August 1870

²⁶⁷ The Gympie Times and Mary River Mining Gazette 20 August 1870

Dr Byrne spent considerable time oversighting and defending his rights when it came to his mining claims, always wanting to get the very best return, usually for minimal overhead expenditure.

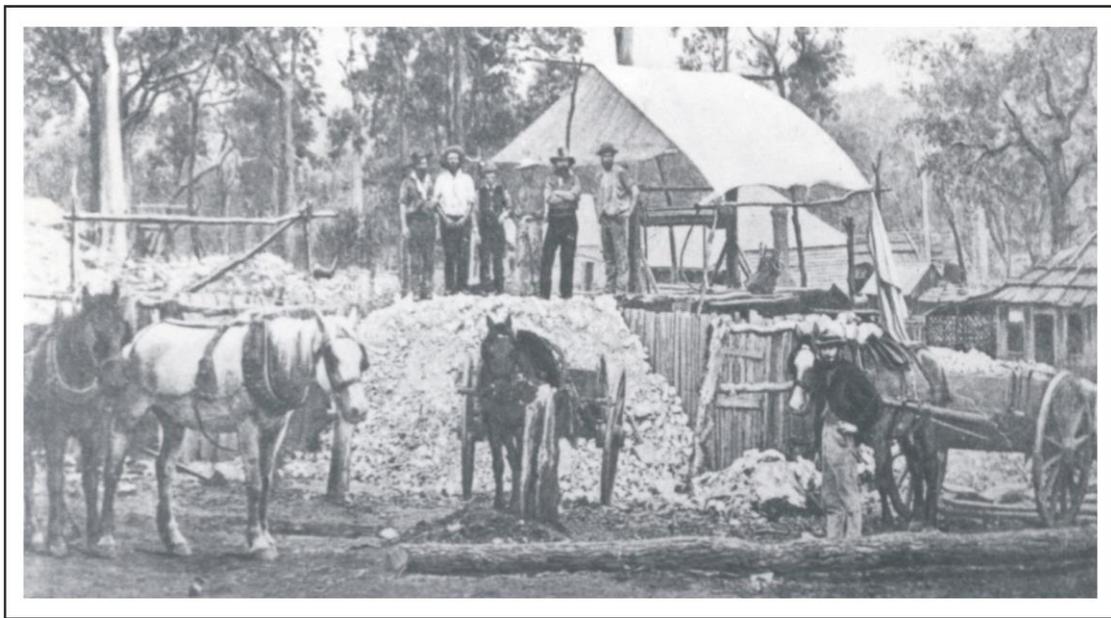
The image shows some miners in Gympie breaking down the reef of one of the many mines.²⁶⁸ These men would have been just those that Dr Byrne claimed he was 'friend' to and those that he would have treated when they became injured.



²⁶⁸ Photograph provided by the Local History Section Gympie Regional Library



Gympie miners' home c1870²⁶⁹



An early mine site: South Monkland No. 3 in 1870²⁷⁰

²⁶⁹ Photograph by Richard Daintree, courtesy of Local History Section of Gympie Regional Library

²⁷⁰ Photograph courtesy Local History Collection of Gympie Regional Library

Chapter 8. Dr Byrne In and Out of Court

While Dr Byrne lived in Gympie he had many appearances in court for a range of matters about which he was in dispute. He won few of these cases often being left with amounts to be paid as ordered by the Courts, plus costs. His habit for court appearances and losing became a regular aspect of his character and life. An argumentative unpopular man who refuted almost everything, especially when things went against him. It can only be concluded that the decisions which did not go in his favour would have been most disappointing and irritating for him. In addition, Dr Byrne always portrayed himself as being above the law or superior to the ordinary man, as confirmed in reports in both Gympie and English newspapers.

Even before he came to Queensland, he was disputing matters in court. The English Newcastle paper of 1859 (Newcastle on Tyne) recorded certain law cases in which he was involved in 1859, one being a matter to do with an overloaded unregistered four wheeled carriage. The court case went on for a while but in the end Dr Byrne was not successful. When he returned to Scotland, in 1875 he was already defending a law case *Byrne v. Astley* relating to an advertisement he had placed which caused certain offence. Soon after he resettled in Scotland from Queensland, there is evidence from Session Cases: cases Decided in the Court of Session 1876, of a case *Byrne v. Johnson* (December 16 1875 *Kidd v. Byrne v. Johnson*) – a case of Dr Byrne's overstocking his property with game, rabbits, wild ducks, or snipe. Mr Johnson was the lessee of the shootings of Elsiefields. This case was decided against Dr Byrne with the judgment including some of the following words 'In the relative action of relief at the instance of Byrne against Johnson: 'Finds as matter of law, that the defender, as game tenant on Elsiefields under the lease set forth in the record is not entitled to keep on Elsiefields, or any on any other of the farms of that estate, more than a fair average of stock of rabbits...' The point is that until 1875 the stock of rabbits on the estate of Elsiefields was small, and after Dr Byrne returned to live there it became overstocked. From the *Scottish Law Reporter: Continuing Reports of Cases Decided Volume 13*²⁷¹, Scotland Courts 1876, on 10 December 1874 both Kidd and Gillespie brought actions against Byrne, the one concluding £200, and the other for £124, in the name of damages.

²⁷¹ *Scottish Law Reporter: Continuing Reports of Cases Decided Volume 13. Page 171*

In Gympie, Dr Byrne would often sit as a member of the Judicial Sittings of the Local Court or as a member of the Local Mining Court. Equally he would be in front of these Courts defending his position on matters. He seems to have been fighting his legal cases on a regular basis. He could be before:

- the Mining Court where he appeared regarding various matters especially jumping other men's gold prospecting claims;
- the District Court on cases about his abusive behaviour;
- the Petty Debts Court on behalf of Esther Warford, who was his 'partner'.

One of his letters to the Editor illustrates how upset he could be after losing a case:

DR. BYRNE IN DEFENCE.
TO THE EDITOR OF THE "GYMPIE TIMES."

SIR,—In your issue of Saturday, the 18th inst., appears a letter signed "J. T.," who, although writing anonymously, asks so pertinent a question that I waive my rule, and reply. The M.L.C. who informed your correspondent that the reason was, "I had lost a case," might, in fairness to me, continue the "reason," which simply was that the Local Court gave a man judgment against me who admitted in the witness-box I *never* engaged him, I never paid him, nor in any way had anything to do with his being engaged. Also, that this case was the subject of two separate trials in the Magistrates' Court, in both of which I obtained a verdict; likewise the claim (out of the same case) had been jumped on two occasions, which I also won—making four trials decided in my favour. But when I come before my compeers in the Local Court, they discover I am indebted to a man I never employed! Now, for another case, which is reported in the issue already quoted—viz., "Reardon v. M'Ghie." Read the judgment, and tell me if M'Ghie is condemned to make up any *deficiency*; surely in common justice he is entitled to the *whole* surplus, and not the *half*. Again, in the same paper, the case of "M'Lean v. O'Sullivan." What on earth was the defendant fined ten shillings for? I forbear making any comments on the evidence, which I heard, but cannot conceive how a *fine* is inflicted on a man holding a miner's right, and doing his best to work his ground. Surely (if the case was proved) the remedy was to peg him off his 40 feet, giving him choice of ends, and so allowing him to hold what he was entitled to by virtue of his right, issued under the Goldfields Act. I will not trespass on your space by citing more cases, but endeavour to show you the reasons for absenting myself, viz.:—1. None of the "judges" being sworn (as judges) all cases are simply a question of most friends, or, in other words,—*votes*, because five forming a quorum, three form a majority; and thus, if I have three friends on the Bench, I am sure of my case, the Chairman's vote not being required unless as a casting one. 2. That few cases come before such judges but some are (from their calling) either directly or indirectly interested therein. 3. Nothing would induce me to add to wrong by countenancing what I believe to be such.

In conclusion, I may state I will write no more on the subject, having answered by this "J. T." and all other enquirers, and feeling satisfied myself.
I remain, Sir, yours, &c.,
T. E. D. BYRNE.

272

²⁷² The Gympie Times and Mary River Mining Gazette 2 October 1869

Here was a man who could be either before a court for some misdemeanor or other or sitting on the Bench of a Court giving expert advice and making judgments on other people! In March 1869 he is before a court admitting to an assault that occurred in October 1868 'after a great deal of provocation... and no doubt my language was not altogether parliamentary on the occasion'²⁷³, and in a short time after on Thursday 13 May 1869, he sat on the Bench of the Local Court with the Chairman, Messrs Saunders, Hamilton, Fisher, Milligan, and Pollock.²⁷⁴ In the March 1869 case, he is arguing that the case was withdrawn unconditionally without his having the opportunity to enter a plea, or any evidence or enquiry having been undertaken, but that subsequently he receives written advice that he had pleaded guilty with the consequence that he was harshly and unjustly discharged from of his appointment as J.P. He gained support for his position from "Pro Bono Publico", especially as this writer regarded Dr Byrne as one of the best and most useful magistrates. "Pro Bono Publico" went on to say that in Dr Byrne's favour (one of the few times sometime actually supports Dr Byrne and actually says good things about him) 'I think it a great injustice that, after being gazette in January as a J.P., he should be discharged (rather a harsh term) in February for an alleged offence (never proved) committed in October, some three or four months previous to his first being gazetted.'²⁷⁵ What it does show however that Dr Byrne was offence prone even when there was a public award being given him. Interestingly, Dr Byrne's name does not appear in the Queensland Index to Justices of the Peace 1857-1957, whereas Dr Burke does. Dr Burke is registered as having taken Oath number 255 on 23 February 1864.²⁷⁶ The honorific J.P. was given Dr Byrne in England long before he came to Australia.

The cases heard by the Bench in May 1869, were all cases relating breaches of practice relating to the Caledonian Reef, No. 7 North Monkland Reef, and No.1 South California Reef.

In June 1869, at a legislative sitting of the Local Court during the reading of the minutes which had been taken as verbatim as possible, Dr Byrne was there 'denying that he made use of certain phrases imputed to him.'²⁷⁷ In mid-July 1869, Dr Byrne was in his usual argumentative mode as 'several skirmishes took place on Thursday afternoon at the Legislative Sittings of the Local Court. In the course of some observations in reference to "the twelve shillings," Dr Byrne said that fifty oaths could be bought on Gympie and also made some remarks in a similar strain in depreciation of the value of

²⁷³ The Gympie Times and Mary River Mining Gazette 6 March 1869

²⁷⁴ The Gympie Times and Mary River Mining Gazette 15 May 1869

²⁷⁵ The Gympie Times and Mary River Mining Gazette 9 March 1869

²⁷⁶ Queensland Archives Index to Justices of the Peace 1857 to 1957.

<http://www.archives.qld.gov.au/Search/Results.aspx?k=dr%20theodore%20edgar%20dickson%20byrne&start1=11>

²⁷⁷ The Queenslander 5 June 1869

Mr Poole's oath. Mr Poole rose labouring, very naturally, under some excitement and protested against the aspersion on his character; he said that if it were not indecorous he should feel it his duty, if the offence were repeated to knock Dr Byrne down. He concluded by calling Dr Byrne a "blackguard", upon which he was called to order by the chairman.²⁷⁸

A glance through a number of cases makes obvious the high level of frequency of his attendance in Court, and gives concern of just how much time he *did* have available to tend his surgeries and the Hospital.

12 and 16 September 1868 Local Court Jane Jones fined 5s for destroying Dr Byrne's property and his papers at his home (she had alleged that Dr Byrne had jumped her husband's claim).²⁷⁹

19 September 1868 Mining Court Byrne and party v. Poole-matter of Dr Byrne and his Party having taken 18 feet of ground from the purchasers from Spry of the well-known ground called 'the big nugget'- Commissioner King ruled that Dr Byrne and his Party were not entitled to the ground.²⁸⁰

17 November 1868 to 19 November 1868 Petty Debts Court (before the Police Magistrate) Illegal detention of a watch and chain, valued at £30, T.E.D. Byrne v. B. Hyman. Dr Byrne was unhappy about the outcome of this case as it was decided in favour of Mr Hyman, without costs. Dr Byrne had also tried to put the case that it had been the Police Magistrate who had wanted this case brought to court. The Police Magistrate publicly denied Dr Byrne's statement, which meant that Mr H. Tozer who had represented Dr Byrne had to apologise for Dr Byrne, who he said had made the statement 'whilst under excitement'.²⁸¹ This case had followed an incident of Assault by Benjamin Hyman of Dr Byrne on 31 October 1868 at Foo's Hotel. The exchange between Dr Byrne and Benjamin Hyman had been over a watch Dr Byrne's calling Hyman 'a certain scientific but humiliating name, signifying that his anatomical structure was not as perfect as most men'.²⁸²

October 1868 Gympie Police Court before Police Magistrate and J. C. Clarke J.P. Dr Byrne was invited to provide expert advice in respect of two men, Roger Murray and Robert Rae. Based on his advice Murray was discharged and Rae was detained for a

²⁷⁸ The Gympie Times and Mary River Mining Gazette 10 July 1869

²⁷⁹ The Nashville Times 12 and 16 September 1868

²⁸⁰ The Nashville Times 19 September 1868

²⁸¹ The Gympie Times and Mary River Mining Gazette 19 November 1868

²⁸² The Nashville Times 17 November 1868

further 24 hours.²⁸³

January 1869 Byrne-Application for settlement of partnership accounts respecting a share in No. 1 South, Sydney Reef and a dissolution of said partnership. Dr Byrne is ordered to pay the outstanding wages of two and a half weeks' wages, at 25s. per week. He objects 'in an excited manner, characterized the decision as unjust'. The Chairman made application for a new trial, and at that trial he argued that he had abandoned No. 1 South Sydney Reef on 12 December 1868. The case had to then be reheard.²⁸⁴

6 March 1869 Mining Court Greathead and Party v. T.E.D Byrne-Action for the infliction of the penalty upon defendant for not paying calls upon a share in No. 1 north, Kentish Reef; also for settlement of accounts and dissolution of partnership. Verdict for plaintiffs: partnership to be dissolved; defendant to pay 15s.3d. and costs.²⁸⁵

5 May 1869 Local Court- T. Cowell v. T.E. Byrne-Action to recover the sum of £4 16s. 6d. for damages done to a billiard table and lamp. Dr Byrne accused of smashing a lamp while playing billiards at the Freemason's Hotel, which cause substantial damage to the billiard table cloth and slate. It was unintentional damage caused by Dr Byrne waiving his cue around. The publican of the hotel had pleaded that he was indebted 12s.6d. being the value of the lamp. Dr Byrne argued that he had sent a new lamp up to the hotel to replace the smashed one and had noticed no damage to the cloth having played on the table the next morning after the incident. He also argued that he had sent a lamp which was an improvement on the kerosene lamp. In the end Dr Byrne had to pay £2 2s. 6d. and 16s. Costs.

16 November 1869 Before the Gympie Police Court Dr Byrne v Richard Poole. This is another expose of the kind of character Dr Byrne could be around town. Richard Poole was charged with using abusive and insulting language towards Dr Byrne on the 12th inst., viz., 'You are a liar and a scoundrel and if you get off your horse, I'll show you.' Poole stated there were extenuating circumstances ... and ... it was well known to the whole community that he suffered very serious annoyance from the plaintiff [Dr Byrne] who had made any amount of false charges against him both in his presence and behind his back. Plaintiff [Dr Byrne] has abused him in a blackguardly manner in various hotels.²⁸⁶ Poole moved on to discussion about jumping claims to which Dr Byrne called Poole a liar. In the end Dr Byrne won the case because of the veracity of the abuse, but

²⁸³ The Gympie Times and Mary River Mining Gazette 24 October 1868

²⁸⁴ The Gympie Times and Mary River Mining Gazette 16 and 23 January 1869

²⁸⁵ The Gympie Times and Mary River Mining Gazette 6 March 1869

²⁸⁶ The Gympie Times and Mary River Mining Gazette 17 November 1869

one can imagine that Dr Byrne may have been as guilty as Poole.

7 January 1870 Before the Police Magistrate and J.A Antill Esq., J.P. – Gympie Police Court Assault: John O’Shea charged with assaulting T.E.D. Byrne, pleaded not guilty. The incident occurred on night of 31 December 1869. In this case the Bench found that the charge of assault was fully proved.²⁸⁷

1 April 1870 (Friday) Gympie Police Court (before the Police Magistrate Illegal Detention of Property. T. E. D Byrne V. Todd. This was an action to recover a horse, saddle, and bridle, illegally detained by the defendant. Note that Mr H Tozer was representing Dr Byrne.²⁸⁸ The case was adjourned. This is not the only occasional when Dr Byrne lost one of his horses. On one occasion, he offered a £1 reward for his Dark Bay Mare, black points, branded on shoulder. Those that may have found or seen her were to ‘apply to Dr Byrne, opposite the Court-house.’²⁸⁹

1 April 1870 Before the Police Magistrate Illegal Detention Byrne v. Todd– this was the case of 1 April 1870 being further heard. The solicitor for the defendant, Mr. Stable, argued that the case ‘was out of the limits of the jurisdiction of the Towns Police Act,’ under which the action had been brought. The case was adjourned to 2 April 1870 when further arguments were heard. The Police Magistrate concurred with the arguments put by Todd’s attorney, Mr. Stable, and held that he held no jurisdiction over the matter. Dr Byrne therefore lost his case.

On 17 January 1870 there were twenty-eight cases before the Petty Debts Court of which thirteen were reported; of the thirteen cases, three involved Dr Byrne. In almost all of the cases, the verdicts were given for the plaintiffs.²⁹⁰

17 January 1870 Petty Debts Court before the Police Magistrate and Messrs Rider and Brown, J.’s P.) T.E.D Byrne v. Wm Jenkins Verdict given for plaintiff: Medical Attendance
£2 2s. Verdict for £1 1s.without costs.²⁹¹

17 January 1870 Petty Debts Court before the Police Magistrate and Messrs Rider and Brown, J.’s P.) D. Moodie v. T.E.D. Byrne, E. W. Smith, P. Garvon and H. Sampson. Costs paid on appeal, £9 19s. For plaintiff (against Byrne, Smith, and Garvon, Sampson

²⁸⁷ The Gympie Times and Mary River Mining Gazette 19 January 1870

²⁸⁸ The Gympie Times and Mary River Mining Gazette 2 April 1870

²⁸⁹ The Nashville Times and Mary River Mining Gazette 29 February 1868

²⁹⁰ The Gympie Times and Mary River Mining Gazette 19 January 1870

²⁹¹ The Gympie Times and Mary River Mining Gazette 19 January 1870

having given notice of the withdrawal of the appeal) for the amount, and 46s.6.costs. Mr. Stable for plaintiff.²⁹²

17 January 1870 Petty Debts Court before the Police Magistrate and Messrs Rider and Brown, J.'s P.) T. Cowell v. T.E.D. Byrne. –Billiards, &c., £3 8s. 6d. Mr. Stable for plaintiff.

21 January 1870 Police Court before Police Magistrate and W.B Rider, Esq. JP Gympie Assaulting a Bailiff—Callaghan v. Byrne. James Callaghan, Bailiff of Small Debts Courts, charged Theodore Edgar Dickson Byrne with having assaulted him whilst in the execution of his duty. Dr Byrne was fined 20s. and 27s.8d costs; in default of immediate payment one month in Brisbane Gaol.²⁹³

June 1870 In the Commissioner's Court before H.E. King Esq. J. P. Dr Byrne and his party were in the Local Court House on 3 June 1870 in a dispute with McGhie and party who owned the No. 1 South, St Patrick's gold mined. Dr Byrne known as the 'jumping doctor' was claiming the McGhie and his party had sunk a shaft close to his mine, which 'had encroached upon their claim, and had removed auriferous quartz therefrom...[Dr Byrne opined that] McGhie and party ought to confine themselves to Mr King's base line, and take only their 90 feet to the westward of it, which they had selected; but instead of doing this they crossed the boundary, and had enerbached upon ground which had been given conditionally to his party on their finding of the reef.'²⁹⁴ Dr Byrne had alleged that the St Patrick's owners had come onto the Nicholl's ground after gold had been struck there. Dr Byrne was of the view that Commissioner King should not have ruled in favour of the McGhie party allowing them to peg out the ground. Dr Byrne finally made the point that 'the sooner we have laws to govern us that we can all understand, and people to administer them who have neither interest nor connection on the field, and cool and well-ordered brains, the better for ourselves, the prosperity of the colony, and the encouragement of capital-the want of which is now being felt so much on Gympie.'²⁹⁵

1 August 1870 Petty Debts Court before Police Magistrate, C. J. Clarke and N.W. Brown, Esqrs, J's.P. W. Appleby, P. and J. Purcell, and C. Gilliver v. T.E.D Byrne and five others, shareholders of No. 1 north Nicholl's reef. This was an action to recover £14 15s. For the carting of some quartz from the claim for the Victoria Machine. Dr Byrne's 'defence was that in being a sleeping shareholder in the claim, and registered as such,

²⁹² The Gympie Times and Mary River Mining Gazette 19 January 1870

²⁹³ The Gympie Times and Mary River Mining Gazette 26 January 1870

²⁹⁴ The Gympie Times and Mary River Mining Gazette 4 June 1870

²⁹⁵ The Gympie Times and Mary River Mining Gazette 18 June 1870

by an agreement which he produced, he was not liable for any expenses for the claim'. The verdict was for the plaintiffs for £11 2s. with 9s. costs and 42s. professional costs.

6 August 1870 Local Court John H. McGurrin v. T.E.D.Byrne– work labour, and material &c., £8 8s. Plea, not indebted. Verdict for plaintiff, £8 6s. 2d. with 6s. Costs and 21s. Professional costs, to be reduced to £6 1s. 2d. if palings returned within 7 days by defendant to plaintiff.

21 January 1870 Gympie Police Court before Police Magistrate and W.B Rider, Esq. JP Assaulting a Bailiff—Barter v. Byrne. Dr Byrne was strongly objecting to Mr. Barter being a part of the team with James Callaghan Bailiff of the Small Debts Court, on the basis that Barter had been a convicted felon who had been convicted of stealing spoons from Wade Brothers and had done two years or three years in Geelong Jail. The reports indicated that Dr Byrne was heaping all the abuse possible on Mr. Barter. Dr Byrne appears to have been using Mr. Barter as a ploy so as not to allow James Callaghan execute the warrant on Dr Byrne. Dr Byrne was fined 10s. and 25s. 6d. Costs; in default of payment one month's imprisonment.²⁹⁶

24 January 1870 Gympie Police Court before the Police Magistrate Moodie v. Byrne and others- an Interpleader Case in which the Bailiff of the Small Debts Courts had levied upon the house occupied by T.E.D. Byrne and the furniture, &c., therein. The case rested on the argument that the sale of the furniture made to Dr Byrne had not been bona fide, and that a sufficient consideration had not been given for the property.

The Magistrate on 25 January 1870 decided in favour of the execution creditor, and that the costs of the interpleader be added to the costs of the execution. The magistrate expressed the opinion that the claimant would get a handsome profit out of this bargain after the execution had been satisfied. The Bailiff James Callaghan ordered that Dr Byrne's household possessions be sold by public auction. This included furniture, books, surgical instruments, kitchen utensils, and the whole of the premises Subsequent to the decision of the Bailiff, Dr Byrne places notices in the Gympie Times, requesting the immediate settlement of all outstanding accounts owed to him.²⁹⁷

4 January 1871 Gympie Police Court before the Police Magistrate and J.A. Antill Esq., J.P. in a matter of assault of Dr Byrne by a person who was accused of stealing peaches from Dr Byrne's garden and assaulting him. Ms Warford and a Mr Critchlow were present on the verandah of his home. Someone had been throwing stones, and

²⁹⁶ The Gympie Times and Mary River Mining Gazette 16 October 26 January 1870

²⁹⁷ The Gympie Times and Mary River Mining Gazette 16 October 29 January 1870 and 2 February 1870

then Dr Byrne discovered person he alleged of stealing his peaches. A fight broke out between Dr Byrne and the man. This was a rare time that Dr Byrne actually won a case in as much as the defendant was ordered to pay 1s for the value of the peaches he stole, and 7s costs of Court, or in default 12 hour's imprisonment. However, 'the defendant was informed that if he be brought up for the same offence, such second offence would be considered a felony.'²⁹⁸

Dr Byrne was a close colleague of Clarendon Stuart, the surveyor who produced the 1869 map of Mary Street. Clarendon Stuart may have been one of the few people in Gympie who went public in 1872 to ever defend Dr Byrne. It occurred about a case where Dr Byrne sought the change of title of an apparent piece of vacant land which appeared to have been abandoned. Dr Byrne did not win the case owing to some changes of rules to the Gympie Local Mining Court. He missed out on gaining title to the ground, but would have won his case had he applied through the Local Mining Court to prove that the ground was abandoned. Of course he was never one not to try to gain easy ownership to land he thought might yield gold- his habit of jumping claims was well known in Gympie.

²⁹⁸ The Gympie Times and Mary River Mining Gazette 7 January 1871

ORIGINAL CORRESPONDENCE.
BYRNE, STUART, AND PARTY V. JUNIN
AND PARTY.

TO THE EDITOR OF THE "GYMPIE TIMES."

Sir,—I dislike entering into the merits of a case after it is over, and would not do so now but for your editorial comments on Dr. Byrne's letter in your last issue.

Your argument would have been clear to me if we had wanted a Local Court title, then declaration of forfeiture would have been necessary, but we wanted a title from the Crown—a lease of vacant Crown Lands. In answer to our notice of application an objection was entered of prior title—the case is gone into and we prove abandonment, we prove their Local Court title worth nothing whatever under Local Court Rules, or else why was our evidence taken? What did the Commissioners want the Bench to hear? It must have been to hear our answer to Junin and party's objection or nothing. No. 79 of the Leasing Clauses is a strong one if they really did "hold prior to the date of application to lease," but we proved under Local Court Rules that they did not hold.

Your remark is, "special holdings not worked can be jumped" and "had Dr. Byrne applied for the ground in the *Local Court* and proved its abandonment he would have succeeded." Of course he would; but, as I said before, we did not seek a Local Court title. However, the case is decided against us and there is an end of it.

CLARENDON STUART. 299

October 1872 Gympie Police Court before Messrs. Clarke and McGhie Abusive Language Case of Samuel Barter v. Dr Byrne. Dr Byrne had accused Samuel Barter of calling him aliar;lying scoundrel, Theodore Edgar Dickson Byrne, thepoisoning doctor; look at the case up town.³⁰⁰ Samuel Barter stated in the court hearing that Dr Byrne as a bailiff, had taken every opportunity of insulting him publicly and privately...'Dr Byrne frequently abused and insulted me; he is always pointing me out from the public house bars of the town as "thebailiff"; he assaulted me on one occasion for which he was fined. He has frequently threatened me; he is a very vindictive man; the incident occurred outside the butcher shop owned by Mr McGill on the One-Mile Road, where Dr Byrne had been talking with William McGill, William Peake and Patrick Tracey. William McGill and William Peake swore in court that Dr Byrne was perfectly sober, and that they were standing right alongside alongside Dr Byrne at the time, and they could have heard any remark made by Samuel Barter to Dr Byrne. The

²⁹⁹ The Gympie Times and Mary River Mining Gazette 15 June 1872

³⁰⁰ The Gympie Times and Mary River Mining Gazette 16 October 1872

judgement finally went like this: 'Their Worships held that Dr Byrne's complain against S. Barter had been clearly and they fined the defendant in the sum of 20s. and 12.6d. costs. The cross case brought by S. Carter against Dr Byrne they would dismiss as not having been proved. In answer to Mr Lyons their Worships said they would not bind Dr Byrne over to keep the peace, except on a separate application being made.'³⁰¹

In October 1872, Dr Byrne was also in Court contesting a mining case with which was postponed because of the absent of his Attorney. Dr Byrne was applying for expenses; his Court cases with Mr Lacey continued on into November 1872.

7 November 1872 Judicial Sitting of the Local Court before the Chairman, and Messrs Kitt, O'Keefe, Cooper, Braid, Bunworth, and Stockley

Henry Lacey v. T.E.D. Byrne: this was a suit to recover £4/11/6 for the representation of Dr Byrne's 1/12 share in No. 2 North, Warren Hastings, in accordance with an agreement made on October 25 1871. At the hearing and before Mr Lacey's evidence was taken, Dr Byrne pointed out that a shareholder of this mine and an interested party in the case were sitting on the bench. Dr Byrne was referring to Mr Kitt, but the Chairman was adamant that every member of the court had a right to sit. In the event, there being a quorum, Mr Kitt withdrew from the bench. At this hearing, Dr Byrne admitted owing the debt, but had refused to pay because he considered that insufficient work had be done for the money. Dr Byrne lost the case.³⁰²

13 November 1872 Local Mining Court for the District of Gympie Plaintiff Henry Lacey : T.E.D. Byrne Defendant– 'the Bailiff ... will cause to be sold, opposite the Court House, Gympie, on Tuesday next, 19th instant at 10 o'clock am—All the within DEFENDANTS'S RIGHT TITLE, and INTEREST in 250 shares in the South Smithfield Gold Mining Company (Limited), unless an execution issued herein out of the Local Court, Gympie, at the instance of the above named plaintiff for his costs of verdict, be previously satisfied. S.F. Robinson pro Samuel Barter Bailiff.

18 November 1872 Petty Debts Court Dr Byrne has two cases in the Court on this day. These cases were related to medical attendance fees and for medicine for a young boy with a serious skull injury and another young boy with a fracture of the arm.³⁰³ The report from the newspaper on these cases show that Dr Byrne was successful in both cases. Such pleas in court like this by Dr Byrne confirm his need to be right and to get his money.

³⁰¹ The Gympie Times and Mary River Mining Gazette 16 October 1872

³⁰² The Gympie Times and Mary River Mining Gazette 9 November 1872

³⁰³ The Gympie Times and Mary River Mining Gazette 20 November 1872

T. E. D. Byrne v. C. J. Buckland.—Medical attendance on Mr. Finselbach's child, £5 5s. Plaintiff said that defendant's horse kicked Mr. Finselbach's boy and injured his skull. He was on top of the hill at the time, and Mr. Tozer came for him and told him of the accident. In going round to Finselbach's he met defendant, who was in an agitated state and asked him to do everything he could for the boy. He (plaintiff) and defendant went into the house together. The accident being a serious one, he (plaintiff) desired a consultation, and defendant himself, or some one at his request, brought Dr. Benson. On the following day defendant came to his own residence for the boy was getting on.—Defendant stated that there was hardly a word of truth in plaintiff's statement. The accident arose through his horse bucking, knocking the boy down and hurting him. The horse went away some considerable distance and by the time he (defendant) got back Dr. Byrne had seen the boy. He (defendant) did not send for Dr. Byrne; the first time he saw him was in Finselbach's. He (defendant) went to Dr. Benson's surgery and waited for some time, but Dr. Benson was not in. He saw him afterwards in the street; Dr. Benson had then seen the boy. He (defendant) never asked plaintiff a word about the boy. Plaintiff came to him several times and told him how the boy was getting on. Dr. Benson's fee was £3 3s., and for this he (defendant) was responsible. In cross-examination defendant admitted that plaintiff had suggested the consultation before he (defendant) went for Dr. Benson; and in answer to the Bench he said that he did not know how many times Dr. Benson had attended

the boy. Mr. Bligh said that the verdict of the Bench was that defendant was indebted to plaintiff in the sum of £3 3s. Plaintiff was on the spot and was entitled to the same fee as the other consulting medical officer.

T. E. D. Byrne v. G. W. Gaynor.—Medical attendance, &c., £2 11s. Plaintiff claimed for three consultations and medicine for defendant and for two visits to his child whilst it was suffering from a fracture of its arm. The Bench gave a verdict for defendant with costs, 2s. They held that plaintiff's case as far as the first item of his particulars was concerned had been disproved. With respect to the second item they wished to encourage medical men to be on the scene of an accident as soon as possible, but in the present case the mother of the child had been present and another doctor had attended soon after the accident.

James Rogers v. W. C. Kelly.—Work and labor, £5 10s. For defendant, costs 2s.

Official Assignee of the estate of T. Morton v. Henry Head.—Balance of goods sold, £8 4s. 11d. For plaintiff, costs 6s.

304

21 November 1872 Judicial Sitting of the Local Court before Chairman, Mr C.J. Clarke and Messrs Cooper, Cooper, Kit, Bunworth, O'Keefe, and Stockley

Henry Lacey v. T.E.D. Byrne: this was a suit to recover £3/12/6 balance of nine weeks representation of defendant's interest, in No. 2 Warren Hastings, from September 7 to November 9.³⁰⁵ There was no appearance of the defendant, in other words Dr Byrne did not show. 'For plaintiff for the amount claimed, 10s. costs of Court, and 10s expenses for one witness.³⁰⁶

22 November 1872 Local Mining Court for the District of Gympie

Henry Lacey v. T.E.D. Byrne- 'the Bailiff will cause to be sold as the Court House, Gympie, on Friday next, the 22nd inst at 2 o'clock sharp all the within Defendant's RIGHT, TITLE, and INTEREST,

³⁰⁴ The Gympie Times and Mary River Mining Gazette 20 November 1872

³⁰⁵ The Gympie Times and Mary River Mining Gazette 23 November 1872

³⁰⁶ The Gympie Times and Mary River Mining Gazette 23 November 1872

in and to 4.48th No. 2 South Warren Hastings Reef, belonging to the above defendant, unless this execution be previously satisfied—terms cash—Samuel Barter Bailiff.

Decisions in the Petty Sessions Court Dr Byrne in a letter to the editor of the *Gympie Times* referring to two cases T.E.D. Byrne v, C.J. Buckland and Byrne v. Gaynor. Dr Byrne has gone public to strongly bemoan his poor or nil remuneration in connection with his treatment in these two cases. He finishes his letter by saying ‘ It is notorious to the medical profession here that the very men who so begrudge the doctor his fairly earned and reasonable fee, are the first to raise a howl about the ‘brutality’ if he ventures to delay to visit his patients until some guarantee of payment is given’.

16 May 1874³⁰⁷ week of beginning of May an application was made to Messrs Clarke and Joseph, sitting as Justices, to have an objection lodged by Messrs. Gericke and Ryan, to the application of Dr Byrne to be registered in the Local Court as the owner of the share in No. 3 South New Zealand, abandoned by F. Boyd, set aside. A Mr. Morgan represented Dr Byrne at the hearing, as by this time Dr Byrne had left Gympie to return to live in England and Scotland. The Bench upheld the objection, being of opinion that the Local Court Title, whatever it might have been, merged in the lease.³⁰⁸

There are other cases where Dr Byrne strongly objects to how the Bench of the Petty Debts Court could blatantly have reduced fees for the person who won the case from £5 5s. to £3 3s. For two such cases as these which were serious cases of accident, ‘each involving considerable responsibility, a large amount of work and great care (for the surgeon is liable to an action at law should he unfortunately make a bad job either through neglect or ignorance), and such is the remuneration granted in Court to “encourage” a medical to be humane’.

The responding letter to the Editor from Mr G W Gaynor, all but calls Dr Byrne a charlatan in the manner in which he goes about charging fees and the manner in which he tries to bolster himself up as a ‘worthy man’.³⁰⁹

It is difficult to estimate exactly the number of times Dr Byrne was in Court, either at his volition, or because others had taken him there, but suffice to say that in his almost five and a half years in Gympie, he was there very very regularly. Between 1868 and 1874 he was in court at least thirty-two times, and this is by no means an exhaustive number. The public, the town, its committees and institutions, were never far from his views and

³⁰⁷ The Gympie Times and Mary River Mining Gazette 16 May 1874

³⁰⁸ The Gympie Times and Mary River Mining Gazette 16 May 1874

³⁰⁹ The Gympie Times and Mary River Mining Gazette 27 November 1872

opinions on them, and any other subject he cared to comment on. One wishes that he would have spent his obvious talents better to the improvement of the town, just as others at his time, like Dr Burke, Edward Bytheway and Hugo Du Rietz did, the legacies of which now still remain.

Well was Dr Byrne a worthy man? Perhaps it was the nature of the mining town of Gympie which affected him; he obviously wanted to be highly successful in all he did. After all his brother Bobby had become successful in his newspaper and journalism career, and was a highly respected man in Brisbane. Were the failures he endured in Gympie too much for his ego to cope with and so when the inheritance of Elsie Shields in Scotland came along, that seemed like the opportunity he had been waiting for. He was far more successful in creating a family for himself than was his brother, so perhaps this is what gave him his strength on his return to England and Scotland, for he seemed to sustain the same kind of bad luck in his other ventures there. He thought he was a worthy man and to him that was all that mattered. What other people thought about him while he was in Gympie, angered him, but he never seemed to change his view of himself. He vented his fury with his pen in the newspaper and at meetings, but he never lost sight of who he believed he was.

It does remain however that Gympie gained a highly intelligent and broadly experienced doctor/surgeon for its first doctor. Gympie greatly benefitted from his incredible medical knowledge and experience. He was also a man who got into the spirit of the industry here at that time-gold, even if only for his own gains. He had a character that impacted on the town to such an extent that when he left, there was no farewell and a feeling of great relief that he was not coming back.

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Gympie Regional Library, Local History Section: Photo of Dr Byrne. This photo is held in the collection of the Local History Section at the Gympie regional Library and is believed to have been taken in 1872. At one time following Dr Burke's departure from Gympie, it became the house of Dr. T. E. D. Byrne. It is believed that the bearded man is Dr Byrne and the man seated on the ground, his brother, Bobby Byrne.

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Gympie Miner's Home c1870. Photograph by Richard Daintree provided by Local History Section Gympie Regional Library

Miner's Breaking Down the Reef. Photograph provided by Local History Section Gympie Regional Library

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INDEX

- 104th Wellesley's Rifles, Indian Army, 28
Albert River., 9
Alma Reef, 100, 103
Armstrong, Dr William, 39
Balclutha, 11, 81
Balding, Mr R.G., 53
Ballarat Star P. C., 98
Ballard, Mr, 106
Baltic Medal, 29
Barncleuch, 14
Barter, Samuel, 43, 126, 127, 129
Bella Creek (Yabba Goldfield), 6
Benson, Dr, 42, 43, 65, 66, 67, 79
Benson, Dr John, 39
Big Nugget Claim, 103
Black Snake, 6
Black, Ellen Jane, 21
Bond, William, 70
Booth, Mr E. H., 56
Boyd, Mr F., 109
Bradley, Margaret, 70
Bright, Mr Ashbury, 52
Brooks, Mr S.W., 22
Brown, Dr Elaine, 45, 47
Browne, Mr De Courcy, 110, 111
Buckland, Mr C.J., 80, 129
Burke, Dr, 12, 40, 42, 50, 54, 55, 56, 58, 59, 60, 68, 69, 70, 71, 72, 74, 75, 78, 99, 119, 130, 135
Burke, Dr Stephen, 5, 44, 99, 131
Burke, Dr Stephen John, 12
Bush, Henry, 99
Byrne, Bobby, 5, 23, 25, 135
Byrne, Dr, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24, 25, 26, 27, 28, 29, 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 62, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 87, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 135
Byrne, Dr T. E. D., 5
Byrne, Dr Theodore Edgar Dickson, 7, 14, 48, 105
Byrne, E. Violet E., 19
Byrne, Edgar Alexander Johnstone Eykyn, 20
Byrne, Edgar William Leo, 21, 22
Byrne, Eleanor Elizabeth McAlpine, 14, 16
Byrne, Eleanor Elizabeth Moncrieff McAlpine, 16
Byrne, Ellen E., 19
Byrne, Frances Eleanor Laura, 25
Byrne, Gladis, 21
Byrne, Gwendoline J., 19
Byrne, Jane Moncrieff, 16
Byrne, John Edgar. *See* Bobby Byrne
Byrne, Julius, 20
Byrne, Lavinia Ellen, 21
Byrne, Maudie, 21
Byrne, Theodore D., 19
Byrne, Theodore Edward Dickson, 14
Byrne, William, 13, 14, 16, 27
Bytheway, Edward, 41, 42, 130, 131, 141
Cairngorm Reef P.C., 98
Caledonian Hill, 5, 38, 39, 43, 44, 52, 79, 101
Caledonian Reef, 100, 101, 119
Callaghan, James, 123, 124
Calliope, 6
Canadian Reef, 104

Central Smithfield Gold Mining Company, 44, 107
 Central Smithfield Gold Mining Company Limited. *See* Central Smithfield Gold Mining Company
 Chadwick, Mr, 70
 Challinor, Dr, 9
 Charters Towers, 7, 21
 Chirurgeon, 13
 Christmas Races, 80
City of Brisbane, 46
 Clan Alpine Cottage in Gympie, 55
 Clarke, Gold Commissioner Mr James, 43
 Collis, Mr J.D., 105
 Commissioner's Hill, 38, 39, 43, 52, 82, 91, 97
 Commissioner's Hill,, 52, 91, 97
 Condell, William, 78
 Cordery, Mr E.P., 100
 Corry, Mr, 73, 74
 Crimean War, 9, 10, 14, 16, 17, 20, 26, 27, 29, 30, 31, 32, 33, 51, 71, 132
Crimean War Medal, 29
 Critchlow, Mr, 124
 Croaker's Hotel, 80, 91
 Cullinane, Mr J.S., 98, 99
 Davies, Frederick, 47
 Death Register of the St Marylebone Schools, 18
 Deep Creek, 6
 Delisser, Mr, 100
 Devon, 12, 19, 26, 27, 49
 Dickson, John, 14
Doctor's Reef P.C., 98
 Donnelly, Mr M., 53
 Douay Bible, 83
Doudney, Dr, 44, 46, 79
 Doudney, Dr Edwin. *See* Dr Doudney
 Drew, Charles, 42, 43
 Drummond, Mr., 106
 Drumness, 14, 16, 19, 26, 27
 Dublin, Ireland, 14
 Dubois, Irene, 21
 Duggan, Margaret, 76
 Dumfriesshire, 13, 14, 16, 19, 26, 27
 Durham University, 27, 29, 51
 E. Warford. *See* Esther Warford
Eastern Empire, 9, 11, 17, 34, 52
Eastern Empire., 9
 Edgar, Theodore, 7, 13, 14, 16, 26, 28, 48, 78, 105, 123, 126, 133
 Eisert, Mr Karl, 71
 Elsiefields, 12, 13, 14, 15, 16, 19, 26, 27, 28, 29, 49, 79, 82, 117, 130, 135
 Elsiefields Tower, 13, 15, 19, 49, 135
 English Bible., 83
 Esbie, 14
 Exchange Hotel, 9, 108
 Faircloth, Mr G. Esq, 78
 Fettes College, Edinburgh, 28
 Finselbach, Frederick, 99
 Fiveways., 6
 Fogarty, John, 99
 Foos' Hotel, 73
 Forrest, Mr R., 75
 Fortitude Valley Rifle Corps, 8
 Freemason, 11
 Freemason's Hotel, 55, 121
 Garvon, Mr P., 122
 Gaynor, Mr G. W., 80
 Geelong Jail, 124
 Gilbert, Mr E.T., 53
 Gill, William George. M.R.C.S, England, LSA Medical Officer St Mary's Islington, 51
 Golden Currie's claim, 71
Goldfields Bill and Regulations, 111
 Goodchap, Mr F., 53
 Gordon and Gotch,, 22
 Gordon, Mr. E London Solicitor, 82

Grierson, Marion, 13

Gympie, 5, 6, 7, 8, 9, 10, 11, 12, 13, 16, 17, 19, 20, 26, 27, 29, 35, 36, 37, 38, 39, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 87, 89, 90, 91, 92, 94, 95, 96, 97, 98, 99, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 134, 135, 136, 141

Gympie Hospital, 10, 35, 44, 53, 58, 60, 79, 99

Gympie Hospital Committee, 35, 50, 54, 55, 59, 60, 62, 64, 65, 68, 79

Gympie Local Court.. See Local Court

Gympie School of Arts, 41, 132

H.R.H. the Duke of Edinburgh, 44

Hamilton, Mr John, 84

Hawthorne, Mr C.S, 53

Hays, James, 76

Heath, George Yeoman. Surgeon to the Newcastle Infirmary, Eye Infirmary and Lecturer on Surgery in the Durham University, 51

Helston, Cornwall, 17

Henry and Iron Street, 99

His Royal Highness Prince Alfred, 9

Hodgson Mr Minister for Works, 57

Hodgson, Robert, 70

Howden, Ann Jane, 76

Hugo Du Rietz, 42, 108, 130, 131

Hyman, Benjamin, 120

Hyne's Mining Exchange Hotel, 108

Imbil, 6, 11, 35, 38, 53, 80

Jaap, Dr, 44

Jane Street, 99

Jenkins, William, 122

Jennings, Mr A., 104

Jewell, Mr, 72

Johnstone, Marion, 13

Johnstone, William, 15

Johnstones, 13, 14, 15, 19, 131

Jones Reef P.C., 99

Jones, Arthur, 99, 104

Jones, Richard, 99, 104

Jordan, Henry Colonial Secretary, 33, 34

jumping doctor, 96, 97, 123

Jumping Doctor, 7, 103, 104

Kelly, Mr T., 53

Kiandra, 6

Kidgell, Mr J.G., 41

Kidman, Mr W., 53

Kilkivan, 6, 75, 80

King and Channon Streets, 38

Kircudbright, 14, 27

Kircudbrightshire, 14, 16

Kitt, Mr, 127

Knight, George, 69

Laceration of the Vagina'; 'Fibrous Tumour of the Uterous' and the conditions of Placenta Previa, 11

Lacey, Henry, 127, 128

Lacey, Mr, 127

Lady Mary No. 6, 100

Leichhardt, 11, 12, 46

Light Brigade, 17, 33

Local Mining Court, 44, 104, 105, 107, 114, 125

Lochmaben', 15

Logan River, 8

Long-looked-for Reef, 99

Lord Bishop of Brisbane, 54

Lord John's Swamp, 6

Lucky Valley Goldfield, 6

Lunacy and the Law: Together with hints on the Treatment of Idiots, 11, 33

Lunacy Commissioners, 51

MacAlister, Mr, 105
 Manning, Mr A.W. Under-Colonial Secretary, 54
 Manning, Sir William, 45
 Marshall, George, 43
 Mary River, 6, 7, 12, 16, 17, 20, 35, 39, 42, 43, 44, 46, 49, 50, 52, 53, 58, 59, 60, 61, 63, 64, 66, 68, 70, 71, 73, 74, 75, 76, 77, 79, 80, 81, 82, 83, 84, 87, 89, 90, 91, 94, 95, 96, 97, 98, 100, 101, 103, 104, 105, 106, 107, 108, 109, 110, 111, 113, 114, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 136
 Mary River Goldfields, 52
 Mary River,, 6
 Mary Street, 36, 38, 39, 40, 44, 47, 91, 125, 141
 Mary Street., 36, 125
 Maryborough, 6, 7, 11, 12, 21, 24, 46, 48, 51, 52, 53, 55, 58, 67, 79, 80, 92, 94, 136
 Mason, Dr John Bridges, 8, 39
 Masonic Hall, 53
 Maxwell, James, 14
 McDonell, John, 34, 51
 McGill, William, 126
 McGough, William, 69
 McGurrin, John, 99
 McKann, Mr Thadeus, 21
 McLeay, Jas, 103
 McWilliam, Mr J. R., 87
Medical Act of 1861, 7
 Medical Register of 1882 from Dumfriesshire and Drumness, Kirkcudbrightshire, Scotland, 26
Merrie England, 20, 22
 Miners' Mechanics' Institute, 110
Mining Act and Regulations, 87
 Mining Court, 36, 44, 45, 50, 96, 97, 100, 104, 105, 106, 107, 114, 118, 120, 121, 125, 127, 128
 Moreton Bay (Brisbane), 34
 Murdock, Mr, 67
 Murray, Roger, 120
 Myers, Mr George, 73
 Nanango, 6
 Nash, James, 6
 Nash's Gully, 6, 7, 69
 Nashville, 6, 7, 10, 35, 37, 38, 39, 40, 45, 52, 53, 54, 55, 56, 57, 69, 70, 98, 103, 120, 122, 136
 Nashville Miners' Hospital, 10, 35, 53
 New South Wales, 6, 20, 24, 25, 67, 106
 Newcastle Hospital, 11
 Newcastle-on-Tyne, 10, 16, 29
 Newton, 14
 Nicholls Jumping Case, 113
Nicholls Reef No. 1 North Quartz Claim, 99
 Nightingale, Florence, 45
 No. 1 North, Kentish Reef, 121
 No. 1 South , St Patrick's, 113
 No. 1 South Sydney Reef, 121
 No. 1 South, St Patrick's, 123
No. 1 South, Sydney Reef, 101, 121
 No. 2 North, Warren Hastings, 127
 No. 2 Warren Hastings, 128
 No. 3 South New Zealand, 109, 129
 No. 7 North Monkland Reef, 119
 No.1 South California Reef, 119
 Noosa, 11
North Caledonian Reef, 100, 107
 Nos. 4 and 5 South Smithfield, 108
 O'Regan, Bill, 105
 O'Shea, John, 122
 O'Farrell, James, 45
 One Mile Creek, 6
 One-Mile, 7, 11, 35, 40, 45, 53, 69, 70, 78, 84, 126
 One-Mile Township,, 7

Ordinary Quartz Claim near No. 6 North
Monkland, 101

Osburn, Matron Lucy, 45
Oswald, Joseph, 99
Palmer, Mr Henry, 90
Palmer's Rush, 7
Peake, William, 126
Pearson, William, 69
Penggally, Mr J.H., 53
Pennyfields, Poplar, London, 20
Penwerris Cornwall, 16
Petty Debts Court, 80, 98, 114, 118, 120,
122, 123, 127, 129
Phelan, James, 14
Pine Scrub, 69
Pineapple House, 16
Pockley, Mr. J.F.G., 53
Polmaise,, 46
Poole, Richard, 121
Power, Laurence, 76
Prince Albert of Saxe-Coburg and Gotha,
45
Prince Alfred Street Gympie, 52
Quartz Claim Business Area Main Street,
100
Queensland, 6, 7, 17, 20, 21, 23, 24, 33,
34, 37, 41, 43, 46, 48, 50, 54, 55, 60, 67,
82, 89, 105, 106, 111, 112, 117, 119,
134, 135, 141
Queensland Figaro & Punch, 20
Rae, Robert, 120
Robinson, Mr S.F., 127
Robinson, Mr. S. F., 40
Rockhampton., 81
Rogers, Herbert, 83, 84
Roman Catholic, 83
Royal College of Physicians Edinburgh,
10, 17
Royal College of Surgeons England, 10
Royal Navy, 10, 17, 27, 29, 30, 33

Sailor's Gully, 101
Salcombe, 12, 26, 27
Sampson, Mr H., 122
Scotland, 10, 13, 14, 15, 26, 49, 129
Second doctor in Gympie, 5, 98
Shepherd, John. Historian, 29
Shukman, Reverend Ann, 13, 135
Slater, Andrew, 100
Smith, Mr E. W., 122
Smith, Mr W.A., 53
South Monkland No. 3, 116, 135
St Andrew's Church Dublin, 14
St Audoen's Church in Dublin, 14
St Gluvias, Cornwall, 16
St Helen's Private Hospital, 24
St Phillip's Church in Sydney, 46
Strodo, Augustus, 100
Stuart, Clarendon, 39, 125
Sullivan, Timothy, 98
Surgeon Superintendent, 9, 11, 17, 31,
33, 34, 40, 51, 52
Surveyor-General's Office in Brisbane, 8
Talbot, John Henry, 70
Taylor, Dr, 76, 77
Taylor, Jane Pearson, 10, 16
Theiler, Henry, 99
Theodore Reef P.C., 99
Thrower, Mr G., 55
Tingalpa, 8
Toowong Cemetery, 24, 134
Town Hall, 6
Tozer, Horace, 90, 99, 108
Tozer, Mr H.. See Horace Tozer
Tracey, Patrick, 126
Tucker's Gully, 69
Turon, 6
Varieties Theatre, 17, 67, 82, 83, 111
Victoria Machine, 123
Wade Brothers, 124
Warford, Esther, 10, 11, 17, 36, 39, 46,

47, 48, 50, 81, 98, 99, 118
Warford, George Edgar, *47, 48, 81*
Warner, Ellen Susanna, *12, 19, 26*
Warren, John, *69*
Warwick, *6*
Whickham, Durham, *16*

White, D. B. Physician to Newcastle
 Infirmary, Newcastle, *51*
Wide Bay Elections, *84, 89*
Wilson, Beth, *13, 135*
Wynnum Hotel, *24*



Mary Street 1868-1869: Right Adelphi Hotel; Red white and blue store owned by Henry Markwell. Sign in centre: Booths Sale Yards. On left of the sale yards is Edward Bytheway and Son Store.³¹⁰



Four miners and winch underground at Gympie Goldfield, c 1897 Winze miners at the 236 metre level below the surface at the head in the Columbia Smithfield Mine³¹¹

³¹⁰ Photo provided by the Local History Section from Keith Waser Collection

³¹¹ Queensland State Archives Item ID 1108434, Digital Image ID 2250 Lands Department, Survey of Lands Branch, Photographic Branch