

Reference 'Tragedies and Triumphs' by John D Brown, Alfred Cove WA
(private publication circa 1990)

Like most parents, Tom and Ann **Kite** would have had strong reservations when they said goodbye to their son who was deserting the sleepy Wiltshire hamlet of Tishead, called Tilsit by its inhabitants, for the fleshpots of London.

The villagers would have heard of the terrible things that happened to young country folk who had been drawn to the excitement of London, the centre of the world, where the best and the worst of mankind lived. Could **Thomas** resist the temptations of Mammon? The seething mass of humanity, beyond the imagination of the humble denizens of Tilshead, could swallow a man without trace. Few from the countryside of Wiltshire would have ventured beyond Salisbury, a day's ride from Tilshead, where the towering Cathedral spire beckoned weary travellers to the comforts of the town.

Eventually **Thomas** completed the long journey to London and found employment as a porter at Hugh Jones' linen-drapery situated at 84 Gracechurch Street, close to the Monument, near London Bridge. His salary was twenty guineas a year, which was reasonable considering he had lodgings upstairs in the dwelling-house part of Hugh Jones' shop, together with Mr Jones himself.

Thomas had been born and raised in Tilshead where everyone knew everyone else. The opportunity to commit crime was slight, but in the immense metropolis of London every vice conceivable flourished. Visitors to London were warned "never to stop in a crowd or look at the windows of a print-shop, if you would not have your pocket picked". All went well for over a year. But the temptation was too great for **Thomas**.

OLD BAILY SESSIONS:

1811 - 1812.

Second Session, 1812:

THE TRIAL OF THOMAS KITE

The jurors of our Lord the King upon their oath present that **Thomas Kite** late of London ... Labourer ... on the 21st of December in the 52nd year of the reign of our Sovereign Lord George the Third by the Grace of God of the United Kingdom of Great Britain and Ireland King defender of the Faith ... in the dwelling house of Hugh Jones ... feloniously did steal take and carry away Two Bank Notes for the payment of the sum of Two Pounds each and of the value of Two Pounds each and one other Bank Note for the payment of the sum of One Pound and of the value of One Pound. The said Bank Notes at the time of committing the felony aforesaid being the property of the said Hugh Jones ...

ASSIZE RECORDS.

London Gaol Delivery.

Wednesday, 15 January, 1812.

TRANSCRIPT

Hugh Jones: "I am a linen draper. I live at 84 Gracechurch-street."

Wm. Hughs: "I am shopman to Mr Jones. On the morning of 21st December, a young man with me counted the money in the till, and two hours afterwards he counted the money again; there was not money sufficient for what we had taken in the shop."

Q. "Is that young man here? "

A. "No. I asked him to look if there was any one-pound note with the mark on it; there was not. The notes we could not find in the time. The prisoner, Thomas Kite, was porter at our house."

Q. "Did you see the two two-pound notes and the one pound note in the till before?"

A. "I did. When Mr Jones came home the prisoner was asked whether he had the notes; he said no; he took some silver out of his pocket."

Q. "You do not know who took them out of the till, do you?"

A. "No. Afterwards I saw **Thomas Kite** take them out of his pocket himself".

Q. "Where they

Shepherd: "I am an officer. Here they are. They were taken out of his pocket before I came up to him".

Hughes: "We charged him with the notes; he denied having them. He then took out two two-pound notes, and said that was all he had got; Mr Jones took him upstairs and searched his box; he said, you may as well give me the notes and go about your business; are these all the notes that you took; he said, no, there are more in the packet; they are in this paper. These are the two two-pound notes, I put them in the till that morning, not an hour before they were missed. There is the lady's name

on them. They are the two two-pound notes that I took of that lady here is the one-pound note that perhaps had been taken the same morning about three hours previous. They were taken out of the till, and the prisoner gave them out of his pocket".

Mr Alley: "For aught you know, the prisoner might have given change for them out of his pocket; and the other man is not here".

A. "No" .

Q. to Mr Jones: "Where did you get these notes?"

A. "The prisoner gave them out of his pocket to me; when I missed these notes I took him upstairs and insisted upon searching his box. I took out all his clothes, I found this pocket book, it contained five pound odd in silver I said I was certain he had the notes, he had better give them up; he put his hand in his pocket and gave them out before the other witness; they were loose in his coat pocket" .

Q. "What else did you find upon him?"

A. "Forty-seven pounds. He was my porter, he lived in the house and had twenty guineas a year; he lived

with me between thirteen and fourteen months".

Mr Alley: "Was the other man that is not here a shopman?"

A. "Yes; he is not here; he is in my service now".

Court: "What parish is your house in?"

A. "St Peter's Cornhill".

Q. "Have you any partners".

A. "None, at all".

Q. "Is the shop part of your dwelling-house?"

A. "Yes , it is"

Shepard: "I know nothing of the robbery, the property was given to me, fifty-two pound in bank notes and five in cash".

The prisoner left his defence to his counsel, called four witnesses, who gave him a good character.

GUILTY.

DEATH (by hanging) .

Aged 24.

The prisoner was recommended to mercy by the jury on account of his former good character.

LONDON JURY, BEFORE MR RECORDER.

The death sentence was subsequently commuted to transportation for LIFE.

CONVICT TRANSPORTATION TO AUSTRALIA

At his trial and on his Absolute Pardon Thomas Kite's calling was given as Labourer but, on his Indent, his calling was recorded as Blanket dresser, that is, someone who trims blankets. His eyes were Hazle [sic] his Hair was black and his complexion fair.

Eighteenth century English gaols, such as the one that held **Thomas Kite**, were a far cry from today's prisons. Filthy and overcrowded, the ancient gaols housed men, women and children without discrimination and without segregation. Those awaiting trial were herded together with sentenced criminals. Prisoners' friends could bring them money to buy the necessaries of life and things not so necessary, such as beer. Female prisoners who had few, if any, friends prostituted themselves to their gaolers who were not civil servants but men who made their living from selling food and services to those in their charge.

Elizabeth Fry spent much of her time working at prison reform, notably Newgate where many contemplated their impending transportation. Prisoners adored her and kings heeded her. Quite probably **Thomas Kite** met her, as she frequently visited the London gaols at the time he was incarcerated. He waited for nearly a year from the time of his trial, on 15 January 1812, until his abode was changed from a stinking prison to the dank, vermin ridden

ship that was to take him away from the only country he knew. Two days before Napoleon abandoned what was left of his armies on the Russian front and retreated to Paris by sleigh, Thomas was put aboard the ship Fortune on 3 December 1812 to arrive in Sydney on 11 June 1813.

Being a pre-1815 convict ship, the Fortune was subject to few laws. Thomas Kite probably suffered the privations that were common on such ships at the time. Apparently he disembarked in good condition as he was taken to Windsor in January 1814 where, in October of the same year, he was assigned, with 2 other convicts, to the service of a Mr Purcell, probably Charles Purcell, a farmer who came free to Evan on the ship Anne in 1810.

With the crossing of the Blue Mountains by Blaxland, Lawson and Wentworth in 1813, the rich Western Plains were opened up to provide grazing lands for the ever increasing numbers of sheep which had reached 85,000, an increase of 59,000 in 3 years.

This monumental exploratory achievement led to an equally remarkable accomplishment - the construction of the road from Emu Plains to Bathurst.

The Introduction in William Cox's Narrative of Proceedings brings to us the enormity of the undertaking, as do Cox's hand written lists of the names of the men who carved their way through the mighty bastions of the Blue Mountains. These names are listed in the order they were written. Some men became "absent" and some were "joined" to balance the numbers.

Transcript of Convict Road Book

They Came	Road Book 1815	Road Book 1815
by a Road	30th Sept	24th Oct

Sergt	Bounds	Lewis	Lewis
	Ray	Dye	Richards
	Minehan	Freeman	Ayres
		Richards	Dye
Corp	Harris	Bryan	Freeman
		Monk	Lawrence
Pvt	Carrol	Watson	Dwyer
		Paris	Sullivan
James	Watson	Logan	Watson
James	Dwyer	Pierce	Bryan
*Thomas	Goram	Henley	Monk
William	Dye	Brown	Paris
Sam	Freeman	Kendall	Henley
Thomas	Cooke	Kelly	Galayley
Robert	Fowler Bennett		Logan
James	Richards	Brockway	Pierce
William	Herdman	Neale	Brown
John	Hanley	McIntire	Wesor?
Sam	Walters	McMann	Davis
Henry	Cryer	Adams	Kendall
Samuel	Crook?	Dwyer	Kelly
Patrick	Harman	Sullivan	Bennett
John	Allen	Davis	Brockway
Thomas	Adams	Bannister	Neale
John	Finch	Miller	Adams
Stephan	Parker	McIntire	
Tom	Roddocks	M'Mann	Flarty
John	Manning	Bannister	Finnigan
John	Tindall	Miller	Ladne
James	Kelly	West	Berwick
Matt	Smith	Pierson	Flarty
Harry	Sullivan	Lawrence	Finnigan

John Ross	Thorpe	Ladner
William Lawrence	West	West
Thomas Kendall	Pierson	Pierson
Sam Davis	Lawrence	Thorpe
Henry Morton Thorpe		Neville
Thomas Watkins	Weson	Baker
Jim McCarthy		
William Appledore		Kite
Pat Hanhaghan	Nevile**	
Stephen Hockey	Baker**	Richards***
William Ramsay	Faulkes**	
George Keen	Kite**	
	Hearn**	

** Joined 30 Sept

*** Absent

* Most likely Thomas Gorman

7 Oct - 36 Rations

Hearn discharged infirm

Baker sent to hospital

Galayley joined

14 Oct - 36 - R[atations]

McCoy & Ayres joined

Lewis & Richards absent

21 October - 40 Rations

Baker & Richards joined

Return to company the 23rd Oct

First Bathurst Settlers

5 Freeman

William Lee

George Cheshire

James Blackman

John Blackman

Richard Mills

5 Convicts

John Ablett

John Neville

Thomas Kite

Thomas Swanbrooke

John Godding

LAND GRANT AND PARDON

Of the forty men who conquered the Mountains, only two settled in Bathurst. One was John Neville, spelt in various ways, and **Thomas Kite** who probably returned to Mr Purcell until he was granted his conditional pardon dated 28 October 1818, although he and the other four convicts, were chosen on 2 February 1818.

The pardons they were granted for their parts in conquering the daunting gorges and 1000ft sheer rock cliffs for those who made the Blue Mountains impenetrable for so many years.

Governor Macquarie devised a plan to establish a number of settlers on small agricultural grants. The scheme took effect on 2 February 1818 when grants of 50 acres were made to each of ten men, of whom five were convicts serving life sentences and five were born in the colony.

Those born in the colony were:

William Lee, George Cheshire, James Blackman, John Blackman and Richard Mills.

The pardoned convicts were:

John Ablett, John Nevill, **Thomas Kite** and John Godding.

The only exception was Thomas Swanbrooke.

Although Macquarie had proclaimed that the ten men should be "half of them young men born in the colony-and the other half free men who have been convicts" on 2 February 1818, their Conditional Pardons were actually granted on 28 October 1818. To assure the success of the scheme, each grantee was given an assigned convict servant, a cow, four bushels of seed wheat and a guaranteed market at the local Commissariat store.

Thomas' efforts resulted in a surplus of produce from his 50 acres in March 1820, bringing him the sum of thirty five pounds, or nearly double the twenty guineas he earned in a year as a porter in Mr Jones' Linen Drapery in London. Taking in account his costs, he would have probably broken even.

When **Tom Kite** was assigned to Mr Purcell, Windsor, or Hawkesbury as it was known then, consisted of about 50 dwellings and the usual cluster of government and military establishments. St Matthews, one of Francis Greenway's finest architectural masterpieces, was barely started whilst **Tom** was in Mr Purcell's care. In such a small settlement it was inevitable that everyone knew everyone else. **Tom** certainly met Joe Baylis and Ann Taylor and their 10 year old daughter Sarah, as well as William, John, Mary, Jane and Maria.

His epic journey over the Blue Mountains and his work establishing and increasing his farmlands did not sever his friendship with Joe and his family. Nine months after he sold his surplus produce, **Tom** married the not yet 17 year old Sarah Baylis on Boxing Day 1820 at Christ Church, Castlereagh.

Tom must have been a charmer. He was 31 when he married Sarah. To a 16 year old girl, a 31 year old man seems positively ancient.

In 1820 **Tom** had not started to amass his wealth. His land was barely productive enough to provide sustenance for those working on it, so Sarah did not marry for money. Nor was she pregnant. With men outnumbering women by about two to one, young women could pick and choose. Sarah chose the black haired, hazel eyed five foot nine and a half , dark ruddy complexioned **Thomas Kite**. Almost a year to the day after the wedding, Tom and Sarah had a daughter. She was named Ann after Tom's mother.

PROSPERITY

During the next 7 years **Tom** laid the foundations of his fortune. Sarah Mary, named after her mother, arrived in 1823, Jane followed in 1825 and Eliza two years later. The absence of boys in the farming family must have been some concern but, like most people of the era, large numbers of children were common, and Sarah was still young at 24 when Eliza was born. By 1827 Tom was sufficiently important to have connected with the presentation of an autographed address to Rev Thomas Hassell, who was to marry Ann Marsden, the Rev Samuel Marsden's first child, on 12 August 1832, at Parramatta and, in the same year Tom became an Elder of the Independent Academy. Sadly, his mother-in-law, Ann Baylis, died on 21 December 1826, just before he was honoured.

Joe must have been devastated. He left Windsor, where Ann is buried, and took Maria and Jane, now 13 and 15, to stay with

him at Tom Kite's farm where he could be comforted by Sarah, his daughter and **Tom's** wife.

The 50 acres granted to Tom in 1818 had now grown to 150 acres of which 80 acres had been cleared, grazing 18 horses, 230 cattle and 1000 sheep. To help with the running of the farm there was a staff of three, plus 4 convicts and 3 ex-convicts. Now the tables were turned. Instead of being a virtual slave to Mr Purcell, he was now master of seven men, two teenage girls and one wife. We know who the girls and his wife were, but who were the seven men?

Transcript of Indenture

Name	Age	Status	Ship	Arrival Date	Status	Sentence	Trade
Ben Mansfield	31	GS	Champion	1827	7	years	Cook
Jas Muir	28	TL	Ship1ey	1817	14	years	Shepherd
John Purvis	29	FS	Batavia	1818	7	years	Stockman
John Quinlam	28	GS	E1iza	1827	L		Hut keeper
Thos. Sanders	30	FS	G. Hewitt	1819	7	years	Carter
Wm. Shreeves	24	GS	Guildford	1824	L		Shepherd
Mack Smith	45	FS	Tottenham	1818	7	years	Shepherd

The ever present ship's name was listed on the 1828 Census as well as the Status code:

- 7 Seven years transportation
- 14 Fourteen years transportation
- L Life sentence transportation.
- Gs Government Service (convict working for the Govt.)
- TI Ticket of Leave
- Fs Free of Servitude (having served his time)

From these bare facts we can see that Ben Mansfield and John Quinlam had been assigned to **Tom** almost as soon as the ship docked. Jas. Muir had served 11 of his 14 years but was still subject to the conditions of his Ticket of Leave. John Purvis, Thos Sanders

and Mack Smith were all free men, having served their time and had chosen to work for **Tom Kite**. William Shreeves with only 4 years served had much assigned work ahead of him. Because fences were seldom seen, three of **Tom's** seven farm hands were shepherds; the others were what we would expect.

By now **Thomas Kite** was regarded as the most successful of the original settlers. Many were granted land but few made the most of their grants. It took hard work and intelligence to get the most out of unknown soils in unknown climatic conditions, but **Tom** obviously had all the qualities needed for success. What would he have thought of today's sheep and wool industry? His sheep were shorn manually with "blades" those wrist developing shears that were used by the millions, and are possibly still used to shear valuable stud rams. Certainly they were so used in the 1940's. Herbert Austin and Frederick Wolseley, who were to build cars bearing their own names, had not yet journeyed to Australia (and when they did they would have travelled in more comfort than **Tom Kite** and Charles Gornall did) to design and -eventually manufacture vast quantities of their sheep shearing machinery.

Rather than stuffing fleeces into bags of various sorts, **Tom** would see a highly efficient wool classing operation with classified fleeces being pressed into uniform bales to be taken away by a transport system that would stagger his imagination. Not for him the speed and ease of motor transport, or trains, aeroplanes and steamships. Journeys were by foot, horse and coach in **Thomas Kite's** day. Communications were carried by the same means. Houses were lit by candles or oil lamps; heating and cooking were by wood or coal fires. There were no refrigerators, electric appliances, telephones, radios, television, air conditioning, computers, cinemas, cameras, typewriters and a host of other things we take for granted as they make our lives easy and enjoyable.

Governor Phillip's land grant policy was changed by Governor Macquarie who favoured granting land to free settlers of means in preference to convicts, or even ex-convicts, yet **Thomas** received a grant of 640 acres (a square mile) in 1830, by which time he had applied for 4 more assignees, but he was allotted only two.

The assignment system dated back to the days when convicts were transported to America, and even Africa, where they were sold as slaves for the term of their sentences. This practice continued until the American War of Independence in 1775-83. By the time the war was over Australia had replaced America as the repository for Britain's unwanted felons. The trade of British convicts to Africa also ceased. The virtually uninhabited spaces of Australia presented a totally different proposition to the relatively settled America. Britain wanted Australia populated to deny the continent from France and Holland, both of which had mapped large parts of the Australian coastline. There was no market for slaves in Australia, so the government, in essence, sold the convicts to themselves by assigning them to free settlers (of whom there were very few in the early days) and other convicts who had been given conditional pardons almost as soon as they walked off the ship. Land was handed out to any pardoned convict who had any potential, and to some who had none. There were many convicts assigned to other convicts who had been given conditional pardons only months after they had arrived. It is on record that fortunate convicts had written home giving glowing reports of the future in New South Wales, encouraging their wives to commit crimes so they could be sent to NSW to be assigned to their husbands. No one has said what would happen if the husband were in Sydney and his wife sent to Hobart Town!

Whatever the facts of family reunions, there was enough corruption to justify the creation of an Assignment Board.

Masters applied to the Board giving details of the convicts already under their control and the amount of land under pasturage or cultivation. Often they applied for more than they needed, in the knowledge that the Board would reduce their requirements. The net result was that they got what they needed, not what they wanted.

In 1832 Tom was monopolizing the hotel trade in Bathurst. The population of Bathurst in 1821, the year after Tom and Sarah were married, was a meagre 287, rising to 3599 in 1841. In between these times Tom had set up the Dun Cow in 1827 and the Wayside Inn some time later. He continued expanding his pastoral activities and added another 640 acres to boost his growing empire. His next acquisitions were the purchase of 1050 acres and the grant of yet another 640 acres. The wool boom which had started in 1834 boosted the price of land and started the new Bathurst Bank, with Thomas Kite elected as a director. The first dividend was 34.75 on paid up capital. By 1840 the banking industry was more complex and competitive, so the Bathurst Bank was sold to the Union Bank, and Tom concentrated on his other businesses. The expansion of his land holdings continued with one more lot of 894 acres and another of 960 acres at Molong which, in 1849, was officially declared "a site for a village". It was established on land originally held by Thomas Kite. Still in 1835, he took up "Wardry" a sheep station of some 27,000 acres west of Condobolin, and four other properties amounting to a total additional area of 124,660 acres. The expansion program was maintained until, in 1851 he held more than 200,000 acres of some of Australia's finest pastoral and farming land.

But Thomas' most satisfying day would surely have been in 1836 when he was granted his Absolute Pardon which freed him from the restrictions imposed by his Conditional Pardon. Because Governors could no longer grant pardons, but only recommend them, Thomas' Certificate had to be signed firstly by Richard Bourke, Governor

of New South Wales, on the twentieth of November 1837, then by Sir George Gipps, Knight, who took over from Bourke, had been "duly signified to me through the Right Honorable Lord Glenelg Her Majesty's Principal Secretary of State for the Colonies, by a Despatch dated 23rd June One thousand eight hundred and thirty eight No 136 Given under my Hand at Sydney, within the said Territory of New South Wales, this Tenth Day of January in the Year of Our Lord One thousand eight hundred and thirty nine. (signed) Geo. Gipps." All this was "Entered upon Record at Pages 125/126 Register No.3 this Twenty first Day of January One thousand eight hundred and thirty nine~ The last signature is from Colonial Secretary Deas Thomson.

By the time his Absolute Pardon certificate arrived in Sydney, **Thomas** had built his mansion "Woolstone" although the precise year of its construction is unknown, it is believed that he built the single storey home in the 1830s and his son William added the upper storey and the tower. With a fine sense of history, **Thomas** set Woolstone on his original grant near the village of Kelso.

The man who was saved from the hangman's noose and became a wealthy and respected gentleman, died of "Old age General debility" on 13 September 1876, aged 87, at his residence "Woolstone" which is still intact. His will ran to 49 pages. Sarah Mary and Richard Young Cousins inherited Orr's Wharf in Sydney, all his lands in Clarence and York Streets in Sydney, land in Bathurst and Orange, plus 10,300 acres covering 17 parcels of land. His intention was to divide his possessions equally to his seven surviving children, surely a mark of a wise and compassionate man. In his obituary in The Bathurst Times of 16 September 1876, **Thomas Kite**'s wealth was "variously estimated at from six to eight hundred thousand pounds in real and personal estate." There were few in the colony who were so successful and so respected.

WILL OF THOMAS KITE transcript

Thomas Kites seven children named in the original Will were:

Thomas Kite the younger

William Kite

George Kite

Sarah Mary Cousins, wife of Richard Young Cousins

Ann Lee, wife of William Lee

Emily Louisa Lee, wife of George Lee

Elizabeth Forest (or Forrest) wife of Mowbray Forest.

LIST OF PROPERTIES BEQUEATHED IN THE LAST WILL OF THOMAS KITE

Bequests to Thomas Kite the younger:

30 acres 20 perches (more or less) in the North of the town of Orange in County of Wellington granted to me by the Crown by Deed of Grant on first of March, 1955.

30 acres 3 roods 36 perches in North of the town of Orange (as above)

640 acres in Parish of March; Crown Deed of Grant on thirtieth of November, 1842.

13 lots totalling 729 acres near Kangaroo Bay on the Nandillion Ponds. Crown Deed of Grant of first of July, 1857

40 acres in Parish of March in County of Wellington but in the Deed of Gift stated to be in the County of Bathurst. Crown Deed on seventeenth of May, 1839.

16 lots totalling 676 acres at Mullyan Creek, in Parish of March, six on second December, 1856; and ten on second December, 1859.

42 acres at Mulyan Creek. Crown Deed, on eleventh January, 1860.

746 acres on Nandillion Ponds. Crown Deed dated sixth of June, 1836.

832 acres on Nandillion Ponds. As above.

1,193 acres on Nandillion Ponds. Crown Deed on twenty-ninth of June, 1839.

2 Messuages and shops nearest to the corner of Howick and William streets, Bathurst.

4 messuages or tenements and shops which I have erected on the site of what was formerly the Wool pack Inn;

Also all those parcels of land in George St., Bathurst, portions of allotments twelve and ten of Section fourteen, with the messuages or tenements thereon which by Indenture dated 5/7/1870 were conveyed to me by Domingo Gressier;

and two allotments at the corner of Howick and Stewart Sts, Bathurst, Numbers 14 and 15 of Section 17, which with other hereditaments were conveyed to me by Messieurs Robert Towns and Alexander Stewart by Indenture dated first of June, 1870.

Bequests to William Kite:

1,050 acres at Molong Creek in County Bathurst. Granted on the twenty-sixth of November, 1834.

920 acres at Molong Creek. Granted on twenty-eighth January, 1836.

1,130 acres at Bell River. Granted thirtieth of April, 1837.

733 acres at Molong Creek. Granted on sixth of June, 1836.

725 acres at Molong Creek. Granted on June, 1836.

1,830 acres at or near Molong. Granted on thirty-first, January, 1839.

1,920 acres (three lots each of 640 acres) near Molong. Granted on thirty-first of January, 1839.

712 acres near Molong. Granted on Thirtieth of January, 1839.

550 acres near Molong in County of Ashburnham. Granted on ninth of July, 1861.

2,000 acres on Bathurst Plains, A.K.McKenzie's Grant known as "Dockairn", and purchased by me from William Henry McKenzie Esq.

and those two messuages and shops and premises nearest the corner of Durham and William Streets, Bathurst;

and four messuages shops and premises I erected on the site of what was formerly the Wool pack Inn.

Bequests to Sarah Mary Cousins:

894 acres at Nubrigyn Creek. Granted eighth of February, 1836.

980 acres at Nubrigyn Creek. Granted thirtieth of June 1838.

1,269 acres at Nubrigyn Creek. Granted twelfth of July, 1839.

21 acres at Weandra Creek. Granted thirty-first of January, 1839.

1,180 acres at Nubrigyn Creek. Granted on sixteenth of June, 1837.

1,104 acres at Nubrigyn Creek. Granted as above.

640 acres at Bell River and Weandra Creek. Granted on thirty-first of January, 1839.

60 acres at Kelso purchased from George Chesher on thirtieth of June, 1823.

2 acres of Chesher's Grant purchased from the Assignees of the estate of the late Frederick Strachan and the Inspector of the Union Bank of Australia by Indenture of first of January, 1864, and the house and grounds now in occupation of Richard Young Cousins as a dwelling house.

400 acres on Bathurst Plains known as Jew's Hill conveyed to me by the representatives of the late Samuel Terry by Indenture on fifteenth of November, 1860.

the parcel of land in the City of Sydney known as Orr's Wharf conveyed to me by William Orr on fifteenth of December, 1852.

all my lands in Clarence and York Streets Sydney, conveyed to me by the Trustees of the Australian Trust Company on the 23rd of August, 1848.

1280 acres granted by the Crown to G.F.Blackett in County of Bathurst and conveyed to me by Dodds and Blackett on thirteenth

of May, 1846.

and certain lands, messuages and hereditaments in Orange, mortgaged to me by Hyam Phillips and which I subsequently purchased from R.Y.Cousins, conveyed on sixth of May, 1860.

1280 acres at Fitzgerald's Swanp in County of Bathurst, conveyed by Thomas Weavers the younger by Indenture of sixth of January, 1868.

That parcel of land in Parish of Cole, near Fitzgerald's Swamp, number 72, containing 37 acres 1 rood; Crown Deed of Grant dated fourteenth of September, 1866.

3 parcels of land totalling 95 acres 3 roods (Nos 73, 63, 65) in Parish of Cole. Granted on first of April, 1868.

2 parcels of land totalling 88! acres (Nos 80 and 54) at Fitzgerald's Swamp. Granted on sixteenth of September, 1870.

A parcel of land at Fitzgerald's Swamp, No 69, of 40 acres 3 roods. Granted on third of November, 1866.

40 acres in Parish of Vittoria on Neal IS Waterholes. Granted by the Crown on first April, 1868.

In the town of Bathurst, Nos 17 and 18 of Section 4, conveyed Qy Robert Towns and Alexander Stewart on first of June, 1870.

Bequests to Ann Lee:

2,000 acres on Winburndale Creek in County of Roxburgh originally granted to J.T.Palmer, conveyed by J.T.Morisset on thirtieth of

July, 1838.

300 acres on the Macquarie River in County of Roxburgh originally granted to John Day and conveyed to me by Indenture (Date unknown).

350 acres on Macquarie River. Granted by Crown on twenty-fifth of August, 1838.

1,250 acres on Macquarie River. Granted by Crown on twelfth of April, 1837.

640 acres on Macquarie River granted to - Webb, and purchased by me from the trustees of the Estate of Samuel Terry on fifteenth of November, 1862.

1,060 acres near Macquarie River and adjoining John Days Grant, originally granted to James Edrop, 530 acres whereof I purchased from James Edrop and the other 530 acres from James Stirling, Chairman of the Bank of Australia.

4 parcels of land totalling 409 acres on Bathurst Plains, granted originally to William Charles Wentworth and purchased by me from William Lee Senior.

Allotment No 3 of Section 7 in the Town of Bathurst whereon is situated a messuage or tenement known as The Free Selection Inn which with other hereditaments was conveyed to me by the Official Assignee of the Insolvent Estate of William Nason on twenty-fifth of October, 1864.

Several allotments in Bathurst, Nos 3 and 4 of Section No 64, and No 3 of Section 29, conveyed by the above Official Assignee.

Allotment in the Village of Peel in County of Roxburgh containing 1 acre (allotment No 10 of Section 9) conveyed by said Assignee.

Allotment No 13 of Section 18 in Bathurst, conveyed to me by the Commercial Banking Co. of Sydney by Indenture of twenty-second of June, 1869, and upon which are situated the buildings formerly known as the Red Lion Inn and the Victoria Theatre.

Allotment in Bathurst on the Corner of Howick and Bentinck Sts., Nos 19 and 20 of Section 4, conveyed by William Campbell Mockett and his mortgagees on twenty-first of June, 1869.

Store and premises in Castlereagh Street Sydney near Circular Quay now occupied by one, - Mayfield as my tenant, and 2 allotments at the back of the said store, all which said hereditaments I purchased from the Crown.

Bequests to Emily Louisa Lee:

All the farms at Emu Plains in County of Cook three of which contain 50 acres and the other 38 acres.

2,000 acres of land at Winburndale known as Brown's Farm.

The cottage and premises in Castlereagh Street, Sydney, conveyed

The cottage and premises in Castlereagh Street, Sydney, conveyed by William Brady by Indenture on third of December, 1856.

The messuage and premises at the Corner of Castlereagh Street and Hunter Street, Sydney, purchased by me from Messieurs Brady and McRoberts on seventh of December, 1850.

Several parcels of land in Morrisset and Ranken Streets, Bathurst, formerly the property of John Joseph Ashe, and since conveyed to me by R.Y.Cousins.

The messuage and premises in Russell Street, Bathurst, formerly occupied as a Town Hall and mortgaged to me by John Joseph Ashe and since conveyed with other lands to me by R.Y.Cousins by Indenture dated sixth of May, 1863.

850 acres at Queen Charlotte's Vale in County of Bathurst formerly granted by the Crown to John Lake (Date unknown).

Parcels of land in Bathurst, portions of allotments 16 and 17 of Section 1, conveyed to me by the Trustees of the Estate of John Ireland on eleventh of July, 1869.

Parcels of land in Bathurst, allotment No 1 of Section No 4, and thirty-five perches of land adjoining thereto, conveyed by Robert Towns and Alexander Stuart by Indenture on first of June. 1870.

674 acres in Parish of Malmsbury and County of Bathurst at Macquarie River. Crown grant by Deed of Grant on twentieth of May, 1840.

1,001 acres on west side of Macquarie River adjoining the aforesaid 674 acres granted by the Crown to Hughes and Hoskings and purchased by me from the Bank of New South Wales.

35 acres in Parish of Malmsbury, Portion No 4 granted by the Crown to me on sixteenth of January, 1861.

Seven other lots totalling 316 acres and 18 perches, Portions 11,12,17,18,19,20, in Parish of Malmsbury. Crown Deed on the sixteenth of January, 1861.

40 acres in Parish of Malmsbury at the Back Swamp, Portion 28. Crown grant to me on the fourteenth of September, 1866.

Bequests to Elizabeth Forest:

2,000 acres in the County of Roxburgh known as Junes's Grant, purchased from the representatives of the late Samuel Terry.

All the buildings and premises in Pitt Street, Sydney, purchased from W.J.Packer and conveyed to me on the sixth of November, 1846, and now in the occupation of Pay ton and Day and known as The Auction Mart.

That messuage and premises in William Street, Sydney, purchased from - Smithers.

Those parcels of land in Bentinck Street, Bathurst, allotments Nos 14, 15, and 16 of Section 4, conveyed by Robert Towns and Alexander Stuart on the first of June, 1860.

27 acres 3 roods 20 perches in the Parish of Malmsbury at the Back Swamp, Portion No 60. Granted by the Crown on fourteenth of September, 1866.

Ten other lots totalling 360 acres in the Parish of Malmsbury Portions 61 to 70 inclusive. Crown Grant as above.

40 acres in the Parish of Malmsbury, Portion 29, granted on the first of June, 1866.

Bequests to George Kite:

The parcel of 80 acres at Kelso on which the house and premises wherein I now reside are built.

1,000 acres on Bathurst Plains known as Blarney, purchased from the Estate of Thomas Aspinall.

55 acres adjoining this, being a portion of W.I. Brown's Grant and purchased from Sir William Verner, on which the Woodside Inn is built.

376 acres 3 roods purchased at Auction from the Crown at Bathurst on the ninth of May, 1871, for which I hold a receipt for the balance of the purchase money dated ninth of August, 1871.

640 acres on the west side of the Macquarie River granted to C. Wall and purchased by me from William Charles Wentworth.

2,500 acres on the West side of Macquarie River adjoining, granted to Colonel Wall and purchased from William Charles Wentworth.

50 acres in the Parish of Malmsbury near the Macquarie River, Crown grant on sixteenth of September, 1870.

50 acres 2 roods in the Parish of Malmsbury, Portion 80, purchased from the Crown and granted by Deed dated the second of November, 1869.

Two parcels of land containing 107 acres each, on Bathurst Plains adjoining Robert Bonner's Grant of 1,2000 acres and granted to Willi Charles Wentworth and mortgaged with me (with other lands) by Robert Bonnor.

1,200 acres on Bathurst Plains purchased by me from William Lee t e elder.

All my household furniture, plate, linen and china, and also all

the live stock and farming implements and other chattels at my dwelling house at Kelso and the 80 acres thereunto belonging.

Miscellaneous bequests:

The Trustees of my Will to stand possessed of 12 acres 2 roods 15 perches in Queen Charlotte's Vale conveyed to me by John Liscombe on the thirtieth of July, 1842 upon trust for Thomas Bayliss, eldest son of the late Benjamin Bayliss of Gorman's Hill near Bathurst.

Real estate not hereinbefore specifically devised, at the discretion of the Trustees, to be sold and converted into money. The unsold portion of such realty to be divided in equal proportions among the seven children.

I give and bequeath to my Trustees for my said children in equal proportions all my Bank shares.

I give and bequeath to James Rue, a stockman in my employment, the sum of 100 pounds. Also an annuity or clear yearly sum of 50 pounds for life, to be paid quarterly.

All my horses, sheep, cattle and all the rest and residue of my personal estate not hereinbefore specifically bequeathed, including moneys due to me on mortgages and moneys in the Bank, to be converted into money and the proceeds divided among the children in equal shares.

The Will was signed on the twenty second of August, 1871, in the presence of George Pinnock, Solicitor of Bathurst, and John McPhillamy Junior.

CODICIL TO THE WILL

The Will had to be revised as the result of the deaths of Thomas Kite's sons: George, who died on 2 November 1873 and Thomas who died on 28 May 1861.

The two sons' bequests were revoked and distributed amongst the remaining five children, excepting some amendments to their previous legacies, and with provision for Thomas' children.

One bequest, which apparently was not mentioned in the original Will, was made to Elizabeth Forest:

2,000 acres known as Yarrows situated in the County of Roxburgh, Township of Peel, conveyed to me by Samuel Hughes and others by Indenture of the first of September, 1861.

(The Codicil was signed on the sixth of July, 1875, and witnessed by George Pinnock, Solicitor, and Robert Booth, Clerk to McIntosh Pinnock and Price, Solicitors, Bathurst.)

Probate of the Will was granted on the nineteenth of October, 1876:

"This day upon Petition, Probate of the Last Will of Thomas Kite deceased was granted to William Kite and Richard Young Cousins, Executors, Thomas Kite the younger being deceased and George Lee having renounced. Testator died on 13/9/1876.

Goods were sworn at 220,000 pounds.

Probate was dated the same day as granted."
