

## Murder on Great Barrier

In 1883 the debonair Captain Caffrey was engaged to an attractive girl from Great Barrier Island. Within three years the romance was over and a man murdered as a result.

Captain John Caffrey was a commanding figure. Tall, strong and black-bearded, he was captain of the trim little cutter *Sovereign of the Seas*, which he sailed under contract to the owners, Messrs Henderson and Spraggon, of Auckland. One of his regular ports of call was peaceful Tryphena Bay on Great Barrier Island and it was here, in 1881, that he met and fell in love with Elizabeth, the young and beautiful daughter of a settler named Robert Taylor.

Caffrey, debonair and gay, had little trouble in winning Elizabeth's affections. His charm and kind-heartedness made him popular with her family, and when their engagement was announced, two years after their first meeting, the skies seemed clear for romance.

The first cloud appeared when Caffrey and his future father-in-law quarrelled. The reason is not clear, but shortly afterwards Elizabeth told Caffrey that she was not prepared to marry him. Caffrey, convinced that her decision was caused by her father, was furious. He swore, in the best traditions of Victorian melodrama, that she would marry no other man, and that he would return to Tryphena "with a ring or a revolver".

Months passed, but he made no attempt to follow up his threats. In early 1885, when Elizabeth married a neighbouring settler, Frederick Seymour, their quiet wedding was not interrupted. It seemed that Caffrey had accepted defeat. The Seymours went to live at "Hauratanga", a few miles from Tryphena, and there, in May 1886, their first child was born.

On June 10, Mrs Seymour took the new infant to visit her parents for a few days.

## Abduction Planned

Caffrey learnt of her return. Afterwards he claimed that Elizabeth had written to tell him of her visit home, and asked him to rescue her from an unhappy marriage, but whether this was true, or whether he learnt purely by chance of her visit to Tryphena, will never be known. In any event, Caffrey made elaborate and melodramatic plans for her abduction.

He decided to take her to South America. The *Sovereign of the Seas* was docked at the Railway wharf, and amongst her cargo were large quantities of stores. Caffrey added kegs of dried meat, supplies of water, maps and charts, and all the necessary equipment for his long trip. He also constructed, in a fit of bravado, a black flag for the mainmast, to emphasise his piratical mood.

Fired with enthusiasm, Caffrey talked of his plans to a friend named Henry Albert Penn. He told Penn that Elizabeth Seymour had been forced into marriage by her father-who he referred to as "Old Tusky"-and that he was going to rescue her and make a new life in Valparaiso. Penn agreed to accompany them on the voyage, though he insisted on taking his own female company-a dance hall entertainer usually known as Lizzie Graham, though her real name was Grace Cleary.

On June 17 1886, Caffrey, Penn and Grace Cleary enjoyed their last meal on shore for some time and then adjourned to the cutter where an impromptu farewell party was held. The guests, mainly sailors, were told of the projected trip, and of Elizabeth Seymour's "rescue", by a light-hearted Caffrey.



Participants in the events at Tryphena Bay: Captain John Caffrey, Grace Cleary and Henry Penn.  
These drawings appeared in the *New Zealand Herald* of October 27 1886.

After the guests left, however, the atmosphere changed. Caffrey, it seemed, expected opposition from Elizabeth's father and had assembled a collection of ropes, knives and revolvers. He explained to his crewmates that "Old Tusky" was to be tied up, or even killed, if he tried to prevent his daughter from leaving Tryphena.

The weather was bad, and the seas rough, as the Sovereign of the Seas left harbour at midnight. Captain and crew were also "under the weather" and the cutter made an ignominious start by running aground on Rangitoto Island, shortly after leaving the wharf. The Sovereign was refloated with the assistance of a passing scow and continued on its journey.

Early in the morning, Caffrey sailed into Tryphena Bay. He announced his arrival by firing two of his three revolvers into the air. Grace Cleary stayed on board while Caffrey and Penn went ashore, carrying their motley collection of guns, ropes and knives.

Caffrey now seemed a little less certain of Elizabeth's desire to accompany him than he had been in Auckland. He told Penn that if she came willingly and her father tried to stop her, he would be tied up. If, however, she refused to come, then they would threaten to shoot her father.

Penn, who was not known to anyone in the Taylor household, knocked on the door and asked to buy a pound of butter. Mrs Taylor invited him into the kitchen, where her husband was washing his hands at the sink. Shortly afterwards, Caffrey, who had evidently been looking through the windows of the other rooms for Elizabeth, burst into the kitchen and ordered Taylor to "put his hands up". Taylor tried to reason with him, but Caffrey fired, shouting "Your time's up". Penn also fired, but Taylor managed to run into a bedroom which opened off the kitchen and slam the door behind him.

What followed, no one can ever know. As she fled from the house with her young son, Mrs Taylor saw Penn standing with his arm around her husband's neck. Shortly afterwards she heard a shot, and Penn appeared in the kitchen doorway. He called to her to stop, or he would shoot, and as she turned to face him, Caffrey also emerged from the house.

There was a gun in his hand, and blood on his coat.

"Oh, Johnny", said Mrs Taylor pathetically, "'you have murdered an innocent old man."

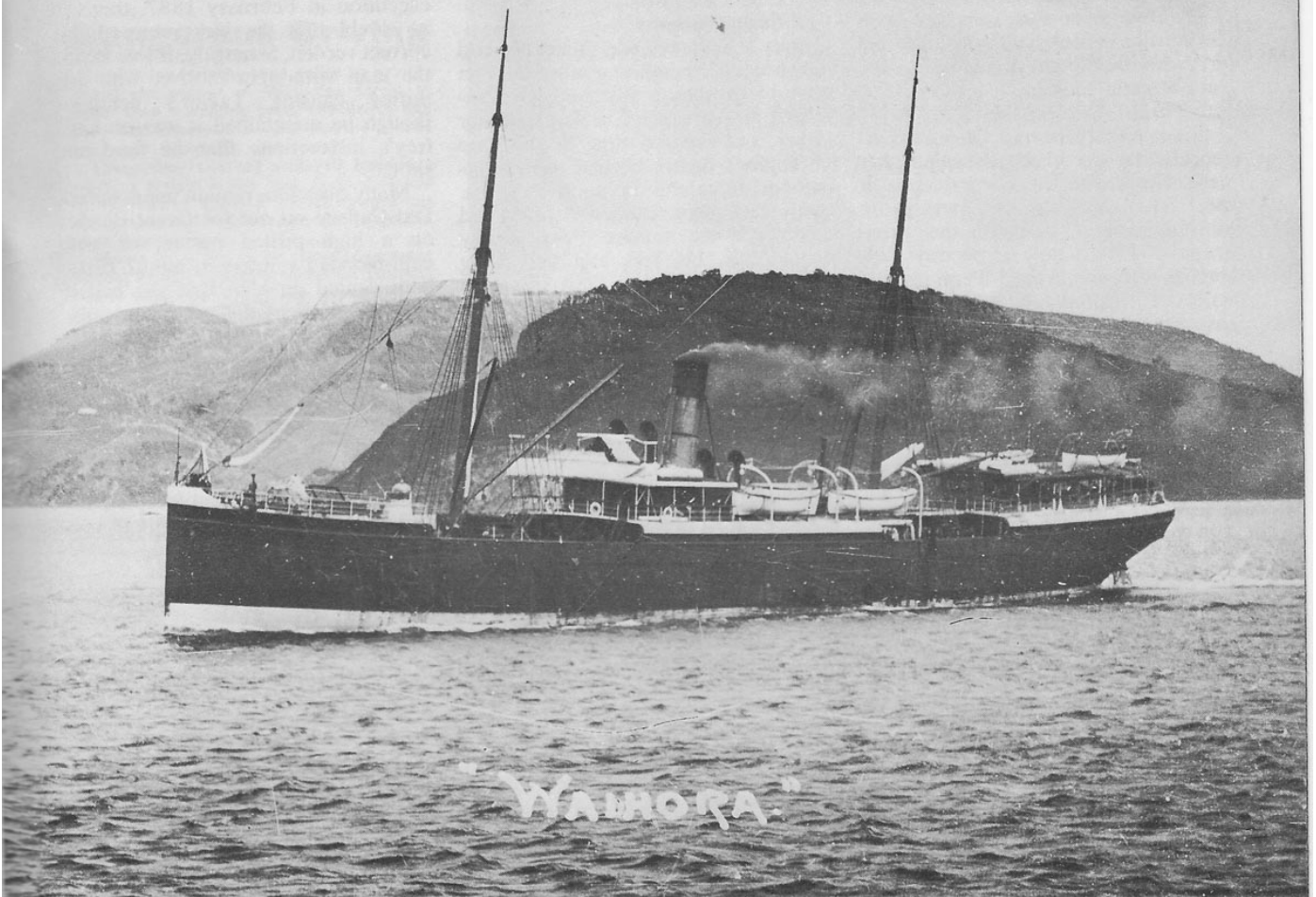
"No" replied Caffrey. "A bad old --- and now I'm going to finish off the Hauratanga lot." With that, he and Penn made off towards the home of Frederick Seymour.



Great Barrier Island from the air.



The 5.5. Waihora which carried a police party to bring Caffrey, Penn and Cleary back from Australia to stand trial in Auckland.



Mrs Taylor ran back into her home. Her husband lay dead on the floor of a bedroom, with a bullet wound in his head. On a bed nearby, Elizabeth's baby was crying loudly, and Mrs Taylor picked him up and fled with him and her son to the home of her nearest neighbour. On her way, she met Elizabeth and her younger sister Jane who had escaped through a window, in their nightgowns, before the shooting started.

Caffrey and Penn did not return. They evidently decided to call off their visit to the Seymour home and returned to the cutter. Grace Cleary was told nothing except that Elizabeth would not be joining the crew. She had heard and seen enough, however, to realise that things had taken a serious turn, and asked to be allowed to stay on Great Barrier. She was dissuaded, either with words or force, and the cutter set sail for South America.

Caffrey was later to give an account of the journey: "We encountered a great many gales, and at one time would not have given much for our chance. We sighted several vessels, but always kept out of their way, and never spoke a vessel the whole time we were at sea. We had plenty of provisions, but ran short of water. Finding it impossible to reach America, we made for Australia, and after three months at sea, we sighted land near Brisbane. We then made down the coast for Sydney and the vessel was leaking and we had to make for shore the best way we could."

Meanwhile, a search had been mounted for the Sovereign and her crew. The murder had been reported to the police at Auckland and a description of the boat, of Caffrey, Penn and Grace Cleary had been circulated as far away as South America.

### **Suspects Apprehended**

At the beginning of October, the wreckage of a small cutter was found on the coast of New South Wales. In nearby Fernmouth, a stranger who answered to Caffrey's description was working as a labourer. Questioned by a detective, he could not give a satisfactory account of his movements over the last few months, though he claimed that he was an Australian named Andrews.

He was taken to the police station, where distinctive scars and tattoos identified him as Caffrey. Faced with a photograph of himself sent from New Zealand, he admitted his identity, though he insisted that Penn and "Lizzie Graham" had drowned when their dinghy capsized as they landed in Australia.

This attempt by Caffrey to cover for his crew was futile. Three days after his arrest, Penn and Grace Cleary were located in Queensland. Neither denied that they were from the Sovereign of the Seas, but claimed that Caffrey had committed the murder by himself, and that they had been too afraid of him to remain behind at Great

Barrier. Penn said that he and Caffrey had quarrelled frequently during the long sea journey. Caffrey wanted to kill Grace Cleary, but Penn refused to allow it. He and Grace had kept watch on alternate nights for fear of an attack by Caffrey. On landing in New South Wales, they had scuttled the ship and, following further arguments with Caffrey, escaped into the bush and made their way north. The two men were charged with the murder of Robert Taylor, and the girl with being an accessory. They were brought back to New Zealand to stand trial.

Grace Cleary turned Queen's Evidence, and the charges against her were withdrawn. But her evidence at the trial in January 1887 was more hindrance than help to the prosecution. Her attempt to portray Caffrey as the villain and Penn as the innocent bystander was so obvious that she was finally ordered from the court by an exasperated judge who found her exchange of signals with Penn, during her testimony, "intolerable".

There was much conflicting evidence. Caffrey had not attempted to deny that he had killed Taylor, yet it was Penn whom Mrs Taylor saw with his arm around her husband's neck shortly before she heard the final shot, and it was Penn who had threatened her with a revolver. Mrs Taylor herself, Elizabeth Seymour and other witnesses, testified to Caffrey's kindness and good character, but it was Caffrey, not Penn, who had motive to desire Taylor's death.

### **Conflicting Claims**

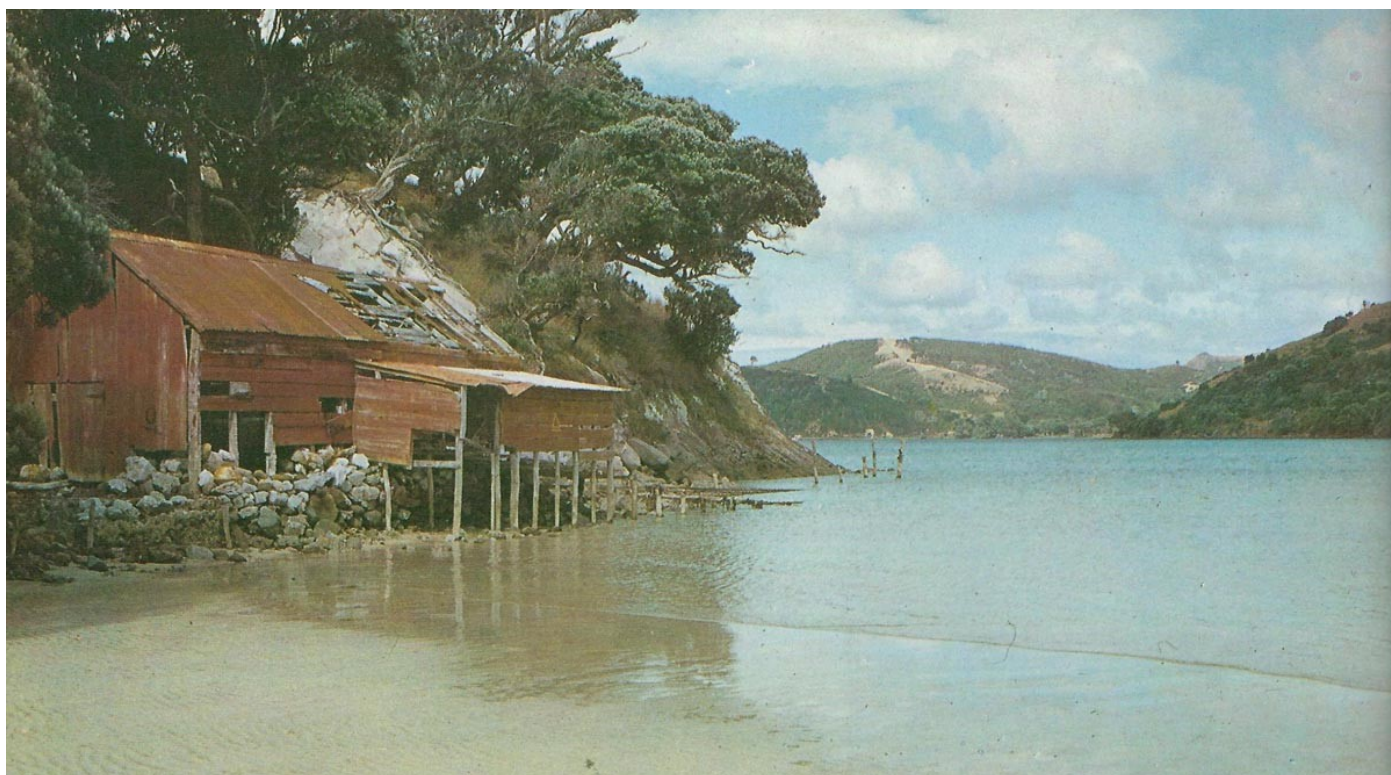
Caffrey's defence was that he had never intended anything more than an attempt to abduct Elizabeth. He admitted firing a shot to frighten her father, but insisted

that, at the time of Taylor's death, he had been looking for Elizabeth in another room. Penn had "got carried away" and committed the murder. Penn stoutly denied this. He, too, admitted firing a shot in the kitchen, but his story was that while he grappled with Taylor in the bedroom, Caffrey had fired the fatal shot.

The only "eyewitness" had been a month-old baby. It was evident that the prosecution would never prove which of the two men had committed the murder, but this was not, in law, a necessity. Taylor's death had ensued as a result of unlawful acts committed by both men. It was immaterial which of them had actually brought it about.

Caffrey and Penn were both found guilty, and sentenced to death. From confessions made public after their execution in February 1887, there is no doubt that the jury returned the correct verdict. Strangely, it was Penn, the man without a motive, who admitted causing Taylor's death - though he maintained it was on Caffrey's instructions that he fired the shot.

Many questions remain unanswered. Did Caffrey set out for Great Barrier on a high-spirited rescue, or with cold-blooded revenge in mind? Elizabeth denied on oath that she had in any way instigated Caffrey's actions, and she certainly did not appear to welcome his arrival at Great Barrier with open arms. Yet if Caffrey lied when he claimed that she had written to him, what was the trigger that sent him to Tryphena more than two years after their romance had ended, and after he had apparently accepted her marriage to another man without protest?



Tryphena Inlet, where Caffrey and his party disembarked from the *Sovereign of the Seas* on June 18 1886 and made their way to Taylor's house.