

Part 10 Crimes against rights of property

Part 10: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Interpretation

Heading: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

217 Interpretation

In this Part, unless the context otherwise requires,—

dishonestly, in relation to an act or omission, means done or omitted without a belief that there was express or implied consent to, or authority for, the act or omission from a person entitled to give such consent or authority

document means a document, or part of a document, in any form; and includes, without limitation,—

(a)

any paper or other material used for writing or printing that is marked with matter capable of being read; or

(b)

any photograph, or any photographic negative, plate, slide, film, or microfilm, or any photostatic negative; or

(c)

any disc, tape, wire, sound track, card, or other material or device in or on which information, sounds, or other data are recorded, stored (whether temporarily or permanently), or embodied so as to be capable, with or without the aid of some other equipment, of being reproduced; or

(d)

any material by means of which information is supplied, whether directly or by means of any equipment, to any device used for recording or storing or processing information; or

(e)

any material derived, whether directly or by means of any equipment, from information recorded or stored or processed by any device used for recording or storing or processing information

obtain, in relation to any person, means obtain or retain for himself or herself or for any other person.

Compare: 1961 No 43 ss 217, [218](#), [263](#)

Section 217: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Unlawful taking

Heading: inserted, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

218 Matters of ownership

(1)

For the purposes of this Part, a person is to be regarded as the owner of any property that is stolen if, at the time of the theft, that person has—

(a)

possession or control of the property; or

(b)

any interest in the property; or

(c)

the right to take possession or control of the property.

(2)

An owner of any property may be guilty of theft against another owner of that property.

(3)

All living creatures wild by nature, such as are not commonly found in a condition of natural liberty in New Zealand, are, if kept in a state of confinement, capable of being stolen, not only while so confined, but after they have escaped from confinement.

(4)

All other living creatures wild by nature are, if kept in a state of confinement, capable of being stolen so long as they remain in confinement, or are being pursued upon escaping from confinement.

(5)

A wild living creature is in a state of confinement so long as it is in an enclosure designed to prevent escape, or otherwise secured, and to allow its owner to take possession of it when he or she pleases.

(6)

Shellfish of all types are capable of being stolen when in oyster beds, marine farms, layings, and fisheries that are the property of any person and that are sufficiently marked out or shown as such property.

Compare: 1961 No 43 [ss 219, 225](#)

Section 218: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

219 Theft or stealing

(1)

Theft or stealing is the act of,—

(a)

dishonestly and without claim of right, taking any property with intent to deprive any owner permanently of that property or of any interest in that property; or

(b)

dishonestly and without claim of right, using or dealing with any property with intent to deprive any owner permanently of that property or of any interest in that property after obtaining possession of, or control over, the property in whatever manner.

(2)

An intent to deprive any owner permanently of property includes an intent to deal with property in such a manner that—

(a)

the property cannot be returned to any owner in the same condition; or

(b)

any owner is likely to be permanently deprived of the property or of any interest in the property.

(3)

In this section, taking does not include obtaining ownership or possession of, or control over, any property with the consent of the person from whom it is obtained, whether or not consent is obtained by deception.

(4)

For tangible property, theft is committed by a taking when the offender moves the property or causes it to be moved

Compare: 1961 No 43 s 220(1), (2), (5)

Section 219: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

220 Theft by person in special relationship

(1)

This section applies to any person who has received or is in possession of, or has control over, any property on terms or in circumstances that the person knows require the person—

(a)

to account to any other person for the property, or for any proceeds arising from the property; or

(b)

to deal with the property, or any proceeds arising from the property, in accordance with the requirements of any other person.

(2)

Every one to whom subsection (1) applies commits theft who intentionally fails to account to the other person as so required or intentionally deals with the property, or any proceeds of the property, otherwise than in accordance with those requirements.

(3)

This section applies whether or not the person was required to deliver over the identical property received or in the person's possession or control.

(4)

For the purposes of subsection (1), it is a question of law whether the circumstances required any person to account or to act in accordance with any requirements.

Compare: 1961 No 43 ss 222, 223, 224

Section 220: replaced, on 1 October 2003, by [section 15](#) of the Crimes Amendment Act 2003 (2003 No 39).

Sunday 1 March 2026

This accounts for Eddie Mitchell CEO and Director of his Solely "MITCHELL FAMILY TRUST" LLC theft of John Wanoa CEO Director of "NA ATUA E WA AOTE LIMITED" Company Name, Brand, History, UK NZ King William IV Crown Contract Settlement, British Crown Information, British Crown Deed Tiles, Photos, Waitangi Marae Videos and Kingi Taurua Chief Agreements, Mohi Manukau Agreements Proof Signatures of his ancestors Paramount Chief Rewarewha Manukau Signatures with Quen Victoria and King William IV Monarchs, and Paramount Chief Mohi Wiremu Te Maati Manukau IV signatures for his Paramount Chief of Pungapunga Marae Arapuni Cambridge Paramount Chief Tira Waikato Whareherehere Manukau British Crown Native Land Lease Contract Agreement with King George IV Freemason in 1823 Cambridge England and Edinburgh Scotland "MANUKAU LAND COMPANY" Registered with the trustees of Sydney timber merchant Thomas Mitchell.

JOHN MITCHELL was born before 04 Aug 1780 in Birmingham, Warwickshire, England 1652385 (SAINT MARTINS, BIRMINGHAM, WARWICK, ENGLAND). He died on 30 Dec 1839 in Sydney, New South Wales (At his residence lower George St, aged 59 years). He married Harriett "Harriott" Dandy, daughter of William Dandy, on 05 May 1803 in Saint Mary, Lewisham, Kent, England (Witnesses were John Dent & Elizabeth Dent). She was born about 1787 in Rotherhithe, England. She died on 14 May 1867 in Sydney New South Wales (William Street aged 80).

AI Overview

The **Manukau Land Company** (often referred to as the Waitemata and Manukau Land Company) was an early 1840s Scottish-backed colonization venture focused on establishing a settlement at Cornwallis on the Manukau Harbour, New Zealand. Onehunga Business Association +1

Key Connections to Edinburgh and Scotland:

Agent/Representative: Captain William Cornwallis Symonds was a key agent for the company. Theophilus Heale also acted on behalf of the Manukau Land Company in negotiating with Scottish interests to develop the settlement.

The Brilliant Voyage: The company organized the arrival of Scottish migrants on the ship Brilliant, which departed for New Zealand with around 30 settlers on the last day of 1840, aiming for the Manukau area.

Shareholders and Promoters: The company was heavily promoted within Scottish, and particularly Edinburgh, circles, with efforts to create a "New Britain" in the South Pacific.

NZ Herald +5

Project History & Outcome:

Establishment: In 1839, Captain Symonds purchased land at Puponga Point (now Cornwallis) on the Manukau Harbour from the **trustees of Sydney timber merchant Thomas Mitchell**.

Failure: The project, aiming to rival the New Zealand Company's settlements, ultimately failed. Governor Hobson disallowed most of the large land claims, reducing their holdings to 1900 acres, and the settlers faced extreme hardship.

Legacy: Many of the Scottish settlers from the Brilliant eventually moved to other parts of Auckland, particularly Onehunga, after the failure of the Cornwallis project. Onehunga Business Association +3

The company is frequently mentioned in historical research regarding Scottish migration to New Zealand and the early land negotiations in the Auckland region.

It is historically complicated as Francis Mitchell is shown on the 1828 New South Wales and Tasmania, Australia Convict Musters, 1806–1849 and also in the 1828 New South Wales, Australia Census (TNA Copy) in 2 locations both arriving on the Eliza 1822 and 1823. There is no ship Eliza of 1823 and by the evidence this would appear to be the same ship and there is only one Francis listed in 1823–25 Muster and only one in 1841– the consensus was that the two Francis Mitchells were the same man, the 1828 Census was compiled over some months and

Francis could have been in Sydney once and later at Luskintyre. The shipping indent for Eliza 1822 only named one passenger a Mr Innis.

The Mitchell Library, Sydney has the Dean Index, which contains letters sent for Individuals or Settlers to Colonial Office re Land 1823 -1840. There are two references to Francis Mitchell, the first letter Deane Index Item no. ML CY2452/V1/P215 dated 8 Dec 1825 is marked Mitchell, father, but the signature is missing, it asks for a grant of land in NSW, for his son, Francis Mitchell, already 3 years in Sydney. The second letter Deane Index Item no. ML CY2452/V1/P207 dated 1 Dec 1825, from Geo. Faith - Recommending Mr Francis Mitchell of Sydney, for a grant of land in NSW. There is no mention of any other Francis Mitchell during this time which again suggests that there is only one Francis Mitchell b.1804 Francis also had established a country property at "Melville" Luskintyre, in the County of Northumberland, NSW on the River Hunter 3 miles from Maitland. He also had later land holdings at Muswellbrook, Roxborough and Durham. On the "CENSUS OF NEW SOUTH WALES, 1891. THE METHOD OF MUSTERING. P26" it is described that "The coastal country between Sydney and Newcastle began slowly to be peopled, and also the country extending inland from Newcastle, a return of the aborigines in 1826 giving as new districts Portland Head, Brisbane Water, Hunter's River, Paterson's and Wallis's Plains (now Maitland), Patrick's Plains (now Singleton), and Luskintyre ; In the Census returns of 1828, extension of settlement is indicated by the mention of St. Vincent, Northumberland, and Durham under the total for the two last-named counties the population of Port Stephens is given. A return of marriages, births, and deaths, dated 1831, gives Maitland in place of Paterson's and Wallis's Plains." Francis Mitchell was the original Land Holder of "Melville" at Luskintyre. He owned 1000 acres there, but other business interests took him back to Sydney. His younger brother Thomas (1809-1836) acted as Superintendent from 1827 until 1831 when he went to NZ. Francis' other brother George (1816-1893) became Superintendent until 1847. Convict labour was used on the property, at least two in 1828 Census. The property was sold in 1857splendid collection of Apricots, Peaches, Nectarines, Pears and Apples, mostly coming into bearing, to be sold cheap, at Melville, the estate of Francis Mitchell, Esq.; and will be delivered to purchasers in the neighbourhood of Maitland and Morpeth. Apply to Mr Cunninghame. (The Maitland Mercury & Hunter River General Advertiser 20 May 1843) Mr Francis Mitchell applied for an order for a road from his estate of Melville to the High Road from Maitland to Singleton through certain lands and in the direction described. (The Maitland Mercury & Hunter R Gen Adv. 11 Jan 1851.)Claim to Deed of Grant -

Colonial Secretary's Office, Sydney 4 October 1836. No. 45. Francis Mitchell Five Hundred and sixty acres, in the County of Durham and Parish of Stanhope. This land was promised on 12th July, 1829 to Alexander McLeod, deceased. The Sheriff sold his interest to Tom White Melville Winder, who sold to Wentworth, who sold to claimant. 1872. This nice house on the hill is Melville, the property of Mr Heatherington, surrounded by oaks, pines and imported trees of fine growth. Aust. Town & Country Journal 20 Jan 1872) On list of land granted by Sir Thomas Brisbane - 15 Nov 1825, Francis Mitchell, Sydney - 1200 at the Lane Place (Col Sec Letters), now Lane Cove, The suburb of Greenwich is a boot-shaped peninsula jutting out into the Lane Cove River and Sydney Harbour and is located to the north and west of the Sydney Harbour Bridge. There were little or no settlement on the point until the early 1830's when a number of small farm sites were surveyed. A number of industries were attracted to Greenwich by its proximity to the water such as tanneries, timber mills and boatbuilding. The first major subdivision at Greenwich Point was in 1880, named after Francis' son: the Reverend Stanley Mitchell Estate at Greenwich Point and was advertised for sale in 1880. The street pattern on the western side of the peninsula was established with the allotments running along the western side of the peninsula between St Leonards Street (now Lawrence Street) and the waterfront Lane Cover River. Grants of Land with the names of the persons to whom they were originally promised, or by whom they are now claimed ROXBURGH - 676. Francis Mitchell, twelve hundred and eighty acres, parish of Endale. Promised by Sir Thomas Brisbane, on 14th November, 1825. Quit rent? Pounds 13s 4d sterling per annum, commencing 1st Jan, 1833. (Syd. Gazette & NSW Advertiser 28 Sep 1839)

BOTO FOGO - A planned sub division in Watsons Bay. In anticipation of being in title to the 'Watson Claim' land, a sub division of the land that was subsequently granted to Henry Horton James (11 acres) and Francis Mitchell (39 acres) was made around 1836 being referred to as the Village of 'Tivoli' or Boto Fogo the former an allusion to the Country villas in the Sabine hills west of Rome and the latter to a suburb of Rio de Janeiro; typical developer hype - the lots did not sell well since title was not available. The Mitchell grant subsequently became known as the Village of Beaconsfield. WATSON GRANT - The northern half of present day Robertson Park, Watsons Bay, land area of 2 1/2 acres was granted to Thomas Watson on 2 July 1834 who was a pilot and built the marine villa on the eastern end of the grant that was to become the house Clovelly. This is distinct from the grant of 50 acres promised to Robert Watson by Governor King in 1804 which ultimately was split and formally granted to Thomas Hotton James on 9 February, 1838 (11 acres) and to Francis Mitchell on 10

October, 1840 (39 acres). LILLI PILLI was named for the Lilly Pilly, the native myrtles that grew on the point. Thomas Holt (1811 - 88) owned most of the land that stretched from Sutherland to Cronulla, including land on the point. In 1840, parish maps also showed that 20 acres (8.1 ha) of land on the point were owned by Francis Mitchell.

TOWN ALLOTMENTS - Deed dated 13 April 1841. 11. Francis Mitchell 2 roods Gosford Lot 46 (Syd. Gazette 20 May 1841) TOWN ALLOTMENTS - Deeds dated 15 April 1835. 49. Francis Mitchell, 2 acres Muswellbrook Lot 87. 50. Francis Mitchell, 2 acres Muswellbrook Lot 88. 51. Francis Mitchell, 2 acres Muswellbrook Lot 92. (Syd Gaz. 30 May 1835)

TITLE DEEDS - 444. Francis Mitchell, 20 acres Northumberland, Lot 27. 450. Francis Mitchell, 50 acres, Argyle, Lot 33. 472. Francis Mitchell, 20 acres Cumberland, Lot 50. 476 Francis Mitchell, 47 acres Cumberland Lot 62. (SMH 8 Dec 1840) CROWN LAND SALES - Cumberland - 100 acres at 26s per acre to Francis Mitchell (The Colonist 24 Nov 1840) SPENCER LODGE, at Millers Point, the residence of Col. Wilson to MR Francis Mitchell, for 2,400 pounds. 24 Nov 1837. (Isaac Simmons & Co disposed of the whole of Messrs Wright Long's unrivalled wharf & property at Millers Point) In 1825 He was invited by Governor Brisbane to establish a business with Peter Rapsey. Rapsey & Mitchell are recorded as establishing business in 5 Lower George Street Sydney opposite Kings Wharf as Auctioneers and Ships Chandlers and granted an Auctioneers License on 11/6/1825 by the Colonial Secretary. Francis was soon granted 1.2.00 acres in Sydney. Rapsey and Mitchell in October 1825 established Freight of coal arrangements from Newcastle and Francis is established on a list of jurors of the day. **Rapsey and Mitchell expand purchasing the cutter Lord Liverpool, Schooner Jessie and Hulk St Michael in 1829 and the whaling ship Elizabeth. With Greenway they purchase the Brig Nereus to trade with the NSW colony in New Zealand** By Tuesday 13 January 1835, "Mr, Francis Mitchell now the only person in this port who carries on this branch of trade; and from his extensive and varied stock, and indefatigable attention to business, must insure to himself large and lasting benefits." Their Ship, "Lord Liverpool" is lost in 1833 with the crew and passengers saved by the Elizabeth at the opening to Hokianga harbour on New Zealand west coast North Island.

THOMAS MITCHELL It is here that a brother, Thomas and his wife Mary move. They have been Superintendents at Luskintyre (shown in census above) in 1828 as Supervisors working for brother Francis. At Hokianga they have 4-5 children born to them according to records but we believe that Charles Mitchell may have been thought to be one of these as he is still young. Thomas was a timber merchant of Hokianga and a lay preacher. He took a prominent part in the New South Wales -

New Zealand trade during the thirties. He probably acted as the agent of his brother Francis and bought land in the Hokianga late in 1831. He is said to have owned 2 holdings. He is described by Buller as 'a respectable trader' living 'at the Horohoro in the Mangamuka branch of the Hokianga'. He was prominent in the attempt to enforce prohibition in 1835 and, with his wife and 'well-trained family', attended services at Mangungu. He died aged 27yrs 6months and was buried on the 8th November 1836. When he died, about 1837, some 60 Europeans attended his river funeral. 'The cortege,' writes Buller, 'consisted of eleven boats, the British ensign waving over that which bore the coffin. '- Buller, 36; Ramsden, Marsden, 78; R. M.

R. Arrived: 1831 Country of origin: Area in New Zealand: Hokianga Harbour Source: Mangungu Mission Cemetery records, Tamaki-makau-rau to Auckland by R. C. J. Stone, (see <http://books.google.co.nz/>) Details: Thomas was a timber merchant of Horohoro and a lay preacher. He died aged 27yrs 6months and was buried on the 8th November 1836. He left a wife and 4 or 5 children. William White was placing his missionaries down the west coast and visited Te Horo on the Waipa and assured him that if he removed to the Manukau he would get a 'pakeha' to live with them. In 1835 he brought

Thomas Mitchell to them, an experienced sawyer because the land abounded with good timber. Mitchell, the son of a Sydney merchant had arrived in 1831 accompanied by his wife and young family. He'd worked for four years in the Hokianga at Mangamuka and served the Methodist cause as a lay preacher.

William purchased a large block of land much of which was what we know as Auckland for a keg of mouldy tobacco and a few muskets. The land was not really relinquished though and was re-sold to the crown later. Thomas erected a dwelling but returned to his wife at Hokianga and died there on the 6th of November 1836.

Captain Wing made a chart of the Manukau harbour and it showed Mr Mitchell's house as then standing at Karangahape. This must have taken place soon after the house was erected as it was just a shell and was never lived in, it could not have lasted long. Thomas' wife and their children, Frances, Francis William (see later), Harriett, John Rodolphus (later of Dunmore) and Thomas, returned to Sydney as reported in the Sydney Gazette and New South Wales Advertiser 11th May 1837 "From New Zealand on Tuesday last whence she sailed the 28th ultimo, the brig Nimrod, Captain Bennett. Passengers, Mrs Mitchell and family with three servants," Mary later remarried Chidley John Crofton on 01 May 1839 in West Maitland and settled at

Bloomfield and produced three children--- Emily Ann, Charles James and Alfred Orton as step children to Chidley' s 7 other children. In the Maitland Family History article about Thomas Mitchell it says "After his death the NSW Government approved his application for 640 acres at Bloomfield East Maitland, this was later to become the original part of the Bloomfield Colliery." this would be the 640 acres mentioned in the newspapers dated September 1829. When Mary (now Crofton was Mitchell) and their children returned to NSW they settled at Bloomfield, where Mary Crofton died in 1847. "-16 Jan 1847 - Mrs Crofton, whilst talking to her children, suddenly fell down and expired almost instantaneously." An inquest was held on the body the following day, verdict 'died by the visitation of God" was returned. On 20 Jan 1847 Francis Mitchell, George-street, Sydney and George Mitchell, Melville, West Maitland were executors of the late Thomas Mitchell and advertised the farm known as "Bloomfield", containing 640 acres to be let. For further particulars apply to Mr Crofton, The farm was advertised for let on 29th Jan 1847 and on 9 June 1847 Mr Crofton advertised, being about to retire from agricultural pursuits will sell by auction at his present residence, Bloomfield.....sadly on 10 July 1847 - sudden death, an old man named Crofton..... fell down and expired almost instantaneously. Mr Crofton is reported to have been nearly 80. Being turned out of his home must have been too much for him Thomas' s son John Mitchell of Dunmore and wife' s future husband' s daughter Caroline Amelia Crofton later marry. CHARLES MITCHELL It is at Hokianga that Charles Mitchell first appears as a 14 yo. , living there in 1833, some 4 years before Thomas dies, and leaves Hokianga on the Schooner "Fortitude" in October 1833 to join the rest of his family who arrived 3 months earlier in Sydney aboard the "Richard Reynolds". ****There is a report of Charles Mitchell still having a land claim in New Zealand. It is recorded 1844/226 Dec 21 (1843) Reporting on Charles Mitchell' s claim 170 (Commissioners of Claims, Wellington) The origin of Charles is difficult to establish as no birth record can be established. We believe as established with his death that he is also known as James. His brother William entered Australia under the name Thomas MITCHELL & Company Meanwhile, The Business partnership of Rapsey & Mitchell dissolves in 1830. William Mitchell, another brother works in the business. The Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), Thursday 13 October 1831, page National Library of Australia <http://nla.gov.au/nla.news-article2203062> "William Mitchell examined by Mr, KEITH-I am clerk to my brother, Mr. Francis Mitchell, of Sydney;" He may also have been Clerk in the Colonial Secretaries Office William witnesses the announcement of the Dissolution of

Rapsey and Mitchell..Francis marries Eliza Merrit in Maitland, November, 1831 and they later have 4 Children: Eliza, Louisa, Stanley and Sydney. Now Francis Mitchell and family trades under the name Francis Mitchell and Company from Lower George Street next to the Wharves in Sydney. We believe the company involves various members of the family and Francis is the Chairman of Directors for the family business. We find later evidence of his father John and brother Charles living at the addressFrom the book 'Shipping Arrivals & Departures, Sydney 1826-1840," under owners Francis Mitchell has listed, "Friendship " 6 Nov. 1832, "Byron" 21 Oct 1832, "Currency Lass" 14 Jan 1837, "Maitland " 5 Nov 1838, "Jess M " 7 Dec. 1838 NZ, "Portsea " 18 Dec 1838, "Medway" 9 Jan 1839. Just to name a few of his ships! Vessel Rig Tonnage Built Dates owned Agenoria Brigantine 125 1837 1843 with J. R. Kent Byron Schooner 80 1827 1833 -1834 with J. R. Kent Catherine Cutter 26 1843 Oct-Nov. 1848 Curlew Schooner 12 1847 1847-1848 Emma Kemp Dandy 37 183? 1831 Genii Brig 164 1818 1838-1841 with J. Jones 1841-1842 with J. H. Challis Governor Burke Schooner 49 1831 1832-1837 with D. Egan Governor Macquarie Brig 136 1811 1830Letitia Bingham Cutter 65 ? 1832 Lindsays Ship 219 ? 1842-1844 with C. Mitchell and J.H. Levey Lord Liverpool Cutter 70 ? 1831-1833 Nelson Brig 247 1815 1842-1844 with R. Dacre Sarah Schooner 33 1839 1833-1841 Sir John Byng Brig 169 1831 1849-1851 with C. Mitchell Vanguard Brigantine 61 1839 1840-41

Sources: The Sydney Morning Herald, December 17, 1832 page 3, column 1 (Letitia Bingham)

<http://trove.nla.gov.au/ndp/del/page/1527735> Australian shipowners and their fleets, Book 5 [Early Australian owners], by Ronald Parsons. Published RParsons : Magill, 1979. p. 60-61 Australian shipowners and their fleets, Book 6 [Sydney 1830-1840], by Ronald Parsons. Published R. Parsons : Magill, 1980. p. 51-52 Australian shipowners and their fleets, Book 7 [Sydney 1841-1849], by Ronald Parsons. Published R. Parsons : Magill, 1982. p. 66-67

The Colony had financial issues. The Chandlery business was good, however prompt cash payments for accounts rendered became an increasingly difficult. Most of the colony was living on extended credit and promissory notes. An example of prudent business was that during 1839, John Hardman Lister (a shipping agent in Macquarie Place and a repairer and refitter of ships for extended whaling expeditions in the southern ocean) formed a partnership with Samuel Peek and Francis Mitchell to outfit and re-fit ships. Peek was a Castlereagh Street merchant. On 1st July 1839 the partnership bought the wreck of the Lucretia, which had caught alight in the harbour. In November, they jointly offered £5,200 for Joseph Fotheringham' s wharf and ship repairing yard ("patent slip for the purpose of examining and repairing ships of

burthen") in Sussex Street, Darling Harbour. The price covered the land, the patent slip and the machinery. Only £1,040 was paid on completion and a mortgage was granted to Fotheringham for the balance. Also in 1839 Francis is recorded giving evidence in New Zealand on taxation: "Minutes of Evidence taken before the Committee on the 50th clause of the Customs Regulation Bill. THE ATTORNEY-GENERAL IN THE CHAIR. SATURDAY, JULY 6, 1839. Francis Mitchell, merchant of Sydney, Esquire; called in and examined: - Question....." Francis Mitchell appears to have been working within the business and also involved in Banking business, Bank of New South Wales which he retires from in 1865-6. He has been associated in business with Alexander Berry (of Coolangatta fame) and Edward Wollstonecraft and married Eliza Merritt however she died 5th November 1847 at Woolloomooloo. Mitchell was the Director of the Australian General Insurance Company. It appears that Francis inherited the lands of his father in law where it is suspected Francis later abode: The Sydney Monitor and Commercial Advertiser (NSW: 1838 - 1841), Friday 30 October 1840, page 2 "Case No. 80G-Francis Mitchell, of George-street, Sydney, Merchant, as Trustee. Six and a half perches, county of Cumberland town of Sydney, parish of St. Philip, allotment No. 10 of section No. 75; bounded on the east by Gloucester-street, bearing north 21 degrees 30 minutes, west 731 links; on the north by allotment No. 17, bearing west 17 degrees, south 45 links; on the west by allotments Nos 3, 4, and 5, bearing south 9 degrees 30 minutes, east 77 links; then south 21 degrees, east 8 links; and on the south by allotment No. 15, bearing east 25 degrees north, 57 links. The above description was inserted in the Gazette notice of 13th April, 1839, page 443, and previously on the 3.dpf March, 1835, page 129, preparatory to the making out of a deed of grant in the name, of William Merritt, deceased, who, it is alleged, devised it in trust to the claimant for the benefit of his children." John Mitchell, the father dies on the 30th December, 1839 So 2 days later on 1/1/1840, Charles Mitchell and Joseph Levien are admitted to Francis Mitchell and Company in Queens Wharf, listed in 1842 at Lower George Street. They buy the "Faith, 130 ton ship in 1841. Francis remains involved in the local community. Now the business world started to sink into a severe financial depression from which many would take years to recover. John Lister begins insolvency in 1841 (concludes 1843). Mitchell, Lister and Peek dissolved their partnership in 1841. Mitchell and Peak retain the patent slip. The events relating to the patent slip are detailed under partnership with Martyr. On 9 July 1842 James Martyr purchased Mr Peek's interest in the Patent slip, Sydney and business carried on under the firm of James Martyr & Co. 24 March 1844, articles show James Martyr, of City of Sydney, Ship

builder & manager of Patent slip. 6 Aug 1845 - Martyr & Mitchell - Meeting re settlement of accounts (before dissolution of business).

Abt. 9 Aug 1845 - Dissolution of Partnership - Parties formerly carried on business in partnership as proprietors of the patent slip.

9 Sep 1845 - Francis Mitchell has disposed of his interest in the patent slip to Mr J. N. Palmer, the business will be carried on by Messrs Martyr & Palmer, under the name of James Martyr & Co. 6 Aug 1846 - Hanson v Martyr - Martyr objects to paying 500 pounds promissory note signed by Charles Mitchell. See below 10 Dec 1846 - Supreme Court - Mitchell v Martyr, re Amount to be paid for settlement of accounts. Mr Palmer present proprietor of the Patent slip, was general manager of Martyr & Co in Aug 1845.

Charles Mitchell has been involved with James Martyr in his Business dissolved in 1846 We believe Francis retained the Patent slip with Peak due to Lister' s insolvency. Charles and Joseph Levien are now partners.

In 1843 Francis is bankrupted and later Levien disappears leaving Charles the only person to which Martyr can sue.

In 1842 Francis is involved in politics nominating along with David Jones for the position of Alderman: Mitchell was Foundation Alderman for Cook Ward, 1 November 1842 until his resignation on 21 September 1843. In 1843, the business at Lower George Street is one of the polling stations for Sydney Public criticism in 1843 of the banks for their discount policy and close relationships with the merchants augured the possibility of trouble for many banks when many merchants failed to meet their commitments. The Port Phillip Bank in Melbourne was the first to close then the Bank of Australasia failed, other newer banks closed their doors during the year cutting their losses while the shareholders could get something back e.g. Sydney Banking Co and Colonial Bank. The Bank of Australasia was the biggest shock to the colonials, the Bank of New South Wales went to assist as did the Union Bank amongst others but it still failed. The settlement of the Bank of Australasia' s affairs was long and complicated but the upshot was a lottery was held to divest themselves of debt and the prizes were foreclosed estates.

The Bank of New South Wales was very prudent in its financial dealings and we were still a one office operation so our exposure was limited, though was not exempt from a bit of reckless support of merchants. According to records of the bank of NSW

The Partnership Insolvency issues are at the root of the need to resign as Francis becomes insolvent 1-2-1844 and the partnership dissolving 1/6/1847 with Joseph Levien going overseas as listed in a court case of 1848. Francis list of debts include:

NOTICE - The co-partnership hitherto carried on between the undersigned as ship chandlers. &c, under the title of F. Mitchell and Co., is this day "dissolved by mutual consent as far as regards Mr. J. H. Levien, who retires there from. The business will be conducted as usual under the style of F, Mitchell and Co., at 569, George Street. FRANCIS MITCHELL, CHARLES MITCHELL, ' JOSEPH HENRY LEVIEN. Witness JOHN DAWSON. Sydney, 1st June. Issues of the solvency of the partnership even tested Australian laws on partnership:

Common Law Jurisdiction. Rodey v. Mitchell and others. His Honor Sir Alfred Stephen delivered the judgment of the Court herein

The insolvency results in the redistribution of some business assets including the Patent slip. (detailed above)

While this is going on in 1844, Francis organises subscriptions for the Mariners Church - the Bethel Union. This is later consolidated in 1858, the first day of March with George Allen, Thomas Barker, Francis Mitchell, Ambrose Foss, and John Alexander. ALL that piece or parcel of land, containing an area of 29 perches or thereabouts, situate in the City of Sydney, Parish of St. Philip, county of Cumberland: Commencing at the intersection of the western side of Circular Quay West with the northern side, of a passage 6 feet 5 inches wide and bounded thence on the east by that side of Circular Quay West bearing 357 degrees 36 minutes 30 feet 4J inches and 355 degrees 16 minutes 50 feet 9J inches, thence on the north by a line bearing 268 degrees 20 minutes 30 seconds 98 feet 3J inches, thence on the west by the eastern side of George Street North bearing 176 degrees 57 minutes 31 feet 10J inches and 172 degrees 32 minutes 30 seconds 44 feet 8J inches; thence on the south west by the arc of a circle whose radius is 6 feet 7 inches the chord of which bears 133degrees 4 minutes distant 8 feet 4 inches the length of arc being 9 feet 0 inches; thence on the south by the northern side of the aforesaid passage bearing- 87 degrees minutes 90 feet 3 inches to the point of commencement, as shown on plan catalogued Ms. 826 Syd in the Department of Lands, Sydney. This was dissolved in "Sydney Bethel Union Enabling Act, 1934,"

CHARLES MITCHELL continued Charles Mitchell is listed living at the business in George Street with Francis in the 1842 census but by 1852 it appears that he lives in the Bishop of Sydney's property in George Street. At St. Phillip's Church, In 1844 Charles Mitchell married Susan Pettit, daughter of William J Pettit, the Superintendent Keeper of the Floating Light of Sydney Harbour "Pig & Stow's Reef". They have 6 children: Henry, Edwin, Herbert, Walter, Frederick and losing Charles Bingle at 11 months of age. It appears that another brother, Alfred Mitchell, is admitted sometime here into the business which trades until 1/7/1853 when the business is transferred and carried on by Charles Mitchell and James Williamson (see below) under the name Mitchell and Co. " NOTICE. THE Partnership heretofore subsisting between the undersigned, as Ship Chandlers and Agents, under the name of Francis Mitchell and Company, was dissolved by mutual consent, on the 30th ultimo. Tho business is now carried on by Charles Mitchell and James Williamson, on their sole account, under the firm and style of **Mitchell and Co.**

FRANCIS MITCHELL CHARLES MITCHELL ALFRED MITCHELL. Witness- JOHN DAWSON, Solicitor. Sydney, July 1, 1853. 1447 " Captain James Williamson, is of Kirkcaldy, Scotland, died 8 March 1881 at Burwood, aged 70 years. He was married on 21 Feb 1839 to Georgina Clark. At the time he was Captain of the barque Carolina, In **1843 Mr Mitchell** and Capt. Williamson, owners of whaling brig Geni are mentioned regarding the death of the ship's master. In 1858, James Williamson, of barque Lindsays, (a Whaler), made a donation from himself and his crew to Bethel mariners Fund of which he was an active member, In 1858, he also stood for election for Gloucester & Macquarie. He was senior leading member of Mitchell & Co, and had the steamboat Washington in 1862. Charles Mitchell establishes the Name "Mitchell & Company" which is seen on the pictures below.

Alfred swears in a court case on an assault charge that he hadn't been involved in the Mitchell & Co which went into insolvency.

The Sydney Morning Herald (NSW: 1842 - 1954), Tuesday 12 November 1850, page 2 SUPREME COURT-MONDAY. BEFORE His Honour Mr. Justice DICKINSON and a Special Jury of four. "Eventually the plaintiff made some allusion to the firm of the defendant having been insolvent;"

AND "the defendant severely beat the plaintiff, in the public auction room, with his fists." AND "The defendant was not a member of the firm of Mitchell and Co. that became insolvent." There also appears at this time an inventory published as a book: "1853,

English, Book edition: Indent of stores supplied by Francis Mitchell & Co., ship-chandlers and sail-makers, Lower George-Street, Sydney. [N.S.W.]” : Hawksley & Williamson, 1853. Tragically Charles dies after a 4 day illness at 35yo in 1855 and his wife Susan remarries the next year in 1856 to Frederick Logan thus losing her bequeathed share in Charles’ Will. His burial is recorded in the book “Sydney Burial Ground 1819-1901, Elizabeth & Devonshire St Cemetery”, by Keith A Johnson & Malcolm R Sainty. This was one of the early cemeteries for Sydney but the graves were moved in 1901 to Rookwood or Botany. Francis Mitchell, Darlinghurst, applied for a licence to bury his mother, Harriet Mitchell on 14 May 1867. Monumental Inscription 469 : they are all buried together Sect CE-M Plot 520. Mr John Mitchell, senior died 30 December 1839 aged 59 years. Eliza Mitchell, wife of Francis Mitchell, died 5 November 1847 aged 46 years. Charles Bingle, son of Charles Mitchell, died 20 November 1843 aged 10 months.

Mr Charles Mitchell, died 2 March 1855 aged 36 years. Harriet, wife of John Mitchell, senior, died 14 May 1867 aged 80 years This and his will (below) establishes that Charles was son of John & Harriet and Francis was his brother. We base our belief that his Baptism Name is James (Born the same year 1819) because on Harriet Mitchell’ s Death certificate in 1867 (12 years later) it names 13 Children.

LIVING 5 boys- we have proved Francis, George, **Alfred**, Castle and John Francis in England. LIVING 2 girls- We show Harriet, Catherine DEAD 4 boys- we have proved Thomas, Charles, Frederick and William DEAD 2 girls - Elizabeth Dent and Ann.

We find no record for James yet he is 14 when his parents leave for Australia in 1833. It does appear that Charles may have been christened James, yet called Charles by the family,

There is no James, living with John Francis Mitchell in 1841 back in England.

In Charles’ will, Francis Mitchell and James Williamson are named executors. Charles’ estate managed by his partner and brother: In the Supreme Court of New South Wales. Ecclesiastical Jurisdiction. In the will of Charles Mitchell, late of Lower George Street, in the city of Sydney, in the colony of New South Wales, merchant and ship chandler, deceased.

NOTICE is hereby given, that **Francis Mitchell** and James Williamson, of the city of Sydney, in the colony of New South Wales, **executors named**. In the will of the above-named Charles Mitchell, deceased, intend after the expiration of fourteen days from the publication of the notice and advertisement, to apply to the said Court Imia Ecclesiastical Jurisdiction that probate of the **said will may be granted to them** the said **Francis Mitchell** and James Williamson.

Dated this 12th day of March, A D 1855. RODD and DAWSON, Proctors for tho said **Francis Mitchell** and James Williamson, 21, Pitt-street, Sydney. Francis Mitchell is not listed in our first signature book which goes from 1817 to 1849, however he is recorded as a shareholder with 3 shares in 1828 worth 60 pounds and 9 shares in 1844. His company is listed as F Mitchell and Co and he has an address listed at Darlinghurst. As Francis was a Proprietor of the Bank of New South Wales this made him eligible to be elected either as a Director or Auditor.” “Francis Mitchell was a Director from 1866-1872, so this has to be the Francis mentioned in the obituary and most likely the Auditor as well. Our records on Directors for the 1800s are not terribly illuminating, however in a historical account of the history of the Bank of New South Wales (and this is the only reference to a Francis Mitchell covering the period 1817 to 1970), there is the following reference to Francis Mitchell around 1841. Which may explain why his 9 shares are claimed by the bank 3 years later. Francis Mitchell has 70 pounds worth of shares in 1850 and is listed as a Merchant, Sydney however in 1844 it would appear that his shareholding of 9 shares was claimed by the Bank for settlement. No entry for Charles Mitchell in our First Signature Book 1817-1849 or shareholder lists.” He is involved in Coal Mining as Chairman of the Tomago Coal Mining Company. Francis Mitchell 1804 died in 1876 and his Obituary read: We haven't found any connection mentioned between Francis Mitchell and Berry Wollstonecraft, maybe they were just contemporaries. They would certainly have known each other and had a lot in common. Alexander Berry was a shipowner and had a business partnership with Edward Wollstonecraft before they became bro-in-laws. They both came to Australia c1819 and were Merchants on George Street in the Rocks, until Wollstonecraft died in 1832 and Berry shut the shop and concentrated on his estate, Coolangatta at Berry. In June 1822 they purchased a small cutter "Blanche", they could even have had interests in the same ships as Francis Mitchell. Francis Mitchell 1804-1876 left 200,000 pounds in Estate for his son, the Reverend Stanley Mitchell who promptly divided it to his sisters. FRANCIS WILLIAM MITCHELL (son of Thomas Mitchell) Francis William Mitchell b. 1829 is now the face of Mitchell and Co until his death. - "d. 27

June 1886 at the residence of his sister, Mrs G. Wallace, Marrickville, Sydney. Francis William Mitchell, LATE OF MITCHELL & CO. and brother of John Mitchell, Dunmore, East Maitland. “ (Source; Maitland Mercury & Hunter R Advertiser 3 July 1886). He is thought to have had a cerebrovascular accident in 1866 but his incapacity remains unclear. From 1873 to 1886, Mitchell and Co included Francis William Mitchell and Alfred Lewington (son of Ann Mitchell) and in 1885 moved premises to 1 Macquarie Place. His place in the family is detailed in his obituary. However Francis Mitchell the younger (Son of Thomas who died at Hokianga) and James Williamson continue as established in several cases:

SUPREME COURT.—FRIDAY, Nov. 9. (From the S. M. Herald, Nov. 10. (Before Mr. Justice Dickinson and a jury of four.) WILLIAMSON AND ANOTHER V. PATTISON AND ANOTHER. This was an action by the surviving partner in the firm of Charles Mitchell and Co., for goods sold and delivered, in which one defendant had suffered judgment to go by default, and the liability of the other was contested. Messrs. Darvall and Faucett appeared for the plaintiffs, and the Solicitor General for the defendant. By 1858 he had stores at 111 Cumberland Street, was in partnership with James Williamson and Thomas William Dixon, ship-chandlers, of 164 George Street and Pitt Street, and was living at 15 Church Hill. And in November 1860 Francis Mitchell, the younger, James Williamson (Captain), and Thomas Woollett Dixon, trading in Sydney under the name of Mitchell and Company, merchants and ship chandlers, on petition and affidavit—schedule to be filed in twenty-one days. Mr. Perry, official assignee. (Estimated liabilities. £40,000; assets, £37,000)

We are compelled to sequestrate our estate in consequence of the heavy damages in the case of Stewart v. Mitchell and either, the agents or the plaintiffs refusing to accept an equitable compromise.—MITCHELL and Co. — ADV. Joseph Fletcher, of Goal Durn, contrast or. Liabilities, £230 8s. 6d. Assets—value of personal property, £93. Deficit, £ 132 8s. 6d. Mr. Sempill, official assignee. MEETING OF CREDITORS. In the estate of Mitchell and Co., an adjourned examination meeting was held in Sydney, on Friday.

Francis William Mitchell was examined by Mr. Stephen respecting the valuation of the stock of Mitchell and Co., secured by bill-of-sale to Mr. Francis Mitchell. The meeting then adjourned till the 17th May. In April May 1861 is the first appearance of Francis William Mitchell involvement in the business consolidating its affairs: The Sydney Monitor (NSW: 1828 – 1838), Wednesday 30 November 1836, page 2

William James Lewington marries the daughter of John and Harriett; Ann Mitchell in the Bay of Islands, New Zealand some 6 months before her brother Thomas dies in Hokianga. William is recorded in “The Early Journals of Henry Williams, IX — January to December 1835 - A.N.Brown leaves for Waikato — Peace parleys — Journey to Thames and Waikato” assisting the expedition The direction given to Wm. Lewington the Master of the Columbine seems to have been given without any authority from the general assembly of the Puriri and also in the “ The Missionary Register (Sections relating to New Zealand. - 1834) - Church Missionary Society. Voyage of six weeks to the Thames, in search of a site for a new settlement, p 415-423” as involved in their work. Enter the Thames, and arrive at the Site proposed for the New Settlement--Nov. 7, 1833 --At break of day, all in motion: struck our tents, and proceeded on our voyage; having left a note for William Lewington, suspended to a stick, with directions to follow us.He later is recorded at Wangari: New Zealand Gazette and Wellington Spectator 14th October 1843. Flax. (snip) Besides Mr Terry, there are several other persons now successfully dressing flax. Mr Lewington at Wangari, has supplied Mr Robertson with some flax of superior quality And entered into partnership with Busby and Gilbert Mair in a timber industry at Ngunguru. There is also recorded in the “Daily Southern Cross 15th March 1867” an. Auckland Court case (snip). - “He next put a deed of conveyance by William Browne to William James Lewington dated 13th May 1851” He and Ann return to Sydney sometime before her death in 1863. Their son Alfred will later play a major role in the family business.

ALFRED NEWINGTON (son of Ann Mitchell)

GEORGE MITCHELL, (brother) On 2 Oct 1850 -Mitchell & Tully, Ship Chandlers & Commission Agents, Newcastle, commenced business at **Queen’s Wharf, Newcastle**. Their partnership ceased to exist 30 June 1853. On 21 Dec 1853 in Maitland Mercury - American Consul at Newcastle - Mr George Mitchell, late of the firm of Mitchell and Tully, has been appointed American Vice Consul at Newcastle. **George Mitchell is US Consul**, Hunter St, Newcastle in 1872 The company is recorded as trading on into the 1900s however this postdates our family’ s interests.

<https://ianjeanneret.au/tng/photos/Mitchell%20Family%20of%20Sydney%2027022015.pdf>

MITCHELL Family

John Mitchell Sex: Male Father: John Mitchell Mother: Ann Dent Birth: 1780 in Birmingham, England; St Martins Baptism: 04 August 1780

Occupation: 1813 in Bloomfield Place Deptford Kent; Grocer Arrival: 1833 in Sydney New South Wales; On Richard Reynolds Death: 30 December 1839 in Sydney Harbour, Australia; Lower George Street Residence: England

Alfred Mitchell Birth: 14 Jun 1825 in Deptford St Paul, England
 Baptism: 03 Jul 1825 in Deptford St Paul, England Arrival: 14 Aug 1833 in Port Jackson, New South Wales - per Richard Reynolds Address: 1845 in Sydney Harbour, Australia; Lower George Street Address: 1850 in Sydney New South Wales; William Street Fact: 1855 ; purchases the "Duke of Cornwall" Residence: 1861 in Sydney Occupation: 1866 in Circular Quay, Sydney; Ships Chandler Residence: 1880 in Sydney Residence: 1895 in "Myrtle Villa", Edward Street, Enfield Residence: Abt. 1895 in Sydney, New South Wales, Australia Death: 21 Oct 1895 in Canterbury, New South Wales; Oct 21 1895 at Exeter, Liverpool Rd, Enfield, Alfred Mitchell, aged 70 years Emily Esther Adams m 23 Nov 1850 Campbelltown; St James Church Maria Emily Hayes m 1873 in St George Ethel Robertson Mitchell Edgar Robertson Mitchell

Ann Mitchell Birth: 1813 Baptism: 27 June 1813 in Deptford St Paul, England Arrival: 14 August 1833 in Port Jackson, New South Wales Address: 1863 in Woolloomooloo Sydney; 103 Bourke Street Death: 09 April 1863 in Sydney, New South Wales; Long painful illness Departure: London Married William James Lewington 8th March 1837 Missionary Station, Pachine, Bay of Islands ,New Zealand Alfred James Lewington

Thomas Mitchell Sex: Male Birth: Bef. 11 June 1809 in Deptford, Kent, England; Deptford Baptism: 11 June 1809 in St Paul, Deptford, Kent, England Baptised: 11 June 1809 in St Paul, Deptford, Kent, England Arrival: 1827 ; Midas Fact: 1837 in Bloomfield East Maitland; after his death the NSW Gov't approved Death: his application for 640 acres Bloomfield Colliery 06 November 1837 in Hokianga, Northland, New Zealand Residence: Australia Married Mary Lambeth 09 June 1828 in Sydney, New South Wales, Australia; St. Phillip's Church Children:

Francis Mitchell Sex: Male Father: John Mitchell Mother: Harriett Dandy Birth: 1804 in Deptford London Baptism: 20 May 1804 in St Nicholas, Deptford, Kent, England Occupation: 1822 in Sydney New South Wales; Dealer & Auctioneer Atkinson & Bingle Arrival: 1822 ; "Eliza" Other: 15 November 1825 in 1.2.00 at the Lane Place Sydney; on list of lands Occupation: granted and reserved by Sir Thomas Brisbane. listed as Michel 1829 in Southern Oceans; Whaling Ship Elizabeth Event: 15 March 1830 in Sydney; Special Jury ***** First Ruling of a Judge of Fact 1: Australia 07 March 1832 in Sydney

Harbour, Australia; **Convict Assignment number Business Details: 57.**
 Bolton William, and Eliza (5), tobacco twister, to Francis Mitchell
 1842 in Sydney Harbour, Australia; Francis Mitchell & Co Merchants
 Lower Residence: George Street, Central Sydney Bet. 1842 - 1843 in
 Gipps, New South Wales, Australia Residence: Bet. 1848 - 1849 in Gipps,
 New South Wales, Australia Bankruptcy: 1850 in Sydney Harbour,
 Australia; Francis Mitchell & Co Insolvency Residence: 1861 in Sydney
 Death: 1876 in Sydney, New South Wales, Australia Residence: Gipps,
 Sydney, New South Wales, Australia Residence: Australia Title: Esq
 Fact: of Melville / Luskintyre, Maitland Married: Eliza Merritt 12
 April 1831 in Maitland, New South Wales, Australia Children: Eliza
 Mitchell Louisa Mitchell Stanley Mitchell Sydney P Mitchell