

Joseph Wells

Date of death:	22 March 1880
Cause of death:	Hanged for Robbery under Arms
Age:	22
Origin:	New South Wales
Height:	5'7"
Build:	Proportionate
Occupation:	Stockman
Religion:	Roman Catholic
Education:	Read only
Arrival in colony:	Overland, 1878
Crime committed at:	Cunnamulla, January 1880
Sentenced at:	Toowoomba, February 1880

Prior to 1880, only one person had ever been executed in Queensland for the crime of armed robbery with wounding. This had happened in 1869 after 20-year-old William Brown had robbed a hotel in Charleville and wounded the owner. Eleven years later Joseph Wells became the second and last Queenslander to be executed for the crime.

He had committed an armed robbery at a Cunnamulla bank and was in the process of escaping with a bag of money in one hand and a revolver in the other, when a shopkeeper from a neighbouring store arrived on the scene. Wells jumped up on the bank counter and warned the shopkeeper to "keep back", but his warning was ignored and a struggle broke out. The gun was discharged and the shopkeeper was wounded in the shoulder. Wells rushed outside and when he found himself being pursued by a policeman he tried to climb up a tree to hide. He then insisted that he would not give up his gun and had no intention of being taken alive, saying:

"...I would rather be shot, I have stuck up the Bank a short time ago and I believed shot a man dead, I may as well be shot now as to spend my lifetime in gaol!"⁸⁵

He then climbed down the tree and tried to mount a horse before he was arrested. Wells was tried in Toowoomba shortly afterwards, and he also had no legal representation. Although the government of the day provided

counsel for the defence of Aborigines and Islanders, none was provided for poor whites like Wells. Because of this, Wells was unaware that he was facing a capital charge and despite claiming that his gun had gone off accidentally, he pleaded 'guilty'. On the judge's advice he changed this to 'not guilty'. At the conclusion of the trial the judge reminded the jury that they could only find Wells guilty if they believed the gun had not been fired accidentally, but as no evidence had been presented to back Wells up, they only took a short time to find him guilty and he was sentenced to death.

This decision stirred up public opinion, and a large proportion of the populations of Toowoomba and Ipswich campaigned to have the sentence commuted. Their campaign was supported by several politicians and the *Toowoomba Chronicle*, and although it led to a postponement of the execution for Wells, the respite was short-lived and the hanging went ahead a few weeks later.

"From an early hour Wells, who was a Roman Catholic, was attended by the Rev. Father Fouhy, who administered to the unhappy man the last consolations of religion. At a few minutes before eight the condemned prisoner issued from his cell accompanied by the reverend father. He walked with a perfectly firm step, and showed scarcely any signs of agitation. On taking his place on the scaffold he still exhibited fortitude while the executioner was making his final preparations. On the fall of the drop, death appeared to be instantaneous. After remaining suspended about ten minutes the body was cut down and when the medical officer had certified that life was extinct, it was placed in a coffin and removed to the General Cemetery at Toowong for burial."

(The Week, 27 March 1880)

Wells was to be the last person hanged in Queensland for armed robbery with wounding, and the offence ceased to be a capital crime when a new Criminal Code was introduced in 1901.