



# Chainletter

*News from the Founders & Survivors project at the Universities of Tasmania, Melbourne, Flinders, Monash and the Australian National University*

A Tri-annual Newsletter

Issue No. 14 August 2013

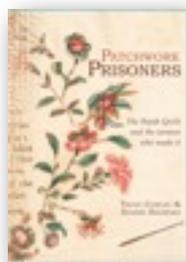
## Progress Report

We are now actively planning for the future archiving and access to the Founders & Survivors database and for a new project, *Diggers to Veterans*.  
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## Earl St Vincent: a lucky ship for a few

Colin Tuckerman reports on his research on the convicts of the Earl St Vincent.  
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## New Book



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## The History of BDMs in Tasmania

Rebecca Kippen contributes a major essay on the extraordinary history of civil registration in Tasmania.  
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## Philip O'Reilly: success story

Garry McLoughlin tells the story of a remarkable Irish convict who did very well in Tasmania.  
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## An Extended Family

Jenny Wells has unearthed a fascinating story of an extended family making their way to Tasmania via transportation.  
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## Editorial

*We report on the final stages of the Ships Project and on plans for the future. And we are sure now that we will have a future!*

Two of our volunteers, Jenny Wells and Colin Tuckerman, were featured in two excellent articles by the journalist Andrew Trounson: one a large feature in the *Australian Weekend* magazine and the other in the *Higher Education Review* section of *The Australian*. It was wonderful to see our volunteers recognized publicly for their work.

Both Jenny and Colin have been contributors to *Chainletter* and they have articles in this issue: one on an extended family that used transportation to escape poverty in

Ireland, and the other a report on an early ship, the *Earl St Vincent*, which had some notable and notorious convicts aboard.

Garry McLoughlin, who with his late wife, Dr Cecile Trioli, has led our Irish ships research, writes on an exceptionally successful emancipist, Philip O'Reilly. Garry's lifelong friend, Dr Val Noone, attended our last Melbourne workshop to lead our discussion on the Irish convict story, and to reflect on those who were Irish speakers and how they may have fared in an English-speaking system.

Our main feature article is from Dr Rebecca Kippen on the history of civil registration of births, deaths

and marriages in Tasmania. We tend to take this wonderful documents for granted, especially in Victoria, but they are the lifeblood of family history.

The history of registration around the world is of governments beginning to care about the health of the people as well as needing to count potential cannon fodder. The invention of the birth certificate established the official personhood of individuals. They became visible to the state, and more importantly, visible for their descendants and historians. Founders & Survivors would not be possible without them.

Janet McCalman

## Volunteers' Corner

### Progress Report August 2013

#### *Ships Project completed*

On 31 July we officially closed the Ships Project volunteer research and now a dedicated team are cleaning, checking and completing loose ends.

The final result was stunning: a ships project reference population of almost 18,000 representing over 40 per cent of the women and 25 per cent of the men whose records were complete enough for research. In addition we have over 5000 'leftovers'—convicts who were found by wider research, who were spouses of convicts in the ships project or who were submitted by their descendants. This latter group has a much higher proportion of found deaths and descendants and will be a valuable addition to the reference population.

In the next edition of *Chainletter*, we will be able to report some general results of the analysis of the reference population. We are required to publish full results in academic journals first, then we can republish more digestible summaries, referring to the original publications.

Over the next twelve months Rebecca Kippen and Janet McCalman will be presenting preliminary findings and analyses at international conferences to receive critical feedback, and then write and submit the major articles we have planned. Rebecca is at a conference in Korea as we go to press, and Janet will be presenting at a conference in Chicago in November. Next year, the team of Rebecca, Janet, Len Smith (from ANU) and our wonderful systems designer, Sandra Silcot, will make a 'grand tour' that starts with a technical workshop in Amsterdam, then progresses to various universities in the UK and Ireland. Finally we will visit to our colleagues at the University of Umea in Northern Sweden.

#### *The Future of Founders & Survivors*

We had two days in Hobart earlier this month discussing the future of the research and public versions of the Founders & Survivors database. First we met with our colleagues at the University of Tasmania where the project is led by Hamish Maxwell-Stewart. The meeting was also attended by Emeritus Prof. Lucy Frost, chair of the Female Convict Research Centre and Colette McAlpine.

The most important guest was Ross Latham, the State Archivist and Manager of the Tasmanian Archive and Heritage Office (TAHO). We are in close negotiations with Ross and his staff about the future storage and access to the ships project data. If TAHO takes custody of it, it is then guaranteed not just sustainable storage, but TAHO is also required under its legislation to make whatever it collects available for public use.

We have much to do, working out how we can do this technically, but at this stage we are resolved that the convict biographies, minus information about descendants, can be made permanently public. We have to be mindful of privacy legislation and of the fact that some material on the lives of children may still distress descendants.

We hope that a means of continuing to contribute research on individuals can be organised from Tasmania. We have learned by painful experience that we cannot return to an open data entry system, as there are too many spammers in this world. We will need to ask contributors to email a volunteer research team who will check the material, do more research if necessary and enter it into male and female databases.

The Female Convict Research Centre will be assuming responsibility for all

women's stories, and we hope that a team will emerge who can do the same for the men. Any volunteers? Preferably from Tasmania, but not necessarily? And willing to use Filemaker Pro?

Our own Melbourne-based website will need to have its memory load lightened by exporting the data to a new system in the cloud. This work will be carried out next year.

**If volunteers are suffering withdrawal symptoms, we can continue supporting researching ships for one more year. This work will not require the coding, as we have finished that part of the project, but we do need to find more deaths and families, and to correct all the birth places so that searching can be done online via birth place. This will be particularly valuable to family historians of the future. So if you like geography, this may be for you in 2014.**

By the time of the next *Chainletter* in December, we should know whether our application to the Australian Research Council for a similar project on the First AIF has been successful. This is called **Diggers to Veterans: Risk, Resilience and Recovery** and we will be seeking volunteer researchers to follow units of battalions that embarked from Australia, finding out what happened to each digger in the war and afterwards, using Ancestry for electoral rolls and TROVE for life events.

A team of retired doctors will be recruited to work on their Repatriation files to assess their health in later life.

If we fail to obtain the grant in this round, we will have one more try, hoping for funding to begin in 2015, the centenary of Anzac.

Therefore, Founders & Survivors is not dying: it is entering a new phase. This we hope will be the first full population study of the impact of war service on the diggers. No-one even knows how long they all lived!

Ships' tales

# The Earl St Vincent: lucky for a few

## Colin Tuckerman, FAS Ships Volunteer

*Colin Tuckerman has become one of our most prolific ship project researchers, specialising in the early ships of the transportation period when the records were scanty. However he has relished the challenge of tracking the convicts down through musters, the census and newspapers. Colin was one of our volunteers who was interviewed by Andrew Trounson for the recent articles in The Australian, and he contributes another report on these fascinating early convict ships.*

The Earl St Vincent arrived in Hobart on 13 August 1826 after a non-stop voyage of 110 days with 160 convicts on board. The convicts had mainly come from courts in the south of England, with 45 being convicted in the Old Bailey, 17 in Essex and 14 in Sussex. Seven were Irish, two were Welsh and two from the Channel Islands. The rest were from England. Twenty-six men had been convicted for picking pockets, 86 for burglary or larceny, seven for forgery and ten for acts of violence. Half of the men had life sentences. They were a relatively young group with an average age of just over 23 years.

Only one death occurred during the voyage. Mrs Smythe, wife of the Captain of the Guards, had been suffering from poor health for a long time and hoped the voyage and move to a more temperate climate "would renovate her impaired constitution"<sup>1</sup>. She was confined to bed from the time of sailing until she died on 25 June. This voyage did not bring her the change in fortune she was seeking.

On arrival, the Ship's Surgeon admitted two inmates to the Hobart Hospital and was pleased to see that both were recovering by the time the *Earl St Vincent* sailed on the 14 September 1826 to Mauritius and London with a load of wheat, potatoes, timber and barley.<sup>2</sup> Six days later one of the men, **Arthur McCarton (or MaCarthy)**, died in hospital. The good health and good luck experienced by the men on the *Earl St Vincent* was over. Twenty-nine of the men would die before their sentence

capture the *Emma Kemp*, while with one exception the rest of the deaths occurred in hospital or penal stations.

**George Grover's** fate was to be murdered. Grover had become the Richmond Gaol flagellator and was much hated. One night he was seen drunk and asleep on the Richmond Bridge; in the morning he was found dead under the bridge. The *Colonial Times*, 19 June 1832 reported the verdict of the trial of the suspect:



SW View of Macquarie Harbour, Thomas Lempriere, National Library of Australia  
And 'Hell's Gates' and the lighthouse at the entrance, see next page

was over and another two men who absconded, probably died in the wilds of Macquarie Harbour.

Of these 29 deaths, four men were hung for murder and bushranging. One of these men, **Edward Broughton**, was hung for cannibalism. As a result of stealing a blanket Broughton was sent to Macquarie Harbour. In October 1830 he absconded with four others. He and **Mathew McAvoy** killed and ate their three companions before being found after 14 days wandering in the bush. He was arrested, tried and hung.<sup>3</sup> Two other men were killed by aborigines, one man was shot and killed by troops as part of the gang that attempted to

*At the trial of James Colman, under suspicion of having assisted Grover over the parapet of Richmond Bridge, there were no fewer than 40 witnesses on the part of the prosecution. The Jury returned into Court at 9 o'clock on Friday night, finding the prisoner not guilty.*

(Convicts and emancipists often fared well with colonial juries packed with fellow graduates of the penal system.)

Another group from the *Earl St Vincent* also had some early bad luck. For some reason, ten men came with orders to be shipped directly to Norfolk Island. The records are silent whether they had been selected because of their conduct



although their offences do not seem to be any worse or better than others, or this was a trial of a new Government policy. Nonetheless they were sent to Sydney, where five went to the new penal settlement of Moreton Bay and the rest went to Norfolk Island.

Included in the Norfolk Island group was **Abraham Davis** who had originally arrived on the *Coromandel* in 1820 under the name of Henry Williams. He absconded, returned to the UK, was caught stealing watches and was recognised by the Newgate gaolers and sent back to complete his sentence. He received a conditional pardon in 1837.

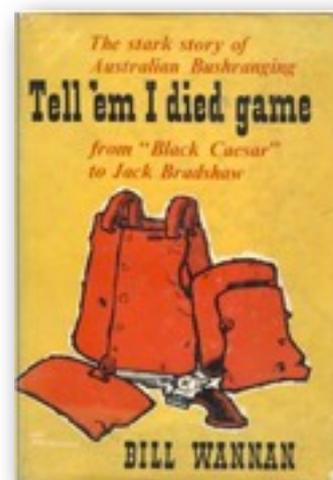
Another seven of the men survived their sentences. One man, **Greg Burnett (or Barnett)** while being constantly in trouble with the law found time to settle in the Quirindi region and have eight children and 67 grandchildren. Another of the original ten, **William Ross** had been born in Antigua West Indies to a British merchant. Ross was also a merchant but found his salary did not match his expenses. In 1818 he was transported for seven years for stealing a silver spoon and sent to the hulk *York*. Freed in 1821 he was again caught stealing a silver spoon but this time sent to Moreton Bay. He was released in 1833 but was sentenced to another seven years transportation, this time to Norfolk Island, for embezzlement. Maybe the officials were after him as he had written a book that was a very unflattering depiction of his experiences as a convict at Moreton Bay.<sup>4</sup>

Another three men also started their new lives in Van Diemen's Land on a bad footing. **William Thompson, John Morphew and John Beckett** were sent directly to Macquarie Harbour for making threats to the Ship's Surgeon.<sup>5</sup> In March 1827, John Morphew was stabbed while he was asleep in an attempt to murder him. He survived and received a Free Certificate in 1842.

The *Earl St Vincent* Ship's Surgeon said of William Thompson, a bird-cage fence maker, "*this man suffering from mental anxiety having committed some gross misdemeanours on board and is afraid of the consequences*".<sup>6</sup> He may well have been nervous, as his real name was George Phillips, also known as John Happy or John Luckie, a seaman from Manchester, who had originally been transported in 1823 on the *Morley*. He absconded in 1825 and returned to the UK where, as William Thompson, he was tried and sentenced to seven years transportation for a felony. At Macquarie Harbour it was not until March 1829 that he was recognised and committed for trial for "*being at large before the expiry of his sentence*"<sup>7</sup> as well as stealing a boat. In 1831 he absconded for a final time, and is believed to have made it to Sydney even though there was a fifty-pound reward for his capture. His luck must have finally held.

**John Dady** also had luck on his side. He was among ten convicts who had captured the brig *Frederick* in Macquarie Harbour in 1834. They sailed to New Zealand and then onto South America.

The ship was abandoned off the coast of Chile and the convicts rowed the ship's whaleboat the remaining 80 km to shore. Passing themselves off as shipwrecked sailors, they were allowed to stay by the local community of Valdivia. By May 1835 seven remained - Jones, Fair and Dady had joined a passing brig. They were last heard of in Callao, Peru. Three others built a three-mast whaleboat and fled in July 1835 when a UK warship arrived in the harbour. The four who remained in Chile were eventually caught and brought back to England, then Hobart for trial as pirates. As the boat was seized from the harbour rather than the high seas, they escaped from being executed but had to live out their days on Norfolk Island.<sup>8</sup>



A final tale of bad luck and misfortune was **Thomas Rares**, who would become known as the "Boy Bandit" in *Tell 'em I Died Game* by Bill Wannan; a depiction which did not quite get the facts right. Rares was one of the youngest on board the *Earl St Vincent*. Aged 14 or 15, he was sentenced to life for stealing a handkerchief. He absconded in 1830 and joined a gang of bushrangers. Not being the most proficient with firearms, while playing with a double barrel shot gun he shot his hand which necessitated the amputation of his arm. He continued to offend and was sent to Port Arthur and finally received a conditional pardon in 1852. His bad luck continued. His wife Martha Thompson (*Elizabeth & Henry*, 1847), who he married in 1849, died in 1854. Their first of two sons died aged 14 days.

Nonetheless, there were some men from the *Earl St Vincent* who did find success as a result of their transportation and saw good luck come their way.

**Samuel Crisp**, a sawyer from Suffolk, was transported for life for sheep stealing. His wife and two children came out to Van Diemen's Land and they had another nine children and 80 grandchildren. He set up a family timber business that merged with the Gunn's business to become "Crisp and Gunns" that by 1913 had become Gunns Ltd. Three of Samuel's sons became lawyers and solicitors, a career that also became a family business. One grandson became the Chief Justice of Tasmania, another sat on the Supreme Court of Tasmania and a third became a magistrate. All three of these grandsons were knighted. Samuel died in Hobart in 1888 aged 82.

**John Thomas Hinkin**, a clerk from London, was sentenced to seven years transportation for stealing two watches. He did not have a pleasant seven years, receiving five sentences totalling 150 lashes. He married Jane Theobald (*Sarah*, 1835) and they had two children. Jane died in 1840 just after the birth of their daughter. At the end of his sentence Hinkin moved to Victoria in 1842 where he became an overseer for remote properties initially in Gippsland, then on the Gunbower and last near Geelong. He remarried in October 1848 and with his new wife, established the Collingwood Church of England school, then later the Pentridge (Coburg) Public School and then the Moonee Ponds School. As an overseer he had formed friendly relations with the local Aboriginal clans and he was much impressed with their intelligence and abilities.

In 1852 two Aboriginal boys, sons of a Gippsland Aboriginal elder, became his wards and he was able to show that with education, Aboriginal people were capable of anything the white man could do. He later became a Post Master, Valuator, Rate Collector, Deputy Registrar Birth Deaths and Marriages Essendon. He died in 1883 aged 79. He wrote a book, *Life amongst the native race : with extracts from a diary* published

after his death in 1884. His photograph appears on *The Explorers and Early Colonists of Victoria* which is a historical photographic montage produced in 1872 by Thomas Foster Chuck.



William Thomas Hinkin

(In 'The explorers and early colonists of Victoria' 1872, State Library of Victoria)

**William Trenwith**, a shoemaker from Cornwall, was transported for life for housebreaking. He had a horrid time as a convict, receiving 447 lashes and 30 days in solitary before receiving a Conditional Pardon in 1845. He married Beatrice Davidson (*Emma Eugenia*, 1842) in 1848 and they had two sons. The elder son, William Arthur, was a boot-maker until 1889, when he entered politics. He was elected to the Victorian Legislative Assembly and served for 14 years until 1903. He held the portfolio of Minister for Railways and the portfolio of Chief Secretary. He was an advocate for Federation but his attempt to be elected as a Senator in the new Parliament failed.

**Uriah Vigar** showed much vigour before his death in 1846, of a liver complaint, at the age of 40. Given a seven year sentence for larceny, he married Mary Standfield in 1843 and had one daughter. At the time of his death he owned a property of about 3,000 acres of which 200 were under cultivation. He also owned a flock of 1,200 sheep as well as a substantial dwelling, with barn, stable and commodious offices.<sup>9</sup>

**John Frederick Schutte** (or Schultz) was given 14 years for stealing cloth from

his master's tailor shop. He received a free pardon in 1838 for his role when a group of bushrangers attacked his master's farm. He was married at the time of his sentencing and had one daughter, Elizabeth Jane. In 1830 he was living with his wife, who must have come at some stage to be with her husband. Elizabeth Jane married

**Robert Thirkell** in 1836. Robert Thirkell arrived as a free man in 1822 but had been given a seven year Colonial Sentence. He established properties at "Darlington Park," "Pockthorpe," and "Woodstock." "Darlington Park" became known as the home of some of Tasmania's best wool clips. Elizabeth Jane and Robert Thirkell's great grandson married Angela MacKail, who became the famous author Angela Thirkell. She was also goddaughter to J.M. Barrie and their son Lancelot, became the Controller of the BBC.

Even though the link to J.M. Barrie is tenuous, we can look upon the men from *Earl St Vincent*, their luck and lives, as said by his most famous creation Peter Pan:

*Fairies don't live long, but they are so little that a short time seems a good while to them.*

<sup>1</sup> UK Royal Navy Surgeon Journals, 1817-1857, State Library of Victoria

<sup>2</sup> Hobart Town Gazette, 16 Sep 1836

<sup>3</sup> *Closing Hell's Gates- The Death of a Convict Station*, Hamish Maxwell-Stewart

<sup>4</sup> "The fell tyrant, or, the suffering convict : showing the horrid and dreadful suffering of the convicts of Norfolk Island and Moreton Bay, our two penal settlements in New South Wales, with the life of the author William Ross" [William Ross] ; edited and annotated by Jennifer Harrison & J.G. Steele.

<sup>5</sup> *Closing Hell's Gates- The Death of a Convict Station*, Hamish Maxwell-Stewart

<sup>6</sup> UK Royal Navy Surgeon Journals, 1817-1857, State Library of Victoria

<sup>7</sup> TAHO CON31/32 p117

<sup>8</sup> Hobart Town Courier, 7 Feb 1834

<sup>9</sup> The Courier, 26 Aug 1846

## Earl St Vincent Surgeon's Log

*The log consists of a daily record for each man who was admitted to hospital, a summary of all cases treated and a written report. The report covers a summary of the treatments provided and any insights gained during the voyage. The Earl St Vincent Surgeon felt the cases were all minor and of no great medical interest. The only death during the voyage was Mrs Smythe, wife of the Captain of the Guards, who had been suffering from poor health for some time.*

*The second part of the report covered a summary of the Surgeon's actions and is transcribed below.*

On the 18<sup>th</sup> March I joined the Ship at Deptford. On the 23<sup>rd</sup> a party of the 39 Regiment embarked as Guard with several women and children and on the 1<sup>st</sup> of April the ship sailed for Portsmouth. During our passage the prison and hospital were well cleaned and ventilated previous to the reception of those unfortunate victims of vice and folly.

On the 13<sup>th</sup> April embarked 160 male convicts from 2 hulks in Portsmouth and without calling at any intermediate port anchored off Hobart Town Van Diemens Land on the 13<sup>th</sup> August when we disembarked the total number received on board and all in the best state of health except two who were ailing, and sent to the Colonial Hospital.

It being my first appointment in this Service I felt rather anxious as to the best mode of treating those deluded men so as to ensure health and regularity together with as much comfort to the better disposed as the situation or circumstance would permit. I therefore was much among them at commencement in hopes that I might be able to distinguished transgressors from the more depraved systematic villain. They however can assimilate well. I found that judging from Physiognomy was out of the question and I suspect that even the disciples of Spugheim would have been also at a loss to trace man of their characters. I consequently trusted little to

appearance until corroborated by their actions but in which there was also much deception.

Having selected a few as Boatswains Mates and Captains of Chief(?), I then pointed out to them the routine which I wished to be daily observed in the Prison as well as on Deck and particularly as to cleanliness and made them fully understand that any delinquencies would be severely punished. After a few days things went on very regular. The beds were moved out every morning at daylight and stowed on deck. The Prison dry scrub every morning and always swept after meals. All the moveable bed cottons lifted and every corner swept. Scuttles kept open as much as possible and wind sails in the hatchways. Clothes even washed twice a week. A certain number bathed every morning in the warm and temperate latitudes and during the early part of the voyage one Division, about a third of the whole, always on Deck and relieved every 2 hours by muster which I found absolutely necessary in order to get the main indolent characters on deck at all. Latterly our Gate of Prison was open all day and even then many of them would held from visiting the deck had they not been mustered and kept up. When the atmosphere felt unusually damp in the Prison or the decks unavoidably wet from boisterous weather, I had first kindled in the stove, sending all hands on deck taking with them their portables so as to admit of free ventilation in every corner using some vinegar occasionally in the neighbourhood of the water closet as an aromatic and in this way we reached our destination without any sickness of consequence.

The provision were regularly issued and cooked. The lime juice was served out and drank in my presence and not a symptom of scurvy appeared during the voyage. The change for the better in their appearance was truly astonishing as instead of the squalid objects of dissipation when embarked they were landed at the Colony in such a renovated condition as to be capable

of undergoing any common exertion of labour. Thus the few steps taken for the preservation of health, consisted in seeing their provisions properly served and cooked at regular times. Giving them sufficient water, making every one drink his lemonade at the tub and also the wine when issued. Keeping their persons and clothes clean and above all the Prison dry and well ventilated at the same time amusing their minds as much as possible with exercises on deck.

Some of them having lost part of their clothes will account for the appearance of Catarrh Cynanche Pluritis during strenuous weather leading predisposition to disease aside and will be found in some degree unavoidable as they are general indolent and cunning in the extreme indeed I have generally observed that slothfulness is the companion of vice and to check a remain which in a Ship of this kind will generally exact considerable attention for the Surgeon of Superintendents.

The conduct of some was such as to preclude causing others some sparks of former habits would occasionally appear in unguarded moments. While the sullen in appearance and apathy of a few convinced me that restraint alone kept them at all regular. I however found some slight punishment have at all times the desired effect and I did not deem it necessary to inflict a single lash during the voyage.

Also I attended to their mental condition as well as their bodily function by reading Prayers every Sunday together with some appropriate Sermon but I could not flatter myself that their morals improved in the same ration with their health still the Official persons at the Colony said they had never seen a more orderly set of men and that their general health and clean appearance was here unprecedented.

James McKerrow  
Ship's Surgeon

Irish Convicts 1

# Philip O'Reilly (Blenheim 1849)

## Supporter of human rights, entrepreneur, alderman, public benefactor

Garry McLoughlin (FAS researcher)

*Garry McLoughlin, and his late wife Dr Cecile Trioli, have been working on Irish ships for Founders & Survivors, looking at convicts before and after the Great Famine. The Blenheim arrived in 1849 after a hiatus of two years when no convict vessels left Ireland. The men had been languishing in Kilmainan Gaol all that time, but they were still in better shape, according to the ship's surgeon, than the soldiers who had been living free in famine conditions before enlisting. Among the convicts was this remarkable man, Philip O'Reilly.*

In the Founders and Survivors project we often wonder what makes for a 'successful' convict story. Certainly the system produced few entrepreneurial businessmen or women and when it did the convict usually brought the skills with them. Philip O'Reilly risked his livelihood to stand up to injustice at the height of the Irish famine, paid a heavy price, but regained his family and built an even more successful career in Hobart.

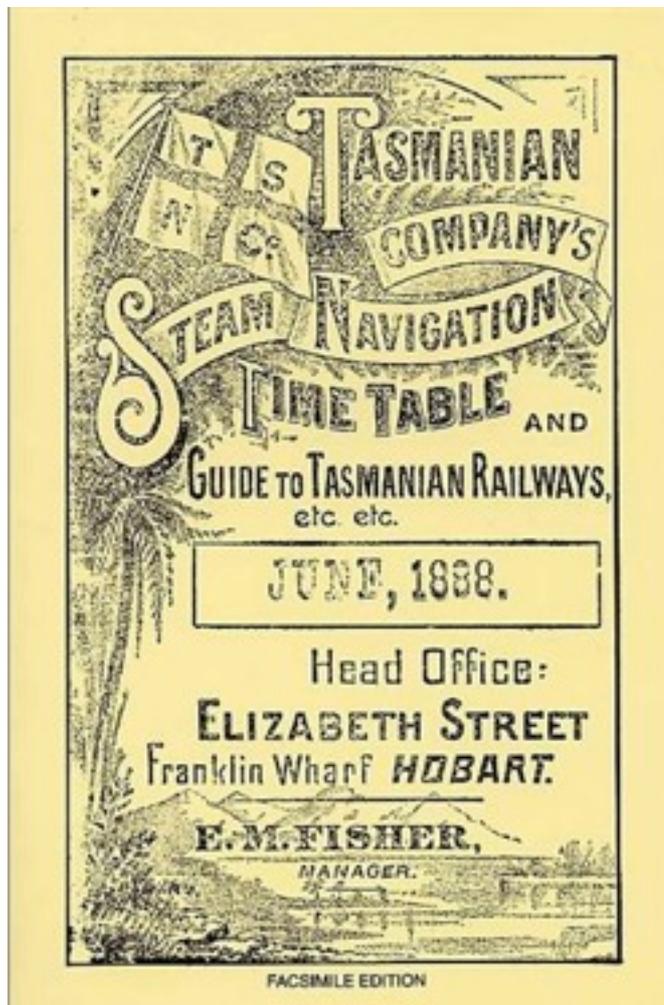
O'Reilly was a 41 yr. old Catholic shopkeeper from an intact family transported for 7 years for 'writing and publishing a seditious letter relative to bad landlords' for which he was

prosecuted by the Crown. He stated: 'I was tried three times on different charges arising from the same letter'. He left a wife Susan and six children in Co. Roscommon, Ireland when after his trial in Co. Leitrim in March 1847, he was transported for 7yrs. on the 'Blenheim',

free passage for his wife and family, but was told he must pay for the passage himself. But he was out of the system in three years. As a convict he committed no offences and was granted a conditional pardon in April 1852.

He immediately went about establishing a drapery business in Hobart and was a founding shareholder of the Tasmanian Steam Navigation Co. in 1852. He was so successful a businessman and already so widely respected that in 1855, just four years after his exit from the convict system, he was made an Alderman on the Hobart City Council and considered a future mayoral candidate. At his election, 'Alderman O'Reilly then briefly addressed the assembly as follows: Mr. Sheriff and electors of Hobart Town, I beg to return my heartfelt thanks for placing me in the position which I now occupy. I can assure you I feel it to be no small honour to be put in competition for the office of alderman, side by side with one (Mr. Sims) who has been so long a resident among you. In comparison with him I am but of yesterday. I only landed here in 1849, and I am proud and thankful to find that by my industry I have succeeded in raising myself in the fifth year of my residence to be thought

qualified by my fellow citizens to go into the Council as one of their representatives. All I can say, gentlemen, in conclusion, is that I will act honestly and independently. I can spare my time, and, without fearing anyone, I will do my duty in promoting the welfare of the city (Great applause)'.



arriving in VDL in February 1849. O'Reilly impressed everyone from the beginning. On his arrival in Van Diemen's Land, his conduct record stated that it is 'to be recorded - the very excellent and deserving conduct of this man on the voyage as reported by the Surgn Supt. with a view to... remission of his sentence'. O'Reilly applied for a

Already, O'Reilly had accumulated, 'by an honourable and straightforward course, a handsome fortune, and was now willing to sacrifice a great portion of his time for the interests of his fellow citizens'. However, the year 1856 was the year in which the terms of his conditional pardon allowed him to return to England and Ireland, so he put aside his mayoral ambitions and rejoined his family in Ireland. He returned with his wife Susan and two of his adult children, Francis Philip and Susan Angela to Hobart in about 1860, and by 1862 he was again a member of the Hobart Council and soon established a second drapery business in Launceston.

Both his children married in Tasmania in 1867. Philip married Alice Chitty at Launceston and they had at least two children: Philip Mainwaring Armstrong b. 1868 Launceston, and Josephine Florence b. Launceston 1869. His father invited him into the drapery business, but Francis Philip failed as a businessman and went broke in 1869 with debts of £2005 and assets of £1300. His father declined to bail him out but, acting on the principle that the law was just the place for a failed draper, got him a place at Melbourne University. He went on to become a barrister in 1873. As a barrister, lecturer and linguist

he was working in Invercargill New Zealand at the time of his father's death in 1883. Susan married William Thomas Jones, draper's assistant to her father, in Hobart in 1867 and they had at least four children, all born in Hobart.

In 1868, Philip snr. was one of the key organisers of the Hobart St. Patrick's Day dinner, and supported the non-sectarian motion put by James Gray, an ex-convict of Irish protestant background from the 'Duke of Richmond' 1844, a senior civil servant and later a state politician - "That in the opinion of this meeting it is desirable that Irishmen in Tasmania should celebrate the national anniversary of St. Patrick's Day, by a public dinner, and that the festival be open to friends of every nationality." In 1870, O'Reilly was appointed to the board of the Hobart Hospital and after his wife Susan died in 1876 of a stroke, he married a 60-year-old widow Sarah Flynn later that same year. He spent his last years in retirement in Launceston where he died in 1883.

Just how Philip O'Reilly managed to become such a successful entrepreneur within a couple of years of leaving the penal system does raise some questions. The skills of a storekeeper he had brought from Ireland but he needed to

raise considerable capital to start a drapery business and to be a founder of the Tasmanian Steamship Company as early as May 1852. Did he raise the money locally? Or was he able to access money from Ireland or England? We'll probably never know how he did it. There is certainly evidence that 'political convicts' seemed to be less stigmatised, and even commanded a certain respect in Tasmania. His obituary in the *Hobart Mercury* in 1883 summed him up as 'an old colonist...a prominent citizen of Hobart, and identified with all matters for the public good'.

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- Municipal elections: nomination of candidates.
- Colonial Times* (Hobart, Tas: 1828-1857), 7 July 1854: O'Reilly's acceptance speech.
- The Mercury* (Hobart, Tas: 1860-1954), 16 Apr. 1862: O'Reilly's return to the council.
- The Mercury* (Hobart, Tas: 1860-1954), 7 Mar. 1868: St. Patrick's Day Hobart 1868.
- The Mercury* (Hobart, Tas: 1860-1954), 30 July 1883. OBITUARY.

Philip O'Reilly's conduct record is exemplary and demonstrates how convicts of 'good character' were rewarded within the system. To this extent, convicts had some control over their destiny under sentence if they could manage their emotions.

1683		O'Reilly Philip		Transported for Publishing a threatening letter against my good name. Obsolete offense. Writing a threatening letter relative to bad hand lands presented by the crown.	
Tried Dublin 1 March 1847		7 Years		I was tried twice on different charges arising from the same letter.	
Embarked		2 July 1849		I was tried twice on different charges arising from the same letter.	
Arrived		2 July 1849		I was tried twice on different charges arising from the same letter.	
Trade		Shopkeeper		I was tried twice on different charges arising from the same letter.	
Height		5/5		I was tried twice on different charges arising from the same letter.	
Age		41		I was tried twice on different charges arising from the same letter.	
Complex		Good		I was tried twice on different charges arising from the same letter.	
Build		Medium		I was tried twice on different charges arising from the same letter.	
Hair		Brown		I was tried twice on different charges arising from the same letter.	
Eyes		Blue		I was tried twice on different charges arising from the same letter.	
Skin		Fair		I was tried twice on different charges arising from the same letter.	
Teeth		Good		I was tried twice on different charges arising from the same letter.	
Stature		Medium		I was tried twice on different charges arising from the same letter.	
Complexion		Good		I was tried twice on different charges arising from the same letter.	
Eyes		Blue		I was tried twice on different charges arising from the same letter.	
Nose		Straight		I was tried twice on different charges arising from the same letter.	
Mouth		Good		I was tried twice on different charges arising from the same letter.	
Chin		Good		I was tried twice on different charges arising from the same letter.	
Face		Good		I was tried twice on different charges arising from the same letter.	
Marks Scar on upper lip - rather bad.					
Period of Gang Probation					
Station of Gang					
Class <i>Leave</i>					
Offences & Sentences			Remarks		
<i>6 April 1852 let approved.</i>			<i>21 page response of paper after receiving a C.P.</i>		
			<i>At the instance of the very respectable and deserving father of the man on the paper in relation to the paper with a view to some mitigation of the sentence. 1849</i>		

## Feature article

# An Indispensable Duty of Government

## Civil Registration in Nineteenth-century Tasmania

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Originally published as:

R. Kippen 2002. 'An Indispensable Duty of Government: Civil Registration in Nineteenth-Century Tasmania', *Tasmanian Historical Studies*, 8(1): 42–58.

### *The Beginning of Civil Registration in Britain*

In 1836, the British Parliament passed *An Act for Registering Births, Deaths, and Marriages in England*.<sup>1</sup> This Act was designed to compensate for the 'imperfections' and 'practical inadequacy' of parish registers.<sup>2</sup> For 300 years, local clergy had recorded in parish registers details of baptisms, burials and marriages at which they had officiated.<sup>3</sup> These records were used by families to prove lines of descent and succession,<sup>4</sup> and by statisticians and others to calculate demographic measures such as population size and mortality rates.<sup>5</sup> However, the parish registers were deficient in several respects for these dual purposes.

Before 1836, no central office kept copies of the registers.<sup>6</sup> This meant that there was generally only a single copy of each register in existence, the conservation of which was the responsibility of the local church administration. Registers lost or destroyed were irretrievably gone. In addition, the localised approach meant that those searching for records who did not know the parish in which the birth, death or marriage had taken place, were probably obliged to visit several parishes.

Other problems arose because baptismal records were not legal proof of age. Often dates of birth were not recorded in baptismal registers. The date of baptism could not be used as a proxy for date of birth as baptism sometimes occurred long after the birth had taken place. Parents commonly arranged for

several of their children, of different ages, to be baptised at the same time and there were cases of clergy refusing to celebrate marriages unless both parties were baptised, leading to a person's baptism occurring on the same day as their marriage. Even where the date of birth had been recorded, this could not be used in evidence, as clergy were not authorised to make such an entry.<sup>7</sup>



Dr William Farr (1807-1883) had studied under the great French medical statistician Pierre Louis. He pioneered population, actuarial and medical statistics in England and Wales, and was the outstanding medical statistician of the nineteenth century. However he failed to have his ideal system of vital registration of births, deaths and marriages instituted to full effect, however. It was to be his disciple, William Henry Archer, who succeeded in doing that in the new Colony of Victoria from 1853, endowing Victoria with the most advanced and detailed registration regime in the world. Death certificates in Victoria had to be completed by medical practitioners, and assistant registrars were trained and appointed for every district in the colony. We salute them all.

Those who were Dissenters from the Established Church, estimated to constitute almost one third of Britain's population in the 1830s, were particularly disadvantaged by the system of parochial registration. Although Dissenters generally kept their own registers, these were not recognised by law as public records and therefore had no legal standing.<sup>8</sup>

Those wishing to use registers for statistical analysis were often frustrated by the non-compulsory and fragmented nature of registration, which meant that coverage of baptisms, marriages and burials was far from complete. In addition, the statistics calculated generally required counts of births and deaths, which were not equivalent to the baptisms and burials then recorded.<sup>9</sup>

The authorities hoped that the new Act would eliminate these problems by providing a universal, centralised, civil system of birth, death and marriage registration.

### *The Beginning of Civil Registration in Tasmania*

The discussion surrounding the English Act was noted with interest by Sir John Franklin, acclaimed naval officer and Arctic explorer, who was about to take up the post of Lieutenant-Governor in Tasmania.<sup>10</sup>

Tasmania, like other British colonies, had a system of ecclesiastical registration in place. However, this system was far from perfect. Entire registers were missing for some districts, and in many other districts the registers were seriously deficient. Some clergy evidently considered registers, particularly the marriage registers, to be their personal property and packed them with their other belongings on leaving the colony.<sup>11</sup>

Franklin arrived in Hobart in January 1837,<sup>12</sup> and, at the first session of the Legislative Council held in July of that year, reported that he had 'directed to be prepared...in imitation of the recent English Law on that subject—"An Act for the Registration of Births, Marriages, and Deaths"'.<sup>13</sup> Franklin recognised the personal benefits arising from such legislation, in legally establishing kinship, and the more general societal benefits to be derived from statistical analysis of the registers, stating when the bill was tabled:

The Registration Bill...is...of extreme importance; and I am sure it will be gratifying to you to introduce, at this early period in the history of the Colony, an Act...which is calculated in so important a degree to confirm to the right heirs in future generations those estates which now, through the industry and enterprize of their present possessors, are daily increasing in fertility and value...Neither are advantages such as these...the only beneficial consequences which may be expected from this Act; some idea of its probable value to posterity in other respects may be formed when it is remembered how much interesting information has been lost, from the formerly imperfect registration prevailing in Great Britain.<sup>14</sup>

The *Registration Act*<sup>15</sup> was duly passed in August 1838, nine votes to one, making Tasmania the first British colony to introduce civil registration of births, deaths and marriages.<sup>16</sup> The Act required that Tasmania be divided into registration districts. Each district was to have appointed to it a deputy registrar who informed himself 'carefully of every Birth Marriage and Death that shall happen within his District' and recorded the required details of these events in register books. Every birth, marriage and death of the free population was to be registered. The convict population was specifically excluded, their life events being recorded in separate registers.<sup>17</sup>

Parents of newborn babies were required to register the birth within 42 days and householders were required to register

deaths occurring within their homes within ten days. The maximum penalty for non-compliance with these clauses was £10. If an inquest was held, reporting the death was the coroner's responsibility. Once a death had been registered, the deputy registrar was required to provide a certificate of registration to the informant, who passed on the certificate to the clergyman or other person officiating at the funeral. If the clergyman did not receive this certificate, he was to notify the deputy registrar, thus ensuring that burials did not occur without registration taking place. Failure on the part of clergy to so notify the deputy registrar could result in a fine of up to £10. Ministers of Religion were required to keep registers of the marriages they had solemnised. Each quarter, deputy registrars and clergy were to send copies of their registers to the Registrar at the central office, located in Hobart. The Registrar was to compile indexes of the registers, and both the registers and indexes were to be made available for searches by the public.<sup>18</sup>



Sir John Franklin (1786-1847) Lieutenant Governor of Van Diemen's Land 1836-1843 and failed polar explorer.

The Tasmanian Act does not seem to have excited the opposition that occurred in England, where civil registration was opposed by those who feared that the lower classes would no longer consider baptism necessary, and others who objected to the compulsory nature of

registration.<sup>19</sup> The Tasmanian legislation was certainly welcomed by local newspapers. The *Hobart Town Courier* stated:

We deem it our duty to remind our readers and the public generally, that the Marriage and Registration Acts will come into operation on the 6<sup>th</sup> November next, and are of so much importance to the whole community that every family ought to have by them a copy of each act.<sup>20</sup>

While *The Morning Advertiser* advised its readers that:

The importance of the Registration Act is not generally acknowledged, but will be felt hereafter when an extract from the register books, will alone be considered evidence of truth in a Court of Law here, or in England.<sup>21</sup>

In late 1838 Tasmania was divided into seven registration districts and Charles Bethel Lyons was appointed Registrar, and deputy registrar for Hobart. Lyons had lived in the colony since the mid-1820s, working first as a Clerk of the Peace, then as a solicitor, before taking up the position of Registrar.<sup>22</sup> The six other deputy registrars had varied employment backgrounds, although most already held (and maintained) government positions, including postmaster, police magistrate and district surgeon.

The first births, deaths and marriages were registered in November 1838. The Act provided for the registration of births occurring before its commencement, resulting in an initial flurry of birth registrations, as many parents were eager to ensure that all their children were legally registered, including those born several years earlier. Thomas Young, a Hobart solicitor, registered the births of his seven children (the oldest of whom was 13) within a month of the Act becoming operative.<sup>23</sup> Lyons held the position of Registrar for less than two years before obtaining employment on the Australian mainland as a barrister.<sup>24</sup> Little else is known of Lyons or of the first two years of the Registration Act's operation.

## The Abbott Era 1840-56

John Abbott replaced Lyons as Registrar and deputy registrar for Hobart in 1840. Abbott had first arrived in Tasmania in the early 1820s, taking up a position as a government clerk. When this position was abolished in 1825, he returned to England before travelling to New South Wales two years later as a government surveyor. In 1835 he returned to Van Diemen's Land, again obtaining government employment.<sup>25</sup> Abbott was keenly aware of the dual benefits of a complete system of registration and worked hard to ensure that such a system was put in place, even using his leaves of absence to inspect the register books in country districts.<sup>26</sup>

### Compliance

Ensuring compliance with the Registration Act was an ongoing problem. Not only did some parents neglect or refuse to register the births of their children, and householders fail to report deaths occurring within their homes, but police, clergy and the occasional deputy registrar at times failed to either observe or enforce the Act's provisions.

In 1841, Abbott complained to the Colonial Secretary that a Mr Parsons had refused to register the birth of his child. What was worse, the minister officiating at the child's baptism, the Reverend Mr Aislabie, had 'not acted courteously' towards Abbott.<sup>27</sup> Aislabie had declined to complete a certificate of baptism to prove the birth, stating that 'Acts of Council ought to be worked according to their provisions: and neither you nor I ought to be called on to supply any of their deficiencies'. The Colonial Secretary replied that Abbott could have Parsons charged, but that Aislabie was within his rights to refuse to fill out the certificate. The purpose of the certificate in question was to inform deputy registrars of the Christian names given to children at baptism, so that these names could be added to the registers. The certificate was only to be supplied if the birth had already been registered and could not be used as evidence to register a birth.<sup>28</sup>

In 1842, Abbott argued that the lack of fees payable to deputy registrars for making register entries meant that there was 'very little inducement...held out by the Government [to deputy registrars] for a zealous performance of their duties', and that the income received by deputy registrars was 'not sufficient to induce competent persons to hold the appointment, or to enable me to compel some of those Individuals now holding it to perform satisfactorily the duties required of them by the act of Council'.<sup>29</sup> Abbott suggested that a system similar to that existing in England be adopted, whereby deputy registrars received a fee for each entry of birth or death made in the registers. He recommended that the country-district registrars receive two shillings and sixpence for each entry, and those in the more populous districts of Hobart and Launceston, one shilling and sixpence for each entry. He believed that 'in the Country Districts... the entries will double or treble themselves, if the Deputy Registrars should have the inducements I have recommended...' 'to inform themselves carefully of every Birth or Death occurring in their Districts'.<sup>30</sup>

The Legislative Council approved Abbott's proposal and the payment scale was introduced from the beginning of 1843, with the anticipated effect.<sup>31</sup> The total number of deaths registered in 1843 was almost double that of the previous year, and birth registrations in some country districts increased significantly.<sup>32</sup> The new arrangement had at least one possible disadvantage: registrars now had a financial incentive to register births and deaths more than once should the opportunity arise, or to make false entries. However, double registrations as a proportion of total registrations actually fell over time,<sup>33</sup> and there is no evidence that deputy registrars supplemented their income by making false entries. Although generally successful, the new arrangement failed to ensure that deputy registrars would carry out their duties. As late as 1849, Abbott was forced to complain to the Lieutenant-Governor about the deputy registrar at Great Swan Port, who, though he had been 'respectfully

written to', had not sent in any returns for the previous year.<sup>34</sup>

Registrars often had difficulty inducing the police to bring charges against those who contravened the Registration Act. There were two reasons for this. The first was that the Chief Police Magistrate did not view enforcement of the Registration Act as a police duty, arguing that 'he [could] not see why so important a part of the Deputy Registrar's duties should be avoided by those who are paid for its performance, and thrown upon officers whose time is fully occupied'.<sup>35</sup> The second was that police were deterred from laying charges for breaches of the *Registration Act* because of the financial disincentives involved. In order to minimise 'vexatious and money seeking informations' in cases where police were entitled to a portion of the fine if a conviction was obtained, a regulation had been introduced compelling police to pay one shilling to the police clerk when bringing charges. If a conviction was not obtained, the police officer was also obliged to pay costs.<sup>36</sup> Convictions for breaches of the *Registration Act* were rare and the small fines imposed often meant the police were out of pocket even if a case was successfully prosecuted.<sup>37</sup> An inquiry reporting in 1851 recommended that the shortfall of the penalty awarded from the fees payable be remitted and that district constables 'be directed to co-operate with the Deputy Registrars in enforcing the provisions of the Act of Council'.<sup>38</sup>

There was sometimes difficulty impressing police with the importance of reporting accidental deaths that came under their notice. In 1851 Abbott noted that several deaths of people who had drowned in a boating accident had not been reported by police to the Registry, and that he had only by chance heard of the accident and the deaths involved.<sup>39</sup>

Access to a local registry office was a problem for much of the population. Although the number of registration districts doubled from 1838 to 1845, and doubled again by 1856, would-be informants often had to travel many miles to their local district registry office. Notifications could be sent

by post, but this meant paying substantial postage fees. The government often received petitions from communities desiring to be declared separate registration districts. For example, in 1855 the residents of Kingston wrote to the Lieutenant-Governor requesting the formation of a separate district for the North Huon region. The local police magistrate stated his 'conviction that for want of such an Officer in the District numbers of Births and Deaths go unregistered' and recommended the local police clerk as 'a proper person to hold the appointment'.<sup>40</sup> Abbott, however, preferred where possible to appoint local medical practitioners as registrars, stating that 'Medical Men make the best Deputy Registrars'.<sup>41</sup> The district surgeon was duly appointed.<sup>42</sup> A year later, the schoolmaster of George Town stated that a local registry was urgently required. He feared that 'in part through ignorance, and partly through carelessness, the registration of casualties is much neglected'.<sup>43</sup> It is difficult to determine from these petitions to what extent births and deaths were actually under-registered in the country districts. Often those petitioning for the creation of new districts were, at the same time, applying for the position of deputy registrar, and therefore were hardly disinterested parties.

In 1853 Abbott reported that he believed death registration was complete, due to the 'liability of the Clergy to a fine in the event of their burying without a Certificate'.<sup>44</sup> Several years previously, Abbott had obtained a conviction against the (unnamed) 'head of the Catholic Church', who, despite repeated remonstrances, had refused to notify Abbott when burials took place without a certificate of registration. Births remained underregistered, as the duty of parents to register births was, in practice, a voluntary one. Abbott noted that for 1847, there were 2041 baptisms and only 1531 registered births.<sup>45</sup> Assuming that all babies were baptised, this implies that approximately one-quarter of births were not registered at this time. However, Abbott found that 'the number of Births registered is daily increasing and that there is a greater

desire on the part of middling and lower classes to register births; consequent perhaps on the improved circumstances of those classes'.<sup>46</sup>

### Statistical value of the Act

Abbott was interested in the statistical application of data collected in the registers, particularly the death registers. He believed that a 'statistical return...compiled from all the deaths registered in the Colony would be a public document of great importance'.<sup>47</sup> The life insurance companies which operated within Tasmania based their premiums on English life tables, without taking into account the very different mortality levels existing within the colony. Abbott thought that local life tables should be calculated from the Tasmanian death registers. He had calculated a table which showed the proportion of male deaths occurring in each 5-year age group for Tasmania and Great Britain, stating that '[i]t is for Medical Men to comment on the causes of such an extraordinary difference, and, if the returns for successive years exhibit the same facts, they will affect the interests of thousands, and all will acknowledge that the English Insurance tables are far from being applicable to this Colony'.<sup>48</sup>

Abbott had neither the time, nor perhaps the skills, to carry out detailed analysis of the death registration data, however he was quite happy to allow others to do so. In the early 1850s Abbott was approached by Edward Swarbreck Hall, a local medical practitioner, who wanted access to the registers in order to carry out mortality analysis. Hall was a member of the Statistical Society of London and Tasmania's most zealous public health campaigner. For many years he used the death registers to calculate death rates for Hobart, and Tasmania as a whole, being particularly interested in the prevalence, locality and seasonality of disease, and the implications of these for public health.<sup>49</sup> He also induced Tasmania's medical practitioners to provide to the deputy registrars details of cause of death in cases they had attended.<sup>50</sup>

### *Merger with the Colonial Office and threat of abolition*

After six years as Lieutenant-Governor of Tasmania, Franklin was recalled to England. He died four years later heading an expedition to find the Northwest Passage.<sup>51</sup> Franklin was replaced by Sir John Eardley Eardley-Wilmot. Wilmot was accompanied by three of his sons, all of whom were appointed to government positions: Charles as a lieutenant in the 96<sup>th</sup> Regiment, Robert (Chester) as Assistant Colonial Secretary and Augustus as private secretary to the Lieutenant-Governor. At the time of Wilmot's appointment, Tasmania was in the grip of a severe depression, and the government coffers were almost empty. In 1844 Wilmot appointed a Finance Committee to make recommendations with regard to reducing government expenditure. Among its recommendations, the Committee, reporting in January 1845, suggested that the Office of Registrar of Births, Deaths and Marriages be merged with that of the Colonial Secretary.<sup>52</sup>

Wilmot decided to act on this suggestion, and, in September 1846, his son Chester Eardley-Wilmot, the Assistant Colonial Secretary, was appointed Registrar, while John Abbott was offered a position as assistant police magistrate for the newly created sub-police-district of Clarence Plains and Pittwater. Far from reducing government expenditure, the community lost money in this family graft. Chester Eardley-Wilmot received the same salary as John Abbott, £200 per annum, in addition to his salary as Assistant Colonial Secretary. He was also allowed a clerk and £20 per annum for office rental,<sup>53</sup> two perquisites that Abbott had repeatedly requested but had not received.<sup>54</sup>

Wilmot was recalled by the Home Office in late 1846. He became ill and died soon after in Hobart. The new Lieutenant-Governor, Sir William Thomas Denison, arrived in January 1847. For some reason the Secretary of State for the Colonies had declined to ratify the proclamation of Clarence

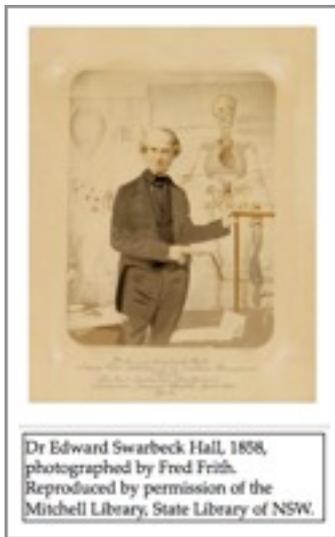
Plains and Pittwater as a sub-police-district and, therefore, the appointment offered to John Abbott as assistant police magistrate no longer existed. Noting the injustice, Denison felt that Abbott should have the option of resuming the position of Registrar if he so desired. Abbott accepted the offer and took up his old position in September 1847.<sup>55</sup>

However, at this time Denison was considering abolishing the registration system altogether, announcing a proposal to repeal the Registration Act as 'a measure of economy'. He was 'fully aware of the advantages which must accrue from an accurate registration, and of the value of the statistical facts elucidated by such a measure'. Nevertheless, he felt that 'the state of the population of this country, thinly scattered over the different districts, renders it impossible to carry out the plan efficiently with a due regard to economy' and that he did not 'deem it necessary to maintain an establishment for the sake of the name, without the reality, of registration'.<sup>56</sup> In fact effective registration was a reality and the system was consistently improving over time. The vast majority of marriages and deaths were registered, despite the 'thinly scattered' population,<sup>57</sup> and, although birth registration was incomplete, this problem existed in England also.<sup>58</sup> William Paton, a surgeon at Longford, commented that if the Registration Act did not work efficiently, it was because the government 'had taken no trouble to make it work'.<sup>59</sup>

The proposal to abolish registration was greeted with indifference or faint approval in some quarters. The *Hobart Town Courier* averred:

The Registration Act may well be dispensed with—not, however, on the score of inutility, nor for the mere sake of economy—but from the fact that, in the thinly-peopled portions of the interior of the colony, it cannot be correctly and effectively worked so as to render the return intrinsically valuable.<sup>60</sup>

Others did not take the news so calmly. The *Launceston Examiner* labelled the plan 'the most monstrous innovation, the most unjustifiable assault on the reputation, property and liberty of the colonists' and vilified whoever had advised the Lieutenant-Governor to take this measure as a 'Satellite of Satan'.<sup>61</sup> Then the author<sup>62</sup> really hit his stride, observing darkly, '[n]ever did a Governor venture on an experiment so fatal to the peace of this colony—so perilous to himself' and warning that if the Act was passed it 'might affect half the property in the Island and stamp on the brow of the lawful child the mark of infamy and disgrace'. Despite the hyperbole, it was a sound argument that repealing the Registration Act



Dr Edward Swarbeck, Hall, 1858, photographed by Fred Fritsch. Reproduced by permission of the Mitchell Library, State Library of NSW.

would have been a retrograde step for the colony. Although it was highly improbable that lack of registration would bring 'infamy and disgrace' to legitimate births, it would certainly have made the legal establishment of lines of succession more difficult, an important issue in a colony where many of the free population were owners of large tracts of land.

The *Launceston Examiner* was not the only party unhappy about the proposed repeal. Within a week of the announcement, a public meeting was held in Launceston for those 'interested in the continuance of the Registration and Marriage Acts'.<sup>63</sup> Attended by almost 200 people, the meeting passed a petition addressed to the Lieutenant-Governor asking that the Registration Act be maintained.<sup>64</sup> Their memorial argued that civil registration had been

introduced in Great Britain because of the 'defects and injustices' of ecclesiastical registration and that Tasmania deserved the same advantages; the parish registers recorded details of baptisms and burials rather than of births and deaths; parish registers were liable to the 'vicissitudes of Religious parties', were 'lodged in irresponsible hands', and were 'exposed...to wilful and casual destruction'; 'the most civilised Nations of Europe' acknowledged that 'Civil Registration is an indispensable duty of Government' and that abolishing the Act would be 'discreditable to a British Legislature'; and 'the inefficiencies complained of' were partly the result of a failure to enforce penalties prescribed by the Act.<sup>65</sup> The memorialists concluded that, rather than repealing the Act, the government should adopt measures leading to its more efficient working.

Denison may have been swayed by these arguments, but he was still considering abolishing the Act at the beginning of 1848 when he asked Abbott to furnish him with such documents as would enable him to 'form some conclusions as to the necessity of the continuance of your office, or of the value of the statistical facts brought out by it'.<sup>66</sup> Abbott dutifully sent in abstracts of the births, deaths and marriages registered in Tasmania up to the end of 1847, and noted that, with the exception of a few births among the poor, 'the Act of Council may now be said to be efficient', and that the Act fulfilled the prediction of Lieutenant-Governor Franklin who had told Abbott 'he was sure that after some little time, there would be a complete system of Registration in the Colony'.<sup>67</sup> This must have satisfied Denison, who quietly dropped the planned abolition of the Registration Act in early 1848.<sup>68</sup>

### 1850 inquiry

Abbott was an indefatigable letter-writer, often filling ten pages when two would have sufficed. This frequently annoyed those subject to his prolix epistles, including Denison, who

seems at times, to have regretted reinstating Abbott. On the 10<sup>th</sup> September 1850 Denison wrote to Abbott asking why no copies of the registers had been forwarded to the Supreme Court, as required by the Registration Act.<sup>69</sup> Ten days later Abbott had not replied and the Lieutenant-Governor sent another letter, expressing his surprise that no notice had been taken of the initial communication.<sup>70</sup> Abbott immediately responded that, since his receipt of the first letter, his time had been occupied with 'making a report as requested by his Excellency.' Denison exasperatedly annotated this reply with the comment: 'All I wanted was a plain answer to a simple question, however let me have Mr Abbott's report when it comes in.'<sup>71</sup>

Abbott sent his (15-page) report later that afternoon. It consisted largely of self-exculpatory complaints that he did not have time to complete all the duties required of both the Registrar, and deputy registrar for Hobart, and that his repeated requests for assistance had been ignored.<sup>72</sup> Denison was unhappy with Abbott's response and directed that an inquiry be set up to investigate the 'manner in which the duties devolving upon the Registrar of Births, &c, are performed, whether the requirements of the Registration Act are complied with, the amount of work performed by the Registrar or in his office, and the amount received by him in his capacity of Deputy Registrar for Hobart Town in addition to his salary as Registrar of the Colony'. Denison believed that 'the duty in question is performed in a very unsatisfactory manner'.<sup>73</sup>

The Inquiry Board found that most of the duties of Registrar were carried out in a 'satisfactory manner' but that, in breach of the law, Index Books were not kept of all the registers, copies of the registers had not been sent to the Supreme Court, and Abbott had not made copies of the Hobart registers (as deputy registrar) and sent these copies to himself (as Registrar).<sup>74</sup> However, the Board also found that when 'Mr Abbott took charge of the department he represented to the Government that he

could not prepare these returns without Clerical assistance, and that, year after year, he made a similar representation'. The Board concluded that:

it could hardly have been contemplated by the Legislature that the Offices of Registrar and Deputy Registrar should be filled by the same person, and we are of the opinion that, one person could not perform the duties of the two offices, in strict accordance with the provisions of the registration act, unless by personally performing an amount of copying scarcely consistent with the character of his other duties as the head of a department.<sup>75</sup>

Though the Board of Inquiry had made an overall favourable assessment of the Department and of Abbott's work, finding that the arrears were the result of lack of clerical assistance, Denison wrote to Abbott that 'the report of the Board furnishes evidence that you have not performed the duties devolving upon you as you ought to have done'. Denison expected Abbott to either complete the clerical work himself or to 'hire such clerical assistance as may be necessary' out of his own income, although he would allow the arrears to be made up by a clerk temporarily employed by the Government for that purpose.<sup>76</sup>

Abbott replied that he 'would gladly perform gratuitously any other duty' if he was allowed ongoing clerical assistance.<sup>77</sup> His numerous attacks of ophthalmia made it difficult for him to do the copying himself. He also protested: 'a very great increase has taken place in the work of the General Register Office, since I was first appointed Registrar...thereby throwing upon me great additional trouble and responsibility'. The number of deputy registrars under his supervision had grown from seven to twenty over the previous ten years and the number of births, deaths and marriages registered annually had tripled over the same period. However Denison was resolute, ignoring the recommendations of the Board of Inquiry and stating that

Abbott 'must perform all the duties, or relinquish in favour of some other person'.<sup>78</sup>

### *The Supreme Court Merger 1857-82*

By the mid-1850s Abbott's health was deteriorating. His increasingly frequent and severe bouts of ophthalmia and rheumatism were making it difficult for him to carry out his duties and he was considering retirement. In September 1856 the decision was made for him when an Act was passed 'to appoint the Registrar of the Supreme Court to be Registrar of Births, Deaths and Marriages in the Colony of Tasmania'.<sup>79</sup> As with the Colonial Office merger ten years earlier, this was done on economic grounds, with Tasmania again clouded by recession. Abbott continued to live in Hobart until his death in 1875.<sup>80</sup>

The move to incorporate the Registration Department into the Supreme Court was petitioned against by Edward Swarbreck Hall, who had just begun calculating mortality statistics from the death registers. Hall was 'deeply impressed with the great importance to the vital interests of the Inhabitants of Tasmania of minute, correct, and comprehensive Registration of Marriages, Births, and Deaths'.<sup>81</sup> He noted that, in England, registration data 'communicated in a succinct manner to the public by weekly and other reports' had led to sanitary reform which had 'eventuated in the annual saving of so many human lives'. The crude death rate in Hobart and in Tasmania as a whole was higher than in London, and he argued that the registration system should be improved 'so that the true sources of this excessive mortality may be easily traced out'. Hall then made a number of sensible suggestions with regard to improving the registration system, including universal medical certification of cause of death, recording the place of birth and place of death of the deceased, recording in separate registers deaths occurring on ships bound for Tasmania, and publishing annual reports of deaths by age by

Hall was that death statistics published in the annual *Statistics of Tasmania* became more comprehensive.

William Sorell, Registrar of the Supreme Court, assumed the position of Registrar of Births, Deaths and Marriages at the beginning of 1857. Sorell had long recognised the importance of registration, registering the births of all five of his children soon after civil registration had begun in 1838.<sup>83</sup> Sorell and the succeeding Registrars, John Watkins and Henry Buckland, did not take Abbott's hands-on approach to registration. Sorell commented that he had 'nothing to do with [the deputy registrars] beyond seeing that they are properly supplied with Books for registration purposes, and make their returns to this Office with regularity'.<sup>84</sup> However, the Supreme Court Registrars did ensure that returns made by the deputy registrars were complete and accurate, or at least had subordinates who did so. This care is illustrated by a memorandum sent to the deputy registrar at Kingston, drawing attention to various minor laxities in his registers, including a misspelt Christian name (Francis instead of Frances), place name abbreviations, and omitted years of death and registration.<sup>85</sup>

### *The Johnston Era 1882-1918*

In 1881, the then Registrar of the Supreme Court, Henry Buckland threatened to retire unless he was 'relieved of the Offices of Registrar of Births, Deaths and Marriages for the Colony and Deputy Registrar for the District of Hobart'.<sup>86</sup> The impetus for this threat was the new *Vaccination Act*,<sup>87</sup> which Buckland claimed would greatly increase his workload (which he largely measured in terms of the number of signatures he was required to append to various documents). However, the Act was not the only reason for his threat. Buckland claimed that he was 'utterly incapable of disposing of the vast increase of business which has steadily been taking place in this office' and that he was 'not even able to cope with current work', the result being that 'everything [was] drifting hopelessly into arrear'. He also

argued that the duties of Registrar were 'entirely alien in nature' to his work as Registrar of the Supreme Court and were more suited to the Statistical Office.<sup>88</sup>

The Government heeded his complaints and in 1882 a new department was formed which took over the preparation of annual statistics, the administration of vital registration and the registration of letters patent and trademarks. Robert Mackenzie Johnston was appointed in the dual role of Government Statistician and Registrar of Births, Deaths and Marriages. Johnston was eminently suited to this position and became one of Australia's best known statisticians, holding the Tasmanian post for a record 36 years until his death in 1918. In addition to his official duties, Johnston was an amateur palaeontologist, geologist, geographer, botanist, economist and political scientist, publishing more than 100 papers in scientific journals over the course of his career. Johnston was a native of Scotland and had emigrated to Tasmania in 1870, taking up an appointment as accountant on the Launceston and Western Railway, before moving on to the Government Audit Department as Chief Auditor in 1880. He was often offered positions by other colonial governments but chose to remain in Tasmania.<sup>89</sup>

At the time of Johnston's appointment, Tasmania consisted of 36 registration districts. By the end of the decade the number of districts had increased to 45, with many of the registries located in local telegraph offices and staffed by telegraph operators. However much of the Tasmanian population still lived in areas with no local registry. In 1890, the law regarding registration of births and deaths was again amended,<sup>90</sup> this time to waive postal fees associated with registration by mail. The Treasurer concluded that the amendment would 'prove more effective to residents in outlying districts than would be afforded by any very materially increased number of registry offices'.<sup>91</sup> Other parliamentary members were concerned that the new law might permit 'the too easy registration of deaths', particularly where the deaths

had occurred in suspicious circumstances. However they were reassured by the Premier that 'if there were any suspicious circumstances the Justice of the Peace [who was required to certify the registration] would be likely to know of them'.<sup>92</sup>

In 1895 a new Act was introduced to 'consolidate and amend the law relating to the registration of births and deaths in Tasmania'.<sup>93</sup> This Act contained a number of fresh clauses as well as incorporating amendments to the original Act. The new Act required medical practitioners to certify cause of death in cases they had attended, something they had done voluntarily, at the behest of Edward Swarbreck Hall, since the late 1850s. The Act also stipulated that birthplace and place of death be included in the death registers. This had been done, again probably at the behest of Dr Hall, in Hobart since 1857 and Launceston since 1886. Debate in Parliament on the 1895 Registration Bill centred around three seemingly minor proposed clauses. The first stipulated that anyone finding a dead body was responsible for registering the death. Walter Gellibrand noted that this clause 'would cause a great deal of trouble' and that it 'might become a matter of the greatest inconvenience' to those finding bodies.<sup>94</sup> This clause was amended so that the responsibility of registration fell to relatives, or 'in default of such relatives, any person taking charge of the body, and of the person causing the body to be buried'.<sup>95</sup>

The second proposed clause discussed increased the time for parents to register a birth from 42 days to 60 days. Abye Douglas stated that he 'would have no limit at all in the matter, as he thought it was one on which every facility should be given'. George Collins replied that 'registration should take place within a limited period after birth... There was such an amount of carelessness displayed in the matter that people could not be got to register their children, and if some limit was not fixed the children would not be registered at all.' It was also pointed out that the Statistician, Robert Mackenzie Johnston, believed that parents 'should be compelled to register [the births of

their children] within the prescribed time'.<sup>96</sup> Despite this opposition the clause was left unchanged.

The third clause stated that both mothers and fathers of legitimate child were responsible for registering their births, while in the case of an illegitimate child, the mother, but not the father, was legally obliged to register the birth. Frederick Piesse wanted the words 'no person shall as father of [an illegitimate] child, be required to give information under this Act concerning the birth of such child' struck out. He 'objected to there being any distinction made in the liability to be incurred by the parents', arguing that the law should 'rather tend in the direction of making the liability equal and that they should not 'in any way hint that there was more responsibility on one side than the other'.<sup>97</sup> After much further discussion, this clause was also left unchanged.

The Premier noted that the new legislation 'practically codified all the enactments and regulations affecting the question of registration of deaths and births' and while there was 'little... that was new,...such provisions as were new were decided improvements on the present laws and regulations in the matter'.<sup>98</sup>

## Conclusion

The preceding discussion shows that civil registration in nineteenth-century Tasmania was not inevitable. In its early days the system was subject to the vagaries of Lieutenant-Governors, being introduced by one and almost extinguished by another; the general population, some of whom refused or simply neglected to register their families' vital events; and clergy, police and registrars, who, perhaps from want of sufficient motivation, on occasions failed to comply with or enforce the precepts of registration.

However, despite problems, registration of births, deaths and marriages in Tasmania improved steadily over the course of the nineteenth century. Death registration was virtually complete by the 1850s while births were probably fully

registered by the 1890s. By the end of the century, Franklin's prediction that there would eventually be a complete system of registration in Tasmania had come to pass.

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### Help needed in finding families who married in Tasmania in the 19<sup>th</sup> century

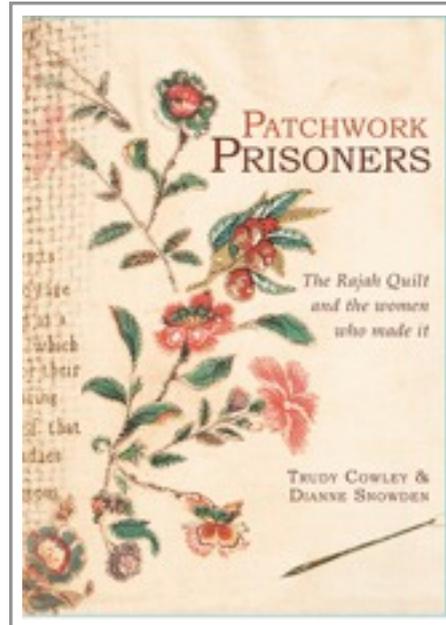
Helen Moyle is a PhD candidate in the Australian Demographic and Social Research Institute (ADSRI) in the Australian National University. She is studying historical demography, specifically the fall in fertility among couples who married in Tasmania in the 2<sup>nd</sup> half of the 19<sup>th</sup> century.

Helen is looking at the birth histories of couples who married in Tasmania in four different years—1860, 1870, 1880 and 1890 – by reconstructing their families. She has used the Tasmanian digitised birth, marriage and death records as the major data source, but because couples moved outside Tasmania, she has also used other sources, such as the births, deaths and marriage indexes of other Colonies/States. Several families in every marriage cohort moved to other colonies and had children there.

She has a number of couples in each marriage cohort (1860, 1870, 1880 and 1890) for whom she does not have sufficient information. These couples are listed on the website <http://adsri.anu.edu.au/research/19thCTasmania>

She would be most grateful for any information about these families: [helen.moyle@anu.edu.au](mailto:helen.moyle@anu.edu.au)

## Book Review



Trudy Cowley and Dianne Snowden, *Patchwork Prisoners: the Rajah Quilt and the women who made it*, Research Tasmania, Hobart, 2013

ISBN 978-0-9756784-6-6

Trudy Cowley of the Female Convict Research Centre has teamed up with Dianne Snowden to produce her second group biography of a women's convict ship, this time the *Rajah* that arrived in Hobart in 1841. The story is beautifully framed by the story of the quilt made by women during the voyage at the instigation of Elizabeth Fry's British Ladies' Society. Quilting was considered a reformatory activity on convict ships and the *Rajah* quilt is the only one known to have survived. It now resides in the National Gallery in Canberra.

This is a fascinating book, bringing together a rich collection of individual stories, statistics and general observations. The *Rajah* women were more troubled and damaged than the Irish famine women aboard the *Australasia*, the subject of Trudy's first book, *A Drift of Derwent Ducks*.

Purchase it direct from Research Tasmania: <http://www.researchtasmania.com.au/index.php/publications/patchwork-prisoners>

Irish Convicts 2

# An Extended Family of Irish Convicts

Jenny Wells, FAS Ships Volunteer

*Jenny Wells has been with Founders & Survivors from the very beginning, when a group of us met at the Victorian Public Record Office to work on the Victorian Police Gazettes. She also featured in Andrew Trouson's Australian articles, with a very nice picture in the Higher Education Review. She has a particular interest in Irish convict history.*

Ann Mannion, her daughter Ann and two sons John and Thomas, together with her sister Honor Spelman and niece Mary Spelman were all sentenced to 10 years transportation for stealing a cow. They were all tried in Galway Town at different times during 1848/9 and transported on various ships between 1848 and 1851 so whether the theft was of one cow or several is unclear. Other thefts of clothes and livestock had been committed by the family in the preceding few years. The potato crop had failed three times and life in Galway was desperate. Ann senior said she committed the crime to be with her family. Her youngest son, Martin, may also have been involved and Honor Spelman's son John was 'expected on the next ship' but neither arrived in Tasmania. Ann's husband John Mannion had been transported to Sydney per *King William* in 1840 and Honor's husband John was 'a prisoner 10 years since' possibly also on the *King William*.

Ann junior arrived in Hobart per *Lord Auckland* in 1849 with her aunt Honor Spelman and cousin Mary. She was aged 15, a nursemaid, only 4'5" tall and could read a little. Her convict record was blameless and in 1851 she married Patrick Keoghan, a man from

Westmeath who had been transported on the *British Sovereign* in 1841 for 'uttering a false oath and assault'. His conduct record was also clean and he was free by the time he married Ann. Mary Spelman's husband Timothy Troy was a witness. They had six children, Mary Ann, Patrick, Bridget, Eliza, Alice and John who was born 3 months after his father died in 1870. Ann received a Conditional Pardon in 1856, three years before her sentence was due to expire.



pardon in 1855 after only 5 years. He married Winifred Hussey (Blackfriar 1851) the day he received his pardon and they had two children, Thomas, named for his late brother, in 1856 and John in 1859. The Keoghan and Mannion families lived close to each other near the Cascades and Patrick and John worked together as labourers as they both gave evidence at the inquest of a workmate who was crushed by a rock fall at the Corporation Quarry in 1864.

Meanwhile John and Thomas Mannion had arrived per *Blenheim* (4) in 1851. John was 20 when he arrived, three years older than Ann, and Thomas was 22. Thomas died on 22 November 1851 in the General Hospital, Hobart, three weeks after arrival. Cause of death was ascites which can be a symptom of a failing heart. Mary senior stated that her three sons were on the *Blenheim* but Martin was not. He possibly died before sailing.

John Mannion also had an exemplary record and was given a conditional

Galway Starvation Riots, attack on a Potato Store  
Illustrated London News 25 June 1842  
(see next page also)

Trouble struck in 1857 when Ann and Winifred were accused of assault and robbery by a neighbour, Patrick Conway, who had frequently quarrelled with them and had stolen their eggs some time previously. He stated they had hit him with an axe handle, knocked him down and taken 7/6 from his pocket. Their defence was

that Conway had hit Ann with a stone, and Winifred came to her defence. A witness stated that Mrs. Conway had been out to make trouble for them for some time, but the jury found them guilty, and the judge, reminding them that they had both been prisoners, sentenced them to 12 months with hard labour despite the fact that they both had very young children.<sup>1</sup> The police evidence stated that Ann Keoghan was arrested at her mother's house in Davey Street. Patrick Keoghan died in 1870 of heart disease and Ann died in 1879 of cancer of the neck. John Mannion died in the Newtown Charitable Institution of senile debility in 1885 at the age of 55 but his wife Winifred was murdered by a housebreaker in Wollongong, N.S.W. in 1902 at the age of 82.<sup>2</sup> John Mannion jnr. died in Wollongong in 1925<sup>3</sup>, so Winifred may have joined her son after her husband died.

Life was no kinder to Mary Spelman. She was 19 when she arrived in Hobart and married Timothy Troy the next year. Timothy was a tailor from Limerick and sentenced to 7 years for stealing bread and clothes from a dwelling house. He too had an unblemished record and was 'cut free' in 1854 after only 5 years of his sentence. He became a hotel keeper

with the licence of the Lord Melbourne in Melville St. Hobart and in 1866 transferred to the wonderfully named 'Help me through the World' hotel in Liverpool St. They had three children, one of whom died as a baby and appeared to be honest and hardworking. Their son John was a seaman and their daughter Mary Ann married another sailor in 1868 and with a young baby was living with her parents in 1870 when she and her mother were accused of robbing a client of £11. The Troys were sufficiently affluent to engage a barrister but to no avail. Ann Keoghan gave character reference for her cousin but they were found guilty on the flimsiest evidence and Mary sentenced to 3 years gaol and Mary Ann to 6 months.<sup>4</sup> Timothy sold the hotel and three brick cottages he owned in Upper Macquarie St.<sup>5</sup> and separated from Mary. Then in 1874, a year after Mary's sentence had expired, her son John fell from the rigging while crossing the Tasman Sea and was drowned.<sup>6</sup>

Ten years later Mary Ann's husband Thomas Woobey was sued for deserting his wife. Timothy Troy died aged 70 in the Immigrants Home, South Melbourne, in 1870 and Mary died in

Sydney aged 77 in 1907. There is no record of when they left Tasmania. The two older women fared better. Both declared themselves widowed and Ann Mannion Snr. married Edward Sweeney, a convict who had arrived in Tasmania per *Governor Phillip* from Norfolk Island in 1845. They married in 1854 and her sister Honor was a witness.

They lived quietly in Hobart until Edward died in 1879 and Ann aged 72 died in 1881 from debility and old age, outliving all her children. Honor Spelman married a free settler named James Keough and the census of 1848 and 1851 had them living on Cataract Hill, Launceston, well away from the family dramas in Hobart. No record has been found of their death although a James and Mary Keogh both died in Launceston in 1879.

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## Who's Who & Where...

### University of Tasmania

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Dr Peter Gunn

### All Souls College, University of Oxford

Dr Deborah Oxley

### Monash University

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Dr Sue Bedingfield

Professor Michael Shields

### University of Guelph, Canada

Professor Kris Inwood

### University of Ohio, Columbus

Professor Richard Steckel

**Founders & Survivors: Australian life courses in historical context 1803-1985, funded by the Australian Research Council, the Institute for the Broadband Enabled Society (IBES) and the Australian National Data Service (ANDS).**

Centre for Health & Society,  
University of Melbourne, Vic, 3010, Australia  
(Victorian inquiries)

## Do you want your convict's original record transcribed?

The Port Arthur Historic Sites Resource Centre offers a range of services:

### Research

We can provide copies of records relating to Tasmanian Convicts held at the Tasmanian Archive and Heritage Office. They can include:

- Conduct/Police record
- Indent (which may provide details of relatives)
- Physical description
- Appropriation list
- Surgeon's report (of the voyage to the colony)
- Application for permission to marry

We can check a variety of indexes for further reference to a convict and can conduct a name search to determine whether a person arrived in Tasmania as a convict.

### Transcriptions

For those having difficulty deciphering the abbreviations often found on conduct records, indents or description lists, we can assist by producing a typed transcription.

### Fees

Minimum Fee – \$35 (includes up to 1 hour search/transcription time).

In excess of one hour, at the hourly rate of \$35 per hour (or part thereof).

Additional costs include printouts @ \$0.66 per page, plus postage and packing.

Most basic searches take 1–2 hours and are completed within 4–6 weeks of request.

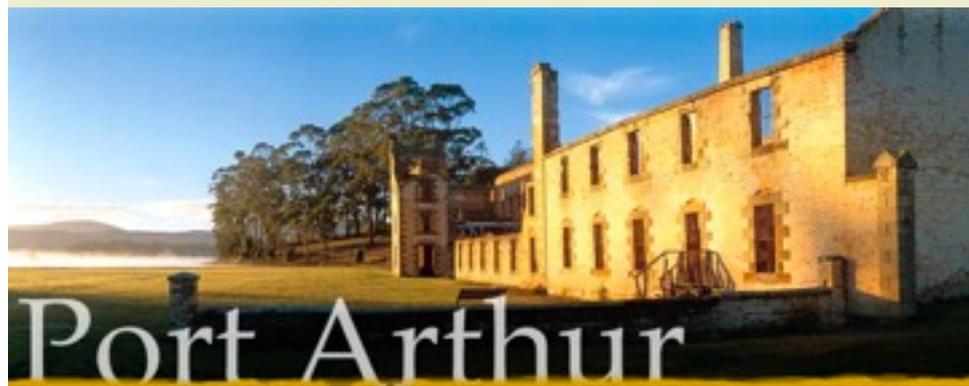
Go to <http://www.portarthur.org.au/index.aspx?id=7942> for the online enquiry form.

### Contact

For more information about our Enquiry Service contact our Resource Centre

Ph: +61 (0)3 6251 2324 / 6251 2326

Fax: +61 (0)3 6251 2322



**Chainletter:** ISSN 1839-6402, edited by Prof. Janet McCalman and Dr Rebecca Kippen (University of Melbourne) .

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