



# 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. 11 August 2012

## Next Workshop

*Our next workshop will be at the University of Melbourne on Saturday, 13 October, 11am to 4pm, including lunch.*  
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## Reformation and Recidivism

*Megan Webber from Guelph in Canada writes on the reformatory refuges for the destitute in London and on the failures who were finally transported to Van Diemen's Land.*  
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## Trudy Cowley



## Welcome

*This issue we farewell Claudine Chionh and welcome aboard Trudy Cowley and Colette McAlpine from the Female Convict Research Centre in Tasmania.*

## Colette McAlpine



## Deceased Wife's Sister Problem

*Rebecca Kippen explains the complications of the Scriptural and legal entanglements over the prohibition on marriage to the sister of a deceased wife.*  
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## Editorial

*We say farewell to Claudine Chionh who has been with Founders and Survivors since 2007. She is starting a new career in commercial IT. We thank her for her sterling contribution and wish her the very best for the future.*

*And we say welcome to Dr Trudy Cowley and Colette McAlpine of the Female Convicts Research Centre, who are assuming new roles in our enterprise.*

Founders and Survivors is now growing like Topsy, and is getting a little topsy as the Drupal system that supports the public workstation struggles under the strain. Since our last *Chainletter*, four months ago, our

researchers have added another 4,000 convicts.

We are now approaching 10,000 entries and, when we finish in July next year, we may perhaps be approaching 20,000. This will be a stunning result and should produce about 10,000 cradle-to-grave biographies of convicts after sentence where we have a certified death. The convicts we can't trace to a death are also important, because their invisible fate helps us understand the visibility of the others; the nastier your time in the penal system, the less likely we are to find a registered death in Australia or back Home.

This success is coming at a price, however. The workload for our checkers—Nola Beagley, Tricia Curry and Judy Price—becomes heavier every day. We now need to focus on ways we can lighten their

burden by achieving more accuracy in our entries.

We all make mistakes and that's entirely forgiven, but we can take care to fill out the community contributed content (CCC) entries correctly and to be accurate in the spreadsheet. We need to be as consistent as possible in our CCC entries because inconsistency makes them harder to use.

As this issue of *Chainletter* goes out, Roar Films in Hobart are completing a brilliant multi-media project that we hope will be used in schools around Australia, and which will point students to Founders and Survivors. It is particularly important, therefore, for researchers to have a tidy and consistent presentation of the research we have done.

We hope to report on the Roar Films project next issue.

## Volunteers' Corner

### Quality control and our new team members

*We are doubly fortunate to have Trudy Cowley and Colette McAlpine officially join our FAS team. They bring exceptional expertise in convict tracing and genealogy and each brings particular specialisms.*

#### Trudy Cowley's role

Trudy is both a genealogist and female-convicts historian, and a computer programmer. She created the Female Convicts database with its wonderful, rich website and has published a book on the women of the *Australasia: Derwent Ducks*. Trudy takes over now as FAS web manager.

#### Colette McAlpine's role

Colette's is also a female-convict historian, and a very good teacher and organiser. She is now managing and training ships volunteers.

#### Advice from our Checkers

Nola Beagley, Tricia Curry and Judy Price have provided a list of common problems they are finding with CCC entries and spreadsheets. It would save them a huge amount of time if you all could make sure that you avoid these problems.

FIRST may we emphasise the value of working on one convict at a time and not doing the spreadsheet first. There are a number of reasons for this:

1. Your biographical research will be better if you go straight from coding the convict's life and conduct record to the historical research of their life. You can pick up clues in the conduct record about where they may have ended up and it is a much better research process. Use the CCC to record what you find in detail AND put in the sources. Finally, copy the URL (the internet address) for that new CCC and paste it into column D in your spreadsheet. Never change the URL in column C.

2. If you transfer bulk lots of information into spreadsheets or from spreadsheets into CCCs, it is much easier to make mistakes, putting things in the wrong box or line. A lot of spreadsheets have the wrong convict's URLs entered in column D for instance.

If you are planning to write a book or article and don't want to record all you find in the CCC, please put at least a summary of the convict's life with the sources. We owe that to other researchers and later users.

Now here are the checkers' points that they would like you to note:

1. Check to see if there is an existing CCC submission. You can search for the ship via the Convict Submissions- Staff Use page.
2. Make sure the additional information is added to the CCC submission with the most information.
3. When adding extra information to an earlier submission bring up the previous CCC submission to make sure a duplicate is not created.
4. Sources such as year and registration numbers need to be entered not just 'Tas BDM' etc.
5. The numbers in the first column of the Google docs TAS BDM (ie Gunn-Kippen) spreadsheets should not be used as the registration number. Consult Ancestry.
6. If the convict has a large family, try to find AIF descendants. Make sure the correct URL (i.e. for the digitised image) is entered for AIF records. Enter the relationships back to the convict.
7. Make a new CCC submission when the spouse is also a convict.
8. Add the year for the spouse's ship if a convict.
9. Make sure the correct CCC URL is entered in spreadsheet

Many, many thanks.

### Victorian Workshops

We will hold another Melbourne University Workshop on Saturday 13 October, at the School of Population Health, 4th floor, 207 Bouverie St. This workshop will go all day from 11am until 4pm, and will involve researchers breaking into groups to help new volunteers and to get to know each other. Lunch will be provided.

This workshop will focus on quality control and advanced research skills, with personal tutorials for new volunteers and those still finding their sea legs.

**Please email Trudy Cowley**  
[trudy@researchtasmania.com.au](mailto:trudy@researchtasmania.com.au)  
**to RSVP by 6th August.**

### Tasmanian Tutorials

**Colette McAlpine** is providing group and one-to-one tutorials as well as telephone support from her Hobart home. She is doing a fabulous job and has been coaching volunteers from England to Brisbane and from Hobart to the backblocks of everywhere. The ships project work is a steep learning curve for both volunteers and staff. We are finding new problems we didn't anticipate all the time, so these tutorials and workshops help us all.

Colette will be overseas, holidaying with her husband in Scotland until early October, but from 13 October she will be back in full swing.

**Email her after 13 October on**  
[colette.mcalpine@gmail.com](mailto:colette.mcalpine@gmail.com)  
**to obtain advice or to organise a tutorial.**

**State Library of Victoria, 20 September 2012. Rebecca Kippen, Janet McCalman and Sandra Silcot** will be speaking at 'Making Public Histories' sponsored by Monash University.

**National Library of Australia, 21 September 2012, Janet McCalman** will be speaking at the symposium 'It's all relative: sharing stories from family history'.

**Family History Feast: Don Grant Lecture 2012**

See <http://www.slv.vic.gov.au/event/family-history-feast> for the text of Janet McCalman's lecture, coming soon.

## Feature Article

## Reformation and Recidivism:

## The London Refuge for the Destitute, c.1806-1849

Megan Webber

*On 14 May 1823, John Jackson was convicted at the Old Bailey (London's Central Criminal Court) of picking a man's pocket of a silver coin, a half-crown, and a farthing. He faced the court again five days later. The judge informed him "that he had made a very ungrateful return for the lenient manner in which he had been on a former occasion dealt with. It was now the duty of the Court to prevent a repetition of this offence, by sending him beyond the seas."<sup>1</sup>*



Megan Webber is doing a PhD at the University of Guelph, Canada, on the refuges for the destitute in London where many of our convicts were sent as early offenders in the hope of reformation. Those who failed to reform could later find themselves transported to Van Diemen's Land. Megan is following these convicts to Australia and entering their stories into our database.

Here she provides more background to the lives we follow in the Antipodes. A life in crime nearly always had its genesis in childhood, and we focus in this contribution on the poor children of London. The image opposite comes from the Henry Mayhew's *London Labour and the London Poor* (1851) Others come from John Thomson's *Street Life in London* (1876-7).

The "former occasion" had taken place four months earlier, when John had been indicted at the same court for stealing a blanket and shirt from his lodgings. He had made a lucky escape. Although found guilty, he had not received penal punishment. Instead, the court opted to send him to the Refuge for the Destitute—a charitable institution for the reformation of London's most depraved inhabitants.<sup>2</sup>

John was not the sole beneficiary—or "object" in contemporary benefactors' parlance—of the Refuge for the Destitute to disappoint the hopes of judges and philanthropists by resuming a life of crime following a stay at the Refuge. Between 1815 and 1845, no fewer than thirty-nine former objects were transported to Tasmania. This article introduces the Refuge through the experiences of these convicts.

In 1804, Rev. Edward Whitaker gathered together a group of wealthy men in London to establish an "Asylum for Male and Female Outcasts." Soon renamed the Refuge for the Destitute, it was funded primarily by subscriptions

from the public and managed by governors and a committee whose members were appointed from the body of subscribers. The Refuge boasted prominent clergymen, evangelicals, businessmen, MPs, and magistrates among its supporters. The first institution opened in 1806 at Middlesex House, Hackney Road, in Shoreditch. In 1815, the males moved to a new property in Hoxton, while the females remained at the original site.

Initially, the Refuge admitted males and females of all ages above eleven who were destitute, criminal, and/or engaged in prostitution. However, with growing concern about the prevalence of juvenile delinquency in the late 1810s and early 1820s, the Refuge began to focus almost exclusively on youths of twenty years or younger who had committed offences. Applicants who could claim only destitution or prostitution were rejected.<sup>3</sup> In 1818, the Society for the Improvement of Prison Discipline and the Reformation of Juvenile Offenders collaborated with the charity's officials to found two Temporary Refuges, one each for males

and females. While objects in the original "Permanent" establishments were subjected to an intensive reformatory regimen for one to three years, those in the Temporary Refuges received only basic lodging and employment for a few weeks or months until they secured a home and job. At its peak in the mid 1820s, the Refuge housed more than three hundred inmates at a time.<sup>4</sup> By the 1830s and 1840s, however, the institution was struggling financially due to declining numbers of subscriptions and reduced government support. The male establishments were dissolved in 1849 and the females relocated to the Manor House at Dalston.

Those who gained entry into the Refuge were lucky as competition for places was stiff. The Refuge committees which sat at an appointed time each week to review applications, rejected up to five out of every six petitioners because of limited space and funds.<sup>5</sup>

The secretary recorded the name of each applicant in the minute books, together with his or her age and details—



relations, employment history, criminal experience, and health.

There were multiple ways in which petitioners came to the attention of the Refuge. Members of the institution had the right to recommend individuals. Applicants also presented themselves before the committees of their own accord. Catherine Bayliss turned up at the Refuge after she had been abandoned by her lover.<sup>6</sup> Some parents, driven to desperation by their offspring's conduct, brought their children before the charity officials. Jonas Lawday, for example, was placed in the institution for stealing from his own mother.<sup>7</sup>

As historian Peter King has shown, the Refuge emerged as an alternative sentencing option in the early nineteenth century.<sup>8</sup> Magistrates frequently recommended youths to the reformatory in place of committing them to trial. Elizabeth Clayton was brought before Magistrate Bennett at the Hatton Garden Police Office to answer for stealing a pair of shoes. "[S]he appeared very

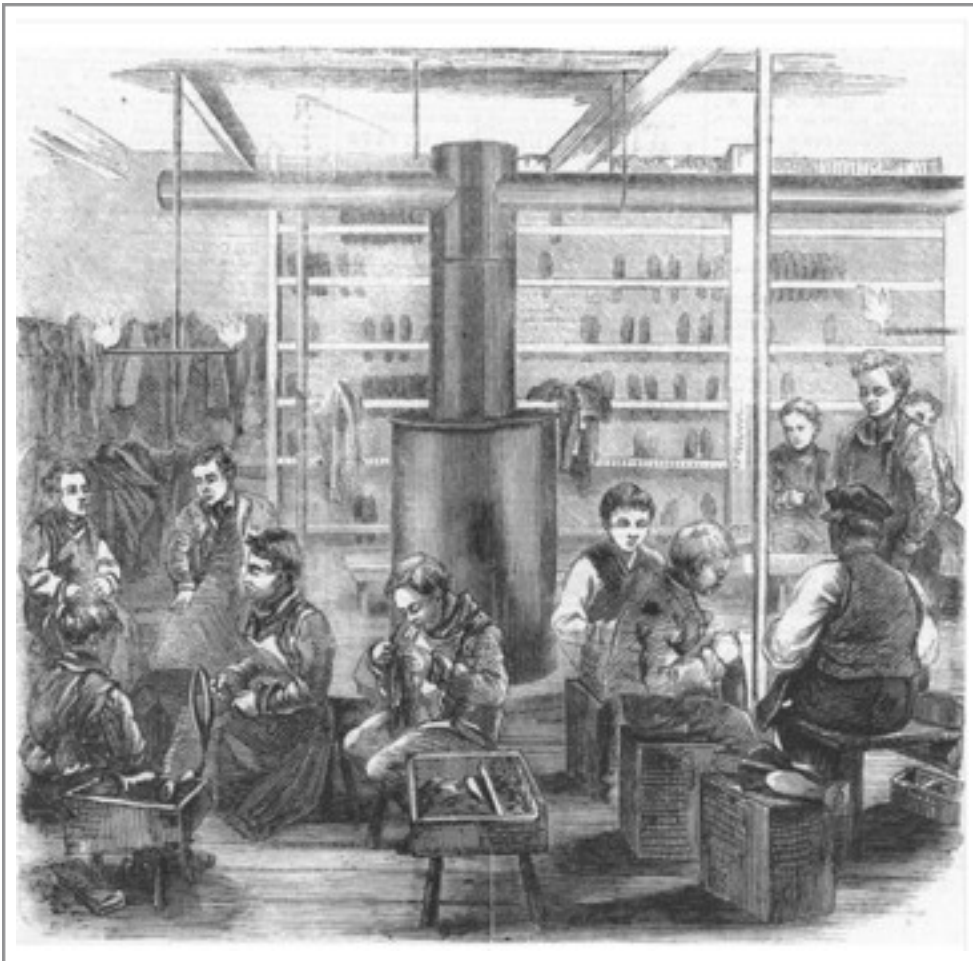
contrite" and told him that "she had been cruelly treated and deserted by her parents." The would-be prosecutor agreed not to take the case to criminal court and the magistrate sent the girl to the Refuge.<sup>9</sup>

In other instances, judges respited the sentences of convicted criminals *on condition* that they enter the Refuge. James Mawson was found guilty at the Old Bailey of stealing a child's toy chaise in 1832. Perhaps in consideration of his youth (James was only fourteen), the judge delivered the boy up to the Refuge rather than sentence him to whipping, incarceration, or transportation.<sup>10</sup> A recommendation to the Refuge might also follow sentencing. Some fortunate criminals were granted pardons, provided they become objects of the institution.

Many individuals sought to manipulate the system of court referrals. Juvenile thieves begged their victims to take them to the Refuge rather than pursue prosecution.<sup>11</sup> On trial, defendants (and their parents) frequently implored

magistrates or judges to send them to the institution. Others submitted petitions which requested sentences be pardoned on condition that the convict become a Refuge object. The parents of both William Wells and George Wellbank tried these strategies without success.<sup>12</sup> Delinquents who came straight from the courts were much more likely to be admitted into the Refuge than those who simply turned up at the charity committees. This fact, combined with the charity's policy of considering only those with proof of criminal conviction (introduced in the 1820s), led some enterprising youths to *purposefully* commit offences in order to secure places in the institution. James Murray claimed he "was doing something to try to get into the refuge" when he drew a handkerchief from a man's pocket in 1832. Unfortunately, the plan backfired; James was sentenced to transportation for seven years.<sup>13</sup>

The Refuge adopted three primary reformatory techniques: isolation from criminal environments, Protestant education, and occupational training.



Megan Webber has been unable to find an image of the refuges for the destitute in her study, but this picture of the shoemaking department at the Refuge for Homeless and Destitute Boys, Great Queen St, Lincoln's-Inn Fields, might be similar.

It comes from the *Illustrated London News*, 1 January 1859.

Occasionally, the Refuge governors gave material relief to petitioners (without offering admittance) to alleviate destitution temporarily and to foster self-sufficiency. The Refuge covered travel costs to allow objects to rejoin friends residing outside of London, fit men out for service at sea, and provided clothes and tools to those in search of employment. In 1813, fifty-seven-year old Henry Hart, newly discharged from the hulks, received money to purchase a basket and some glass to resume his trade.<sup>14</sup> Beginning in the late 1820s, the Refuge governors also experimented with emigration schemes, sending objects as free settlers to the Cape of Good Hope, New South Wales, and Van Diemen's Land. James Staghall arrived at the Cape in 1828 under the sponsorship of the Refuge.<sup>15</sup>

However, the Refuge was primarily concerned with institutional care. By removing objects from London's criminal dens and slums, the governors hoped to isolate them from the corrupting influences of depraved associates and such dangerous pastimes as gambling, drinking, theatre-going, and whoring. The Refuge would raise—in both senses of the word—its charges from the criminal class to the body of respectable tradesmen and servants.

Within the institution's schoolrooms, objects learned to read and to write. The convict records of several ex-objects indicate that they were literate.<sup>16</sup> The teachings of the Church of England also formed a central component of the curriculum. Classes were taught by the Refuge's own chaplain, prayers were read twice daily, and church attended regularly. In the eyes of the governors it was essential that objects embrace such virtues as obedience, industry, gratefulness, and honesty if they were to lead law-abiding lives.

Yet, the Christian desire to avoid sin would do little to prevent crime if not coupled with the means to make an

honest living. Newly admitted males and males in the Temporary Refuge were set to work cutting wood and pounding oyster shells. If they remained in the institution, they might be assigned to one of the following skilled trades: pen-cutting, brush-making, twine-spinning, hemp and flax-dressing, coarse-netting, basket-making, book-binding, cabinet-making, carpentry, tailoring, or shoemaking. The convict records reflect this instruction. Robert Stevenson and Thomas Wilbraham both identified themselves as



tailors, while William Bumbie was a "Shoemaker's boy" (apprentice).

There was much less variety in the tasks given to females in the Refuge. Their time was spent spinning, sewing, cleaning and cooking. The institution also ran a commercial laundry in which many women laboured to offset the Refuge's running costs. Almost all of the female convicts who had been in the institution were described as laundresses, servants, or needlewomen in their convict records. Ann Mitchell was able to "wash," "get up fine linen," and "brew & make bread."<sup>17</sup>

If the governors deemed objects sufficiently reformed after one to three years' institutionalization, the boys were

placed out in employment or apprenticeships and the girls in positions as domestic servants. These objects were provided with a portion of their earnings and a new set of clothes.

However, not all objects were honourably discharged from the Refuge. As the governors had no legal right to retain beneficiaries against their will, objects—even those sent to the Refuge by judges or magistrates—frequently discharged themselves or were removed by friends or relations before they had passed the recommended period of time within the institution. Catherine Parsons demanded to be released after little more than one month under charitable care; the governors had no choice but to grant her request.<sup>18</sup> Many other objects were expelled as incorrigible or managed to run away, despite high walls, barred windows, and locked gates. Twelve per cent of all males discharged in 1817 absconded. In 1826, six per cent of males and four per cent of females discharged ran away, as did nine per cent of males and seven per cent of females in 1830.<sup>19</sup>

Runaways seldom left empty-handed. Clothing and tools were frequently stolen: portable and readily accessible in the institution's laundry and workshops, these items could be easily sold at one of London's disreputable pawn shops. At least four objects were transported to Van Diemen's Land for thieving from the Refuge.<sup>20</sup> One of these was John Shelton who, together with three other boys, tied their hammocks together and lowered themselves twenty-four feet (7.3 metres) out of a window. They then absconded while carrying two jackets, three waistcoats, three pairs of trousers, one shirt, one apron, five handkerchiefs, six pairs of shoes, one pair of boots, a knife, a pair of pincers, two shoe irons, an awl, a stamp, a rasp, and a hammock which they had stolen.<sup>21</sup>

Some ex-objects—absconders or otherwise—were simply unable to



avoid the temptation of property crime. They were transported for stealing from their lodgings, pocketpicking, pinching laundry from lines, shoplifting, and housebreaking. At the age of twelve, Mary Ann Oseman entered a stranger's lodgings to take a watch from the mantelpiece.<sup>22</sup> Males often fell into bad company and occasionally joined roving gangs of juvenile thieves. When a police officer seized Alfred Caesar Joy for picking a pocket, the members of Alfred's gang rushed to his defence and "seized [the officer's] arms, and beat [him] most horribly."<sup>23</sup> Frederick Henry Denman, Joseph Mould, and John James Ogilvie became involved with gangs of professional extortionists.<sup>24</sup>

While ex-objects may have reoffended because of need, this was certainly not true in every case. Even star pupils of the Refuge, financially secure in employment, were known to leave the straight and narrow path. Mary Jane Searle and Elizabeth Clayton behaved exceptionally well while in the Refuge. After spending only one year within the institution, they were dispatched with glowing character references to situations in domestic service. Yet, within mere months of beginning employment, Mary Jane had stolen several articles of silver plate from her master and all her fellow servant's best clothes.<sup>25</sup> Elizabeth absconded from her position too, taking with her fifty-seven pounds' worth of coins and banknotes from her employer! George Goodluck used his Refuge training to an altogether different purpose than that which his benefactors envisaged. Twice he solicited employment from shoemakers, only to rob his new masters within hours of being hired.<sup>27</sup>

As we have already seen in the case of John Jackson (whose case opened this

article), judges were far from impressed when former Refuge beneficiaries appeared before them. Objects were rarely granted a second chance to redeem themselves on English soil. The judge who sentenced Mary Ann Strange for stealing garments from the Refuge "observed that her offence was of a very aggravated nature, and as there was no hopes [sic] of effecting a reformation in this country, the Court would sentence her to be transported for seven years."<sup>28</sup>

The ex-objects of the Refuge followed



paths as diverse as those of any group of convicts once they found themselves "beyond the seas" in Tasmania. Many continued to resist reformation. After seven years as a drunken, violent, and foul-mouthed convict, Catherine Parsons became a drunken, violent, and foul-mouthed "keeper of a very neat little cottage...for the accommodation of lovers of all sorts"—a brothel and illegal grog-selling venture.<sup>29</sup> "Kitty" faced the courts in Hobart Town to answer for no fewer than twenty-three offences between 1836 and 1846.<sup>30</sup> Joseph Mould, too, did not mend his ways. He was executed as a bushranger in Launceston in 1829 at no more than twenty years of age.<sup>31</sup> Some convicts, however, did behave well and, in due course, were granted Certificates of Freedom. Even Jonathan Batty, who received a life sentence for housebreaking in 1826, was pardoned

in 1842.<sup>32</sup> He died of syphilis in Ballarat Benevolent Asylum in 1879. Several former objects married and had children in Van Diemen's Land. One wonders if they raised their offspring to be honest, industrious, and grateful—virtues which they, as objects of London's Refuge for the Destitute, had rejected.

#### *Was my convict in the Refuge?*

There are several ways to determine if a convict applied to the Refuge. The minute books kept by the institution provide details about those who approached the governors for relief, along with information about the conduct and discharge of inmates. The minute books, which survive from 1812, are currently held at the Hackney Borough Archives. A small selection of petition summaries (the secretary's notes on applicants) has also been digitized for the "Associated Records" of the *Old Bailey Proceedings Online* database and transcribed in Peter King's edited volume, *Narratives of the Poor in Eighteenth-Century Britain*.

Trial transcripts, newspaper reports of trials or examinations before magistrates, and criminal petitions occasionally record when poor individuals applied to or were delivered over to the Refuge. The convict records of criminals transported to Van Diemen's Land can also provide clues. Gaol reports may note that a convict had been in the Refuge and some—but certainly not all—former objects confessed that they had been institutionalized to colonial officials.

One final note of caution: several charities with similar names popped up in London in the early nineteenth century, including a Refuge for the Destitute in Playhouse Yard and the Refuge for the Houseless Poor—be sure not to confuse them with the Refuge reformatory!

## Tasmanian Convicts with Links to the Refuge

Phineas Eastmond (*Mary Ann*, 1815)  
 Mary Fincham (*Friendship/Duke of Wellington*, 1815)  
 Henry Hart (*Atlas/Kangaroo*, 1816)  
 Alfred Caesar Joy (*Juliana*, 1820)  
 John Bell (*Lady Ridley*, 1821)  
 Joseph Bell (*Medway*, 1821)  
 Robert Stevenson (*Lord Hungerford*, 1821)  
 Joseph Wilson (*Medway*, 1821)  
 Thomas Owner (*Phoenix*, 1822)  
 Catherine Bayliss (*Mary*, 1823)  
 James Holmes (*Commodore Hayes*, 1823)  
 William Daltry (*Chapman*, 1824)  
 John Jackson (*Chapman*, 1824)  
 Mary Ann Strange (*Brothers*, 1824)  
 William Bumbie (*Lady East*, 1825)  
 Frederick Henry Denman (*Medway*, 1825)  
 Joseph Mould (*Medway*, 1825)  
 Charles Whitmarsh (*Medina*, 1825)  
 Thomas Wilbraham (*Sir Charles Forbes*, 1825)  
 John Head (*Earl St. Vincent*, 1826)  
 Jonathan Batty (*Asia*, 1827)  
 Ann Mitchell (*Persian*, 1827)  
 Mary Jane Searle (*Sir Charles Forbes*, 1827)  
 Jonas Lawday (*Manlius*, 1828)  
 Edward Watts (*Roslin Castle*, 1828)  
 Catherine Parsons (*Harmony*, 1829)  
 William Wells (*Lord Lyndoch*, 1831)  
 James Murray (*Enchantress*, 1833)  
 John Woodward (*Stakesby*, 1833)  
 William Mucklow (*William Metcalfe*, 1834)  
 George Wellbank (*Southworth*, 1834)  
 Cornelius Mahoney (*Norfolk*, 1835)  
 James Mawson (*Mangles*, 1835)  
 Mary Ann Oseman (*New Grove*, 1835)  
 Margaret Leonard (*Majestic*, 1839)  
 John Shelton (*Gilmore*, 1839)  
 Elizabeth Clayton (*Rajah*, 1841)  
 Sarah Cutler (*Navarino*, 1841)  
 Eliza McCarthy (*Navarino*, 1841)  
 George Goodluck (*Barossa*, 1842)

James Staghall (*Cape Packet*, 1842)  
 John James Ogilvie (*David Malcolm*, 1845)

**Found another convict who was associated with the Refuge? I would love to hear from you. Contact Megan Webber at [mwebber@uoguelph.ca](mailto:mwebber@uoguelph.ca)**

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*The Times*, May 20, 1823; Trial of John Jackson at the Old Bailey, May 14, 1823 (t18230514-73), [www.oldbaileyonline.org/browse.jsp?ref=t18230514-73](http://www.oldbaileyonline.org/browse.jsp?ref=t18230514-73)

1. Trial of John Allen at the Old Bailey, Jan. 15, 1823 (t18230115-142), [www.oldbaileyonline.org/browse.jsp?ref=t18230115-142](http://www.oldbaileyonline.org/browse.jsp?ref=t18230115-142)
2. King, Peter, *Crime and Law in England, 1740-1850: Remaking Justice from the Margins*, 2006, pp 148-150
3. *Sessional Papers of the House of Lords, 1801-1833*, Vol. 248 (1829), pp 183, 186
4. *Selection of Reports and Papers of the House of Commons*, Vol. 51 (1819), pp 51, 56
5. Minute book of the Refuge, September 3, 1814 (HAD D/S/4/4)
6. Convict records of Jonas Lawday
7. King, *Crime and Law*, pp 142-161
8. *The Times*, Aug. 7, 1840; *The Standard*, Aug. 7, 1840; *The Morning Chronicle*, Aug. 7, 1840; *The Morning Post*, Aug. 7, 1840
9. Trial of James Moorson at the Old Bailey, Jan. 5, 1832 (t18320105-147), [www.oldbaileyonline.org/browse.jsp?id=t18320105-147-defend1384&div=t18320105-147](http://www.oldbaileyonline.org/browse.jsp?id=t18320105-147-defend1384&div=t18320105-147)
10. Trial of John Woodward at the Old Bailey, April 11, 1833 (t18330411-93), <http://www.oldbaileyonline.org/browse.jsp?id=t18330411-93&div=t18330411-93>
11. *The Standard*, June 3, 1830; *The Morning Post*, Feb. 23, 1832
12. Trial of James Murray at the Old Bailey, Oct. 18, 1832 (t18321018-85), [www.oldbaileyonline.org/browse.jsp?id=t18321018-85&div=t18321018-85](http://www.oldbaileyonline.org/browse.jsp?id=t18321018-85&div=t18321018-85)
13. Petition summary of Henry Hart to the Refuge, Dec. 29, 1813 (HAD D/S/4/3), [www.oldbaileyonline.org/search.jsp?form=associatedRecords&associatedRecords\\_trials=t18071202-45](http://www.oldbaileyonline.org/search.jsp?form=associatedRecords&associatedRecords_trials=t18071202-45)
14. Convict records of James Staghall
15. See, for example, the convict records of Catherine Parsons, Elizabeth Clayton, Sarah Cutler, Eliza McCarthy, George Goodluck, James Staghall, and John James Ogilvie
16. Convict records of Ann Mitchell
17. Minute book of the Refuge, Mar. 8 and Apr. 19, 1828 (HAD D/S/4/8)
18. *A Short Account of the Refuge for the Destitute*, 1818; *The Morning Post*, Jan. 27,

1827; *A Short Account of the Refuge for the Destitute*, 1831

19. These were: Phineas Eastmond, Mary Ann Strange, John Shelton, and Eliza McCarthy

20. It seems that John was the only one out of the four boys who was actually transported. Trial of Joseph Timbrell, John Shelton, William Cormack, and William Davis at the Old Bailey, June 18, 1838 (t18380618-1537),

[www.oldbaileyonline.org/browse.jsp?id=def2-1537-18380618&div=t18380618-1537](http://www.oldbaileyonline.org/browse.jsp?id=def2-1537-18380618&div=t18380618-1537)

21. Trial of Mary Ann Oseman at the Old Bailey, July 3, 1834 (t18340703-160),

[www.oldbaileyonline.org/browse.jsp?id=t18340703-160-defend994&div=t18340703-160](http://www.oldbaileyonline.org/browse.jsp?id=t18340703-160-defend994&div=t18340703-160)

22. Trial of Alfred Caesar Joy at the Old Bailey, June 28, 1820 (t18200628-171),

[www.oldbaileyonline.org/browse.jsp?id=t18200628-171-defend1476&div=t18200628-171](http://www.oldbaileyonline.org/browse.jsp?id=t18200628-171-defend1476&div=t18200628-171)

23. *Jackson's Oxford Journal*, Apr. 16, 1825; *The Times*, Nov. 28, 1844; *The Morning Chronicle*, Nov. 28, 1844

24. *The Times*, Aug. 7, 1825; *The Morning Chronicle*, Aug. 7, 1825; *The Morning Post*, Aug. 7, 1825; *John Bull*, Aug. 7, 1825

25. *Police Gazette*; or, *Hue and Cry*, July 31, 1840; *Police Gazette*; or, *Hue and Cry*, Aug. 5, 1840; *The Times*, Aug. 7, 1840; *The Morning Chronicle*, Aug. 7, 1840; *The Morning Post*, Aug. 7, 1840; *The Standard*, Aug. 7, 1840;

Trial of Elizabeth Clayton at the Old Bailey, Aug. 17, 1840 (t18400817-2030),

[www.oldbaileyonline.org/browse.jsp?id=def1-2030-18400817&div=t18400817-2030](http://www.oldbaileyonline.org/browse.jsp?id=def1-2030-18400817&div=t18400817-2030)

26. Trial of George Goodluck at the Old Bailey, Nov. 23, 1840 (t18401123-49),

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from **Henry Mayhew's** 'London Labour and the London Poor' (Vol. 1, pp. 157-58, 1851)

The little watercress girl who gave me the following statement, although only eight years of age, had entirely lost all childish ways, and was, indeed, in thoughts and manner, a woman. There was something cruelly pathetic in hearing this infant, so young that her features had scarcely formed themselves, talking of the bitterest struggles of life, with the calm earnestness of one who had endured them all.

I did not know how to talk with her. At first I treated her as a child, speaking on childish subjects; so that I might, by being familiar with her, remove all shyness, and get her to narrate her life freely.

I asked her about her toys and her games with her companions; but the look of amazement that answered me soon put an end to any attempt at fun on my part. I then talked to her about the parks, and whether she ever went to them. "The parks!" she replied in wonder, "where are they?"

All her knowledge seemed to begin and end with watercresses, and what they fetched.

Her little face, pale and thin with privation, was wrinkled where the dimples ought to have been, and she would sigh frequently. When some hot dinner was offered to her, she would not touch it, because, if she ate too much, "it made her sick," she said.

The poor child, although the weather was severe, was dressed in a thin cotton gown, with a threadbare shawl wrapped round her shoulders. She wore no covering to her head, and the long rusty hair stood out in all directions. When she walked she shuffled along, for fear that the large carpet slippers that served for her shoes should slip off her feet.

"I go about the streets with water-creases, crying, 'Four bunches a penny, water-creases.' I am just eight years old - that's all. On and off, I've been very near a twelvemonth in the streets.

"I used to go to school, too; but I wasn't there long. Mother took me away because the master whacked me. What do you think? He hit me three times, ever so hard, across the face with his cane, and made me go dancing down the stairs.

"The creases is so bad now, that I haven't been out with 'em for three days. They're so cold, people won't buy 'em; for when I goes up to them, they say, 'They'll freeze our bellies.'

"It's very cold before winter comes on reg'lar - specially getting up of a morning. I gets up in the dark by the light of the lamp in the court.

"When the snow is on the ground, there's no creases. I bears the cold - you must; so I puts my hands under my shawl, though it hurts 'em to take hold of the creases, especially when we takes 'em to the pump to wash 'em. No; I never see any children crying - it's no use.

"All the money I earns I puts in a club and draws it out to buy clothes with. It's better than spending it in sweet-stuff. Besides it's like a child to care for sugar-sticks. I ain't a child, and I shan't be a woman til I'm twenty, but I'm past eight, I am.

"I don't know anything about what I earns during the year. I only know how many pennies goes to a shilling, and two ha'pence goes to a penny, and four fardens goes to a penny. I knows, too, how many fardens goes to tuppence - eight. That's as much as I wants to know for the markets."

## Research Report

### *Why our coding of birth family matters...*

When the convicts' indents were created on arrival in Van Diemen's Land, the convicts were asked to account for the family relationships they had left behind. The level of detail varies from ship to ship and we have no indents in the Tasmanian Archives for many of the Assignment period voyages (to 1841). However, when we do, the information is vital and extremely rare. Other than genealogical reconstruction, we have no records of completed and surviving families before the censuses of 1841 for England and Wales, and Scotland. What the convicts provided was the family that had survived infancy, who were still alive—to their knowledge!

The Irish convicts' testimonies are particularly valuable, as information about families is so elusive for Ireland. Cecile Trioli and Garry McLoughlin are working together on Irish convicts transported before and after the Great Famine, and the impact of the terrible mortality and mass immigration is very evident.

We can glimpse the impact of death on children: losing a mother seems to have been even more damaging than losing a father. Those who had 'no-one in the wide world' more often became 'runners'—that is, forever absconding, wanting to be on their own. Some who came from big, intact, rural families appear emotionally quite lost once in the convict system.

Vitaly important also are the families who have been driven into destitution by economic and technological change, as in the Midlands and Lancashire where factory production destroyed traditional artisanal trades. Finally those children who went to work in the Dark Satanic Mills—where all was 'white and crying' in the words of Mrs Gaskell—were too often wrecked in body and mind by the age of twenty.



## Ships Projects Tales

## John Beveridge

## Jenny Wells, FAS Volunteer

*While researching the convicts on the Claudine for the ships project I came to John Beveridge and found the following extraordinary story.*

John Beveridge was born in Dunfermline, Fife, Scotland in 1795 and was sentenced in Perth in 1821 to 14 years transportation for housebreaking. He was 25 years old, pockpitted, and 67.5 inches tall, married with two children. He arrived in Hobart aboard the *Claudine* on 15 December 1821. His early convict years were tempestuous. He was constantly in trouble for stealing, being drunk and being absent from muster, especially from church.

In March 1829 he was before the court charged with stealing 20 lbs. of lead and sentenced to a further seven years to be served at Macquarie Harbour. The judge was scathing in his assessment:

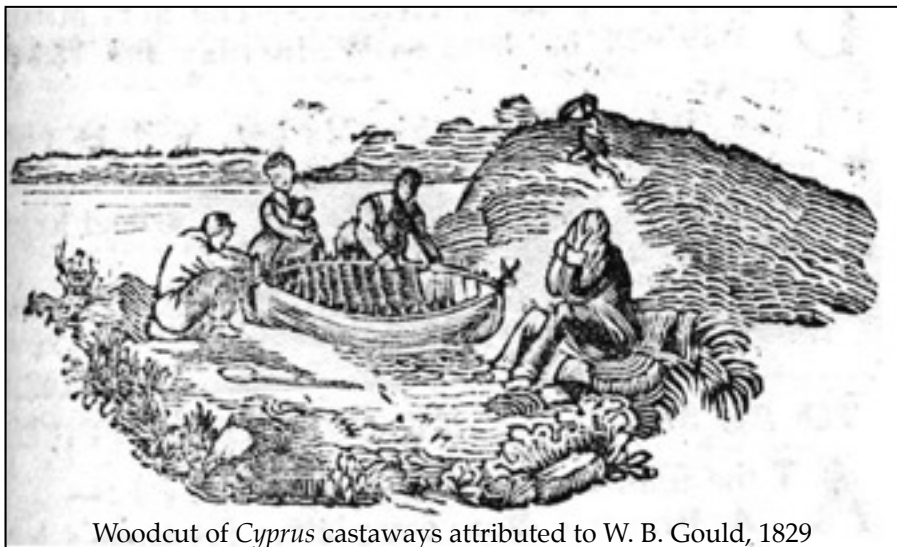
'In the case of Thacker and Beveridge, His Honor remarked, that he could not think of their case without horror. It was proved to have been committed as it were beneath the very gallows, when the melancholy spectacle was exhibited before their eyes of a string of dead bodies, the remains of wretched criminals who had but a few moments before paid the forfeit of their lives for their offences against society. The course of life which Beveridge had been leading was in fact calculated to blunt every sense of right and wrong implanted in our nature. He had been living in a bad house with a

woman of depraved character, and in such a state of dissipation, that he was found drunk at the early hour of seven in the morning' (*Colonial Times* 26 June 1829).

So the two-masted brig *Cyprus*, 108 tons and 24 x 6 metres, bearing 64 persons including 33 convicts, Lieutenant Carew, his wife and two children, 12 soldiers, one with wife and child and the crew, set sail from Hobart on 6 August 1829. Among the convicts were Alexander Stevenson, William Watts, Samuel Thacker, Matthew Pennell, Michael Herring, Robert McGuire, William Templeton and James Davis who had all been in gaol with Beveridge and sentenced on the same day. Also on

Suddenly there was a commotion. The convicts on deck had overwhelmed their guards and released the other prisoners. They pushed a chicken coop over the hatchway so the soldiers could not reach them and knocked the Captain senseless when he came from his cabin to investigate the noise. One of the soldiers fired his gun to no avail and the convicts retaliated by pouring boiling water down upon them and threatening to follow this with burning pitch if they did not surrender. The Lieutenant and the party in the boat heard the shot and returned to the ship but were not allowed to board. He asked for his sword, which was refused and for his wife and family, which was granted. Pobjoy was pulled aboard despite his

protests as the convicts said they needed his expertise. All civilians, sailors and convicts who rejected the offer of freedom were dumped ashore in five boatloads with minimal provisions. Pobjoy eluded his captors by jumping overboard and swimming ashore. Five guards had been injured, none seriously.



Woodcut of *Cyprus* castaways attributed to W. B. Gould, 1829

board was the convict artist William Buelow Gould. At Recherche Bay they met unfavourable winds and sheltered until the weather abated. Lieutenant Carew, the surgeon Mr. Williams, a soldier and a convict, John Pobjoy, who had volunteered as coxswain for the voyage, took the ship's boat to go fishing, as fresh food was always needed. They left five prisoners exercising on deck under the guard of two men while everyone else was below taking the evening meal.

Of the 44 people marooned, 15 were trusty convicts and they seemed to have the most initiative. Pobjoy harvested mussels for food and, with another convict, attempted to walk to Hobart for help, but they were turned back by hostile Aborigines. A Welsh sailor named Morgan constructed a coracle of canvas and wattle sticks made waterproof by beeswax and soap from personal kits. He and Pobjoy then sailed out into the D'Entrecasteaux Channel in search of aid. They reached Partridge

Island at the southern tip of Bruny Island and the light of their campfire was seen by the *Orelia* which sent a boat to investigate. They were taken aboard, the stranded party was rescued and safely returned to Hobart, and Pobjoy was an instant hero. He was granted a full pardon and immediately returned to England. Lieutenant Carew was court martialled but exonerated.

Meanwhile the 18 pirates captained by William Swallow and including Beveridge and his fellows navigated their way around the Pacific with only one casualty, a man who fell from the rigging. They sailed via New Zealand, spent six weeks on Keppels Island (Niue) where seven stayed. Ten men reached the coast of China where they found the wreck of the *Edward*, her ship's boat, log book and a quadrant engraved with the Captain's name. Three men were put ashore on an island and the remaining seven took the *Edward's* boat and after scuttling the *Cyprus* made their way to Whampoa, the port of Canton. They presented themselves to the British authorities as survivors of the wreck of the *Edward*. Swallow was now Captain Waldron. Their story was accepted and Swallow, George Davis alias Huntly, Alexander Stevenson alias Telford, John Beveridge alias Anderson and William Watts alias Williams signed on as crew of the *Charles Grant* and sailed for England while the other two sailed on a Danish ship for America and happy oblivion.

Unfortunately, the three left on the island reached Canton soon afterwards and although claiming to be from the *Edward* told such conflicting stories, even forgetting the name of the captain, that suspicions were raised. Then the news of the piracy arrived from Sydney. The three were arrested, put aboard the *Kellie Castle* which arrived earlier than the *Charles Grant* so the pirates were arrested as the ship docked.

The trial caused a sensation and was reported in *The Times* and in the colonial papers. It hinged on the evidence of Pobjoy. He was in trouble on an assault charge at the time but told the story of his adventures in an

attempt to mitigate his sentence. Thomas Capon, the head gaoler of the Hobart prison was also in London for trial of Ikey Solomon, so both men could identify all the prisoners. Pobjoy gave a rather colourful account of his own actions. Surgeon Harris also gave evidence including the fact that Swallow/Waldron had been ill at the time of the mutiny and claimed he was forced by the pirates to stay with them against his will. Swallow was acquitted but subsequently reoffended, was transported again and died in Port Arthur on 12 May 1834. The other four were condemned to death and George Davis/Huntly aged 27 and William Watts/Williams aged 32 were hanged at Execution Dock on 10 December 1830. Alexander Stevenson/Telford and John Beveridge/Anderson were recommended for mercy as having taken no active part in the mutiny. Beveridge was re-transported aboard the *Argyle* in 1831 with a life sentence and was mentioned in the *Hobart Town Courier* on 20 August 1831 as being one of 14 unruly prisoners of the *Argyle* currently in gaol. Surprisingly with his history, he was recommended for a conditional pardon for the Australian Colonies on 21 October 1845, confirmed on 31 October 1846. He died in Launceston under the name of Anderson in 1882. The cause of death was senility.

There have been many versions of this story published over the years. A descendant of Lieutenant Carew wrote a detailed version. E. R. Prettyman presented it at the meeting of the Royal Society of Tasmania on 4 August 1953. Frank Clune published *Pirates of the Brig Cyprus* in 1952 and Richard Flanagan referred to it in *Gould's Book of Fish*. *The Times* of London published a long description of the trial on 5 November 1830 and the *Hobart Town Courier* and the *Colonial Times* printed any piece of information they could find. Many of these reports were contradictory, but the main points seemed fairly consistent and I have tried to give a logical account. There was never any mention that John Beveridge ever saw his wife and family again.

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<http://www.gomezsmart.myzen.co.uk/POBJOYs/individuals/johnppj/cyprus.html>



### Note on the woodcut:

William Buelow Gould probably sketched 'the making of the coracle', a woodcut in *The Hobart Town Courier*, 12 September 1829. It depicts the *Cyprus* castaways. Convicts are assisted by Mrs Carew while Lieut. Carew despairs, head in hands. (Archives Office of Tasmania). For the ADB entry on Gould, made famous by Richard Flanagan's novel *Gould's Book of Fish*, see <http://adb.anu.edu.au/biography/gould-william-buelow-2114>



## Feature Article

# A story of the Antipodes: Marriage with a Deceased Wife's Sister in Nineteenth-Century Tasmania

Rebecca Kippen

*It was one of the great controversies of Victorian England. Jane Austen's brother was guilty of marrying his deceased wife's sister and got away with it. Others found themselves caught in a legal maze after a bereavement opened an emotional door to a new relationship with a possible 'substitute' for the departed. Rebecca Kippen writes on an interesting Australian coda that may be useful for family historians.*



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In 1868 in Tasmania, Annie Foster married William Bell, a widower with six young children. William's first wife, Jane, had died the year before of consumption at the age of 35. There was nothing terribly unusual in this. About a quarter of first-time brides in nineteenth-century Tasmania died before the age of fifty, often leaving behind large young families; and it was quite common for bereaved husbands to marry again within a year or two of their wife's death.<sup>1</sup>

However, what was slightly unusual about William and Annie's marriage was that Annie was the sister of William's first wife, Jane. William and Annie were possibly unaware of the controversy surrounding these types of marriages extending back to at least Henry VIII. The controversy would last well into the twentieth century.

This paper addresses the ecclesiastical and political origins of prohibition against marriage with a deceased wife's sister, the changing legal status of such marriages in Britain and the British colonies, and the conflict between Church, clergy and the State once such marriages were made legal.

## Henry VIII, Elizabeth I and the Duke of Beaufort

In 1509 Henry VIII became king of England and married Catherine of Aragón. Two decades later, Henry wished to be rid of Catherine so that he could marry Anne Boleyn. To justify annulment of his marriage to Catherine, Henry argued the prohibitions in Leviticus against a man taking his brother's wife.<sup>2</sup> If these scriptures meant a man could not marry his deceased brother's wife, then Henry's marriage to Catherine was unlawful, since Catherine had been the widow of Henry's older brother, Arthur.<sup>3</sup>

However Pope Julius II had sanctioned the marriage of Henry and Catherine through a papal bull issued in 1503, and, as might have been expected, his successor Pope Clement VII refused to reverse this decision and grant an annulment. As a consequence, Henry broke with Rome, proclaimed himself head of the Church of England and married Anne.<sup>4</sup>

Elizabeth I—Henry and Anne's daughter—secured her claim to accession by directing the Archbishop of Canterbury to prepare a Table of

Degrees prohibiting certain types of marriages, including those to a deceased husband's brother and to a deceased wife's sister. In 1603, several canons were published, the ninety-ninth of which stated:

*No person shall marry within the degrees prohibited by the laws of God and expressed in [the Table of Degrees]. And all marriages so made and contracted shall be judged incestuous and unlawful and consequently shall be dissolved as void from the beginning.*

Thus the marriage of Elizabeth's parents, Henry VIII and Anne Boleyn, was lawful, and the royal birth of Elizabeth was legitimated, because Henry's first marriage to Catherine of Aragón, being within the prohibited degrees, was 'void from the beginning'.<sup>5</sup>

The ninety-ninth canon prohibiting certain types of marriages received royal assent, but not parliamentary assent, meaning that the prohibited marriages fell into the twilight world of being, not void, but voidable. This meant that such a marriage was perfectly legal unless it was challenged in the ecclesiastical courts during the

life of the marriage. Then it could be declared void and the children of such a marriage declared illegitimate.<sup>6</sup>

This twilight state changed in 1835. The Seventh Duke of Beaufort had married his deceased wife's half-sister. He wanted to ensure the legitimacy and inheritance of his son to this marriage and so, as a favour, the Lord Chancellor introduced a bill which clearly rendered all such marriages legal and not subject to annulment. But in order to appease the bishops in the House of Lords, the bill was amended so that all such marriages taking place *after* the bill was passed would no longer be legal. Thus, once the bill received royal assent in 1835, marriages with a deceased wife's sister, and other marriages within the prohibited degrees, could no longer be legally contracted in England.<sup>7</sup>

A bill to revoke this addendum was passed a number of times by the House of Commons, but was continually stymied by the House of Lords. This became such a joke that Gilbert and Sullivan satirised it in their comic opera *Iolanthe*. The fairies curse Parliament by decreeing that both Houses will pass every bill proposed including 'that annual blister, marriage with deceased wife's sister'.<sup>8</sup>

### **The Deceased Wife's Sister's Marriage Act in Tasmania**

In the late 1820s a series of judicial rulings made it clear that the marriage laws of England did not apply in the Australian colonies.<sup>9</sup> Therefore marriages within the prohibited degrees in Australia were not void. It was unclear at the time whether they were even voidable. The Bishop of Melbourne had long argued that Church of England canon was not applicable in colonies.<sup>10</sup> He evidently found no Biblical or moral fault with marriage with a deceased wife's sister, since in 1849 he issued a license for the marriage of the Chief Justice of Victoria Sir William A'Beckett, to the youngest sister of his first wife.<sup>11</sup>

In the 1870s the Australian colonies each passed a *Deceased Wife's Sister Marriage Act* which explicitly allowed a

widower to marry the sister of his deceased wife. It appears that these legislative changes were more the result of a desire to break with Britain than any community push for such marriages to be sanctioned.

In Tasmania, the *Deceased Wife's Sister's Marriage Bill* was presented to parliament in 1873 by Abye Douglas, a progressive who wanted the Australian colonies to become 'independent of the little island in the Northern Hemisphere'.<sup>12</sup> The proposed change sparked outrage in some quarters with a number of petitions presented against the bill, one from 285 women resident in Tasmania and the rest from Tasmanian clergy.

The women's petition argued that a change in the law would 'disturb family life, and would be dangerous to the peace, comfort and sanctity of many homes'.<sup>13</sup> Mr Douglas, who presented the bill, said that the ladies were 'old maids [who] did not know anything about matrimony', to much laughter. He added that those honourable members opposed 'had prejudices, or they had not yet gained the consent of their wives; one honourable member had told him that he had not got his wife's consent', also to much merriment.<sup>14</sup>

A petition from the local Church of England argued that such a marriage had been prohibited by the Church and State 'from the earliest Christian times to the present' and that it would jeopardise the relationship of a man and his wife's sister who could, at present, 'treat each other with mutual confidence as brother and sister'.<sup>15</sup> A petition from the minister and officers of a Presbyterian church referred to marriage with a deceased wife's sister as incestuous and adulterous,<sup>16</sup> and was rejected 'as containing offensive language'.<sup>17</sup>

The topic received wide coverage in the local press. There were many letters published from people who took the proposed change very seriously, whether they were in favour or against: unmarried women wanting to preserve

the 'true sisterly affection' they felt for their brothers-in-law<sup>18</sup>; men who posited 'if a man may marry his wife's sister, why not his own?'<sup>19</sup>; those who argued that the law might have been valid under Moses, but that it had gone the way of prohibitions against work on the Sabbath, eating pork, and wearing clothes of mixed materials<sup>20</sup>; and others who believed the sin was not against Old Testament law 'but against nature and against natural morality'.<sup>21</sup> Indignation was expressed at the 'levity with which the subject has been treated by some members of Parliament'.<sup>22</sup>

However the levity continued in the newspapers. One wag recommended the benefits of marriage with a deceased wife's sister as resulting in only one mother-in-law.<sup>23</sup> Another remarked that the clergy took notice of scripture so far as it suited them: 'Only last Sunday at church the preacher was going in hard and fast for that part of Moses' code enforcing the appropriation of the tenth of one's income to the Church'.<sup>24</sup>

Serious parliamentary and community discussion of the bill in Tasmania centred around three areas: the scriptural principles involved; the social benefits and disadvantages in allowing such marriages; and whether Tasmania should follow the other Australian colonies—South Australia and Victoria had already passed similar bills—or toe the Imperial legislative line.

### **Community discussion: the clergy and scripture**

Public debate in Tasmania on the legality and morality of marriage with a deceased wife's sister was dominated by clerical argument. Attitudes to the bill were not split along religious lines. A number of clergy were against the bill, as evidenced by the petitions they submitted to parliament, but several were in favour, along with eminent lay members of the various denominations.

Although anonymous, a 2,000-word editorial against the proposed bill was obviously written by John Storie, the Presbyterian minister whose petition had been rejected by parliament for offensive language. The editorial



argued that legalisation of marriage with a deceased wife's sister would have deleterious consequences for the 'social and domestic relations which have hitherto been recognised with great purity in most English lands'.<sup>25</sup>

Also according to Storie, the law of God prohibited such a marriage. Leviticus 18 set a general principle that a man should not marry anyone 'near of kin'. Since relatives of the wife were relatives of the husband in the same degree, the rule of thumb was 'No man may marry any of his wife's kindred nearer in blood than he may of his own kindred'. If a man could not marry his own sister, then he could not marry his wife's sister.<sup>26</sup> Some might argue that Leviticus 18: 18—'Neither shalt thou take a wife to her sister, to vex her, to uncover her nakedness, beside the other in her life time'—implied that marrying a wife's sister after the wife's death was permissible, but it was rather an injunction against bigamy. Storie's piece also carried dark warnings of men marrying their nieces in New York.<sup>27</sup>

Other clergy were in favour of the bill, including Congregational minister George Clarke. He and Storie carried out an extended, sometimes heated, exchange in the press. Clarke referred to interpretation of Leviticus 18:18 by Philo, the Alexandrine Jews, and Christian Fathers to the sixteenth century, who believed that the passage implicitly allowed marriage with a wife's sister after the wife's death.<sup>28</sup> He also stated:

'There are three grounds on which the prohibition of marriage with a deceased wife's sister may be argued—that it is laid down by the law of God, or by Church and canon law, or that it is recommended by social considerations of public policy. The first we absolutely deny; the second we repudiate, as well as hold to be outside the province of civil government; the third is fair matter of parliamentary discussion... Marriage with a deceased wife's sister may or may not be desirable under given circumstances, but certainly it is not an "incestuous" connection, and it is cruel as well as false to call it so.'<sup>29</sup>

The Anglican Bishop of Melbourne believed that scripture probably allowed marriage with a deceased wife's sister, and that even if it was forbidden under Mosaic law, that was not applicable to the present church. In addition, the canons of 1603 and the Tables of Degrees were not binding on the Australian church, however clergy could refuse in conscience to perform such marriages if they felt strongly that they were against the law of God.<sup>30</sup>

### **Community discussion: social benefits and disadvantages**

Some members of parliament and the community had no religious objections to the legislative change, but rather dissented on social grounds. They believed the law would 'interrupt the happiness [and social harmony] of families'.<sup>31</sup> It would 'do away with those feelings of sacred and pure love which now existed in the breast of every man who looked upon his wife's sister as his own.'<sup>32</sup>

These opponents seemed to think that without some sort of sanction, all men would regard their sisters-in-law as potential partners, and no married woman could be easy with a spinster sister in close proximity, ready to take her place at any moment. As things stood 'No suspicion embitters the hours of the dying woman, that a husband may be looking on a sister with lust or love... And if the sister remains to fill for a time the domestic place of the dead, she remains without offence, without shame, and without scandal.'<sup>33</sup> How this would change if a man could envision marrying his wife's sister.

Others 'thought it the most natural thing in the world, that after a wife's death, all parties being willing, her sister should take her place.'<sup>34</sup> Young children needed a mother, and who better than a loving aunt who already had an established relationship with the children?

### **Community discussion: to follow England or the colonies?**

The third area of discussion surrounding the bill was whether Tasmania should introduce law in

conformity with the other Australian colonies or with the mother country. South Australia and Victoria had recently legalised marriage with a deceased wife's sister. Most parliamentary members who spoke on this issue felt that the law should be uniform throughout Australia, rather than in line with England, and that, in fact, 'it was one of those questions on which they might be expected to take the lead'<sup>35</sup>, since 'The colonies had... separation of state and church, an advance upon England.'<sup>36</sup> One member 'did not regard it that the House of Lords objected to the measure. The House of Lords was a drag to the coach'.<sup>37</sup> Society accepted such marriages and society was more powerful than the law.

The general consensus was that, in any case, the bill would soon be passed by the House of Lords and thus become the law of England also<sup>38</sup>, especially since 'the action of the Australian colonies would tend to the passing of the measure there'.<sup>39</sup> In fact, this was not the case. The bill validating marriage with a deceased wife's sister passed comfortably in Tasmania in 1873, and received royal assent in 1874, but did not become law in England until more than thirty years later.

### **The aftermath: clergy reaction**

The passing of the *Deceased Wife's Sister's Marriage Act* in the various Australian colonies created a quandary for those colonial clergy who believed such marriages were against the law of God. Should they obey God or Man?

Contemporary synod discussions reveal that the Australian Anglican clergy were divided on whether Scripture forbade marriage with a deceased wife's sister. There were three broad camps concerning how the clergy should react to the new legislation. The first held that the performance of such marriages was a matter for the 'conscientious scruples' of individual ministers rather than dictation by the Church or the State; the second, that the 'sanction of law' meant that it was each clergyman's duty to perform such marriages, no matter what their personal views; and

the third, that they should adhere to the higher law of the Church and God (whatever that may be) over that of the State.

The result was that many clergy refused to preside over marriages of a man with his deceased wife's sister. For example, shortly after the law passed in South Australia, the Anglican Dean of Adelaide was approached by 'a very respectable couple' consisting of a widower and his deceased wife's sister who wished to be married. The Dean:

*had to explain to them that, whatever the law of the colony might permit, I felt myself bound to adhere to the Tables of Degrees of our own Church. They were made to understand that their only recourse was, either a purely civil marriage at the hands of the Registrar, or a resort to some Nonconformist minister who might feel himself free in conscience to do what I could not do.<sup>40</sup>*

From the late 1870s through the early twentieth century, Australian diocesan synods and the General Synod discussed the conundrum of marriage with a deceased wife's sister a number of times, with no conclusion being reached. One problem for consensus was that the General Synod had no power to impose its views on the various dioceses. As Archdeacon Handley of Melbourne noted in 1905:

*It was possible for the diocese of Sydney to decide that such a marriage was Scriptural, canonical, and desirable; the diocese of Melbourne might decide that such a marriage was Scriptural, but not canonical; the diocese of Ballarat might hold that it was Scriptural, but not desirable; the diocese of Bendigo might further decide that it was canonical, but not Scriptural; the diocese of Wangaratta that it was Scriptural and canonical, but not desirable; and, finally, the diocese of Gippsland might say that it was neither Scriptural nor canonical, but very desirable. But these dioceses would then come to the general Synod in Sydney and solemnly confess a belief in "the one holy Catholic and apostolic church."<sup>41</sup>*

This issue was not resolved until the mid-twentieth century. In 1937 the Archbishop of Canterbury appointed a 'Commission on Prohibited Degrees', which found that the prohibited degrees should be narrowed. In 1945 a Church of England convocation of bishops drew up a new 'Table of Kindred and Affinity' which now excluded, among other connections, marriage with a deceased wife's sister, thus bringing Canon law into harmony with the state.



### The aftermath: conflict with 'home'

By the mid-1870s, marriage with a deceased wife's sister was legal in all the Australian colonies except Western Australia. This meant that British subjects in the colonies contracting such a marriage found their children 'declared legitimate in one part of the Empire but illegitimate in England.'<sup>42</sup>

Problems were immediately foreseen with the 'deceased wife's sister complication':

*A South Australian may lawfully have two wives at once, a deceased wife's sister in Australia, and another woman in England. His marriage in Australia not being a recognised marriage here, an alliance with a second wife in England would be a valid marriage, and he would not be indictable*

*for bigamy; while in Australia his former wife's sister would be his lawful wife, and his English wife would be accounted his mistress only. The complications as to legitimacy and inheritance growing out of this strange state of things may be readily imagined. But if the other colonies should follow the example and make the same demand, as certainly they will, the consequences may be most serious. For this reason alone, if for no other, the repeal of the prohibition must be adopted in England also. It will be impossible to maintain that that which is right in Australia is wrong in England.<sup>43</sup>*

This dilemma was used as a plot device in George Bernard Shaw's *Major Barbara*.<sup>44</sup> The protagonist of the play must, by family tradition, leave his fortune to an illegitimate heir. As it happens his daughter's fiancé is illegitimate—he was born in Australia and his parents were legally married there, but his mother was the sister of his father's first wife. Consequently he is considered illegitimate in England, where the play is set, and hence can inherit from his prospective father-in-law.

Over three decades from the mid-1870s, there were a number of submissions from Australia to the British Parliament asking that marriages with a deceased wife's sister contracted in Australia be regarded as also legal in Britain.<sup>45</sup> These submissions were careful to distinguish this request for recognition from the question of legitimating such marriages contracted in England.

The concern in Britain was that granting this request would leave the door open to allowing such marriages in Britain also.<sup>46</sup> A *Colonial Marriages Bill* was presented to the British Parliament a number of times, but like its counterpart the *Deceased Wife's Sister Bill*, it was not passed. As noted by Member of Parliament Osborne Morgan, this meant that 'a man, under the present law, might be a bachelor in one state, a widower in another, a married man in a third, and a bigamist in a fourth.'<sup>47</sup>



Finally, marriages contracted with a deceased wife's sister in Australia were recognised in Britain from 1906. The next year, Britain also passed its own *Deceased Wife's Sister Marriage Act*, reflecting the diminishing power of the Church and increased secularisation in Britain.

### Conclusion

It appears that the law did not have any impact on the types of marriages contracted in the Australian colonies. In Tasmania, both before and after the *Deceased Wife's Sister's Marriage Act*, around five per cent of widowers who remarried, did so to their deceased wife's sister. The couple was often married by the same clergyman who had celebrated the groom's first wedding, indicating that some Australian clergy, including Anglican ministers, had no particular objection to such marriages.<sup>48</sup>

As a postscript to history, Adye Douglas, who introduced the deceased wife's sister's bill to the Tasmanian parliament, later benefited from the legislation. Douglas married Charlotte Richards in 1873. Four years later, after her death, he married her sister Ida, with whom he subsequently had eight children.<sup>49</sup>

### Acknowledgements

This research was funded by the Australian Research Council. Thanks go to Rebecca Devitt and Annette Gaykema for research assistance.

<sup>1</sup> Analysis of P. Gunn and R. Kippen 2008. *Household and Family Formation in Nineteenth-Century Tasmania*, dataset of 195 thousand births, 93 thousand deaths and 51 thousand marriages registered in Tasmania, 1838–1899, Australian Social Science Data Archive, The Australian National University, Canberra.

<sup>2</sup> Leviticus 18: 16; Leviticus 20: 21.

<sup>3</sup> H.A. Kelly 1976. *The Matrimonial Trials of Henry VIII*, Stanford University Press, Stanford.

<sup>4</sup> H.A. Kelly 1976. *The Matrimonial Trials of Henry VIII*, Stanford University Press, Stanford.

<sup>5</sup> Cynthia Behrman 1968. 'The annual

blister: a sidelight on Victorian social and parliamentary history', *Victorian Studies*, 11(4): 483–502.

<sup>7</sup> Cynthia Behrman 1968. 'The annual blister: a sidelight on Victorian social and parliamentary history', *Victorian Studies*, 11(4): 483–502.

<sup>8</sup> A. Sullivan and W.S. Gilbert 1882. *Iolanthe: or, The Peer and the Peri: A New and Original Comic Opera in Two Acts*, London.

<sup>9</sup> P.F. McDonald 1975. *Marriage in Australia*, Department of Demography, The Australian National University, Canberra.

<sup>10</sup> A.Q. Robin 1974. 'Perry, Charles (1807–1891)', *Australian Dictionary of Biography*, vol. 5, Melbourne University Press, pp. 432–436.

<sup>11</sup> J.M. Bennett 2001. *Sir William a'Beckett, First Chief Justice of Victoria, 1852–1857*, The Federation Press, Sydney.

<sup>12</sup> P. T. McKay and F. C. Green 1972. 'Douglas, Sir Adye (1815–1906)', *Australian Dictionary of Biography*, vol. 4, Melbourne University Press, pp. 87–88.

<sup>13</sup> Paper 39, Legislative Council of Tasmania 1873

<sup>14</sup> *Launceston Examiner*, 5 July 1873, p.5, c.2

<sup>15</sup> Paper 39, Legislative Council of Tasmania 1873

<sup>16</sup> *The Mercury*, 11 July 1873, p.2, c.5

<sup>17</sup> Votes and Proceedings of the Legislative Council 15 July 1873.

<sup>18</sup> *The Mercury*, 5 July 1873, p.2, c.5

<sup>19</sup> *The Mercury*, 28 December 1872, p.3, c.1

<sup>20</sup> *The Mercury*, 18 January 1873, p.2, c.7

<sup>21</sup> *The Mercury*, 21 January 1873, p.3, c.3

<sup>22</sup> *The Mercury*, 15 January 1873, p.3, c.1

<sup>23</sup> *The Mercury*, 21 January 1873, p.3, c.3

<sup>24</sup> *The Mercury*, 18 January 1873, p.2, c.7

<sup>25</sup> *The Mercury*, 19 December 1872, p.2, c.2.

<sup>26</sup> *The Mercury*, 19 December 1872, p.2, c.2

<sup>27</sup> *The Mercury*, 19 December 1872, p.2, c.3

<sup>28</sup> *The Mercury*, 4 January 1873, p.2 c.7

<sup>29</sup> *The Mercury*, 30 December 1872, p.3 c.1

<sup>30</sup> *Church News for the Diocese of Tasmania*, 1 September 1873, vol.IV, No.33, p.516

<sup>31</sup> *The Mercury*, 11 July 1873, p.2 c.5

<sup>32</sup> *Launceston Examiner*, 15 July 1873, p.3

<sup>33</sup> *Mercury Supplement*, 19 December 1872, p.1 c.6

<sup>34</sup> *The Mercury*, 4 July 1873, p.3 c.2

<sup>35</sup> *The Mercury*, 20 December 1872, p.3, c.3

<sup>36</sup> *Launceston Examiner*, 15 July 1873, p.3 c.

<sup>37</sup> *The Mercury*, 4 July 1873, p.3 c.2

<sup>38</sup> *The Mercury*, 4 July 1873, p.3, c.3

<sup>39</sup> *Launceston Examiner*, 5 July 1873, p.5, c.2

<sup>40</sup> *Church News for the Diocese of Tasmania*, 1 February 1873, vol.IV, No.26, pp.404–405

<sup>41</sup> *The Advertiser*, 9 October 1905

<sup>42</sup> Deputation to the Earl of Carnarvon on the subject of Acts passed in the colonies of South Australia, Victoria, Tasmania, New South Wales and Queensland, for legalising marriage with a deceased wife's sister, 3 April 1876.

<sup>43</sup> *Bristol Mercury*, 2 September 1871

<sup>44</sup> G.B. Shaw 1907. *John Bull's Other Island; How He Lied to Her Husband; Major Barbara*, Archibald Constable, London.

<sup>45</sup> Governor-General Lord Northcote to Mr Lyttleton. Despatch from the Governor-General of Australia on the subject of marriage with a deceased wife's sister', 7 November 1904.

<sup>46</sup> *Leeds Mercury*, 28 February 1878

<sup>47</sup> *Leeds Mercury*, 28 February 1878

<sup>48</sup> Analysis of P. Gunn and R. Kippen 2008. *Household and Family Formation in Nineteenth-Century Tasmania*, dataset of 195 thousand births, 93 thousand deaths and 51 thousand marriages registered in Tasmania, 1838–1899, Australian Social Science Data Archive, The Australian National University, Canberra.

<sup>49</sup> P. T. McKay and F. C. Green 1972. 'Douglas, Sir Adye (1815–1906)', *Australian Dictionary of Biography*, vol. 4, Melbourne University Press, pp. 87–88.

## Margaret Mannion — was she the most extraordinary of all the convicts?

Tricia Curry, FAS Checker

Trudy Cowley is making changes to the **FAS website** to reduce the load on the Drupal program that runs it, and to make it easier to navigate.

One key change is that we have come to realise that the groups that we set up are not being used as a means of communication. Only one, the Ballarat Group, has been active.

The Groups have been useful to locate members and volunteers, but we think that we can do without them and rely on the forums.

Therefore, the groups will be removed by Trudy over the next few weeks.

**Google Docs** has its peculiarities. It has 'senior moments', as do many of us, and needs to be rested by logging or signing out, so it can clear its short-term memory bank. If you find it is not behaving as it should, simply sign out and give it a breather for a few minutes.

Google Docs also is a happier camper if it is teamed with Google Chrome as the browser.

If you use the command in the toolbar to wrap or unwrap text (four parallel lines with a turning arrow on the right), you can narrow or expand a row, which makes it easier to find the row you are working on. Some volunteers have been pasting the CCC URL in the wrong cell.

Heights are to be expressed as 63.75 not 5' 3<sup>3</sup>/<sub>4</sub>".

GENUKI is a good resource for correct place names for birth places in the spreadsheet.

The Founders and Survivors project has allowed the various volunteers the opportunity to research the remarkable lives of numerous convicts transported to Van Diemen's Land. Many of these volunteers have become involved as an extension of researching their own convict ancestry. Those who have attended the workshops have heard from Janet that we are privileged to be descendants of a convict, as those who produced a family were certainly in the minority. As a researcher, it is always that little bit more exciting to come across a convict who married and bore children, as this allows us to unearth a grander picture of what their life may have been like, and also, because we know that they are simply one of the few extraordinary convicts who produced survivors.

In my role as a checker of submissions, I was introduced to Margaret Mannion. If the convicts who produced a family were extraordinary, then Margaret was the most incredible of them all. Margaret was transported to Australia aboard the *Duke of Cornwall* in 1850. This ship transported two hundred female adults and thirty-two children who embarked at Kingston, Ireland from Grange Gorham Penitentiary.<sup>1</sup> The surgeon stated in his journal that "about two-thirds of the convicts were between the ages of twenty and thirty and having been brought up in the country were generally of sound and healthy constitutions. Many of them had been driven to commit offences during the Famine in Ireland, who originally had very good character, when once convicted they were certain of being well fed and taken care of. The remaining third were principally from Dublin and the provincial Towns. Their constitutions were more or less injured by previous

disease and intemperate and irregular habits. Being a highly susceptible race they suffered much at first from Grief and depossession of Spirits on leaving their friends and Mother Country."<sup>1</sup>

Margaret was born in Galway in 1834. She was convicted with her sister Bridget for stealing three cows, and at the age of 16, arrived in Van Diemen's Land. The four foot ten inch freckled face illiterate girl, seemed to settle into convict life without any major indiscretions.<sup>2</sup> Thirteen months after her arrival, Margaret applied to marry Patrick Mullins per *Portenia*.<sup>3</sup> Permission was approved, but for whatever reason, the marriage did not eventuate. Just five months later, on 23 April 1852, Margaret applied to marry a free man named Manuel Columbia.<sup>4</sup> This request was not approved.

Undeterred in her quest to find a companion, the records for Permission to Marry, as digitized on the Tasmanian Archives website, show us that Margaret made another request to marry on 1 May 1854. On this occasion, permission was granted to marry the free man, James Mullins. James had arrived per *Atlas* in 1833. He was transported under a life sentence, but received a conditional pardon on 15 January 1846.<sup>5</sup> It was noted on the permission to marry that Margaret and James married on 29 May 1854.<sup>6</sup> Confirmation of the marriage was also noted on Margaret's conduct record.<sup>7</sup>

I was introduced to Margaret through a submission made by a descendant, which claimed that she married Thomas Larkin per *Blenheim 4*, at St Josephs Roman Catholic Church in Hobart Town on 27 November 1854. A record for the

permission to marry is the fourth to be indexed on the Tasmanian Archives website, for Margaret Mannion per *Duke of Cornwall*.<sup>8</sup> This marriage is also recorded on Margaret's conduct record.

The union of Margaret and Thomas Larkin produced six children over a twelve-year period. The first child, James Larkin, was born on 25 June 1854, five months prior to his parent's marriage.<sup>9</sup> Other children were born in July 1856, August 1858, March 1861, December 1863 and August 1866.<sup>10</sup>

Of course, the question remained, what happened to Margaret's first husband, James Mullins, and was James Mullins actually the father of James Larkin? A search for the death of James Mullins was necessary. Whilst I was unable to confirm a death for James, evidence showed that he and Margaret produced a family of four children. Their births were in April 1855, July 1859, October 1861 and April 1864.<sup>11</sup> This information confirmed the superwoman status of Margaret, and the records would show that not only was she a bigamist, but she had super powers which enabled her to produce babies with two men at the same time!

So was Margaret really the most extraordinary convict to be sentenced to Van Diemen's Land? Surely there was a mistake somewhere. The descendant who composed the submission on Founders and Survivors, claimed that she knew nothing of James Mullins. She also recorded Margaret's death as occurring on 31 October 1867; however, the conduct record lists further offences, dating up to 6 May 1879. Interestingly,

these offences were for Margaret Mullins!

I decided to check the Female Convicts Research Centre website. Here I found that Margaret had another descendant who was interested in researching her life; however this descendant claimed to have been part of the line from James Mullins.

As there was only one convict woman named Margaret Mannion, the mystery deepened. There were spelling variations to Margaret's maiden name, when registering the births of her children. The first child born to Thomas Larkin showed the mother's name as Margaret Mannian. The registration of the remaining five children showed their mother's name as Margaret Manning. The four children born to James Mullins also showed the mother's name as Margaret Manning. It was obvious that it was necessary to call in the experts. Trudy Cowley managed to solve the mystery and restore Margaret Mannion to the category of "extraordinary convict" rather than "most extraordinary convict".

It would seem that Margaret Mannion was confused for Margaret Mongan, who was also transported on the *Duke of Cornwall*. It was Margaret Mongan who married James Mullins. Like Margaret Mannion, Margaret Mongan was born in Galway, although she was five years older. The similarities did continue. Both women were illiterate and both were convicted of stealing cows.<sup>12</sup> To complicate matters even more, there were actually two women named Margaret Mongan transported per *Duke*

*of Cornwall*. The other was also aged 20 years and from County Galway, but she was transported for killing sheep.<sup>13</sup>

There were over 70,000 convicts transported to Van Dieman's Land. We have inherited a library of meticulously recorded details about these founders of Tasmania. With so much information available to today's researchers and genealogists, we must be forgiving of the rare errors made by the scribes. Margaret Mannion was one of the extraordinary convict women who not only was a founder, but also became a survivor – but she was unable to sustain the title of being superwoman, and of being the most extraordinary of all convicts.

1. Duke of Cornwall Surgeon's Journal – transcribed on Female Convicts Research Centre. <http://www.femaleconvicts.org.au/images/pdfs/DukeOfCornwallSR.pdf>
2. CON41-1-28,207,133,L,80
3. CON52/1/3 p318
4. CON52/1/5 p286
5. CON31/1/30 image 142
6. CON52/1/5 p286
7. CON41/1/28 image 133
8. CON52/1/7 p260
9. TAS BDM – 1854/1093
10. TAS BDM – 1856/1496; 1858/1960; 1861/4172; 1864/6534; 1866/8731
11. TAS BDM – 1855/160; 1859/160; 1861/676; 1864/142
12. CON41/1/28 image 129
13. CON41/1/28 image 128

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# Ships Projects: a guide to research

## Choosing your ship

First, you must choose your ship. You may wish to research the ship that brought an ancestor. This will give you a better sense of the context of your ancestor's experience and life after sentence. You may well be surprised at how atypical your ancestor was in being able to establish a new life and a lineage.

It is important that you choose a ship where the records have survived and where they are not too difficult to read. If your ship arrived during the assignment period before 1841, the conduct and description record will be available to you on the Founders and Survivors (FAS) website. Except for some late ships, the indent details should be transcribed for you on the FAS website.

If you choose a voyage that arrived in the later Probation period, you will need to work from the digitised volumes available on the Archives Office of Tasmania (AOT) website.

If you wish to choose any ship, we would prefer that you selected one that made only one voyage to Tasmania, as that makes record linkage easier for us.

## How we will help you

**First**, we will give you staff access to the full Founders and Survivors (FAS) databases. For this we will require you to sign a confidentiality agreement so that we abide by the University's ethics protocols and the various states' privacy acts.

**Second**, we can provide you with a year's heritage subscription to Ancestry.com that will give you access to the Australian and UK birth, death and marriage records, as well as the UK censuses.

**Third**, we will supply you with a spreadsheet to enter the key data and to do some very simple coding (for which you will have clear instructions). And we will provide a detailed manual both online and in hard-copy to guide your research.

**Fourth**, we will offer workshops to train you in reading and interpreting the convict records and in our requirements for collecting the data.

**Fifth**, we will set up a buddy system for people who would like to work with a group (you can communicate via Skype for free) and for those doing women's voyages, as the Female Convicts Research Centre (Tasmania) have a wealth of experience and access to the Factory records of births. We will repay them by sharing our findings with them for their own database.

**Finally**, we will purchase death certificates and occasionally marriage certificates to complete your research on a particular convict.

## What you will be doing From the Convict Records

1. You will enter key data about each convict in the excel spreadsheet: year and place of birth, place of sentence, family, height, occupation, religion etc—all of which you can obtain quickly from the convict's transcribed record on the FAS website. The workshop and the manual provided will help you with abbreviations and simple coding and we will provide help for identifying birthplaces and the standard abbreviations we use for the counties of England, Scotland, Ireland and Wales.

2. You will work from the convict's imaged conduct record: for those who came under the assignment system (before 1841) this is on the FAS site in the convict's record; for those that came in the probation period, you will need to open up the relevant volume from the AOT site and work through it page by page. From this source you will find out when and how the convict left the convict system. A capital "P" in the margin means pardoned, but more important will be the year of tickets of leave (TL) or conditional pardons (SP) or freedom by servitude (FS). Remember, only those 'cut free' were permitted to leave the colony and return to the UK.

The conduct record will often also tell you if the convict died while in the system, or re-offended, although there are plenty of gaps in the records. But most importantly of all, the conduct record tells about the convict's experience in the penal system. We will provide training in interpreting and coding the conduct records in our workshops. It is here that we can begin to measure the degree of rebelliousness, the suffering under harsh punishment, and the behaviour that might affect the convict's chances of rehabilitation. For instance, we are counting offences for drunkenness, and obviously the degree of severity of punishment: floggings, solitary confinement, working in chains, hard labour, and for women, the dreaded hair shaving. There is already a clear correlation between the conduct record and life chances after servitude, both positive and negative. Sometimes, resistance to authority was a marker of strong character rather than of intransigence or aggressiveness.

## Life after sentence

The steps:

1. The key records that enable us to link convicts with birth, death and marriage records are the Permissions to Marry Index in the AOT and the Departures Index, and these would be your first searches. Supplement this with a confirmation of the marriage reference on Ancestry's Australian Marriage Index.
2. Search for a death in Ancestry's Australian Death Index, inserting the year of birth and allowing for subtle spelling changes and abbreviations of given names eg. Margt for Margaret, Jas for James, Jno for John. If there are no obvious matches go to...
3. Ancestry general search on UK records, inserting year and place of birth, preferably the parish as given in the convict records and the County. This may throw up sightings in the census returns for England or Scotland, and then you can search for deaths via Ancestry's English BDM. Contact a staff member for

- English BDM. Contact a staff member for searches on Scotland's People as we have to pay for those.
4. If a convict married, look for births of their children, deaths of their spouses, remarriages if their spouse died: all via Ancestry.com. Please paste the Ancestry reference to the certificate in the Sources box for each marriage event, or child's birth.
  5. Find the convict's record on the FAS and enter the data you have found OR if you find nothing, record in the Staff Comments that either you cannot trace the death or the name is too common or you have found a couple of candidates, pasting in the Ancestry reference so the staff can follow up the options.
  6. See if you can find any obvious AIF descendants, but don't spend too long on this, as it can be exhausting.
  7. If you find an inquest, we can obtain a copy of it.
  8. It is also worthwhile checking the Probate indexes if the convict seems to have owned property. Victorian Probate files are often too big to attach to the website so you can simply summarise the contents: what matters is the money, the property and the relationships.
  9. NEVER FORGET to search for your convict in TROVE and always GOOGLE him or her in case descendants have already done the work! Any new material can be put into the 'Other Biographical Material' box. You can cut and paste from TROVE or you can summarise the item. Court appearances are particularly important. Please always note the source: e.g. Mercury 5 Jun 1858.
  10. On your spreadsheet, you will find directions to summarise the genealogical research you have entered in the FAS record. This enables us to analyse the data more easily. We will give you these detailed instructions when you are inducted.

### What to expect

You will probably find a death record for around half the male convicts on the ship and perhaps even less for women. Don't feel bad about that. We will double-check each convict story when we validate, so if you've missed a record, we will probably find it.

We would hope that in later years, as more records become available online, that more will be traced and perhaps over time, descendants of convicts who changed their names, will contact us. This is a project that will never stop.

There are obvious difficulties with convicts with very common names and those with namesakes on the same voyage—which confused people at the time as well as ever after. We just have to cut our losses with those and make up for it with the volume of voyages we will research.

You will find some fantastic stories and characters. Do record them and they can be included in the final publication for your ship.



'The Convict's Home' from the *Street Life of London* (1876): the convict being the man with his head wrapped in cloth. To read the full story see <http://www.victorianlondon.org/publications/thomson-16.htm> And to explore the book: <http://www.victorianlondon.org/publications/thomson.htm>.

## Who's Who & Where...

### University of Tasmania

Associate Professor Hamish Maxwell-Stewart

Dr Alison Alexander

Associate Professor Alison Venn

Professor Haydn Walters

Associate Professor John Bass AM

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Dr Peter Gunn

### All Souls College, University of Oxford

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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.

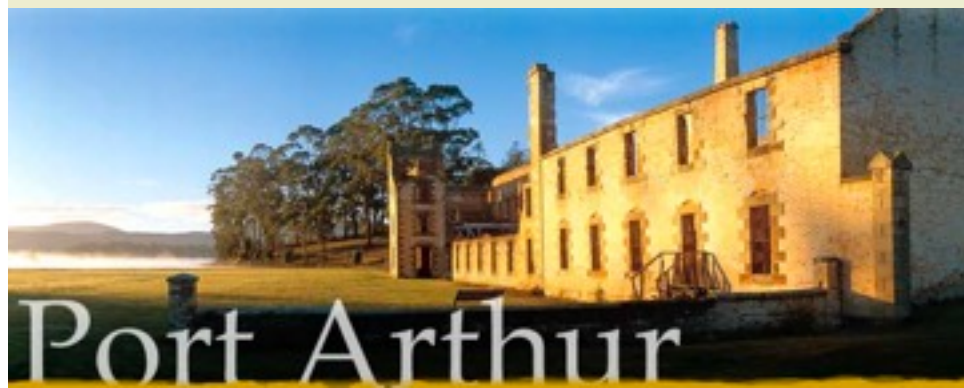
Go to <http://www.portarthur.org.au/index.aspx?id=7942> for the online enquiry form.

### Contact

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