

John Henderson - pawnbroker

Extracted from: *And Ships Lay in Perfect Safety – A Biography of George Andrew Forsyth. Harbour Master Fremantle. 1843 – 1894* by RK Forsyth.

[Marion Henderson married George Andrew Forsyth, who at the time was a water police constable and later became Chief Harbour Master of the colony]

Her father John Henderson preceded them to the colony by four and a half years on 10.2.1853. Marion probably had little recollection of her father when they arrived. He was a seaman and had been sentenced at Edinburgh on 30.6.1851 for "the crime of Theft aggravated by Housebreaking, opening lockfast places and previous conviction". At the time she was only five years old. His indictment reads in part:

In so far as , on the 3d or 4th day of May 1851, or on one or other of the days of that month preceding, you the said John Henderson did, wickedly and feloniously, break into and enter the pawnbroking office or premises situated in or near Tolbooth Wynd, in or near Leith, then and now or lately occupied by John Gilbert, then and now or lately a pawnbroker there, by forcing up and removing part of the flooring of a passage or lobby above said pawnbroking offices or premises, and breaking a hole through the ceiling of said pawnbroking office or premises, and entering thereat; and having thus, or in some other way, or by some other means to the prosecutor unknown, obtained entrance into said pawnbroking office or premises, you did, then and there, wickedly and feloniously, steal and theftuously away take, from a lockfast showcase, which you did, then and there, wickedly and feloniously, open by forcing or destroying the lock thereof, by some means to the prosecutor unknown, and from a lockfast drawer press, which you did, then and there, wickedly and feloniously, open by forcing open the lock thereof, by means of some instrument to the prosecutor unknown, or from one or other of said lockfast places, then and there so opened, wickedly and feloniously, by you,....

Then are listed the articles stolen:

Eleven or thereby, Silver Watches, Three, or thereby, Metal Chains, A ring, Two, or thereby, Seals, A Worsted Guard-Chain, A Silver Watch, Forty-Eight, or thereby, Gold or other Metal Rings, A Marriage Hoop, Sixty-two, or thereby, Gold or other Metal Rings or Hoops, Two, or thereby, Gold or other Metal Rings, A Gold Breast-Pin, A small Piece of Gold Chain, Two , or Thereby, Gold or other Metal Rings, A Gold or other Metal Hoop, Two or thereby, Ear-Drops, An Eye-Glass, Three, or thereby, Brooches, A Metal Snuff-Box, Three, or thereby, Seals, A Watch-Key, Two, or thereby, Breast-Pins, Three, or thereby, Brooches, A Silver Pencil-Case, One dozen, or thereby, of Silver Spoons and Six Shillings sterling, or thereby, in Copper Money.

Quite an ambitious haul, it would have given him wealth beyond the dreams of a sailor if he had successfully disposed of it. Having two previous convictions for theft on 9th August 1850 and 29th of March 1851 the Lord Justice-General sentenced him to fourteen years transportation. He was moved to Leeds prison and then spent a month on the prison hulk *Defence* on the Thames at Woolwich. His conduct at Leeds was given as "good" but apparently improved at Woolwich where it was recorded as "very good". It was not unusual for conduct to "improve", as only well behaved prisoners were deemed suitable for the low security prison at Fremantle and authorities in England were only too keen to reduce the numbers that were overflowing their gaols. John could be considered fortunate to have spent only one month aboard the prison hulk. Described by the Rev. Guilding Kingsmill in 1860 as "...these dens of infamy and pollution", he considered:

...the great majority of the prisoners confined in the hulks become incurably corrupted, and that they leave them, in most cases, more reckless and hardened in sin than they were on reception ... Few are aware of the extent of suffering to which a prisoner is exposed on board the hulks, or of the horrible nature of the association by which one is surrounded, There is no safety for life, no supervision to the good ... They are productive of sins of such foul impurity and unnatural crime that one even shudders to mention them ... A mob law, a tyranny of the strong over the weak, exists below, which makes the well-disposed live in constant misery and terror.

(W.S.Branch-Johnstone, "The English Prison Hulks".)

Many a body, mind and soul was broken on these decaying floating prisons, the evils of which, more often than not, far outweighed the crimes for which their inmates were incarcerated therein. In his book "The Life and Times of Moondyne Joe - Swan River Colony Convict Joseph Bolitho Johns", W.J.Edgar makes these observations (n.b. Moondyne Joe, as he later became known as Western Australia's only bushranger, was a prisoner on board the *Defence* at the time John Henderson was there):

Life aboard the hulks at Woolwich, anchored in the stench and filth of the Thames tidal mud flats, would not have been pleasant at all. Conditions, in fact, were abysmal.

The prisoners on the hulks were ferried daily to the military base and were put to work on a variety of tasks such as scraping shot, dredging mud and repairing buildings and facilities. They were subject to the strictest discipline and given classifications accordingly. As they progressed through the categories they moved closer to being placed on board a transport bound for one of the Australian colonies.

.... Prisoners were put 'tween decks' en masse. It was overcrowded and foul odors permeated through the ship. A man had one rug and a 20 inch (51cm) x 6 foot (183cm) bed space. Six men slept on a platform which doubled as a table during the day. Despite regulations few washed or shaved and the clothing was of poor quality and fell apart quickly.

.... The prisoners worked ten hours a day in summer and seven in winter. In other words they could be battened down in their freezing, filthy quarters for over 15 hours. Time hung heavy, gambling was rife and many escapes were planned.



Prison Hulks on the River Thames, Woolwich, c.1856.

John was transported to the colony along with with 158 prisoners, 70 ticket-of-leave holders, 30 pensioners, 26 women, and 43 children. aboard the 601 ton barque *Dudbrook* which sailed from Plymouth on 23.11.1852. A rapid 76 day journey carried but a few letters and no newspapers. News of the funeral of the Duke of Wellington three days before its departure was conveyed to the information starved colony. (*The Perth Gazette and Independent Journal of Politics and News* 11 Feb 1853)

According to W.J.Edgar:

At embarkation each prisoner received a bed, pillow and blankets, two wooden bowls and a wooden spoon. The regulation dress was jackets and waistcoats of blue cloth, duck trousers, check or coarse linen shirts, yarn stockings and woolen caps - suitable for summer but quite inadequate for winter.

.... The prison Quarters were in fact often dark and foul. In bad weather the scuttles (top covers) were closed and in the tropics the air was invariably stifling. Pitch dropped from seams and burned flesh. Two pints of water (often foul after weeks at sea) per man, per day was considered adequate.

The prisoners were kept busy sewing or knitting socks and schools were formed to teach basic literacy. Sometimes singing or dancing were allowed but more often gambling in the form of cards, dice or pitch and toss were the main pre-occupations. The main 'currency' was tobacco, for which men would often sell their personal effects (food and clothing) to gain a 'stake' for the next game.

For exercise periods ladders were lowered to the 'tween decks and groups were brought up progressively, the more suspect being ironed together. They shuffled round and round the deck, with chains clanking, watched by wary guards on the poop deck.

In quite a contrast we find a letter published in the *Perth Gazette* of 25th February, two days after their arrival signed by "the whole 70 Ticket-of-Leave men. Fremantle Bay on board the *Dudbrook*". It is addressed to C. Kevern Esq., Surgeon Superintendent of the *Dudbrook*.

SIR,-We, the undersigned Ticket-of-leave Holders, who have come out under your charge, feel it our duty, and have much pleasure in performing it, to express our grateful and respectful thanks to you for the consideration and interest you have uniformly taken in our welfare, and the disposition you have ever shown to study our comfort, and render us fit when we leave the ship, to engage in the active duties that will then be expected of us with prospects of permanent success. We feel deeply impressed with a sense of the desire you have at all times expressed for our future welfare, and we cannot separate from you without acknowledging our obligations to you for that, and for the acts of kindness you have shown us during the voyage. We likewise desire humbly and respectfully to express to the authorities generally, our grateful acknowledgments for the benevolent efforts they make to forward our future interests, by affording the facilities they do to engage in an honest and industrial course of life. Wishing yourself personally every blessing a kind Providence can grant you, and success in all your future engagements, We humbly and respectfully take our leave of you and trust that our future career will show we are not unmindful of the favourable circumstances by which we are surrounded, through the kind efforts of the authorities, including yourself, whom we feel to be in reality our friends.

This glowing tribute contrasts with the treatment to prisoners sent to the eastern colonies and probably reflects a more enlightened approach taken by the Imperial government to transportation. John did not receive his Ticket-of-Leave until the next year but he no doubt benefited from the improved regime.

One description of their destination described Fremantle as a dismal spot in the fifties. (J.T. Reilly, *Reminiscences of Fifty Years' Residence in Western Australia*, pp 5-6)

Sand was everywhere, and the never-ending sand dunes afforded neither relief to the eye nor topical pleasure to the onlooker, North and South, as far as the view extended, there was nothing but miserable sand, covered by stunted bushes....

On his arrival John Henderson, convict no. 1623, was 35 years old. Records show that he read and wrote imperfectly. He was a slight person of 5ft 5in. His hair was light, his eyes were gray and his visage oval. He bore scars on his forehead and a deep scar on the thumb of his right hand. The first joint of the middle finger of his left hand was lost. One can only speculate as to how he sustained these injuries. He wore on his right arm two hearts tattooed with the initials "JH" and "AL". (he was married to Anne Lamb.) His hair and whiskers would have been cropped as close as possible and he would have been issued with clothing stamped with the broad, black arrow. He was detained at premises rented from Captain Scott on Marine Terrace known as the 'Old Establishment'. Security on these premises was minimal and these earlier convicts were supposed to have been selected with greater care than was the case in later years. Prior to receiving his Ticket-of-Leave in 1854 John may have worked on the construction of the Boy's School or the convict prison as these were public works of that period built by forced labor. He gained employment at the Commissariat as a sailmaker and was granted his Conditional Pardon in March of 1857. Then he was able to bring his family to the colony, their fare being paid in full by the British Treasury. The previous year had seen this policy adopted by the Imperial Government in an effort to

reunite families and correct some of the imbalance between the sexes. Before this only half the fare was forthcoming from the Treasury coffers - a situation that may well have kept the family apart. In spite of this concession not many families were re-united - one or both parties not desiring it. The granting of his Conditional Pardon meant that John had repaid his passage money in full to the government in less than three years, the period since gaining his Ticket of Leave. In 1858 he made a generous donation, considering his position, of 5 shillings to the Indian Relief Fund. Duly noted amongst contributors [*Inquirer* 09 June 1858] it was a statement of his rehabilitation into society. The Indian Mutiny of that year had rocked the British Empire and had precipitated the end of the East India Company rule.

All things taken into account, the period of his imprisonment and Ticket of Leave in Fremantle under Governor Fitzgerald and more particularly Captain Edmund Henderson, the first Comptroller-General of Convicts, was considered a time of tolerance, even of enlightenment, in the administration of convicts. In later years more hardened criminals were transported to the colony and with them came the harsher administration that had been more typical of the eastern colonies of Australia.

If now a convict ancestor is boasted of, families then were only too ready to protect a new generation from it. In an introduction to the "Dictionary of West Australians, Bond" Rica Erickson writes of the secrecy surrounding a convict past:

Families of convict origin bore a stigma until the years of the gold rush at the end of the century. When the tide of gold seekers from all parts of the world flooded the Indian Relief Fund land the 'sandgroppers' appear to have closed ranks. A mantle of secrecy was drawn over the convicts and was not lifted until as late as the 1970's.

It was only revealed towards the end of the 1970's that John, who was my great, great grandfather, had come to these shores as a convict. I have speculated as to which generation consigned the past to secrecy. I had assumed that my grandfather, William Laurence Forsyth, must have known of his grandfather's past. However, in the book "The Brand On His Coat", edited by Rica Erickson, Anne Latham's observations (p.76) make one wonder if, in fact, he managed to grow up unaware of it:

This conspiracy of silence was often extended within families. Grandchildren could grow up ignorant of their convict origins. Surprisingly, their neighbors, though well aware of the facts, did not enlighten them. Thus the odd situation arose of most people in the district sharing a secret kept from the direct descendants of the convict concerned.

As late as 1943, the Lieutenant governor of W.A., Sir James Mitchell, in his capacity as president of the Western Australian Historical Society, strongly objected to the reading by Canon Burton of a paper entitled "Convicts in Western Australia":

"What purpose is served," he asked, "by continually going over that phase of the early days of Western Australia?" He pointed out that under the English law of the period transportation to penal settlements was ordered for the most trivial offences and people devoid of all criminal tendencies were branded as convicts and sent to Australia. From their ranks had come many estimable citizens and it was unjust to their relatives or descendants and unnecessary to bringing forward these pages from the past. (*The West Australian* 25 Sep 1943)

In his book 'The Fatal Shore', Robert Hughes argues that the idea of a "criminal class" lay behind the policy of transportation, the desire being to exorcise it from the British Isles to some distant shore. This idea, he believes, was:

the key reason for all social discrimination by 'respectable' Australians against their Others emancipists. But it turned out not to be true. Despite all the jeremiads directed against their origins, despite the widespread perception of a permanent groundswell of crime for which they were supposed to be responsible, the first generations of the native-born turned out to be the most law-abiding, morally conservative people in the country. Among them, the truly durable legacy of the convict system was not 'criminality' but the revulsion from it: the will to be as decent as

possible, to sublimate and wipe out the convict stain, even at the cost - heavily for in later education - of historical amnesia.

Anne Latham ("The Brand On His Coat", p82) supports this notion of a striving by many, but by no means all, ex-convicts and their families for acceptance within their communities:

An ex-convict's every act therefore had to be above suspicion if he wished to advance himself. With such an ambition it was necessary for him to be scrupulously law abiding as well as hard working. The impression is gained that an ex-convict's family felt the need not just to be as good as their neighbors, but measurably better, even to the point where homes would be cleaner and tidier and more liberally whitewashed, and their children to be equally well scrubbed.

John and Anne were to have an Australian born daughter. Janet Mabel was born at Fremantle in 1859. However, poor Anne was to die on the 15th June 1860, less than three years after arriving in the colony "after a long and severe illness" from injuries sustained during the birth [*Inquirer* 20 June 1860]. She was only 42 years old. So little is known about Anne. Too easily can she be dismissed simply as the wife of a convict. For almost six years she had, somehow, struggled by herself to keep her family together, lost a child and then ventured to the other side of the world to make a new life with her husband. The bare statistics of her life pay tribute to this lady. Sadly she did not live to see her family, against all odds, flourish in their new land.

Marion was just 14 at the time and would have assumed a maternal role to her baby sister. John remarried on 15.12.1863 to Emma Barton at the Congregational Chapel in Cantonment St. before gaining his Certificate of Freedom. Emma, born in Melbourne, Derbyshire in 1838 was 20 years his junior. She was a free emigrant on the *Burlington*, arriving on the 8th April in 1863. Her occupation was given as servant and she most likely worked as a nanny and housekeeper for John after her arrival.

John received his certificate of freedom on 29.6.1865, six days after his younger brother William arrived at Fremantle aboard the *Tartar*.

And so it was as a free man, albeit an ex-convict, on 23rd April in 1866 that John witnessed the marriage certificate of his daughter to a water police constable. For all the discrimination in the colony, this marriage in itself was an example of a mixing of the free and the bonded classes that would have been unlikely in the 'Old Country'.

There is no small irony in the fact that John Henderson established himself as a pawnbroker in Fremantle. His "experience" with pawnbroking in Scotland obviously left its impression as a worthwhile enterprise in his new country. At some time after 1869 he erected a shop-residence in Pakenham St. near the corner with Collie St. In 1870 he issued copper penny tokens for his business, one of only two known to have been issued by businesses in W.A. in the nineteenth century. In 1970 one of these tokens was discovered in a back garden of the house of Bruce and Doris Lee at the top of High St. hill in what was an old rubbish tip (*Daily News* 6/11/1974 and *West Australian* 22/3/1979). This token and two variations are held by the Fremantle City Library Museum and are illustrated in Rennik's Guide for numismatists. Notes held at the Batty Library give this description of the tokens (from: Western Australia 150th Anniversary Numismatic Convention, May 1979.):

.....(It) shows an Australian coat of arms on the obverse, made up of such appropriate elements as a wheat sheaf and a fleece, and the legend TANDEM MOVETUR, 'at length it is moved', perhaps a reference to the idea of future prosperity (in the specimen illustrated in this issue of the journal, the first word has been misspelled as TANDEN, and the city is spelled FREEMANTLE, as it often was at that time). The reverse is a puzzle: it shows a building which cannot be identified as any existing now, and a little research is in order here.

Perhaps John had a sense of humor and the building pictured and motto were that of the pawnbroker in

Tolbooth Wynd in Leith that he had burgled nearly twenty years earlier! Research notes (RN 565, Battye Library) claim his 1878 tokens were the last to be issued in Australia.



The Western Mail of 10 July 1930 carried the following article:

A Tradesman's Penny.

"One Penny" writes:-I have a penny dated 1874. There is a kind of building on one side, with the following words above it: - 'Packenham-street, one penny token.' A kangaroo, emu and swan are on the other side, with the words 'John Henderson.' That is all that I can make out. I was offered 10/ for the coin the other day and am wondering whether I was foolish not to take it."

The Curator of the Art Gallery (Mr. G Pitt Morison) replies:-"The penny is known as a 'tradesman's penny' and was minted by Stokes and Martin, die sinkers, of Melbourne, for John Henderson, pawnbroker, of Fremantle. There was a dearth of copper coinage in the colonies about 1874, and permission was given by the Home Government to mint these tradesmen's tokens.

"As far as the value is concerned, the price fluctuates considerably. At one time "tradesmen's pennies" were catalogued at 1/0, so that a coin in good mint state should not be more than 2/6 or 3/ at the outside."

The W.A. Almanacs, which were published between 1842 and 1889, show John Henderson as a regular advertiser. First appearing in 1874 his advertisement described himself as a pawnbroker of Packenham St. Fremantle although in 1876 he used the description auctioneer. He appears to have been only the second pawnbroker in Fremantle - one Alfred Davies operated from High St. from 1865. In 1877 his name appeared also on a petition regarding discrimination against expirees. As an expiree **and** a pawnbroker he would have come under close scrutiny by the authorities lest he become an outlet for stolen goods within the colony. On 6 Jan 1876 he was appointed collector of licenses of carts and carriages for the Fremantle District Roads Board. This would indicate, that in the eyes of the authorities, his business dealings were beyond reproach. Not only, it would seem, was he a man of enterprise but he had been able to gain the trust and confidence of a local government - a rare achievement for someone with his past.

By 1878 he was an identity in the colony as an article in *The West Australian* on 10 May demonstrated. Speaking of values in the colony a columnist, "Nemo", wrote:

You know perfectly well that Greaves or Henderson, or the proprietor of any other "three golden balls," would elevate his nasal organ at the idea of your wishing to conclude a transaction to the amount of thirty shillings on your silver teapot.

The "three golden balls" of course referred to the age old symbol displayed by pawnbrokers.

In August of 1888 John Henderson, in his capacity as debt collector for the Fremantle Council, proceeded to the residence of photographer Nathaniel Armstrong with a warrant to seize goods to the value of an outstanding debt of £1 4s incurred for rent. Taking a horse and cart to the back of the premises he was met by Armstrong. When told of his mission and showing the warrant, Armstrong is reported by *The West Australian* (16 Aug 1888) to have said:

“Do you think that I will allow an old ----- like you to touch anything belonging to me. Clear out from here, or I will punch your ----- head ” The defendant then seized witness by the shoulders, and threw him violently into the sand.

One can imagine the second deleted word as some feisty expletive but the first one is perhaps more interesting. It could well be that the paper censored the word “convict” or a similar insult. Freed convicts were always shown the respect of not referring to their origins in the colony. Doubtless the older readers filled in the blanks. No doubt John, now aged seventy years was shaken by the assault. The courts handed down a fine of 40s. and costs.

This was in fact the second occasion on which John had confronted Armstrong in his capacity as assistant bailiff and been assaulted. Two months earlier *The Daily News* (14 June 1888) reported an assault but indicated that John had not wished to press charges. The magistrate had cautioned the defendant and warned that he should have been liable to a fine of £20. The reduced fine probably puzzled readers.

On Thursday, December 15th, 1892 the *West Australian* announced the death of John Henderson:

DEATHS
HENDERSON - At Fremantle on the 13th December,
1892. JOHN HENDERSON, aged 74 years, late of
the Commissariat Department, West Australia.

The reference to the Commissariat where he was employed as a ticket-of-leave man almost forty years in the past was surely a coded reference to his origins in the colony.

The *Daily News* of 13 Dec, more reasonably recorded:

Mr John Henderson, who for many years held the position of Collector to the Fremantle Municipality, died last night.

No veiled messages either from the *Adelaide Advertiser* which reported his passing under the heading: “DEATH OF AN OLD WEST AUSTRALIAN”, informing that an old resident of Fremantle had died.

We are fortunate that convict records were kept otherwise little would be known of John. Nevertheless, the brief outline of his life that is revealed indicates a man who came to the colony on the lowest rung of the social ladder and apparently made a respectable life. One can imagine him as being enterprising, adaptable and resilient as one who had endured the prison system with his health and sanity intact would have to have been. For John Henderson, like many transported to its shores, Australia seems to have offered him the opportunity to establish a better life for himself and his family. Undoubtedly there were hardships but he was able to break from a life of repeated crime and achieved security and even respectability. It is unlikely he would have done this had he remained in Scotland. His three children who survived to adulthood all made successful lives and marriages. However, if John found redemption in his new land, he was one of the more fortunate.

The *Perth Gazette* (15 Oct 1869) printed the following letter, simply signed “EXPIREE.”

To the Editor of the Perth Gazette & W.A.T.

Sir.-With your permission I desire to offer my protest against the attempt now being made, and publicly avowed, to set one portion of the community against the other. I avow at once that I am unfortunately one of "the class;" I do so because I wish to offer my grateful acknowledgement of the consideration and fair, treatment I have always met with since I obtained my freedom, and I believe there are not many of my fellows who would not willingly acknowledge the same, if they were put to the test. I have prospered beyond my hopes; and, although I must sorrowfully admit that I cannot expect ever fully to regain my former status in the opinion of my fellow-men, I have had many proofs that I have succeeded in obtaining somewhat of the good opinion and confidence of those with whom my business brings me in daily contact; and I believe the same may be done by every man who came into the colony in the same position as myself, and who does not deliberately shut his eyes to the fact that, although he may have worked out the punishment allotted for his misdeed, the shame and the stigma must ever remain. There are many of us who feel this fact more acutely ???? some who were well educated still ???? good position, continually ????? almost in desperation, they thrust themselves forwards into a position of public notoriety; some feel a sort of pleasure in forcing attention to themselves as the doers of some celebrated crime; but I am glad to know there are also many of us who believe that an unobtrusive demeanor accompanied by strict probity will, in the end, regain much of what we have lost. I not only hold these views myself, but I also look with a certain degree of suspicion upon all who do not. The louder and more obtrusive one of "my class", becomes, the more I distrust him, and warn not only my fellows but the public to put no faith whatever in anything he may say or do, more especially when he takes upon himself to become a censor of public men or a criticiser of public measures. It may be depended upon that every opinion to the contrary put forth has its root in some hidden and unworthy motive-some personal advantage or gratification of spite and envy- anything, in short, but a real genuine desire for the public weal. Such be and often are clever men, but that only makes them more dangerous to the peace and prosperity of the colony, and woe would indeed follow the day should they ever obtain the power to carry out their schemes. "The class" put no faith in them - at least, not any of that portion that has anything to lose, whether character or property- they know the private lives of such men are as foul as their public doings are false, and I for one protest against their endeavors to create ill feeling between us and our best friends - the old free settlers of the colony.

This was probably a reflection of the life and values of John Henderson. The expirer that made good was ever mindful, however, of the blind prejudice of many against "his class". Of being included in such vitriolic a comparison with "filth and sewage."(Mr Torrens to Law Reform Society of South Australia as reported in *Advertiser* 26 Sep 1863.)

Co-incidentally, John and the Rev. Joseph Johnston, a man who played such an important role for the family, both came to Fremantle in 1853 and both passed away in the same year.

An article in the Sunday Times 29 Jun 1902 speaks of the impact of transportation on the colony:

W. B. Kimberley in his history of West Australia says:- "It would, seem improbable that an army of over 9000 criminals could be quartered for years in a community of lesser numbers in adults without becoming the dominating power, and leaving the indelible memorial of its presence on the character and physique of succeeding generations." To slight extent-perhaps not more than the usual proportion in a country - signs of criminality are to be seen in the faces of the isolated communities; also, even to this day, the indigence and hopeless inebriety of the class are found in one or two rural districts. And yet, by instituting comparisons between West Australian communities and others in Australia where convicts were never introduced the value of these conclusions will be minimised. In point of morality West Australian community to-day will compare with any other Australian community. This substantial absence of taint comes from the most natural consequences. So irregular were, the lives of the worst classes of convicts that they seldom married or became fathers of families. They spent their wages in drink, or in serving their own vitiated appetites, and therefore they did not set up housekeeping. Their existence was precarious and sordid and short. Then large numbers left the colony altogether - it is impossible to record how many. Notwithstanding strict regulations, hundreds succeeded in entering the eastern colonies, while hundreds more removed to other parts of the world. The best classes established homes in West Australia and begat families. Their conduct was so excellent that often no difference could be detected between them and freemen. But it is in the children of convicts that the most gratifying variations and consequence are observable. At first thought it would be considered that in

moral heredity, the children would take after their parents. To quite a remarkable proportion this was not so. Whatever be the cause, whether environment opportunity, absence of incentive and temptation, or climate, these children became Australians in character and temperament. They were educated side by side with Children of the Free, and since they have become men and women they have enjoyed equal opportunities for wealth. The criminal records of the last 20 years--1877 to 1897-show a singular immunity from serious crime. A glance at the social conditions of Western Australia in 1861-8 adduces some curious facts.

The free people were not affected to any serious extent by the advent of the emancipated class. There, was a great gulf between free and bond -- a gulf, one writer, put it, as that separating Lasaras and Dives. In other convict settlements the emancipated intermarried with the voluntary settlers; they could not do so to any great extent in Western Australia. Although convicts sometimes acquired wealth, and even obtained notoriety in local journalism and commercial pursuits, and responsible positions under Government, no matter how well behaved they were, they remained outcasts from the best society. If the free met the bond in the street he passed him by as did the Pharisee of old.

Only 15 months earlier John's youngest daughter, Fremantle born Janet Mabel, had been married to Arthur Elphinstone Malet on 26/9/1891 at St Andrew's Cathedral in Singapore. Arthur was born in 1858 at Bombay. He was the son of Arthur Rivers Malet, a magistrate in the Indian Civil Service who retired to Pyrland Hall, Taunton, St James, Somerset with his family about 1860. There he farmed 132 acres and employed 13 people (1871 England Census).



Pyrland Hall, Taunton, St James, Somerset.

His grandfather, Sir Charles Warre Malet, had been created a baronet in February 1791 for his services in negotiating a triple alliance between the East India Company, the Nizam of Hyderabad, and the Maratha Peshwa against Tipu Sultan, the Rajah of Mysore.

.....after the deaths of James and Margaret Wales [an artist of whom Sir Charles was friend and patron] in 1795 the care of the Wales children devolved upon Sir Charles Malet. He had already formed a union with the Maratha princess, Amber Kaur, and fathered three children. When Malet retired from India in 1798 he left his bibi Amber

Kaur well established in Poona, and took Wales' eldest daughter, Susanna, aged 20, and at least one of her sisters with him to England.

After renouncing his guardianship of Susanna (1777-1868) he married her on 17 September 1799. She became his third wife. There were eight sons from their marriage: Sir Alexander Malet (1800-1886) second baronet; Charles St. Lo. (1802-1889); William Wyndham Malet (1803-1885) clergyman; George Grenville Malet (1804-1856) army officer; Arthur Malet (1806-1888) East India Company servant and writer; Hugh Poyntz (1808-1904); Octavius Warre (1811-1891); Alfred Augustus (1814-1898).

The three children that Amber Kaur bore to Malet: Eliza (1791-), Henry Charles (1793-) and Louisa (1795-) also joined the family in England, and Susanna brought them up along with her own eight sons.

(From Lachlan and Elizabeth Macquarie Archive: Wales, James (1747-1795))

Burke's Peerage* states that:

This family, which settled in England at the period of the Norman Conquest, has ever since, in its various branches, enjoyed opulence, rank and influence. The founder of the family, WILLIAM LORD MALLET DE GREVILLE, one of the great barons who accompanied the Conqueror, was charged to protect the remains of the fallen monarch Harold, and see them decently interred after the Battle of Hastings.

A pedigree published in a book printed in 1885 by Arthur's father Arthur Rivers Malet, entitled "Notices of an English Branch of the MALET FAMILY", traces a direct line from William who accompanied the Conqueror. It was compiled at a time when the British Empire was reaching its zenith and details ancestors who fought in the Crusades and attended the signing of the Magna Carta. Of course many such pedigrees were embroidered or at worst fabricated and many were the falsehoods that Burkes were to accept as gospel.

So Arthur, named after Lord Elphinstone, Governor of Bombay, and from this privileged background, was to marry a convict's daughter. It is not known whether John attended the wedding in Singapore or whether the Malet family was even aware of his convict past.

In a delightful irony, John, along with Arthur and Janet are actually mentioned in Burke's Peerage, that bastion of British snobbery and privilege. Both John and Mr Burke would have been astonished had they known. He may well be the only convicted felon to be mentioned.

Arthur Elphinstone Malet was born on 11 February 1858. He was the son of Arthur Malet and Annie Louisa Thompson. He married Janet Henderson, daughter of I. [sic.] Henderson, in 1891. He died on 16 May 1900 at age 42, without issue.

***Burke's Peerage**, listing of the peerage (titled aristocracy) of Great Britain and Ireland, first published as *Burke's General and Heraldic Dictionary of the Peerage and Baronetage of the United Kingdom for MDCCCXXVI* by John Burke in London in 1826. This series of family histories, republished nearly every year from 1839 to 1940, rapidly became an institution. The founder's son and subsequent editor, Sir Bernard Burke, Ulster King of Arms, was primarily responsible for this status, but he flourished during a period in which genealogy became almost inseparable from snobbery. Worse, he bequeathed a substantial amount of flawed data to his successors. He had few editorial scruples, and many fanciful medieval anecdotes were presented as fact. After his death subsequent editors attempted to rebuild the reputation *Burke's* institutional status deserved, but this task was still incomplete when the last volume to be published by the original publishing house, Burke's Peerage Ltd., appeared in 1970 with many serious errors hidden among its nearly 3,300 pages of tightly printed data.

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