Acknowledgements

Thank you to all who helped with this project: in particular to Cameron Archer for his support and insights; to my wife Lyn for constructive criticism; David Brouwer for editorial assistance; Thelma Bogan for proofreading (first edition); Tony Clift and Frank Uhr for valuable information and assistance regarding Eales' station on the Mary River; and members of the Paterson Historical Society for information and support.

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# Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
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<tbody>
<tr>
<td>BDM</td>
<td>NSW Register of Births, Deaths and Marriages</td>
</tr>
<tr>
<td>CoF</td>
<td>Certificate-of-freedom</td>
</tr>
<tr>
<td>CP</td>
<td>Conditional pardon</td>
</tr>
<tr>
<td>CS</td>
<td>New South Wales Colonial Secretary's Correspondence</td>
</tr>
<tr>
<td>NSWGG</td>
<td>New South Wales Government Gazette</td>
</tr>
<tr>
<td>PRO</td>
<td>Public Record Office, London</td>
</tr>
<tr>
<td>SRNSW</td>
<td>State Records, New South Wales</td>
</tr>
<tr>
<td>MM</td>
<td>Maitland Mercury and Hunter River General Advertiser</td>
</tr>
<tr>
<td>SG</td>
<td>Sydney Gazette and New South Wales Advertiser</td>
</tr>
<tr>
<td>SMH</td>
<td>Sydney Morning Herald</td>
</tr>
<tr>
<td>ToL</td>
<td>Ticket-of-leave</td>
</tr>
<tr>
<td>ToL PPT</td>
<td>Ticket-of-leave passport</td>
</tr>
</tbody>
</table>
**Timeline**

19 Aug 1823  arrived in Hobart Town on the *Francis*.
30 Aug 1823  arrived in Sydney on the *Competitor*.
7 Oct 1823  agreed to support 20 convicts and was granted land on the Hunter River near Maitland. He named his grant 'Berry Park'.
24 Oct 1823  convict burglar James Shaw (probably 'Jim-the-Londoner') assigned to John Eales.
28 Feb 1828  John Eales married Jane Lavers.
1828  20 convicts working for Eales.
21 June 1831  John Eales junior born.
1831  John Eales snr established his first squatting run 'Dury' on Quirindi Creek on the Liverpool Plains.
1837  27 convicts working for Eales.
1840  transportation of convicts to New South Wales suspended.
1840  the Hunter's River Steam Navigation Company formed with Eales as a principal shareholder.
1841  assignment of convicts to settlers ended.
1841  severe drought on Liverpool Plains. Eales sent about 20,000 sheep from there to the Darling Downs.
1842  Eales' superintendent explored the Wide Bay River (now the Mary River) and returned there with Eales' sheep from the Darling Downs.
1844  Eales' sheep brought back from Wide Bay to the Liverpool Plains where the drought had broken.
1848  Eales held 198,000 acres in squatting runs on the Liverpool Plains.
1852  purchased Duckenfield Park land adjoining Berry Park and began to build Duckenfield Park House.
1860  Eales held about 330,000 acres on the Liverpool Plains.
c1866  Eales sold his Liverpool Plains holdings.
1 April 1871  John Eales snr died.
John Eales’ convicts and ticket holders worked at his home base at Berry Park near Maitland. They also worked on his vast squatting runs on the Liverpool Plains and drove his sheep though the New England and across the Darling Downs to his runs at Wide Bay.
Introduction

This book is about the convict men and women who were assigned to John Eales at some stage during their sentence or who worked for him while holding a ticket-of-leave. Eales was a Hunter River settler who became one of the wealthiest men in New South Wales through his squatting and shipping enterprises. The book is about Eales' convicts rather than Eales himself but it must reveal something of their master in order to better understand what life was like for them.

Eales was a large, energetic man and a rogue who was unscrupulous in business and land acquisitions. He was a tough employer who was quick to withhold payment to workers if they damaged equipment or lost livestock. He was also prepared to defy the court when ordered to pay workers' entitlements if he thought otherwise. At the same time Eales provided glowing recommendations for loyal, hard-working convicts who sought government privileges such as a free passage for their wives and families to Australia. He even wrote to the wife of one of his illiterate convicts on the man's behalf.

The enormously wealthy Eales was a hands-on boss, adventurer and bushman – and for many of his convicts and ticket-of-leave employees it proved to be a wild ride in his charge. About 1850 Eales plied his men with grog and led them when they pulled down a neighbour's hut on a disputed squatting run on the Liverpool Plains at a time when the region was a lawless frontier. Although he contended they were sober, Eales did not deny the deed and later paid the price in court. In 1843 he visited the Wide Bay region in what is now Queensland when his stockmen and sheep were the sole European presence in the area and the Aborigines were waging war on them. Several of Eales' men lost their lives in this campaign.

The deeds, misdeeds and adventures of Eales' convict men and women represent more than local history. They bring to life significant aspects of Australia's convict history that have not been well understood or explored. Through these case studies we learn, for example, about the operation of the little-known Newcastle Female Factory and its role as a regional depot for the assignment of convict women sent there from the...
Female Factory at Parramatta. We learn of the ambiguous legal status of ticket-of-leave convicts who could be treated as free workers under the Masters and Servants Act or summarily punished as convicts, depending on the whim of the presiding magistrates.

We learn about the political spin surrounding the 'exiles' who were assigned to Eales – those convicts transported to New South Wales years after transportation had officially ended. Despite being lauded as a special case, the exiles proved no better than those who had come before. We also see how the convict system moulded itself to the labour needs of the expanding colony, as special passports were invented to allow ticket-of-leave men to work far outside their allocated districts, to tend Eales' sheep on vast squatting runs on the Liverpool Plains and take them across the Darling Downs to what is now the Mary River in Queensland.

Eales' convicts also remind us of the brutality of transportation, particularly for those who re-offended and were sent to one of the notorious places of secondary punishment operating at the time. An Eales' convict was banished to Norfolk Island for absconding and robbery in Maitland and whilst on the Island was forced to join a group of 16 men who seized a boat, escaped the settlement and were never seen again.

Finally, Eales' convicts remind us of the transformations that were a key part of our history – the countless young urban convicts who learnt new trades and rebuilt their lives while serving their sentences on rural estates in New South Wales. William Gleeson for example, a British soldier who was court martialed for mutiny in 1832, worked for Eales while holding a ticket-of-leave in the mid 1840s and gained the skills of a sawyer. Charles Fox, an 18 year-old 'tolerable boat builder' transported for house breaking in England in 1834 worked as a stockman on the Darling Downs for Eales in the 1840s.

Eales' convict men and women are the central subjects and masters of this book while Eales serves them by providing context when required.

<table>
<thead>
<tr>
<th>Details on individual convicts</th>
</tr>
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<tbody>
<tr>
<td>This book is based on a detailed study of the 142 convicts who are listed in appendix 1. Not all of them are mentioned in the text but details of all are available online at <a href="http://www.patersonriver.com.au/ealesconvicts">www.patersonriver.com.au/ealesconvicts</a></td>
</tr>
</tbody>
</table>
'Jim-the-Londoner' – muscle and myth

Legend says that John Eales arrived in New South Wales in 1823 with his free servant 'Jim-the-Londoner' and the two of them, being tall and strong young men, cleared Eales' 2,100 acre grant 'Berry Park' near Maitland. This version of events appears in most histories that mention Eales and he is often described as 'the one man settler'.1 Like many legends, on closer investigation it turns out to be part myth and part fact.

There is no archival evidence that Eales arrived with a free servant but the records show that 'Jim-the-Londoner' was probably a burglar named James Shaw who was the first convict to work for Eales. Shaw was assigned to Eales within weeks of Eales' land grant being approved in October 1823 and remained with him until at least November 1828.2

James Shaw was convicted of house-breaking in England in 1817 and arrived in the colony on the Neptune in 1818 at the age of 29 after his death sentence was commuted to transportation for life.3 His trade was variously described as boatman, navigator and road maker. He was very tall for his day, standing 5 foot ten inches or 178 cm at a time when the average height of adult male convicts was 167 cm.4 And he was no angel. Within months of his arrival in 1818 James Shaw was convicted in Sydney (offence unknown) and banished for one year to the penal settlement at Newcastle which had been established to punish convicts who re-offended in the colony.5

So the legend is partly based on fact – master and convict servant were young, tall and presumably strong. But did they clear the land by themselves? The answer is probably 'yes' for the first year and 'no' from then onwards when Eales was allocated more convicts. By November 1828 there were 20 convicts assigned to John Eales at Berry Park as well as two ticket-of-leave men and three free workers. Yet, until that year John Eales had few convict workers compared to similar estates.6 Apparently Eales preferred to develop Berry Park with a minimal work force until he married in February 1828.
The legend of the free servant 'Jim-the-Londoner' reminds us that earlier generations of Australians were uncomfortable about their convict past and dealt with it in various ways. Some families did not speak of convict ancestors, others sanitised their family histories through filtering or distortion of convict aspects. In previous times perhaps Jim the free immigrant was a more acceptable servant than Jim the burglar in the story of John Eales and his rise to wealth and prominence as a 'pioneer'.

Table 1: number of convicts assigned to John Eales.

<table>
<thead>
<tr>
<th>Year</th>
<th>1823</th>
<th>1824</th>
<th>1826</th>
<th>1827</th>
<th>1828</th>
<th>1837</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1</td>
<td>2</td>
<td>5</td>
<td>9</td>
<td>20</td>
<td>27</td>
</tr>
</tbody>
</table>

Table 1 shows that Eales' convict workforce ballooned in size from 1828 – he had 20 assigned convicts by November 1828 and 27 in 1837. Overall, from his arrival in 1823 until the 1850s John Eales probably employed up to 200 convicts and ticket-of-leave workers. Some remained in his service for many years, others were quickly replaced when Eales returned them to government as unsatisfactory or the courts sent them away for punishment. Due to gaps in the records, only 142 of these convict men and women have been identified and studied in detail (see the list of names in appendix 1).

When John Eales arrived in New South Wales in 1823 the policies regarding deployment of convicts had recently changed. In the early years of the colony most convicts were assigned to private service but by the end of Governor Macquarie's term of office in 1821 most male convicts were working for the government while convict women continued to be assigned to settlers. When Governor Brisbane took over in 1822 he overhauled the system to implement the findings of a recent two-year inquiry into the colony.

One of the inquiry's key recommendations was that the majority of convicts should once again be assigned to private service and that settlers should receive grants of land in proportion to the number of convicts they employed. The colony was to be developed by gentlemen of means with the help of cheap convict labour. Consequently

The legend of the 'one-man settler' is born

On 22 November 1831 the Sydney Gazette included the following in a report of a visit to the Hunter Valley:

One striking instance of what can be accomplished within a brief space of time, ought not to be omitted. A Mr. Eales, who, about six years ago, took up his grant on the immediate banks of the river, with means so slender that he was jocosely called "the one-man settler", has now some hundreds of acres cleared and cultivated, an elegant veranda-cottage and suitable out-buildings, and is at this time in the act of sending to market ten thousand bushels of maize, the produce of his last crop. For this splendid success he is indebted, not to capital, but to persevering industry. [emphasis added]

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Governor Brisbane required settlers to support one convict off the government stores for every 100 acres of land granted. At the same time he ordered the penal settlement at Newcastle to be closed and moved to Port Macquarie so that the Hunter Valley could be surveyed and opened for settlement.

When John Eales arrived in Sydney on the Competitor at the end of August 1823 and applied for a grant of land he was required to state the number of convicts he could support. On 7 October 1823 Eales advised the Colonial Secretary 'I can and will take if you think proper twenty with the usual indulgences'. The 'usual indulgence' was a grant of 100 acres for each convict. By agreeing to support 20 convicts Eales was able to choose 2,000 acres on the banks of the Hunter River near Wallis Plains, now Maitland. He called his grant 'Berry Park' and it was later surveyed at 2,100 acres.

Who were Eales' convicts?

Before revealing John Eales' convicts in detail in the ensuing chapters, it is worthwhile to note their broad characteristics and to ask if they were typical of the general population of convicts in the colony.

In New South Wales convict women were in the minority as 85 per cent of the colony's convicts were men. Eales was assigned nine convict women who comprised only six per cent of his 142 known convicts and ticket-of-leave workers. This was largely because Eales was not eligible to be assigned convict women while he was a bachelor. He married in 1828.

The convicts were mainly young and single. The average age of convicts in New South Wales was 26 but more than half were younger than this (the average is skewed by a small number of old convicts). Not surprising given their ages, three-quarters of the convict men and two-thirds of the women were single. Eales' 142 convicts were spot on average for both age and marital status compared to convicts in the colony as a whole.

Eales' youngest convict was William Thompson, an errand boy aged 15 who was convicted of stealing pies in London and transported for seven years, arriving in 1833. He was initially assigned to Carters Barracks, near present-day Central Station in Sydney, where a training institution for convict boys was housed. Later he served time in an iron gang and in solitary confinement in Newcastle Gaol before being assigned to John.
Eales in 1837. Eales' oldest at 62 years of age was William McKenzie, a nailer from Glasgow transported for 14 years for 'cutting and maiming'. He worked on Eales' squatting runs on the Liverpool Plains in the early 1840s while holding a ticket-of-leave.

Sixty per cent of the men and sixty-six per cent of the convict women in the colony had no previous convictions. The majority were convicted for theft and related crimes such as burglary and receiving stolen goods. Again, Eales' convicts are typical – two-thirds of them had no prior convictions and most were found guilty of crimes related to theft. There is a full list of their crimes in appendix 1. Other crimes of Eales' convicts included desertion from the British army, murder, manslaughter, rape, and issuing unlawful oaths (an act of insurrection in Ireland).

Three-quarters of the convicts in New South Wales were skilled or semi-skilled workers. The women were often trained servants, housemaids, kitchen hands, nurses, school mistresses or weavers. The men included shepherds, ploughmen, reapers, butchers, tailors, blacksmiths and bakers. Eales' convicts conformed to this general pattern. Some of his assigned convicts had useful farm skills while others arrived with urban skills and required retraining for rural work. These included a coalminer, a stocking maker, a glassblower and a 'tolerable boat builder'. Eales was also assigned a plain cook and a nurse girl. See appendix 1 for the complete list.

To summarise, the convicts were mainly young, single, working-class men and women who had been convicted of theft in Britain or Ireland. John Eales' convicts were typical of those in New South Wales generally in terms of age, marital status, origin, skills and crime, although Eales received fewer convict women than average because he was a bachelor until 1828.

The ensuing chapters explore the conditions under which John Eales' convicts lived and worked, along with their deeds, misdemeanours and adventures while assigned to John Eales and at other times during their sentences. The personal experiences of these convict men and women exhibit an extraordinary diversity and provide fascinating insights into the convict era in New South Wales.

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3 Bound Indents 4/4006, 65, SRNSW. Calendar of Felons, Yorkshire Summer Assizes 19 July 1817, York Archives.

* probably a nail maker.
5 List of prisoners sent to Newcastle, CS 4/3499, 27, SRNSW.
6 In 1827 for example, nine convicts were assigned to Eales compared to 23 assigned to James Webber on the Hunter Valley estate of Tocal. Tocal was larger but Eales was comparatively slow to take up convict labour – Brian Walsh, "Heartbreak and Hope, Deference and Defiance on the Yimmang: Tocal's convicts 1822-1840", Ph.D. thesis, University of Newcastle, 2007: 80.
7 For a general discussion of these issues see: Babette Smith, *Australia's Birthstain – The Startling Legacy of the Convict Era* (Sydney, 2008).
8 As at November 1824, 1826, 1827 and 1828. Based on assignment records and *Census of New South Wales 1828*. The 1837 Convict Muster of NSW indicates 17 convicts assigned to Eales but details from other records indicate 27 (the 1837 muster is notoriously incomplete).
10 Eales to CS 7 October 1823, CS In-letters 4/1834B, 601, SRNSW.
11 Strictly speaking the average age was 26 for the men and 27 for the women.
13 Bound Indents 4/4017, 247, SRNSW. Assignment to Carters Barracks per PRO HO10/30.
14 Newcastle Gaol Entrance Book 11 January 1837, 2/2005 SRNSW.
15 Bound Indents 4/4014, 208, SRNSW. ToL PPTs 40/84, 4 March 1840, 4/4239 and 41/198, 3 May 1841, 4/4242, SRNSW.
Huts, hoes and damper

Details of living and working conditions on Eales' 2,100 acre 'Berry Park' estate near Maitland are sketchy and we must draw on knowledge of similar estates to understand what it was like for John Eales' convicts. On large rural estates most convicts lived in crude timber huts, with four to eight men in each hut (sometimes there were more). The hut walls were usually constructed of wooden slabs, with a roof of bark or thatch. Sometimes the walls consisted of a mix of timber and clay, known as 'wattle and daub' or 'wattle and plaster'. There was an open fire place at one end for cooking, and rough bush furniture.

By 1829 on Berry Park there were two cottages valued at £900 in total, and a barn valued at £120. Eales stated in 1830 that 'the cottages and barn are of the best description of timber buildings, the cottages are plastered, board floors and shingle roofs'.¹ By then John Eales was married so he and his wife would have lived in one of the cottages, while the farm superintendent, George Barton, and his wife probably lived in the other.

This implies that most or all of the Berry Park workforce – in November 1828 comprising 20 convicts, two ticket-of-leave men and three free workers – probably lived in rough timber huts.² It is possible that some of the ticket holders and free workers lived off the estate but all of Eales' convicts would have lived on Berry Park in dwellings that he thought were not worth valuing in applications for additional land that required a statement of his assets.

A convict's diet was simple and monotonous, consisting mainly of wheat and meat. Beef, mutton or pork was eaten fresh in the days following slaughter but most was salted to preserve it for later use. Convicts ground their weekly issue of wheat into flour using a steel hand mill, a job usually undertaken on Sundays. They made the flour
into heavy 'cakes', now called dampers, that they baked in the embers of a fire and then often sliced and fried in pork fat.

Convicts often supplemented their diet with vegetables they grew themselves in plots near their huts, and on some properties they were supplied with vegetables from the estate's garden. Masters commonly issued tea, sugar, milk and tobacco as a reward and incentive to hard working convicts, and did not hesitate to withdraw these items if behaviour was unacceptable.

Convict lifestyle on rural estates was not as restrictive as some might think. On most farms convicts wore ordinary clothes, were not locked in at night and the men enjoyed some freedom in their spare time. They were not supposed to leave the farm without a pass but many masters turned a blind eye to nocturnal activities if it did not involve disorderly behaviour and provided convicts turned up on time and fit for work next morning. In 1850 Michael Hayes and James Power, who were ticket-of-leave holders employed by John Eales, were found in Morpeth without a pass and brought before the Maitland Bench which discharged them with a caution.

Convicts often had money to spend on alcohol and other items, as they could earn cash in their spare time by making sheep hurdles (portable wooden panels used by shepherds), repairing harness, breaking-in young bullocks and many other activities. Favourite convict pastimes were drinking, gambling and smoking. They also attended cockfights, prize fights (bare knuckle boxing matches), horse races and cricket matches when available in the district.

### Schedule of capital for Mr John Eales 26 July 1830

The list of capital supplied by John Eales in July 1830 when applying for an additional land grant provides a good indication of the activities at Berry Park, particularly as the estate was operated by a nearly all-convict workforce.

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 mare</td>
<td>£25</td>
</tr>
<tr>
<td>1 saddle horse</td>
<td>£25</td>
</tr>
<tr>
<td>2 colts</td>
<td>£30</td>
</tr>
<tr>
<td>400 ewes @ 10 shillings</td>
<td>£200</td>
</tr>
<tr>
<td>200 wethers @ 5 shillings</td>
<td>£50</td>
</tr>
<tr>
<td>400 lambs @ 5 shillings</td>
<td>£100</td>
</tr>
<tr>
<td>40 working bullocks @ £6</td>
<td>£240</td>
</tr>
<tr>
<td>360 cattle @ 25 shillings</td>
<td>£450</td>
</tr>
<tr>
<td>10,000 bu maize for market @ 2/6</td>
<td>£1,222</td>
</tr>
<tr>
<td>250 bu wheat</td>
<td>£87</td>
</tr>
<tr>
<td>600 bu barley</td>
<td>£75</td>
</tr>
<tr>
<td>2 cottages</td>
<td>£900</td>
</tr>
<tr>
<td>1 barn</td>
<td>£120</td>
</tr>
<tr>
<td>450 acres of land cleared</td>
<td>£1,575</td>
</tr>
<tr>
<td>6 miles of fencing</td>
<td>£240</td>
</tr>
<tr>
<td><strong>Total (land and buildings)</strong></td>
<td><strong>£2,835</strong></td>
</tr>
</tbody>
</table>

The Cottages and Barn are of the best description of timber buildings, the Cottages are Plastered, board floors and shingle roofs.
Convict women on rural estates usually worked in the master's house or the dairy. These duties placed them under close supervision with little time to socialise and relax compared to the convict men. Rose Sweeney who was a 'dairy woman' should have been a useful addition to Eales' workforce when assigned to him on arrival in 1829 under sentence of transportation for stealing a cow in Ireland. After eight months in his service, however, the Maitland Bench sent her back to the Parramatta Female Factory for repeated insolence.

Male convicts and free workers on rural estates performed a wide variety of jobs, many of which required hard physical labour. One of the first jobs was clearing the land so that crops could be planted. This involved felling trees and manhandling the timber into piles to be burnt. At Berry Park there would have been dense rainforest along the Hunter River that required enormous effort to clear, although there may have been a few naturally clearer patches.

By 1828 at Berry Park 210 acres had been cleared and 190 acres cultivated. By mid 1830 Eales claimed to have cleared 450 acres. Initially the stumps were left in the ground and convicts simply hoed or ploughed around them in order to plant the first crops. If a plough was used, it was pulled by bullocks rather than horses. Later the stumps were removed by a combination of digging and burning, the process being referred to as 'stumping'. Clearing, stumping and ploughing were ongoing jobs on rural estates as more land was brought into production over time.

Several of Eales' convicts already had ploughing skills when they landed in the colony. Patrick Bennett's trade was recorded as 'ploughs and shears' when he arrived in 1825 with a life sentence for murder in Limerick, Ireland. Bennett was
assigned to Eales by 1837. Similarly an Englishman named John Mitchell who was assigned to Eales from 1834 to 1841 could plough, milk and reap when he arrived in New South Wales in 1832 with a life sentence for stealing a knife.

Shearing in the late convict era. Note the sheep penned in wooden hurdles (painting by ST Gill).

In July 1830 there were 10,000 bushels of maize (corn) ready for market at Berry Park, and small quantities of wheat and barley. Convict duties included planting, weeding and harvesting the crops. Wheat and barley were harvested with a sickle and threshed by hand to dislodge the grain. From the mid 1830s a contractor with a portable threshing machine was operating in the district so it is possible that Eales' grain was threshed by machine from then on. The cobs of corn were collected and carted to a shed where they were husked and shelled to obtain the grain.

In 1830 there were 1,000 sheep and 360 cattle grazing on Berry Park and other areas leased by Eales. The sheep

Missing church was painful for convicts

James Rogers discovered that it was less painful to sit through a Sunday church service than to avoid it. He was a Yorkshire coalminer with a life sentence for housebreaking who arrived in the colony in 1833 and worked for John Eales on the Liverpool Plains in the 1840s while holding a ticket-of-leave. It was compulsory for male convicts and ticket holders to attend 'Divine Service' if one was held within three miles (five kilometres). In 1836 Rogers was based at Hyde Park Barracks in Sydney while working for the Mineral Surveyors Department. Here he received 36 lashes for being 'absent from Divine Service'.

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would have been divided into separate flocks with each flock tended by a convict shepherd who took his flock out to graze in unfenced pastures at sunrise and brought them back at sunset into temporary yards called 'folds' that were made by joining hurdles together.

The 'splitters' by ST Gill. The men are splitting posts, rails and slabs from tree trunks.

One of the most important tasks, particularly in the early years of the estate, was to erect buildings such as cottages, huts, barns, stables and farm sheds. Free labour was in short supply so most building activities were undertaken by assigned convicts, some of whom brought valuable skills with them. For example, John Eales' convicts included a slater and plasterer, a carpenter's apprentice and a cabinet maker's apprentice.

Other convicts learnt new skills on the job as they worked in timber, brick and stone. We don't know to what extent convicts contributed to building Eales' new residence, Berry Park house, that was completed about 1837 as a fine example of a colonial residence constructed in stone with a slate roof. There is some suggestion that Eales used English tradesmen on this project.13

The construction of wooden fences was another important job and the first priority was to fence cropping areas to keep livestock out. Pastures for sheep and cattle were rarely fenced in the convict era, and it was the job of convict shepherds and stockkeepers to stop their animals from straying onto neighbours' land.
Many convicts acquired timber-working skills while assigned to rural estates, as timber was in keen demand for buildings and fences. Convicts learnt how to fell trees and split them into fence posts and rails, and into slabs for the walls of huts and cottages. As estates developed there was a demand for sawn timber rather than roughly shaped slabs, so many convicts became skilled sawyers through on-the-job training, and were able to work in a sawpit breaking down logs into finished timber. One man, sometimes called the 'top dog', worked on the top while the other man, the 'under dog', stood in the pit below, each in turn pulling the saw backwards and forwards through the log.

Butchers were essential on rural estates as meat was one of the main components of the diet for all who lived there. Eales was fortunate that at least ten convict butchers and a butcher's boy were assigned to him at various times. One of his butchers was not a typical convict. William White was born in the then British Colony of Jamaica and acquired the trade of 'groom and butcher'. He was convicted of cattle stealing in Jamaica in 1835 and transported to New South Wales for life. The shipping records noted that he was 'a man of colour'. White was assigned to John Eales at some stage, possibly immediately on arrival in 1836, and was in Eales' service when he died in Newcastle Hospital in 1839 at the age of 26.

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1 Eales to CS 5 October 1829 and 26 July 1830 - CS letters received from individual relating to land 1826-c1860, 2/7850 SRNSW.
3 MM 24 April 1850, 2.
4 Walsh, *Voices from Tocal*, 57-72.
6 Bound Indents 4/4014, 158, SRNSW. Sydney Gaol Entrance Book 4/631, 325, SRNSW.
7 Walsh, *Voices from Tocal*, 35-56.
8 *Census of New South Wales 1828*. Eales to CS 5 October 1829 and 26 July 1830 - CS letters received from individual relating to land 1826-c1860, 2/7850 SRNSW.
9 There were only 2 saddle horses and 2 colts on Berry Park in 1830.
11 Bound Indents 4/4017, 6, SRNSW. Printed Indents X634, 37, SRNSW.
12 Clarke to Wilson, 1 May 1837 in Clerk of Peace, Depositions – Supreme Court, Paterson 2 May 1837, Rex vs Bernard Lyons and James Lemon 9/6309, SRNSW.
13 A primary document source would be needed to confirm this.
14 Printed Indents X638 & X639, 95, SRNSW.
15 Burials Register for Christ Church Cathedral (Newcastle), 5 November 1836, 2.
Hannah and the Female Factories

The short and feisty Hannah Quigley, all four feet eleven or 150cm of her, was one of the ringleaders who stormed the gates of the Parramatta Female Factory and threw rocks at the constables and soldiers when they arrived to quell the riot.¹ Before the situation could be brought under control the women seized the source of their grievances, the superintendent Mrs Gordon, and closely cropped her hair in retribution for the treatment she had meted out to them.²

At the time of the riot, in February 1831, Hannah was serving time yet again in the third class section of the Factory, the section established to punish convict women who committed more serious misdemeanours in the colony. The women in the third class had their heads shaved, received poorer quality rations and clothing than the other women in the Factory and were forced to cart and break stone brought in for the purpose. (The second class was for pregnant and nursing mothers and those who committed minor offences, while the first class was for convict women who were suitable for placement in private assignment).³

Hannah, who would later be assigned to John Eales at Berry Park, had previous experience of riotous behaviour although the extent of her involvement in the first incident is not known. In June 1827, while waiting to embark on the ship Elizabeth under sentence of seven years transportation for robbing a person, Hannah and her would-be shipmates had formed themselves into two rival gangs, the 'Dublin Women' and the 'Munster Women'. According to reports the two gangs engaged in a violent confrontation. In the process they broke every pane of glass in the Female Convict Depot in Cork, Ireland, and attacked the guards with stones, wounding several of them. The Dublin faction was then moved to the City Gaol to avoid further trouble.
Incredibly the two factions were transported together on the *Elizabeth* which arrived in Sydney in January 1828.

Now, in February 1831, Hannah and 37 others involved in the Parramatta Female Factory riot were sentenced to three years at Newcastle. This may appear somewhat strange given that the penal settlement there had closed at the end of 1822 and the town was no longer a place where convicts were sent for further offences. Nevertheless in 1830 authorities looked to Newcastle once again as a place to send incorrigible women. And so Hannah and her partners in riot were sent to the 'Newcastle Gaol and Female Factory', an imposing two-storey stone edifice near the waterfront in town. They arrived there on 5 March 1831.

Due to overcrowding and not enough cells in the Newcastle Factory, all 38 rioters were released into private service between August and December that year, an outcome that would have horrified those who sentenced them to three years. Hannah was assigned to John Eales of Berry Park on 22 August 1831. Through circumstance Hannah had enjoyed a similar fate to those well-behaved women in the first or assignable class of the Parramatta Factory. She was now in private service, one of nine female convicts assigned to John Eales between 1828 and 1841 (see details in table 2 below):

**Table 2: convict women assigned to John Eales at Berry Park.**

<table>
<thead>
<tr>
<th>Name</th>
<th>Ship, year arrive</th>
<th>Age</th>
<th>Crime</th>
<th>Sent.</th>
<th>Trade</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allen, Martha</td>
<td>Mary, 1835</td>
<td>40</td>
<td>stealing knife</td>
<td>7 yrs</td>
<td>all work, cook, maid</td>
</tr>
<tr>
<td>Collins, Mary</td>
<td>Burrell, 1832</td>
<td>22</td>
<td>shoplifting</td>
<td>7 yrs</td>
<td>kitchen, house maid</td>
</tr>
<tr>
<td>Connolly, Susan</td>
<td>Pyramus, 1836</td>
<td>18</td>
<td>stealing money</td>
<td>7 yrs</td>
<td>nurse &amp; house maid</td>
</tr>
<tr>
<td>Irwin, Mary</td>
<td>Buffalo, 1833</td>
<td>26</td>
<td>stealing butter</td>
<td>14 yrs</td>
<td>servant in public hse</td>
</tr>
<tr>
<td>Leopard, Charlotte</td>
<td>Grenada, 1825</td>
<td>30</td>
<td>larceny</td>
<td>14 yrs</td>
<td>house maid</td>
</tr>
<tr>
<td>Patterson, Eliza</td>
<td>Burrell, 1832</td>
<td>20</td>
<td>stealing a purse</td>
<td>7 yrs</td>
<td>house maid, all work</td>
</tr>
<tr>
<td>Quigley, Hannah</td>
<td>Elizabeth, 1828</td>
<td>18</td>
<td>robbing person</td>
<td>7 yrs</td>
<td>nurse girl</td>
</tr>
<tr>
<td>Roberts, Ann</td>
<td>Surrey, 1840</td>
<td>18</td>
<td>picking pockets</td>
<td>10 yrs</td>
<td>child's maid</td>
</tr>
<tr>
<td>Sweeney, Rose</td>
<td>Edward, 1829</td>
<td>26</td>
<td>stealing cow</td>
<td>7 yrs</td>
<td>dairy woman</td>
</tr>
</tbody>
</table>
Women accounted for only 15 per cent of convicts sent to New South Wales. Nearly one third of the women were aged between 20 and 24, and over 80 per cent were aged between 15 and 34. Just over half the women were Irish, one third were English and five per cent were Scottish. Ninety four per cent were convicted of theft-related crimes such as breaking, picking pockets, receiving, robbery, shoplifting and stealing. The most popular categories of goods that these women stole were clothes and fabric, money, jewellery and household items. Theft of food and animals accounted for only nine per cent of their convictions.

The assignment process for convict women was different from that for men. In New South Wales for the first two decades convict women were indiscriminately allocated to free men as servants and, in many cases, as sexual partners. In 1810 Governor Macquarie discontinued the 'shameful practice' of the indiscriminate allocation of convict women and from 1812 he tried to ensure that female convicts were assigned only to married settlers.

Most convict women arrived in New South Wales in the 1820s and 1830s, with fewer arrivals before then. The methods of placement of convict women varied over time but typically from the late 1820s women were assigned to private service within a few days of their arrival in Sydney. The skills of the newly arrived convict women were sometimes advertised in the *Sydney Gazette* and 'respectable' masters or mistresses invited to apply for them. Bachelors were not considered suitable, and settlers with less than 320 acres of land were required to obtain a testimonial from the local magistrate to establish their 'moral character' and suitability to receive female convicts. By 1828 John Eales was eligible on both counts – he married in that year and his initial land grant, Berry Park, comprised 2,100 acres.

If not assigned from the docks, new arrivals were sent to the first class section of the Parramatta Female Factory to await placement. From there they were either assigned to private service or they married. While assigned they mainly worked indoors where they cooked, cleaned, washed, ironed, minded children and ran errands. On rural estates some also milked cows, separated cream and churned butter. Women in the
female factories did have the right to veto marriage requests but acceptance was a quick way to obtain a ticket-of-leave which provided exemption from compulsory work for the government or private masters.

The assignment of female convicts to settlers in the Hunter Valley was initially undertaken from the Parramatta Female Factory but in the 1830s groups of newly arrived convict women were sent directly to the Newcastle Gaol and Female Factory for placement with settlers. The operation of the Newcastle Female Factory is not widely known so it is worthwhile to outline its history and operation before returning to details of convict women assigned to John Eales.

The Newcastle Gaol was built in 1818 and the function of Female Factory added to its operations in 1831 when Hannah Quigley and her 37 associates were sent there following the riot at Parramatta. Punishment was not the only reason that convict women were sent to Newcastle. From 1832 women were sent there from the first class section of the Parramatta Factory for the express purpose of assignment, and in the following years several groups of women were sent to the Newcastle Factory for assignment from convict transport ships that had recently berthed in Sydney.

Newcastle East as photographed on a postcard in 1870. The Newcastle Gaol and Female Factory is the two-storey building near the waterfront at the far right.

The Newcastle Female Factory therefore served two purposes – for the punishment of convict women who had re-offended, and as a distribution depot for the assignment of convict women to settlers in the Hunter Valley. It is from this latter function that John Eales received most of the convict women assigned to him. The 'Newcastle Gaol and Female Factory' operated from 1831 to 1846. 'A matron assisted by a male turnkey supervised the female prisoners. There were nine sleeping wards and five airing [exercise] yards, of which three were for the women, but there were no workrooms.\(^\text{12}\) Despite the lack of workrooms, some of the women were occupied spinning wool.\(^\text{13}\)

The Newcastle Female Factory was not particularly effective as a place of punishment. Convict women who had absconded from their places of assignment or refused to work
or were insolent to their masters (or mistresses) were often ordered by a magistrate to be returned to the Factory and to serve a period in solitary confinement of between 7 and 28 days. The regulations required women going into 'solitary' to have their hair shaved or cut short. Due to the small number of cells available, authorities at Newcastle resorted to placing two women in each 'solitary' cell, and hair cutting was not widely practiced there. The women in 'solitary' at Newcastle also seemed to have avoided the regulation ration of bread and water and they ate as well as any in the Factory.  

When women were sent back to the Factory from assignment, the return trip could be an adventure in itself as they were escorted by a police constable who was often himself a convict holding a ticket-of-leave. One of these was Richard Hughes, still serving a life sentence for burglary but granted a ticket-of-leave in 1832 and appointed a police constable in 1833. In October 1834 Hughes appeared before the Newcastle Bench charged with allowing four female prisoners to get drunk while he was escorting them from Maitland to Newcastle under sentence to solitary confinement. The Bench complained that it was not the first time Hughes had brought convict women to the Factory drunk, and on one occasion he kept a woman out all night in Newcastle and brought her to the factory the following morning. 'He repeatedly encouraged drunkenness in women placed under his charge'. Surprisingly, Hughes kept his job until resigning just over a year later.

All the convict women assigned to John Eales had first-hand experience of relocation under escort. Not one of them stayed with their first master for the term of their sentence and all were returned to the Newcastle or Parramatta Factories at least once, usually after being found guilty of various offences by the court.

Martha Allen, for example, was assigned to a Mr Kemp in Newcastle soon after her arrival in Sydney. After only two months in his service at Newcastle Martha slipped out the back door of Kemp's house one evening to visit a soldier but was seen by a town watchman who followed her and found her at the military barracks. Martha spent 14 days in the cells at Newcastle and was returned to Kemp. A few months later while still in his service she was charged with drunkenness and refusing to work, for which she was sentenced to 21 days in the cells and then returned to government.

Martha, whose trade was recorded as 'all work, plain cook, laundry maid', was not sent back to Sydney but reassigned to John Eales three months after serving her time in the cells at Newcastle for an unknown offence. On two counts Martha's experience is typical of the wider experience of convict women assigned in the Hunter Valley. First, once in the Valley women were not usually sent back to Parramatta but were reassigned from the Newcastle Factory. Second, a high proportion of women left their first assignment. While they could not resign they had their own ways of 'giving notice', such as refusing to work, walking out or being insolent.
In some ways assignment was more difficult for women than for men. Unlike the men, convict women usually lived in their master's house or nearby, and worked long hours under close supervision tending the master's household and children. This left little opportunity for recreation activities and posed more of a temptation to absent themselves in order to socialise and relax.

While many women 'gave notice' to their first masters, most stuck with subsequent assignments. According to a detailed study, two thirds of convict women in the Hunter Valley had no more than two masters and just over half had no convictions or only one minor offence recorded against them while assigned. In Martha's case, there is no further evidence of trouble and she probably remained with Eales until she received her certificate-of-freedom in 1842.

In 1832 kitchen and house maid Mary Collins was first assigned to Mrs Lang at Paterson River where she lasted only two months before being reassigned to John Eales. No evidence of a misdemeanour has been found so perhaps Mrs Lang terminated the arrangement and sent Mary back to the Newcastle Factory for reassignment. Less than a year later, in 1833, Eales also apparently sent her packing and this time she was returned to the first class section of the Parramatta Factory, indicating the return was not due to misbehaviour. From here she escaped further penal servitude by marrying James Greenwood that same year.

Mary Irwin who prior to transportation was 'a servant in a public house' gave notice to John Eales by absconding from his service in 1834, for which she received 28 days in the third class section of the factory, followed by a similar term there a few months later. Like Mary Collins, Mary Irwin removed herself from the penal system by marrying the following year.

Several other women fell foul of the law while assigned to John Eales. Charlotte Leopard was charged with disorderly conduct while under his charge, Eliza Patterson ran away from Eales' service, and Rose Sweeney was repeatedly insolent.

An exception to this pattern was Hannah Quigley, the woman who was relocated to Newcastle after rioting at the Parramatta Factory. Prior to being assigned to John Eales her track record under previous masters included stealing flour, insolence, drunkenness and assault, and being labelled as an 'incorrigible runaway'. Hannah apparently knuckled down once assigned to John Eales and there is no record of misconduct during her time in his household. She remained there for nearly 12 months until she married William Johnson in Newcastle in July 1832.

Hannah received her certificate-of-freedom in August 1834 when her seven year sentence expired and had only one offence recorded against her until December 1838 when her life appears to have unravelled. From then until 1842 she made at least 20 court appearances and spent various periods in Sydney Gaol for offences including drunkenness, idleness and disorderly conduct.
Hannah’s time as a convict and as an emancipist was more turbulent and troubled than most. For the majority of women assigned to John Eales we see ‘the actions of determined, opportunistic, self-interested working-class women making the best of their situations’.31

1 Bound Indents 4/4013, 44, SRNSW. Sydney Monitor 5 February 1831, 3.
2 Joy Damousi, Depraved and Disorderly – Female Convicts, Sexuality and Gender in Colonial Australia (Cambridge, 1997): 89.
5 Hendriksen and Liston, Women Transported, 47.
6 Newcastle Gaol Entrance Book 1829-1833, 2/2003 SRNSW. The total of 38 women rioters sent to Newcastle is at odds with secondary sources. The Gaol Entrance Book confirms 38.
8 For a profile of women transported to New South Wales see: Oxley, Convict Maids, 253-273.
9 Daniels, Convict Women, 77.
12 Hendriksen and Liston, Women Transported, 47.
13 Hendriksen and Liston, Women Transported, 24.
15 Bound Indents 4/4008, 135, SRNSW. ToL 32/1138, 15 December 1832, 4/4086, SRNSW. Police Office Paterson to CS 7 February 1833, 33/1198 in 4/2204.3, SRNSW.
16 Newcastle Bench Book 22 October 1834 SZ80, 387, SRNSW. NSWGG 4 Nov 1835, 783.
17 Newcastle Bench Book 1 December 1835 and 4 March 1836, 4/5608 SRNSW.
18 Newcastle Gaol Entrance Book, assigned to Eales 30 July 1836, 2/2005 SRNSW. See also NG Butlin, CW Cromwell and KL Suthern (eds), General Return of Convicts in New South Wales 1837 (Sydney, 1987).
20 CoF 42/2119, 10 December 1842, SRNSW 4/4378.
21 NSWGG 24 October 1832, 359 and 19 December 1832, 476.
22 Sydney Gaol Entrance Book 18 March 1833, SRNSW 4/6434.
23 Marriage to James Greenfield, NSW BDM, V1833243 17/1833.
24 Bound Indents 4/4018, 72, SRNSW. Printed Indents X635, 237, SRNSW. NSWGG 9 April 1834, 214. Sydney Gaol Entrance Book 7 April 1834, 4/6434 SRNSW. Sydney Gaol Entrance Book 27 August 1834, 4/6435 SRNSW.
25 Marriage to Michael Hart, NSW BDM, V18351208 19/1835.
26 Sydney Gaol Entrance Book 25 May 1829, 4/6431, 201, SRNSW. NSWGG 31 July 1833, 294. Sydney Gaol Entrance Book 6 December 1829, 4/6431, 325, SRNSW.
27 Sydney Gaol Entrance Book 9 August 1828, 10 November 1828, 4/6430, 303, SRNSW. Sydney Gaol Entrance Book 28 June 1829, 21 Dec 1829, 3 August 1830, 4/6431, 281, SRNSW.
28 Marriage to William Johnson, NSW BDM V18321198 16/1832.
29 CoF 34/1087, 30 August 1834, 4/4323, SRNSW.
30 For these numerous court appearance see the Sydney Gaol Entrance Books for this period, also: Voytas, Elizabeth 1828, 332-333.
Letter from James Wooll to his wife who had just arrived in Sydney. See transcript on next page. The letter is in John Eales' handwriting.
My dear wife

On 27 September 1831 the ship Hooghly carrying 184 convict women dropped anchor in Sydney harbour after a relatively quick passage of 95 days from Cork, Ireland. Also onboard was Mary Wool, a free Irish woman who had migrated from Cloyne in County Cork with her six children. The Hooghly's arrival was bittersweet for Mary. She was no doubt eagerly awaiting reunion with her husband James whom she had not seen for seven years since he was transported from Cork in 1824 with a life sentence for uttering forged notes. He had been in the colony from 1825, assigned initially to a Mr Duguid and then to John Eales from June 1826. Dampening the excitement of the reunion was the loss of their eldest daughter Mary, aged about 21, during the voyage to Australia. Only five of the six children would see their father again.

When news of the Hooghly's arrival reached the Hunter Valley, John Eales wrote to the Colonial Secretary recommending that James Wool be assigned to his wife. In the same handwriting Eales penned the following letter on behalf of his well behaved but apparently illiterate convict servant James Wool:

Swan Reach 10 October 1831

My Dear Wife

I am happy to hear of your arrival in the colony. I hope you and our dear children are all well. Mr Eales my master has been kind enough to give his consent for me to be assigned to you provided it meets with the approbation of the Government. You will therefore take the enclosed certificate to the secretary office and get me transferred and send it down on Friday next and then I shall have the pleasure of being with you on Wednesday next

I pray my dear wife

Yours very affect

James Wool

Based on James Wool's unblemished record in the colony, the Governor approved Wool's assignment to his wife. Accordingly Wool received a ticket-of-exemption-from-government-labour that allowed him to live with his wife and five children and obtain employment wherever he could. A ticket-of-exemption was similar to a ticket-of-leave – both documents dispensed with the obligation of the holder to work for
government or be assigned to a particular settler, but the ticket-of-exemption carried more specific conditions, in this case that he reside with his wife.

Twenty-eight per cent of John Eales' convicts were recorded as being married when they arrived in New South Wales, and a further eight per cent were widowed. This is similar to the portion for the whole of the colony where one-quarter of the convict men and one-third of the women were married prior to transportation. As seen in James Wool's case, the forced separation from family was not necessarily permanent. As an incentive for good behaviour, convicts who had served part of their sentence could apply for free passage for their wives and children to join them in New South Wales. Four of Eales' convicts, including James Wool, are known to have applied.5

Approval for free family passage was not automatic. Thomas Connors, who later worked for John Eales while holding a ticket-of-leave, arrived in the colony in 1823 and applied in 1825 for his family to be sent out at government expense. Connors said in his application that he 'was not guilty of any crime or misdemeanour since his arrival' but behaviour records were always closely scrutinised before applications were considered. It turns out Connors had not been truthful in his application – in 1824 he had received 75 lashes for neglect of duty and insolence while assigned at Bathurst.6

Needless to say Connor's application was unsuccessful and he had probably wasted several shillings, which was the usual fee convicts paid to memo writers to draw up their applications, or 'petitions' as they were called. The memo writers were usually well educated convicts who earned a lucrative income from writing petitions for fellow convicts. Each petition followed a fairly set structure and was formal in its language and expression.

Overall about one-sixth of married convicts took advantage of the scheme for family reunion. Most discovered, however, that the refusal by families of convicts to emigrate was the typical response to the offer of a free passage to the Australian colonies.7 This is understandable given that many years usually elapsed between transportation and offer of a free passage, during which time the spouse back home adapted to the new circumstances and got on with life. As the years passed, an invitation to uproot the family and travel to a penal colony on the other side of the world to be with a spouse not seen for a long time was a difficult offer to accept.

Only about 20 per cent of male convicts in New South Wales married during the 1820s and 1830s because of a gender imbalance – in 1820 there were nine males for every female in the colony and by 1828 the ratio was four to one.8 About 10 per cent of adult males cohabitated with female partners in the colony but this was as high as 25 per cent among convict couples from 1828 to the end of the 1830s.9

It was more difficult for married men to find employment, particularly in the nineteenth century pastoral economy where squatters and overseers preferred labourers without encumbrances. In this economy, bachelor bands of shearsers, drovers, farm-
hands and stockmen went wherever work could be found. Because of this and the shortage of females, a high proportion of convict men remained single.

Couples required government permission to marry if one of them was still serving their sentence as a convict or was holding a ticket-of-leave. Permission was routinely given provided the shipping records indicated the convict was not married at the time of arrival in the colony. For example, the shipping records show that Hugh Duffey was a widow when he arrived in Sydney with a life sentence in 1828. Later, in 1842, while working for John Eales as a ticket-of-leave man, Duffey applied for permission to marry Ellen Connelly at East Maitland. Permission was given and they were married in due course. Similarly John Mepsted was working for Eales on a ticket-of-leave when he applied to marry Mary Low in 1844. The application was made through the Rev. Jennings-Smith at Paterson, government permission was given and they were married the same year.

Convicts could not obtain permission to marry if they were recorded 'in the books' as married on arrival in the colony. In 1826, before being assigned to John Eales, Charlotte Leopard was refused permission to marry at Richmond because the records indicated she had a husband back in London.

For convict women, marriage provided the opportunity to obtain an early release from their sentence. Hannah Quigley, who featured in the previous chapter for her involvement in a riot at the Parramatta Female Factory, effectively ended her assignment to John Eales after 11 months in his service by marrying William Johnson in Newcastle with government permission. Mary Irwin, who was serving a 14 year sentence, absconded from Eales’ service in April 1834 and was sent to the third class section of the Parramatta Female Factory as punishment. She obtained an early release from the Factory by marrying Michael Hart at Liverpool in 1835 with permission.

Convicts who received permission to marry often did not follow it through with an actual marriage, the desire apparently faltering between application and altar. This applied to several of John Eales' convicts. A short time before being assigned to John Eales in 1832, Mary Collins received permission to marry Peter Bowers but did not do so, instead marrying James Greenfield with permission the following year. Another Eales' convict, Susan Connelly, obtained permission to marry Charles Chapman at Maitland in 1840 but instead married William Greaves at East Maitland the following year.

Eales' assignee Ann Roberts had to apply twice in 1841 for permission to marry the same person. Her first application was refused because she was serving a short sentence in Newcastle Gaol and 'a certificate from the visiting Justice to the effect that he is not aware of any impediment to the intended marriage taking place must be produced'. With her sentence served, Roberts again applied and this time received permission to marry John Walters, which she duly did in Newcastle.
In 1829 George Barton who was then John Eales' overseer, thought he had beaten the system by telling the Rev. Wilkinson at Newcastle that he was a free man who wished to marry a young immigrant named Catherine McNamarra. The couple also told Catherine's parents that George was a free man. Reverend Wilkinson duly published the marriage banns and married the supposedly free couple at Newcastle. The fabrication unravelled when Barton's new bride applied for a ticket-of-exemption-from-government-labour so he could be assigned to her. It was discovered that Barton was still serving a life sentence for highway robbery and had married without government permission.

The Rev. Wilkinson explained to the Colonial Secretary that Barton had told him he was a free man and so he had married the couple without seeking permission. Catherine's application for her husband to be assigned to her was refused, with a notation 'cannot be allowed, nor is any indulgence to be granted in consequence of doubtful character by him [Barton]'.

If convict women were prepared to accept a marriage proposal based on first appearances they could easily find marriage partners due to the shortage of their gender in the colony – in fact men commonly travelled to the female factories at Parramatta and Newcastle to seek out a bride. On the other hand, if women wanted a more considered choice it was difficult to pursue pre-marital relationships because they usually lived in their master's house or nearby, and worked long hours under close supervision. This left little opportunity for recreation activities where relationships might start or blossom.

Martha Allen, who would later be assigned to John Eales, found this out the hard way. In December 1835 while assigned to a Mr Kemp in Newcastle she became friendly with a soldier stationed there. One evening she slipped away from Kemp's house to visit the soldier but was seen by a zealous town watchman. The barracks were searched and Martha was arrested, charged and sentenced to 14 days in the cells for being absent after hours and disorderly conduct. While she was in gaol the soldier went there several times to inquire after her. Such were the realities of convict courtship.

2 The loss of the eldest daughter on the passage out is mentioned in a letter, Allman to CS 30 September 1832, in-letter 32/7339 in 4/2156, SRNSW.
3 Letters from John Eales and James Wool appended to letter from Principal Superintendent of Convicts to CS 24 October 1831, in-letter 31/8676 in 4/2119, SRNSW.
4 Ticket of Exemption from Government Labour 31/165, 4/4285 and 4/4062 SRNSW.
5 The other three were Thomas Connors, John McCarthy and James Shorthouse.
6 CS October 1824, 4/6671, 127. CS November 1825, 4/1112.1A, 68-70, SRNSW.
7 Alan Brooke and David Brandon, *Bound for Botany Bay – British Convict Voyages to Australia* (Kew, 2003), 87.


10 Register of Convict Permissions to Marry, SRNSW. Marriage of Hugh Duffey to Ellen Connelly, NSW BDM V18422687 93/1842.

11 Register of Convict Permissions to Marry, SRNSW. Marriage of John Mepsted to Mary A Low, NSW BDM V1844593 29/1844, indexed as Mapstead.

12 Register of Convict Permissions to Marry, SRNSW. Marriage of Hannah Quigley to William Johnson, NSW BDM V18321198 16/1832.

13 Register of Convict Permissions to Marry, SRNSW. Marriage of Mary Irwin to Michael Hart, NSW BDM V18351208 19/1835.

14 Register of Convict Permissions to Marry, SRNSW. Marriage of Mary Collins to James Greenfield, NSW BDM V1833243 17/1833.

15 Register of Convict Permissions to Marry, SRNSW. Marriage of Susan Connolly to William Greaves, NSW BDM V1841542 25c/1841.

16 Register of Convict Permissions to Marry, SRNSW. Marriage of Ann Roberts to John Walters, NSW BDM V1841535 25c/1841.

17 Harrington to Hely 8 January 1830, CS 30/23 in 4/3669, SRNSW.

18 Wilkinson to CS 28 December 1829, CS in-letter 29/10161, and associated notation, SRNSW.

19 Magistrates Bench Books, Newcastle, 1 December 1835, 4/5608 SRNSW.
Great and small escapes

William McLaren was not a typical convict on several counts. First, he was a Scot and they comprised only five per cent of the convict population in New South Wales. Second, he was one of the last ticket-of-leave holders to work for John Eales – he drove stock for Eales between Scone and the Barwon River in 1850 and 1851, more than a decade after transportation to the colony was suspended and at a time when the convict era was becoming a memory. Third, he took far longer than most – 26 years in fact – to gain his freedom; he arrived in New South Wales in 1826 with a life sentence for shop stealing and gained a conditional pardon in November 1852.

Above all, McLaren stood out because he managed a feat few others could match – he escaped from the colony. It was common for convicts to abscond while assigned to rural estates but most were recaptured within a few days. Not so William McLaren. Aged 17 when he landed in Sydney in 1826, this cabinet maker's apprentice was sent to Port Macquarie in 1829 to work in the Commissariat Store but was returned to Sydney in mid 1830 and put to work in a government road gang. In 1831 he made his great escape – he absconded from his gang and, posing as a free immigrant named William Murray, sailed from Sydney on the whaling ship *Mary Jane*, presumably as part of the crew. When the captain of the whaler became suspicious that Murray was a runaway he offloaded him into government hands at Norfolk Island. McLaren alias Murray was returned to Sydney where he was identified and held on the *Phoenix* hulk moored in Sydney Harbour to await trial for escaping the colony.

Incredibly, while being escorted from the Hulk to Hyde Park Barracks to face court McLaren escaped again, and a £5 reward for his recapture was posted on the front page of the *Sydney Gazette*. This time he was captured within days and sent to the brutal passage on the *Phoenix* before being tried and transported to Norfolk Island.

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Sydney Gazette 14 May 1831. Years later McLaren worked for John Eales as a drover.
penal settlement on Norfolk Island for three years. He served his time there and returned to the mainland where further short absences and abscondings earned him gaol time and 50 lashes. In 1840, older but not much wiser he gained a ticket-of-leave for the Maitland district only to lose it for two years in 1845 when sent to Cockatoo Island on suspicion of horse stealing.

McLaren was not the only Eales convict to escape the colony. William Woods, a fisherman's boy from Kent, was assigned to John Eales after arriving in Sydney in 1828 with a seven year sentence for stealing two pigs. In 1830 he absconded from Eales' estate and when arrested was found with Eales' property in his possession including wheat, maize and 'a great quantity of beef'. At Maitland Court John Eales stated 'I lately lost one of my working bullocks, another bullock was lately found killed'. Woods was sentenced to three years on Norfolk Island for absconding and robbery. He arrived there in October 1830 but his great escape did not occur until near the end of his sentence in 1833.

On 29 May 1833 two government vessels were standing off the island, unloading their cargoes when a group of convicts seized the settlement's launch, rowed out to one of
the tenders carrying cargo ashore, overpowered its crew, took a quantity of maize and then cut up the bags to make sails. The *Australian* takes up the story as they departed in the launch:\(^{11}\)

There being a perfect calm at the time, the fugitives, sixteen in number, double banked their oars, and pulled away to the eastward, in sight of the two Government vessels, who had not the means to prevent them ... it must be observed, in justice to two of the number, viz. William Woods and John Bailey, that they were pressed against their will; the former whose term of banishment to Norfolk Island has nearly expired, being a sail maker, and his services therefore, considered indispensable, and the latter from his known usefulness as an experienced seaman.

The unfortunate William Woods was forced to join the escape when his time on Norfolk Island was nearly complete. As soon as a breeze sprang up the government vessels went in pursuit, one of them going as far as New Zealand. The 16 men were never found and authorities claimed they probably perished in the severe storms that were in the area at the time.\(^{12}\) Was this correct or was it an embarrassed colonial government trying to save face and discourage other such attempts? Is it possible the 16 men made it to a Pacific island and their descendants are alive today?

McLaren and Woods are extreme cases – the experiences for most of Eales' convicts were more mundane and their escapes far less dramatic. Convicts on rural estates were not usually locked in at night so absconding, or simply walking off the farm, was the most common convict misdemeanour. A first offence was usually punished with 25 or 50 lashes ordered by the local magistrate. Other common reasons for a flogging were refusal to work, disobedience, neglect of work, disrespect for the master, drunkenness and petty theft. For example, John McLaughlin received 50 lashes for petty theft while assigned to John Eales and a few months later seven days in the cells for absenting himself.\(^{13}\)

Repeat absconders soon found themselves working in irons in a government gang. John Mepsted absconded from John Eales' service in 1829 and was sentenced to an iron gang. When he absconded from his iron gang he was sentenced to three years at Moreton Bay which was a penal settlement for repeat offenders.\(^{14}\) Such were the levels of
punishment within the convict system: starting with a flogging, then time in an iron gang, then for more serious offences or repeated misdemeanours time at a penal settlement.

In general about half the convicts were reliable, cooperative workers who were seldom punished and remained in private assignment for most or all of their sentences. This portion provided a stable and productive workforce. The other half were frequently punished and often re-assigned to government gangs or to other settlers. Consequently about half the convicts in private service were forced to leave the estate to which they were assigned because they were sentenced to an iron gang or penal settlement for punishment, or were returned to government as unsatisfactory.\footnote{15} Overall, about one-quarter of the convicts in New South Wales were punished by being sent to an iron gang or a penal settlement or both.\footnote{16}

**Table 3: Eales' convicts who served time at a penal settlement.\footnote{17}**

<table>
<thead>
<tr>
<th>Name</th>
<th>Offence</th>
<th>Year</th>
<th>Place</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>A'Court, Nath'l</td>
<td>misbehave on voyage to NSW</td>
<td>1834</td>
<td>Goat Island</td>
<td>3 years</td>
</tr>
<tr>
<td>Byrne, John</td>
<td>absconding and robbery</td>
<td>1830</td>
<td>Norfolk Island</td>
<td>3 years</td>
</tr>
<tr>
<td>Corrigan, Paul</td>
<td>stealing tobacco</td>
<td>1821</td>
<td>Newcastle</td>
<td>3 years</td>
</tr>
<tr>
<td>Forrester, James</td>
<td>stealing a horse</td>
<td>1848</td>
<td>Cockatoo Island</td>
<td>5 years</td>
</tr>
<tr>
<td>Ginnan, Thomas</td>
<td>cattle stealing</td>
<td>1833</td>
<td>Norfolk Island</td>
<td>life</td>
</tr>
<tr>
<td>Gleson, William</td>
<td>murder</td>
<td>1850</td>
<td>Cockatoo Island</td>
<td>15 years</td>
</tr>
<tr>
<td>Holiham, John</td>
<td>unknown</td>
<td>1818</td>
<td>Newcastle</td>
<td>1 year</td>
</tr>
<tr>
<td>Holiham, John</td>
<td>unknown</td>
<td>1821</td>
<td>Newcastle</td>
<td>2 years</td>
</tr>
<tr>
<td>Jatson, George</td>
<td>larceny</td>
<td>1839</td>
<td>Norfolk Island</td>
<td>7 years</td>
</tr>
<tr>
<td>Jenkins, William</td>
<td>unknown</td>
<td>1843</td>
<td>Cockatoo Island</td>
<td>unknown</td>
</tr>
<tr>
<td>Jones, Charles</td>
<td>highway robbery/calf stealing</td>
<td>1830</td>
<td>Moreton Bay</td>
<td>3 years</td>
</tr>
<tr>
<td>Jones, Charles</td>
<td>bushranging, possess firearms</td>
<td>1841</td>
<td>Port Arthur</td>
<td>life</td>
</tr>
<tr>
<td>Kent, James</td>
<td>encourage robbery</td>
<td></td>
<td>Cockatoo Island</td>
<td>unknown</td>
</tr>
<tr>
<td>McLaren, William</td>
<td>absconding from the colony</td>
<td>1831</td>
<td>Norfolk Island</td>
<td>3 years</td>
</tr>
<tr>
<td>McLaren, William</td>
<td>suspicion of horse stealing</td>
<td>1845</td>
<td>Cockatoo Island</td>
<td>unknown</td>
</tr>
<tr>
<td>Mepsted, John</td>
<td>repeated absconding</td>
<td>1829</td>
<td>Moreton Bay</td>
<td>3 years</td>
</tr>
<tr>
<td>Mitchell, John</td>
<td>house robbery/burglary</td>
<td>1842</td>
<td>Port Arthur</td>
<td>15 years</td>
</tr>
<tr>
<td>Regan, John</td>
<td>receiving stolen property</td>
<td>1830</td>
<td>Norfolk Island</td>
<td>life</td>
</tr>
<tr>
<td>Shaw, James</td>
<td>unknown</td>
<td>1818</td>
<td>Newcastle</td>
<td>1 year</td>
</tr>
<tr>
<td>Snelling, John</td>
<td>at large with a false certificate</td>
<td>1839</td>
<td>Norfolk Island</td>
<td>7 years</td>
</tr>
<tr>
<td>Woods, William</td>
<td>absconding and robbery</td>
<td>1830</td>
<td>Norfolk Island</td>
<td>life</td>
</tr>
</tbody>
</table>

Table 3 reveals that John Eales' convicts appeared at all the penal settlements in New South Wales, and at Port Arthur in Tasmania as well. The most common reason was some form of theft, although other offences included murder and repeated absconding.
Transportation to a penal settlement was the harshest colonial punishment for convicts short of hanging. The first settlement in New South Wales specifically for the further punishment of convicts was established at Newcastle in 1804 following the Castle Hill rebellion. Three of John Eales' convicts served time at Newcastle before being assigned to him. One of them was James Shaw, who was probably Eales' legendary 'Jim-the-Londoner' (see chapter 1 for details). In August 1818 Shaw was sentenced to one year at Newcastle for an unknown offence. Another was Paul Corrigan who arrived in the colony in 1819 with a seven year sentence for stealing a handkerchief. In April 1821 he was sentenced to three years secondary transportation to Newcastle for stealing tobacco.

Corrigan would have been transferred to Port Macquarie to serve the remainder of his three years when the Newcastle settlement closed at the end of 1822 (Corrigan was assigned to Eales in October 1824). Port Macquarie closed as a penal settlement in 1830 but by then Moreton Bay and Norfolk Island were in full operation, having been established as places of punishment in 1824 and 1825 respectively.

The convict master becomes the criminal

In 1837 John Eales and five other landowners were convicted at the criminal sessions of the Supreme Court in Sydney of conspiracy to defraud the King over the sale of Crown land. Evidently the six had agreed not to bid against each other for lots at an auction of Crown land in Sydney in December 1836. Instead Eales purchased a number of lots at five shillings per acre as sole bidder and they planned to share the purchases at the Royal Hotel after the auction. The authorities became suspicious and the six were subsequently charged and brought to trial before a special jury in May 1837. They were found guilty and each released on £1,000 bail to await sentence.

Due to legal technicalities there was a second trial before another special jury in August 1837 with the same outcome as the first – they were again found guilty and released on bail pending sentence. On 15 September 1837 Eales and three of his fellow conspirators were sentenced by the Chief Justice who stressed the criminality of their actions and the seriousness of their crime. He acknowledged, however, that when they entered into an agreement regarding the auction they were unaware it was a criminal offence. He therefore ordered them 'to pay a fine of £100 to the King, and that you be severally imprisoned in the common jail of Sydney until such fines shall be paid'.

John Eales' name does not appear in the Sydney Gaol entrance book so presumably his attorney was on hand to pay the fine immediately. In the end it was just a slap on the wrist.

The law locks up the man or woman Who steals the goose from off the common But leaves the greater villain loose Who steals the common from the goose.
Two of John Eales' convicts served time at the infamous Port Arthur. One of these was Charles Jones who was assigned to Eales on arrival in 1829 but in 1830 was sentenced to three years at Moreton Bay for stealing a calf. Then in 1841 he was given a life sentence in the Sydney court for bushranging and possession of firearms. Jones was initially sent to Cockatoo Island but in 1843 he was transferred to Van Diemen's Land, now Tasmania, and spent the next three years at Port Arthur before being transferred to a probation station. Jones received a conditional pardon in 1853, some 24 years after his assignment to John Eales.

Five of Eales' convicts served time on Cockatoo Island which was established as a penal settlement in 1839 when it was decided to stop sending convicts to Norfolk Island and the Governor of Van Diemen's Land initially refused to take repeat offenders from New South Wales. One man sent to Cockatoo Island was James Kent who was assigned to John Eales from 1828 to 1835 and probably until 1837 when he received a ticket-of-leave for the Maitland district. Unfortunately he and three other convicts or ticket holders were at a public house at Black Creek between Singleton and Maitland in 1840, presumably enjoying a drink, when the establishment was robbed. The Police Magistrate at Maitland ordered Kent and his three companions to be placed on Cockatoo Island for 'having tended to encourage rather than deter the robbers'.

After 1817 convict women were not flogged. The most common punishment for them was solitary confinement and the shaving of their heads. Some women were returned to the third class section of the Parramatta Female Factory where they were forced to break rocks on reduced rations (see chapter 3 for further details).

Not all means of convict control relied on force and punishment. Masters also controlled their assigned convicts through rewards and incentives. These could include the issue of extras such as tea, sugar and tobacco, or the payment of money for jobs performed in a convict's own time. It was only when incentives failed to produce the
desired work and behaviour that masters sent their convicts to the local Bench of Magistrates for punishment.

The pattern of punishments meted out to John Eales' convicts while assigned to him or at other times during their sentences reveals some interesting, broader trends in the convict history of New South Wales. One of these is the use of the treadmill, sometimes called the 'tread wheel', and solitary confinement in the latter part of the convict era as more benign alternatives to flogging. During the 1830s and 1840s British society increasingly adopted humanitarian attitudes and began to regard the brutality of floggings as unacceptable.

Punishment on the treadmill consisted of walking upstairs on a set of revolving steps. By 1825 there were two treadmills in Sydney and they were used to drive mill wheels. For a fee, residents could bring their grain to these convict-powered mills to be ground into flour. In this way the colonial government combined revenue raising with convict punishment. Initially, punishment on the treadmill was restricted to convicts working in the Sydney area as there was no treadmill in the Hunter Valley. As table 4 below shows, however, William Chandler and James Rogers were sentenced to the treadmill while in Newcastle in 1841 and were sent to Sydney to undertake their punishment. A decade earlier they would probably have been flogged.

Table 4: Eales' convicts who served time on the treadmill.

<table>
<thead>
<tr>
<th>Name</th>
<th>Offence</th>
<th>Year</th>
<th>Place</th>
<th>Term</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barton, George</td>
<td>come into barracks after 8pm</td>
<td>1826</td>
<td>Sydney</td>
<td>2 days</td>
</tr>
<tr>
<td>Bennett, John</td>
<td>stealing fruit</td>
<td>1832</td>
<td>Hyde Park Barracks</td>
<td>10 days</td>
</tr>
<tr>
<td>Chandler, W'm</td>
<td>unknown</td>
<td>1841</td>
<td>Newcastle/Sydney</td>
<td>2 months</td>
</tr>
<tr>
<td>Regan, John</td>
<td>Absconding</td>
<td>1830</td>
<td>Sydney</td>
<td>10 days</td>
</tr>
<tr>
<td>Rogers, James</td>
<td>unknown</td>
<td>1841</td>
<td>Newcastle/Sydney</td>
<td>3 months</td>
</tr>
<tr>
<td>Taylor, John</td>
<td>absent from work</td>
<td>1835</td>
<td>Sydney</td>
<td>7 days</td>
</tr>
</tbody>
</table>

The other broad trend revealed by Eales' convicts is the changing pattern of convict allocation and work placement in the 1840s. The end of assignment of convicts to private estates in 1841 posed a challenge for colonial administrators. Although convict arrivals in New South Wales from Britain had stopped, many convicts holding tickets-of-leave were re-entering the convict system when their tickets were cancelled, as they often were, for drunkenness and disorderly conduct or for not turning up to the local
court house at the quarterly muster. Once they lost their tickets they became convicts again, and it was the government's responsibility to feed, house and employ them.

Many of these 'recycled' convicts were allocated to gangs where they worked unchained to build and repair roads and bridges. As part of the government's adjustment to the changed circumstances, 'probationary gangs' were introduced. These were work parties where convicts could, over a period of time, prove themselves to be well behaved in order to regain their ticket-of-leave. The records for several Eales' convicts show this process in action. In 1851 Peter Wright's ticket-of-leave was cancelled for being absent from the district (or perhaps he just failed to turn up for the quarterly muster) and he was placed in a probationary gang for four months but his ticket was not restored until 16 months later, so presumably his initial work or behaviour in the gang was not up to scratch.30

In 1840 another Eales' convict, John Young, lost his ticket for assault and trespass and was sent to a probationary gang at Parramatta.31 Similarly John Pearson's ticket-of-leave was cancelled for larceny in 1840 and he was placed in a probationary road party in the Maitland area. The following year his road party was working at a punt for crossing the Hunter River when he and another member of the road party captured two armed bushrangers after a struggle. The Maitland Quarter Sessions recommended an 'indulgence' for the two men on account of their bravery and Pearson received a conditional pardon as a result.32

By the 1850s the number of free immigrants in the colony was increasing and the number of convicts dwindling as most reached the end of their sentences or were pardoned. Consequently it became increasingly difficult for authorities to distinguish runaway convicts from free workers, a difficulty heightened by the mass of people travelling to the gold diggings from 1851. In these circumstances many convicts and ticket holders probably merged undetected into the hordes of miners and workers without gaining a certificate of freedom or a pardon.

This is one possible reason for the disappearance of four of Eales' convicts – namely Francis Glancy, Thomas Hinaley, Patrick Ryan and Thomas Shearman – without any record of their emancipation or death. Did they die in the bush and their deaths were not recorded in the convict death registers? Did they live beyond the scrutiny of authorities ('under the radar')? Or, unlike William McLaren whose unsuccessful escape opened this chapter, did they manage to escape the colony altogether?

**Identity theft in the convict era**

John Snelling was a 'silk hatter' from Surrey with a life sentence for housebreaking who was assigned to Eales for 10 years without incident until he absconded in June 1839.33 When Snelling was apprehended a few days later he was found with a false certificate in his possession. This would have been either a forged or stolen certificate-of-freedom or a ticket-of-leave. Unfortunately for Snelling, accurate identification and tracking of convicts was crucial to the effective operation of the penal system, and
authorities dealt harshly with anyone who threatened the integrity of the process. Snelling was tried at the Sydney Quarter Sessions and sentenced to seven years on Norfolk Island for 'being at large with a false certificate'.

Authorities had every reason to be concerned about their records system, as it was open to abuse and manipulation by convicts. Paul Corrigan, for example, was assigned to John Eales in 1824 and obtained his certificate-of-freedom the following year. In 1828 two convicts were arrested in Windsor, both of whom were carrying stolen certificates and claiming to be free men. One of the stolen certificates was Corrigan's.

In the era before photography, authorities recorded a great deal of information about convicts when they arrived in New South Wales. From the 1820s this included height, complexion, colour of hair and eyes, and other distinguishing features such as the design and location of tattoos, scars, marks, moles, missing teeth, hairy chests, carrot whiskers, hooked noses, disabilities – in fact any physical feature that would assist to accurately identify individuals in the future should they assume a false identity or refuse to give their name and ship of arrival. Each week in the Sydney Gazette lists of absconding convicts were published along with their detailed descriptions that had been recorded on arrival in the colony.

William Fitzpatrick discovered that the system worked well. In 1836 he was found in the Maitland area and claimed to be an ex-convict working for John Eales. The local authorities suspected otherwise so they sent him back to Sydney to be identified, a process that involved interrogation by police and cross-checking his appearance against the records. Fitzpatrick's distinctive tattoos and a scar soon gave him away – his distinguishing marks were recorded as 'crucifixion, WF WL* on right arm, M B, man, woman, M B S B on left arm, small scar over inner part left eye, D under left arm'. On this evidence it was determined that he had arrived on the Waterloo in 1831 with a life sentence and was not working for Eales but had absconded while assigned to a Mr Clarke. Fitzpatrick was sentenced to 50 lashes for absconding and another 50 lashes for making a false statement to the Bench. The 100 lashes did not change Fitzpatrick's behaviour - on his return to Mr Clarke he absconded once more, and this time he was sent to Norfolk Island.

* Initials were often those of family and other loved ones.
Aliases were another common problem for authorities. James Smith was a burglar with a life sentence who was assigned to John Eales from 1829 to 1834. At least 'James Smith' was the name under which the man was tried and convicted in Surrey, transported to the colony and assigned to Eales. His real name, James Scott, was revealed in 1834 when authorities discovered John Eales had transferred him without permission to James' brother, Thomas Scott at Williams River. The incident was reported to the Governor who disallowed the transfer and expressed his disapproval of Eales' actions by ordering that the man be withdrawn from his service.39

1 About 5% of convicts were tried in Scotland – Robson, Convict Settlers, 155.
2 ToL PPT 51/209, 22 August 1851, 4/4277 SRNSW.
3 Bound Indents 4/4011, 118, SRNSW. CP 52/338, 18 November 1852, 4/4480, 334, SRNSW.
4 It is estimated that only 132 convicts escaped the colony between 1825 and 1830 according to Grace Karskens, "This spirit of emigration': the Nature and Meaning of Escape in Early New South Wales", Journal of Australian Colonial History 7 (2005): 33.
5 SG 14 May 1831, 1. Murray to Prout and CS to Princ Sup Convicts, 16 May 1831, 31/3433 and enc in 4/2106, SRNSW. Sheriff to CS, 16 May 1831, 41/3585 in 4/2107, SRNSW. Phoenix Hulk Entrance Book, 4/4534, 13 (prisoner number 167) SRNSW.
6 SG 14 May 1831, 1.
7 Summary Punishments X708, 117 & 126, SRNSW.
8 ToL 40/1840, 13 August 1840, 4/4143 SRNSW.
9 Bound Indents 4/4013, 111, SRNSW.
10 Aubin to CS, 4 June 1830, CS In-letters 30/4601 in 4/2076, SRNSW. Sydney Gaol Entrance Book 15 June 1830, 4/6432 SRNSW. Phoenix Hulk Entrance Book 16 June 1830, 4/6281, 122 (prisoner 3019), SRNSW.
11 Australian 19 July 1833, 2S.
12 Harrington to Hely, 1 August 1833, CS Letters sent, 33/564 in 4/3678, SRNSW.
13 Monthly Returns of Summary Punishments, Maitland, 15 March and 20 September 1836, X708 SRNSW.
14 Phoenix Hulk Entrance Book 26 September 1829, 4/6281, 101 (prisoner number 2499), SRNSW.
15 Walsh, "Heartbreak and Hope", 90-93.
17 compiled from a range of sources, see details at www.patersonriver.com.au/ealesconvicts.
18 SG 11 May 11837, 3.
19 SG 5 August 1837, 2.
20 SG 19 September 1837, 2.
21 Anon. 17th century.
22 CS 2 September 1818, 4/3499, 27, SRNSW.
23 Bound Indents 4/4006, 343, SRNSW. Hobart Town Gazette 14 April 1821. CS 28 & 30 April 1821, 4/3504, 7, 10. SRNSW.
25 Phoenix Hulk Transportation Entrance Book, 4/4537, 30 (prisoner 1004), SRNSW. CON35/1/1, 323, Archives Office of Tasmania.
27 CS to Princ Sup Convicts 19 December 1840, 40/753 in 4/3688,439, SRNSW.

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28 Walsh, *Voices from Tocal*, 93.
29 compiled from a range of sources, see details at www.patersonriver.com.au/ealesconvicts.
30 Hashemy Convict Ships – Exiles, 4/4526 SRNSW. ToL 49/195 12 June 1849, 4/4217 and ToL 52/16, 6 March 1852, 4/4225, SRNSW.
31 ToL 39/2070 11 November 1839, 4/4134 SRNSW. Newcastle Gaol Entrance Book 31 August 1840, prisoner 1007, 2/2020 SRNSW.
32 ToL 39/1086 29 May 1839, 4/4130, SRNSW. Manning to CS 3 September 1841, 41/8106 in 4/2552.2 CS SRNSW. CP 42/310 1 October 1841, 4/4441, 161 SRNSW.
34 Phoenix Hulk Transportation Entrance Book, 1839, 4/6445, 114 (prisoner 1522), SRNSW.
35 Bound Indents 4/4006, 343, SRNSW. CoF 34/253, 8 September 1825, 4/4424 SRNSW.
36 Bell to CS 7 January 1828, 28/350 and 27/11949 in 4/1962, CS SRNSW.
37 Printed Indents X633, 43, SRNSW.
38 Bench of Magistrates 1832-1836, 11 November 1836, X708 SRNSW. Phoenix Hulk Transportation Entrance Book, 1837, 4/6445, 82 (prisoner 68), SRNSW.
39 Bound Indents, SRNSW 4/4014, 220. CS In-letter 1 April 1834, 34/1218 in 4/2229 and CS Letters Sent, Harrington to Hely, 21 April 1834, 34/226 in 4/3679, SRNSW.
Beyond the boundaries – no more violence than necessary

That William Nowland's hut had been pulled down was an unquestioned fact. The dispute was as to how it was done. According to Nowland, Eales and his men were somewhat the worse for liquor, and went to work in a violent reckless manner to demolish the whole place so soon as Nowland had refused to abandon possession, and his son had locked the door behind him to prevent entrance. According to Eales, and to others who were present, the whole party were perfectly sober, and there was no more violence than was absolutely necessary... *(Sydney Morning Herald 27 June 1853 page 2).*

There is no better illustration of the range of duties performed by ticket-of-leave men working in remote areas than the above report of a case before the Supreme Court in Sydney of two feuding squatters – William Nowland and John Eales. The incident took place on the Liverpool Plains, outside the boundaries of settlement in the virtually lawless, womanless domain of the squatters and their men. Convicts, ticket-of-leave men and ex-convicts not only tended the squatters' sheep and cattle but also fought their masters' battles in the field and in court. They were often primed as witnesses by their bosses and paid a handsome bonus of up to £50 for a favourable result.

The above incident demonstrates that Eales was a hands-on boss who may have plied his men with grog before the demolition. In this case Eales was ordered to pay Nowland £58 for the hut, and it was not the first time Eales had lost to Nowland. In 1851 Nowland's men drove about 12,000 of Eales sheep off Nowland's run and put them in the public pound at Mooki, forcing Eales' overseer to pay £115 to retrieve the near-starving animals.

The beginnings of squatting in the north

By the late 1820s much of the prime land in the Hunter Valley had been granted and established settlers seeking additional land turned their attention to the pastures that lay outside the official boundaries of settlement. These boundaries, called the 'limits of location', were drawn up by Governor Darling in 1826 and proclaimed in modified form in 1829. In the Hunter Valley the limits of location were formed in part by the
Liverpool Range, so the Liverpool Plains lay outside the boundaries as shown on the map on page 41.

The first white man to set foot on the Liverpool Plains was John Oxley who approached from the west in 1818, but an ascent of the steep Liverpool Range from the Hunter Valley posed a formidable barrier at that time. Alan Cunningham discovered a route of sorts from the Hunter in 1823 but it proved too steep for intensive use as did other routes discovered by Henry Dangar in 1824. In 1825, however, Dangar found what would become the main permanent route from the Hunter Valley to the Liverpool Plains, through present-day Murrurundi and along the New England Highway.

This route was forgotten until William Nowland rediscovered it in 1827. Having reached the plains by one of the earlier, steep tracks Nowland found a better way back, unknowingly travelling Dangar's route of 1825. Nowland blazed the trees to mark the trail to the valley below and returned with a bullock dray laden with supplies. He earned the honour of being the first man to take a dray over the Liverpool Range, and more than 30 years later he recalled the feat in his own words:

We not only found a better road for cattle, but one that a team could take two tons over the whole ranges, without one shilling expense to the Government. I then loaded a dray at Patrick's Plains [Singleton], and took up the first dray that ever went over the new road to Liverpool Plains. It being wet weather, the ground was soft, left a plain dray track behind us from Kingdom Ponds to Liverpool Plains. When we arrived at the west side of the range, we stopped and camped at a small creek, which I named Doughboy Hollow. I then proceeded to my station at Warrah.

The Liverpool Plains is an area of prime agricultural land covering over a million hectares of the north-western slopes of New South Wales, and William Nowland had just opened the front door to it from the Hunter Valley. Present-day towns on or surrounding the Liverpool Plains include Gunnedah, Quirindi and Werris Creek. Smaller villages include Spring Ridge, Breeza, Carroll, Mullaley and Willow Tree.

At first stockmen who crossed the mountains were permitted short-term possession of land by tickets-of-occupation. In 1826 these were replaced by a system of annual licences for a yearly rental of £1 per 100 acres but were often treated with disdain by squatters who operated far beyond government control and supervision.

By 1827 an estimated 10,000 cattle had been driven onto the Liverpool Plains and it was about then that the Loder brothers brought the first sheep to the area, to graze around Kuwherindi (Quirindi). As news spread of the opportunities on the plains the gentry of the Hunter Valley joined the rush and by 1830 settlement of the plains was well underway.

Not one to miss out, in 1831 John Eales selected a run on Quirindi Creek, east of the Mooki River, and extending to Loders' 'Curindi Creek' run. Eales called his run 'Dury'
and he annoyed neighbouring cattlemen with his sheep. By the time an accurate account of squatters' holdings was published in 1848 John Eales held 172,000 acres on the Liverpool Plains as well as runs in other parts of the colony. By the early 1860s he held over 330,000 acres in total.

Map showing the approximate location of John Eales' squatting runs on the Liverpool Plains which totalled 172,000 acres in 1848. Modern townships are shown in white for reference. Note that the Dury run, sometimes spelt 'Duri', was on Quirindi Creek and not in the vicinity of the present day village of Duri near Tamworth (satellite image Google Earth Pro).

The first convicts known to serve part of their sentences on the Liverpool Plains while assigned to John Eales were Thomas Appleby and Thomas Mathers. They were working there as shepherds by 1832. Appleby was a waterman from Coventry who was convicted of highway robbery in 1817, transported for life and arrived in Sydney in 1818 at the age of 20. After assignment to several masters around Sydney followed by a stint in an iron gang on the Windsor Road he was assigned to John Eales about 1830 when he was in his early thirties and evidently mending his ways. No doubt he proved himself trustworthy while working for Eales at Berry Park before being sent to the Liverpool Plains by 1832. Although he gained a ticket-of-leave in 1839 Appleby
continued to work for Eales on the plains until he received a pardon in 1848, the previous compulsory assignment now replaced by an entirely voluntary agreement between employer and employee.9

In comparison to Appleby, Thomas Mathers was a youngster who had only been in the colony a short time before finding himself on the plains, possibly due to his previous experience with livestock. This framework knitter and stockman from Derby was convicted of house breaking in 1831 and arrived in Sydney with a life sentence in March 1832 at the age of 19. He was immediately assigned to Eales, who sent him to the plains that same year. Just like Appleby, Mathers continued to work for Eales on the Liverpool Plains for years after obtaining his ticket-of-leave when he was free to choose other employers.10

The narrative of Appleby, Mathers and their fellow convicts is the unadorned, gritty history of how the colony expanded and why Eales prospered. Overshadowed by the story of wealthy squatters, it is the story of British and Irish house breakers, highway robbers and pickpockets, many from urban backgrounds, who demonstrated amazing resilience and toughness. They adapted their lives to new situations and in the process gained skills in agriculture and bushmanship on the frontier. Roger Milliss explains:

The standard practice was to send an overseer and couple of assigned servants up to wander around until they found a suitable unoccupied tract and then build a hut and stockyards. Herds or flocks would follow if they had not been taken up already, with the stations – as they were soon called – being supplied by bullock drays which brought wool back at shearing time, while the cattle were driven down to market when they were fattened.11

They had to 'rough it' as initial living conditions for Eales' men on new runs was basic – accommodation consisted of a crude bush structure called a 'bandicoot gunya' that was later replaced by a hut.12 A gunya was nothing more than a few sheets of bark placed on a bush timber frame.13

A bullock dray loaded with wool. Two-wheeled drays were far more manoeuvrable in rough country than four-wheeled wagons. Drays were the life-line for squatting runs – they brought in supplies and took wool back to market. The arrival of a bullock dray at a station was cause for celebration, as one overseer noted in his diary in 1839 'late in the evening the dray arrived, and we had grog and songs'.14
In 1824 at the age of 21 a hairdresser named George Clarke was convicted of armed robbery in England and transported for life, arriving in Sydney on the Royal Charlotte in 1825. Clarke was assigned to Benjamin Singleton who was a farmer and miller at Patricks Plains, the area which now bears his name, 'Singleton'. In early 1827 Clarke took to the bush, heading onto the unsettled Liverpool Plains into the lands of the Kamilaroi Aboriginal people who had a reputation for killing runaway whites. Clarke survived. He was accepted into their society, adopted their lifestyle, mastered their language, took a wife and submitted to the cicatrisation or scarring that all their people underwent.

Clarke's Aboriginal family group was based around the central Namoi River north of the Liverpool Plains. Near the present-day town of Boggabri Clarke made his camp at a spot still called Barber's Lagoon. Here among the Aboriginals' gunyahs he built a bark hut and a set of stockyards. As the squatters' herds arrived on the Liverpool Plains in 1826 and 1827, Clarke turned to cattle stealing.

He led his tribe on raids on the plains, rounding up small herds and driving them to the stockyards he had built at Barber's Lagoon. His knowledge of the ways of the convict stockmen, and the Aborigines' skilled bushcraft, enabled them repeatedly to outfox the settlers. The stolen cattle, once impounded in his stockyard, provided a ready source of meat and hide.

Clarke is not only remembered as the first cattle rustler/bushranger on the Liverpool Plains – he was also an explorer who fired colonial imagination with his reports of a great inland river, known to Aboriginals as the 'Kindur', that supposedly flowed north-west and emptied into the sea in northern Australia. While his report of the Kindur was fabricated, he did make long treks at least 100 kilometres north of his stockyard.

In early 1831 Clarke travelled to Singleton's station at Yarramanbar on the Liverpool Plains and gave himself up but soon absconded again to resume bushranging. In May 1831 he was captured but escaped while being taken to Newcastle for trial. He continued his now notorious bushranging exploits in the Hunter and on the plains until recaptured in October.

In an attempt to mitigate his sentence, Clarke reported his discoveries in the north during his years in the bush. According to Major Thomas Mitchell, Clarke described the courses of the known northern rivers with great accuracy and was the first to mention the 'Nammoy'. After further escape and recapture, Clarke was convicted of stealing in December 1831 and sentenced to labour for three years in irons on Norfolk Island. At the end of his sentence he was sent to Van Diemen's Land in May 1835 and hanged there following another stealing incident a few months later.
**Moulding the convict system to the squatters' needs**

As the pace of squatting outside the boundaries of settlement quickened in the 1830s, so did the demand for labour to tend the squatters' livestock. But there was a problem. At this time a significant portion of the colony's workers were convicts holding a ticket-of-leave, the features of which are frequently misunderstood. A ticket-of-leave was in effect an early release on parole, and to retain their 'tickets' convicts had to meet three conditions – they had to be well behaved, stay in the district for which their ticket was issued, and turn up every three months for the quarterly muster held at the district court house.

If convicts breached any of these conditions their tickets were withdrawn and they were once again assigned to compulsory work for private masters or put into a government gang. Tickets-of-leave were only issued for the 'settled districts': those areas within the limits of location where there was a court house and clerical staff. This meant ticket-of-leave holders could not work outside the boundaries of settlement without having their tickets withdrawn when they failed to show up at the quarterly muster which in many cases was several hundred kilometres from the squatting runs.

To overcome this problem the convict system was reshaped to meet the changing labour requirements of the colony. In 1835 a ticket-of-leave passport system was introduced to allow ticket-of-leave holders to work outside the district for which their ticket was issued. A ticket-of-leave passport was valid for 12 months and had to be renewed annually if the holder continued to work in remote locations.

**An overview of convict emancipation**

Convicts with fixed-length sentences, such as seven or fourteen years, became free when the term of their sentence expired, starting from the date of their trial. This freedom-by-servitude was unconditional – they could return to Britain or Ireland if they had the means and inclination, but few did. For a fee, they could obtain a certificate-of-freedom that provided written evidence of their status if challenged by police or the military. This certificate was optional but essential if they wanted to travel in areas where they were unknown, so most paid their fee and obtained one.

Those with life sentences first had to earn a ticket-of-leave through years of good behaviour. This then allowed them to work for themselves or whomever they wished provided they adhered to the conditions of the ticket. After further years of good behaviour 'lifers' could apply for a conditional pardon. This provided freedom on the condition that they did not return to Britain or Ireland. A minority of 'lifers' received absolute (unconditional) pardons, usually as a reward for a special service such as helping to capture bushrangers.
A rare example of a ticket-of-leave as very few have survived (State Records NSW).

The reverse of the ticket-of-leave showing the conditions of issue. Ticket holders working in squatting areas could not attend quarterly musters and therefore needed a passport to avoid having their ticket withdrawn.

For squatters like John Eales, the ticket-of-leave passport system helped to overcome the labour shortage on their runs outside the boundaries of settlement. Today it is a marvellous resource for historians because virtually complete records of ticket-of-leave passports have survived. As the passports had to be renewed annually and the records show the convict's employer and the work location, we can now track the movements...
and employment of ticket holders year after year until they gained their freedom or were no longer working outside the boundaries of settlement.

A rare surviving ticket-of-leave passport. It allowed the holder to miss the quarterly muster.

A search of all passports issued between 1835 and 1851 reveals that 115 passports were issued to 61 ticket holders employed by John Eales, enabling them to work for him in areas such as the Liverpool Plains, the New England and the Darling Downs. When Thomas Appleby, one of the first of Eales' convicts to go to the Liverpool Plains, gained his ticket-of-leave for the Maitland district in 1839 he was immediately issued with a passport to allow him to continue working for Eales on the plains. His passport was renewed annually over the next eight years until he received a conditional pardon in 1848 and no longer needed it. All of his passports were issued by the Maitland Bench with the same wording 'allowed to remain in the service of Mr John Eales at Liverpool Plains for 12 months'.

Thomas Mathers, also among the first of Eales' convicts to work on the Liverpool Plains, gained a ticket-of-leave for the Scone district in 1840. He then held three passports to work for Eales on the plains until gaining a conditional pardon in 1848. (As both men were serving life sentences, a pardon was the only way they could obtain their freedom.)
Some of the convicts who worked for Eales while holding ticket-of-leave passports had previously been assigned to Eales before gaining a ticket-of-leave. Others worked for Eales for the first time as ticket-of-leave holders. When Eales hired ticket-of-leave men at Maitland or Scone with the intention of sending them to the Liverpool Plains, his superintendent then went to the nearest courthouse to apply for their passports. Often passports for several Eales' men were issued consecutively on the same day so that a batch of Eales' men could depart for the unsettled districts.

Eales' footprints spread

As the areas of land occupied by Eales and other squatters increased during the 1830s, the New South Wales Government tightened its regulation of their activities. In 1837 an Act introduced into the Legislative Council by Governor Bourke the previous year came into effect to restrain unauthorised occupation of Crown lands and encourage legitimate, regulated grazing. Squatters operating outside the limits of location were now required to take out an annually renewable licence to occupy as much land as they liked for £10 per year regardless of the size of their runs.

To administer this Act, the area outside the nineteen counties was divided into seven districts, each under the control of a Commissioner of Crown Lands whose job it was to issue licences, collect fees and prosecute offenders. A further Act in 1839 made stock returns compulsory, introduced an annual levy per head of livestock and divided the area into nine rather than seven pastoral districts, each under the control of a commissioner.

From British soldiers to outback shepherds

Two of the many shepherds and stockmen who worked on John Eales' squatting runs were ex-British soldiers who still bore the scars of their army service. At a court martial in England in 1832 William Gleeson was sentenced to 14 years transportation for mutiny and he arrived in Sydney in 1833. The arrival records show that he had previously received 300 lashes in punishment (offence not stated). Similarly, James Spence was serving with the British army in India in 1835 when transported for 14 years for desertion and assault. He too had been flogged for a previous offence while in the army, in his case suffering 500 lashes.

After separate deployments in New South Wales both men worked for Eales on the Liverpool Plains in 1845 while holding ticket-of-leave passports. Spence remained on the plains, later working for another squatter, Andrew Loder, before gaining his freedom when his 14 years expired.

Gleeson's outcome was different. Although he also gained his freedom after serving 14 years, he retained it for only two years before he was sentenced to 15 years for murder in Bathurst in 1850 and sent to Cockatoo Island in Sydney harbour. He gained another ticket-of-leave in 1856 and moved to the Wide Bay (Maryborough) district in 1859, the same year that Queensland became a separate colony from New South Wales. Both men would have carried the scars of their hundreds of lashes to their graves.
In 1839 assigned convicts were still the mainstay of Eales' workforce (along with some ex-convicts). In that year Eales employed only four ticket-of-leave holders on the Liverpool Plains, each holding a passport (they were Thomas Appleby, Thomas Bruce, Phillip Corbett and Thomas Ostler). But their ranks were about to swell as the convict system wound down and squatters scrambled to employ emancipists and ticket-of-leave holders in place of assigned convicts.

Transportation of convicts to New South Wales was suspended in 1840 and assignment of convicts to private masters ended in 1841, by which time there were few convicts available for assignment anyway. Therefore it is no surprise that in 1841 Eales employed 21 ticket-of-leave holders on his squatting runs. They probably comprised at least half of his workers as he employed around 35 to 40 men on the plains at that time, the balance made up mainly of ex-convicts plus a few free immigrants and workers born in the colony.23

Thanks to the requirement for squatters to now complete compulsory returns, the first accurate snapshot of the level of activity on the Liverpool Plains emerged in 1840. The 1840 returns to the Commissioner show that 1,154 'whites' were living on 130 stations on the Liverpool Plains, comprising 1,078 men and a meagre 77 women. Nearly half the men were convicts or ticket-of-leave holders while only seven of the women were in this category. There were also 1,197 horses; 110,529 cattle; and 267,107 sheep.24

Further changes to the squatting regulations in 1848 resulted in the publication of the first comprehensive list of leases of Crown lands beyond the settled districts and it revealed that John Eales had become one of the largest squatters, holding an impressive 198,000 acres as table 5 shows. In fact he was the largest squatter on the Liverpool Plains at that time apart from one squatter whose runs were now in the hands of a bank.25

Table 5: Eales' squatting runs in 1848.

<table>
<thead>
<tr>
<th>District</th>
<th>Name of run (spelt as recorded)</th>
<th>Size in acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gwydir</td>
<td>Yagobi</td>
<td>26,000</td>
</tr>
<tr>
<td>Liverpool Plains</td>
<td>Dury</td>
<td>40,000</td>
</tr>
<tr>
<td>Liverpool Plains</td>
<td>Walhollow</td>
<td>50,000</td>
</tr>
<tr>
<td>Liverpool Plains</td>
<td>Currububla</td>
<td>19,000</td>
</tr>
<tr>
<td>Liverpool Plains</td>
<td>Jacob and Joseph</td>
<td>18,000</td>
</tr>
<tr>
<td>Liverpool Plains</td>
<td>Long Point</td>
<td>45,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>198,000</strong></td>
</tr>
</tbody>
</table>

1848 does not represent the peak of Eales' accumulation of land. In fact the situation was somewhat fluid as various runs changed hands, ownership was disputed and boundaries were redefined. In 1859 or 1860, for example, William Nowland's Wallala run passed into Eales' hands who consolidated it with his Walhallow East and West into a huge holding of 213,000 acres. This took Eales total squatting runs on the
Liverpool Plains to some 330,000 acres. About 1866 Eales sold his Liverpool Plains holdings to the Christian family.

Several historians have concluded that it was by a series of unscrupulous measures rather than fair means that Eales became one of the biggest squatters in the country. The next section demonstrates that these conclusions are supported by evidence of a series of conflicts by Eales with neighbouring squatters.

**Squatter versus squatter, convict versus convict**

William McLaren appeared in Maitland Circuit Court in March 1858 as one of a number of witnesses called in the defence of John Eales who was charged with trespass on a neighbour's squatting run on the Liverpool Plains. McLaren was a remarkable witness as he was the Scot whose escape from the colony and recapture featured in the previous chapter. Prior to working for Eales while holding a ticket-of-leave, McLaren had served time at Norfolk Island and Cockatoo Island as punishment for repeat offences.

McLaren was part of Eales' defence team in a case brought to court by Andrew McDougall in which he accused John Eales of trespass and damage on McDougall's Piallaway station on the Liverpool Plains. The *Maitland Mercury* summarised the case as follows:

> The declaration stated that the defendant [Eales] had, at divers times between the years 1850 and 1857, broken into and entered the lands of the plaintiff, known as the Piallaway Run, on the Liverpool Plains, kept possession of the same, depastured his sheep thereon, scattered the sheep, cattle, and horses of the plaintiff [McDougall], and kept a large number of them in a small space, whereby the plaintiff had lost and been deprived of the use and enjoyment of the land and of the herbage, and many of his sheep, cattle, and horses were lost, and others were impoverished, and the plaintiff was compelled to sell, and lose their increase, and the profit and advantage he should have obtained otherwise. The damages were laid at £1,000.29

This was Eales' *modus operandi* as a squatter – to deliberately trespass on neighbouring runs using his sheep as a weapon to keep neighbours' cattle away from water holes and later to use his presence on the run as evidence that his neighbour did not have continuous occupation and therefore undisturbed claim to it. Eric Rolls in his best-selling book *A Million Wild Acres* depicts court cases involving John Eales and his convict stockmen:

> His shepherds, as ruthless as their master, had care of 30,000 sheep by the late 1840s, and they used them to worry neighbours' cattle at water, and deliberately misjudged boundaries so that their sheep bulged into the next runs. Eales spent months of his life in court, disputing boundaries, suing and being sued for wages, for trespass, for wrongful
impounding. He won some cases, lost some. Since he was a good businessman he must have found the stolen feed more than worth the court costs ... Right through the 1850s there was endless litigation. Lawyers thrived. Eales was viciously aggregating money. Most of the litigants, more human, more absurd, were protecting their dignity rather than their property. They rode into Maitland or Bathurst at the head of their troop of witnesses. Each side took over a hotel at the opposite end of town. For a week or more stockmen and shepherds ate and drank at the disputing squatters' expense and outlied one another in court. John Allman, in one of his sober moments as Commissioner [of Lands], said he usually avoided putting stockmen on oath. It was the only way of avoiding perjury.31

In the above case of McDougall and the Piallaway run, the testimony of William McLaren and Eales' other witnesses did not hold sufficient sway. The jury returned a verdict in favour of McDougall, and Eales was required to pay £350 in damages, a hefty sum in today's terms. It was a further setback for Eales who had taken the McDougall brothers to court the previous year for trespass in a related case where Eales scored a technical victory but was awarded only one farthing in damages.32

Before disputes such as these ended up in court there was a process whereby the supposedly aggrieved squatter lodged a caveat with the Commissioner of Lands in his district against the issue of the lease of the run in question to the other party. The Commissioner then heard the dispute and attempted to resolve it. When that failed a squatter's final recourse was to take the matter to court.

In 1849 John Eales lodged caveats against the issue of leases to Samuel Clift on the Mooki and Doono runs, John Howe on the Carroll run, and the Hawkesbury Benevolent Society on their Mooki run.33 On the other side of the ledger, John Eales found himself repeatedly before the Commissioner in 1849 when other squatters returned the favour and lodged caveats against Eales on his Duri, Walhollow, Currabubla and Long Point runs (these runs spelt as printed in 1849).34

And so John Eales joined battle with his neighbours on the Liverpool Plains and frequently ended up in court. In addition to his court case with the McDougalls mentioned above and that with Nowland noted at the start of the chapter, Eales appeared in court against John Allen of 'Gunadilly', Andrew Lang of 'Breeza' and the Hawkesbury Benevolent Society's station running west from the Mooki River.35

In the 1846 case of Allen versus Eales the jury found Eales guilty of trespass but awarded Allen only 40 shillings in damages because Eales had established some right to use the disputed lagoon to water his sheep.36 The following year Eales took Andrew Lang to court, charging him with trespass on Breeza station and with droving just over 9,000 of Eales' sheep to the pound at Murrurundi.37 The court found in favour of Lang, throwing out Eales claim to possession of the Breeza run and the unlawful impounding of his sheep.38
With aggression, energy, initiative and a mostly convict and ex-convict workforce, John Eales had accumulated a vast pastoral empire and sufficient wealth to build his 'Duckenfield Park' mansion near Maitland in the 1850s. In the process he came to be described as 'one of the biggest rogues of all'.

Eales and his convict workers may have won some battles and lost others on the Liverpool Plains but the next chapter shows that when they ventured into what is now Queensland in 1841 they faced a more formidable foe and were forced to retreat within a few years.

**Duckenfield Park House – the squatter's castle**

By the 1850s John Eales had accumulated considerable wealth from his pastoral and shipping enterprises. In July 1852 he purchased 1,027 acres adjoining Berry Park and over the next few years he built a two-storey home, often described as a mansion, on his new land. His new residence, ‘Duckenfield Park House’, was made from Pyrmont stone but in one opinion it was nothing special, ‘simply a large, square stone building, with no pretensions to architectural beauty, and noticeable solely for a certain air of massiveness and solidity’. After John Eales snr died in 1871 his son John renovated and expanded Duckenfield Park House, transforming it into a showpiece that included a ballroom to accommodate 150 couples, electric lighting and extensive landscaping.

Lurking in the shadow of the mansion are the vexed circumstances under which John Eales snr acquired the 1,027 acres on which it was built. The land was originally granted to Dr Moran who sold it to Mr Bettington who sold it to John Hughes in 1834. Hughes borrowed £2,000 from a Mrs Terry and used the Duckenfield Park land as security. While there was a written memo to this effect, the mortgage was not registered. In 1843 Hughes gave the Bank of Australia a general mortgage over his assets and in 1844 he became bankrupt. In the settlement of Hughes' bankruptcy Henry
Osborne purchased the residue of Hughes' assets, including the Duckenfield Park land. Osborne then sold Duckenfield Park to John Eales without clear title as Mrs Terry still had a £2,000 interest in it.

In 1853 Mrs Terry took Osborne and Eales to the Supreme Court to get her money back. The court was scathing in its criticism of Osborne and Eales, indicating they both clearly knew of her financial interest but chose to ignore it. In his summing-up the magistrate stated 'it is manifest that Eales then recognised and regarded Mrs Terry as the owner of this property'. The court declared in favour of Mrs Terry, finding she held an equitable mortgage and leaving it to Osborne and Eales to sort out which of them should pay the money owing.42

Despite the court's ruling the litigation between Eales and Osborne dragged on for over a decade, with appeals, claims and counter claims. Mrs Terry had still not received the money when she died in early 1859 and Eales had to explain in yet another court appearance that his attorney had attended the court to pay the money only to discover Mrs Terry had died the day before.43 It did not end there – Eales took Osborne to court as late as 1862.44 Osborne then passed away and his executors appealed to the Privy Council in England which found in favour of Eales in March 1864.45

1 SMH 27 June 1853, 2. It is unclear exactly when this incident took place, either in the late 1840s or very early 1850s. The text quoted has been modified for easier reading by substituting 'Nowland' for 'the Plaintiff' and 'Eales' for 'the defendant'.
4 MM 17 September 1851, 4.
6 SMH 23 January 1861, 3.
7 Wood, Dawn in the Valley, 225. The spelling of Loder's run 'Curindi Creek' is from the NSWGG listing of runs in 1848 cited later. Confirmation that Eales' Dury run was on Quirindi Creek is from Telfer and Milliss, The Wallabadah Manuscript, 194-195. It is also confirmed in Marion Scott, The Quipolly Valley (Quirindi, 1985): 14.
8 Mathers is recorded in some sources as Matthews but the convict records indicate it was Mathers.
9 Appleby's employment by Eales while holding a ticket-of-leave is confirmed by his various ticket-of-leave passports (SRNSW).
10 Mathers employment by Eales while holding a ticket-of-leave is confirmed by his various ticket-of-leave passports (SRNSW).
11 Milliss, Waterloo Creek, 74-75.
12 MM 18 February 1846, 2.
13 13 February 1839, Robert Muir, diary 1838-1846, CY 1153 frames 1-82, State Library NSW.
14 13 December 1839, Robert Muir, diary.
15 Principal Superintendent of Convicts, Bound Indents, 4/4009A, 173, SRNSW. There are two sets of indents for the Royal Charlotte in this volume, one of which indicates his trade, namely 'hairdresser'.

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Dean Boyce, *Clarke of the Kindur – Convict, Bushranger, Explorer* (Carlton, 1970).

Boyce, *Clarke of the Kindur*, 27.

Printed Indents X635, 121, SRNSW.

Printed Indents X638 & X639, 77, SRNSW.

ToL PPT 45/944, 16 October 1845, 4/4259 SRNSW. ToL PPT 46/810, 2 September 1846, 4/4263 SRNSW. Certificate-of-freedom 50/129, 4 March 1850, 4/4414 SRNSW.

Certificate-of-freedom 48/187, 14 April 1848, 4/4411 SRNSW. SMH 26 August 1850, 2. MM 19 October 1850, 1. ToL 56/123, 4/4231 SRNSW. ToL 59/73, 4/4233 SRNSW.


Eales employed between 35 to 40 men on the Liverpool Plains in the 1840s: Telfer and Milliss, *The Wallabadah Manuscript*, 194.

Milliss, *City on the Peel*, 52-53.

NSWGG 20 September 1848, 1233.


Telfer and Milliss, *The Wallabadah Manuscript*, 188.


MM 18 March 1858, 2.


Rolls, *A Million Wild Acres*, 156.

MM 22 August 1857, 2.

NSWGG 5 March 1849, 371-372.

NSWGG 4 July 1849, 1002.


MM 18 February 1846, 2. The disputed lagoon was Nicholson's Lagoon at 31° 22.010'S 150° 30.694'E, this position deduced from a map in: Scott, *The Quipolly Valley*, 12.

It was 9,017 sheep according to Andrew Lang's overseer at Breeza who drove them to the pound – 29 April 1845, Robert Muir, diary.

MM 22 September 1847, 2.

Milliss, *Waterloo Creek*, 75.

Conveyance 13 July 1852, Henry Osborne to John Eales, 1027 acres 1 rood, £2000, book 23 folio 498, NSW Land Title. Two wings of Duckenfield Park House were completed by 1854 – Ross Deamer, "Houses erected on original land grants in the Lower Hunter, Paterson and Williams River Valleys between 1800-1850", M.Arch. thesis, University of Newcastle, 1971, 121.

MM 26 March 1872, 2.

SMH 3 November 1853, 4-5.

SMH 30 November 1859, 2.

SMH 9 October 1862, 2.

SMH 11 May 1864, 4. SMH 19 May 1864, 3.
The Broom brothers, Duramboi and Wide Bay

By 1841 the Liverpool Plains was suffering a severe and prolonged drought. The Mooki River was no longer flowing and had become a series of muddy holes in which livestock were bogging and dying. John Eales faced the loss of many thousands of his sheep depastured in the area unless he took decisive action. Selling them was not an option, as wool and livestock prices had declined markedly from the end of 1840 due to reduced demand for wool in Europe and the beginning of a financial crisis in New South Wales.

Eales therefore decided to send about 25,000 sheep northward through the New England tablelands to the Darling Downs and beyond in search of pasture. His strategy brought adventure, hardship, danger and opportunity to the many ticket-of-leave employees who went north with his sheep. None more so than for brothers James and Stephen Broom from Somerset in England – the trip north with Eales' sheep changed their lives.

In 1829 James was an 18 year-old brewer's clerk and Stephen a 21 year-old ladies shoe maker when they received life sentences – James for house breaking and Stephen for receiving stolen goods. They arrived in New South Wales together on the Claudine in 1829 and were well behaved, receiving tickets-of-leave in close to the minimum eight years for convicts with a life sentence. Neither was assigned to John Eales but both worked for him while holding their 'tickets'. In June 1841 James Broom was issued with a ticket-of-leave passport to 'proceed to the Darling Downs in the service of Mr John Eales' and two weeks later Stephen was issued a passport on identical terms. They were taking Eales' sheep to the Downs and beyond, never to return – both would rebuild their lives in what became the new State of Queensland in 1859.

Thirteen ticket-of-leave convicts, including the Broom brothers, held passports to work for John Eales on the New England, the Darling Downs and at Wide Bay between 1841 and 1843. They probably comprised about one-third of the workforce needed to overland 25,000 sheep, with the balance made up of free workers including ex-convicts. (Ticket-of-leave holders were not ex-convicts – they were still serving their sentences but their 'ticket' released them on parole).
Table 6 below shows the ticket-of-leave men who took Eales' sheep northward while holding a passport. All but one were serving life or 14 years. By the early 1840s transportation to New South Wales had ended and most convicts with seven year sentences had served their time and were free to travel wherever they wished. It was now mainly 'lifers' and those serving 14 years who were the 'ticket' men whose movements were still controlled by government.

### Table 6: ticket-of-leave men holding passports to work for John Eales at the New England, Darling Downs and Wide Bay between 1841 and 1843.

<table>
<thead>
<tr>
<th>Name</th>
<th>Ship</th>
<th>Arriv</th>
<th>Age</th>
<th>Crime</th>
<th>Sentence</th>
</tr>
</thead>
<tbody>
<tr>
<td>Broom, James</td>
<td>Claudine</td>
<td>1829</td>
<td>18</td>
<td>house breaking</td>
<td>life</td>
</tr>
<tr>
<td>Broom, Stephen</td>
<td>Claudine</td>
<td>1829</td>
<td>21</td>
<td>receiving</td>
<td>life</td>
</tr>
<tr>
<td>Byrne, John</td>
<td>Mangles</td>
<td>1828</td>
<td>18</td>
<td>house breaking</td>
<td>life</td>
</tr>
<tr>
<td>Coote, James</td>
<td>C'tess of Harcourt</td>
<td>1827</td>
<td>24</td>
<td>highway robbery</td>
<td>life</td>
</tr>
<tr>
<td>Dorking, George</td>
<td>Norfolk</td>
<td>1825</td>
<td>24</td>
<td>stealing</td>
<td>life</td>
</tr>
<tr>
<td>Duffey, Hugh</td>
<td>Mangles</td>
<td>1828</td>
<td>26</td>
<td>horse stealing</td>
<td>life</td>
</tr>
<tr>
<td>Fox, Charles</td>
<td>Lady Nugent</td>
<td>1835</td>
<td>18</td>
<td>house breaking</td>
<td>life</td>
</tr>
<tr>
<td>Gray, Robert</td>
<td>Captain Cook</td>
<td>1833</td>
<td>24</td>
<td>house breaking</td>
<td>14 yrs</td>
</tr>
<tr>
<td>Lawler, Patrick</td>
<td>Earl Grey</td>
<td>1836</td>
<td>23</td>
<td>stealing coat</td>
<td>7 yrs</td>
</tr>
<tr>
<td>Nash, Richard</td>
<td>Parmelia</td>
<td>1832</td>
<td>22</td>
<td>shop breaking</td>
<td>14 yrs</td>
</tr>
<tr>
<td>Nixon, Richard</td>
<td>Parmelia</td>
<td>1832</td>
<td>24</td>
<td>house breaking</td>
<td>life</td>
</tr>
<tr>
<td>Toffts, Henry</td>
<td>Bus' Merchant</td>
<td>1828</td>
<td>19</td>
<td>picking pocket</td>
<td>life</td>
</tr>
<tr>
<td>Tunstall, Samuel</td>
<td>Royal Sovereign</td>
<td>1835</td>
<td>43</td>
<td>stealing fire irons</td>
<td>14 yrs</td>
</tr>
</tbody>
</table>

According to one squatter his 22 ticket-of-leave men were 'worth any forty men I have even seen since'.³ Perhaps ticket-of-leave men, particularly those with life sentences, were motivated to prove their worth in order to gain their employer's recommendation for a pardon, which was the only way to obtain their freedom.

The New England was merely a staging point for Eales' sheep as they headed for the Darling Downs, a pastoral region on the western slopes of the Great Dividing Range. Today Toowoomba is the largest city and commercial centre on the Darling Downs, about 120 kilometres west of Brisbane. The Darling Downs was discovered by Allan Cunningham in 1827 but its settlement was delayed by restrictions surrounding the penal settlement at Moreton Bay (Brisbane). The Bay was a closed port – government permission was required for its use, and settlement was not permitted within 50 miles (80km) of it.⁴ Whilst these regulations were in place, access to the sea from the Darling Downs was denied. By 1840, persistent rumours of the abandonment of the penal settlement at Moreton Bay fuelled a northward surge of squatters, the first of whom was Patrick Leslie who took up a run on the Darling Downs that year.⁵

From 1840 the Darling Downs was rapidly claimed, particularly the southern parts, so by the time Eales' men arrived there with his sheep in the second half of 1841 the
Downs was almost fully occupied. A squatter in similar circumstances, Thomas Archer, noted that ‘we unfortunate latecomers had to pass this glorious and almost unoccupied [but already claimed] sheep-country, cross the range, and plunge into the most dismal, and (for sheep) miserable country’. These circumstances contributed to Eales' decision to head north east from the Downs, towards the coast above Brisbane.

The other reason driving Eales' decision to leave the Downs in favour of the coastal area was his new-found passion for steam ships and his goal to establish pastoral interests within easy reach of the coast to take advantage of his shipping operations. Eales was the principal shareholder of the newly formed Hunter's River Steam Navigation Company which had recently taken delivery of three new steamships built for it in England. The ships were the Rose, the Shamrock, and the Thistle.

Despite its name the Hunter's River Steam Navigation Company operated further afield than the Hunter River. In 1842 it operated the Sydney to Moreton Bay (Brisbane) run, and it was Eales' new ship the Shamrock that transported Governor Gipps and his entourage from Sydney in March 1842 to Moreton Bay on a visit to mark the closure of the penal settlement and the beginning of free settlement there. It is other passengers on that voyage of the Shamrock, however, who are central to Eales' narrative. They were Henry Stuart Russell who had a squatting run at Cecil Plains on the Darling Downs, and William K Jolliffe who was Eales' superintendent at Liverpool Plains and a former midshipman in the British Navy, now looking for a suitable run for Eales' sheep. Russell recalled the departure from Sydney on 19 March 1842:

On the evening of that day I went on board the then largest of three new iron steamers just arrived from England, for the Hunter River Steam Navigation Company – the "Shamrock" – commanded by such a good fellow, Captain Gilmore. As passengers were His Excellency the Governor, Sir George Gipps; Major, now Colonel, Barney: his Excellency's Private Secretary, Watson Parker; Aide-de-camp, Edward Merewether ... Simpson, my hospitable friend at Eagle Farm, Moreton Bay, who had accepted the appointment of Commissioner of Crown Lands for the district of Moreton: Jolliffe, of the navy, with whom I shall have again to recall the accident of this meeting, and may be some others who have escaped from my mind.

Towards the end of April 1842 Russell and Jolliffe prepared to travel north from Brisbane in search of sheep country, to explore the region previously unknown to Europeans apart from glimpses of it from the ocean (but well known by two convicts who had escaped from the Moreton Bay penal settlement many years before and were now living among the Aborigines). They teamed up with superintendent of government works at Moreton Bay, Andrew Petrie, who wanted to officially explore the area. The Hon. Walter Wrottesley, seven convicts to man the oars, and two Aboriginal guides comprised the rest of the party.
Remarkably, several first-hand accounts of this trip were published and are available today. The little expedition set out on 4th May in an open whale-boat built by a convict at Brisbane. On the second morning they reached the mouth of the 'Morouchidor' or 'Marootchy Doro' River, the river of the black swan. On 6 May, north of present-day Noosa, they picked up David Bracewell, a convict absconder from the Moreton Bay penal settlement who had been living with Aborigines for several years. They continued north and sailed into Great Sandy Strait that separates 'Great Sandy or Frazer's Island' (now Fraser Island) from the mainland.

For 11 May 1842, Russell wrote 'we again started, and by dark made the mouth of the long wished-for and long looked-for river'. They had found 'Monoboola', the Aboriginal name for the lower part of the river that flows into Great Sandy Strait opposite Fraser Island. At the time it was unknown to most Europeans and therefore unnamed by them (Aborigines had different names for different sections of the river). In their writings, Russell and Petrie called it the Wide Bay River (although it does not flow into Wide Bay which is further south).

**Wide Bay River was renamed the Mary River in 1847** and the city of Maryborough now stands on it. The rest of the chapter retains the 1842 European naming as Wide Bay River, meaning the present-day Mary River. It also uses 'Wide Bay' as a general term for the district through which the Wide Bay/Mary River flows.

On 12 May the explorers sailed about 50 miles up Wide Bay River to within about three miles of 'Boppol' (Mount Bauple) near present-day Tiaro. Here they picked up another runaway convict, James Davies, whose adopted Aboriginal name was 'Duramboi'.

Unfortunately, circumstances prevented Jolliffe from disembarking at present-day Tiaro to see if the countryside was suitable for sheep (which it wasn't). The explorers had unwittingly stumbled upon a large number of Aborigines from several different clans and groups who had assembled there. They had gathered to plan and prepare for reprisal attacks against Europeans following the recent poisoning of Aborigines by means of arsenic-laced flour on Kilcoy Station northwest of Brisbane that resulted in the death of between 50 and 60 Aborigines.

Duramboi (James Davies) who was present at the Aboriginal council near Mount Bauple warned Jolliffe's group in no uncertain terms that their lives were in great danger and on no account should they climb the mountain or explore the countryside. Heeding his advice, the Europeans sailed back down the river and returned to Moreton Bay, arriving safely in Brisbane on 24 May 1842 with Bracewell and Davies onboard.

Despite being unable to walk the country around Mount Bauple, ex-navy midshipman Jolliffe was impressed by the deep river and its easy navigability inland for a great distance. He also described the area as well watered, with rich soil. Apparently the decision was soon made – by late July a press report from the Darling Downs indicated that Eales was about to send sheep to the Wide Bay area. In late August Jolliffe sailed...
from Moreton Bay to Sydney on Eales' steamer Shamrock, possibly to make further arrangements with him.\textsuperscript{18}

Jolliffe returned to Brisbane on Shamrock in mid September\textsuperscript{19} but by then about 16,000 of Eales' sheep were probably on their way. By November 1842 Eales' head station was established at present-day Tiaro and Eales had already sent an additional 9,000 sheep, bringing his reported total to 25,000 sheep (the extra 9,000 reached 'the Downs' in October 1842).\textsuperscript{20}

Travelling overland to the new run was a Herculean feat, moving huge mobs of sheep, men and several bullock drays across the ranges from the Darling Downs to Wide Bay. Jolliffe probably would not have succeeded without help from James Davies (Duramboi). 'Jolliffe crossed the Downs, came down over the Range, nursed his sheep for a time on the Upper Brisbane, smashed his way over the Brisbane Range under the guidance of Duramboi, and established his headstation at [present-day] Tiaro'.\textsuperscript{21}

In December 1842 Depasturing Licence number 660 was issued to 'John Eales, Berry Park, Maitland' for land at 'Noomoo Woolloo at the head of the Wide Bay River'.\textsuperscript{22}
In November 1842, Henry Stuart Russell briefly visited Eales' new sheep station on the Wide Bay River while exploring further, still on the lookout for a new squatting run. He found Eales' station already established. Russell followed 'the track which Jolliffe and Last had left by their drays and sheep to the Wide Bay Country. Davis had piloted them through the Bunninia, since we parted Brisbane, and they had established themselves, I believed, on the Monoboola'.23 (Mr Last was one of Eales' overseers; the 'Bunnia' or 'Buanya' was the high country at the headwaters of the Wide Bay River; Monoboola was the Aboriginal name for the river mouth but the section of river where Eales established his head station was called 'Noomoo Woolloo').

Russell recorded in his diary on 24 November 1842 that 'We made Wide Bay, where Mr. Eales had formed a station ... and finding the country all round a labyrinth of thick scrub and rocky ranges, and unsuited for a station'.24 Over 40 years later, in 1888, Russell reflected on his November 1842 visit:

Eales' sheep were in a terrible mess; the country was most unsuitable; the outstations too far away; the blacks inveterate; two shepherds had already lost their lives; and, but for their isolation, it is extremely unlikely that a single man would have remained with the stock, or stood by the station.25

Russell was probably referring to the deaths of two stockmen on Mackenzie's Kilcoy station in February 1842, before Eales took up his Wide Bay station.26 No deaths of Eales' men had been reported when Russell visited.

Eales' head station at present-day Tiaro probably consisted of the superintendent's hut, several workers' huts, a secure store to hold provisions and a 'rough wool shed' to keep wool dry after shearing (apart from the wool shed, few details have survived but these were the basic buildings needed). The head station was located about ten kilometres from the terminus of navigation on the Wide Bay River, which allowed it to receive supplies by boat from Brisbane and to ship wool to market the same way.

Most of Eales' sheep were held away from the head station. They were split into separate flocks that grazed on pasture in several locations along the Wide Bay River and its tributaries such as Munna Creek. Approximate locations of the outstations are shown on the next page. To understand why the location of these outstations changed over time, it is necessary to explain how shepherds operated in Australia at that time.

In a typical operation, each shepherd took his flock out to graze unfenced pasture at sunrise and brought them back on sunset into temporary yards or 'folds' made of rough timber panels called 'hurdles' (there is a photo of a hurdle on page 10). Often two or three flocks were yarded adjacently at night so that several shepherds and their night watch-keepers shared the one hut. The watchman spent the night with the flock while the shepherds slept in the hut. According to one firsthand account the watchman had 'a small weather-proof watch-box to sleep in, and is assisted by a watch dog; he keeps up a good fire, which generally deters all native dogs from approaching the fold'.28
Ideally the hurdles were moved to fresh ground each day in an attempt to prevent the serious and widespread sheep disease *psoroptic mange*, commonly known as 'scab'. In settled, timbered country each shepherd usually tended around 300 ewes or 400 wethers, with larger flocks possible in more open country. As we shall see later, circumstances soon forced Eales' men to tend much larger flocks. With 25,000 sheep on Eales' station at Wide Bay, if the initial ratio was one man to 500 sheep, a workforce of 50 shepherds would be required. After warfare with the Aborigines broke out in 1843, this ratio approached one shepherd to 1,000 sheep as workers left the station and the outstations were moved closer together for safety.
The longer an outstation was used to yard sheep overnight, the higher the chance of the area becoming infected with scab and other contagious sheep diseases such as footrot. This is why outstations were used for a while and then abandoned in favour of fresh locations. Moving was relatively simple, as each outstation probably consisted of a crude hut and sets of timber hurdles that made up the night 'folds'. On one sheep station (not Eales') the shepherds' hut consisted of 'only a few sheets of bark set up round an area of about 6 feet square, with a roof of the same'. No wonder it was fairly easy to move an outstation.

In the short term, despite the country's unsuitability, Eales' station operated roughly as expected. In January 1843 Eales' superintendent, William Jolliffe, hired a small cutter (sailing ship) named Nelson to take supplies from Moreton Bay to the station via the Wide Bay River which was navigable for small craft to within about 10 kilometres of the head station. Jolliffe's shuttle service to supply the large number of men at the station was beset by problems. In one incident he was driven out to sea for several days and forced to eat his dog to survive. In another incident he was trapped in his cutter by floodwaters, up a creek near the mouth of Wide Bay River, and nearly starved once again.

In February 1843 a larger sailing vessel, the schooner Edward, was chartered to take a group of Eales' men to Wide Bay and return with a cargo of wool. Evidently Eales' station had generated some income within a few months of establishment. At about the same time John Eales himself, never one to sit at home, visited his station at Wide Bay, possibly to see shearing completed and his wool safely on its way to market. He left the station on 15 March and returned overland to Moreton Bay. He and Jolliffe then left Moreton Bay on the steamer Sovereign, arriving in Sydney on 29 March 1843. Also on Sovereign were 130 bales of wool, some if it perhaps belonging to Eales.

On his overland return from Wide Bay to Brisbane, it's surprising Eales did not meet the Commissioner of Crown Lands, Mr S Simpson MD, and German missionary, the Rev. Mr C Eipper, travelling in the opposite direction in search of suitable land for an Aboriginal mission. Simpson and Eipper's party reached Eales' most southerly outstation, about 20 km northwest of present-day Gympie, on 28 March 1843. They then passed another four outstations, two of which were occupied and two already abandoned, as they travelled north along Wide Bay River country, reaching Eales' head station at present-day Tiaro on 30 March 1843.

When they reached the head station, the Bunya season had just ended. Every two or three years a large number of Aborigines from different families, clans and language groups (often called 'tribes' by Europeans) from all over what is now southeast Queensland gathered in the high country at the headwaters of the Wide Bay River to harvest and feast on Bunya nuts (fruit of Acacuaria bidwillii) which they considered a great treat. This was a significant cultural and social event in regional Aboriginal life. At the Bunya festival food, materials and weapons were traded, social alliances
formed, kinship obligations observed, marriages arranged, spiritual ceremonies held, songs and knowledge shared.\(^{37}\)

In 1843 the Bunya festival also took on tactical significance. Aborigines used the gathering to plan widespread resistance to the European invaders and reprisal attacks to avenge killing and abuse of their people at the hands of squatters and their workers. No doubt the Kilcoy massacre in 1842 strengthened Aboriginal resolve for resistance and revenge.

Simpson wrote 'The Bunya season being over the Tribes are leaving the Country in great numbers and plotting mischief against the new Settlers'. Eipper wrote 'we have learned, that the Bunya season being past, the Natives have a design of paying visits to the Stations or rather to the flocks'. He added that the shepherds had been warned of their intentions.\(^{38}\)

Eipper recorded in his journal for 30 March 1843 that one of Eales' men had recently been speared through the arm just across the lagoon from the head station but he added 'he deserves no commiseration as his own conduct exposed him to the wrath of the Natives'. Simpson was more explicit in his later official return – the man wounded in March 1843 was J Sussex who 'forcibly abused [an Aboriginal woman] in his hut and hence the attack on him'.\(^{39}\)

The Sussex incident was, unfortunately, part of a wider pattern of abuse of Aboriginal women by convict and ex-convict men throughout the colonial frontier. Not surprisingly it became a significant source of conflict. Cohabitation of convict men with Aboriginal women was common and widespread in pastoral areas. For example it was claimed that in 1835 every shepherd and hut-keeper in the Wellington Valley had an Aboriginal mistress.\(^{40}\)

Sometimes the relationships were consensual rather than forced but Aboriginal women were brutally exploited. They, along with blankets and tomahawks, were the most salient and frequent items of cultural exchange between Europeans and Aboriginals on the frontier.

From another perspective, the convicts and ex-convicts were mostly young men at the peak of their sexual needs who were involuntarily separated from their women-folk back home and forced to emigrate. Circumstance then placed these men in the vanguard of European invasion, in the midst of European-Aboriginal contact in remote country with no access to European women. It does not excuse the abuse of Aboriginal women but it helps to explain how life on the frontier played out.

Even when Aboriginal women were not coerced or maltreated, conflict could arise from misunderstandings and the failure of European men to meet expectations and obligations associated with the exchange. For example, the men were often expected to supply the relatives of Aboriginal women with food, tobacco and clothing, and to release the women were required.\(^{41}\) 'Although the black men are not, as a rule, too
strict with their wives so long as they return with tobacco and provisions, they won't tolerate being deprived of them'.

Simpson and Eipper's party departed Eales' head station on 4 April 1843 to begin their return to Moreton Bay. Ten days later a group of Eales' men who had been following their party were attacked by Aborigines, apparently without casualties, and moved into the Simpson camp for protection. The men had possibly left Eales' employ because of impending hostilities with the Aborigines and were making their way overland to Brisbane.

Later in April, a month after Sussex was wounded at Eales' head station, Aborigines killed four of Eales' shepherds at a hut on Eales' most southerly, most remote, outstation, about 20 km northwest of present-day Gympie. We don't know if this was part of widespread reprisals for the Kilcoy massacre the previous year, or because of further abuse of Aboriginal women, or part of ongoing resistance to European invasion and mistreatment of Aborigines. There is one suggestion the attack was due to the environmental impact of Eales' station. In his official return Simpson recorded the four killed as P Hassel, M Noonan, J Cummins and G McKin, but did indicate a motive for the attack.

The convict records show that the 'P Hassel' killed was Peter Hassal/Hassall, a weaver from Cheshire who received a life sentence for house-breaking and arrived in Sydney on the Planter in 1832 at the age of 25. He was initially assigned to SS Simpson at Castle Hill (not Stephen Simpson MD). He received a ticket of leave for the Maitland district in 1840 and his ticket was altered to the Moreton Bay district in October 1842. He then disappeared from the records.

Another of the four killed was Michael Noonan, an Irish butcher who arrived in Sydney on the Prince Regent in 1821 with a seven-year sentence and in 1826 was convicted of burglary and sent to Moreton Bay with a life sentence but given his freedom in July 1842.

The four shepherds' deaths were not reported in the press until three months later. The Sydney Morning Herald gave a graphic account:

"... the men were minding sheep on Mr. Eales's run, and on being surrounded by a number of blacks, some of them fired to intimidate them, when the whole body rushed on them; four out of the five at the hut were immediately knocked down, and their sculls beat to pieces with waddies; the fifth man made his escape to another hut, about five miles off, where two other men resided; the three were again surrounded in the building by two to three hundred blacks, and there kept bailed up for eight days, until they were released by a party dispatched from the head station, so soon as the news of the murder had reached them. As a matter of course the sheep exposed on the run without protection have been slaughtered by scores."

Nearly ten years later, a drover taking sheep to the area heard a different account of the killings: one day the hutkeeper and a shepherd returned in the evening to find an
Aboriginal man making off with half a bag of flour, so they discharged two rounds of shot into him. The account continues:51

The shooting incident, however proved to be misguided ... In those days the blacks never forgave an injury from a white man ... a couple of months after the attempted flour stealing, and in the earliest dawn of the day ... the hut was stealthily surrounded. Every man was sound asleep in his bunk. Silently, the blackfellows took up positions by the bunks with raised tomahawks ... an instant later began the murderous work ... all were murdered and mutilated and the hut looted of all rations, blankets and clothes.

By July 1843 Jolliffe had had enough; he resigned as Eales' superintendent at Wide Bay, leaving overseer Mr Last in charge.52 Jolliffe left Australia to resume his career in the British Navy, rising to the rank of captain in 1866.53

In 1843 Ludwig Leichhardt, the well-known naturalist and explorer, travelled through the Wide Bay region and recorded valuable details about Eales' station in his diary. On 28 July 1843 he arrived at Eales most southerly outstation. He found that this outstation had effectively become a quarantine area for the portion of Eales' sheep that were heavily infested with 'scab'. With Germanic precision he recorded that 4,525 sheep were held there.

Leichhardt also indicated that this was the outstation where the four shepherds were killed three months ago. A fifth man escaped and 'set out for the head station in the depth of night'. Leichhardt added that the killings triggered open warfare:54

The tribes, who had plundered the hut, were now attacked and several seem to have been killed. Now there is open warfare between the two. The Blacks steal sheep and attack shepherds, whom they find without firearms. The stations [outstations] are put much closer to one another now and when a shot is heard they immediately hurry to help ... an extraordinary amount of rain falls. The sheep are very much exposed to footrot. The shepherds leave the station only for short distances for fear of the Blacks. This makes the sheep small and thin.

After being on Eales' station for five days, Leichhardt noted that 'Every day it becomes clearer that this region is not suitable for sheep'. He added that a large number of Eales' sheep were afflicted by footrot and were 'thin and wretched'. Before open warfare began, each shepherd took his own small flock out to graze fresh pasture away from the huts. Now, for their own protection since the April killings, the shepherds had combined several smaller flocks into large flocks of between 2,500 and 4,000 sheep attended by two or three shepherds. These large flocks were now grazed in confined areas near the huts, so the sheep were starved of fresh pasture and had lost weight.

Leichhardt was told, however, that another part of Eales' station, 'on Manna Creek and on Ubi Ubi Mountain was more open and better' and the sheep weighed more there.55
Leichhardt was particularly horrified by the condition of the scabby sheep. He wrote:56

The scabby flock, more than 4,500, presents one of the saddest spectacles that I've ever seen. The poor animals are robbed of half their wool, the naked skin red; they are always biting themselves and are occupied rubbing themselves and therefore cannot get very fat. The shepherds are well paid and yet they lack good will. Mr Eales will suffer enormous losses.

After a few more days there, Leichhardt decided the shepherds were not to blame. 'It seems to me therefore unreasonable to hold the shepherds responsible for the loss of the sheep. The provisions of these shepherds were all bad. The flour could not be baked into damper ... the tea and sugar are bad too ... in addition to this they were without salt for three months'.57 (Salt in large quantities was needed to preserve meat).

As his stay progressed, Leichhardt became increasingly critical of Eales' superintendent, Mr Last. On 9 August he wrote:58

I never saw such lazy, bungling, farming superintendence as here. Mr Eales seems to concern himself little with this part of his property ... the people lacked the most ordinary and simplest medicines and although he has at least twelve horses here, there is not a single horseshoe to be had ... the horses can scarcely walk on this often stony ground.

Leichhardt's visit in August 1843 marked the beginning of the decline of Eales' sheep station on Wide Bay River, and by the middle of the following year Eales' had completely withdrawn his men and sheep. Several factors caused the enterprise to fail – open warfare between the Aborigines and Eales' men; the area's unsuitability for sheep, particularly with high rainfall and footrot; and the difficulty of reliably supplying a large workforce at Wide Bay River by sea from Moreton Bay.

The deaths of Eales' shepherds in April 1843 sparked an exodus from Eales' station, as the Sydney Morning Herald reported in September that year:

I am afraid the flocks of Mr Eales, at Wide Bay, will suffer severely, from a great number of his men having left his establishment lately, owing to their fears of the blacks;—twenty men have come to Brisbane, and have made engagements elsewhere. The blacks still continue their barefaced depredations; a flock of sheep depasturing on Mr. Mocatta's late station at Lockyer's Creek, about sixty miles from this, were driven off in the open day by these gentlemen, and the shepherds chased for their lives.59
Despite the exodus, the remaining men tended Eales' sheep at Wide Bay until the shearing was completed in autumn 1844. By then the drought on the Liverpool Plains had broken and, given the extreme difficulties faced at Wide Bay, Eales ordered them to abandon the station and bring his sheep home. In June 1844 they moved the sheep south to the head of the Brisbane River on the first stage of the return trip. On 11 June 1844 the Commissioner of Crown Lands for the district, Stephen Simpson, met the men and sheep at Sandy Creek just north of Kilcoy. Simpson recorded that Eales' outfit comprised 39 men 'all camped out', 33 cattle, 8 horses and 24,021 sheep 'all on their way to Liverpool Plains'. Most of the cattle would have been working bullocks used to move their equipment and supplies from camp to camp by dray.

The meeting was probably not accidental. More likely, Commissioner Simpson was determined to intercept Eales' sheep before they left the district. Under the squatting regulations for occupation of Crown Lands Eales owed 'a considerable sum' on account of the annual levy per head of livestock. Simpson seized a portion of the sheep until the levy was paid. Once the bureaucracy was satisfied, the bulk of Eales' sheep were driven across the Darling Downs, through the New England and back onto the Liverpool Plains.

Given the low livestock prices at the time the remainder, comprising about 4,000 scabby sheep, were boiled down for tallow at Moreton Bay and only the healthier animals taken home. The Sydney Morning Herald's Moreton Bay correspondent reported in August 1844 that Eales' scabby sheep 'were driven to Brisbane and have since gone to pot' while the rest were en route 'to the other side of the country'. At this
time there was a boiling-down works at Limestone, now Ipswich, where large numbers of sheep and cattle were slaughtered.\textsuperscript{66}

Another 4,000 sheep perished on the journey to the Liverpool Plains – some of them drowned while crossing rivers and creeks, some died as a result of the cold, wet winter weather and others because of their emaciated condition.\textsuperscript{67}

While the sheep travelled south, six ticket-of-leave holders who had worked for Eales at Wide Bay had their tickets officially altered to the Moreton Bay district so they could continue to work there without a passport. This meant they intended to stay, possibly drawn by job prospects in the area or perhaps no longer required by Eales after 4,000 of his sheep had 'gone to pot' (were slaughtered for their tallow).\textsuperscript{68}

The Broom brothers James and Stephen were among the six who remained. James' ticket-of-leave was re-issued for the Moreton Bay district in 1846 and at some stage he married or partnered Elizabeth McIntosh. He was finally free when he obtained a conditional pardon in 1855.\textsuperscript{69} Stephen married a convict woman, Mary Corcoran, in 1841, had his ticket-of-leave altered to Moreton Bay in 1844, the same year Eales' sheep departed the area, and obtained a conditional pardon in 1846.\textsuperscript{70}

Both settled in the Ipswich district and had several children. In July 1851 the two brothers were granted title deeds to an allotment of land in Ipswich as tenants in common.\textsuperscript{71} Stephen died in 1880 and James in 1889. They, along with their wives and several of their children, are buried in Ipswich Anglican Cemetery.\textsuperscript{72}

The narrative of the Broom brothers is not the only postscript to Eales' northern venture. Another postscript appeared as a court report in the \textit{Maitland Mercury} on 22 March 1845, and it reminds us not to overplay the virtues of some of Eales' workers:

\textbf{It appeared that the prisoner, and the prosecutor Lewis were shepherds together, and fetched down sheep for Mr Eales from Wide Bay to Liverpool Plains, bringing with them into Maitland a large sum.}\n
Lewis had a cheque for £18, which he cashed, paying a debt, and receiving in cash seven £1 notes and an order for £2 7s. 4d. They all went into Mrs. Cornelius's inn, at Morpeth, and whilst there prosecutor's pocket was picked by one of the party named Whitehead, since dead, and the money was handed to Short. But Lewis immediately gave the alarm, and a person in charge of the inn coming in, Short was seen to drop the money into a corner of the room. They afterwards went out, and had drink in several houses, until they came at last to Stone's public house, being the last in Morpeth. Lewis then left, and the others followed him. Shortly after, when they came up with him, Whitehead struck him with his fists, and Short seized him by the
throat; Whitehead again struck him, and knocked him down. He then became insensible, and whilst on the ground they rifled his pockets. When information was given and the parties taken, the cheque for £2 7s 4d was found on Short, and silver was found on each of the prisoners. [emphasis added]

Cowley and Brierly were found not guilty while Thomas Short was convicted and sentenced to transportation for ten years. Short's life had just turned full circle. This stockman who helped bring Eales' sheep back from Wide Bay was, as a youth, an English mariner transported to Van Diemen's Land for seven years in 1823 for shoplifting. There he received 175 lashes in four separate punishments before he became free in 1829 and later moved to New South Wales. Now, in 1845, he was sent back to Van Diemen's Land and served the first 30 months of his new sentence as a labourer at Port Arthur. He received a ticket-of-leave in 1850 and died in Hobart Hospital in 1857, a long way from Wide Bay and having seen more of Australia than most people at this time.

Wide Bay had settled Stephen and James Broom. It had also sent four others to an early death and led to the undoing of Thomas Short. The narratives of Eales' northern convict workers are nothing if not varied; a variety that in many ways reflects the complexity of Australia's broader convict history.
James Davies alias Duramboi – a multicultural life

What of Duramboi, the escaped convict who lived with the Aborigines and later guided Eales' men, drays and sheep across the Brisbane Range to Wide Bay?

First, to set things straight, in the convict records he appears as James Davies, not Davis, and his entry in the Australian Dictionary of Biography contains several errors. James Davies was a 17 year old 'cattle boy' from Glasgow when convicted in the Glasgow Court of Justiciary in September 1824 and transported for 14 years, arriving in Sydney on the Minstrel in August 1825. The shipping indent, which is the principal record of convicts in New South Wales, indicates he had a very freckled complexion, flaxen hair and light blue eyes. He was put to work in a government gang that was clearing land for settlers.

On 6 January 1829 he was convicted of robbery by the Patrick Plains (now Singleton) Bench and sentenced to three years at the penal settlement at Moreton Bay. He was sent to Sydney and placed aboard the prison hulk Phoenix moored in the harbour at Hulk Bay, now Lavender Bay, until he embarked for Moreton Bay on the ship Governor Phillip on 6 February 1829.

About six weeks after arriving at Moreton Bay James Davies absconded with a companion and headed north, meeting a party of Aboriginals whose chief claimed him as his dead son returned to life as a white man. No doubt Davies' flaxen hair and light blue eyes were key features leading to the chief's claim. Davies was accepted into Aboriginal life and given the name 'Duramboi'. He discarded his clothes and other European ways, learned the languages of many Aboriginal groups and assimilated into their culture.

When Davies joined the Aborigines in 1829 he was aged about 21, and he lived that life for 13 years until found by Petrie, Russell and Jolliffe at Wide Bay in 1842. When they found him, the only words of English Davies could remember at first were 'My name's Jem Davis from Glasgow.'
After petitioning the Governor, Davies received a ticket-of-leave for the Moreton Bay district in 1844 and a conditional pardon in 1849 (these records confirm his ship of arrival as the Minstrel as well as other details).  

James Davies married some time after his return and established a blacksmith's shop in Brisbane and later a store that sold crockery. Despite repeated requests he steadfastly refused to provide details of his life with the Aborigines. After his wife died he remarried and died in 1889.

Why did the Australian Dictionary of Biography incorrectly write James Davies' ship of arrival as Norfolk? It was because of a clerical error in the convict records. In February 1829 the NSW Colonial Secretary advised the Sheriff that 'James Davis' per Norfolk, 14 year sentence, had arrived from Patricks Plains and was to be sent to Moreton Bay. There was only one James Davis/Davies on the Norfolk in 1825 and he had a seven year sentence, receiving his Certificate of Freedom in July 1831. It was impossible for a convict to receive a Certificate of Freedom while serving secondary transportation to Moreton Bay. To receive a C of F a convict had to apply, pay a fee, and wait for the Principal Superintendent of Convicts' office to check the records for good behaviour, write the certificate and send it to local court house in the district where the convict was currently assigned, for the convict to collect. At the time this particular Certificate of Freedom was issued, the real James Davies (Duramboi) was living with the Aborigines at Wide Bay.

How did the error occur? When James Davies (Duramboi) arrived in Sydney from Patricks Plains en route to Moreton Bay, evidently a clerk checked the convict records while preparing the letter to the Sheriff and mixed up two consecutive entries for two James Davies who arrived in 1825. He mistakenly entered the ship from one convict's record and the sentence of 14 years correctly from the other. This error flowed on to the Phoenix prison Hulk records where Davies was held awaiting a ship to Moreton Bay.

To dispel any further doubt, according to the shipping indents the James Davis per Norfolk, seven year sentence, came from London while James Davies (Duramboi) per Minstrel, 14 year sentence, came from Glasgow. He confirmed this when found by Petrie's group in 1842.

There was one further error – Henry Stuart Russell, writing with many errors 46 years later, said that Davies had been tried in Surrey. He did not mention this in his report made shortly after the 1842 expedition to Wide Bay, and seems to have received incorrect information later.

The Ticket of Leave for James Davies per Minstrel shown on the next page should put the issue beyond doubt. It notes he 'lived about 14 years with the natives'.

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James Davies' ticket-of-leave for the Moreton Bay district in 1844. This is the man who guided Eales' men and sheep across the Brisbane Range to Wide Bay. The 'General Remarks' on his ticket indicates he 'lived about 14 years with the natives'.
1 Telfer and Milliss, *The Wallabadah Manuscript*, 63. 4 August and 21 September 1841, Robert Muir, diary.
2 Elizabeth Guilford, "Eales, John (1799-1871)", *Australian Dictionary of Biography* vol. 1 (Melbourne, 1966). One account suggests Eales purchased 20,000 sheep to take north (possibly buying them at a very low price due to the drought), see – Syd H Ware, *Carrabobbila* (Quirindi, 1982): 176.
4 French, *Conflict on the Condamine*, 75.
5 French, *Conflict on the Condamine*, 39, 44, 60.
6 It was not until 1853 that nearly all the land in the entire pastoral district was taken up: DB Waterson, *Squatter, Selector, and Storekeeper – A History of the Darling Downs* (Sydney, 1968): 11. French, *Conflict on the Condamine*, 68-71, 74, 81.
12 Russell, "Excursions in Australia", 316.
15 SMH 1 August 1842, 2.
17 SMH 26 August 1842, 2.
18 Australian 16 September 1842, 2.
20 Firmin McKinnon, "Early Pioneers of the Wide Bay and Burnett", *Historical Society of Queensland Journal* vol. 3 no. 2 (1940): 91.
21 NSW Treasury, Certificates of Depasturing Licences, licence 660, 19 December 1842, 4/99 SRNSW.
For official report – S Simpson, *Return of the number of white men killed and wounded in the district of Moreton Bay by the Aborigines for the years 1841 to 1844 inclusive*, John Oxley Library (State Library Queensland), A2.14 folio 639.

The wool shed was there by 24 November 1842 – Russell, *The Genesis of Queensland*, 331.


Anthony G Clift, *John Eales' Head & Outstations at Wide Bay*, unpublished research notes, 1 April 2020.

Walsh, *Voices from Tocal – Convict Life on a Rural Estate*, 42-47.

Alexander Harris (an Emigrant Mechanic), *Settlers and Convicts or Recollections of Sixteen Years Labour in the Australian Backwoods* (London, 1847): 182.

SMH 10 January 1843 page 2. Re named "Nelson" – *South Australian Register*, 19 April 1843 page 2.


SMH 22 & 23 February 1843 page 2.

SMH 30 March 1843 page 2. *South Australian Register*, 19 April 1843 page 2.

SMH 29 March 1843, 2.


S Simpson, *Journal of an Excursion to Bunya Country*, Governor's Despatches to the Secretary of State for the Colonies, Jan–April 1844, vol. 44, ML A1233, Mitchell Library, Sydney. This chapter draws on a handwritten copy provided courtesy of Tony Clift and a typewritten copy provided courtesy of Frank Uhr. The two versions are similar but not identical in content. Similar journal for Rev. C Eipper who accompanied Simpson, courtesy of Tony Clift.

S Simpson, *Return of the number of white men killed and wounded in the district of Moreton Bay by the Aborigines for the years 1841 to 1844 inclusive*, John Oxley Library (State Library Queensland), A2.14 folio 639.


Walsh, *Voices from Tocal*, 79-80.

Leichhardt to his mother, 27 August 1843 as cited in Uhr, *The Battle of One Tree Hill*, 120.

Simpson journal, handwritten copy.

Simpson journal, typewritten copy.

Darragh and Fensham (eds), *The Leichhardt Diaries* (Brisbane, 2013): 266.


S Simpson, *Return of the number of white men killed and wounded in the district of Moreton Bay by the Aborigines for the years 1841 to 1844 inclusive*, John Oxley Library (State Library Queensland), A2.14 folio 639.

Printed indents, X634 (Hassal); Bound Indents, 4/4017 (Hassall); Ticket of Leave 40/2799, 4/4146, NSW State Archives and Records. Home Office 10/29, *Convicts Arrived NSW 1828-1832*, National Archives UK.

Certificate of Freedom 42/1306, 30 July 1842, NSW Archives and Records.

SMH 25 July 1843, 3.


Mr Last was given authority to draw money orders on Eales' account from 10 July 1843, presumably instead of Mr Jolliffe – *Maitland Mercury*, 25 March 1846 page 4.


Darragh and Fensham (eds), *The Leichhardt Diaries* (Brisbane, 2013): 266, 274.
55 Darragh and Fensham (eds), *The Leichhardt Diaries*, 276.
56 Darragh and Fensham (eds), *The Leichhardt Diaries*, 271.
57 Darragh and Fensham (eds), *The Leichhardt Diaries*, 274.
58 Darragh and Fensham (eds), *The Leichhardt Diaries*, 276.
59 SMH 12 September 1843, 3.
60 Votes and Proceedings, Legislative Council, New South Wales, 1844, 666.
61 SMH 18 June 1844, 2.
62 CS, Commissioners of Crown Lands Itineraries 1837-46, 11 June 1844, X818, 2, SRNSW.
63 SMH 3 July 1844, 2. Re separate squatting district see French, *Conflict on the Condamine*, 77.
64 MM 25 March 1846, 4.
65 SMH 9 August 1844, 4.
66 SMH 18 June 1844, 2.
67 SMH 12 February 1845, 2.
68 The six were James and Stephen Broom, James Cotton, Charles Fox, Robert Gray and Richard Nixon.
69 ToL 46/1414, 17 October 1846, 4/4210 SRNSW. CP 55/39, 9 August 1855 (as per notation on indent and ticket-of-leave).
70 ToL 38/1480, 28 August 1838, 4/4122 SRNSW. CP 46/282, 23 May 1846, 4/4484, 63-64, SRNSW.
71 MM 26 July 1851, 1.
72 Ipswich Anglican Cemetery Index:
73 MM 22 March 1845, 4.
74 Archives Office of Tasmania: Conduct Registers of Male Convicts whose records were transferred from the probation series, CON39/1/2, 59. Indents of Convicts locally convicted or transported from other colonies, CON16/1/3, 4.
76 Bound Indents 4/4009A, 222, SRNSW.
77 Phoenix Hulk Entrance Book 22 January 1829, 4/6281, 79 (prisoner number 1906) SRNSW. CS Letters to the Sheriff, 4/3896, 70, SRNSW.
79 ToL 44/2015, 29 July 1844, 4/4192 SRNSW. CP 49/806, 20 February 1849, 4/4466, 315-316, SRNSW.
80 Petrie, *Tom Petrie's Reminiscences of Early Queensland*, 139-140.
81 CS Letters to the Sheriff, 29/5 & 29/6, 6 February 1829, 4/3896, 70, SRNSW. Phoenix Hulk Entrance Book 22 January 1829, 4/6281, 79.
82 Certificate of Freedom 31/733, 19 July 1831 for James Davies per *Norfolk*, seven year sentence.
Masters and servants – caught in the Act

In April 1849 William Jenkins was a wanted man. An advertisement placed in the *Maitland Mercury* by the superintendent at John Eales' squatting run 'Walhollow' on the Liverpool Plains showed that Jenkins had absconded from hired service and a £3 reward was offered for his arrest. By this time Jenkins was a ticket-of-leave holder and, as such, was free to work for whomever he chose. Emancipation did not provide freedom from stringent workplace legislation called the *Masters and Servants Act* that in some ways treated free and ticket-of-leave workers little better than convicts.

Under the *Masters and Servants Act* introduced in New South Wales in 1828 free workers could be fined or imprisoned for not turning up for work, not working fast enough, or being insolent to their master. They were also required to pay compensation at double the value of any of their master's goods and livestock destroyed or lost. It was a lopsided Act that protected employers far more than employees, as there was no provision for wage recovery. The 1828 Act was replaced with a less oppressive version in 1840 – penalties were more moderate and employees could take their masters to court to recover unpaid wages.

Workers, including those employed by Eales, were usually hired under a written agreement, today called a workplace contract, that was enforceable under the Act. Absconding was a serious issue and it was the main reason masters brought their employees to court because workers frequently left before completing their agreements if they were dissatisfied or found a better offer elsewhere. Absconding accounted for nearly 40 per cent of court appearances under the *Masters and Servants Act* between 1845 and 1860.
Even an employee who missed a day's work could be in trouble, particularly if his employer had other issues with him. Ticket-of-leave holder James Buchanan was employed by John Eales under a written agreement but in February 1850 Buchanan left the farm on Saturday and did not return until Monday evening. Eales hauled him before the Maitland court charged with a breach of the Masters and Servants Act for absconding, and at the same time brought to court the additional charge of losing sheep by wilful neglect while droving them to the Liverpool Plains some time ago. The Maitland Bench ordered that Buchanan's ticket-of-leave be withdrawn and that he be returned to government. Buchanan's unsanctioned long weekend cost him his freedom and forced him to serve as a convict once again. His ticket was not reissued until January 1851.

Another ticket-of-leave holder, Jeremiah Looney, was hired by Eales for 12 months and was well behaved for the first three. Then, according to Eales, Looney became idle and insolent. In May 1850 Looney 'positively refused to work faster at raking hay when required, and had since refused to work at all'. Looney was convicted of a breach of the Masters and Servants Act and imprisoned with hard labour for one month.

There is no better illustration of the power wielded by employers under the Masters and Servants Act than the case of William Morrison. As a ticket-of-leave holder he was employed by Eales as a farm servant for 12 months under a written agreement. In September 1849 Morrison was observed to be drunk at work and became insolent when challenged by the farm superintendent. He then became insolent with Eales himself, who ordered him to be handcuffed and taken into police custody at Maitland to await trial. Remember that Morrison was at this time effectively a free man provided he met the conditions of his ticket, yet Eales had the power to have him handcuffed and arrested. As a result the Maitland court ordered Morrison's ticket to be withdrawn and that he be returned to government as a convict for 12 months.

Damage to property and loss of livestock were other reasons that Eales' workers found themselves in court. James Crawford broke a bullock dray belonging to Eales, apparently through negligent driving, and was ordered to pay damages of £1 10s, the

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Ticket holders denied admittance to Maitland Hospital

If the legal status of ticket-of-leave workers was vexed, their access to health care was even more so. William McGill was employed by Eales after obtaining a ticket-of-leave for the Maitland district in 1840, and over the next two years he worked for Eales on the Liverpool Plains. After returning to Maitland, in 1846 McGill suffered an inflammation of the lungs and presented himself to Maitland Hospital. There he was treated but refused admission as a patient, 'it being contrary to the rules of the institution that ticket-of-leave holders should be admitted'. Two days later he was dead and the coroner 'could not say that it had been at all accelerated by removal from the hospital' (Maitland Mercury 27 May 1846).
equivalent of more than a month's wages. Details of Crawford's case can be found in the next chapter.

On the other side of the ledger, several workers brought Eales to court under the Masters and Servants Act to recover wages they believed were owing, and some won their cases against him. For example, Charles Wyatt had been hired by Eales under a written agreement and took Eales to court claiming a balance of £4 15s in wages owing. Eales withheld payment because Wyatt had taken a load of flour to the Liverpool Plains for him and Eales alleged nearly 800 lbs (363 kg) was missing. During the evidence given in court, however, Eales admitted that on further investigation there was only 66 lbs (30 kg) missing. The court found in favour of Wyatt, directing that Eales pay him £2 18s which was the balance owing after deducting the value of the 66 lbs of missing flour.10

In similar fashion, a man named Carter who worked for Eales at Liverpool Plains, Moreton Bay and Wide Bay claimed unpaid wages in March 1846. At the same court session Eales' previous superintendent at Liverpool Plains, a Mr O'Neile, also claimed unpaid wages. In each case the court found in favour of the plaintiff, directing Eales to pay Carter £58 18s and O'Neile £57 10s, proof it would seem that the Masters and Servants Act was not so biased towards employers after its revision in 1840.11

Sometimes a case could backfire when a disgruntled employee took Eales to court. John Mash brought Eales before the Maitland Bench in July 1850 to recover £8 14s for the balance of wages owing at the end of his 12 month agreement. Eales mounted a vigorous defence, asserting Mash had lost valuable sheep on the way to the Liverpool Plains, was frequently absent from work and had an unpaid account from the hospital, the end result being that Mash owed Eales £34. On hearing the evidence the court dismissed the case.12

In other cases, employer and employee could bring retaliatory charges against each other in a litigious duel. In May 1850 Matthew Shields, a ticket-of-leave holder, took Eales to court claiming a balance of wages owing, and the court found in favour of Shields, ordering Eales to pay him 16 shillings.13 Only two weeks later Eales had Shields charged with a breach of convict discipline and Shields was remanded in custody pending trial. Here is striking evidence of the ambivalent legal status of ticket-of-leave holders – they could appear in court as free men, either plaintiff or defendant, under the Masters and Servants Act, or at the discretion (some might say 'whim') of a magistrate they could be charged as convicts under the Summary Jurisdiction Act. This latter Act did not apply to free people – it was the Act under which convicts could be sentenced to a flogging, an iron gang, or secondary transportation to a penal settlement.

The circumstances leading to Shields being charged with a breach of convict discipline are murky. After winning his case in May he returned to work for Eales but Eales refused to comply with the court direction to pay the balance of wages owing until Shields had served a full 12 months, apparently saying he differed with the magistrates.
Shields claimed Eales said 'he would pitch the bench of magistrates to hell and Shields with them' and that another employee had overheard the conversation. When questioned, however, the other employee said he did not hear it, which gave Eales the opportunity to allege that Shields had tried to subvert a witness. The court believed Eales' version of events and did not inquire further as to why Eales had not followed its order to pay Shields. The court consequently convicted Shields of disorderly conduct and sentenced him to two months imprisonment. But that was not the end of the saga.

After serving his two months in gaol Shields evidently had no choice but to return to work for Eales under the previous agreement. Shields took Eales back to court, claiming his term of employment had expired and he should be free to leave. The magistrates agreed and directed Eales to discharge Shields from his employment.

1 MM 11 April 1849, 3.
6 MM 20 February 1850, 2. MM 3 April 1850, 1. MM 10 July 1850, 2.
7 ToL 51/29, 16 January 1851, 4/4224 SRNSW.
8 MM 8 June 1850, 2.
9 MM 8 September 1849, 2.
10 MM 26 June 1850, 2.
11 MM 25 March 1846, 4.
12 MM 10 July 1850, 2.
13 MM 22 May 1850, 2.
14 MM 8 June 1850, 2.
15 MM 11 September 1850, 2.
The 'exiles' – convicts by another name

In May 1850 a ticket-of-leave man named James Crawford apparently delighted in telling John Eales junior that he had 'broke the gelatine dray ... oh yes, I've broke the old thing at last'. Eales told his father, John Eales senior, who consequently took Crawford to court and was awarded damages of £1 10s under the Masters and Servants Act. The Maitland Mercury reported the case in some detail:

MASTERS AND SERVANTS ACT.-Yesterday one case under this act was brought before the bench: John Eales v. James Crawford, Crawford being charged with wilfully destroying property committed to his charge. It appeared from the evidence of Mr. Eales and his son, Mr. John Eales, jun., that Crawford, who was a servant of Mr Eales', under an agreement for twelve months, had on the 25th May gone into the slaughter-house and told young Mr. Eales that he had broken a dray, using these words "That's the ticket of soup, I've broke the gelatine dray;" Mr. Eales replied that he ought to be ashamed of himself to talk in that way; Crawford said, laughing, "Oh yes, I've broke the old thing at last ;" Mr. Eales told him he would have to pay for it, and he then went and told his father, who went with him to the spot, where they found that the dray had been driven end-on to a dead lying tree, so that one wheel went on one side and the other on the other, and that the dray had been suddenly turned off on one side, so as to cause one wheel to go over the log, thereby giving the loaded dray such a jerk that the bottom came out, and the dray was injured to the extent of £1. Mr. Eales was positive that the damage might have been easily avoided, even after the dray got into the position described, and he told Crawford when he saw him that he seemed to take delight in breaking things, but he would have to pay for the damage; Crawford' replied "I'll see yon d- first." The tree, it appeared, had been laying there for years, and Crawford had frequently driven the dray that road. About an hour after the conversation with Mr. Eales, Crawford had to go with another dray for water, and after loading the dray the bullocks were moved the wrong way, and consequently the wheel broke away the earth into the well, and the wheel going in the pole of the dray was snapped off, which Mr. Eales estimated would cost 10s. to repair. In defence Crawford asserted that both injuries were accidental and arose
from awkwardness on the part of the bullocks, he not being much of a bullock-driver. In answer to the bench, Mr. Eales said there were no wages owing to Crawford, he thought. The bench convicted Crawford of the offence charged, and sentenced him to three months' imprisonment unless the damages of £1 10s. and the costs were sooner paid.\footnote{1}

The above incident is relatively minor but the circumstances under which James Crawford and fourteen others arrived in New South Wales and were employed by John Eales form part of an eventful final chapter in the convict history of the colony.

Despite the suspension of transportation of convicts to New South Wales in 1840, James Crawford arrived in Sydney on board the \textit{Hashemy} in June 1849 while serving a seven year sentence for stealing silk handkerchiefs in Glasgow three years earlier. In a large dose of political spin the British Government declared that Crawford and his shipmates were not 'convicts' but rather 'exiles' because they had already served part of their sentences and were reformed men who would make a welcome addition to the colonial workforce.

According to the politicians of the time, the reformation of these men was assured by their incarceration under the new 'separate' penal system where they were isolated in individual cells and forbidden to speak to other prisoners. In fact 100 of the men onboard the \textit{Hashemy} were from Pentonville Prison which was completed in 1842 and purpose-built in pentagonal form to implement the 'separate' system.

The arrival of the \textit{Hashemy} in Sydney in 1849 marked the culmination of years of negotiations between London and Sydney regarding the resumption of transportation to New South Wales in some form. So in order to understand the saga of the 'exiles' we need to go back to the early 1840s.

\textbf{Background to the arrival of the exiles}

In 1843 New South Wales began government under its first partly elected Legislative Council. Because of the way seats had been distributed and the franchise arranged, the new Council was more representative of pastoral than other interests. At the same time rural labour was in short supply and able to command increasingly higher wages as squatters spread inland and took up more country. Consequently, pastoralists were largely in favour of the resumption of transportation of convicts to meet their labour needs and keep the lid on wage rates.

On the other hand, the growing number of free immigrants in the colony and the increasingly vocal Sydney merchants and businessmen were concerned that the re-introduction of transportation would taint the emerging free society, a society to which many had immigrated on the understanding that transportation had ceased. This was the mix of sentiment in New South Wales in the 1840s while across the world the British Government was looking for ways to ease the pressures on its penal system that
had intensified as the opportunities for transportation to its various colonies lessened. Van Diemens Land (Tasmania) in particular was now overcrowded with convicts and emancipists to such an extent that by the mid 1840s several thousands were unemployed there.²

The Port Phillip district, later to become Victoria but still part of New South Wales in the 1840s, had the most urgent need for labour and received its first batch of 'exiles' in 1844. These were convicts who had already served part of their sentence in Britain and were given a conditional pardon on arrival. Between 1844 and 1848 six ships with a total of 1,568 exiles landed at Port Phillip and were sent to its country areas where they received low wages.

In general the Port Phillip exiles were readily employed and met with little opposition. However, because they had obtained a pardon they were not obliged to stay in rural areas, so many relocated to Melbourne. This was definitely not part of the government's plan. To counter this, later arrivals of exiles were given a ticket-of-leave rather than a pardon, which meant they were required to stay in the district for which the ticket was issued or they would lose it.³

With the successful renewal of transportation to New South Wales through the colony's back door, namely Port Phillip, the British Government asked if it could send exiles to the NSW east coast via Sydney. The response was confusing. In 1846 the NSW Legislative Council sent a report to London favouring the idea but changed its mind the following year. When Britain promised to send an equal number of immigrants free of charge the Legislative Council changed its mind again and agreed. Consequently in September 1848 New South Wales was again declared a penal colony and the first batch of convicts were sent aboard the Hashemy.⁴

**The exiles arrive in Sydney**

The voyage of the Hashemy was troubled at its start and finish. In late November 1848 it embarked 237 men and boys at Woolwich and set sail. While still in sight of land a severe outbreak of cholera onboard forced the ship to return to shore and establish a temporary hospital. Sixteen died in the outbreak and several others were removed from the ship which eventually departed from England on 11 February 1849 and reached Australia with 212 prisoners onboard.⁵

Contrary to many accounts, Hashemy sailed direct to Sydney without attempting to disembark convicts at Port Phillip.⁶

In Sydney the arrival of the Hashemy in June 1849 was met with a storm of public protest. Only the previous month the newly elected NSW Legislative Council advised London of its opposition to the renewal of transportation and requested them to revoke the order, but of course it was too late – by then the Hashemy was nearly there and several other ships were also on the way. Adding to the intensity of public sentiment was the fact that the promised equal number of free immigrants had not been sent.
The NSW Governor, Sir Charles FitzRoy, stationed soldiers and additional police in the grounds of Government House as the 5,000 strong mob of townsfolk assembled on 11 June to protest the Hashemy’s arrival. It is said he even ordered the cannon of Fort Macquarie (now the Opera House site) to be trained on the meeting place. The assembly passed resolutions calling for the return of the Hashemy’s cargo and that no more convicts be sent. FitzRoy’s apparently haughty reaction to the petition aroused further resentment and resulted in a second mass protest a week later.

A compromise was reached – some of the Hashemy men were sent on to Moreton Bay and the rest ‘quietly removed from the ship, it being stipulated they should not land in Sydney, nor be employed in any part of the surrounding district’. On 12 June 1849, the day after the first protest meeting, tickets-of-leave for 208 of the 212 Hashemy men were written in a batch so they could be employed rather than work as assigned convicts.

On 14 June the men were ‘permitted to make engagements with persons who were allowed to go on board for that purpose ... and were hired to respectable landholders and sheep farmers’. The exiles were then dispersed to Bathurst, Maitland, Illawarra, Mudgee, Wellington, Scone and several other country areas. Only seven of the Hashemy men were dispersed to Maitland and all of these were hired by John Eales.

Excluded from the initial dispersal were four of the Hashemy men whose tickets were ‘withheld during the pleasure of His Excellency for misconduct during the voyage’. These four were incarcerated on Cockatoo Island in Sydney Harbour until three of them received their tickets in October but the fourth, Charles Ramsden, continued to give trouble and did not gain a ticket until July 1850.

Subsequently in 1849 another three ships arrived and disembarked exiles in Sydney. They were the Randolph, Havering and Adelaide, and along with the Hashemy they landed 1,100 men there. A total of 15 of these exiles were hired by John Eales as shown in table 7 on page 76. The last convict ship to disembark exiles in New South Wales was the Bangalore which arrived in Moreton Bay on 30 April 1850 (Queensland became a separate State in 1859). In April 1851 transportation to New South Wales and its dependencies was absolutely and finally abolished.
Eales' exiles

John Eales hired each of his seven Hashemy exiles at £13 per year, entering into written contracts with them that were enforceable under the Masters and Servants Act. He similarly hired five exiles from the Havering and three from the Randolph at £12 per year. Eales subsequently applied for ticket-of-leave passports for five of his exiles to work on his squatting runs at Liverpool Plains.

It is important to remember that the exiles were convicts who were still serving their sentences, and a ticket-of-leave gave them an early release on parole provided they remained in the district for which the ticket was issued, reported for the quarterly muster at the district court house and, most importantly, behaved themselves at work and at leisure. Failure to meet these conditions resulted in the ticket-of-leave being withdrawn. No amount of spin could conceal the fact that when an exile lost his ticket he was returned to the penal system as a convict.

The exiles were fast-tracked for tickets-of-leave, receiving them as soon as they arrived in Sydney whereas under the previous system convicts had to serve a minimum period of four years good behaviour while assigned to one master before becoming eligible, and for those with 14 year or life sentences the minimum was six and eight years respectively.

So how well did John Eales' exiles fare, these men who were supposedly a better type of prisoner who had been reformed by the 'Pentonvillian' system of silence and isolation? Did they behave well and retain their tickets, or were they demoted from exile to convict? Table 7 on the next page reveals the answer.
Table 7: the exiles who were employed by John Eales.

<table>
<thead>
<tr>
<th>Name</th>
<th>Ship (1849)</th>
<th>Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Buchanan, James</td>
<td>Hashemy</td>
<td>Drunkenness – fined 5s by Murrurundi Bench, absent from service and wilfully losing sheep – ticket-of-leave cancelled, returned to Government.14</td>
</tr>
<tr>
<td>Crawford, James</td>
<td>Hashemy</td>
<td>Fined £1 10s or 3 months prison for wilfully destroying Eales' property (but retained his ticket).15</td>
</tr>
<tr>
<td>Dillon, John</td>
<td>Hashemy</td>
<td>No offences recorded, received a ‘Pardon by Royal Warrant’.*</td>
</tr>
<tr>
<td>Foord, Thomas</td>
<td>Randolph</td>
<td>No offences recorded.</td>
</tr>
<tr>
<td>Hayes, Michael</td>
<td>Havering</td>
<td>Apprehended in Morpeth without a pass and cautioned by the Bench (retained his ticket).16</td>
</tr>
<tr>
<td>Leedham, Joseph</td>
<td>Hashemy</td>
<td>Illegally absent, ticket cancelled, returned to Government.</td>
</tr>
<tr>
<td>Looney, Jeremiah</td>
<td>Havering</td>
<td>Sentenced to one month imprisonment with hard labour by the Bench for being idle, insolent and not working fast enough while raking hay for Eales. Later his ticket was cancelled for disorderly conduct.17</td>
</tr>
<tr>
<td>Mash, John</td>
<td>Hashemy</td>
<td>To pay £6 for wilfully losing Eales' sheep on way to the Liverpool Plains, also frequently idle and absent from work.18</td>
</tr>
<tr>
<td>Morrison, William</td>
<td>Randolph</td>
<td>Ticket withdrawn for insolence and refusal to work in Eales' service, returned to Government for 12 months.19</td>
</tr>
<tr>
<td>Murdin, Thomas</td>
<td>Randolph</td>
<td>No offences recorded.</td>
</tr>
<tr>
<td>Power, James</td>
<td>Havering</td>
<td>Found guilty of burglary by the Maitland Circuit Court, sentenced to 3 years hard labour.20</td>
</tr>
<tr>
<td>Shields, Matthew</td>
<td>Havering</td>
<td>Sentenced to 2 months prison with hard labour for disorderly conduct while in Eales' service.21</td>
</tr>
<tr>
<td>Smith, James</td>
<td>Hashemy</td>
<td>Sentenced to 7 days in the cells for 'neglecting to report his place of presence'.</td>
</tr>
<tr>
<td>Wright, Peter</td>
<td>Hashemy</td>
<td>Fined 5s for drunkenness by the Murrurundi Bench. Ticket later cancelled for being illegally absent, returned to Government.</td>
</tr>
<tr>
<td>(name unknown)</td>
<td>Havering</td>
<td></td>
</tr>
</tbody>
</table>

*A 'Pardon by Royal Warrant' was written in England prior to departure, to be granted three months after arrival in NSW if the exile was well behaved during and after the voyage. It was issued to only 20 of the Hashemy men and it was on condition they did not return to the UK during the remaining terms of their sentences.*
Only four of John Eales' fifteen exiles managed to maintain an unblemished record while in his service. Seven of the fifteen forfeited their tickets and became mainstream convicts again, which is hardly a testament to their supposed reformation. Was Eales simply unlucky with the exiles he received, or is this result part of a wider pattern of poor performance by the exiles in general? Research undertaken for this book reveals for the first time that one in three of all the exiles on the Hashemy lost their tickets-of-leave for misdemeanours.

Of the 212 tickets-of-leave initially issued to the Hashemy men, 78 were subsequently cancelled. Six were cancelled because the ticket holder could not support himself, leaving 72 tickets cancelled for offences. This means 72 of the Hashemy men were returned to government as punishment and served time as convicts in the same way those transported up to 1840 had served. Table 8 below shows the reasons for the loss of tickets.

Table 8: cancellation of tickets-of-leave for Hashemy exiles.

<table>
<thead>
<tr>
<th>Reason for cancellation</th>
<th>number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Absent from district/muster, absconding</td>
<td>53</td>
</tr>
<tr>
<td>Disorderly/drunken &amp; disorderly</td>
<td>7</td>
</tr>
<tr>
<td>Unable to support himself/vagrancy</td>
<td>6</td>
</tr>
<tr>
<td>Larceny/highway robbery/assault &amp; robbery</td>
<td>5</td>
</tr>
<tr>
<td>Other criminal activity</td>
<td>2</td>
</tr>
<tr>
<td>Illegally on premises</td>
<td>2</td>
</tr>
<tr>
<td>Stating himself to be free</td>
<td>1</td>
</tr>
<tr>
<td>Not stated</td>
<td>2</td>
</tr>
<tr>
<td><strong>Total number of tickets cancelled</strong></td>
<td>78</td>
</tr>
<tr>
<td><strong>Number of tickets-of-leave issued</strong></td>
<td>212</td>
</tr>
<tr>
<td><strong>Percentage of tickets cancelled</strong></td>
<td>37%</td>
</tr>
</tbody>
</table>

The proportion of tickets withdrawn from the Hashemy exiles (and the pattern is the same for the other exiles) is much higher than for ticket holders under the previous system who had to qualify for their tickets through years of good behaviour. The higher rate of loss of tickets by the exiles is only partly explained by the fact they were not required to earn their ticket. Another likely reason is that by 1849 and into the
1850s the colony was spread over a much wider area than previously, with emancipist labour serving as far afield as the Darling Downs, the Monaro and the Murrumbidgee. There were now more opportunities, and more temptation, for ticket holders to seek employment outside the district stipulated by their ticket. And with the gold rushes from 1851 there was the added temptation to merge into the mass of newly arrived free immigrants and try their luck at the diggings.

Regardless of the reasons that a large number of exiles flouted the penal regulations, their behaviour reflects poorly on the effectiveness of reformation through silence and isolation in Britain's new penal system. The study of John Eales' exiles, along with the detailed analysis of all the Hashemy men, reveals that the re-introduction of transportation to New South Wales on the basis that these men were somehow better than convicts sent under the previous system was nothing more than spin.

### Imported free labour – a culturally diverse approach

The suspension of transportation of convicts to New South Wales in 1840 and the end of assignment of convicts to settlers in 1841 caused a severe shortage of labour at a time when the colony's pastoral activities were rapidly expanding. Faced with the need to pay higher wages to retain workers, settlers sought ways to overcome the labour shortage and ease the pressure on wages.

As early as 1837, when it became obvious transportation would soon end, John Eales offered to settle Scottish immigrants on his estates in the Hunter Valley. They were part of a group of 259 Gaelic speaking highlanders who arrived on the Midlothian in 1837. Eales' proposal was rejected and the whole group settled on Andrew Lang's nearby Dunmore estate where they were given clearing leases.23

In 1842 John Eales imported about 30 Chinese to work on his farms and in that same year he became a member of an association formed to import Indian labourers. His was not the only attempt to address the labour shortage with culturally diverse immigrants. A number of German vine dressers and their families were imported to work on vineyards in the Hunter Valley between 1849 and 1856.24 The Australian Agricultural Company even imported Chilean muleteers and their mules to carry provisions from their estate at Port Stephens to their holding on the Peel River. Thirty mules could carry three tons of flour at a time and complete the journey much quicker than a bullock team.25

Some labour was imported from closer to home. In 1846 John Eales hired 18 men from Van Diemen's Land (now Tasmania) as farm labourers and they were given free passage to the mainland but thirteen of them broke their engagements and left Eales' employ shortly after they arrived. Eales applied to the Maitland Bench for redress but was informed that workplace agreements made in Van Diemen's Land were not enforceable in New South Wales.26
1 MM 5 June 1850, 2.
8 Tickets-of-leave numbers 49/91 to 49/297 inclusive, 4/4216 SRNSW. Another Hashemy man, William Ireland, apparently also received a ticket-of-leave at this time but it does not appear in this batch.
10 'Hashemy Convict Ships - Exiles' 4/4526 (reel 704) SRNSW.
11 Bateson, *The Convict Ships*, 394. Bateson's figure of 1,100 is for exiles disembarked at Sydney.
12 Eales hired five Havering men as per MM 24 November 1849, 2. Only four of the five have been identified.
13 The principal source of information for the Hashemy exiles is 'Hashemy Convict Ships - Exiles' 4/4526 (reel 704), SRNSW.
14 MM 20 February 1850, 2. MM 3 April 1850, 1.
15 MM 5 June 1850, 2.
16 MM 24 April 1850, 2.
17 MM 8 June 1850, 2. Notation on butt for ToL 49/932, SRNSW 4/4220.
18 MM 10 July 1850, 2.
19 MM 8 September 1849, 2. Notation on butt for ToL 49/568, SRNSW 4/4218.
20 MM 12 March 1856, 2.
21 MM 8 June 1850, 2.
22 The rate of withdrawal of tickets under the 'old' system is based on anecdotal experience of the author's convict research. A quantitative analysis of loss of tickets under the old system would be required for a more systematic comparison but nevertheless the pattern is clearly evident.
26 Moreton Bay Courier 12 September 1846, 3.
Reflections – remembering these men and women

The study of John Eales' convict men and women has illuminated many aspects of their life, work and punishment. To further understand what it was like, we can reflect on their experiences and perhaps imagine some of their feelings.

Imagine Hannah Quigley's rush of adrenaline as she and other women stormed the gates of the Parramatta Female Factory, and their satisfaction as they captured the matron and took their revenge by shaving her head. Imagine the bittersweet reunion of James Wool with his wife and five children after seven years apart, his joy soon tempered by grief as he learned their eldest daughter had passed away during the passage to the colony.

We can guess the reluctance and perhaps dread William Woods felt when forced to join a band of men who were escaping from Norfolk Island just before he was due to return to the mainland at the end of his sentence. We can share some of Thomas Appleby's sense of adventure and discovery as he tended Eales' stock on the Liverpool Plains in the early years of the area's European occupation when it was a raw, lawless frontier.

We can sense James Rogers' pain and perhaps indignation when he received 36 lashes for not attending Divine Service on a Sunday. We can wonder what William Linegar thought of colonial justice when he was sentenced to six months in an iron gang for stealing oranges from John Eales' garden. And we can reflect on how William McGill might have regarded social justice when he was denied admission to Maitland Hospital in 1840 because he was a ticket-of-leave holder. He died two days later.

We may share the satisfaction and relief Charles Wyatt felt when he took John Eales to court to recover unpaid wages and won, the worker beating the wealthy squatter. And we might cringe at the spin surrounding the re-introduction of transportation to New South Wales under the guise of sending 'exiles' who turned out to be no better behaved than the convicts who preceded them.

Above all we can reflect on the heartbreak caused by the sudden separation from loved ones in Britain and Ireland at the beginning of their sentences. For the lucky ones, particularly some of the convict women, there was the joy of rebuilding family life in Australia. For the majority of convict men it was a different story. After emancipation
most remained in the rural workforce as bullock drivers, shearers, stockmen and farm hands – a nomad tribe of itinerants, lonely old men with just their dogs for company. These men left no further trace in the records apart from their death that was often notified by someone who knew little about them.

This is what happened to James Shaw, the man who was probably 'Jim-the-Londoner' in the Eales family legend. After being assigned to John Eales within weeks of Eales arriving in New South Wales in 1823 Shaw remained at Berry Park for at least five years and worked side by side with Eales to clear the land. James Shaw did not marry. He obtained his conditional pardon at Paterson in 1836 and was working at 'Penshurst' on the upper Paterson River when he died in 1865 at the age of about 80. The informant for his death certificate was a neighbour who could not supply information about Shaw's parents.¹ Like so many other convict men, Shaw died far away from family and loved ones.

Just as James Shaw was written out of the Eales' saga, so too were convicts largely written out of Australia's convict history until recent decades. As late as the 1960s convict records in New South Wales could not be accessed without special permission which was not given lightly – presumably to protect us from the stain of our convict past.² The narrative of James Shaw and the other convict men and women assigned to John Eales partially restores their voice to Australian history. Their toil and trouble helps us to understand our country's past.

¹ Death Certificate for James Shaw, NSW BDM 5349/1865. Based on his age at trial, James Shaw was about 75 when he died but based on the age shown in the 1828 census and the 1837 muster, the age on his death certificate is correct. He may have been a tenant farmer on Penshurst at some stage, see – Pauline Clements, Burials in St. Paul's Church Cemetery, Paterson (Paterson, 1996): 66.
² Smith, Australia's Birthstain, 39-41.
### Appendix 1 – John Eales' convicts and ticket-of-leave workers

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Trade or calling</th>
<th>Crime</th>
<th>Ship</th>
<th>Year</th>
<th>Eales</th>
</tr>
</thead>
<tbody>
<tr>
<td>A'court, Nathaniel</td>
<td>19</td>
<td>labourer</td>
<td>burglary</td>
<td>Hive</td>
<td>1834</td>
<td>1842-43</td>
</tr>
<tr>
<td>Allen, Martha</td>
<td>40</td>
<td>all work, plain cook, laundry maid</td>
<td>stealing silver knife</td>
<td>Mary</td>
<td>1835</td>
<td>1836-42</td>
</tr>
<tr>
<td>Appleby, Thomas</td>
<td>20</td>
<td>waterman</td>
<td>highway robbery</td>
<td>Tottenham</td>
<td>1818</td>
<td>1832-48</td>
</tr>
<tr>
<td>Barry, William</td>
<td>24</td>
<td>labourer, soldier</td>
<td>desertion</td>
<td>Mariner</td>
<td>1827</td>
<td>1840-41</td>
</tr>
<tr>
<td>Barton, George</td>
<td>28</td>
<td>coachman, groom, ploughman</td>
<td>Highway robbery</td>
<td>Henry</td>
<td>1823</td>
<td>1828-34</td>
</tr>
<tr>
<td>Bennett, John</td>
<td>21</td>
<td>carpenter's apprentice</td>
<td>stealing boots</td>
<td>Vittoria</td>
<td>1829</td>
<td>1829</td>
</tr>
<tr>
<td>Bennett, Patrick</td>
<td>30</td>
<td>ploughs &amp; shears</td>
<td>murder</td>
<td>Hooghly</td>
<td>1825</td>
<td>1837-38</td>
</tr>
<tr>
<td>Berrill, Bernard</td>
<td>20</td>
<td>farm servant &amp; maltster</td>
<td>stealing &quot;oates&quot;</td>
<td>Mangles</td>
<td>1828</td>
<td>1828-33</td>
</tr>
<tr>
<td>Broom, James</td>
<td>18</td>
<td>brewers clerk &amp; labourer</td>
<td>house breaking</td>
<td>Claudine</td>
<td>1829</td>
<td>1841-43</td>
</tr>
<tr>
<td>Broom, Stephen</td>
<td>21</td>
<td>ladies shoe maker</td>
<td>receiving</td>
<td>Claudine</td>
<td>1829</td>
<td>1841-42</td>
</tr>
<tr>
<td>Bruce, Thomas Smith</td>
<td>27</td>
<td>butcher</td>
<td>horse stealing</td>
<td>Waterloo</td>
<td>1829</td>
<td>1837-41</td>
</tr>
<tr>
<td>Buchanan, James</td>
<td></td>
<td></td>
<td>perjury</td>
<td>Hashemy</td>
<td>1849</td>
<td>1849-50</td>
</tr>
<tr>
<td>Burrell, Joseph</td>
<td>29</td>
<td>farm labourer</td>
<td>pig stealing</td>
<td>Royal Sovereign</td>
<td>1835</td>
<td>1837-41</td>
</tr>
<tr>
<td>Byrne, John</td>
<td>18</td>
<td>errand boy</td>
<td>house breaking</td>
<td>Mangles</td>
<td>1828</td>
<td>1828-42</td>
</tr>
<tr>
<td>Byrne, John</td>
<td>15</td>
<td>errand boy</td>
<td>stealing umbrella</td>
<td>Mangles</td>
<td>1828</td>
<td>1828-42</td>
</tr>
<tr>
<td>Carter, William</td>
<td>32</td>
<td>land steward</td>
<td>highway robbery</td>
<td>Boyne</td>
<td>1826</td>
<td>1832</td>
</tr>
<tr>
<td>Casey, Thomas</td>
<td>24</td>
<td>farm labourer</td>
<td>manslaughter</td>
<td>Earl Grey</td>
<td>1836</td>
<td>1836-45</td>
</tr>
<tr>
<td>Chandler, William</td>
<td>24</td>
<td>coalminer</td>
<td>house breaking</td>
<td>Henry Porcher</td>
<td>1835</td>
<td>1846-47</td>
</tr>
<tr>
<td>Collins, Mary</td>
<td>22</td>
<td>kitchen and house maid</td>
<td>shoplifting</td>
<td>Burrell</td>
<td>1832</td>
<td>1832-33</td>
</tr>
<tr>
<td>Connolly, Susan</td>
<td>18</td>
<td>nurse and house maid</td>
<td>stealing money</td>
<td>Pyramus</td>
<td>1836</td>
<td>1840-41</td>
</tr>
<tr>
<td>Connors, Thomas</td>
<td>39</td>
<td>reaps</td>
<td>administer unlawful oaths</td>
<td>Medina</td>
<td>1823</td>
<td>1843-44</td>
</tr>
<tr>
<td>Coote, James</td>
<td>24</td>
<td>farmers man</td>
<td>highway robbery</td>
<td>Countess of Harcourt</td>
<td>1827</td>
<td>1837,41</td>
</tr>
<tr>
<td>Corbett, Philip</td>
<td>48</td>
<td>boatman, seaman</td>
<td>manslaughter</td>
<td>Portland</td>
<td>1833</td>
<td>1839-40</td>
</tr>
<tr>
<td>Name</td>
<td>Age</td>
<td>Trade or calling</td>
<td>Crime</td>
<td>Ship</td>
<td>Year</td>
<td>Eales (^1)</td>
</tr>
<tr>
<td>------------------</td>
<td>-----</td>
<td>----------------------------------------</td>
<td>--------------------------------</td>
<td>----------------</td>
<td>--------</td>
<td>--------------</td>
</tr>
<tr>
<td>Corrigan, Paul</td>
<td>21</td>
<td>servant</td>
<td>felony of handkerchief</td>
<td>Bencoolen</td>
<td>1819</td>
<td>1824-25</td>
</tr>
<tr>
<td>Cotton, James</td>
<td>18</td>
<td>indoor servant</td>
<td>stealing a handkerchief</td>
<td>Mangles</td>
<td>1824</td>
<td>1842-43</td>
</tr>
<tr>
<td>Crawford, James</td>
<td></td>
<td></td>
<td>stealing silk handkerchiefs</td>
<td>Hashemy</td>
<td>1849</td>
<td>1849-50</td>
</tr>
<tr>
<td>Crawley, Patrick</td>
<td>20</td>
<td>labourer</td>
<td>bag (pig?) stealing</td>
<td>Mangles 4</td>
<td>1826</td>
<td>1826-27</td>
</tr>
<tr>
<td>Crawley, Peter</td>
<td>23</td>
<td>footman, housekeeper, clerk</td>
<td>picking pockets</td>
<td>Asia</td>
<td>1832</td>
<td>1842-43</td>
</tr>
<tr>
<td>Daws, Abraham</td>
<td>22</td>
<td>stocking maker</td>
<td>house breaking</td>
<td>Nithsdale</td>
<td>1830</td>
<td>1833</td>
</tr>
<tr>
<td>Dearn, George</td>
<td>50</td>
<td>ploughs, reaps, sows, milks</td>
<td>stealing shoes</td>
<td>Hercules</td>
<td>1832</td>
<td>1832-39</td>
</tr>
<tr>
<td>Dillon, John</td>
<td></td>
<td></td>
<td>stealing silk handkerchief</td>
<td>Hashemy</td>
<td>1849</td>
<td>1849</td>
</tr>
<tr>
<td>Doherty, Dominick</td>
<td>20</td>
<td>laborer</td>
<td>rape</td>
<td>St Vincent</td>
<td>1837</td>
<td>1847-48</td>
</tr>
<tr>
<td>Dorking, George</td>
<td>24</td>
<td>ploughman and ***maker</td>
<td>stealing money</td>
<td>Norfolk</td>
<td>1825</td>
<td>1841-44</td>
</tr>
<tr>
<td>Drake, John</td>
<td>18</td>
<td>dyer &amp; ***</td>
<td>house breaking</td>
<td>Lord Melville 2</td>
<td>1829</td>
<td>1829-30</td>
</tr>
<tr>
<td>Duffey, Hugh</td>
<td>26</td>
<td>laborer</td>
<td>horse stealing</td>
<td>Mangles</td>
<td>1828</td>
<td>1841-42</td>
</tr>
<tr>
<td>Eley, Thomas</td>
<td>19</td>
<td>painter's boy</td>
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</tr>
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<td>stealing fire-irons</td>
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<td></td>
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<td>1849-51</td>
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<tr>
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<td>sheep stealing</td>
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¹ In some cases the years served with Eales are approximate. For further information on individuals see www.patersonriver.com.au/ealesconvicts.
Information on individual convicts

Information on Eales' convicts was compiled from a range of sources. Details of individual Eales' convicts are available at www.patersonriver.com.au/ealesconvicts.

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