

## The Lives of Two English Convicts

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My great-great-great grandparents, William CAINS and Isabella WHITTLE, were two of the thousands of convicts transported to Australia between 1788 and 1868. Despite the traumatic upheaval in their lives, the two young people from humble backgrounds were able to overcome the disaster that had befallen them and forge successful new lives on the other side of the world.

William Tudway CAINS was born in October 1801 in the Parish of St Philip and St Jacob, Bristol.<sup>1</sup> At the time of his arrest at the age of eighteen, he was listed as a shoemaker and perhaps unusually for a young man who came from the 'lower orders', he was also able to read and write, signing his name in a neat, educated hand.<sup>2</sup>

The story of William's arrest and subsequent conviction begins with his accuser, Jeremiah PRINCE and the statement he made to William TEMPLE Esquire, 'one of his Majesty's Justices of the Peace for the County of Wilts'.

As he was standing in the Market place of Warminster aforesaid in the Public Street there on Yesterday Evening the twenty fourth day of April instant about ten o'clock in the Evening William Cains the prisoner now present did feloniously steal take and carry away from the person of this Informant one half crown the legal coin of this Realm of the value of two shillings and six pence of lawful Money of Great Britain of the Goods and Chattels of this Informant and this Deponent further saith that the said William Cains the prisoner came up and stood beside this Informant as he was looking at some people fighting in a crowd and put his hand in this Informant's Pocket and partly drew out his Pocket but this Informant finding the said William Cains dropt the half Crown which he had taken thereout and ran away.<sup>3</sup>

In his statement, William made no admission of guilt and instead accused Jeremiah PRINCE of violence.

William Cains, who being charged on the Oath of one Jeremiah Prince of Warminster aforesaid Labourer with having on the twenty fourth day of April now instant at Warminster feloniously stolen, taken and carried away from the person of him the said Jeremiah Prince a half crown the legal coin of this Realm the monies Goods and Chattels of the said Jeremiah Prince says that he was standing in Warminster Market Place yesterday Evening about ten o'clock the said Jeremiah Prince came up and struck him a violent blow in the face and he this Examinant asked the said Jeremiah Prince what it was for when the said Jeremiah Prince told him he had been trying to pick his pocket – and upon the Constables coming up and taking him into custody the said Jeremiah Prince said he did not want him put in the blind House as he would kill him first – that he this Examinant lives in the parish of Philip Saint Jacob in Bristol and came to Warminster Fair yesterday from thence with Mrs Cains who attended the Fair with Confectionary Goods.<sup>4</sup>

After his statement was taken, William was removed to the County Gaol of Fisherton-Anger at Salisbury where he was held until his trial at the Warminster Quarter Sessions on 11 July 1820. The *Calendar of Prisoners* listed him as No.1 for trial and the brief description of his offence stated: "Age 18. Committed by W. Temple, Esq. charged on the oath of Jeremiah Prince, at Warminster. Warrant dated April 25 1820" Despite his failure to admit to the offence William was found guilty and sentenced "To be transported beyond the Seas for the term of Seven Years and in the meantime to be confined in the County Gaol".<sup>5</sup>

Records relating to the hulks in Portsmouth Harbour indicate that William CAINS was received from Fisherton-Anger Gaol on 20 September 1820.<sup>6</sup> He therefore spent a further two months in gaol in Wiltshire before being sent to Portsmouth for the remainder of his imprisonment in England. His days during this period

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<sup>1</sup> Baptism Registers of the Parish of St Philip and St Jacob, Bristol, UK.

<sup>2</sup> *Examination of William CAINS*, 25 April 1820, County Record Office, Wiltshire, UK.

<sup>3</sup> *Examination and Complaint of Jeremiah PRINCE*, 25 April 1820, County Record Office, Wiltshire, UK.

<sup>4</sup> *Examination of William CAINS*, 1820.

<sup>5</sup> *A Calendar of the Prisoners in the County Gaol of Fisherton-Anger, Devizes Prisons, and Marlborough Bridewell*. Warminster Sessions July 11, 1820. Ref A1/125/52C.

<sup>6</sup> *Report of the Convicts under sentence of transportation. Removal from Sundry Gaols by Command of His Majesty, on board the Captivity Hulk in Portsmouth Harbour Commencing 1st January 1802*. p44.

## The Lives of Two English Convicts

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were likely to have been spent labouring in the Royal Naval dockyards and his nights on board the hulk *Captivity*.

The *Grenada* was about to begin its second voyage as a convict ship to the colony of New South Wales. On Saturday 21 April 1821, 152 convicts, including William CAINS, filed on board and eighteen days later on 9 May the ship weighed anchor and began its long voyage to the new colony on the other side of the world. On 19 September the ship arrived safely in NSW and the convicts were disembarked the following day.<sup>7</sup>

William's convict indent indicates that upon arrival at Sydney Cove he was a nineteen year old shoemaker from Gloucestershire, five feet five and a half inches in height, with a dark sallow complexion, brown hair and hazel eyes.<sup>8</sup> On 20 September he was assigned to Mrs Ann CHAPMAN as a government servant, a position he held for the next two and a half years.<sup>9</sup>

In 1823 a momentous event occurred in William's life when, while still in servitude to Mrs CHAPMAN, he married another young convict, Isabella WHITTLE. The first official notification of their intention to marry appeared in the Colonial Secretary's letters sent within the colony between November 1822 and March 1823, when they applied to have their names published in church prior to being married.<sup>10</sup> Their marriage was authorised by the Governor, following the publication of banns, and on 3 February 1823 William CAINS, waterman, and Isabella WHITTLE, spinster, were married in St Philip's Church, Sydney by the Reverend Richard HILL.<sup>11</sup>

Isabella WHITTLE had arrived in Australia on the convict ship *Mary Anne*, on 20 May 1822. However, she did not appear under this name on the ship's muster because she gave a false name upon arrest and was known as Isabella SMITH until her marriage.<sup>12</sup> On 28 May 1821 Harriet NOON and Isabella SMITH had been indicted for stealing a shawl, value 4s 8d, the goods of John JEREMY. On 6 June the prisoners, who had appeared before Mr Common Sergeant at the Old Bailey, pleaded guilty and were sentenced to seven years' transportation.<sup>13</sup>

The *Mary Anne* had left Portsmouth on 25 December 1821 on its third voyage as a convict ship with 108 women and children on board. Forty-five of the women disembarked at Hobart Town on 2 May 1822 and the ship finally weighed anchor at Sydney Cove on 20 May, where the remaining women and children were disembarked.<sup>14</sup> "The women to be assigned were usually taken to the Female Factory on arrival at Sydney Cove, and assigned from there as quickly as possible. Free and freed colonial women, as well as men, applied for females as their government servants".<sup>15</sup>

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<sup>7</sup> *Journal of the Convict Ship Grenada* by Surgeon-Superintendent Peter Cunningham, 28 March 1821-20 September 1821, AJCP Reel 3196 and *Musters and other papers relating to convict ships: William CAINS per Grenada 1821* AONSW 2/8261 Reel 2422 pp349-360.

<sup>8</sup> Principal Superintendent of Convicts NSW: *Convict Indent* – William CAINS per *Grenada 1821* AONSW 4/4007 Reel 395 p395.

<sup>9</sup> *Colonial Secretary: Letters Received, 1825* Archives Office NSW 4/1717.2 p67.

<sup>10</sup> *Returns of persons whose marriages were authorised by the Governor following the publication of banns 1814-1827: Colonial Secretary: Letters sent within the colony Nov 1822-Mar 1823*. William CAINS and Isabella WHITTLE. Archives Office NSW 4/3407, Reel 1034, p175.

<sup>11</sup> Marriage Certificate No 254, Vol 8. William CAINS and Isabella WHITTLE 3 February 1823, Registrar of Births, Deaths and Marriages NSW.

<sup>12</sup> *Musters and other papers relating to convict ships: Isabella SMITH per Mary Anne 1822*, AONSW 4/4008 COD 150.

<sup>13</sup> *The Whole Proceedings on the King's Commission of the Peace Oyer & Terminer & Gaol Delivery for the City of London & County of Middlesex*. Vol Q3431 L, p297, 1820-1821.

<sup>14</sup> *Journal of the Convict Ship Mary Anne* AJCP Reel 3204.

<sup>15</sup> Robinson, P (1988) *The Women of Botany Bay: A Reinterpretation of the role of women in the origins of Australian society*, Sydney, Macquarie Library, p225.

## The Lives of Two English Convicts

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Isabella's convict indent described her as a 'Sempstress from Wolverhampton, aged twenty, five feet three and three quarter inches in height, with a fair complexion, dark hair and grey eyes'.<sup>16</sup> The *1825 Convict Muster* indicated that Isabella Smith was then a government servant to Mrs DICKENS in Sydney.<sup>17</sup> Three years later, in June 1828, a notation at the end of her *Certificate of Freedom* provided the proof needed that Isabella WHITTLE and Isabella SMITH were one and the same. The notation stated that Isabella SMITH was "Wife of William Cains, Publican, Pitt Street, Sydney".<sup>18</sup>

By 1815 the Indenture Certificate for female servants stipulated that the period of service was to be three years and the employer was bound "... on no account directly or indirectly to part with such female convict or convicts or either of them to any person or persons whatever during the said term of three years".<sup>19</sup> This regulation could explain why Isabella was still a servant in 1825, under the name by which she had been convicted, three years after her arrival and despite having been married in 1823. It could also be why her first child was not born until three years after the marriage.

On 16 February 1824 William CAINS was assigned to a John WHITTLE of Goulburn Street, Sydney.<sup>20</sup> The fact that 'WHITTLE' was also his wife's maiden name may have been a coincidence or John WHITTLE could have been a relative who applied specifically to have William assigned to him, a not-uncommon practice at the time.

An undated letter received by the Colonial Secretary in 1825 read as follows:<sup>21</sup>

We hereby certify that William Cains who came by the Ship Granada 2nd which arrived in the year 1821 has not been convicted of any Crime or Misdemeanor in this Colony, but is, to our certain belief, an honest, sober, industrious Character having served faithfully Mrs Ann Chapman, residing in the District of Sydney from the 20th September 1821 to the Month of March 1824 and Mr John Whittle from that date to the present period.

This letter was an attestation as to character for his Ticket-of-Leave application and was signed by the Resident Magistrate (name indistinguishable); the clergyman, William COWPER, who added the notation "Wm. Cains is I believe a sober and industrious man"; William Chapman, son of Ann Chapman, Mistress; and the x mark of John Whittle, Master.

On 18 October 1825 William received his *Ticket-of-Leave*,<sup>22</sup> four years and one month after his arrival in Sydney, and in the same year or in early 1826 Isabella gave birth to their first child, Harriet.<sup>23</sup> On 9 February 1827 their second child, William, was born and at this time William CAINS was listed as a dealer.<sup>24</sup> On 26 March 1828 their second daughter, Isabella, was born and William was then listed as both a waterman<sup>25</sup> and a King Street publican, employing two ex-convicts as servants.<sup>26</sup>

Sadly, their daughter, Isabella, died on 30 April 1829, aged only thirteen months<sup>27</sup> but their pain would have been eased on 11 December 1829 when another daughter, Mary Ann, was born.<sup>28</sup> In the *Mutch Index* William was again listed as a dealer when Mary Ann was baptised on 10 January 1830, but the *Butts and Certificates*

<sup>16</sup> Principal Superintendent of Convicts NSW: Isabella SMITH per *Mary Anne* 1822 AONSW 4/4008 COD 150.

<sup>17</sup> *1825 Convict Muster* Archives Office NSW H010/19.

<sup>18</sup> *Certificate of Freedom* No 28/567 Date 26 June 1828, Isabella SMITH.

<sup>19</sup> Robinson *The Women of Botany Bay* p226.

<sup>20</sup> *NSW Convict Assignment Register*: William CAINS 4/4520, p85, no 911, date 16/02/1824.

<sup>21</sup> *Colonial Secretary: Letters Received, 1825* Archives Office NSW 4/1717.2 p67.

<sup>22</sup> *Ticket-of-Leave* William CAINS per *Grenada* 1821, No 508/1982 AONSW 4/4060 Reel 890.

<sup>23</sup> *1828 Census*.

<sup>24</sup> *1828 Census* and *T D Mutch Index to Births, Deaths and Marriages Series II 1815-1915*.

<sup>25</sup> *Mutch Index*.

<sup>26</sup> *1828 Census*.

<sup>27</sup> Burial Certificate No 1089 Vol 13, Isabella CAINS 30 April 1829, Registrar of Births, Deaths and Marriages NSW.

<sup>28</sup> *Mutch Index* and Registers of the Parish Church of Saint Philip, Church Hill, Sydney.

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*of Publicans' Licences from June 1830 to May 1849* indicate that he was a publican from 30 June 1830 until he departed for New Zealand in 1839.<sup>29</sup>

Another daughter was born to William and Isabella on 2 December 1831,<sup>30</sup> their second Isabella who, in contrast to her older sister, was destined to live to the ripe old age of ninety-seven.<sup>31</sup> Their second son, James Robert, was born on 23 September 1833<sup>32</sup> and their last child, Emma, was born on 1 February 1835.<sup>33</sup> Tragedy was soon to strike the family again, however, as Emma died and was buried in early June 1836.<sup>34</sup> Her mother is believed to have returned to England for a visit following this death and to have died there herself in about 1837. To date, however, this event has not been formally verified.

As the result of Isabella's untimely death, William CAINS, Sydney publican and father of five was then in the invidious position of being left to care for his children alone. It is not surprising, therefore, that on 22 April 1839 in the Parish of St Lawrence, William CAINS, widower and Sarah DUMBELL, spinster were married by the Revd WELSH, in the presence of John SMITH and Mary PARSONS.<sup>35</sup>

Although William CAINS and Isabella WHITTLE were just two of the mass of people convicted of minor crimes in England in the nineteenth century and then transported to the other side of the world, it is clear that they had the strength of purpose and ability to overcome their problems and successfully establish themselves in the new colonial society of New South Wales.

Their stories are representative of many of the transported convicts who, through quiet diligence and hard work, contributed greatly to the type of society which Australia became and which we enjoy today – the society to which they had come as unwilling immigrants so many years before.

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<sup>29</sup> *Colonial Secretary: Butts of publican's licences June 1830-May 1849* AO numbers 4/61-4/66, Reel nos 5049-5052.

<sup>30</sup> *Mutch Index*.

<sup>31</sup> Death Certificate of Isabella PEAKMAN née CAINS 3 March 1929.

<sup>32</sup> *Mutch Index*.

<sup>33</sup> Registers of the Parish Church of Saint Philip, Church Hill, Sydney.

<sup>34</sup> Burial Certificate No 367 Vol 20 Emma CAINS 4 June 1836, Registrar of Births, Deaths and Marriages NSW.

<sup>35</sup> Marriage Certificate No 145 Vol 23B, William CAINS and Sarah DUMBELL 22 April 1839, Registrar of Births, Deaths and Marriages NSW