

A Convict in the Family – William GARNER

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Great-great-grandfather GARNER was a convict. There! Now it's been shouted from the rooftops everyone will know! So who was he, this convict whose story lay hidden for years in the depths of our family's history?

In 1820, my ancestor William GARNER from Manchester, England was five feet tall with brown hair, brown eyes and a fair complexion. He was fifteen years old and a brickfield boy¹ when he and a few friends decided to relieve an unwary traveller near Liverpool of money or goods. Holding up or mugging someone today earns teenage hoodlums a good behaviour bond. That wasn't the case in 1820. The courts weren't so lenient back then.

At the Lent Assizes held at Lancaster Castle on 20 March 1820,² William and two of his accomplices were found guilty of highway robbery and condemned to death. His sentence was commuted to transportation for life.³

An extract from the *Preston Chronicle* on 1 April 1820⁴ states:

Charles Miller 18, John Jones 20, William Garner 15 and Briget le Strange 18, were charged with highway robbery at Liverpool. Jones acquitted. Miller, Garner, L'Estrange (sic) guilty. Death.

While locked in a heavily-doored Lancaster Castle dungeon, using the small amount of light that came through an opening above the main door, William scratched his name into the solid wall. In 2003, during an examination of the dungeons, the curators and officers involved in the Lancaster Castle Project – which is following the lives of people who passed through the Castle – found his graffiti, verified it, photographed it and kindly sent it to me.⁵

William GARNER came to NSW per the *Hebe* in 1820⁶. Named after the beautiful Greek goddess who represented youth (or the lovely veronica flower, depending on your point of view), the *Hebe* left Portsmouth on 31 July 1820 under the command of Thackeray WETHERALL, with Charles CARTE as surgeon. After calling at Van Diemen's Land, she reached Port Jackson on Sunday 31 December 1820. She carried 100 male convicts, stores and a detachment of the 48th Regiment. One death occurred on the voyage. The convicts weren't landed until the following Thursday.⁷

Colonial Secretary CAMPBELL⁸ directed the convicts to Parramatta “by water” to be divided between Windsor, Liverpool, Airs and Bringelly.

A Navy Office Transport Department list dated 8 July 1820⁹ for stores shipped per the *Hebe* included “*Clothing for the Use of Convicts upon their arrival*”. William would have been issued with a blue Kersey jacket and waistcoat, raven-duck trousers, shirt, stockings, shoes, a woollen cap and neck handkerchiefs. For their spiritual needs, bibles, testaments, prayer books and psalters were included. How many convicts could read them? Mustard, combs, soap, preserved meat, lemon juice and sugar were comforts for the voyage and ninety-six bottles of red port wine were included “*in case of sickness*”. And who got to drink that port wine? Sick convicts?

The year that William arrived in the young colony King William III died, MACQUARIE was the governor, a road across the Blue Mountains had been opened and the town of Bathurst had commenced.¹⁰

¹ Convict Indent No 289 *Principal Superintendent of Convicts – Bound Indents 1801-1835* Microfiche 645.

² *Lancaster Assizes 1820* AJCP/PRO Film 2764 Piece 19 p586.

³ *Gaol Delivery Notice (ASZ/60)* Lancaster Castle Project, Lancaster UK 2001.

⁴ *Preston Chronicle* 1 April 1820, microfilm, Harris Reference Library, Preston Lancs UK.

⁵ Graffiti, photo and letters, Lancaster Castle Project, Lancaster UK 2002.

⁶ *Hebe* shipping list, Archives Office NSW Reel 2422 2/8262 p73.

⁷ *Sydney Gazette* 31 January 1821, microfilm NX35 Reel 4, NLA Canberra.

⁸ *Colonial Secretary's Distribution Letters* Archives Office NSW Reel 6007 4/3503 pp36-39.

⁹ *Hebe* Stores List, Archives Office NSW Reel 2422 pp82-82.

¹⁰ Australian History books, personal collection.

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Through the public records it's been possible to follow William's progress, in spite of spelling variations and age discrepancies. In 1821, on 8 September,¹¹ he was being victualled from the Government Stores but the following year he wasn't listed on the muster.

In June 1825, as GARDNER, he was on John OXLEY's return,¹² showing the Surveyor-General and noted explorer had maintained him since 1823. OXLEY had two properties at Narellan, Kirkham where he lived, and Elderslie, as well as holdings in Minto and what is now Bowral.

As OXLEY's major explorations were done before 1820, William wouldn't have been in those, but he could have gone on OXLEY's trips to the Hunter Valley in the mid-1820s to measure early land grants or to what is now Queensland in 1823-24.¹³ In the muster of 1825,¹⁴ William was a government servant for "*Mr Oxley at Minto*".

By 1828 OXLEY was dead.¹⁵ The *1828 Census*¹⁶ shows William GARDENER per *Hebe* as a 50 year old (1) at the Prisoners' Barracks at Liverpool.

On 28 December 1829¹⁷ William gained the first of two Tickets of Leave permitting him to remain "*in the Sydney area*". In the nine years since arrival his appearance and height had changed. He had grown 6 inches, his hair was still dark brown, his complexion sallow, but his eyes were now grey. He'd had smallpox, as he was slightly pock-pitted and had two scars – one on his upper lip and the other on his left cheekbone. As well, he had done a little tattooing with WG and R on his left arm, as well as a man and a woman. On his right arm he had a mermaid, a moon, seven stars and an anchor. Perhaps the R was for an early sweetheart.

For the first time a birth year was mentioned – 1803, but his offence wasn't on the ticket. If correct, that should have made him 17 when he was convicted, not 15. Written across the ticket is the comment that it was "*renewed on 1st February, 1834, this being determined by ...*" (the rest is unreadable).

In 1831 William married Irish convict Catherine BIRD from Dublin who came per the *Lady Rowena* in 1816.¹⁸ though neither party was completely free, there is no record of them applying for permission to marry. The ceremony took place on 8 June 1831¹⁹ and was conducted by Father THERRY, probably the Catholic Church's most colourful pioneer priest, at the old St Mary's Church in Sydney. As Father THERRY's housekeeper was one of the witnesses, it seems probable that the wedding was in Sydney Town, not just recorded there after one of Father Therry's country journeys, as sometimes happened.

Catherine had two children, the first of whom, a daughter Mary Ann born c1828²⁰ probably wasn't William's child, but her second child, George, born in 1834²¹ was baptised under his mother's name and cross-referenced as GARDINER.

The second Ticket of Leave in 1834²² noted that his earlier one was mutilated, cancelled and re-issued. Along the side is a note that Will was "*to attend to Parramatta as per the Colonial Secretary's letter*

¹¹ *Victualling List 1821, Colonial Secretary's Papers* Archives Office NSW Reel 6016 4/4781 p93.

¹² *John Oxley's Convict List, Colonial Secretary's Papers* Archives Office NSW Reel 6014 4/3514 p527.

¹³ OXLEY information, Australian History books, personal collection.

¹⁴ *1825 Convict Muster* AJCP/PRO Reel 66 p207.

¹⁵ OXLEY information, Australian History books, personal collection.

¹⁶ *1828 Census of NSW* PRO Reel 67; *Census of New South Wales, November 1828*, edited by Malcolm R. Sainty & Keith A Johnson, 1985.

¹⁷ Ticket of Leave (1) Archives Office NSW Reel 913 4/4073-74.

¹⁸ *Lady Rowena* reference, Archives Office NSW Ticket of Leave Butts Reel 914 4/4075-77.

¹⁹ Marriage Record St Mary's Sydney, St Mary's Cathedral Archives Films G22933.

²⁰ Birth of Mary Ann BIRD, no record available.

²¹ Birth of George BIRD/GARDINER, NSW BDMs 1834 Vol 429 E126.

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11036/382 of the 17 June 1836".²³ (This almost unreadable letter lists William as one of many people with an altered Ticket of Leave and doesn't name the recipient of the letter). Written across the Ticket is "Attained a Conditional Pardon 39/60, date 20th November 1837. Ticket of leave destroyed on this day 29th August 1840".

On 20 November 1837, William was recommended for a Conditional Pardon,²⁴ No 60 on the list (lifers were only eligible for Conditional Pardons giving them freedom, but preventing their return home). The two-page Conditional Pardon document,²⁵ signed by Governor Richard BOURKE on 20 November 1837, lists these conditions. The reverse side, giving a description of William, wasn't signed until 10 January 1839, by the next Governor, George GIPPS. At the bottom of the page above the signature of the Colonial Secretary THOMPSON is the entry date record (at pages 95/96, Register 6) of 1 February 1839. Perhaps it took William until 1839 to find out the news and travel in to collect his Certificate?

The GARNERS whereabouts can be tracked through the musters, census and birth registers. In 1835²⁶ they were between Sydney and Parramatta and were still in or around Parramatta in 1837 according to the muster of that year. By the 1837 *General Return of Convicts*²⁷ William had lost several years – his age then being 30 instead of 34. He still had his Ticket of Leave and his marriage to Catherine BIRD wasn't noted.

In 1838 they were "around Concord"²⁸ according to a baptismal entry and by 1841²⁹ were back in Sydney Town, in Brickfield Lane off George Street, near the present day Haymarket, later the site of the famous Anthony Hordern's store. That area contained the Carter's Barracks,³⁰ where brick carters lived and worked. Perhaps William was working there making bricks for Sydney's early buildings. Unfortunately the family wasn't shown in the 1841 Census.³¹

By 1844,³² according to the birth records, they had moved to East Maitland where there were brickyards supplying materials for the government town on the banks of the Hunter River.³³

The BDMs contain these birth entries starting with George and using various spellings:

GARDINER	George	to William/Catherine	1834	Vol 429	E126
GARDNER	John	to William/Catherine	1835	Vol 2667	E134
GARDNER	Susan	to Catherine/William	1838	Vol 368	E22
GARDINER	William	to William/Catherine	1841	Vol 1371	E133
GARDNER	Rosanna	to Catherine/William	1844	Vol 1162	E121
GARNER	Rebecca	to Catherine/William	1847	Vol 32	E2138
GARDNER	Catherine	to William/Catherine	1849	Vol 1728	E67

²² Ticket of Leave (2), Archives Office NSW Reel 921 4/4090-92.

²³ *Colonial Secretary's Letters* Archives Office NSW Reel 1049 4/3682 p204.

²⁴ *Colonial Secretary's Papers, Recommendation for Conditional Pardon* Archives Office NSW Reel 797 p75.

²⁵ Conditional Pardon, Archives Office NSW Reel 777 4/4436 pp95-96.

²⁶ Birth of John GARDNER NSW BDMs 1835 Vol 2667 E134.

²⁷ *General Return Convicts NSW 1837* AGBR Series Library of Australian History 1985.

²⁸ Birth of Susan GARDNER NSW BDMs 1838 Vol 368 E22; St John's Parramatta, Archives Office NSW Reels 5003-5006.

²⁹ Birth of William GARDINER NSW BDMs 1841 Vol 1371 E133; Cumberland Catholic Records, St Mary's Cathedral Archives Films G2293-22940.

³⁰ Carters' Barracks, Sydney on Sid Hammell's website <http://home.iprimus.com.au/swhammell/carters.htm>

³¹ *1841 Census of NSW* Archives Office NSW microfilm 2222 Reel 4 Berrima to Pt Phillip.

³² Birth of Rosanna Gardner NSW BDMs 1844 Vol 1162 E121; St Joseph's East Maitland, Local Microfiche Collection, Local Studies Room, Newcastle Library.

³³ Gemmell, Warwick *And So We Graft From Six to Six Brickmakers of NSW*, Angus & Robertson 1986.

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In 1865 the GARNERS were still in East Maitland where two more children had been added to the family.³⁴ According to the Electoral Roll,³⁵ they lived in High Street, with a William GARNER working as a brickmaker. It's probable that this was William, their third son.

It isn't known if William senior owned land in East Maitland in his own right, although Catherine certainly did later on. The Lands Department maps for 1892³⁶ show a block facing High Street not far from the corner of Lawes Street in the name of Cath. GARNER (with the neighbouring one owned by Thomas LEONARD, husband of her daughter Mary Ann GARNER). Across a rear lane, now widened and called Burg Street, Catherine had another block and the LEONARDS had several blocks.

There are mysteries surrounding William's death. Maitland cemetery and church records haven't yielded any information on a burial for a William GARNER (or any suitable variation of the spelling) and for the cemetery where residents would have been buried, Hiland Crescent, East Maitland, only headstone records exist.³⁷ He was certainly dead by 1882, as his wife Catherine was a widow at the time of her death that year.³⁸

There are several possibilities in the records. Which one is my ancestor?

The strongest contender is William GARDINER³⁹ who died from phthisis (tuberculosis) on 19 December 1863 at Liverpool Hospital. According to the death certificate, completed by the hospital, he was 63, a brickmaker who had lived in the colony for forty-three years. He was buried in the Church of England Cemetery, Liverpool the following day. There isn't any family information on the certificate to confirm his identity.

Why would he have been in Liverpool? Were people with a contagious illness like TB sent away from Maitland Hospital? And how would he have got there? It would have been a long trip by boat from the nearest river port of Morpeth, then by road or rail to Liverpool.

It probably won't be possible to conclusively prove that this was my ancestor but the likelihood is strong.

Whenever he died, he left behind a family which didn't pass on the origins of either parent to subsequent generations. They occupied themselves making an honest living and didn't discuss their unfashionable convict connections.

Poor William! He suffered for his youthful folly, never again seeing his family and homeland – but, on the other hand, without him being transported, I wouldn't be here today!

³⁴ Birth of Rebecca GARNER NSW BDMs 1847 Vol 32 E2138; Christ Church Newcastle Records Reel 1, Newcastle Anglican Diocese Films 1826-1899 microfilm 236 NLA; Birth of Catherine GARDNER NSW BDMs 1849 Vol 1728 E67.

³⁵ *NSW Electoral Roll 1865, County Northumberland Sub-division East Maitland* NSW Electoral Rolls microfilm 273 NLA Canberra.

³⁶ *NSW Lands Department Map Parish Map Project, Image 10857* available at <http://www.lands.nsw.gov.au/OnlineServices/ParishMaps/default.htm>

³⁷ Hiland Crescent Cemetery, Maitland Family History Circle, Maitland NSW.

³⁸ Death of Catherine GARNER Certificate No 9611 of 1882, NSW BDMs.

³⁹ Death of William GARDINER Certificate No 3872 of 1863, NSW BDMs.