

Edward Spillett – Scindian Convict #12 – Penola, South Australia Settler

Edward Jacob Spillett, a stonemason, was 29 years old and married with two children when he was convicted on 13 March 1848 at the Maidstone, Kent assizes, of manslaughter and sentenced to 15 years transportation. An account of the crime was printed in the *West Kent Guardian*, 13 November 1847:

“THE CASE OF STABBING AT THROWLEY, NEAR FAVERSHAM

The quiet village of Throwley, near which is the seat of Lord Harris, has been the scene of a most tragical occurrence, from the effects of which a man the name of Richard Cox has died. On Wednesday week the ploughing-match of the Faversham Agricultural Association took place at the above village, which caused a great many of the agricultural population to meet together, and after the match a party of them adjourned to a public house, when a dispute arose between the deceased and a labourer named Edward Spillett, which ended in a fight outside the house. It appears the deceased had gained the advantage of Spillett, and had got him on the ground, when the latter it is supposed, took out his knife and stabbed deceased in several parts of his body; from one of the stabs deceased's entrails protruded. Spillett was immediately taken into custody, and underwent an examination on Thursday, before Mr E. Jarman, one of the county magistrates, when he was remanded for further examination until the fate of Cox was known. From the first no hopes were entertained of the deceased's recovery, and he expired on Friday morning about seven o'clock. Both the deceased and the accused were men of very bad character.”

Various newspaper accounts indicate that Edward, inebriated and fighting another man, had aggravated Richard Cox with the noise of it. Cox then stated “he would fight either of the Spilletts with one hand” and attacked Spillett, getting the better of him. Spillett was subsequently heard to say “If he meets me again, I'll do for him” which spurred Cox onto a further attack. This time Edward was knocked down and fallen upon by Cox, however Edward had a knife in his hand and Cox was repeatedly stabbed. Spillett fled the scene but was found in his own home later that night by local police constables. The fact that Spillett had been provoked into the knifing did little to exonerate him of the crime. He was sentenced to 15 years' transportation.

Spillett was held in the county gaol for about a month and then transferred to Millbank Prison in London in April 1848. He had been born in Throwley, Kent to parents John Spillett and Martha (nee Hampshire). He was the oldest of six children and had four brothers and a sister. His fate was to become one of the first shipload of prisoners sentenced to transportation to be sent to the newly anointed Swan River Penal Colony. Edward received his ticket-of-leave on 6 June 1851 and his Conditional Pardon on 5 July 1856. He applied for his wife Sarah (nee Henniker) and children Thomas and Mary Ann to join him in the colony however his wife replied stating that she did not desire to join her husband. English Census records indicate that Sarah later married William Collison with whom she had seven children.

Edward didn't waste any time leaving the colony, sailing to South Australia for a fresh start aboard the *Lochinvar*, arriving on Friday 20 March 1857 (His name is inaccurately recorded in the *Adelaide Times* Shipping Intelligence on 21 March as Ed. Spiller). South Australian's were

becoming agitated with the numbers of Conditional Pardon men from the Swan River Colony who were turning up on their shores as the following news article highlights:

“ADELAIDE: THURSDAY, MARCH 27, 1856. CONDITIONAL-PARDON MEN.

We were somewhat startled the other morning by receiving a telegraphic announcement from our Port reporter, to the effect that a vessel had arrived from Swan River with about fifty passengers on board, mostly steerage. For some time past we have been a little uneasy in reference to arrivals from that quarter, and we took occasion to express our apprehensions at the time of the passing of the Victorian Act for excluding conditionally-pardoned prisoners from that province. The simple fact is, that there is no place in the Australias where convictism can conveniently be located.

Either some other punishment in lieu of transportation should be devised, or the felon population of Great Britain be removed altogether away from the colonies of Australasia. The Victorians have a law, and one of an exceedingly stringent character, prohibiting, under the severest penalties, the landing of convicts on their shores; but we have no such law, and South Australia is therefore liable to receive, not only her average share of felons, but the share in reality destined for Victoria. In effect, the laws that have been passed to prohibit convicts settling in Victoria operate as an inducement to them to settle here; and the argument is of special force as respects Swan River. South Australia presents the nearest port of landing, and is by no means a bad theatre for preliminary experiment on the part of those who have ulterior designs on Victoria. Everything conduces to favour the arrival of Swan River conditional-pardon men at Port Adelaide and the present aspect of the question is full of grave consideration.”

The South Australians may have been well-justified in their views as the next information on Edward's fate is provided in newspaper reports just four days after his arrival in the colony of free settlers:

“DRUNKENNESS AND INDECENCY.-Edward Spillett, a ticket-of-leave holder, from Swan River, having been found guilty of the above charges, was fined 25s.”

South Australian Register, 24 March 1857, p 3

A similar entry is found the following year in the *South Australian Weekly Chronicle*, Sat 27 Nov 1858, p 5:

*“Monday, November 22. [Before Mr. S. Beddome. P.M.]
The Drunkards' List.— Patrick O'Shannessy, John Melville, Edward Spillett, and Edmund Keeugh, were fined 5s. each, for being drunk the previous day.”*

Edward does however manage to clean up his act. The next time Edward is in official records is for his marriage in Naracoorte, South Australia in 1860 to Nancy McFaddin at the residence of Rev. John Matthews. The couple took up residence in Penola, 50 miles north of Mount Gambier in eastern South Australia. Spillett is mentioned in the *Border Watch* on 31 May 1861 as playing cricket for Penola – a bowler who took three wickets, but no good with the bat as he was out for 0. Further results indicate he was still playing cricket in 1862. Other accounts

reveal that Spillett was in and out of court frequently over the next few years over minor matters, usually for damages, sometimes as the plaintiff, others the defendant. The details of the cases indicate that he owned cattle and up to 300 sheep.

Life seemed to be settling down for Edward and the pair had six children between 1861 and 1869. Sadly, tragedy visited their family. Their first-born son John died of pneumonia aged just four and a half years. Just three days later their third child, son William also died. A newspaper account was given of the deaths:

“Tarpeena - [From our own Correspondent.] - September 27th, 1865.

Another case of sudden death has occurred here to Mr Spillett's youngest son, aged one and-a-half years. He was taken ill on Saturday morning. Dr Graham was immediately sent for, and was quickly in attendance, and did all he could for the poor little sufferer, who lingered till 10 o'clock on Sunday morning, when death put an end to its sufferings. Mr Spillett had only just returned from the burial of the first, to look upon the other drawing its last breath. It is a great bereavement to the parents, who feel it very much. Parents having children taken ill will do well to consult medical aid immediately. In its first stage it has the appearance of a cold, and as will be seen by these two instances, no time must be lost.”

Things were looking more positive when in 1867 Edward applied for land under the 'Real Property Act'. The Government Advertisements in the South Australian Register of 30 Sept 1867, p 4:

“GOVERNMENT ADVERTISEMENTS, REAL PROPERTY ACT NOTICES.

—WHEREAS the Persons named at foot hereof have each respectively for himself made application to have the Lands set forth and described before his name at foot hereof brought under the operation of 'The Real Property Act'... PENOLA, Hundred of-Part of Lot 105 of Section 3-EDWARD SPILLETT, Penola.”

In December 1868 Edward took out the following advertisement in the Border Watch (Mount Gambier), Sat 12 Dec 1868, p 1:

“E SPILLETT begs to inform Travellers, and others, that he has opened an Eating House at Penola, and hopes by moderate charges to merit support. Good Paddocks-Hay, and Oats, always on hand.

534du”

Further tragedy was however, yet to come. Young son James Hugh died aged eleven months old around 1869 and then Edward himself died aged 50 years on 18 May 1870. His wife Nancy was left with their three young children, Edward (8), Mary Jane (4) and Martha Ann (9 months). Nancy appears to have continued to run the business and the family managed to get by, however she was often visited with troubles including a case that came up at the exact time of Edward's death:

“Local Court, Penola - D. McDonald v. Spillett.-Mr. Sutherland for plaintiff, Mr. Cullen for defendant. An action brought by the proprietor of the Royal Oak Hotel, to recover the sum of £3 4s. for money lent, - meals and liquors supplied to the husband (since dead) of the defendant. After some arguments as to the liability of defendant, the case was gone into, and

resulted in judgment for amount claimed, without costs. Defendant applied for time to pay, and an order for payment of one half in a month, and the balance at the rate of 2s. 6d. a week was made."

Border Watch (Mount Gambier), Weds 18 May 1870, p 3

Six months later Nancy placed an advertisement for a boarding house operation in the *Border Watch (Mount Gambier)* of Wednesday 28 Sep 1870:

"BOARD AND LODGING, PENOLA. MRS. SPILLETT begs to thank the public for past favours, and to announce that she is now in a position to offer excellent accommodation to Travellers and Boarders. Travellers with horses will find it very convenient, as Mrs. S. has good Stabling and always plenty Chaff on hand on the most reasonable terms. 717du"

A decade later Nancy found herself in trouble with the law for selling alcohol on unlicensed premises, the Temperance Hotel in Penola. Several articles on this issue mention Nancy's stepson, Thomas Spillett. Edward's son Thomas had arrived in South Australia in May 1865 as a Government emigrant aboard the *Burlington*. He was aged about 18 years having been born in 1843.

None of Edward and Nancy's children survived to old age. Their only remaining son Edward died aged 26 years in May 1889. Youngest child Martha had married Thomas Allen Whiteford in May 1893 and died in August 1894. Mary Jane died aged 33 years in 1899. Martha's death was reported in the *Border Watch*, Wednesday 29 Aug 1894, p 3:

"Death has been busy in this town lately, and it is not often that we have two within three days. The first, on Friday evening last, was that of Mrs. Thomas Whiteford, who died at the residence of her mother, Mrs. N. Spillett, at Penola North. The deceased was born in Penola, was 25 years of age, and has only been married about two years. About two months ago she took ill and went to the Mount Gambier Hospital, whence, her case being considered hopeless, she returned on Monday last. Much sympathy is felt for her sorrowing friends in their bereavement."

The early deaths of all of Edward and Nancy's children left only Thomas as a surviving child of Edward Spillett (in Australia) and Thomas died in 1920 without having produced any children.

"OBITUARY. MR. AND MRS. T. SPILLETT. Penola, February 29,

Two very highly respected and old residents of this district passed away during the past week in the persons of Mr. and Mrs. Thomas Spillett. The former, who was an old-time contractor and mason, died on Monday, at the age of 76 years; he was seized with a stroke a few days previously, Mrs Spillett was very ill with inflammation of the bowels, and she passed away on Thursday evening. They had no children, but their two nephews resided with them, one of them (Mr. J. T. Marcus) being very ill at a private hospital at Mount Gambler, with the same complaint from which his aunt died. Mrs. Spillet was 67 years of age, and was a daughter of the late Mr. Marcus, of this town. Both bodies were interred in the old cemetery, and feeling reference was made to their deaths on Sunday evening In St. Mary's church, where they had been members, by the Revs, H. C. Thrush and F. Morton."

Border Watch, Tuesday, 2 March 1920, p 3

The only documented grandchild of Edward and Nancy Spillett was Park Raymond Adolphus Irons, born 1 March 1889, the son of Mary Jane and William Irons. Park, the only grandchild of former convict Edward, ironically, also found himself in minor trouble with the law. Reported in the South Australian Police Gazette Aug 3, 1927:

“A warrant of commitment has been issued at Adelaide for the arrest of PARK RAYMOND ADOLPHUS IRONS, described as 39 years of age, 5ft 10in high, strong build, medium complexion, brown hair, clean shaven; for non-payment of balance of fine and costs (£ 7 14s 6d. in all) for a breach of the Motor Vehicles Acts, 1921 to 1925, section 21, at Gepp’s Cross, on May 20th, 1927. In default of payment, to be lodged in the Adelaide Gaol for one month. Warrant filed at C.I. Branch Adelaide. – C.3732.”

Nancy Spillett possibly died aged 54 years (born c 1841) on 23 March 1895, Penola. Edward’s gravestone and those of sons William and James Hugh are located in the Penola Old Cemetery, Wattle Range Council, South Australia.

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Sources:

Ancestry.com.au - The Spillett/Waller and Dean/Carpenter Ancestry Tree owned by JasonPaulSmith1 - <https://www.ancestry.com.au/family-tree/person/tree/2686393/person/290177496719/facts>;
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State Records Office of Western Australia, Convict Registers: CO18_62_299 AJCP 451, Cons 488-30 – Convict-related letters of Capt. Charles Fitzgerald – E. Spillett corresp., page 54, letter 383, page 74, letter 445;

Wakefield Prison Register, HO24_13, courtesy Bevan Carter.