

William Smith – Scindian Convict #13

William Smith was a 22-year-old tailor when he was convicted for the crime of housebreaking along with James Smith and James Osborne, both of whom also came out to Western Australia aboard the first convict ship the *Scindian*, arriving 1 June 1850.

The crime and subsequent sentencing of the three men was reported in *Berrow's Worcester Journal* on 6 January 1848:

"WORCESTERSHIRE EPIPHANY SESSIONS

James Smith, 22, baker, William Smith, 22, tailor, and James Osborne, 20, gardener, were charged with breaking open the dwelling-house of Anne Oakes, and stealing therefrom divers moneys, her property, on the 7th of November, at Bewdley. Mr Whitmore prosecuted, and Mr Huddleston defended the prisoners. Mr Whitmore having opened the case for the prosecution proceeded to call witnesses. Mrs Oakes, prosecutrix, deposed to going to chapel on Sunday evening, the day of the robbery, leaving the doors and windows of her house all fastened. On being sent for from chapel, she found that the street door, to which a bell was attached, and the kitchen window had been broken open, and missed a shilling from a drawer in the shop, and between £30 and £40 in gold and silver from a drawer upstairs, besides some spoons and other articles. The prisoners were seen in company loitering about the premises of the prosecutrix by a witness named Richards, who keeps a public-house next door, and while fetching a glass of ale for Wm. Smith, he heard the bell of Mrs Oakes's door ringing, but on his return Smith was gone, and on being taken into custody at the Sow and Pigs, Dolday, in this city, a considerable sum of money was found upon each of them. Among the money found upon the prisoners was a peculiar shilling and sixpence, the shilling having three marks upon it, and the sixpence being much battered, both of which were identified by Mrs Oakes as being among the money she had lost. After a protracted and able address by the Learned Counsel for the defence, the Chairman summed up, carefully going over the whole of the evidence in the case, and the Jury at once found all three prisoners guilty. The prisoner William Smith also pleaded guilty to a former conviction. They were then sentenced each to transportation for fifteen years."

The prisoners were described as having a respectable appearance, however, although the case against the men was largely circumstantial, the jury returned their verdict within a minute or so. The newspaper report from *Worcestershire Chronicle* dated 5 January 1848 went on to say that the men had long been a pest to Bewdley and its neighbourhood and were thought to have been involved in a number of other robberies that had recently taken place. They were likely glad to see the back of them.

Smith served the initial portion of his sentence at Pentonville Prison before being moved to Portland Prison on 1 May 1849. He was collected from Portland Prison on 28 February by the *Scindian* for transportation among the first shipload of convicts to the newly designated Swan River Penal Colony. The Convict Establishment records describe Smith's physical appearance as being: height 5' 3 1/4", with dark brown hair, brown eyes, an oval visage, fresh complexion, and being of stout appearance.

Smith did not settle easily with confinement and authority. A year after his arrival in the colony he assaulted a constable and forfeited the Ticket-of-Leave he had received just three months earlier.

The Superintendent's Orders (Acc 1156 SO1, p 43) detail his punishment:

"24 June 1851, p43

Ticket of Leave Holder William Smith, having been sentenced by the Resident & other Magistrate, to forfeit his Ticket of Leave for one year, and to receive 50 lashes for assaulting a Constable in the execution of his duty. The above sentence of punishment will take effect at 2 o'clock pm tomorrow.

25 June 1851, p43v

Prisoner William Smith Reg No 13 will remain in the Dark Cells, on bread and water diet, until further order. He will be provided with bed and Bedding while under Medical Treatment. Warder Humphreys will visit him every hour or two during the day and attend to directions received from Surgeon. The Sentry directed to visit him occasionally during the night.

10 Oct 1851, p92, CE kept in cells, provided with quantity of core to pick, one hour's exercise, no conversation allowed on any account, to attend Divine Service."

He is noted in the Superintendent's Orders dated 28 June 1852 to be travelling to the Bunbury Hiring Depot via the schooner *Typo* and supplied with five days rations, however just 2 years later in June 1854 he was again in prison serving 6 months hard labour having been reconvicted for an unspecified crime.

On 26 September 1859 he was working at the Waneranooka Mine just on the northern edges of Northampton at which time his name is noted in the Comptroller-General's letterbook regarding his Conditional Pardon. There is no other official information for this though until he became an Expiree on 2 January 1863 when the term of his sentence was complete.

A William Smith married a Sarah Ross in Geraldton in 1864. The descendants of this family have been contacted and they do not believe that their ancestor was the convict William Smith #13.

A definite date of death has not yet been verified for William Smith.

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Sources:

Births, Deaths, Marriages, Western Australia;

Erickson, R., O'Mara, G., *Convicts in Western Australia 1850-1887 : dictionary of Western Australians*. Volume IX, p 155;

Fremantle Prison Convict Database;

Portland Prison Register, PCom2_383, 417_424, courtesy of Bevan Carter;

State Library of Western Australia, British Library Newspapers:

Berrow's Worcester Journal, Thursday, January 06, 1848; Issue 7571. *British Library Newspapers, Part II: 1800-1900*;

State Records Office of Western Australia, Convict Registers: Cons 1156 C11/1810, R17, R21A, R21B; SO1/SO3.

NB: With grateful thanks to Diane Evans and team for providing details from the Midwest Convict database.