

John Smith – Scindian Convict #33

John Smith was one of the youngest convicts aboard the first convict transport the *Scindian* when he was sent to Western Australia in 1850 for the crime of arson. He had been convicted at age 17, alongside his friend George Wilson, for setting fire to the locked room they were sharing in the Epping Union workhouse, specifically the tramp room used by casual paupers. So, he was young, out of work, with no family nearby and classed as a pauper. Was his smart mouth, observed at the scene of the crime, the real reason he was sentenced to transportation for 15 years? A tough sentence for ill-considered words. The *Chelmsford Chronicle* reported on the case examined at the Essex Lent Assizes in March 1848:

“Charge of Arson at Thoydon Garnon.

Geo. Wilson, 21, and John Smith, 17, labourers, were charged with setting fire to a part of Epping Union-house, two persons being therein.

Mr Ryland for the prosecution called John Windus, clerk to the guardians of the Epping Union, who said – The tramp-rooms at the union-house are distinct buildings from the workhouse, and have only an external communication with the premises; these rooms are used by casual paupers.

Edmund Champness. I am master of the union-house, Epping, and on the 2nd August last, the keys of the tramper’s room had not been brought to me, when about nine o’clock there was an alarm of fire; I went to the tramp-room and found it on fire, and called to the parties in it to come to me, and a man named O’Brien was much burnt; I tried to open the females’ room, but I was obliged to retreat; upon a second trial I effected it. The prisoners came out of the place, and in answer to my question Wilson said he did it, and Smith was in it as well as himself. I afterwards examined the premises, and found that the straw used for their beds had been placed under the window-shutter, which was very much charred, and a blaze reached from the floor to the ceiling; no light or fire was allowed in the room.

By the prisoner Smith. I am sure Wilson said Smith was engaged in it.

Francis Jeffery. I am son of the matron, and on the evening of the 2nd of August, when I gave the trampers their suppers, half an hour before the fire, there was no straw removed from the beds to the window.

John Crabb. I live opposite the union house where I went when the alarm was raised and I tried to put out the fire. Smith was then standing against the door and he said he meant to burn the b____y house down.

James Weller, p.c. 87. I took prisoners into custody and when told the charge, Wilson said it was an accident, and Smith on his way to the station, said he lighted a match to look for a farthing which he lost in the straw, he could not tell how it caught fire.

The prisoner Wilson, who was described as being able to read and write well, put in a written defence which displayed no small intelligence and set forth the improbability of their setting fire to premises in which they were confined, an act calculated to cause their own death. He

further stated it was in looking for some thread and money that he pulled from his pocket when the straw caught light, and in order to prevent the fire extending he took some of the straw in his arms and placed it under the window; if culpability rested upon anyone it was upon Wilson and his fellow prisoner; Smith was quite exonerated from blame.

His lordship commented upon the evidence and the jury returned a verdict of guilty against both prisoners.

In passing sentence his lordship, addressing the prisoners, said – you have been found guilty of this offence upon evidence so clear that no other verdict could possibly have been returned, notwithstanding the very ingenious defence which has been read to the court, and which appeared to carry some plausibility with it. This is one of the most shocking cases of the kind that has come before me for some years, and betrays a most depraved state of mind; you Wilson, from the contents of the paper you have written, have shown that you are a youth of superior mind, and knowing, as you must have done, the punishment your crime would most certainly meet, and remembering that you had lost your character by a previous conviction, your guilt is aggravated and great, and the offence one of the most atrocious and painful character. You might have destroyed yourselves, and human life might have been sacrificed; one man was severely burnt, and his wife and child, who were in an adjoining part of the premises, narrowly escaped, and that their lives were spared is not attributable to you. A number of unfortunate paupers, without any means of subsistence, were thus imperilled, and you who lived upon the hard-earned rates of many who are nearly as badly circumstanced as yourselves, dare to tell them that you would burn down the very refuge which they have raised for you. With you it is necessary that the law should take its full course. Something has been said to-day about persons who are sentenced to transportation being removed but a few miles from London, but there are distinctions made, and by your being sent to one of the very worst penal settlements, you will be taught that the best condition there is infinitely inferior to the worst state of an Englishman. The sentence is that you be transported for 15 years.

The prisoner Wilson sank down in the dock and wept bitterly, and was supported away by the prison officers.”

Smith was taken on 1 April 1848 from the local Springfield county gaol in Chelmsford to Millbank Prison in London on the banks of the Thames river. Considered the national penitentiary in 1850, and the largest prison in England, all prisoners sentenced to transportation were initially sent to Millbank Prison to await the execution of their sentence. The prison was notorious for its overcrowded dungeon-like, dank conditions, with foul air due to poor ventilation, a lack of cleanliness or adequate water all resulting in rampant disease and high mortality rates. Smith was removed on 21 December 1848 and sent to Portland Prison where at least prisoners experienced fresh air whilst working outside. It was here Smith remained until collected for transportation to the Swan River Penal Colony aboard the *Scindian* on 28 February 1850.

The convict registers record that Smith's father William lived in Dublin with no mention of further family. Smith's physical appearance was recorded as being: height 5' 5 1/2", with light brown hair, blue eyes, an oval visage, and a fresh complexion. Smith had been educated and could read and write very well. He was 20 years old when he received his Ticket-of-Leave on 3 June 1851, the same day as his friend and co-convicted George Wilson. Sadly, George died

of consumption just two weeks later. Wilson had been working as a clerk in the Overseer's office whereas John Smith was initially employed by F. Waldeck in Perth. This was followed by working for Arthur Shenton, the printer and editor of the Perth Gazette newspaper, until 9 August 1851 at which time he was transferred to the service of John Henry Monger at York. John Henry Monger Senior was a farmer and merchant who established a hotel and store in York and steadily amassed wealth through additional activities such as sandalwood cutting. He was one of the York agriculturalists who in the 1840s had been a steady agitator for the need to introduce convict labour to Western Australia.

Smith's trade or calling at the time he went to work for Monger was listed as both domestic servant and labourer. A fellow convict working as a clerk for the newly established York Convict Depot, John Acton Wroth, recorded in his diary that he had borrowed 10 shillings and 6 pence from John Smith on 7 December 1851. Smith was at least checking in and out of the York convict depot whilst working in the district. It is not known how long John Smith stayed in the York area. He was issued with his Conditional Pardon on 14 July 1854 and sometime after the expiry of his sentence he was issued with a Certificate of Freedom on 31 January 1871.

John Smith wasted no time in putting Western Australia behind him. He is recorded as departing the colony from King George Sound (Albany) aboard the vessel *Rangatira* on 11 February 1871, which subsequently arrived at Glenelg Pier, Adelaide, South Australia on 15 February 1871.

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