

## Charles Burgess – Scindian Convict #38

Charles Burgess was a 30-year-old, semi-literate, labourer when he committed the offence that would result in him being transported to Western Australia. His Millbank Prison record documents him being convicted at the Maidstone Sessions on 20 October 1846 for housebreaking for which he was sentenced to 14 years' transportation. It also records "once convicted, once sacrilege, & twice in prison." And, "this prisoner has twice attempted to break out of his cell at night and will escape from custody if possible – in disposition he is sly, artful and designing." The Millbank Prison register also reveals that Charles had received a visit from his "wife", 22-year-old Maria, residence unknown. This detail is at variance with his official record which states he was unmarried. The *South Eastern Gazette* of 23 March 1847 reported Charles Burgess was convicted of stealing from the Sevenoaks Church - two metal salvers, one table cloth and one napkin (sacrilege) and given "12 months hard labour in addition to his former sentence." If he was sly, artful and designing he may have turned this to good use as he became the first convict sent to Western Australia to be issued with his ticket-of-leave.

Charles was actually one of a gang of burglars operating in the Gravesend area who were finally captured trying to board a steamboat for London. They had broken into the cottage of one of the hop workers, George Martin of West Malling, while he was working close by. The thieves, the crime and their subsequent capture were described in the *Morning Post* on 7 September 1846. The audacious thieves *"first regaled themselves with a meat pie, which was standing on the table, proceeded to ransack the house, from which they stole a silver watch, eight dresses, seven shawls, and a variety of other articles, and amongst them a round frock. The robbery having been made known to Everist, the constable of Northfleet, he resolved to watch the steamboats on their departure for London, and on Wednesday afternoon just as the four o'clock boat came alongside the Terrace Pier, two men and a woman were observed each carrying a bundle. The constable stopped them, and it so happened that Martin at the moment made his appearance, and he immediately recognised a gaberdine which was visible from one of the bundles. The prisoners, who gave their names John Burgess, Charles Duggan, and Elizabeth Smith, from Rosemary-lane, London, were taken to the pier house, when the whole of Martin's property was found upon them. After they had been removed to the station-house, the pier-master found a duplicate for a watch, which is supposed to have been stolen from a cottage broken open at Canonheath, Watlingbury, on Monday last, for which a reward of 10/, has been offered by Alderman Lucas, for the apprehension of the parties concerned in it. On the examination of the prisoners on Friday, at Rochester, an officer recognised Burgess as having been concerned in burglaries in East Sussex, and he, it appears, has told the constable that if he will take him to a certain wood, he will point out to him where some plate has been hidden, he having been concerned in robbing a church with another man who has since been transported for 15 years, and as he supposes he shall share the same fate, it will be of no use to him. The prisoners were committed to Maidstone Gaol to be brought up again on Friday, when it is expected that more cases will be brought against them."*

Burgess arrived as convict #38 aboard the *Scindian*, the first convict ship to Western Australia, arriving on 1 June 1850. His physical description was recorded shortly after arrival: height, 5' 3", with brown hair, hazel eyes, an oval visage, dark complexion, and having a healthy appearance. Charles Burgess was the first convict to be issued with his ticket-of-leave on 25 August 1850, just two months after being officially housed in the temporary Convict

Establishment on 25 June. According to records, all the convicts were housed aboard the *Scindian* while the temporary Convict Establishment premises were prepared, and the receipt of prisoners officially began on 25 June 1850.

A letter dated August 20 1850, written to Secretary Broun by Edmund Henderson described the circumstances under which Burgess received his ticket-of-leave:

*"I have the honor to recommend that a Ticket of Leave may be issued to Charles Burgess now confined in this Establishment. By reference to the List furnished by the Home Authorities it will be seen that this man was convicted on the 21<sup>st</sup> October 1846 that at the period of his leaving Portland prison he had to serve previous to receiving a Ticket of Leave 4 years and 4 Months from date of his conviction which would be 20 February 1851. His Excellency being empowered to reduce one half this period between the embarkation of the prisoners in the Scindian and the date at which under ordinary circumstances they would have been entitled to Tickets of Leave provided their conduct was such as to entitle them to this indulgence reduces the time this man's confinement to the 25<sup>th</sup> August 1850. I have therefore to recommend that the conduct of C Burgess has been in all respects exemplary since his leaving Portland Prison that he should receive a Ticket of Leave on that day. Mr Charles Phillips of the District of Toodyay having applied for his services I should recommend the T of L to be made accordingly."*

Although the sacrilege is recorded on his papers the 12 months' additional hard labour is not; so it seems he may have received his ticket-of-leave prematurely. However it came about, Burgess was selected to work for Mr Phillips as a groom and directed to make his way to Toodyay.

Henderson wrote a second letter dated 21 August 1850, sent to Thomas Yule (Magistrate):

*"The man Charles Burgess who is to receive a Ticket of Leave on the 25<sup>th</sup> is to go to Mr Phillips at Toodyay. He will leave this on Monday morning and Mr Phillips has left instructions for his being boarded at various taverns along the road but as it is a long way for him to walk alone perhaps if you could hear of anyone going that way you might be good enough either to let me know or to allow him to call on you when he gets to Perth on Monday. At all events as he will have to remain a night in Perth he should report himself to you & you might perhaps put him in the hands of some one who could look after him."*

The Superintendent's Orders indicate how Burgess was to be equipped on departure from the prison:

*"25 August 1850. Charles Burgess R.N<sup>o</sup> 38 having received his ticket of Leave with pass through the Gates tomorrow the 26<sup>th</sup> he will be Supplied by the Establishment with the following Clothing etc:*

*Jacket, Fustian; Waistcoat, Fustian; Trowsers, Fustian; Boots, 1 pair; Cloth Cap, 1; Neck Handkerchiefs, 2; Stockings, 2; Cotton shirts, 2; Flannel waistcoats, 2; Serge blouse (Flannel), 1; Leather Belt & Buckle, 1; Braces, 1 pair; Bed, 1; Blankets, 1 pair."*

It seems extraordinary to imagine that a convict still under sentence would not only be given this degree of freedom but also be expected to find his way to an unfamiliar destination in a

completely foreign country within an alien environment. He also had to carry all of his clothing and bedding with him for the journey. Between the Swan Valley and Toodyay in 1850 there was only the Inn at Baylup twenty miles from Toodyay; his first stop we know from the correspondence was Perth, second would have been in the Swan Valley, third Baylup. A four day walk.

In a letter to the Editor of the Perth Gazette on Friday 22 February 1861, J. S. Harris, Resident Magistrate for Toodyay, remarked upon the positive outcomes of the convicts' presence in Toodyay. He identifies Charles Burgess as the first ticket-of-leave man to arrive in Toodyay.

*"...I shall not go into details but in my assertions will introduce not alone the bonded, but also the free immigrant. In a few words up to December 1st, 1860, not one case of murder or manslaughter, rape, arson, burglary, highway robbery, unnatural crimes, or robbery of any description to the value of £200 has occurred, and yet scarcely one door or window in the district is secured with lock, scarcely one granary or barn but is open to the pilferer, and yet 2500 ticket-of-leave men have obtained tickets or passes for a longer or shorter date in the district during that period; **the first ticket-of-leave man Charles Burgess** and upwards of thirty of his companions found their first home in Toodyay, the standing number of ticket-of-leave men dispersed among the Toodyay Settlers for the past two years has been an average of 300, which together with the expirees and c.p 's have made a total of perhaps 550. Such has been the working of the moral force system in this colony. There has been no room for extensive robberies or fraud,—scattered through a distance of 700 miles, with a free population, this has afforded no incitement to vice,—with a splendid climate, encouragement and success, they have*

*in good earnest sought to better themselves and become respectable and respected members of society, and an anathema upon those who would carelessly condemn men reformed, although late in the day."*

By the time Burgess was mentioned by Resident Magistrate Harris it appears he may have long since left the colony. No records can be found for him in Western Australia after he received his Conditional Pardon on 14 July 1854. It is possible he departed the colony for South Australia like many other convicts were doing at this time. There is mention of a Charles Burgess in an advertisement published in the *Adelaide Times* on 16 and 18<sup>th</sup> February 1856:

*"Wanted a situation by a respectable man as Groom, or porter in a warehouse where he would be willing to make himself generally useful. Address, Charles Burgess, Port Hotel, Port Adelaide."*

Wherever Charles Burgess ended up, his wily skills and quick wit were sure to have stood him in good stead.

Sources:

Erickson, R., and O'Mara, G., *Convicts in Western Australia, 1850-1887. Dictionary of Western Australians Vol. IX*, p 73;

Fremantle Prison Convict Database;

National Library of Australia, Trove Digitised Newspapers:

*Inquirer and Commercial News*, 5 May 1852, p 2;

*Perth Gazette*, 22 February 1861, p 2;

Millbank Prison Register, PCom2\_28 number 14514, courtesy of Bevan Carter;

State Library of Western Australia: British Library Newspapers Online:

*Morning Post*, 7 September 1846;

State Records Office of Western Australia, Convict registers: Cons 1156 R&D1-R&D2, R17, R21A, R21B, SO1, p4; Cons 1156 C/19 item 86, pp 134-135 and item 92, pp 139-140;

Toodyay Historical Society, Convict Database, courtesy of Beth Frayne.