

John Larcombe – Scindian Convict #4

John Larcombe was 29-years-old, single and had worked as a miner and sawyer when he was convicted at Dorset on 4 January 1848, of committing larceny. The *Western Flying Post* of 5 February 1848 reported his sentencing:

“Dorset sessions: John Larcombe, for breaking and entering the counting house of one James Lutley, and stealing therefrom a flannel jacket, one pair of trousers, and one hat or cap called a southwester, his property, at Frampton, 15 years transportation after being previously convicted and transported at Exeter, in the county of Devon.”

He spent time in Pentonville Prison before being transferred to the *Scindian* on 28 February 1850 for transportation to Western Australia. The prison register at this time states that he had twice been previously convicted, the reason for his harsh sentence. He was described as being 5' 4", light brown hair, hazel eyes, oval visage, fair complexion, stout appearance, Marks - LARK and an anchor on right arm. The chaplain's notes at the Convict Establishment in Fremantle note that the reason for his crime was “drink”. It was further added that his habits were “generally steady but occasionally exceeded in drinking”. This habit would eventually factor into his death in 1894 aged around 75 years from a long-standing kidney complaint.

Larcombe received his ticket-of-leave on 17 June 1851 and was working in the York district by mid-1853. Official correspondence indicates that he petitioned the Governor in July 1853 regarding a 15 months' sentencing to hard labour he had been given for not reporting his change of employment from one master to another quickly enough. After investigating the complaint, Comptroller of Prisoners, E. Y. Henderson, was inclined to agree with Larcombe, stating *“I must say I think a week's bread and water in the York Jail would have fully answered the ends of justice and I certainly think that the extreme severity of the sentence passed is quite uncalled for.”* (Cons 1156_C21 p314_1632) Larcombe became an 'expirée' on 3 January 1863 and was issued with a Certificate of Freedom on 25 March 1871. By the mid to late 1870s he was farming down in the Williams area on his own property 'Nunnagin' and employed a ticket-of-leave man.

Larcombe found himself in trouble with the law again on more than one occasion in the early 1880s. The issue involved sandalwood belonging to other settlers and claims that it was unlawfully found in his possession. One of his own employees Edward Marshall used the court to air his opinion that he considered Larcombe to be “crooked”. On 7 October 1881 the first case was reported in the West Australian newspaper:

“STEALING SANDALWOOD. JOHN LARCOMBE, a respectable-looking old man, was charged with the larceny of 100 logs of sandalwood, the property of one George Dyson, at the Williams, on the 28th July. Mr. S. H. Parker defended the prisoner. George Dyson, the prosecutor, a farmer residing in the Williams district, said he held a license to cut sandalwood, and that he had a quantity of cut wood lying in the bush, which he occasionally visited. Every time he went to have a look at it; he noticed that it was gradually diminishing in quantity, and latterly he had noticed a cart track leading from one of the heaps to the prisoner's place, which aroused his suspicion. The wood was not marked in any way, witness having lost his brand. Sometime afterwards he challenged the prisoner with having taken the wood. He, however,

denied the charge, but said he knew that a man named Mack (recently deceased) had taken it.

Robert Wallace, a sandalwood cutter, said he was engaged by the prisoner to cart some of the wood, but, doubts having arisen in his mind as to whether Larcombe was the owner, he asked a man named Marshall if he knew whether the wood was the prisoner's, and Marshall said it was - that he had himself cleared it for Larcombe. The prisoner also asserted that it was his property. The wood was subsequently claimed by the prosecutor. Edward Marshall, a servant in the prisoner's employ, said he had helped to load and clean some of the wood, which he understood was Larcombe's, he having some cut wood in the same locality. He thought, however, there was something "crooked" about it.

His Honour : You mean the wood was crooked wood ?

Witness : No, my lord, that Larcombe himself was " crooked."

To Mr. Parker : I myself did not dispose of the wood to the prisoner.

Mr. Rosellotty, resident magistrate at the Williams, deposed that the prisoner had no license to cut sandalwood in that district.

To Mr. Parker: There was a case recently before me in which the witness Marshall sued the prisoner for wages, and one of the items with which Marshall was credited was a sum of £2 5s. in respect of sandalwood sold by him to the prisoner.

This was the case for the prosecution. No evidence was given as to the identification of the wood.

The Attorney General said the Crown relied upon the circumstantial evidence adduced, which he thought was very strongly indeed against the prisoner-sufficiently strong and presumptive to justify the Crown in submitting the case to a jury, and in throwing upon them the responsibility of saying whether or not a larceny had been committed, and whether or not the prisoner was the thief.

Mr. Parker pointed out that no evidence at all, circumstantial or otherwise, had been brought forward, of the taking or carrying away of the wood by the prisoner. None of the wood was found in his possession, nor had it been shown that he had ever even seen it. The case in fact rested upon a simple cart track, which it was attempted to prove had been made by the prisoner's cart. He had never met a case resting on such a baseless fabric, and he confidently relied upon a verdict of acquittal.

His Honor said the case was undoubtedly one of considerable difficulty. It appeared beyond doubt that the prosecutor had a quantity of wood in the bush, and that it was gradually diminishing, but the evidence incriminating the prisoner was certainly not of a very conclusive character. The circumstance of the cart tracks was of itself, suspicious, but he failed to see, what evidence there was that they were Larcombe's tracks. **The prisoner was acquitted. His Honor, in discharging him, said; I have a word to say to you before you go, be careful. That's all. Be careful. You know what I mean."**

The Resident Magistrate was warning Larcombe. It was clear that some settlers in the area had taken against him, likely due to his ex-convict status. It was equally likely that he may have been stretching the law and with his past record he would be under close scrutiny. The issues about stolen sandalwood continued to follow him, as reported in The Inquirer, Wednesday 26 May 1886:

"Notes from the Williams - An old settler, John Larcombe, is in our local gaol awaiting a hearing on the charge of stealing sandal wood, the property of Mr. J. H. Monger."

The outcome was reported in the Daily News, Monday 12 July 1886:

“LAW INTELLIGENCE. SUPREME COURT— CRIMINAL SIDE. FRIDAY, July 9. (Before Mr. Justice Stone).

The Court resumed at two o'clock. Larceny of Sandalwood.

John Larcombe, an aged man, was charged with having, in May last, stolen a quantity of sandalwood, the property of Mr. J. H. Monger, at Bibbikine. The accused, who pleaded "not guilty," was defended by Mr. Sept. Haynes. From the evidence given by the five witnesses called it appeared that the wood in question had been cut some twelve years ago, marked with Mr. Monger's brand, G, and left lying in the bush. A settler named Quartermaine had often seen the prisoner carting away wood bearing Mr. Monger's brand, and at last drew p.c. Bewsher's attention to it. An examination of a heap of wood near Larcombe's place resulted in the finding of three large logs marked G, hereupon the accused was arrested upon the charge of having stolen them. The defence was that a man named Jackson had entered into a contract some twelve years ago with Mr. Monger to cut 200 tons of wood for him; that he had cut some 8 tons too much, which he had given to the prisoner; and that it was that wood found in the prisoner's possession. The Jury, after a short consultation, acquitted the accused, who, upon being discharged, was warned by His Honor to be more careful for the future, it being the second time he had been arraigned upon the same charge and been acquitted.”

Following these issues things appear to have settled down for Larcombe. On 24 February 1893 'Katanning Notes' in the *West Australian* indicate that Larcombe is producing wheat and hay on his farm:

“Mr. Larcombe reports a yield of 200 bushels of wheat from 10 acres, but this seems a trifle above the probable district yield, while from 30 acres cut for hay he estimates a return of 45 tons.”

He is also reported as having input on the clearing of local roads - *West Australian* 4 November 1893:

“A letter was read from J. Larcombe, asking that the consideration of the Board be given to the fact that the declared surveyed road passing on the East side of Carlson's land needed clearing for the benefit of settlers, and pointing out that the track on the West side of Carlson's was almost impassable. The Board decided to clear about four miles of the road, 18ft. wide.”

Perhaps being particularly mindful of the law after his previous experiences, Larcombe placed the following advertisement in the *Western Australian* several times during February and March 1894:

“STOCK NOTICE. HAS been running with my horses, now in my stable, one Light Bay GELDING aged, 16½ hands, branded on off ribs)-(; near front and off hind feet white. If not claimed in time allowed by law will be sold by auction at Katanning. JOHN LARCOMBE, Nunnagin. February 20th, 1894.”

Sadly, for John Larcombe, he was to meet his demise just a few months later. The *Western Mail* of Saturday 1 September 1894 reported news of his death on 25 July 1894 near Lake Dumbleyung:

“With the close of last month passed away an old identity by the name of John Larcombe, who has resided at Nunnagin for over twenty years past. The deceased was upwards of 80 years of age. He had but recently returned from the goldfields, and on reaching home was in an almost helpless condition. After about a week he expired; and the post mortem disclosed the cause of death to be an acute stricture, brought on by a long-standing kidney complaint. Deceased had no known relations in this colony or elsewhere, so his possessions will probably go to swell the sum of intestate estates.”

©Joanne Hyland, March 2019

Sources:

Erickson, R., O'Mara, G., *Convicts in Western Australia 1850-1887 : dictionary of Western Australians*. Volume IX, p 328;

Fremantle Prison Convict Database;

National Library of Australia, Trove Digitised Newspapers:

West Australian, 7 October 1881;

Daily News, Monday 12 July 1886;

West Australian, 24 February 1893;

West Australian 4 November 1893;

The Western Mail, Saturday 1 September 1894;

State Library of Western Australia, British Library Newspapers Online:

Western Flying Post, 5 February 1848;

State Records Office of Western Australia: Convict Registers: Cons 1156_C21 p314_1632; Entry in Cons 488-30 – convict-related letters of Capt. Charles Fitzgerald – J. Larcombe corresp. page 92, letter 505 (ToL).