

James Cox – Scindian Convict #53

James Cox, who was known by the alias of Scotty, was in his late thirties, an unmarried, illiterate man working as a mason when he stole a silver watch and other items of property belonging to Job Hacker of Bincombe, Dorset. He was tried at Dorchester on 23 October 1847, found guilty and sentenced to 15 years' transportation.

Cox appears to have been held for 18 months in the Dorchester gaol, in Dorset, until 12 April 1849 when he was moved to the Millbank Prison in London. The register at Millbank incorrectly recorded that Cox was married with four children when this was not the case. The Millbank Prison Register also conveyed details about a previous felony and a sentence of seven years' transportation. A comment in the register states that Cox was "A hardworking, well-conducted man in Prison, still harbours revenge against some Gentleman whom he supposes caused his imprisonment." Just over two weeks after being placed in Millbank Prison he was moved again, this time to Portland Prison on 28 April 1849 for his final period of incarceration on home soil before being collected on 28 February 1850 by the *Scindian* for transportation to Western Australia.

Cox's physical appearance, recorded not long after he arrived in the Swan River Penal Colony was: height 5' 4", dark brown hair, blue eyes, oval visage, dark complexion, stout appearance. The ticket-of-leave register added an additional detail, "*scar over right eye and one at corner of left.*" Just before Cox's ticket-of-leave was due to be issued a letter from Comptroller-General of the Convicts, E. Y. Henderson, to the Governor's office indicated that Cox's name had initially been omitted from the list of men arriving aboard the *Scindian*:

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Feby 15th 1851

Sir,

With reference to the omission of James Cox's name from the List of Convicts arrived per Scindian I have to inform you that he appears 48th on the List received from Portland his Register number being 332. His name is entered James Cox or Scotty. I have the honor to enclose the particulars respecting him contained in that list. EYW Henderson C.G."

Once Cox was issued with his ticket-of-leave on 24 March 1851 he was assigned within a month to work for Mr J. Kirwan of Freshwater Bay where he remained for almost two years. Cox was one of two ticket-of-leave men employed by Irishman John Kirwan who had also come out to the Swan River Colony aboard the *Scindian*, as an Enrolled Pensioner Guard. He was stationed in Perth as a Sergeant in the Mounted Police during the 1850s and in 1851 had land allocated to him at Freshwater Bay.

Cox completed his employment with Kirwan on 16 March 1853 when he returned to the depot in Perth before being assigned to the Toodyay District. There he worked as a mason for fellow *Scindian* convict Esau Wetherall from 30 March 1853. Wetherall worked as a stonemason and contributed to the construction of many buildings in the Toodyay and York districts from the 1850s to the 1870s, employing, together with *Marion* convict #1225 George Hasell, 13 ticket-of-leave men during this period. The Convict Depot buildings in Toodyay were still under construction at the time that Cox arrived in Toodyay and Wetherall was working on the project.

The Depot Barracks was occupied by ticket-of-leave holders by the end of 1853 and Cox likely worked on the project using bricks produced by the Depot to complete an extension storeroom to the Commissariat and the Warders' quarters. The buildings were under construction until 1857.

In 1856 Wetherall was a farmer tenant of James Drummond Jnr. farming land totalling 14 acres. Cox possibly followed Wetherall's lead as the Toodyay convict database records that Cox was also a farmer tenant at the Drummond property "Hawthornden" in Toodyay. Cox employed 11 ticket-of-leave men between 1857 and 1872.

As Cox did not receive his conditional pardon until 3 October 1859 it is possible he also worked on the following projects that Hasell and Wetherall are thought to have constructed in full or part as partners: *"the Convict Depot buildings (1852-1857); [Samuel] Phillips' 'Culham' (1855); Newgain Granary (1855-1856); Drummond's Steam Mill (1856-1857); Braybrook (c1856-1857; 1862)..."*

Cox wasted no time in getting married once his conditional pardon had been issued. He married Irish female emigrant Elizabeth Jane Kerr from County Antrim, who had come to the colony seeking work as a domestic servant and had arrived aboard the *West Australian* on 20 October 1859. The couple married in Newcastle (Toodyay) on 10 December 1859. Their family of five were born in Toodyay over the next twelve years: James born 1860; Ann Eliza 1864, d 1899; Samuel Thomas 1867; Elizabeth Jane 1869; Maria 1872. Elizabeth's name is incorrectly recorded as Carr in the WA Birth, Death and Marriage records.

In mid-1875 however, the couple appear to have had some troubles as reflected in articles in the newspapers:

West Australian, 29 June 1875

"A man named James Cox, Living near the Messrs. Dempster's Steam Mill, near Newcastle, was lately fined thirty pounds by the Newcastle Bench, for disposing of Colonial Wine, without having first obtained the necessary License."

Inquirer, 14 July 1875

"Notice to all concerned

Any debts which may be contracted by my wife, Elizabeth Cox, late of Toodyay, I will in no way be answerable for; she having, without just cause, left her home on the 25th June, 1875.

His mark – James Cox, witness J. M. Hubbard, Newcastle, July 3, 1875"

James Cox survived only another three years, dying at the age of about 65 years on 14 July 1878. Elizabeth outlived her husband by 23 years and this obituary made note of her passing on 1 February 1904 aged around 67/68 years.

Newcastle Herald, 6 Feb 1904 – Obituary for Elizabeth Cox

"A very old resident of the district in the person of Mrs Elizabeth Cox, died at her residence at North Newcastle on Monday night. The deceased, who had been ailing for some time,

objected to medical aid being called in until the last moment. Dr Elphick attended the deceased on the evening prior to her death, but found it impossible to prolong her life. She insisted upon having no one in attendance at her bedside, and deceased and her grown-up son were alone in the house. Early on Tuesday morning the son discovered his mother dead in her bed, and the exact hour of her death is unknown. The age of the deceased was about 70 years, and a medical certificate was granted to the effect that death was due to senile decay. The remains were interred in the Wesleyan cemetery on Wednesday morning, the Rev. H. Gay officiating at the grave."

Elizabeth was pre-deceased by her daughter Annie Eliza who died in 1899. Annie had married Robert Mears in Toodyay on 1 September 1897 and sadly died on 2 June 1899. James and Elizabeth's son Samuel Thomas Cox possibly died in Northam in 1926. No further information can be verified for the other three children.

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Sources:

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Toodyay Ticket of Leave and Convict Database, July 2019 (Courtesy Beth Frayne, Toodyay Historical Society).