

## James Osborne - Scindian Convict #62

James Osborne was just twenty years old, an unmarried gardener, when he and companions James Smith and William Smith broke into the home of widow Anne Oakes at Bewdley in Worcestershire, stealing a large amount of money and some silver spoons. Anne Oakes operated a cider-shop and testified that the three men had been drinking in her house the previous Saturday. James and William Smith, possibly brothers, were with Osborne the day the crime was committed, just across the road to Oakes' house in another public-house. In a none-too-discrete fashion the three drew the attention of Edward Richards, the publican, when they seemingly signalled each other, William distracted him by ordering a glass of ale and when he returned with the alcohol all three were gone and the top part of the shop door at Oakes' house had been broken open.

The three had been staying together at the *Sow and Pigs* in Dolday and were apprehended there the following day, found to have in their possession large amounts of gold and silver coin. Newspaper reports indicate that the prisoners all pleaded not guilty and the case was largely circumstantial, however the jury took only minutes to deliberate and found them guilty, William Smith was found to have prior offences. The news report summed up stating that the trio had long been pests in the neighbourhood and were thought to have been involved in a number of similar incidents recently. *Berrow's Worcester Journal* of Thursday 6 January 1848, reported on the trial:

### "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 7<sup>th</sup> 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 up- stairs, 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."*

Like William Smith, Osborne had been charged previously but was admitted as evidence for the Crown. Their previous criminal history led to them being sentenced to transportation rather than just imprisonment. Osborne was removed from the Worcester City gaol to Millbank Prison in London on 27 January 1848. It was standard practice for all prisoners sentenced to transportation to initially be sent to Millbank for assessment. While there, Osborne was visited by his solicitor on 24 February 1848. As Osborne was still legally a minor, (born mid-1827) he was moved on 24 March 1848 to Pentonville Prison, which at that time was generally used for juvenile and young male prisoners awaiting transportation. The final movement was to Portland Prison on 1 May 1849 where he would remain until collected by the convict transport the *Scindian* on 28 February 1850 for transportation to Western Australia. Two weeks before his departure he was visited by his brother John Osborne, his only immediate family as both of his parents were deceased.

The convict system kept detailed records of the prisoners and their physical description was recorded not long after arrival. Osborne was described as being 5' 8" tall with light brown hair, blue eyes, a long sharp-looking face, with a fresh complexion and a stout to middling appearance. He was issued with his ticket-of-leave on 1 May 1851 and assigned to Toodyay District. From 3 March 1853, aged 25 years, Osborne worked for James Butcher for wages of £6 per year. Osborne was likely working as a carpenter and records show that he had initially bought 10 acres of land at Toodyay before selling it to fellow convict Joseph Noonan by 1853. It was during this year that Osborne sought permission to marry.

21 Nov 1853

Sir,

*I have the honor to request H.E. sanction for permission being granted to Reg. No. 62 James Osborne to be allowed to marry. He is returned in the Home Lists as a "Single" man. I have &c. E.Y.M. Henderson.*

Records indicate that Osborne was married in 1853 to Mary Drew (although some sources record that he was given permission to marry Elizabeth Roser). The marriage likely occurred earlier than the date of permission being granted, which was common practice in the colony with convicts scattered across several local and regional districts. James and Mary's three daughters were all born in Fremantle. The first child, Sarah Anne, was born on 25 May 1853, their second daughter, Lydia Jane, was born in 1856 and the final child in the records, Louisa Mary, was born on 16 May 1857. Sadly, Louisa died aged just 6 weeks old.

Osborne was issued with his conditional pardon on 22 July 1854 and following this time presumably worked for himself as he is recorded as having employed two ticket-of-leave men in Perth in 1859 and possibly a further convict labourer during 1863 and 1864. It is plausible that Osborne departed the colony with his family at this time as no further records have been found relating to him. A fellow-convict, also named James Osborne, arrived in the colony in 1861 and lived and worked mostly in Geraldton from the mid-1860s to the late 1870s. All records uncovered relate to this second James Osborne and nothing can be found about Scindian convict #62, which further strengthens the argument that the first James Osborne may have departed the colony.

Some news articles mention a James Osborne returning to the Swan River Colony from Adelaide who died at the Governor Broome Hotel in 1891; a possible link to the *Scindian* #62 convict. This man was buried in the East Perth cemetery on 16 September 1891, aged 65 years. No details, as yet, have been able to be confirmed.

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Sources:

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