

## James Smith - Scindian Convict #9

James Smith was a 22-year-old baker when he was convicted of the crime of house-breaking in January 1848. He was convicted along with William Smith and James Osborne, both of whom also came out to Western Australia aboard the first convict ship the *Scindian*, arriving 1 June 1850.

The crime and subsequent sentencing of the three men was reported in *Berrow's Worcester Journal* on 6 January 1848:

### "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 upstairs, 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."*

At the time of James' transportation his widowed mother was living at Kidderminster, a market town located 15 miles north of Worcester. He was originally held in Pentonville Prison before being transferred to Portland Prison in readiness for transportation via the *Scindian*, departing 28 February 1850. His physical description recorded around the time of his arrival was: height, 5' 7", with dark brown hair, grey eyes, an oval visage, of fair complexion and stout appearance. Less than a year after his arrival in April 1851 Smith was appointed as Master Baker for the Convict Establishment and to be paid £5 per month. This position commenced on 1 May and correspondence exists stating that Smith was not entitled to rations while employed as the baker.

Osborne was issued with a Conditional Pardon on 14 July 1854.

There are a couple of possible death records for a James Smith that could be the correct person listed in the Western Australian Births, Deaths and Marriages records, however, none that can be verified. A further possibility was found in the South Australian biographical index:

James Smith, baker, confectioner married Mary Ann Rist 23 Oct 1854 in North Adelaide, two children who died when young - Agnes Mitchell (1856-1863), Charles Alfred (1862-1863); second marriage to Angelina nee Amesbury in 1872.

Without further clarifying evidence it is not possible to verify what happened to James Smith after he received his conditional pardon in July 1854.

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#### Sources:

Births, Deaths, Marriages, Western Australia;

Erickson, R., O'Mara, G., *Convicts in Western Australia 1850-1887 : dictionary of Western Australians*. Volume IX, p 507;

Fremantle Prison Convict Database;

Portland Prison Register, PCom2\_383, 417\_424, courtesy of Bevan Carter;

South Australian Biographical Index, 1836-1885, (Archive CD, Books Australia), p 1505;

State Library of Western Australia, British Library Newspapers Online:

*Berrow's Worcester Journal*, Thursday, January 06, 1848; Issue 7571. *British Library Newspapers, Part II: 1800-1900*;

State Records Office of Western Australia, Convict Registers: Cons 488\_30 - letters 384 and 385, p 55; letter 395, p 58; letter 402, p 59 and letter 442, p 73; Cons 1156 R17, R21A, R21B.