

**Samuel Bayliss, 83, Hashemy**

Researched by Marcia Watson

Name variation: Bayless

Baptism	~1807-9
Parents	
Parent's marriage	
Siblings	
Wife	Elizabeth Fann
Married	
Children	Robert (1834-5) Eliza (1836-7) Amy (1839-40) Ellen (1841) Unnamed male (1843-43) <i>Unnamed child (~1847)</i>

Samuel Bayliss was born about 1807-9, not in Warwickshire according to the 1841 census. He married Elizabeth Fann in the early 1830s, probably at a Roman Catholic church.

On the 1841 census, living in 8<sup>th</sup> Court, Dale End, Birmingham were:<sup>1</sup>  
Samuel Bayliss, 30, brush maker; Elizabeth, 30; Robert, 6, Eliza, 4; Ellen, 6 months.

Samuel was taken into custody in October 1847 for throwing acid at John Aspinal. He was committed to the assizes. It appears the family went into the workhouse when Samuel was taken in custody.

In March 1848, Samuel Bayliss was charged with having, at Birmingham, on the 28th September last, feloniously thrown upon John Aspinal half a pint of corrosive fluid, called Nitric Acid, with intent to him some grievous bodily harm. John Aspinal, a publican residing in Pinfold street, was returning home on the night in question, and was followed by the prisoner. After being at home few minutes, went out again, and close by the door prisoner threw the contents of the cup on his face and person. About year and a half ago had turned him out of the house for using bad language, and about six months afterwards he threw a brick at the door, when he gave him in charge to policeman. When he threw the contents of the cup at him, thought it was hot water; some of it went into his mouth, the lining which was destroyed, and part of his right cheek. He ran at him to strike him after he had thrown it, and he ran away as fast as he could. Thomas Godfrey: a Steel pen maker; on the September saw prosecutor standing by his door, saw prisoner throw something at him; I ran and picked the cup; he thought it was vitriol, and we washed his face with cold water.

Charles Porter, surgeon : On the evening question, examined Mr Aspinal's face, mouth, and angles of the eye; they were excoriated from nitric acid or aqua-foitis, which I found out from his clothes. It might have destroyed eye sight or life; there must have been three or four ounces, from the surface it had covered.

Fitzpatrick Moore, policeman, apprehended the prisoner, who said it was Mr Aspinal's own fault if it had gone his face, for he had hit him with stone in a handkerchief; the prisoner lived about a mile a half away from the prosecutor; Mr Aspinal's father said to prisoner, " What brute you must be to serve son so." The prisoner then said to prosecutor, "You well remember the 28th February, 1846." Young Mr Aspinal denied hitting prisoner with a stone.

The prisoner handed in written defence, which was read by the officer of the court; stated that since he had been prison he had lost his wife and one child, and prayed to be restored to his three living children.

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<sup>1</sup> HO107/1145/1, p39

The Jury found the prisoner guilty, and his Lordship addressing observed that his crime was most serious one, having been done with the most mature deliberation, and had Mr Aspinall lost his life through it, which might have been the case, it would have been direct murder, and no one could have sympathised with the prisoner. The sentence the court was, that he be transported for fifteen years.<sup>2</sup>

At the Warwickshire Lent Assizes, started 25 March 1848:

Samuel Bayliss was indicted for having, on the of September last, thrown upon John Aspinall half a pint of corrosive fluid, called nitric acid, with intent to do him some bodily harm. —The prisoner, who was undefended, pleaded "not guilty."

Mr Bittleston, counsel for the prosecution, stated the case, the facts of which will be found in the following evidence:—Mr John Aspinall deposed that he is a licenced victualler, in Pinfold street, Birmingham. On the 28th of September last he was at his father's house, in Freeman-street, and on leaving in the evening to return home he saw the prisoner near his father's door. Aspinall then walked Freeman-street, followed the prisoner, but soon lost sight of him. In a short time afterwards he saw him again in High-street, nearly opposite Carr's-lane, and he passed by him, and proceeded to his own house. He did not remain long in the house, but came to the door, and while he was standing there, with his hand in his pocket, the prisoner advanced towards him and threw the contents of a cup in his face. He did not know at first what it was, but soon felt the effects of it, and discovered that it was nitric acid. He then followed the prisoner, who threw down the cup and ran away. Prosecutor's face was much burned, the lining of his mouth destroyed, and the right side of his face injured.

Thomas Godfrey, steel pen-maker, who was passing through Pinfold-street the time of the occurrence, corroborated the prosecutor's statement; after which, Mr Porter, surgeon, stated that on being called in to attend Mr Aspinall, he found his face greatly irritated, the corners of his eyes were injured, and the skin of the face excoriated from the action of the nitric acid, liquid which was very dangerous and calculated to destroy vision or life. Judging from the surface injured, he should say there must have been considerable quantity of the acid thrown, perhaps three or four ounces.

In answer to questions the Court, Mr Aspinall said about year and half ago he turned the prisoner out of his house for using bad language; and six months afterwards the prisoner came to his house and threw a stone in at the door, and on that occasion he gave the prisoner into the custody of policeman, who however refused take him to the station and suffered him to go away; that was the only cause of difference he ever had with the prisoner.

The prisoner handed in a written paper, in which he stated that he did not purchase the nitric acid, that it was found in a jar by some boys in one of the old houses which were being pulled down in Swallow-street for the railway, and that he obtained it from them, and did not throw it until Mr Aspinall had struck him. Mr Aspinall denied having struck the prisoner.

The Learned Judge recapitulated the evidence.—The jury immediately returned a verdict of "guilty," and the prisoner was sentenced fifteen years' transportation.<sup>3</sup>

Samuel Bayliss, 39, was sent to Millbank Prison in London, arriving there on 28 May 1848 from Warwick Gaol. He was transferred to Wakefield House of Correction, Yorkshire, on 19 December 1848. The records note he was married with three children, then says his wife is dead. The children, Robert 14, Eliza 12 and Ellen 7 are in the Birmingham Asylum (workhouse). On the 9 August 1849, Samuel arrived at Portland Prison in Dorset from Wakefield. The records now say he was a widower with three children. From here he boarded the *Hashemy* on 19 July 1850 for the voyage to Western Australia.<sup>4</sup> On arrival in Western Australia, his description was:

<sup>2</sup> Leamington Spa Courier - Saturday 01 April 1848, p4

<sup>3</sup> Aris's Birmingham Gazette - Monday 03 April 1848, p1

<sup>4</sup> Millbank Prison, HO24/4; PCOM2/28, p225; PCOM2/383, p121

83. Samuel Bayliss, 43 years old, 5' 8", dark brown hair turning grey, light hazel eyes, oval face, fair complexion, whiskers thin and small, no marks, a carpenter, married with three children. He was actually a widower.<sup>5</sup>

General Register:

Samuel Bayliss, aged 43, brush maker, Roman Catholic, he had no schooling but learnt to read a bit in prison. He said he left behind in Birmingham, three children, 2 girls and a boy, and he doesn't know where they are now.

Attended Divine Service?      Pretty regular  
 Received Sacrament?          Yes  
 Habits?                              Sober and attentive to work  
 Intellect?                          Sound  
 State of Mind?                    Hopeful  
 Knowledge, Secular?          Very limited  
 Knowledge, Religious?        Very limited  
 Alleged Cause of Crime?      Asserts his innocence

Name of Person referred to for Character, &c. Mr Thomas Perkins, brush maker, Bullring, Birmingham. He didn't receive any books while in prison.<sup>6</sup>

Samuel attended church pretty regularly and had received sacrament. He had limited religious and secular knowledge. Samuel had sober habits and was attentive at work, was of sound intellect and was hopeful. He asserts he is innocent of his crime. A character reference could be obtained from

Samuel was sick several times in December 1850.<sup>7</sup>

Date		Complaint	Treatment
16 November 1850	S Bayliss	Pain in head	Plul & draught
4 December 1850	Saml Bayliss	Wounded wrist	Dressing
5 December 1850	Saml Bayliss	Cut wrist	Dress wrist
12 December 1850	Saml Bayliss	Cold	Fever medicine
13 December	S Bayliss	Sore throat	Liniment: Gayle, continue fever medicine
14 December 1850	S Bayliss	Sore throat	Op: medicine
15 December 1850	Saml Bayliss	Tooth ache	Continue
19 December 1850	Saml Bayliss	Bad chin	Infus Quassia

In March 1851, Samuel suffered from a fever and was hospitalised for over two weeks. (H=hospital)<sup>8</sup>

6 March 1851	Bayliss Saml	Febri C	Fever mixture	
9 March 1851	Bayliss Saml	Febris C C	Infus Gent	H
10 March 1851	Bayliss Sam		Fever mixture	H
11 March 1851	Bayliss Saml	Debility after fever		H
12 March 1851	Bayliss	Debility after fever	Continue	H
13 March 1851	Bayliss Wm		Quinine ... 3 times a day	H
14 March 1851	Bayliss	Febis	Continue	H
15 March 1851	Bayliss Saml	Debility after fever	Continue Quinine	H
16 March 1851	Bayless Saml	Debility	Continue Quinine	H
17 March 1851	Bayless Saml	Debility	Continue Quinine	H
18 March 1851	Bayless Saml	Debility	Continue medicine, cold effusion to head	H
19 March 1851	Bayliss Saml	Debility from fever	Mist cord ??	H

<sup>5</sup> SROWA Acc 128/40 - 43

<sup>6</sup> SROWA Acc 1156 R21A

<sup>7</sup> SROWA Acc 1156 CS1

<sup>8</sup> SROWA Acc 1156 CS1

20 March 1851	Bayless Saml	Debility after fever	Continue Mist cord	H
21 March 1851	Bayless Saml	Debility after fever	Continue	H
22 March 1851	Bayless Saml	Debility after fever	Aper: med	H
23 March 1851	Bayless Saml		Continue medicine	H
24 March 1851	Bayless Saml		Discharged	H

Samuel received a Ticket of Leave on 11 October 1851. Three years later, he was granted a Conditional Pardon on 9 December 1854. This seems to have been obtained too early, considering he received a sentence of 15 years in 1848.<sup>9</sup>

Then in 1862, Samuel Bayliss, aged 50, was convicted on 27 May 1862 of making use of obscene and abusive language. He was sentenced to 1 month and fined £5. Samuel could both read and write and was C of R (Roman Catholic). He arrived at Fremantle prison on 30 May and was discharged on 24 June 1862.<sup>10</sup>

On 2 January 1867 he was charged with stealing tools of her majesty, at the Supreme Court. He was found not guilty. The Inquirer and Commercial News, reported the Criminal Calendar, included was "*Samuel Bayles, expiree, larceny at Fremantle*". A full report appeared two days later in the same newspaper:

Supreme Court - Criminal Side, on Wednesday, Jan. 2, 1867.

Samuel Bayles, charged with breaking into a warehouse of Her Majesty the Queen and stealing a quantity of tools and other articles, the property of Her Majesty.

David Adamson-Was a Warder at Fremantle Bridge about 16th December last in charge of convicts, and had charge of the tool shed. On Sunday evening the 16th, there were in the shed picks, knives, wedges, prisoners drawers and shirts. I had left everything safe on the previous evening, doors locked, and shutters fastened. About 6½ on Sunday evening I went into the shed, the outer door was locked, but I saw that the shutter in the inner shed was unbuttoned and was slightly open, on trying to open the door of the dinner or tool shed I found I could not as there was something prevented it, I then saw a wedge against it which I removed and then saw two others on the ground, and all the other tools were in confusion, I saw some tracks of bare feet on the floor, and then sent for a policeman and reported to Mr Lefroy.

On the following morning a little after 5 o'clock I went to the shed with three policemen and a native; we measured the tracks and then followed them leading up the river about 300 yards, when the native found some tools lying on a log and a knife and some leather among some bushes; they were between 20 and 30 feet from the river, and shortly after alongside of another log we found wedges, knives, picks, &c, all similar to those I afterwards found to be missing from the tool shed, and mostly bearing the broad arrow mark; I also missed a pair of prisoners drawers and a shirt and six dinner knives. There are two rooms in the shed-the outer used as a dinner room and the inner as a tool shed.

Police Constable Armstrong corroborated the testimony of the previous witness as to tracking and the finding of a quantity of tools on the riverside, the knives wrapped in a flannel shirt; they are those now produced. I concealed myself near by where the articles were; I noticed prisoner's boat moored on the river bank about 30 yards from where they were. I had been there about two hours when I heard some one at the boat and shortly afterwards Bayles went to the log under which the picks were planted, stooped down and looked, and then went to the other end of the log where I had found the other things, and looked at them; he then came towards where I was, and I then jumped up and asked him what he was doing there. He said he was looking for a spade, pick, hammer, and knife he had hid on the Saturday night in the rushes. I then took him into custody and took him to the bridge station, where I compared his tracks with those I had measured in the shed and found they corresponded in length. I then went back and

<sup>9</sup> SROWA Acc 1156 R21B

<sup>10</sup> SROWA Acc 1156 V16

found the tools Bayles said he had hidden they were about seven yards from the boat and between that and the log where I had seen prisoner looking down, and apparently feeling about where the stolen things were hidden, and saw him heaping up the sand over them.

By the Court-Prisoner when he stooped down at the log must have seen what was concealed under it, because he heaped up the sand over them.

Warder Adamson re-called-Prisoner got into the tool room by removing two laths over the door, which he afterwards replaced.

His Honor said that did not appear upon the depositions, and asked the Attorney-General where the evidence was upon which the committing magistrate sent the prisoner for trial for breaking.

The Attorney-General said that he supposed the magistrate relied upon that relating to the opened shutter in the dining-room.

His Honor also drew the Attorney-General's attention to the indictment being for breaking into a warehouse, whereas according to the legal meaning that word, was a place used for storing goods for sale, while the present case showed the place whence things were stolen was simply one used for storing things in use.

The Attorney-General then abandoned the charge of compound larceny, and confined it to simple larceny. The prisoner in his defence said, that he had been working at the place where his boat was for two or three weeks, and that on the morning in question he found an oar had been taken from it, and that he was looking for the oar, and his tools which he had hidden, when he saw some tracks which led him to the log and thence to where the policeman was.

The Jury after a few minutes consideration returned a verdict of Not Guilty.<sup>11</sup>

Samuel was in trouble again in 1875. He arrived back in Fremantle Prison on 21 October 1875, sentenced to 3 months, and was released on 21 January 1875.<sup>12</sup>

Samuel died 20 September 1877, of heart disease, at the Colonial Hospital in Perth, aged 70 years. He was buried the following day at the East Perth Cemetery in the Church of England section, even though he was Catholic. The Colonial Hospital Admissions Register - Charles BAYLISS<sup>13</sup>

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<sup>11</sup> Record of Court Cases, 1861 - 1914 (V23)

The Inquirer and Commercial News (Perth, WA: 1855 - 1901), 2 Jan 1867, p2; 4 Jan 1867, p3

<sup>12</sup> SROWA Acc 1156 RD5 - RD7

<sup>13</sup> East Perth Cemetery database

## *Elizabeth Fann*, wife of Samuel Bayliss, convict 83

Baptism	About 1807
Parents	Unknown
Parent's marriage	Unknown
Siblings	Unknown
Husband	Samuel Bayliss (~1807-1877)
Marriage	Unknown
Children	Robert Bayliss (1834/5) Eliza Bayliss (1836/7) Amy (1839-40) Ellen Bayliss (1841) Unnamed male (1843-1843) <i>Unnamed child (~1847)</i>

Elizabeth Fann married Samuel Bayliss in the early 1830s, probably in a Roman Catholic Church. They were both born about 1807. Neither was born in Warwickshire, according to the 1841 census.

On the 1841 census, Samuel Bayliss, a brush maker, and his family lived in 8<sup>th</sup> Court, Dale End, Birmingham. The family lived in a court in Lower Trinity Street when Samuel was taken into custody in October 1847.

At his trial on 28 March 1848, at Warwick Assizes: Samuel Bayliss was charged with having thrown a cup of nitric acid in John Aspinall's face on 28 September 1847 at Birmingham. John Aspinall, a publican, residing in Pinfold Street, returned home on the night in question and was followed by Samuel. After a short time at home, he left his public-house and Samuel, waiting for him, threw a cup of acid. Aspinall ran towards Samuel, intending to punish him, but Samuel ran off, throwing the cup away. Samuel claimed he did not throw the acid until Aspinall struck him.

Aspinall said about eighteen months before; he turned the prisoner out of his public house for using foul language; six months afterwards, the prisoner came to his premises and threw a stone in at the door. On that occasion, he asked a policeman to take him into custody. The policeman refused and told Samuel to go away. Aspinall claimed these were the only altercations he had with Samuel.

Samuel's defence was read to the court by the clerk. It said that since he had been in prison, he had lost his wife and one child and prayed to be restored to his three living children. The jury found him guilty, and he was sentenced to be transported for fifteen years.

The Prison Commission Register, Millbank Prison, May 1848: Samuel Bayliss, 39, brushmaker, married with three children, convicted at Warwick Assizes on 25 March 1848 of throwing corrosive fluid over a person. In the remarks - Wife dead, Robert 14, Eliza 12, Ellen 7 in Birmingham Asylum.

According to the newspaper report of Samuel's trial, Elizabeth and a child had died between September 1847 and March 1848. No records of either have been found.

The children have not been positively identified on the 1851 census.