

Baptism	1827, Spitalfields, London
Parents	Jonas Benjamin and Maria Simmons
Parent's marriage	
Siblings	Joseph (1826), Mary (1829), Caroline (1831), Rose (1833), Elias (1837), Simon (1839)
Wife	Jane Angel Legassick
Married	14 February 1868, Adelaide, South Australia
Children	Mary Ann Legassick Benjamin (1858) Rosa Jane Legassick Benjamin (1860) Mary Legassick Benjamin (1864) Jonas Benjamin (1865) Simeon Benjamin (1867)

On the 1841 census, at Tripes Yard, Spitalfields, London:<sup>1</sup>  
Jonas Benjamin, 40, General dealer; Maria, 40; Joseph, 15; Mark, 14; Elias, 6; Simon, 2; Mary, 12; Caroline, 10; Rose, 8.

His father, Jonas Benjamin, a clothes dealer in Marylebone-lane, died on 15 August 1842.

Mark Benjamin is possibly the clothes dealer at 43 Marylebone Lane in 1844 and fruiterer at the same address in 1846 and 1849 Post Office Directories.

In 1850, his fortune changed. At Mansion House Court, Mark Benjamin was brought before Alderman Humphrey, charged with having robbed Samuel Rathbone of a silver watch and a key. A solicitor defended him.

The complainant went on Sunday into Petticoat-lane to make some purchases, and upon being asked what o'clock it was, he pulled out his watch from his waistcoat pocket and told the hour. A guard around his neck suspended the watch. Soon afterwards, the prisoner and three others closed roundabout and shoved him along, and he felt the guard very tight about his neck; he was sure someone was pulling at his watch. He put down his hand, found his watch was out of his pocket, and that only part of the guard remained, and he observed the prisoner in possession of the other part.

Other persons on the spot distinctly saw the prisoner pass the watch to another thief, who got away. Able artists had performed the whole transaction, occupied a few moments, and all the gang got away except for the prisoner, who was held by the complainant until police arrived.

The prisoner – "I am as innocent as the baby that's just going to be born".

The sergeant assured the Alderman that the prisoner was a regular trainer of children in the art of picking pockets.

The prisoner's solicitor hoped the Alderman would not allow his client's case to be prejudged by a statement of so injurious nature, especially upon a preliminary proceeding.

Alderman Humphrey – "I am obliged to the sergeant for giving any information he is possessed of upon such an occasion. It happens that at the trial, the Officer would not be allowed to deviate in the slightest degree from the direct evidence applicable to the case, but you have the opportunity of hearing at once what can be stated upon the subject of the prisoner's habits".

Sergeant – "I have known the prisoner these six years to be a very bad character and to be frequently employed in teaching boys the most approved methods of picking pockets. His associates are of the same class, and they all live by this system, which is much more general than is supposed".

Upon being asked whether he wished to say anything, the prisoner replied in the negative. Alderman Humphrey said that since the prisoner was so depraved as to take pains to make adepts in

<sup>1</sup> TNA, HO107/710

thieving of poor, unprotected children, the City Solicitor should be directed to institute the prosecution, and the prisoner was committed for trial for feloniously assaulting and robbing the prosecutor.<sup>2</sup>

At the Central Criminal Court, Mark Benjamin, 26, dealer, a notorious thief of Jewish persuasion, was convicted of stealing, with violence, a watch and key from Samuel Rathbone. The facts were that the prosecutor, whilst passing down Petticoat-lane, was knocked by the prisoner into a crowd of men, who hustled him of his watch.

Jonathan Martin, a carpenter, and Joseph Benjamin, a traveller, of 7 East-street, Finsbury, the prisoner's brother, gave him a good character. However, Michael Deedy, City police sergeant, No. 56, and—Gifford, a detective officer, stated that he was the constant associate of convicted thieves.

The prisoner, who blubbered during the whole trial, was sentenced to 10 years transportation.<sup>3</sup>

Mark Benjamin, 5'7", age 26, brown hair, grey eyes, fresh complexion, slender, born Whitechapel, committed 4 February 1850 and convicted of robbery on Samuel Rathbone of stealing a watch and key of value 36 shillings. He was sentenced on 7 February 1850 to 10 years transportation, and transferred to Millbank Prison on 13 March.

While in Millbank Prison, listed under 'Special Remarks and Visits' are:

3 Cross Court Back Lane Whitechapel

Visited by Mr Simon Jacobs, a Jewish priest, on 8 August 1850

Visited by B.H. Ascher, Jewish priest, on 13 August 1850 and 10 December 1850.<sup>4</sup>

Mark was transferred to Portland Prison on 25 January 1851. On 6 September 1853, he and Thos Miller were reported for irregularity, recorded in the misconduct book. A few days later, an incident occurred at the prison, and Mark was encouraged to petition for mitigation of sentence. The Officer concerned said he would back his petition.

**Petition.** 2076 Mark Benjamin, age 26, Portland Prison

Convicted 4 February 1840, Central Criminal Court, Robbery together with others, 10 years, Separate confinement - indifferent; public works - very good. To the Right Honorable The Secretary of State for the Home Department

The humble Petition of Mark Benjamin Sheweth

That your Petitioner was tried convicted and sentenced as above.

That your Petitioner was in separate confinement at Millbank upwards of 10 months, and came to Portland on 25 January 1851, and his minimum term of probation expired in the month of August 1852.

That on Friday afternoon 24 September 1852 your petitioner was at work with his party, and was close to a prisoner named Henry Cottrill who was sitting down breaking stones. Your petitioner's attention was attracted by principal Warder Maddocks going up to Cottrill and snatching the hammer with which he was breaking stones out of his hand when Cottrill threw Mr Maddocks on the ground, and a struggle took place and two prisoners named James Frewin and Thomas Bentley went to the assistance of the Officer. Your petitioner also hastened to the same and seized hold of Cottrill by the collar to make him leave his hold of the Officer, and Mr Maddocks got up. When Cottrill endeavoured to bite the prisoner Frewin's leg and your petitioner immediately caught hold of Cottrill by the throat and prevented him from doing so and Cottrill was then taken away, and your petitioner begs respectfully to refer to the Governor of this Establishment for a confirmation of this statement.

That your petitioner has been in prison since his conviction upwards of 3 years and 8 months, was never previously convicted, and can obtain employment from Mr Richardson of 31 Dorset Street,

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<sup>2</sup> Evening Mail, 06 February 1850, p3 committed

<sup>3</sup> Weekly Dispatch (London) - Sunday 10 February 1850, p3

<https://www.oldbaileyonline.org/browse.jsp?id=def1-457-18500204&div=t18500204-457#highlight>

<sup>4</sup> TNA, PCOM2/31

Spitalfields, London, Potter. Your petitioner having been in his employ as Traveller upwards of 10 years previous to his conviction and to confirm the fact of this employment your petitioner has now in his possession a written promise of employment on your petitioner obtaining his liberation.

Prayer. Your petitioner therefore most humbly prays that Your Lordship will be pleased to take into your consideration the whole of the circumstances here in before set out and will be pleased to obtain for your petitioner Her Majesty's most gracious pardon. And your petitioner as in duty bound will ever pray .

Portland Prison 17 October 1863

Written across the top - The prisoner is on the list for embarkation in the "Sea Park" for ticket of leave, Western Australia.<sup>5</sup>

**Petition in support.** Portland Prison, 14 October 1853

Memo. On the 24 September 1852 I was in charge of the Stone Masons party. Prisoner 1748 Henry Cottrill was joined to the Party for the purpose of breaking stones, on the Prisoners leaving School they joined the same arty Prisoner 2824 William Battersby sitting near prisoner Cottrell, prisoner Cottrell striking prisoner Battersby on the mouth with a "stone hammer" knocking out two of his teeth. I was stooping down for the purpose of securing the hammer from prisoner Cottrell, he got hold of my legs and threw me down, prisoner 2077 James Frewin instantly got hold of him preventing him from biting assisted by 2305 Thomas Bentley and 2076 Mark Benjamin, prisoner Bentley receiving a severe kick on his leg from prisoner Cottrell.

Signed Thomas Maddock

**Result of Petition.** 12 January 1854

Sir,

I have to acknowledge the receipt, this day of Conditional Pardons, by Commutation of a Ten Years sentence to that of Seven years, to James Frewen, Thomas Bentley and Mark Benjamin, 3 convicts who were in confinement at Portland Prison, and to acquaint you that these prisoners were embarked in the *Sea Park*. Under these circumstances, I return the Conditional Pardons in order that it may be transmitted to the Colony to which the prisoners are gone.

I am, Sir, Your most obedient servant,  
J Jebb.

Mark Benjamin arrived in Western Australia on 5 April 1854. He received his Conditional Pardon on 20 May 1854 and left later in the year for South Australia, or so he thought.

He was brought up at the Melbourne City Police Court on 9 December 1854, charged with being a prisoner of the Crown, illegally at large from Swan River. An officer of the detective force stated that the prisoner had received a sentence of ten years transportation at the Old Bailey, which was still unexpired. The prisoner admitted the truth of the statement but added that whilst he was in Portland Gaol, the other prisoners one day attacked an officer of the gaol and would have killed him but for the assistance afforded him by the present prisoner and two others, who were at the time confined to gaol. The Officer then told them to present a petition to the authorities, praying for mitigation of punishment and promised to support any such application. The course was accordingly adopted, and the result was his term of punishment had lately expired.

The prisoner left Swan River in a vessel bound for Melbourne via Adelaide, but the captain came directly, without touching Adelaide, and hence the prisoner was landed here *volens volens*. He stated that if there were any policeman or other party in Melbourne who had been at Swan River previous to the last seven months, he would be able to corroborate this statement. The Bench considered it better to remand the case for the production of further evidence.<sup>6</sup>

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<sup>5</sup> TNMA, HO18/380

<sup>6</sup> The Age (Melbourne, Vic. : 1854 - 1954), 11 Dec 1854, p6

Mark Benjamin, 29, left Melbourne per *Yarra Yarra* on 13 December 1854 for Sydney, in steerage, a few days later.<sup>7</sup> This appears to be him.

The next sighting of Mark was when his daughter, Mary Ann Legassick Benjamin, was born in 1858 in Adelaide. Mark went on to father four more children before he married their mother, Jane Legassick.

Jane Angel Legassick was the base daughter of Philippa Legassick, a widow, baptised at Buckfastleigh, Devon, on 11 February 1838. Her husband died in 1831, aged 33. Jane arrived in Adelaide in February 1855 as one of 22 single females on the emigrant ship *Nile*.

When children Mary, Jonas and Simeon Benjamin were baptised in 1865 and 1867 at St Lukes Anglican Church, Adelaide, Mark was a storekeeper in Ackland Street. In the South Australian Almanac and Directory 1872, Mark is a greengrocer and fruiterer in the same street.

**BENJAMIN.**—On the 21 April 1890, at Ackland street, Adelaide, after a long and painful illness of Bright's disease, Mark Benjamin, aged 67 years. London papers please copy.

The sudden death of Mr Mark Benjamin, a storekeeper, of Ackland-street, was reported to the acting-coroner (Mr J. Nicholson) on Monday afternoon, but as a certificate of death from apoplexy was granted by the physician attending, no inquest will be held. Mr Benjamin was an old resident, was well known, and was widely respected.<sup>8</sup>

Mark Benjamin was buried on 23 April 1890 in the Jewish Section of West Terrace Cemetery, Adelaide.

Jane died on 13 November 1911. She is buried in the same cemetery but not in the Jewish Section.



<sup>7</sup> PRO Victoria, VPRS 948/P0001, Dec 1854

<sup>8</sup> The Express and Telegraph (Adelaide, SA : 1867 - 1922), Tue 22 Apr 1890, p3. Photo from Find A Grave.