

Mark Brown, 139, Hashemy

Researched by Marcia Watson

Baptism	25 May 1823, Langdon Hills, Essex
Parents	John Brown and Hannah Burton
Parent's marriage	18 February 1818, Langdon Hills, Essex
Siblings	Luke (1819-1820), Luke (1821), Rhoda (1824), Edward George (1827), Caroline (1830), Alfred (1835)
Wife	Mary Ann McQuinney
Married	12 July 1840, Rochester, Kent
Children	None

The family lived at Langdon Hills in Essex until about 1824, then lived to Strood in Kent for about 10 years.

In 1841, living at Coal Cottage, Cobham, Kent were:¹

John Brown, 40 Ag lab; Hannah, 40; James, 25; Rhoda, 15; Edward, 14; Caroline, 11; Alfred, 6.

By 1851, they lived at Shorne, North Aylesford, Kent:

John Brown, 57, labourer, born in Strood; Hannah, 51, born Thundersley, Essex; Alfred, 16, born Strood.

Mark Brown married Mary Ann McQuinney on 12 July 1840 at Rochester, Kent. The witnesses were Luke Brown and Rhoda Brown. The following year, when the census was taken, they lived at Shorne Streett, Shorne, Kent was - Mark Brown, 20, Ag lab; Mary Brown, 20, Ag lab.²

At the Lent County Assizes, Kent in March 1847:

Mark Brown, 25, was charged with assaulting Christopher Brandon and Henry Bourner, constables, in the execution of their duty, Dartford.

Bleese deposed: I was coming through the High -street of Dartford about twelve o'clock on the night of Saturday, 31 January, when I was called on to assist Brandon, who was scuffling with the prisoner. Richard Nash corroborated this evidence.

Christopher Brandon deposed: On the night of 31 January last, about twelve o'clock, I was coming past the Bull's Head, in Dartford, and saw **a woman of bad character named Kelly, with whom the prisoner cohabits**, standing at the door of the Bull's Head. I told her it was time for her to go home. She was very abusive, and made great noise in the street. I took her into custody and was taking her along the street, when we were met by the prisoner, who struck me some very severe blows on my arm.

Cross-examined Mr Horn; I have been in the Dartford Police for about two years. I had previously been in the Metropolitan Police. I used my truncheon in self-defence. Henry Bourner corroborated the evidence of the last witness.

Cross-examined by Mr Horn: I have been in the Dartford Police for about twelve months. I came from Tenterden before that. I was labourer in Tenterden.

Mr Horn made an excellent defence on behalf of the prisoner. He contended that Brandon had previously been in the Metropolitan Police force and consequently was in the habit of using more rigour than he was authorised to do in Dartford, which was beyond the limits of the Metropolitan Police Act. He contended that the assault on the prosecutors was a justifiable act on the part of the prisoner, as they had no right to take Ann Kelly into custody for merely using offensive language. Why, it is offensive to call a policeman a "raw lobster" or a "peeler", but that would not justify them in taking a person into custody. If there was a great disturbance made in the neighbourhood, why were there no witnesses present prove it. If the policeman had suffered the woman to have gone home quietly, the prisoner would not have interfered. It was natural the prisoner should interfere in her behalf, notwithstanding that (the learned counsel) certainly reprobated the illicit connection that existed between them. —Three months' imprisonment.

[Ann Kelly, 20, and Elizabeth Wood, 22, were also charged with assaulting Brandon, and received one month's hard labour]³

¹ HO107/457/5, p19

² HO107/463/2, p12

Mark Brown, 25, can't read or write, convicted of assault of a police officer at County Assizes, Kent, on 15 March 1847 and sentenced to 3 months.⁴

Then, at the County Magistrate's office, Rochester, in April 1848:

George Bennett, Charles Tomlyn, Alexander Wood, John Miller, **Mark Brown**, Joseph Trimmer, and Charles Jeal, agricultural labourers, mostly under twenty-one years of age, were brought before the Rev. G Davies, Captain Baker, and James Smith Esq., in custody of Everist, the constable of Northfleet, charged with having burglariously entered a dwelling house of Mr Joseph Thorpe, a retired farmer, at Meopham, near Gravesend, on the night of the previous Wednesday.

The robbery was effected about midnight. The prisoners, having obtained an entrance through an upper window by means of a five-barred gate, which they carried from an adjoining field, proceeded to the bedroom of Mr Thorpe, an old gentleman, upwards of eighty years of age. Three of the party, with their faces covered with crape, went to his bedside and whilst one presented a pistol at him, another held a hammer over his head, the one threatening to shoot him, the other to cleave his skull, if he did not deliver his money up to them, at the same time making use of the most foul language. Mr Thorpe, naturally much alarmed, begged of them not to hurt him, and said he had no money. One of the burglars then took some cord from his pocket and tied the old gentleman's hands and legs very tightly together, and having stationed the man with the pistol to watch over him in bed, and the other proceeded to the bedroom of the other occupants, Mr Thorpe's sister, an old lady aged eighty-six years of age, and Mrs Simmonds, his niece, who were sleeping together. Having forced the door open, they immediately exclaimed, "We must either have your money or your life". Mrs Simmonds replied that there was a little money in the house which they should have and begged they would not hurt them. After ransacking the drawers, unable to find the cash, they compelled Mrs Simmonds to leave her bed and show them where it was secreted, by which means they possessed themselves to seven pounds ten shillings in gold, and a small quantity of silver, a gun, pistol, four gown pieces, silver tankard, punch ladle and several other articles, with which they decamped, but were afterwards traced and apprehended. The prisoners were committed to Maidstone gaol for trial at the next assizes.⁵

At the Kent Summer Assizes, in August 1848:

George Bennett, 19; Alexander Wood, 19 ; John Miller, Charles Tomlin, 19; **Mark Brown, 26** ; Joseph Trimmer, 24, and Charles Jeal, 20, were indicted for burglary, and dealing five sovereigns, eight half-sovereigns, one half-crown, shilling, and one sixpence, one pistol, one gun, and other value £7 3s 6d, the moneys and property Joseph Thorp and one bundle, one mug, and other articles, value £2 4s, the property of Ann Boorman; and at the same time feloniously beating the said Joseph Thorpe, at Meopham.

George Bennett pleaded guilty.

Sir Walter Riddell conducted the prosecution. Mr M. Chambers appeared for Wood and Trimmer, Mr Russell for Brown, and Mr Horn for Jeal.

Mrs Catherine Simmons deposed—I am a widow, residing at Meopham with my uncle, Mr Thorpe, whose house adorns the road leading through Wrotham and to Gravesend. Mr Thorpe is 84 years old; Mrs Boorman, his sister, 86. Mrs Boorman and I slept in the front room. I went to bed the night of the robbery at ten o'clock. I was disturbed by a slight tapping and then heard persons at the door. There was light in my room. The door was forced open, and a person said, "We must have your money or life." My aunt first said we had no money; the money they wanted and money they must have. I said there was some money in a drawer, in a piece of blue paper, heard the drawer opened, but they could not find the money. They then made get out and find it. There were then three persons in the room. I gave them the money, amounting to £3 10d. They took it and dropped a sovereign and a half, we afterwards found. They said it was not much as I said before. I then found the rest and gave it to them; so that all the money they had was £7. As one of the men was searching the drawer, he turned around, and I saw him but cannot identify him. The men stopped in the room for about a quarter of an hour. They then went away, having asked for our watches and pockets. I begged them not to touch my uncle; they said they would not. I heard them go away just before the clock struck one. I heard one of the persons in my uncle's room call another by the of "Mark"

³ Kentish Independent - Saturday 27 March 1847, p7; South Eastern Gazette, 23 March 1847, p7

⁴ HO27/82, p11

⁵ The Era, 23 April 1848

and another “Joe.” They said I had better not go out for two hours. I found my uncle with his hands and legs tied. I untied his hands and gave the alarm to a servant in the farmyard adjoining. I examined the house and found some panes glass broken, the window open, and a five-barred gate placed under the window had been listened by an iron screw the night before. The door had been opened from the inside. I had locked it the before. I found a piece of crape the stairs in the morning. The articles taken from my room were five gown pieces belonging Mrs Boorman, to whom the money belonged, a punch ladle with a sovereign in it; several pairs of spectacles, belonging to Mrs Boorman, a gun, and a pistol, and two watches, belonging to me and my uncle. I found that the house downstairs had been ransacked.

Mr Joseph Thorp deposed—I am 84 years. I recollect being in bed when I was alarmed the night of the robbery. I was lying with my head towards the door. When I was satisfied that I saw a man with a light, called out “Halloa, who are you?” when he took hold of me, and the other said he would split my skull if he did not find some money. There were three men in the room; two of them had candles. I saw that they had crape their faces. I stood over me with a pistol, another with my own hammer. I said, “Don’t abuse us poor old creatures.” The one with a hammer said, “You’ve gone long enough.” The man the pistol asked for drink and money. I had about 5s or 6s in my watch pocket at the foot of the bed. The man with the hammer tied my arms twice round and then tied feet; they said if I stirred before an hour’s time, they would murder me, and the man with the pistol kept coming every little while looking at me. I took every opportunity to recognise them. I saw them afterwards at Rochester before the magistrates. I then pointed out the person who had the hammer; I knew it was him because I took particular notice of him. I recognised the man with the pistol before the magistrates. I also recognised the third man, and his name was Trimmer. The name of the man with the pistol was Bennett. The name of the man who held the hammer was Brown. I identified the articles before the magistrates that I had lost.

Lillywhite, police-constable at Dartford, deposed that he saw the three prisoners a quarter past five in the morning on Blue bell-road; they were Mark Brown, Joseph and Charles Jeal; they were going into Dartford, and each had a bundle. Brown asked me how I was. I walked after them about three hundred yards when I saw Brown give his bund to one of the others and pass down a lane; the other two entered the One Bell public-house. I asked them what they had in the bundle; they said it clothes, and they were going to work.

Thomas Robert Everest, a constable at Northfleet, corroborated the preceding evidence. Apprehended Tomlin and Miller, and found some crape, a punch ladle, and gun, also a coin that Tomlin said he had found. Tomlin and Miller said that they were in the robbery, and the other prisoners also; they said “we never went into the house—we received the property outside.”

Mr Chambers called witnesses to the character of Wood and Mr Russell to the character of George Bennett.

The learned Judge, having summed up, the jury retired for about a quarter of an hour and then returned a verdict of Guilty against all the prisoners.

Brown and Trimmer transported for fifteen years

Miller and Tomlin were transported for seven years

George Bennett (who pleaded guilty), Wood, and Jeal to two years’ hard labour.

The Court awarded £10 to Everest, the constable, for his meritorious conduct in this case. The trial occupied the Court during the entire day.⁶

Mark Brown, 26, married, labourer, was received at Millbank Prison on 2 May 1849 from Maidstone Gaol. One register says he was twice previously imprisoned. The other says he was twice convicted for poaching and once for assaulting constables. He was ‘disposed to be troublesome’. His wife, Mary, 28, lived at Rochester. Mark was transferred to Portland Prison on 6 March 1850.

The Portsmouth Prison register noted Mark was ‘*quiet under restraint, small intelligence, behaviour orderly*’. His career of crime was six years, and his health was good.

Portland Prison register records Mary Brown visited her husband Mark, and his accomplice Joseph Trimmer, on 18 July 1850, the day before they both boarded the *Hashemy* for the voyage to Western Australia.⁷

⁶ West Kent Guardian, 05 August 1848, p7

⁷ HO24/4; PCOM2/30, p45; PCOM2/107, p26; PCOM2/383, p180

His description on arrival in Western Australia in October 1850:

139. Mark Brown, 20, 5'5", black hair, hazel eyes, round face, dark complexion, stout, tattoo of a woman on left arm with a parasol and bird on the left, labourer and single.⁸

General Register:

139. Mark Brown, 30, married, labourer, Church of England, went to a private school, he could read and write and do accounts a little.

His father John Brown, labourer, lives in the parish of Shorne near Gravesend.

Attended Divine Service?	Nothing regular
Received Sacrament?	Never
Habits?	Usually attentive to work
Intellect?	Sound
State of Mind?	Hopeful
Knowledge, Secular?	Limited
Knowledge, Religious?	Very limited
Alleged Cause of Crime?	Drink

Name of Person referred to for Character, &c. Mr George Fielder, timber merchant, Shorne, Kent. He received numerous books while in prison.⁹

Mark appeared on the Casual Sick list at Fremantle.¹⁰

		Condition	Treatment
Brown Mark	2 December 1850	Diarrhoea	Powder - Chalk mixture
Brown Mark	3 December 1850	Diarrhoea	Chalk mixture
Brown Mark	4 December 1850		Castor oil, Laudanum
Brown Mark	5 December 1850	Diarrhoea	Infus Gent
Brown Mark	28 February 1851	Rheumatic	Dover powder at bedtime
Brown Mark	28 March 1851	Rheumatic	Dovers powder

He was issued with a Ticket of leave on 11 December 1851.

Five months later, at Fremantle Court, on 11 May 1852: Mark Brown, ticket-of-leave holder, drunk; fined 7s 6d and costs. He was back in court on 3 September 1852; Mark Brown, ticket-of-leave holder, drunk; fined 10s and 2s 6d expenses.¹¹

Mark was granted a Conditional Pardon given on 28 September 1857.¹²

In 1880, the Bunbury newspaper correspondent wrote, on 24 March:

A case of timber cutting on Crown lands, without a license, was heard at the courthouse on the 20th when James Hough and his son were fined £5 and £2 10s respectively for this offence with, costs added. Mark Brown was fined £20 on the same day, also for unlicensed timber cutting.¹³

Later in the year, a letter in the newspaper, from Bunbury, dated 28 June 1880:

A considerable acquisition to the revenue has accrued by the conviction of several timber hewers, and the confiscation of timber and infliction of penalties for cutting timber without a license. In one particular instance the case seems to be one deserving commiseration, the offender, an aged man named Mark Brown, being employed by a contractor as a sum per load (somewhat less than the usual rate), on the understanding that the reduced price would cover the cost of his license by the contractor, who it appears has invariably procured and paid for it; but by an inadvertency the contractor omitted upon this occasion to pay for it, and the defendant, ignorant of such omission, continued at his work until apprised of his offence which, upon investigation resulted in the confiscation of his timber and the infliction of a heavy penalty, and his inability to pay has resulted in his committal.¹⁴

⁸ SROWA Acc 128/40 – 43

⁹ SROWA Acc 1156 R21A

¹⁰ SROWA Acc 1156 CS1

¹¹ Inquirer (Perth, WA: 1840 - 1855), 9 June 1852, p2; 8 September 1852, p2

¹² SROWA Acc 1156 R21B

¹³ The West Australian (Perth, WA: 1879 - 1954), 28 May 1880, p3

¹⁴ The West Australian (Perth, WA: 1879 - 1954), 2 July 1880, p3

1895. Mark Brown died 7 June 1895 at the Poor House, Mt Eliza, aged 76, labourer and is buried in the Anglican section of East Perth cemetery.¹⁵

Mary Ann McQuinney, wife of Mark Brown, convict 139

Baptism	
Parents	John McQuinney
Parent's marriage	
Siblings	
Husband	Mark Brown (1823-1895)
Marriage	12 July 1840, at Rochester, Kent, by banns
Children	None registered

At St Nicholas, Rochester, Kent, on 12 July 1840:

Mary Ann McQuinney, full age, spinster, father John McQuinney, a labourer

Mark Brown, minor, bachelor, labourer, father John Brown a labourer

Both made their mark, as did the witnesses Rhoda Brown and Luke Brown, Mark's brother and sister.

On the 1841 census, they lived at Shorne St, Shorne, Kent.

Mark Brown, 20, Ag lab, born in the county

Mary Brown, 20, born in the county

At the Lent County Assizes, Kent, March 1847:

Mark Brown, 25, who cannot read or write, was charged with assaulting Christopher Brandon and Henry Bourner, constables, in the execution of their duty, Dartford.

Christopher Brandon testified: *on the night of 31 January last, about twelve o'clock, I was coming past the Bull's Head, in Dartford, and saw a woman of bad character named Kelly, with whom the prisoner cohabits, standing at the door of the Bull's Head. I told her it was time for her to go home. She was very abusive and made a great noise in the street. I took her into custody and was taking her along the street when we were met by the prisoner, who struck me some very severe blows on my arm.*

Mark received three months in prison. Ann Kelly, 20, and Elizabeth Wood, 22, were also charged with assaulting Brandon and received one month's hard labour.

On 17 April 1848 at the County Court in Rochester, the prisoners, handcuffed together and placed in the dock in the following order: —George Bennett 19, Alexander Wood 20, John Miller 20, Charles Tomlin 19, Mark Brown 26, Joseph Trimmer 24, and Charles Geal 20. The seven prisoners were indicted for burglary and stealing five sovereigns, eight half-sovereigns, one half-crown, shilling, and one sixpence, one pistol, one gun, and other value £7 3s 6d, the money and property Joseph Thorp and one bundle, one mug, and other articles, value £2 4s, the property of Ann Boorman 86; and at the same time feloniously beating her brother Joseph Thorpe 84, at Meopham. They were remanded to the Kent Summer Assizes. At Maidstone on 25 July, they were all convicted, and sentences ranged from two years in prison to transportation for fifteen years. Mark Brown received fifteen years.

Prison registers record Mark is '*disposed to be troublesome*'; he was '*quiet under restraint, small intelligence, behaviour orderly*'; his career of crime was six years; and his health was good.

¹⁵ SROWA Acc 1156 V24; East Perth Cemetery database

The last reference to Mary is in the prison registers: wife Mary, 28, lives in Rochester and visits Mark Brown and his accomplice Joseph Trimmer on 18 July 1850, the day before they both boarded the *Hashemy* for the voyage to Western Australia.