

Joseph Clayton, 150, *Hashemy*

Researched by Marcia Watson

Baptism	6 May 1810, St Thomas, Melling, Lancashire near Liverpool ¹
Parents	Peter Clayton and Ellin Bradshaw
Parent's marriage	8 February 1790 at St Cuthbert, Halsall, Lancashire
Siblings	Mary (1790), Elin (1795), Thomas (1797), Elizabeth (1799), Peter (1801), Joseph (1802-1802), Susanna (1804-1805), Susannah (1806)
Wife 1	Sarah Liptrot
Married	25 March 1833, St Anne's, Liverpool
Wife 2	Caroline Benn
Married	3 October 1842
Children	Ann Jane (1833) Mary Ellen (1835-1840) Elizabeth (1838-1838) Caroline (1844-1844)

In 1833, Joseph Clayton married Sarah Liptrot, by banns, at St Anne's in Liverpool, on 25 March 1833. Joseph signed his name, and Sarah made her mark. Joseph was a cow-keeper.

Their children, baptised at St Peter, Liverpool:

Ann Jane bap. 19 December 1833; father, a cow-keeper of Gerard Street.

Mary Ellen b. 9 July 1835; bap. 24 August 1840; father, a victualler of Lionel Street. Died 1840.

Elizabeth bap. 10 September 1838; father, a publican of Gerard Street. Died 1838.²

In 1837, Joseph Clayton, late of No 1 Gerard-street, Liverpool, Lancaster, Cowkeeper, Carter, Dealer in Coals and Retail Dealer in Ale, was bankrupt.³

When the census was taken in 1841, the family lived at Lionel Street, Liverpool:⁴

Sarah Clayton, 30, victualler [this person appears to be Joseph Clayton]

Sarah, 30

Ann, 7, washerwoman (*sic*)

Sarah Ann Clayton died in the March quarter of 1842, aged 44 (possibly should be 34)

The following year, at the Court of relief for debtors, in February 1842:

Joseph Clayton, late of No 10, Lionel-street, Liverpool, in the county of Lancaster, Licenced Victualler – In the Gaol in Liverpool.⁵

Insolvent Debtors' Petitions, Wednesday, 16 February.

Orders have been made, vesting in the Provisional Assignee the Estate and Effects of the following Persons (On their own Petitions.)

Joseph Clayton, formerly of No 1 Gerard-street, Liverpool, Lancaster, Cow Keeper and Dealer in Coals, and at the same time carrying on the business of a Beer House Keeper, on the same premises, and late of and now in Lodgings at No 10 Lionel-street, Liverpool, aforesaid, Licenced Victualler, and at the same time keeping a Coal Yard in Bennett-street, Liverpool, aforesaid.^{6,7}

He remarried on 3 October 1842 at Liverpool, by licence.

Joseph Clayton, widower, victualler of Lionel St, father Peter Clayton, farmer.

Caroline Benn, widow, Athol St, father James Knuxford Ansell, Music master

Caroline had two children from her previous marriage.

¹ Lancashire Record Office, PR 3383/1/7

² Parish registers.

³ The London Gazette, 17 February 1837, Issue: 19467, p401

⁴ HO107/558/21, p25

⁵ The London Gazette, 18 February 1842, Issue: 20072, p455

⁶ The Era, 20 February 1842, p8

⁷ The London Gazette, 25 February 1842, Issue: 20075, p560

Joseph and Caroline had a daughter, Caroline, baptised 25 September 1844, at St Peter, Liverpool. Joseph was a victualler of Athol Street. The baby died in 1844.

In May 1845. Publican and Beerseller Cases. Yesterday week, Joseph Clayton, of the Egerton Arms, Canning-street, was summoned for keeping open his House during afternoon service on the previous Sunday. The defendant said he was not aware he was doing wrong, as he had only that day opened his House. The magistrate gave him to understand that it could not be considered a house receiving travellers and, after advising him to be careful in future, dismissed the case.⁸

In July 1847. Case of Arson at Birkenhead. —Yesterday, Mr Joseph Clayton, Landlord of the Egerton Arms, Woodside and the other prisoner, Webster, were brought up before J. S. Jackson, Esq., at Birkenhead when man named Read, a carter, in the employ of Clayton stated that he had assisted in shipping a quantity of spirits from Clayton's House to Liverpool, a few days before the lire. Mr Jackson, in taking these facts and evidence given on previous occasions, into his consideration, committed the two male prisoners for trial at Chester assizes.⁹

At the North Wales Circuit – Chester, 6 April 1848

Joseph Clayton, 36, Ralph Webster, 36, were charged with feloniously setting fire the dwelling house of the said Joseph Clayton, at Birkenhead, with intent to defraud the Sun Fire Insurance Company. Mr Townsend, Mr Egerton and Mr Brandt conducted the prosecution, and Mr Temple the defence.

Mr Townsend stated the case to the jury. The prisoner was the Landlord of the Egerton Arms at Birkenhead. The House has two fronts, one on Sandford-street and the other on Canning-street, and it was discovered to be on fire thrice in the course of the same night. The first fire was discovered about nine o'clock on the night of Monday, the 26 July. It originated in the cellar, where spirits were kept, and a person named Ford in passing the cellar, saw a blue flame in it as if ascending from spirits and the shadows of two men, one of whom he heard say, "That's plenty". He immediately gave an alarm, and the fire, after great exertions, was put out. A police officer went afterwards through the cellar and satisfactorily ascertained that all was safe. At 10 o'clock, however, the fire was again discovered, which again put out. At a later period of the evening, two persons, whose suspicions had been excited, were looking into the House through the kitchen window and saw the prisoner Webster get a quantity of shavings and actually set them on fire under the staircase. The men immediately got into the House and apprehended the prisoner Webster, but with the assistance of Clayton, he got away. The fire was ultimately put out, and an officer remained in possession of the House, and about two in the morning a knock was heard at the door. The officer went to the door, and the man exclaimed, "Open the door. Clayton, it's all right". The officer did open the door, and the prisoner Webster appeared, but he immediately ran away and made his escape. He should show that the prisoner had insured his stock-in-trade and furniture for £1000; that he had, previously to the fire, removed a large portion of it; and the only presumption that could arise was that the House had been fired to defraud the office with which the Insurance had been effected. The learned Counsel called:

Amos Ford – I am a shoemaker at Birkenhead, know Clayton' he keeps the Egerton Arms, which consists of a hotel and tap; it has two fronts, one towards Sandford-street, and the other towards Canning-street. On the 26 July last, I was passing the Egerton Arms, about nine in the evening, when I heard the noise of two or three persons in the cellar, through the grating which opens into Canning-street; the cellar is under the tap; I passed on and returned in about three minutes when I saw the shadow of a blaze. I stooped down to the grating and saw the shadows of two men. The fire seemed to be burning up towards the back part of the cellar; there are two cellars, one under the first part of the tap, and the other at the is at the back there is a doorway between the two cellars, but no door. I listened and heard Clayton say, "That's plenty". I had known Clayton for two or three years. I immediately ran away to the police office, and shouted "fire".

John McGivering. I am a stonemason at Birkenhead and returning from my work about a quarter to nine on the evening of the 26 July. I went into the bar parlour at the Egerton Arms, and after I had been there a few minutes, Clayton's daughter came running out of the cellar screaming, "Oh, father, there's something in the cellar on fire". I went down the stairs into the kitchen, which is on the same level as the cellar. Saw nothing unusual there but proceeded on to the cellar. In one corner of the cellar, I saw fire on the floor to

⁸ Liverpool Mercury, 02 May 1845, p7

⁹ Liverpool Mail, 31 July 1847, p3

the extent of about two yards; it seemed to be a flame, such as spirits would cause; I went upstairs and asked Clayton for water; he said nothing for some time, and I asked him again several times; at length, he told me there was water in the back yard; I went there but could find no water. I returned to the House, and Clayton's daughter told me there was water in the cellar. I went there but was prevented for looking for it by the heat; the fire was directly under a cask which was raised on something. I started to go for the engines, and met them coming; the next morning, as I passed the House, I went into the cellar; there was a water tap in it, but I did not ascertain whether there was water in it.

Cross-examined – Soon after I went into the House a I saw Clayton; he passed in and out while I sat in the bar before the girl called out "Fire". Don't know how many people were in the House; there were four in the bar, and perhaps some in the other rooms. When the alarm of fire was given, Clayton appeared much agitated; don't think the tap is connected with the water-closet, but did not examine it; there were several casks in the cellar beside the one I saw the flame under. Several persons went down into the cellar with me.

Thos Hall – I am a policeman, and went to Clayton's House about nine o'clock on the 26 July, and saw a blue flame burning along the floor of the cellar, under different casks; the flame ran through the doorway, and about one yard and a half into the front cellar where the grating is. The next morning I examined the casks under which I saw the flame; one contained rum, another whiskey, and the other beer I suppose; the spirit flasks were about a quarter full; they were in the back of the cellar under the tap room; in the tap room there was water, for I got it from there to put the fire out with at nine o'clock. Before I then left I examined the cellars from one end to the other, and felt quite satisfied there were no sparks of fire then. I left the rum cask on its end; there was a tap; none of the spirits could have run out of it as it stood. The same night a little before eleven, I went again to the House in consequence of another alarm of fire; on going downstairs to the cellars, there is a closet underneath; that was on fire, and had communicated the fire to the stairs; the shutters of the front kitchen were on fire too, and there were several people throwing water through the window out of Canning-street; in about an hour the fire was got under, by the aid of engines, which were also brought to play upon it. Did not see Clayton while I was putting out the fire.

William Rhodes – Am one of the Birkenhead police, and went to the Egerton Arms about nine on the night in question. [The witness here described what was spoken to by the last witness as to the fire at nine o'clock, and said he went away earlier than the last witness] About ten o'clock while I was in Canning-street, I saw fire again through the grid; I went into the tap, told Clayton's daughter what I had seen and asked her where I should get buckets: she said in the cellar, and I went thither; there was spirits on the floor and also a barrel on fire; I got some water, and with assistance of a few persons put the fire out; this would be about half ten; saw Clayton in the cellar during this time, and told him the cellar had been on fire again, he said I had no business in his cellar, and ordered me out; I told him I would not go till the fire was out; Clayton made no reply; I saw Webster in the tap room behind the counter; he left the House in about ten minutes after, and remained near a few minutes longer, while I was looking about Clayton came out with a door in his hand, which he put on the grating, and said – "Ill put this on the grating to keep the draught out of the cellar for fear the fire should break out again"; I told him he had better not put the door on it as I could not see the fire if it should break out while they were in bed; he said "there's no fear of that, for we're not going to bed tonight". I then left, and went on my beat; about 11 o'clock I went towards the House again and discovered the fire had broken out a third time; I went first to the door in Canning-street, but could not get in, and afterwards I went and knocked at the door in Sanford Street; Clayton asked "Who's there" and I said "The police"; I asked him for a candle and he said there were none in the House. I then made the best of my way to the police office to get the engines.

Thomas Cross – Am a shoemaker, and live near the Ergerton Arms; passed the House about a quarter to nine; the fire engines were then at the door, went into the House and remained there until half-past ten; when I was in the bar parlour Clayton came in, and put his hand on the floor and said: "what are you bothering about, it's not hot". Clayton then said to his wife, "where's the children?", she laughed and said, "the children are all right". A short time after, there was an alarm of fire given, and I went out of the House. I looked through the cellar grating and saw there was a fire in the cellar, and by means of a shutter and turning the tap, I flooded the floor and put it out. I returned to the taproom and saw Webster there, and then he went away. I came back again at eleven o'clock and looked through the grating to see if there was any fire there; there was none. I then looked through the kitchen window into the kitchen and saw Webster

there. He had a lighted candle in his hand. I watched him and saw him put the candle to a quantity of shavings underneath the stairs and set fire to them, and they blazed up. He then went away, and I went round to the front door and caught him on the stairs coming up. I laid hold of him and said, "You villain, I've got you". We had a struggle, and both fell down together. While we were struggling, I saw Clayton coming out of the parlour occasionally while I was there. Presently I heard a noise in the passage. On going to the door, I saw Cross and another person struggling together; do not know who the other person was; I supposed it was a quarrel between themselves and did not, therefore, assist Cross, who was crying out for help. Clayton came out but took no active part; I heard him ask what the row was about. The man got away from Cross by overpowering him; he ran away from the back part of the House; he then turned around and said, "Williamson, why did you not help me; that is the villain who set the house on fire, and in a few minutes it will be a complete blaze". I asked where, and he said in the kitchen. I went to go down, but the smoke was so dense I was forced to return; then I went back to the front of the House in Canning-street; I observed through the cellar window that the place was in a complete blaze. There were several about at this stage; they were looking on; I enquired about water and got some from a small cottage close by; the engine came up, and I then left. I did not see Clayton after I went out of the House, but I saw him when I was in the House and talked to him, respecting the fire; I asked him if he had sustained much injury by the fire; he said he said he was afraid it would break out again; Webster seemed a great deal excited.

Samuel Clark – Was inspector of the Birkenhead police in July last; after the first fire, went at half-past 11 o'clock on the premises, and remained there until two the next morning. About two o'clock I heard a knock at one of the doors. I went to the front door and asked who was there but got no answer. I then went to the back door and again enquired who was there. Somebody answered, "It's all right, Clayton, it's right". I asked a second time who was there and the reply was, "It's all right; open the door". I did open it, and saw the prisoner Webster there. When he saw me, he ran up the steps into the back yard. I followed and caught him. I asked who was, he said, "My name is Ralph Webster, and Clayton is my uncle". I took him into custody. He then said, "You need not take me; I know nothing about the fire". I had never spoken to him about the fire. He must have got into the yard over the wall; the yard communicates with the street by a door; the door was fastened in the inside. No one was in the yard when I took possession of the premises.

Horatio Nelson Davies – Am the surveying officer of the excise at Birkenhead; the Egerton Arms were in my district; the books are sent off to London every quarter; I have a paper before me; it contains a copy from the books of an inspection of Clayton's stock on 19 July; and a subsequent inspection made by himself at the time.

Mr Townsend – What was the stock on 19 July?

Mr Temple objected to the reading of the extract from the excise books, while the books might have been themselves produced.

The Judge decided against a copy being read.

Examination continued – The day of the fire, the stock was two gallons of brandy, 13½ of rum, 12¼ of whiskey, 2 of British brandy, and 33 of gin and cordials; there was a great deficiency from the previous stock, which was taken right before the fire.

Joseph Ford – I drive a cart for my brother and on 24 July was employed by a person named Moore to take a cart and horse to the Egerton Arms; when I got there I saw the two prisoners; Moore went with me; a puncheon, a barrel, and half a barrel were brought out of the cellar and taken away in the cart; the puncheon was full, they were taken Woodside Ferry and put on board a packet; Clayton came after me; Webster assisted to put the casks on board; remember going on the 25 March with Mr Walker the excise man to the excise office in Liverpool; I there saw the casks and puncheon I had put on board the packet.

Mr John Walker – I am a supervisor in the Excise. In consequence of information, I went to search a house in Nash Grove, in Liverpool. I found in the kitchen three casks; a puncheon, a barrel, and a half barrel; in the puncheon were 52 gallons of gin; in the barrel, 32 gallons of whiskey; and in the half barrel, 15½ gallons of rum; there was also a chest, containing clothes, knives and forks. I seized the casks; they were placed in the cellars, where they were seen by the last witness.

Margaret Woods – I have lived with Webster for the last eight years; on Monday before he was taken into custody, Clayton came to my House with a cart, in which were three casks; they were put in the house part, and afterwards seized by some. Clayton assisted to get them out of the cart, and paid the carters. The same afternoon Webster brought a box in a cart; it was tied with a rope. The box was open one day, and I

examined it; there a pair of blankets, some sheets, dresses, a telescope, men's clothes, knives and forks, and other things in it. After I had seen the contents of the box they were taken away by Clayton's tenant; the box itself still remains.

The special high constable of Birkenhead produced a policy of Insurance from a person named Ansell, Mrs Clayton's brother.

James Campbell – I am an assistant to the agent of the Sun Fire Office at Liverpool. On the 22 May, 1845, Clayton effected an insurance in our office on his stock and furniture. It is the policy now put into my hand (produced by Palmer); in June last year after the fires had occurred I went through Clayton's House; I think he was over insured on the furniture, which was insured for £200,; don't think the pictures and prints were worth £80, or glass and china £100; or the fixtures and stock one quarter of £820; the Insurance Office have nothing to do with this prosecution.

Joseph Brattan – I am an architect at Birkenhead and have received the rent from Clayton's House for Mr W Cole, the owner; I pay the interest to the mortgagee, Messrs Stewart.

Cross examined – the rent was regularly paid; Mr Cole has nothing to do with the prosecution, nor the mortgagee either.

Mr B Barret – I am clerk to Mr Whitehouse, the agent of the West of England Fire Insurance Office, and produce a policy of Insurance, effected by Miss Stewart for damages done by the fire.

Mr Roger Saiter – I surveyed the premises in which the fire occurred and made a plan; there is a 9 inch brick wall between the kitchen where the third fire occurred and the two cellars. I think the water in the cellars communicated with the main from the Water Works.

The public acts of the Sun and the West of England Fire offices were then tendered for the purposes of intent to defraud, as laid out in the first count of the indictment.

The policies of Insurance were also tendered, but could not be proved for want of form.

The Counsel, therefore, relied on the count with the intent to defraud the Landlord.

Mr Temple addresses the jury for the defence and commented on the extraordinary 'circumstances', that one of the most respectable innkeepers in Birkenhead should be charged with setting fire to his House in daylight – for such it might be called at nine o'clock on a summer's evening – without any previous preparation for the safety of his family, while numbers of customers are in his House, and under such circumstances as gave people an opportunity almost of seeing him commit the offence if for one moment he could be supposed and enough to do such a thing. The jury were also to believe that he had not only made one attempt, but one – two – three, in the very face of the police, and with the attention of all around him excited by the fact of there having been one fire, which had just aroused the whole neighbourhood. The Learned Gentleman then went through the evidence, in a speech of about an hour and a half's duration; and contended that the whole of the evidence both as to the facts and the imputation of motives had failed to make out any satisfactory case against the prisoner.

His Lordship, in summing up, told the jury that the count charged the firing of the House with intent to defraud the Insurance Company had failed for want of form; and if they did their duty they must consider the case against the prisoner apart from any inducement supposed to be furnished by the expectation of obtaining the insurance money. This was an important consideration because it put out of question the only motive suggested for the commission of the offence; and they were bound to investigate the charge of the legal evidence which was presented to them only. The charge now was that the firing of the House was to defraud the Landlord and that was the question on which their verdict must be given. His Lordship then went through the evidence with much care and minuteness.

The jury consulted together for about a quarter of an hour, and when the usual question was put by the Clerk of the Assizes,

The Foreman said – "We find both the prisoners guilty of setting fire to the house, but don't know what intent he had".

The Judge – "Then I can't understand what you mean. If you believe a man fires his House, can you doubt that thereby he must intend to defraud somebody. The law of this country presumes a man to be guilty of that which is the necessary consequence of his actions; and if you live in a man's House and set it on fire, it is very likely you will injury your Landlord by it. That seems to be the common sense as well as the legal interpretation of his acts, but it is for you to judge of the intent and not me. You must reconsider your verdict.

The jury consulted a few minutes longer, and the Foreman then said, "We find both prisoners guilty of setting fire to the house, with intent to injure the landlord".

The Judge then ordered the prisoners to be severally transported for the term of 15 years.¹⁰
[Egerton Arms Hotel, 69 Canning street (cnr Sandford St), Birkenhead (1857 address)]

Petitions¹¹

Received 24 August 1849

To the Right Honourable Sir George Grey, Bart, M.P., Secretary of State for the Home Department &c &c &c
The petition of Joseph Clayton now a convict in Portland Convict prison, and who was tried at Chester Castle on 7 April 1848 and sentenced to 15 years transportation.

Humbly sheweth,

That your Petitioner with another individual named Ralph Webster were tried set setting fire to your Petitioner's own premises at Birkenhead with the view of obtaining the money for which it was insured. Your Petitioner, in defence of this wishes to state in the first place that he had nothing to induce him to set fire to his premises or cause any other person so to do, and your petitioner wishes to state that if the said individual Ralph Webster, who was convicted with your petitioner and who has recently been discharged, did set fire to the premises belonging to your Petitioner, he did so entirely without the knowledge or consent of your petitioner.

Your Petitioner begs also to state that at the time when the fire took place he could have sold or let his premises, he having refused on many occasions much greater sums of money than that for which he was insured.

Your Petitioner wishes also to state that if the Attorney which he engaged for the trial had brought forward the witnesses he was requested to produce, after receiving £150, your Petitioner feels convinced that his case would not have terminated with such disastrous circumstances to himself.

Your petitioner beg to state also that he was never in prison before the present charge, that he had always brought up his family in an honest and respectable manner, and that in consequence of his incarceration, his wife and three children are entirely without protection, and destitute of the means of support.

Your Petitioner therefore earnestly begs and humbly prays that you will take his case into your most favourable consideration, so as to restore him, if possible, to his liberty, and should this be granted your Petitioner respectfully begs to add that his friends would again enable him to live respectfully and to earn an honest living for his family.

Joseph Clayton

Portland Convict Prison

16 July 1849

N.B. Your petitioner begs respectfully to add that the Insurance Company did not prosecute in this case, being satisfied that he had more property on the premises when the fire took place than at the time Insured.

Your petitioner begs also to add that he was nine months in Prison before his trial took place, the case having been postponed from one Assize to the succeeding one.

Your petitioner wishes to state lastly that he was always on the best terms with his Landlord, and the rent was always paid the day it was due at the rate of £150 per annum

Your petitioner humbly trusts that the above stament (*sic*) will have a favourably tendency towards, at least, an investigation of his sentence.

And your petitioner will ever pray

Joseph Clayton

Portland Convict prison

30 July 1849

Cover:234/49 Joseph Clayton, 36, Chester Lent Assizes March 1848, Arson, 15 years transportation

Gaol report, Chester - Not known

Portland

¹⁰ Chester Chronicle, 14 April 1848, p4

¹¹ HO18/234

Nil H.W

The prisoner represents his good character & the Destitution of his family - denies his guilt - & states that his defence was neglected by his Attorney.

2nd application, Received 16 March 1850

To the Right Honourable Sir George Grey, Baronet, M.P. her Majesty's principal Secretary of state for the Home Department &c &c &c

The petition of Joseph Clayton at present a convict in Portland Convict prison and who was tried for arson on 19 March 1848 and sentenced to 15 years transportation.

Humbly sheweth

That your petitioner is by occupation a Hotel keeper and was in the month of July 1847 renting a House Known by the name of the "Egerton Arms Hotel" in Birkenhead Cheshire, and was for such House paying the yearly rent of One hundred and fifty pounds.

That on 26 July aforesaid, a fire occurred at the said House, and your petitioner along with one Ralph Webster was apprehended and charged with purposely setting fire to the said premises with the intention of defrauding the "Sun Fire and Life Insurance Company" the property in the said House being insured in that Company for the sum of One thousand pounds.

That on 29 March 1848 (the period of nine months having elapsed since your petitioner's first committal) your petitioner and the said Ralph Webster were brought to heal when it appeared that the said Insurance Company did not prosecute.

That your petitioner and the said Ralph Webster were found guilty not of setting fire to the said House with the intent of defrauding the said Insurance Company, but with the view of injuring the Landlord of the said premises; and being so found guilty were by the learned Judge Mr Justice William then presiding at the said trial sentenced to fifteen years transportation, the crown prosecuting.

That the Landlord of the said House Mr William Cole never appeared as prosecutor on the trial of your petitioner and that your petitioner was and still is on the best possible terms with the said Landlord.

That on account of not having the assistance of proper and efficient Counsel your petitioner was not enabled to elicit certain facts from the witnesses examined on the said trial which would have tended greatly to establish the innocence of your petitioner and to prove that he had nothing whatever to do with the setting fire to the said premises.

That your petitioner at the time of the occurrence of the said fire was not in arrears with his rent, and that the said House was well furnished and contained a valuable stock of Wine, Spirits and other requisites for your petitioner's business and further that the said House was daily becoming more valuable to your petitioner on account of the great improvements being made in the immediate neighbourhood of the said House.

That your petitioner always bore an irreproachable character up to the time of the lamentable occurrence, the truth of which statement can be tested by persons of the highest stand are and respectability rendering in the neighbourhood of Birkenhead aforesaid.

That your petitioner in committing such an act would have had nothing to gain but everything to lose, as the Furniture and Stock then on the premises were fully worth the amount for which they were insured not taking into consideration the loss your petitioner would sustain on account of his business being put out of order and the many other inconveniences which such a circumstance would naturally occasion.

You petitioner therefore humbly begs that you will take into your gracious consideration the before named facts and that it was utterly impossible for your petitioner to injure the said Landlord, the said Mr William Cole, as he, the said William Cole had the said House insured; and also that your petitioner would have utterly ruined himself by committing so foolish and wicked an act, and that your petitioner is entirely innocent of the whole affair, and that therefore he earnestly entreats that if it be consistent with your public duty you will be pleased to recommend him to her most gracious Majesty for a free pardon.

And your petitioner as in duty bound will ever pray.

We the undersigned inhabitants of Birkenhead and Liverpool beg to state that the above copy of a petition addressed to your Lordship contains a true statement of the case of the unfortunate Joseph Clayton, and we therefore most respectfully entreat that you will be pleased to recommend him as a fit and proper subject on whom her most Gracious Majesty may shew her Royal Clemency in granting a free pardon.

Signed by 20 people including William Cole the Landlord and owner of the House.

Cover: Joseph Clayton, 2nd application, Portland
Nil G.G.

The prisoner was a Hotel keeper at Birkenhead & was convicted of setting fire to his House with intent to defraud the Insurance Office. he protests his innocence, says that he had nothing to gain & everything to lose by such a proceeding & prays to be released.

His petition is signed by several inhabitants of Birkenhead.

The petitions were not successful.

Joseph Clayton, 36, married, can read and write, publican was convicted at Chester on 29 March 1848 of arson and received 15 years. It was his first offence. Joseph was received at Millbank prison on 25 April 1848, from Chester Gaol, and sent to Wakefield on 12 December 1848. The Wakefield register says he is married with 4 children and can read and write imperfectly. He was transferred to Portland Prison on 19 June 1849. Joseph was reported on 13 January 1850 for irregularity and disposed of as in Report Book and Misconduct Book.¹² From Portland Prison, he boarded the *Hashemy*, for Fremantle, on 19 July 1850.¹³

On arrival in Western Australia in October 1850, his description was:

150. Joseph Clayton, 39, 5' 11½", dark brown hair, grey eyes, oval visage, slender build, dark complexion, 3 marks from boils on his left arm and 7 boil marks on right arm, labourer, married with 3 children.

[The children are Ann Jane Clayton, step-children Elizabeth Benn and William Benn, the only children still alive]¹⁴

General Register:

150. Joseph Clayton, 40 in May 1852, married, hotel keeper, Church of England, private school, reads and writes well, fair with accounts. He said his brother Thomas Clayton, carrier, lives in Milton Street, Liverpool.

Attended Divine Service? Not so regularly lately

Received Sacrament? Yes

Habits? Sometimes indulged a little

Intellect? Sound

State of Mind? Means to do well, unsettled

Knowledge, Secular? Tolerable

Knowledge, Religious? Limited

Alleged Cause of Crime? Pleaded innocence, therefore, made no statement

Name of Person referred to for Character, &c. Mr William Cole, Architect, Balls Hall, Birkenhead, Cheshire [the Landlord of the Egerton Arms Hotel]

Joseph received books while in gaol.¹⁵

Note: I could not find his brother Thomas Clayton.

Joseph appears on the Casual sick list at Fremantle.¹⁶

H=in hospital

		Complaint	Treatment
Clayton Jos	31 October 1850	Boils	Op: medicine
Clayton J	3 November 1850	Boil on arm	Poultice
Clayton	5 November 1850	Bad arm	Continue poultice
Clayton J	11 November 1850	Boils	Blue pill every night
Clayton Joseph	12 November 1850	Boil	Poultice
Clayton Joseph	10 December 1850	Boil	Poultice
Clayton Hy	11 December 1850	Boil	Poultice
Clayton Jos	12 December 1850	Boil	Poultice
Clayton	30 December 1850	Ulcer upper arm	Dressing
Clayton Clayton	30 March 1851		Lotion iodine
Clayton Joseph 150	16 June 1851	Boil	Poultice

¹² Portland Prison. Governor's Journal, 24 November 1848 to 9 August 1850. PCOM 2/354

¹³ HO24/4; HO23/14; HO8/105

¹⁴ SROWA Acc 128/40-43

¹⁵ SROWA Acc 1156 R21A

¹⁶ SROWA Acc 1156 CS1

Clayton Joseph 150 H	19 June 1851	Boil	Continue dressing
Clayton Joseph 150 H	20 June 1851	Boil	Dressing
Clayton Joseph 150	24 June 1851	Sore	Poultice
Clayton Joseph 150	25 June 1851	Boil	Continue dressing
Clayton Joseph	26 June 1851	Boil	Poultice
Clayton Joseph H	27 June 1851	Boil	Continue poultice
Clayton Joseph 150	28 June 1851	Boil	

On 10 September 1851, Joseph received a Ticket of leave.

At the Perth Court, on 2 April 1853, Joseph Clayton, t.l., out after hours; fined 3s and costs.¹⁷ About 18 months later, he was granted a Conditional Pardon on 16 September 1854.¹⁸

There are a number of records and newspaper accounts of Joseph Clayton, but they appear to be a pensioner or a free person.

1889. During the course of the last week, two deaths have occurred at the Mt. Eliza Depot. Last Thursday, an inmate named James(*sic*) Clayton died, of old age, in his seventy-fourth year.¹⁹ Joseph Clayton was buried on 4 April 1889 at East Perth cemetery. He was 73 years old.

Ralph Webster, who was charged with Joseph Clayton, got a free pardon on 11 April 1849 on account of his poor health. He was 37 and had suffered from scrofula since he was 17. Petition on findmypast. In gaol 8 months before trial.

1851 census, 16 Nash Grove, Liverpool (same address in the newspaper account of the trial for Margaret Woods who lived with Webster):

Ralph Webster, 40, plumber

Margaret, wife, 36

Adelaide, 16

Ralph, 4

Daughters: Mary Ann born in 1851 and Margaret Jane in 1853.

Ralph spent two months in prison in 1857, for larceny.

He died in Liverpool in 1861 aged 48, before the census was taken.

Sarah Ann Liptrot, first wife of Joseph Clayton, convict 150

Baptism	
Parents	
Parent's marriage	
Siblings	
Husband	Joseph Clayton (1810? -1889)
Married	25 March 1833, St Anne's, Liverpool by banns
Children	Ann Jane Clayton (1833) Mary Ellen Clayton (1835-1840) Elizabeth Clayton (1838-1838)

Sarah Liptrot married Joseph Clayton, by banns, at St Anne's in Liverpool, on 25 March 1833. Joseph signed his name, and Sarah made her mark. Joseph was a cow-keeper.

¹⁷ The Perth Gazette and Independent Journal of Politics and News (WA : 1848 - 1864), Fri 15 Apr 1853, p2

¹⁸ SROWA Acc 1156 R21B

¹⁹ The Daily News (Perth, WA : 1882 - 1950), Mon 8 Apr 1889, p3

The family lived in Gerard Street when their daughter was born later in the year. Joseph was still a cow keeper. By 1835 Joseph was also a victualler, and in February 1837, he was bankrupt. The London Gazette reported:

Joseph Clayton, late of No 1 Gerard-street, Liverpool, Lancashire, Cowkeeper, Carter, Dealer in Coals and Retail Dealer in Ale.

The 1841 census is very confusing. Living in Lionel Street, Liverpool, were:

Sarah (*sic*) Clayton, 30, victualler

Sarah, 30

Ann, 7, washerwoman.

The following year, Sarah Ann Clayton, 44, of Lionel Road, Liverpool, died of inflammation. She was buried 23 February 1842 at the Low Hill Cemetery, Liverpool.

Joseph was in Liverpool Gaol, and he petitioned the Court for Relief of Insolvent Debtors in February 1842: *Joseph Clayton, formerly of No. 1, Gerrard-street, Liverpool, Lancashire, cowkeeper and dealer in coals, and at the same time carrying on the business of a beerhouse keeper on the same premises, and late of and now in lodgings at Na. 10, Lionel-street, Liverpool aforesaid, licensed victualler, and at the same time keeping a coal-yard in Bennett street, in Liverpool aforesaid.*

Caroline Benn, second wife of Joseph Clayton, convict 150

Baptised	23 June 1816, St Peter's Priory, Liverpool, Lancashire
Parents	James Knottesford Ansell (1776-1860) and Elizabeth (3 rd wife)
Parent's marriage	~1814
Siblings	Agnes (1818) and at least four half-siblings
Husband 1	Joseph Benn (1803-1842)
Marriage 1	2 October 1836, St Peter, Liverpool, by licence
Husband 2	Joseph Clayton (1810? -1889)
Marriage 2	3 October 1842, St Peter, Liverpool, by licence
Children	Elizabeth Margaret Benn (1838) William Fitzmaurice Benn (1839) Caroline Clayton (1844-1844)

Caroline Ansell was born on 13 June 1816. Her father, James Knottesford Ansell, was a composer, organist, professor of music and later had a book shop. Before he moved to Liverpool in 1809-10, with his second wife and children from his first marriage, he was the organist at the Portuguese Embassy. James moved back to London in the mid-1820s, but his children seem to have stayed in Liverpool. He married his fourth wife in 1829 and set up shop at 7 Russel Place Old Kent Road dealer in music and stationery; his wife a milliner.

Caroline Ansell firstly married Joseph Benn, a master mariner, on 2 October 1836 at St Peter, Liverpool. Joseph signed the register, and Caroline made her mark.

They had children: Elizabeth Margaret Benn in 1838, baptised in the Holy Trinity Anglican Church at Whitehaven, Cumbria and William Fitzmaurice Benn in 1839, baptised in St Nicholas Catholic Church in Liverpool.

In 1842, on the return trip from Demerara, Mr Joseph Benn, late master of the *Bonanza* of Whitehaven, died in his 40th year.

Shortly after Joseph Clayton's wife Sarah died, he married the recently widowed Caroline Benn:

Joseph Clayton, widower, victualler of Lionel St, father Peter Clayton, a farmer
 Caroline Benn, widow, Athol St, father James Knuxford Ansell, a Music master

Joseph Clayton and Caroline had a daughter, Caroline, baptised 25 September 1844, at St Peter, Liverpool. Joseph was a victualler of Athol Street. The baby died shortly after.

By 1848, Joseph was the licensee at the Egerton Arms, on the corner of Sandford and Canning streets in Birkenhead. Joseph had insured his stock-in-trade and furniture for £1000.

In April 1848, at Chester, Joseph Clayton, 36, and Ralph Webster, 36, were charged with feloniously setting fire to the premises three times one night in July 1847. Their supposed intent was to defraud the Sun Fire Insurance Company. The insurance company did not prosecute Joseph. In a lengthy court case, both were found guilty and sentenced to be transported for fifteen years. Joseph petitioned for a free pardon, in 1849 and 1850, to no avail. Webster was successful with his petition and received a free pardon in 1849 due to his ill health. He died in 1861.

On the 1851 census, at Seaforth Village, Litherland, West Derby/Lancashire was:
 John McClumpton (*sic*), widower, 50, retired joiner and builder.

Caroline Clayton, 34, married, house-keeper, born in Liverpool

Elizabeth Benn, 13, born in Whitehaven, Cumberland

William Benn, 11, born in Liverpool

John McClumpha previously married two widows in 1821 and 1842.

In 1861 Census, Caroline was at Chesnut Road, Litherland:

John McClumpha, widower, 60, retired joiner and builder.

Caroline McClumpha, 44, married, retired victualler, born Liverpool

Elizabeth Benn, 23, milliner born Whitehaven, Cumberland

William Benn, 21, seaman born Liverpool

No marriage has been found for Caroline, and it appears they cohabited.

Caroline Clayton, 56, of Everton, buried 11 February 1873 at Walton on the Hill, Lancashire

Children

Ann Clayton may be the Ann Clayton, 18, born Liverpool, general servant to William Hardisty, bookkeeper, and family at Great Homer Street, Kirkdale, West Derby, Lancashire, on the 1851 census. The Hardisty family had recently lived in Kirkdale, Liverpool, not far from Birkenhead.

Elizabeth Margaret Benn married John Rigby in 1861. They had nine children and lived in West Derby, Lancashire. Elizabeth died in 1910.

William Fitzmaurice Benn married Margaret Jane McClumpha in 1862 at Bootle, St Mary, Lancashire. Margaret, born in 1845, was the daughter of Henry and Elizabeth McClumpha.

William Benn died between 1862 and September 1865. His wife Margaret, a widow, remarried.