

## Luke Dell (799) - Transported twice.

Marcia Watson

Luke Dell was convicted the 31 Dec 1838 at Hertford for stealing a brass boiler and sentenced to 7 years transportation. He was 17 years old, single, 5ft 6in tall, could neither read nor write and an agricultural labourer. He said he was born at Wigtoning (Wigginton) Hertfordshire and his family lived there. Luke was sent to the *Justitia* hulk (number 4863) arriving there 8 January 1839. His health and behaviour were generally good although one quarter it notes indifferent character, connex (connections) lower order. On the 14 Aug 1839 he was sent to Bermuda per *Boadicia*.

Luke was received on the *Dromedary* hulk at Bermuda in the December quarter of 1839, where his number was 1192. After 5½ years he was discharged and boarded the *Nautilus* on 14 May 1845 to return to England where he was pardoned 12 Sept 1845.

Just over a year later on 20 Oct 1846 Luke Dell was convicted of larceny at Aylesbury. The records say he had been convicted before of felony and he received 14 years transportation. Luke was 28 years old. He was sent to the *Stirling Castle* hulk at Gosport, arriving there between July and September 1847. He is still there when the 1851 census was taken, a 35 year old labourer born in Tring, Hertfordshire. Tring is about a mile from Wigginton

Luke boarded the *Minden* on the 9 July 1851 and arrived at Fremantle on 14 October. His received his Ticket of Leave the same day.

Luke had several brushes with the law.

### January 26th, 1854

(Before W. H. Mackie, Esq., Chairman, and a Bench of Magistrates.)

George Lilly, James Mulligan, and George Knight, charged with stealing 12 sheep, the property of Thomas Lockyer, of the Toodyay district.

Nathaniel Shaw - Was shepherd at Mr Sewell's in October last; recollected the prisoner Lilly coming to me in that month, one evening after dusk and asking me to go with him to Luke Dell, Mr Lockyer's shepherd; when we got there Lilly asked me to go to Dell and tell him Lilly wanted to see him at the top of the field near Lockyer's. Dell went with me to Lilly. Lilly asked him how he got on, Dell answered "roughish," and said he wanted a pair of boots; Lilly said he would give him a pair if he would let him have some sheep, and an arrangement was then made that we should meet Dell on the following Sunday at a spring in a gum forest about 3 miles from Lockyer's house. On that day I met Lilly in the forest having left my own sheep in the bush; the prisoners Knight and Mulligan were with him. I was with Dell who had left his flock a little way off. We all five went up to Lockyer's flock, then lying down in the Gum Forest and drew off eleven unshorn wethers and one shorn ewe, and the prisoners drove them off in the direction of Lilly's house; I went with them a short way, and Knight told me afterwards they had taken the sheep to Lilly's and killed and salted them. As soon as the 12 sheep had been drawn off I saw Lilly give Dell a pair of boots which he at once put on.

The witness was here subjected to cross examination by Mr Leake, who appeared for the prisoners, but nothing was elicited to shake his evidence except that he had been a Parkhurst boy. Much of it however tended to show that the Toodyay lockup is not a desirable residence.

Luke Dell was shepherd to Mr Thomas Lockyer in October last. Recollected seeing prisoner Lilly one evening that month, at the top of Mr Lockyer's field; went there with Nathaniel Shaw and Lilly asked me to let him have a sheep; I said I did not know for the sheep would make a noise and master would hear the bells. I had a bad pair of boots on and Lilly said he would make me a pair if I would let him have a sheep. I said I could not that night, and then he said he would meet me on Sunday and I could then let him have a sheep or two; I said "Well, let it be so." On the Saturday evening I told my master I would take the sheep out myself on the next Sunday morning; a native had taken them out during the week days. I took them out and when I had got about a mile and a half from my master's house, in a gum forest near the Guildford road, I heard my sheep rush and on going up saw that Shaw had turned them. Shaw and I then drove the sheep about 600 yards to a place where he said Lilly had agreed to meet us. We waited about an hour, when Lilly, Mulligan, and Knight came up. Lilly said he had got a pair of boots for me, and that he thought of driving off about a score of sheep; I said "that won't do"; Lilly said, "Well I must have half a score or a dozen". We then rounded the sheep up and I and Shaw separated 12 sheep and the prisoner

tied their legs. Lilly then gave me the boots and promised me some money when he sold his wool. The sheep belonged to Thomas and Joseph Lockyer, I had no sheep of my own.

Cross-examined - I am a ticket-of-leave holder and had been not quite 3 months in Lockyer's employ. Knight and Mulligan were not present when I made the agreement with Lilly. I am under sentence of 14 years transportation for sheep stealing. Mr Harris never told me to see Shaw and make my statement tally with his as much as possible. Mr Harris after he gave me my sentence said he would speak to the Governor that my punishment should not be too hard.

Thomas Lockyer - Is a sheep farmer at Toodyay. In October last the witness Luke Dell was my shepherd, and about the 19th of that month I began shearing, he assisting, and then a native took care of the sheep. On Sunday, the 23rd, Dell went out with the sheep; on that afternoon I was driving a team home, and on passing through a gum forest about two miles from my house, I noticed that a flock of sheep had rested there and the ground looked cut up as if they had been driven or running about a good deal. About a fortnight after that Sunday I noticed a pair of new boots on Dell's feet. I heard Dell tell some of the men in the kitchen that he had bought them from Ellis for £1, and made the remark that I did not think they were worth half that sum.

Cross-examined - Could not say anything in favour of Dell's character. There were some sheep missing about that time.

Joseph Lockyer - Is a sheep owner in the Northam district. In October last Dell was one of my shepherds, and was engaged in shearing for me and my brother in that month, a native then taking out his flock. One Saturday evening Dell proposed to me to take out the sheep the next morning in place of the native; I thought it very strange that he should propose such a thing after shearing all the week. He took the sheep out the next morning before I was up. Two or three days afterwards Dell said he thought the flock looked rather small, and the flock was then counted by my orders by Dell and a man named Fenton. Fenton reported to me in Dell's presence that there were twelve missing. About the same time I saw Dell bring a new pair of boots into the shearing yard. Gave him no boots at that time, nor money to buy them. Dell said the twelve sheep must have been lost by the native. Dell gave no reason for wishing to go out with the sheep on the Sunday. There is no poison within four miles of my house. Had a very good character with Dell when he first came to my service.

Joseph Harris, J. P., the committing Magistrate Proved the signature of the prisoner Mulligan to the statement made before witness. The statement was read being a full admission of the truth of the evidence of witness Shaw and Dell as to the taking of the sheep from Lockyer's flock, and that he assisted Lilly to kill the sheep, and also ate part of them.

Cross-examined - Mulligan had been about 14 days in the Toodyay lock-up where he made the statement produced; the cells are very close and badly ventilated. Never told Mulligan I would do anything for him if he gave me information. Did not recollect telling him I believed him to have been drawn into it. Held out no hopes to him. Had no communication with him except in the presence of a constable. Allowed no communication between the prisoners in the lock-up. Did not consider the state of the lock-up to be such that a man would say or do anything to get out of it.

Mr Leake in addressing the jury for the prisoners dwelt upon the little credibility which should be given to the witnesses Shaw and Dell, and urged there was no evidence to sustain the charge against Knight and Mulligan, who might have had no knowledge the sheep were stolen; they might have supposed they were part of a purchase by Lilly; he also animadverted upon the state of the Toodyay lock-up which he described to be so bad as might induce any man to make a statement, which he hoped would lead to his removal from there; and that it was under such a circumstance the tale of Shaw and Dell had been concocted.

In summing up the Chairman said that the evidence of an accomplice was to be received with caution, and required to be corroborated in some material points before being trusted. That was the point for the jury now to consider whether the evidence of Shaw and Dell was so corroborated, for that was the direct evidence of eye witnesses and if borne out in any material points, there would be just grounds for believing the whole. He considered the evidence of the Messrs. Lockyer's went to corroborate several points of Shaw and Dell's statement. The strange circumstance of Dell's after shearing all the week, wishing to take the sheep out on the Sunday: the new pair of boots observed by them in Lilly's possession; and the observation by Thomas Lockyer by the marks in the gum forest upon the very day mentioned by both Shaw and Dell as that on which the sheep were separated from the flock. Each of

these were very important points and threw a probability of truth upon the whole statement of the approvers.

Guilty – Lilly, fifteen years' transportation,

**1860** – Became an Expiree on the 19 October.

**1863**

Police Intelligence.-On the 21st instant, Luke Dell, ticket of leave, was brought up on remand, charged with robbery at Mr. Joseph Hardey's, and was sentenced to 3 years' imprisonment.

**1869** – Received his Certificate of Freedom at Toodyay on 4 May.

**1890**

Thomas Jones, an inmate of the Invalid Depot, was charged with being in the unlawful possession of two shirts, the property of the Government. John Wade, master of the Invalid Depot, Mount Eliza, deposed that two flannel shirts were reported as missing from the Depot on the 11th inst. Witness identified the shirts produced; they were government property. Mr. W. Dale, Superintendent of Workhouses, and Inspector of Charitable Institutions, deposed that the value of the shirts was 3s 9d each. He also identified the shirts produced, which he said were specially imported from England, and only issued to sick inmates of the Depot. Detective J. W. McNamara deposed that he arrested the prisoner on the 14th inst. The prisoner told witness that the shirts had been sold to him by Luke Dell, an inmate of the Depot, for 5s and a stick of tobacco, about a fortnight before Christmas. Witness searched the prisoner's hut on Mount Eliza, and found one of the shirts produced, under his pillow. The prisoner was wearing the other shirt. Luke Dell sworn, denied that he sold any shirts at any time, to the prisoner. The prisoner, in defence, addressed the magistrate in an excited harangue. He declared that there was "a vein of traffic" between himself and the last witness, and repudiated the charge brought against him as it was utterly impossible that he should have arrived at such an "advanced stage of wickedness and cruelty." Jones was sent to prison for 6 months, with hard labour.

**1893** – On the 20 April, Luke Dell died of debility aged 72. He passed away at the Old Men's Depot in Perth and is probably buried at the East Perth Cemetery.

**Notes:**

Parkhurst boy Nathaniel Shaw arrived on the *Orient* in 1848

The Fremantle Welcome Wall:

*Nathaniel Shaw was born in 1834 (exact date unknown). A 'Parkhurst Boy', he was convicted of stealing books at age 10 and sentenced to 7 years transportation to Western Australia. He first had to serve 3 years at Parkhurst Prison on the Isle of Wight, England. He served out his sentence as a farm servant in York for Mr J Lockyer. He married Alice Meehan on 02/05/1866 in Beverley & together they had 5 children. Nathaniel died at the Government Hospital in York.*

1841 census for Tring is badly faded and most pages cannot be read. There is a least one Dell entry, John 45 and Sarah 45, who may be the parents of Luke.

References:

Criminal Registers, HO 27

Quarterly Prison Returns, HO 8

The Perth Gazette and Independent Journal of Politics and News Friday 27 January 1854

The West Australian Times Thursday 29 October 1863

The West Australian Friday 17 January 1890

PCOM 2, reels 5973 (2/76, 10832); 5986 (2/14, 1882 and 2203); 5987 (2/135, 4863)

The Daily News 21 April 1893