

Stephen Cover, 1157, *Marion*

Researched by Marcia Watson

Baptism	22 January 1826, Bramshott, Hampshire
Parents	Thomas Cover and Elizabeth Winchester
Parent's marriage	4 November 1815, Frensham, Surrey
Siblings	Thomas (1818), Charles (1820), James (1822), George (1823), John (1827-1834), Reuben (1829), Jane (1831), Elizabeth (1834)
Wife 1	Ruth Coombes (1829 -)
Marriage 1	4 November 1848, Frensham, Surrey
Wife 2	Ellen Kennedy (~1833 - 1892)
Marriage 2	11 March 1854, Albany, Western Australia
Children	Mary Ann (1849 - 1888)

The children of Thomas and Elizabeth Cover were baptized at Haselmere, Bramshott or Linchmere; however, the family lived at Frensham, Surrey, where Thomas was a labourer. The villages are quite close together.

In 1841, living at Wagners [Waggoners] Wells, Frensham, Surrey, were:
Thomas Cover, 45, broom maker; Elizabeth, 45; James, 19; Stephen, 15; Reuben, 13; Jane, 10; Elizabeth, 7. ¹

On 4 November 1848, in the parish of Frensham:
Stephen Cover, full age, bachelor, broom maker, resides Frensham, father Thomas Cover, broom maker married Ruth Coombes, under age, spinster, resides Frensham, father Stephen Coombes, broom maker. Both made their mark. Witnesses were Henry and Hannah Mcorey (?)

A few months after his marriage, on 17 March 1849, Stephen and his brother Thomas were charged on the oaths of William White and William Loveland with unlawfully, feloniously, and maliciously shooting at them at Frensham. Stephen was 26, a labourer and could read imperfectly. At the Kingston Lent Assizes on 24 March, he was found guilty and sentenced to 7 years transportation. ²

Stephen and Ruth's daughter, Mary Ann, was baptized on 3 June 1849 at Shotters Mill in the parish of Frensham. The entry says Stephen was a broom maker, and they lived at Hindhead, although he was in prison when the baptism occurred.

Stephen transferred from the Surrey County Gaol, known as Horsemonger Lane, to Pentonville Prison on 27 September 1849. The register says he was 22, married, reads, and was a broom maker, and his character was good. He was transferred to *Justitia* hulk on 26 July 1850. ³

While on the hulk, he sent two petitions requesting his case be re-examined; the first was received on 16 November 1850.

To the Queens Most Excellent Majesty in Council.

¹ HO107/piece 1072, book 8, folio 12, p17

² Calendar of Prisoners. Surrey Quarter Sessions at Newington Gaol. March 1848 to December 1853. Australian Joint Copying Project Reel M1834

³ HO24/16

May it please your Majesty

The Humble Petition of Stephen Cover late of Frensham in the County of Surrey Broom Maker a convict Prisoner under sentence of seven years transportation

Humbly Sheweth

That your Petitioner was tried convicted and sentenced to Seven years transportation at the March Assizes 1849 holden in Kingston upon Thames in and for the County of Surrey for feloniously shooting at William White the Prosecutor and with aiding and abetting others in the commission of the Crime with intent to do some grievous bodily harm and your Petitioner is now undergoing such sentence and is known by the number 642 on board the transport Hulk called "The Wye" lying at Woolwich.

That your Petitioner most humbly submits that he is advised that no sufficient evidence was adduced upon the trial against your Petitioner to establish any guilty participation in commission of the said offence for which your Petitioner was so tried and convicted.

And your Petitioner further sheweth that Amos Winchester a person who was also deposed to as being one of the party present at the time and in company of your Petitioner when the said alleged offence was committed was tried at the Surrey Assizes holden at Guildford on 5 August 1850 in and for the County of Surrey before Sir Frederick Pollock Chief Baron of your Majesty's Court of Exchequer of Pleas at Westminster upon the same charge and same evidence of the same Witnesses who deposed to the same facts against the said Amos Winchester as they had previously deposed to against your Petitioner and the said Amos Winchester was acquitted of the same charge by the Jury under the direction of his Lordship who stated that the evidence adduced at the trial of the said Amos Winchester was not sufficient to sustain the Indictment of shooting at the prosecutor and that there was no proof of aiding and abetting nor intention of the parties accused to do so in the common course of assembly but that there was some evidence to shew that the parties had assembled to go out and steal wood and kill game.

That your Petitioner has been falsely and wilfully sworn to and identified by the Prosecutor White and his witness Loveland as being one of the persons present at the commission of the said alleged offence from personal and vindictive motives and not for the purposes of public Justice.

That your Petitioner was at the time inhabiting a Cottage built on an encroached of the Manor of Pitfold occupied by Mary Ann Coombes your Petitioner's Mother in Law which said Cottage was subsequently to your Petitioner's conviction pulled down by the Lord of the Manor.

That an action at Law was brought by the said Mary Ann Coombes against the said Lord of the Manor for the trespass and recovered damage £100 as your Petitioner is informed and believed.

That James Baker Esquire the Master of the Prosecutor William White was and is Lord of that Manor.

That your Petitioner was at home in bed with his wife at the time deposed to and your petitioner was thereby deprived of all possible means of disproving the Prosecutor's statement.

May it please your Majesty to direct an Inquiry to be made to the sufficiency of the Evidence adduced against your Petitioner at the trial in support of the Charge upon which your Petitioner was convicted and is now undergoing the sentence of the Law and to cause such other enquiries as to your Most Gracious Majesty may seem proper.

And Your Petitioner shall ever pray &c. signed Stephen Cover

Witness: JW Littlewood, 2 Portsmouth Street, Lincolns Inn Fields.

The second petition was received on 21 July 1851.

To the Right Honble, Sir George Grey Bart M.P., Secretary of State for the Home Department

The Petition of Stephen Cover humbly sheweth

That your petitioner was committed to prison on 28 March 1848. The charge against your petitioner and other persons was night poaching and firing at the Gamekeepers with intent, that the evidence against your petitioner was of a vague nature, no person would swear your Petitioner was one of the persons, the witness said he thought so.

That your petitioner brought forward his wife who was the only person who could speak as to his whereabouts at the time the crime was committed but her evidence was not allowed to be taken, the other prisoners declared your petitioner was not in their company and to most of them he was entirely unknown.

That you petitioner has been a prisoner two years and four months suffering all the horrors (sic) of Prison life, that he ever obtained his living by honesty and industry, he humbly begs therefore, that you will cause his case to be enquired into and having done so he trusts you will see sufficient reason to restore him again to his disconsolate wife and family and he as in duty bound will ever pray.

Signed: Stephen Cover

Both petitions received a "nil" comment, i.e. no further action was required. ⁴

Stephen was healthy, and his conduct was very good while on the hulk. He boarded *Marion* on 22 October 1851 for the voyage to Fremantle, Western Australia.⁵ On arrival, he was described as: 1157. Stephen Cover, 25, 5'6", had light brown hair, brown eyes, an oval face, a fresh complexion, was stout, had a scar on the back of his left hand, was a labourer, married with one child.⁶

On 11 March 1854, at Albany, Stephen, 27, married 19-year-old Ellen Kennedy. His father was Thomas Cover, and she was the daughter of Michael Kennedy, and they both said they were single.

The couple possibly went to Melbourne shortly after they married before going to Oamaru in New Zealand. Stephen's brother, Thomas, was married in Melbourne at the end of 1856. There is a Stephen Cover, 27, English, leaving Melbourne for Otago per *Lightning* in April 1861. Then, a Stephen Covar, 26, returned from Dunedin to Melbourne per *Oriental* in October 1861. Thousands of men flocked to Otago around this time when gold was discovered.

No other records have been found of a Stephen Cover going to New Zealand; however, he was there by 1866 when he was established enough to be called as a witness in March 1866 in a civil case concerning the sinking of a well. Stephen stated that the current rate per foot for sinking a 50-foot well was 20s, varying according to the hardness of the rock. He had seen the well in question, and sinking from 65 feet to 80 feet, he would consider 20s a foot not exorbitant and 15s to 20s a fair price.⁷

⁴ HO18/292

⁵ HO8/110

⁶ SROWA Acc 128/40-43

⁷ North Otago Times, Volume VI, Issue 108, 15 March 1866, Page 2

Stephen appears on the 1866 Electoral Roll, owning two acres, block 1 in Oamaru country.⁸ As well as having some cattle, he planted an orchard on the land. In January 1868, he was fined 2s 6d for allowing a cow to roam on the public Streets.⁹ Then, in October 1870, he was fined 4s 6d for cattle trespass.¹⁰ By 1870, his land holdings had increased; he still owned the two acres, sections 19 and 22 of Block 1 in Oamaru Country and now owned sections 9 and 10 of Block 7 in Oamaru Town. All his land was freehold. The town land fronted Ribble Street, on the corner of Humber Street, which ran along the beach.



In 1871, he captured a brown seal, measuring over 8 feet, on the beach, half a mile from the manure depot. According to the newspaper, it was one of the finest specimens of seal captured on the coast.¹¹

In November 1876, Stephen advertised the sale of two cottages and about 1½ acres of ground close to the town boundary.¹² The land did not sell, as an auction was to be held on 2 January 1877 at Mr Cover's Residence, Northern Town Belt.

Mr Maude has received instructions from Mr Cover to sell by public auction:

Valuable Freehold Property situated at the Northern Town Belt, adjoining the Northern Railway, containing a little over 1½ acres, with two four-roomed houses erected thereon. The whole of the land is planted with the Choicest Varieties of fruit trees in full bearing, viz. - apples, pears, plums, peaches, cherries &c, &c. About 50 of the apple trees are of the well-known blight-proof variety - the Irish Peach.

There are about 100 young trees grafted of best variety, for next year's planting. Also, extra good dairy cows, 2 pigs, a quantity of firewood, in lots to suit purchasers. Household furniture consists of bedsteads, chests, drawers, chairs, tables, ranges and cooking utensils, &c, &c.¹³

⁸ North Otago Times, Volume VI, Issue 113, 19 April 1866, Page 2 (Supplement)

⁹ North Otago Times, Volume IX, Issue 274, 7 January 1868, Page 2

¹⁰ North Otago Times, Volume XV, Issue 561, 4 October 1870, Page 2

¹¹ North Otago Times, Volume XVII, Issue 671, 24 October 1871, Page 4

¹² Oamaru Mail, Volume I, Issue 186, 24 November 1876, Page 3

The same month, the Resident Magistrate's Court was crowded when the case of Cover v. Cover was heard. The newspaper reported:

The persons concerned are rather peculiar, to say the least of it, particularly Mrs Cover. She complained that her husband treated her cruelly, and she suspected he was guilty of faithlessness; on these grounds, she requested a protection order and separate maintenance under the Married Woman's Property Protection Act.

Mr O'Meagher, when cross-examining Mrs Cover as to her suspicions concerning her husband's supposed breach of the marriage vows, asked her a question when she replied, "Oh, Mr O'Meagher, that is all bosh! go away and put your head in a bag". (Great laughter)

Mr O'Meagher: "Did you ever tell Cover to put his head in a bag?"

Witness: "Yes, he ought to put his head in a bag to hide his shame if he walks with persons of bad character and loses his self-respect".

Mr O'Meagher, the defendant's counsel, commented on the evidence given the support of the application and said that Cover would rejoice the day that he got rid of the woman. She had been the pest of his life. With regard to the cruelty, Cover had never lifted a hand to her, but so far as provocation went, she was a perfect mistress of it. In conclusion, Mr O'Meagher said, "If your Worship thinks there is enough on the depositions to grant the woman an order, she can have it, with all Cover's heart, and fully half of mine".

The Magistrate said that under the circumstances of the case, the best way to put an end to all the quarrels between the two parties was to grant the order. As far as he could see, the charge of adultery was totally unfounded.¹⁴

Unfortunately, Ellen continued her harassment of Stephen, and a few weeks later, she was charged, on the complaint of Stephen Cover, with using insulting language to him on 21 February and with having thrown stones at him. Stephen said that on 21 February, he was in Humber Street selling fruit, and when he passed Ribble Street, he heard Ellen Cover say, "There he goes, there he goes; black sheep". She repeated it three or four times and then used some filthy language. She then came up to him, caught hold of the fruit basket and turned it upside down, scattering the fruit on the ground. When he stooped to pick it up, she began kicking him. He walked away, but she followed and caught hold of my beard. I tried to make her let go, and we both fell over. I managed to get away, and she threw two stones at me. The same day when passing my shop, she again used insulting language to me. Cross-examined, Stephen said he did not strike her when they fell down; she pulled hair out of my beard and made my chin bleed; the stones did not strike me. Several witnesses corroborated his version of the evidence.

The Magistrate said he was of the opinion the defendant would never leave Stephen alone until she was placed where she could not torment him. He would bind her over in her recognizance of £20 to keep the peace towards Stephen for six months.¹⁵

Stephen may have returned to Melbourne in 1877. There is a Stephen Cover, a labourer, renting a wooden house in Whitehall Street, Footscray, in November that year, about 4km from where his brother Thomas lived. It is the only record of a Stephen Cover in the rate books.

¹³ North Otago Times, Volume 1468, Issue XXV, 29 December 1876, Page 2

¹⁴ Western Star, Issue 175, 13 January 1877, Page 7

¹⁵ North Otago Times, Volume 1518, Issue XXVI, 27 February 1877, Page 4

Stephen was back in England by the time of the 1881 census:

Stephen Cover, 51, widower, broom maker, born Bramshott, and living at Fullers Bottom, Headley, Hampshire. ¹⁶

He died later in the year. The parish clerk added the cause of death to the register:

Stephen Cover, of Fullers Bottom in the parish of Headley, died 7 October 1881, aged 54, of congestion of the brain, and was buried 12 October at Headley All Saints church.

The land Stephen owned in the town of Oamaru was not sold. It appears to be in Ellen's possession. An auction was to be held on 2 February 1878.

*Fleming and Hedley, auctioneers, received instruction from Ellen Cover, who is leaving the country, to sell by auction the Freehold of Sections 9 and 10, Block 7, fronting Ribble-Street, with cottages. These sections are securely fenced and planted with fruit trees. The property is situated in the very heart of the town and will eventually command a very high price.*¹⁷

Ellen did not leave New Zealand. A notice dated 11 March 1879, Land Registry Office, Dunedin, appeared in the newspaper:

Notice is hereby given that the several parcels of Land hereinafter described will be brought under the provisions of "The Land Transfer Act, 1870" unless a caveat is lodged forbidding the same, in each case within one calendar month from the date of Gazetting this notice.

Sections 9 and 10, Block VII, Town of Oamaru - Ellen Cover, applicant No. 2728. ¹⁸

Ellen appeared several times before the Magistrate, either allowing cattle to stray or assault by or on her. One such case in 1884 was:

Martin Fox was charged with unlawfully assaulting and beating Ellen Cover on 4 May. Three men, including the defendant Fox, were on a section belonging to Ellen. On being requested to leave, they began to give her abuse and called her a vile name. Upon hearing this, James White (who lives with the plaintiff) rushed out, and a general row ensued. After it was over, Fox rushed back, and Ellen pushed the gate to try and keep him out. Fox struck her with a violent blow on the arm.

When cross-examined, White stated he had lived for the past six years with Mrs Cover, a married woman, but declined to say if they lived as man and wife. He had not been working as a labourer for some time, and he did not see anyone strike Mrs Cover. Fox was fined 40s.¹⁹

Ellen Cover died 25 August 1892 at the Benevolent Home and was buried 27 August 1892 at Oamaru Old Cemetery – Catholic, 154, 49, aged 60. She made a Will a few days before she died:

This is the last Will and Testament of me, Ellen Cover of Oamaru, widow. I give devise and bequeath unto Thomas O'Grady, of Oamaru, Sergeant of Police all my real and personal property whatsoever and wheresoever in Trust to sell and convert the same into money and after payment of all my just debts and funeral and testamentary expences to stand possessed of the net-residue arising from such sale calling in and conversion and of all my ready money in trust to pay the same

¹⁶ RG11/1248/46, p1

¹⁷ Oamaru Mail, Volume II, Issue 543, 28 January 1878, Page 3

¹⁸ North Otago Times, Volume XXVIII, Issue 2149, 24 March 1879, Page 4. Act is the same as the Torrens Act in Australia

¹⁹ North Otago Times, Volume XXVIII, Issue 3645, 10 May 1884, Page 2. Ellen lived in Ribble Street, corner of Humber Street

to my brother John Kennedy for his absolute use and benefit. I revoke all former wills and I appoint the said Thomas O'Grady executor of this my will. In witness whereof I the said Ellen Cover have this my last Will and Testament set my hand and this twentieth day of August one thousand eight hundred and ninety two.

Signed by the said Ellen Cover, making her mark thereto, the same.

Probate: 7 September 1892 to Thomas O'Grady

In October, George Sumpter received instructions from the Executors in the estate of the late Ellen Cover to sell by auction: Freehold Sections 9 and 10, Block 7, Oamaru Town, with cottages thereon, together with all the household furniture.²⁰

First wife and child.

Ruth was a domestic servant in London on the 1851 census, using her maiden name Coombes. No further trace has been found.

Their daughter, Mary Ann Cover, born in 1849, was brought up by her grandmother Mary Ann Coombes. She married James Thorpe in 1868 and had five children:

Emma Jane 1869-1871

James 1871-1875

Edith Ellen 1874

Ruth Amelia 1876-1880

Elizabeth Florence 1878

Mary Ann died in Wiltshire at the end of 1888, and James Thorpe remarried in June of the following year.

²⁰ North Otago Times, Volume XXXVI, Issue 7500, 22 October 1892, Page 3