

James Farrell, 2091, *Robert Small*

Researched by Marcia Watson

James said his real name was James Lillie/Lilly/Lilley.

Baptised	About 1832, possibly in Curragh, Kildare, Ireland.
Parents	John and Mary
Parent's marriage	
Siblings	
Wife	Ann Jane Toughill
Married	1866, Perth, Western Australia
Children	Margaret (1868-1944)

In 1851, James Farrell, or Patton, was convicted of stealing a cow, the property of Pat Hackett. Later, the newspaper said the cow belonged to Robert Hackett of Bohernabreena, county Dublin. ¹

Registry of Prisoners committed to Kilmainham Gaol, Dublin, in 1851. ²

James Farrell or Panton, 19, was committed on 21 May 1851 at the Commission Court for cow stealing. James was single, 5'5", with blue eyes, dark brown hair, fresh complexion, could read, was Roman Catholic, a labourer from Curragh, County Kildare. He entered this prison on 22 May 1851. Curragh is about 40km from where the cow is said to have been stolen.

Richmond Male Convict Depot, Dublin. ³

After his conviction on 21 June 1851 in Dublin for cow stealing, James, who received a sentence of 7 years, was sent to Richmond Prison. The Register noted he was 19, 5'5", with grey eyes, brown hair, a fresh complexion, could read and write, was a horse jockey, and was Roman Catholic. He has never been convicted before. On 26 September 1851, he was transferred to Mountjoy Prison, and at some stage, he was sent to Queenstown, Cork, in readiness to be transported.

Written very faintly under his name is "this man says his name is Lillie".

The *Robert Small* arrived at Queenstown on 20 April 1853 from Deptford and, after embarking 309 convicts, sailed on 1 May. Six convicts died before the ship. James suffered from Rheumatism on 13 July and was discharged from the Sick List on 30 July as 'cured'. The ship reached Fremantle on 19 August 1853, and several convicts were admitted to hospital over the next few days. James was among the convicts removed from the *Robert Small* on 24 August 1853, to be located in the 3rd Division of Fremantle Prison. ⁴

A year later, James was convicted on 16 August 1854 of leaving his employer's house and sentenced to one month of hard labor. He returned to prison on 18 August and was placed under regulated discipline in the 1st division. James was discharged to Ticket of Leave on 26 September. ⁵

On 1 April 1856, he went back to prison after having been convicted at Guildford on:

25 March: Wandering without a pass - 3 months hard labour

28 March: Attempting to destroy himself - 3 months hard labour

4 May: Horse stealing - 3 years hard labour

5 July: Wilful and corrupt perjury - 4 years hard labour

A total of 7 years and 6 months hard labor. ⁶

¹ Freeman's Journal, 20 June 1851, p4; Freeman's Journal, 27 June 1851, p4

² Kilmainham Prison General Register 1850-1853, 1851, Book number 1/10/9, item 2

³ Dublin-Bridewell (Richmond) Prison General Register 1847-1883, 1851, Book number 1/13/42, item 3

⁴ SROWA, Acc 1156/SO1 - SO3)

⁵ SROWA, Superintendent Orders, 1850 - 1854 (So1 - So3), images 550, 564

⁶ SROWA, Reconvicted Prisoners Register, 1856 - 1859 (R10)

James absconded on 17 August 1857 and was brought back on 6 October, only to abscond again on 16 July 1858 and was brought back the same day. He received corporal punishment this time. While in prison, he was regularly on the sick list with a variety of complaints such as toothache, diarrhoea, boils, swollen knee, sore back from being flogged, constipation and an ulcer probably from wearing chains.

On 27 June 1860, he was discharged again to Ticket of Leave. His freedom was short-lived: Perth Police Court, 20 November 1860:

On Tuesday last, the somewhat celebrated bushranger, James Lilly, was sentenced by the Police Magistrate to 12 months imprisonment and 100 lashes for having absconded from his appointed place of residence on the Canning. Previously, this individual had been sentenced by the York Bench to 5 years imprisonment with hard labour on the graver charge of horse stealing and carrying firearms. It is to be hoped that the rigour with which Lilly has been treated will have the effect of deterring others from entering upon such hopeless enterprises.⁷

James decided to have his say on the matter:

The freaks of Lilly, the horse-breaker, now at large in the Eastern districts, attract much attention, and the inefficiency of the police and consequent insecurity of the public has excited no small amount of indignation. This person seems to do as he likes; he is armed, has two revolvers, and does not hesitate to threaten those who hesitate about supplying him with horses. He got the revolvers from a shepherd by selling him a horse (stolen) and, with the money, buying the revolvers. Having got them, he made the man saddle the horse he had just sold him and went off with the money, revolver, and horse. The police once came to where his horse was tethered, but instead of waiting in ambush till he came for the animal, they took it away, and all Lilly had to do was steal another, which he very shortly did. We have received the following impudent letter from that worthy: —

I, James Lilly, wish to inform the settlers in my going bush, through Henry Mead asserting at the police station, on the Canning, and brought accusation against me for stealing his horse, and called me a convict in the presence of the policeman's wife and family, and several more besides in the district, which I could not bear, and forced me to the bush and take up arms, and I do not intend doing any harm, at present, if His Excellency be pleased to allow me to go to my friends in another colony, and what I have done I will restore to everyone uninjured; and if not, would sooner die than come in out of the bush, and do intend making Mead and a few more remember me. I hope His Excellency will take me into his clemency, which will prevent me committing any more crime.

I am, your most obedient servant,
James Lilly.

This is the most coolly impertinent letter we have ever received. This scamp presumes to dictate terms and to threaten. That this man should be at large to pen such an epistle is a reproach to the police authorities.⁸

James was in prison until 22 July 1864, when he was again released to Ticket of Leave. His health during this time was relatively poor as he constantly appeared on the sick list with a variety of complaints.

James appears to have learnt his lesson and did not re-offend again. In 1866, he married as James Farrell to Ann Jane Toughill⁹ at Perth. He said his parents were John and Mary Farrell. Ann's parents were Laurence and Margaret. Their only child, Margaret, was born on 6 October 1868 at Toodyay.

⁷ The Perth Gazette and Independent Journal of Politics and News, 23 Nov 1860, p3; The Inquirer and Commercial News, 5 Dec 1860, p2

⁸ The Inquirer and Commercial News, 21 Nov 1860, p3

⁹ Her surname is recorded as Toskill, Toscill, Toghill but the correct spelling appears to be Toughill.

James Lilly, Ann and Margaret left Fremantle on 14 November 1870, per *Ella Blanche* for Victoria. The family travelled steerage.

Unfortunately, James appeared in Court in Melbourne in 1878 as the newspaper reported: Larceny as a Bailee. An old man named James Lilly was brought before Mr Call, P.M., and a number of J.P.s, at the City Police Court on Tuesday, on a charge of having stolen, as a bailee, the sum of £50 from Samuel McIntyre, a labourer, residing in Bendigo-street, Collingwood.

Samuel McIntyre said that he was employed at the corporation stone-breaking works, and having saved £50, he desired to purchase a horse and dray, with the intention of going up country. In January last he called at the prisoner's house in Little Bourke-street west, and said to him, "I am given to understand that you are a pretty good judge of a horse, and an upright man. I want you to buy a horse and a dray, or a horse alone, for me, and I will pay you for your trouble."

The prosecutor's wife and the wife of the prisoner were present. The prisoner having agreed to the proposal, witness handed him a £50 note, and he promised to call upon the prosecutor next evening. As he failed to keep that promise, witness went to him on the following morning, and they then went together to see a horse at a place in Simpson's-road. The horse they were after had, however, been previously sold. Witness frequently saw the prisoner during the next two or three weeks. A few days after the first interview, the prisoner bought a horse, which was not suitable, although the prosecutor had previously told him it would not suit. Eventually witness asked imperatively for a horse or the return of his money, and the prisoner replied that he would get him a suitable animal. He made the same request several times, and always received the same answer. On 20 April, he went with Mrs Cooper, his mother-in-law, and a Mr Donnelly to the prisoner, and said to him, Lilly, you know I gave you £50. I want some settlement with you now."

Prisoner said, "I have three horses; one of them is sold, and I would not give you either of the other two, as they are not good enough."

Witness then offered to give the prisoner a clear receipt if he would return £40, to which the prisoner replied that he would give him £50 or more. Time wore on, and the prisoner never paid the £50 nor any portion of it back, and the prosecutor therefore obtained a warrant for his arrest.

Elizabeth Ann McIntyre, wife of the prosecutor, gave corroborative evidence.

Detective Mahony deposed that he arrested the prisoner on the 2nd inst at his house in Little Bourke-street. On telling him the nature of the charge, the prisoner said, "Why, he gave me the money, and I lost it all in speculating. I gave £20 for a horse, and it died." When searched in the watchhouse, a purse was found upon him containing valueless papers.

The Bench considered that a prima facie case had been established and committed the prisoner for trial. Bail was allowed of one surety in £50, and the prisoner's own recognisance for £100.¹⁰

15609. James Lilly.¹¹

He was sentenced to two years hard labour on 3 June 1878 at the Melbourne General Sessions for larceny as a bailee.

Described as 5'4¾", weight 9st 6lbs, fresh complexion, grey hair, blue eyes, medium nose, medium mouth, medium chin, light eyebrows, square visage, high forehead, date of birth **1823**, native place is Ireland, horse-breaker, R. Catholic and can read and write.

Particular remarks: Scar left side of forehead, nose inclined to right, scar right arm, scar right wrist, large scar right knee, varicose veins both legs, slight build.

James supplied some incorrect information to cover the fact he had been a convict.

Previous history: **Per Sea Gull from Dublin to Adelaide in 1851**. To Melbourne per *Eliza Blanche* in **1868**, Married, wife's maiden name Ann Jane Tocal and one child living at 138 Bank Street, West Melbourne. **Has been a soldier in 99th Regiment of Foot, discharged in Calcutta.**

¹⁰ The Australasian, 18 May 1878, p5

¹¹ Victoria PRO, Prisoner records. Some of the information is incorrect.

James was in Melbourne Gaol on 3 June 1878, Pentridge on 7 June 1878, Williamstown on 25 October 1879, Sandridge on 17 December 1879, Williamstown on 29 December 1879. Released to Freedom on 10 January 1880. Pay was £3.3.9, clothing 1/-.

His daughter Margaret married John Opray two months before James was released from prison. James is recorded as a Vet Surgeon living in St Kilda, Victoria.

St Kilda Rate Books, 1884 to 1900, record James as living at 8 Little Alma Street in a 4 room brick house of which he is the owner/occupier and a veterinary surgeon. The street is now called King Street.

The Lilly and Opray families left Sydney on 9 May 1901, per *Sonoma* and arrived in San Francisco on 3 June 1901.¹²

Mr J Opray 33, stonemason; Mrs Opray 32, and 4 children aged 1-8 years old

Mr J Lilly 59¹³, electrician and Mrs Lilly 67

They were all going to Anaconda, where Ann's brother John Toughill lived. Another brother lived in Pennsylvania.

The Opray family lived in Montana and California before shifting to Pennsylvania by 1908. On the 1910 census, they were living in Philadelphia City, Pennsylvania. John and Margaret Opray now had 8 children, and John was a stone cutter working in a marble yard. Ann Lilly, 67, was a widow, and lived with them.¹⁴

By 1914, the Opray family and Ann Lilly had moved back to Montana.

Mrs Ann Jane Lilley, a native of County Derry, Ireland, died on 24 December 1917 at her daughter's residence, Deer Park, Anaconda, Montana. She was 78 years old.

The death of James Lilly, alias James Farrell, has not been found, but he died between 1901 and 1910.

¹² The National Archives at Washington, D.C.; Washington, D.C.; Passenger Lists of Vessels Arriving At San Francisco, California; NAI Number: 4498993;

¹³ James Lilly was 69 rather than 59

¹⁴ 1910; Census Place: Philadelphia Ward 33, Philadelphia, Pennsylvania; Roll: T624_1405; Page: 3a; Enumeration District: 0806; FHL microfilm: 1375418