

Michael Hamilton, 2499, *Phoebe Dunbar*

Marcia Watson

Michael Hamilton, son of Wm Hamilton and Angel Beamish, was baptised on 30 August 1827 at Dunmanway, Cork. The family lived in the market town. Michael had at least one sibling, Patrick, although no baptisms have been found.¹

Michael Hamilton was found guilty of stealing wheat and barley on 26 March 1849, and sentenced to 7 years transportation at the Cork Spring Assizes by Baron Richards.

Petitioning the Lord Lieutenant was the only real hope of obtaining a commutation of sentence. Petitions, also known as memorials, were prepared by the convict or by a representative and referred directly, in the first instance, to the Lord Lieutenant. He then referred them, via the Chief Secretary's Office, to the trial judge, the local constabulary and sometimes to the governor of the local gaol to confirm statements made by the convict protesting innocence, age, size of family, or state of health as mitigating factors. All petitions were investigated thoroughly.²

Petition³ [No petition from Michael, only the reply from the Magistrate seems to have survived]

Castle Park, Dublin, 24 May 1850

Sir,

I have the Honor to acknowledge the Receipt of your letter of the 14th May instant Respecting Michael Hamilton under sentence of Transportation for 7 years but now a Prisoner at Spike Island. On looking into my Circuit Notes of Spring Assizes 1849, it appears that the Prisoner was arraigned on two several Indictments 1st for a larceny of a quantity of Barley on the 14th March 1848 the property of John Hurley & 2nd for a larceny of a quantity of wheat on the 19th January 1849, the property of John Wilson; it further appears that 3 other persons viz: Edward Brennan, James Driscoll and Patt Hamilton (which last named person was I believe a Brother of the Prisoner Michael Hamilton) were all included in both Indictments and the Prisoners having all pleaded guilty to the 1st Indictment I did not think it necessary to try them on the other, & having ascertained that the Character of all the parties was very bad, & in fact they were a gang of Robbers who were in the Habit of Stopping the Carts of Carriers employed to Convey Corn &c through the Country; (a crime at that time very prevalent in the South of Ireland) I therefore Sentenced the Prisoner Michael Hamilton & his Companions to be each of them transported for 7 years, & I am not aware of any fact or Circumstance in the case that would induce me to Recommend any Reduction in that Sentence.

I have the Honor to be, Sir

Your Most Obedient Humble Servant

John Richards

To: Sir Thomas

Gaolers Report:

Michael Hamilton, 29, committed 14 March 1849, Convicted 26 March 1849, stealing wheat and barley, 7 years, never before convicted, previous character not known.

Prison Record - Spring Assizes 26 March 1849 before Baron Richards, 7 years transportation. ⁴

2353. Edward Brennan, 20, can't R&W, discharged 28 August 1849, commuted to two months by order of Government

2354. James Driscoll, 20, R&W, discharged 28 August 1849, commuted to two months by order of Government

2355. Patrick Hamilton, 15, can't R&W, discharged 28 August 1849, commuted to two months by order of Government

2356. Michael Hamilton, 19, can't R&W, discharged 10 September 1849, delivered to Constabulary for Spike Island.

In Australia:

Michael was living in the Toodyay area when he married Margaret Duplex on 16 February 1858. She was the widow of Thomas Duplex (2139), who arrived on the *Robert Small*.

Margaret Duplex, née Burn/Burns/Byrne, arrived on the *Sir Wm Foulkes* on 13 December 1855 with her children William, 9, Edward, 8, and Patrick, 5, to join her husband, Thomas Duplex. Their daughter Elizabeth was born at Toodyay in December 1856. Thomas died a few weeks later, on 21 January 1857, of chest disease.

The following year, on 14 February 1858, Margaret Duplex married Michael Hamilton at Toodyay. Their only registered birth of a child was Mary Ann Hamilton, who was born in 1861.

Margaret Hamilton was buried on 8 February 1872 at Toodyay. Later that year, a court case between J. T. Monger and M. Hamilton came before the Newcastle Petty Sessions. It concerned a debt by Margaret Hamilton. Michael is reported as - *Hamilton is a labouring man, and also a shepherd; and the nature of his employments occasioning his being much from his home — indeed, for intervals frequently of several months — the care of his family, with all requisite pecuniary transactions connected therewith, were, during such absences, necessarily left in the hands of his wife.*⁵

The family moved to the Greenough area around the late 1870s.⁶ In 1881, the Geraldton Observer reported - *a man named Michael Hamilton fell from his horse a few evenings ago and fractured his collar bone; he is progressing satisfactorily.*⁷

Michael continued to be in the area and in 1894:

ROBBERY WITH VIOLENCE.

James Smith, a shoemaker, was charged with robbing with violence, one, Michael Hamilton, on the night of Nov. 28th last, in Marine Terrace, Geraldton.

The Prisoner pleaded "not guilty", and a jury was empanelled. Mr. du Boulay prosecuted. The accused was not represented by Counsel.

Michael Hamilton, sworn, said: I am a shepherd. On Wednesday last the 28th of Nov., in the evening, I came to Geraldton from Mingenew, and on the same evening, I was in the Freemasons' Hotel. I left there between 10 and 11 o'clock. I left the hotel to go to Duplex's boarding house opposite the Post Office. On the road, two men came up to me (I knew neither of them at the time,); one of the men put his hand in my pocket two or three times; I asked him what he was doing; with that, he hit me, knocked me down and kicked me, saying at the same time "shut up

you old ____.” He kicked me in the head, and the wound made, bled freely; I shouted for the police, and a water police Constable came to my assistance. I told the constable I was ill used and robbed, and I gave the accused in charge; the accused was close to me at the time; the Constable took him; the spot where I was knocked down was the same as that where I was when I gave the man in charge. I missed my purse, some few shillings, a handkerchief, and a match box. The purse was a brown leather purse and quite new; the purse produced is the same, but when I had it it was not broken as it is now. My purse had 15/- or 16/- in it; the handkerchief produced is mine and was the one taken from me. The match box produced I can't swear to, but it is like mine.

Examined by the accused: I don't recollect seeing you on Wednesday evening between 7 and 8 o'clock; I did not leave my swag outside of Trigg's when I came out of the train; I left my swag at Duplex's house. I saw where the house was by the sign, no one showed it to me. It wasn't dark when I came in to Duplex's first; I don't know what time the train comes in from Mingenew on Wednesday night. I don't know what time it was when the train by which I arrived in town came in; I never saw you to my knowledge on the night of the 28th until you were taken up by the police; when you were arrested you were under the verandah which is in front of the row of buildings where Duplex's is; it might be you were 15 or 20 yds above Duplex's door. You did not put your hand on me and say you wanted to show me back to my boarding house. I did not fall down, or did this man pick me up.

By the Bench: I had had a glass of brandy that night. I was thoroughly in my senses and my mind in no way clouded by drink. I shouted a quart or two of beer that night in at Mr Trigg's, went to the hotel between 9 and 10 o'clock. I should think I was there very close on an hour. There were a good few people in the bar; I did not have more than two glasses of brandy, and I never drink anything but brandy.

By the Foreman: It was dark at 11 o'clock; the articles stolen were in my left hand trousers pocket. I asked the Prisoner what he was doing. He replied "Shut up you old b ____.” I don't know what became of the other man referred to in my evidence—he ran away. When I shouted "police", the Constable came immediately.

Michael Francis Barratt, sworn, said I am a store assistant, resident in Geraldton, and know the accused. On last Wednesday evening, I was in Marine Terrace between 10 and 11. I heard a cry of "police! help! they're robbing me." I ran up to the spot, and when I got to the scene, I saw Constable Reichards rush in and ask what it was all about. I saw the accused there, and another man whom I don't know; I also saw Michael Hamilton; Constable Brown was also present, as well. When Constable Reichards asked "What is this about"? Hamilton answered "This man is robbing me," pointing to the accused. Reichard then took the Prisoner by the arm; Reichard then said "Is that you, Mr. Barratt?" I replied yes. He asked me for a match, which he lighted and picked up from the ground what appeared to be a purse. He then said "I've got you at last Smith, I arrest you." He asked me to look on ground to see if anything (...damaged newspaper, unreadable) a dark coloured handkerchief and a tin box. Hamilton at this time seemed to be excited; I saw blood on his head; he was under the influence of drink.

By the Prisoner: The constable did not have you in charge when I came up. We all came up together. By the foreman of the jury; I heard no one leaving the spot after I heard the call for help. The Prisoner was drunk when I saw him.

Maxmilian Reichard sworn said: I am a police constable stationed at Geraldton and know the accused James Smith. On Wednesday evening between 10 and 11, I was on duty in Marine Terrace. While in front of Trigg's I heard a shout of "Police! Help! I'm robbed." I at once ran in the direction of the sound. On arriving on the scene, near the building occupied by Mr. Dawson, I saw an old man named Hamilton and the accused. Hamilton had his back against the wall. Smith was facing him with his left and in Hamilton's arm. When I asked what was the matter, Hamilton stated he had been robbed and assaulted. Smith said he did not rob him he only wanted to take the fool home. I obtained some matches from Mr. Barratt who was close by at the time. I struck a match, and near to Smith's feet I found the purse produced. Smith asked me to search him. I found the silk handkerchief produced in Smith's hand when I arrested him. He struggled to get away from me when I dropped the handkerchief. The match-box produced was found by Mr. Barratt on the ground close to where I arrested the accused. I found a cut and a quantity of blood on the back of Hamilton's head. The cut was a small one about half and an inch long. It might have been caused by a fall or a kick. Hamilton had been drinking but most decidedly was not drunk, and he was in his perfect senses. I brought the accused to the station, and on searching him, found one shilling.

Cross-examined by the accused: I did not pick up any money when I picked up the purse.

By the Bench: When I arrested the Prisoner he was under the influence of drink, but not drunk.

By the foreman: From where I was placed when I heard the cry for help I could not see anyone running away.

Arthur George Brown, a police constable, sworn, said: Between 10 and 11 on Wednesday night I heard someone crying for help and police. I was then opposite Mr Trigg's hotel. The cries came from the cottages almost in front of the Post Office. I had a man in custody at the time but I eventually followed Reichards to the scene. When I arrived Reichards was questioning Smith, the accused, whom I heard say he was only taking the old fool home. Some other persons were standing on the footpath a little way off. (This witness also gave evidence confirmatory of that given by Reichards as regards Hamilton's condition). The man I arrested came down as far as where Reichards was arresting the accused. I then helped Reichards and my man got away.

This concluded the case for the prosecution.

The Prisoner made a rambling statement protesting his innocence, after which the Chairman summed up and the jury retired, returning after an hour with the verdict:—Guilty of robbery. Sentence:—7 years penal servitude.⁸

A license to open an Eating, Lodging and Boarding House in Marine Terrace, Geraldton, was applied for by William Duplex in November 1894.⁹ This is the lodging house referred to in the above court case.

The 1906 Electoral Roll shows Michael Hamilton, residing at Chapman River, labourer.

Michael Hamilton died on 29 November 1908 at the Old Men's Home, Claremont, aged 82. He is buried at Karrakatta Cemetery.

¹ Catholic Parish Registers, National Library of Ireland, Dunmanway, microfilm 04805 / 03

² <https://www.nationalarchives.ie/topics/transportation/transp8.html>

³ Michael Hamilton CRF 1850 H17 <https://nla.gov.au/nla.obj-2305194866/view>

⁴ Cork General Register 1848-1850, Book no 1/8/4, item 3

⁵ <https://trove.nla.gov.au/newspaper/article/65932583?searchTerm=hamilton%20toodyay> and <https://trove.nla.gov.au/newspaper/article/3750446?searchTerm=michael%20hamilton>

⁶ Patrick Duplex married in 1879 at Greenough, and William Duplex married in 1884 at Greenough.

⁷ <https://trove.nla.gov.au/newspaper/article/255707967?searchTerm=%22michael%20hamilton%22>

⁸ <https://trove.nla.gov.au/newspaper/article/260150822?searchTerm=%22michael%20hamilton%22>

⁹ <https://trove.nla.gov.au/newspaper/article/252756492?searchTerm=william%20duplex>