

Martin Stone - Scindian Convict #25

Martin Stone, second of four boys, was born on 11 December 1826 probably at Stourton where his mother Fanny Moger married James Stone 11 August 1823. His father died in 1836 and Fanny married again to widower, William Norris in 1838. She had another four children.

From 1841 Martin was seemingly homeless and was in gaol for vagrancy (lodging in the open air) and again in 1844, this time for three months. This suggests he had a poor relationship with his stepfather.

In 1845 he was committed to Fisherton Gaol in Wiltshire with a James Cross for burgling the house of James Portnall in Mere. While Stone was given 10 years in the January Wiltshire Sessions Martin was acquitted.

In January 1847 at Dorchester quarter sessions he and a Matthew Howell were charged "with having feloniously stolen a bay gelding of the value of twelve pounds the property of Mark Stone at Silton. - The prisoners were both convicted, sentenced to be transported fifteen years each; they are both old and incorrigible offenders, a previous conviction being proved against them in Somerset, Howell also having been convicted in Wilts." [Western Flying Post 9 January 1847].

Stone's prison record only has one previous conviction recorded and that is the three-month sentence for vagrancy: "once imprisoned for a misdemeanour" so the Somerset conviction must be a misunderstanding by the Post journalist [Wakefield HO 23/14].

The Portland prison opened in November 1848 and Martin Stone (#61) was among the first 64 prisoners received there on the 24 November having left Wakefield on 22 November.

Martin Stone arrives in Fremantle June 1850 on the *Scindian* having left Portland on 28 February 1850. The only convict establishment register that survives from 1850 is the Chaplain's. [SROWA Cons 1156R/21A]. In this record Martin's age is given as "25 years at Christmas 1851" which has been interpreted in most of the 18 trees on Ancestry in recording his date of birth as 25 December 1826, not 11. It also records he can read "very well" and write "a little". His mother is recorded as Fanny Norris living at Mere Wiltshire and his brother William living at Silton in Dorset.

Not surprisingly the chaplain is very much interested in his religious beliefs. He records he attends divine service "sometimes, but not frequently and received sacrament "not before being in prison". While his secular knowledge is "limited" his religious knowledge is recorded as "has confidence in God, not in himself for the doing of good & faith in Christ Jesus for forgiveness". The chaplain also notes Martin is "sober & industrious' and cause of crime is "drink & bad company". Homelessness and poverty is not mentioned. The books he is recorded as reading from the library include: Paradise Lost Life of John Wesley and life of George Whitefield and many travel books. This runs counter to the chaplain's comment that he has limited secular knowledge.

Martin Stone was released on ticket-of-leave on 2 November 1850 and was employed as a groom by merchant, publican and whaler Patrick Marmion in Fremantle. On 8 August 1853 he was charged with being “drunk & obtaining 3 glasses Brandy refusing to pay”. That the charges were “dismissed with costs” suggests this was his first offence and he had perhaps agreed to repay the publican. It also suggests some event had upset him. This is supported by the fact that two weeks later on the 22nd a warrant was issued for his arrest and he was charged with “having in a surreptitious manner used money the property of another.” It is probable that his employer had advanced him the money to pay his debt to the publican but had failed to do so. Anyway, he was “sent to Establ. 6 month irons.” [SROWA Perth Police Court Register Cons1386_136].

The register for the Establishment in Fremantle records for 24 August: “1 recon pris received 25 Martin Stone”. Four weeks later the Superintendent Orders register has him being assigned to the Clarence road party and his irons being removed before he left. [Cons 1156SO/3]. He was released from gaol on 23 January 1854. [Cons 1156R&D/1-3]. There is no ToL record of who has employed him.

That Martin was married in York in 1857 and that Emma’s first child Joseph, born in 1855, was fathered by him means he came to York in 1854.

At the July 1856 trial of William Morton charged with the murder of Richard Fitzgerald, it was revealed that one of the star witnesses, Martin Stone, was the “t.l. servant of John Bagshaw”. [Perth Gazette 4 July 1856] So when Martin was employed by Bagshaw he would have been 28 and Emma 16. They went on to have 14 children.

At one stage wealthy pastoralist and previous Resident Magistrate William Burges endeavoured to have Martin removed from the York Roll because he had given up his leasehold land. Burges was of the opinion that: “a man who is one day here and another day there, ought not to be on the Roll for the district.” [Perth Gazette 24 May 1872] Martin and Emma had a small farm in the district, as is evidenced by an 1879 advertisement requesting the owner of a horse on his property to collect the animal. His address is given as Auburn Cottage, near York. [Eastern Districts Chronicle 29 November 1879]

Both died in York, Emma on 22 March 1906 and Martin on 7 May 1908.

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NB: The Inquirer of 5 November 1856 reports on Bagshaw:

Report of five farms on the property of Mr J. H. Monger, under Mount Bakewell — “The first is tenanted by John Bagshaw, a free man, and a long resident in the district; he has been about three years a tenant, and has, during that period, cleared twelve to fifteen acres; he has this present year about thirty acres under a crop of wheat and barley; he has also a quarter of an acre as a vegetable garden; possesses pigs and poultry, and is a

cultivator of potatoes; he is a tenant of a general improving character. Of course, from the preceding statement, it will be borne in mind that he had a considerable number of acres cleared and ready for cultivation when he first took the farm.”

Family information added by Joanne Hyland, March 2019

John Bagshaw and Hannah (nee Mason) and daughter Emma 4 years arrived aboard the Success on 22 March 1843. Their other daughter Rebecca died during the voyage on 30 December 1842 when she fell overboard. On arrival at Fremantle they remained 10 days at the immigration depot at public expense. From there John was employed by George Leake Esquire, Perth. John worked for George Leake as an agricultural labourer in the Upper Swan; as a blacksmith in York – partner of Isaac Laning until dissolved Aug. 1850; as a carter in Toodyay and a farmer in Beverley.

Emma married Martin Stone in York in 1857, regn no. 1043 – the couple had fourteen children:

Joseph born 27 September 1855, York; Fanny 9 May 1857; Mary Anne 19 Sept 1859; Emily 23 Jan 1862 (1861?); James George 16 Feb 1864; Susannah 23 Jan 1866; Elizabeth 21 Dec 1867; John William 27 July 1869; Frederick Martin 14 April 1871; Hannah 22 Dec 1872; Emma 2 June 1874; Alfred Francis 4 Aug 1876; Henry Herbert 9 May 1878 and Ernest Arthur 30 June 1881.

The other Bagshaw daughters: Rebecca born January 1844, Elizabeth born December 1846, Priscilla born May 1849 and Fanny born 1854.

Rebecca married John Carr in York in 1861, regn no. 1617 ; had seven children – husband was convict #2666 Robert Roland Carr – arrived per Sea Park 1854. Rebecca died 18 Aug 1920 in York.

Priscilla married convict #6888, John Gordon Hathaway on 15 May 1868 in York. He had arrived aboard the Merchantman in Feb 1863. The pair had thirteen children. Priscilla died aged 74 years in Dec 1923 and when John Hathaway passed away in September 1930 he was 93 years of age and lauded as having been York's oldest inhabitant.

Elizabeth Bagshaw married John Smith at York on 2 Feb 1869 regn no 2899; had 11 children; Elizabeth died 22 Dec 1921 in York; John Thomas Smith died 21 Feb 1913

Fanny married William Houston in York on 17 July 1873, regn no. 3614. Their daughter Anna 'Hannah' Elizabeth was born in Bunbury in April 1875. Fanny had already had one child - Jane born on 1 July 1873. Family possibly left for New Zealand.

Son John Henry Bagshaw born Oct 1851 died before 1859.

Hannah Bagshaw (born 1813) died on 22 Nov 1877 aged 64 years and John Bagshaw (born 1811) died 27 June 1890 aged 79 years at the home of son-in-law Martin Stone in York.

Sources:

Births, Deaths, Marriages, Western Australia;

Erickson, R., O'Mara, G., Convicts in Western Australia 1850-1887 : dictionary of Western Australians. Volume IX, p 529;

Fremantle Prison Convict Database;

National Library of Australia, Trove Digitised Newspapers:

The Inquirer and Commercial News, 5 November 1856;

State Library of Western Australia, British Library Newspapers Online:

Western Flying Post, 9 January 1847;

State Records Office of Western Australia, Convict Registers: Cons 1156R - 21A, SO1; Cons1386_136;

Mr J. W. Stone, handwritten notes and photograph dated 11/4/1997.

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