

Charles Minden, 329, *Mermaid*

Researched by Marcia Watson

Real name: George Witherwick. Name variation: Withernwick

Baptised	12 March 1809, Aldbrough, Yorkshire, England
Parents	George Witherwick and Nancy Rogerson
Parent's marriage	13 February 1808, Aldbrough, Yorkshire
Siblings	William (1811), Thomas (1812), Mary (1815), John (1817), Henry (1819), Nancy (1822), Joseph (1824), Samuel (1829)

The Crown Calendar for the Yorkshire Spring Assizes beginning on 2 March 1833. ¹

Thomas Witherwick, charged upon the oath of Samuel Winn, with burglariously entering the mansion-house of John Yorke, Esquire, of Dacre-with-Beverley, in the West Riding, and feloniously stealing, taking, and carrying away therefrom ten woollen cloth coats, a number of waistcoats, seven pairs of trowsers, and various other articles, the property of the said John Yorke, Esquire. Committed on 21 January 1833.

George Witherwick, charged upon the oath of John Yorke, Esquire, and others, with burglariously entering Bewerley Hall, in the West Riding, and feloniously stealing, taking, and carrying away one yellow silk handkerchief, and other articles, the property of John Yorke. Committed 5 February 1833.

At the York Assizes, York Castle, 7 March 1833. Robbery at Bewerley Hall.

Thomas Witherwick, 20, and George Witherwick, 23, were charged with having burglariously broken into the mansion house of John Yorke, Esq, of Bewerley, near Ripon, and stealing a large quantity of apparel, several gold rings, seals, coins, monies, etc.

Mr Dundas and Mr Pulleyne conducted the prosecution. John Yorke Esq is a Magistrate of the West Riding of Yorkshire, residing at Bewerley Hall, near Pateley Bridge. The Prisoners are brothers, and Thomas had been in the service of the prosecutor as a footman for about eight months, leaving in September last.

On the night of 10 January 1833, the prosecutor's house was made fast, and the family retired to bed about twelve o'clock. On the following morning, it was discovered that the house had been robbed by means of a ladder placed near a turret window, and that the thief or thieves had broken open several drawers in Mr Yorke's dressing room, taking away the articles mentioned above. To connect the prisoners with the robbery, it was shown that at seven o'clock on the night of the robbery, George Witherwick arrived at Mr Parrott's public house in Pateley Bridge, in a gig, which he put up, and took some refreshments. His brother Thomas joined him soon afterwards, and they sat drinking until midnight, when they both went out and were observed to go towards Mr York's residence.

About three o'clock, George returned alone and paid the bill, and ordered a horse and gig out. He drove on the Bewerley Road and was seen to return through Pateley Bridge with another person in the gig. The next day, the prisoner, Thomas, was apprehended at Liverpool by police officer McCure. He had at that time upon his person a shirt belonging to the prosecutor, which had been stolen, and various other missing articles in a carpet bag, and a number of pawn tickets for items that proved to belong to Mr Yorke. On being taken, he said he was guilty, but that he had done it for the benefit of others. The prisoner, George, was apprehended a fortnight afterwards in Southampton, with part of the stolen property in his possession.

Both prisoners declined to say anything in their defence. Thomas said he was sorry for what he had done and should feel obliged by Mr Yorke speaking of him as he had conducted himself when in his employ.

The Jury found both prisoners guilty and recommended them to Mercy. Judgement of death recorded.²

¹ York Library and Archives, Y/ORD/1/1 - 1820-1842

² Leeds Intelligencer, 09 March 1833, p3

The Prison Registers show that George Witherwick, 23, was convicted of housebreaking on 2 March 1833 at York and sentenced to Life. His native place was Hull, Yorkshire. George had brown hair, light hazel eyes, brown eyebrows and lashes, common nose, common mouth, light complexion, long oval face, stout, can read and write, 5'5½", single, valet. Parents at New George St, St John's Square, Leeds. He was sent to Bermuda on 3 August 1833, per *Pyramus*.

Note: Two errors appear in the above record. George was not sent to Bermuda per *Pyramus* in 1833. New George St, John's Square is in Hull, not Leeds. ³

Letter to High Sheriff, York, to remove George Witherwick and other convicts to the *Cumberland* hulk at Chatham on 3 April 1833. In the July-September quarter of 1833, he was transferred to the *Captivity* hulk at Devonport. George Witherwick, 23, was sent to Van Diemen's Land on 1 January 1834 per *Moffatt*. ⁴

Petition. ⁵

Geo Witherwick, 23, and Thos Witherwick, 20. York Assizes, March 1833. Housebreaking. Sentence commuted to Transportation for Life—Gaolers Report - character is bad.
Hull, 16 April 1833.

To the King's most excellent Majesty.

The humble petition of George Witherwick, aged 23 years, and Thomas Witherwick, aged 20 years, prisoners in his Majesty's Gaol of York, convicted of felony.

Humbly sheweth, That your petitioners are brothers whose Father and Mother reside at Hull and are persons of acknowledged respectability.

That your unfortunate petitioners did on the night of 2 January last, break into the house of Mr John Yorke of Beverley Hall in the West Riding of the County of York and Stole therefrom a quantity of Wearing apparel &c for which they have been tried and received the sentence of Transportation for Life, a sentence due to the enormity of their Crime, but they most earnestly implore your Majesty to extend Mercy towards them.

Your Petitioners beg to offer in extenuation their youth and previous good character; they have become sensibly penitent and feel the most heartfelt sorrow for their offence. They deserve punishment, but intreat they may not be sent from England away from their wretched parents and all that is dear to them, but that their Sentence may be mitigated to confinement in the Mill Bank Penitentiary or otherwise disposed of as to your Majesty shall seem proper.

Your Petitioners, therefore, humbly pray that their Case may be taken into consideration so that they may be enabled to atone for their fault and pass the remainder of their Life in repentance and prayer.

And your Petitioners will ever pray.

Signed by numerous landholders, merchants and others.

Whitehall, 25 May 1833, to Richard Bethell Esq, 7 Richmond Terrace.

Sir, Having laid before Viscount Melbourne the petition which you presented in favor of Geo and Thos Witherwick, who were convicted at the last York Assizes of Housebreaking, and whose sentence has been commuted to Transportation for Life: I am, directed to acquaint you that his Lordship cannot consistently with his Public Duty, give any orders for the detention of the prisoners in this Country, or for their removal to the General Penitentiary in this Country, or for their removal to the General Penitentiary.. I have &c, Seb Phillipps. ⁶

³ The National Archives (TNA) UK, Adm 6/418, 42; HO8/37

⁴ TNA, HO13/62; HO8/36, 37, 38, 39

⁵ TNA, HO17/4

⁶ TNA, HO13/63/p321

Tasmania

George Witherwick arrived per *Moffatt* on 9 May 1834, tried at York on 2 March 1833, and was sentenced to Life.

The Conduct Record shows his Gaol report was very bad, surgeons report - well behaved. He stated his offence - breaking into the house of Mr York, Beaseley (*sic*) Hall, where my brother was servant, he had left the place about 2 months - Brother Thomas Witherwick with me, and transported for Life. I have not seen him since I left York. George had 17/6 in savings when he arrived.

He was 24, 5'6", fair complexion, small head, dark brown hair, oval face, high forehead, brown eyebrows, grey eyes, aquiline nose, small mouth, medium chin, small scar under chin, gentleman's servant. Native place is Hull, Yorkshire.

George was assigned to Dr James Scott, Colonial Surgeon for the southern part of Van Diemen's Land, a position he held from 1820 to 1835. Scott was responsible for the medical services of the colony, including the hospital in Hobart, and had previously served as a surgeon on convict ships.

George was regularly in trouble:

10 October 1834, charged by Scott with general neglect of duty - admonished.

Trumpeter General, 17 October 1834, p3 reported George Witherwick was severally reprimanded for misconduct in his service.

14 May 1835, charged by Scott with being absent without leave from his Master's premises - one month with hard labour at Grass Tree Road party and kept to Barrow work, to have his hair cut, and returned at expiration of sentence to his Master.

22 December 1835, charged by Scott with insubordinate conduct, refusing to do his work and with neglect of duty and also with absenting himself from his Master's premises at night - one month.

Colonial Times, 29 December 1835, p7 reported George Witherwick received one month's hard labour on the tread wheel, for misconduct.

23 January 1837, charged by Scott with being absent without leave - admonished.

23 January 1837, charged by Scott with disobedience of orders - kept to hard labour for 6 months, then to be assigned to the Interior (Spring Hill party).

11 March 1839, Union Club, suspicion of felony - recommended he be employed on the Roads on probation for 2 months and then returned to his service.

13 March 1840, Club House, absent without leave - to be kept to hard labour on the Roads for 2 months and recommended to be assigned to the Interior.

... Cleveland then to Willis & Conners for County asst. River St, left 9 December 1842.

George escaped from the service of Edward Willis Esq, Wanstead Park, on 21 August 1842.

1749. George Witherwick, per *Moffatt* (1), tried York Assizes on 2 March 1833, life, gentleman's servant, 5 feet 6, complexion fair, hair light brown, eyes grey, aged 32, native place Hull, small scar under chin. Reward £2, or such lesser amount as may be determined upon the convicting Magistrate.⁷

George Witherwick was apprehended in December 1842.⁸

On 9 December 1842, George received a Ticket of Leave.

Unreadable record for 24 August 1844, C. Town.

Convict Musters: ⁹

1835. Assigned to Doctor Scott

1841. Assigned to E. Willis Esq, Wanstead.

1846. George Witherwick, T of L

1849. George Witherwick, T of L

⁷ Hobart Town Gazette, 2 September 1842. His brother John arrived in Tasmania on 7 July 1842 per *Eden* (2).

⁸ Hobart Town Gazette, 23 December 1842.

⁹ TNA, HO 10/50, 51, 39, 40

According to George, he was back in England by 1842-3, if he is to be believed. He could have been on the 1846 muster, but not the 1849 muster. His Ticket of Leave was revoked on 4 February 1850, when he was found to be an absconder, and he was struck off the Record in December 1853, as he could not be located.

Back in England

Hull, 11 December 1848.

Charles Minden, aged 32, was indicted for having returned from transportation and being found at large in this Country before the expiration of his prescribed period of transportation.

It appeared from the certificate of the Deputy Clerk of Assize that the prisoner was convicted of burglary and stealing a vast quantity of apparel and jewellery at Bewerley Hall in the county on 2 March 1833. A sentence to death was recorded against him, but respited by the Judge. The sentence was later commuted to transportation for Life. He was then convicted by the name George Witherwick. He had been in this Country at least a year and a half before July last, when he was apprehended, and during that time had committed two burglaries for which he had been committed to take his trial here, namely, for one committed on 31 July at Bradford, and stealing sundry wearing apparel, and another on 18 June at Hessle Mount and stealing a gold seal, chain and key, and other articles.

On being called for his defence, he said he was never transported. He had been in the habit of coming to this place for the last five years. No one ever attempted to molest him, nor did anyone make such a charge against him until he was taken upon the other charges, and everyone pretended to know him.

His Lordship said perhaps he was never transported; he might have escaped before he got out of the Country.

The Jury having found that he was the same person who was convicted in 1833, the sentence now was that he be imprisoned with hard labour for one year, and then be transported for Life.

On hearing his sentence of transportation for Life, he said, "I had rather you would shoot me". He has since made a confession, in which he states his real name is George Rogerson Witherwick.¹⁰

The Prison Registers show that Charles Minden, *alias* George Withernwick, 34, single, read and write imperfectly, a warehouseman, was convicted on 11 December 1847 at the York Assizes of being at large after having been transported for Life and sentenced to 1 year and Life. He was received at Leicester Gaol on 11 April 1849 from York Castle. After 11 months, he was transferred to Millbank Prison on 11 February 1850. His sister Nancy at Mrs Collins, 72 Goodram Gate, York. Charles was transferred to Portland Prison on 10 August 1850.¹¹ He boarded the *Mermaid* on 28 December 1850 for the voyage to Western Australia.¹²

On arrival at Fremantle, Western Australia, on 13 May 1851, Charles was assigned number 329 and a physical description was recorded.

329. Charles Minden, 40, 5'6", dark brown hair, grey eyes, round face, fresh complexion, no marks, gentleman's servant, single.¹³

On 21 March 1852, Charles Minden, 329, was released from Prison on a Ticket of Leave.¹⁴

Charles was much better behaved in Western Australia than when he was transported to Tasmania.

¹⁰ Morning Advertiser, 15 December 1847, p4; Hull Packet, 17 December 1847, p5

¹¹ TNA, PCOM2/30

¹² TNA, PCOM2/383.

¹³ SROWA, Acc 128/32

¹⁴ SROWA, Acc 1156/R&D1-R&D2

In 1853, he advertised his new business: ¹⁵

In 1854, Charles Minden was a witness in the trial of Matthew Hendry, t.l., charged with stealing two sovereigns and two half crowns from Henry Holloway, t.l. ¹⁶

At Perth Court, on 26 February 1855. Charles Minden, t.l. out after hours fined 10s. ¹⁷

Prior to receiving a Conditional Pardon on 22 May 1858, Charles moved to Victoria between 1855 and 1857. He placed this advertisement in newspapers for about a month in 1857, inquiring about his brother, John Witherwick, who was transported to Tasmania in 1842 and moved to Victoria in 1852. ¹⁸

LONDON BOARDING HOUSE,
MURRAY STREET, PERTH.
(Near the 'Trumpeter's' Inn)
CHARLES MINDEN begs to acquaint his old particular Friends and the Public generally, that he has commenced in the above business, and trusts by strict attention to the comforts of those who may favor him with their support, to merit a continuance of the same.
Refreshments at any Hour.

HULL.—CHARLES MINDEN can hear of his friend John Witherwick, by addressing him to Messrs. Young and Turnbull, Mount Koroit, Coleraine.
53 sep 14 d and wk.

He placed a similar advertisement in 1860. ¹⁹

JOHAN WITHERWICK, late of Hull, Yorkshire, will hear of his brother by sending his address to Mr. Charles Minden, 21 Bourke-street west, Melbourne.

As George Witherwick, he appears to have been in the Melbourne Benevolent Asylum for some years before he died. On 25 August 1873, he made an Assignment rather than a Will.

On 9 June 1879, George Witherwick died at the Melbourne Benevolent Asylum, Hotham. George, aged 68, a gentleman's servant, died of Epileptic fits and paralysis. Last seen by Dr Heath on the day he died. Parents recorded as George Witherwick, address unknown, and Sarah, maiden name unknown. George was born in Yorkshire, was not married, and had been in Victoria for 21 years.

He was buried on 11 June 1879 in the Melbourne General Cemetery.

Thomas Witherwick

Name variation: Wetherwick, Weatherwick

Thomas was baptised on 19 November 1812 at Aldborough, son of George and Nancy Withernwick, innkeeper of Aldborough.

Thomas Witherwick, aged 19, born in Aldborough, Yorkshire, labourer, was in the 14th Light Dragoons and he deserted on 4 August 1830. ²⁰

According to his trial in 1833, Thomas had worked as a footman for John Yorke of Bewlery Hall. He had left about 4-5 months before the burglary he committed with his brother George.

¹⁵ The Perth Gazette and Independent Journal of Politics and News, 10 June 1853, p2

¹⁶ Inquirer, 29 March 1854, p3

¹⁷ The Perth Gazette and Independent Journal of Politics and News, 2 March 1855, p2

¹⁸ The Argus, 4 September 1857, p1

¹⁹ The Argus, 16 June 1860, p1

²⁰ Findmypast, Army Deserters 1828-1840 index.

Letter to High Sheriff, York, to remove Thos Witherwick and other convicts to the *Retribution* hulk at Woolwich, dated 3 April 1833. ²¹

The Prison Register shows that Thomas Witherwick, 20, was convicted at York on 2 March 1833 of housebreaking and sentenced to Life. The surgeon's report and conduct were good. Thomas was sent to New South Wales on 23 May 1833 per *Lord Lyndock*. ²²

He was assigned to J.C. White at Port Stephens and soon got into trouble.

Thomas Witherwick, *Lord Lyndock* 1833, born in 1812 in Yorkshire, 5'9½", stout, fresh complexion, light brown hair, grey eyes, servant, Protestant. He was committed by Captain Moffatt on several charges, including house robbery, piracy, and fraudulently obtaining firearms and ammunition in his Master's name, on 9 June 1834, for robbery at Port Stephens, and was sent to Maitland on 26 July 1834.

He was convicted at the Court of Quarter Sessions of Maitland on 8 August 1834 of robbing his Master, Mr White of Port Stephens, to whom he was assigned for work, and sentenced to 7 years transportation.

Thomas Witherwick was received into the *Phoenix* Hulk at Sydney on 12 September 1834.

In a letter to the Principal Supt. of Convicts.

H.M. Hulk *Phoenix*, 30 December 1834.

Sir, I have the honor to inform you that the prisoner named in the margin [Thomas Witherwick] effected his escape from this Establishment last evening between the hours of 7 and 8, and respectfully beg that every measure may be adopted for retaking him. I have &c, Thos Makeig, Supt.

H.M. Hulk *Phoenix*, 2 February 1835.

Sir, I have the honor to inform you that the prisoner named in the margin effected his escape from this Establishment last evening between the hours of 7 and 8. He was acting as Cook to the Boatswains Mates, and during the time they were employed below, removed their Hammock lashings, walked across the shingles, entered the Carpenters Shop by forcing the window place and cutting his Irons made fast the lashings to one beam, lowered himself over the centre of the stern into a small gig, where severing the painter he managed to elude all pursuit, notwithstanding the almost instantaneous search made for him. I, however, consider it my duty respectfully to state that I do not conceive any blame can be attached to either the Sentries on duty, or the Guard for any breach of attention on their part.

I lost no time in pursuing, but as I have stated, with every exertion used, I was unsuccessful, owing to the extreme darkness of the night.

I have written to the First Police Magistrate and the Pl. Supt of Convicts, informing them of the subject, to the former of whom I have also sent his personal description.

I have &c, T Makeig, Supt.

Margin: Thos Witherwick per *Lord Lyndock*, received into Hulk on 12 September last under Colonial Sentence of transportation to a Penal Settlement for 7 years, was tried at the Maitland Quarter Sessions on 8 August 1834.

Government Gazette, 7 January 1835. Prisoners who have absconded.

Thomas Witherwick, *Lord Lyndock*, NO. 33-2387, 21, born in Yorkshire, indoor servant and groom, 5'9", brown complexion, light brown hair, blue eyes, from *Phoenix* Hulk in Irons since 1 January.

Coroner's Inquest.

²¹ TNA, HO13/62

²² TNA, HO8/36

An Inquest was held on Friday, 30 January 1835, at the "Bricklayers' Arms," in Market-street, on the body of John Smith, aged twenty-eight, assigned to Mrs Finniss, residing on the North Shore. Jeremiah Shay, a lad about fourteen years of age, stated—On Tuesday morning, about half-past eight, I went from the house, to- wards the men's hut, to call Smith to break- fast; I saw the prisoner coming out of the hut door, his hands were covered with blood, he rubbed them on the door; prisoner then caught me and held me by the wrists, I told him to let me go, he said there are two more of us here, tell us where the money is, and we will do nothing to you; I cried out, he then caught me by the throat, and by some means in the struggle, we fell together, but he still kept hold of my throat; the marks of his fingers are still visible; the dogs then came up, and one of them attacked the prisoner, who immediately let go his hold; my hat was laying on the ground, he picked it up, and went away in the bush; I saw no person but the prisoner there. I immediately went into the house and told my mistress what had happened, I went for some of Mr. Mossman's men, who came over; I then saw Smith, he was lying under the bed covered with blood; Mr. Mossman's men then carried him down to the boat; there was a box in the hut belonging to Pearce, (one of Mrs. Finniss's servants,) it was wrenched open at the hinge; there was a pair of trowsers and a red shirt found in the hut, also a stick, which was broken. The clothes and stick were then produced. These are the same as what I saw in the hut; I am sure the stick is the same, and there are marks of blood on it.

The prisoner, Thomas Weatherwick, said that all the above witness had stated was true, except the wiping of blood from his hands on the door. The Foreman of the Jury advised him to reserve what he had to say for another time.

Mr John McKaig, Superintendent of the *Phoenix* Hulk being sworn, deposed—I know the prisoner; he was in my charge on 1 January, when he made his escape; on account of his good conduct he was allowed greater privilege than any prisoner on board; he was sentenced at the Maitland Quarter Sessions to 7 years transportation to a penal settlement; he was on board the Hulk about 7 months; the prisoner had served out to him on the 1 November, one pair of duck trowsers, one pair of shoes, and one flannel shirt, all the clothing are marked; this shirt appears to have been marked; the mark is not quite visible; the trowsers have lost their mark also; they are both of the same description; I believe they belonged to the Hulk; the shoes I can swear to; they are marked with my private mark. Mr Jilks, chief constable sworn—I was desired to have the clothes taken off the prisoner to prevent their being destroyed; in my opinion these are the same things; they have been locked up ever since; the shoes and hat (which is a very remarkable one) I can positively swear to, as those taken from the prisoner; the prisoner was placed with 10 other men in the Police Office, and the boy immediately pointed him out without the least hesitation.

The Jury returned immediately a verdict of "wilful murder" against the prisoner Thomas Weatherwick, and he was committed to take his trial.

The prisoner was present during the whole of the examination and appeared in no way interested in what was passing. He is a tall, well-made young man, only 22 years of age, who was a soldier in the 14th Light Dragoons and came to this Colony per *Lord Lyndhurst*, under a sentence of transportation for Life.²³

At the Supreme Court, Wednesday, 11 February 1835, before Mr Justice Dowling and a Military Jury. Thomas Weatherwick, a runaway from the *Phoenix* hulk, was indicted for the wilful murder of John Smith, an assigned servant to Mrs Finniss, at the North Shore, by striking him on the head with a stick. This case has been before our readers so recently that we shall not repeat it, but merely state that on the clearest evidence, the Jury found the prisoner Guilty. Death.

-- Ordered for execution on Friday morning.

Wetherwick, previous to his execution, desired to see the First Police Magistrate, as he had something of importance to communicate to him, and Colonel Wilson attended accordingly. He

²³ The Alfred, 3 Feb 1835, p2

made a declaration that, although he was about to suffer for the murder, he was not the immediate actor in the sanguinary affair, but had been accompanied by a man who resided at Gore's Bay, who had struck the blows which caused the death of the deceased. On this information, Colonel Wilson proceeded to Gore's Bay and secured a man, who stated himself to be an assigned servant to Mr Green, of Sydney, whose description exactly corresponded with that given of him by Wetherwick. The man named Banning, assigned to Mr Green, boat builder, was examined at the Police office on Tuesday last, on a charge of being concerned with Wetherwick in the murder of the deceased John Smith of the North Shore. Banning was taken to the gaol, no intimation having been made to Wetherwick of his arrival, or that any steps had been taken in consequence of his declaration. When Wetherwick was brought out of his cell, he looked around. As soon as his eyes rested on the Banning, he exclaimed, "That is the man whom I described in my declaration this morning."

In his endeavours to arrive at some evidence which might corroborate that of Wetherwick, Colonel Wilson took an opportunity of seeing Mr Gore, who resides near the bay where the prisoner's hut is situated, in order to ascertain whether Banning and Wetherwick had ever been seen together; when that gentleman stated that his son had informed him that Wetherwick had been seen coming out of the prisoner's hut on one occasion, that he passed the hut to the beach on a fishing excursion. The prisoner denied all knowledge of Wetherwick.

Upon examining Mr Gore, junior, he stated that he had never made such a statement to his father and that he had never seen Wetherwick in his life before the trial. Mr Gore, senior, stated that he had understood his son to say what he had informed Colonel Wilson of; however, in a subsequent conversation, he discovered that he had misunderstood him. The mistake was explained to the satisfaction of the Magistrates.

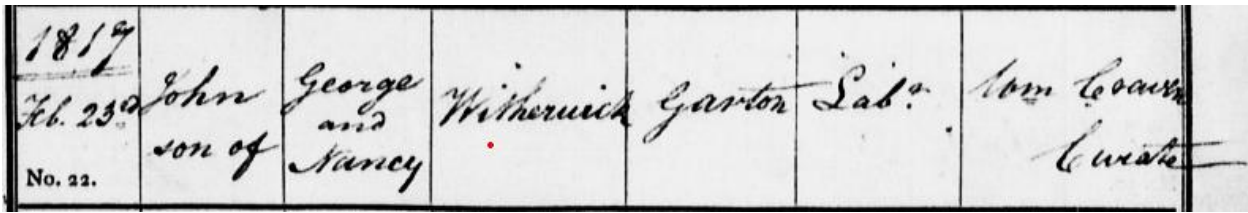
Mr Green gave the Banning a good character for the twelve months, during which time he had been in his service, and had never the least occasion to suspect him of improper conduct. The Bench considered that there were no facts before them as to induce them to detain the prisoner in custody, and he was discharged, with a recommendation to Mr Green to employ him in future on his premises under his immediate inspection. Mr Green promised to attend to the suggestion of their worships and withdrew.²⁴

Wm (*sic*) Weatherwick, who was found guilty of the murder of the unfortunate man Smith, at the North Shore, underwent his sentence at the Sydney Jail, on Friday morning last. As soon as the sheriff had read the warrant, Weatherwick ascended the scaffold without waiting for any religious observances and maintained a sullen silence until the last moment. About half past nine o'clock a.m., the miserable man was launched into the presence of his Maker.²⁵

²⁴ The Sydney Herald, 26 Feb 1835, p2

²⁵ The Colonist, 19 Feb 1835, p4

John Witherwick



After his brothers, George and Thomas, had been transported, John Witherwick was convicted several times.

York, 29 June 1835, John Witherwick, 18, larceny, 3 months.

Gazette, 04 July 1835, p4, reported John Witherwick pleaded Guilty to a bill indictment charging him with stealing at Sculcoates, one cock and two hens, the property of John Darley. Sentenced to be imprisoned for two calendar months to hard labour. Yorkshire

York, 18 October 1838, John Witherwick, 20, and Joseph Witherwick, 13, larceny from a vessel. John, who could read and write well, received two months, and Joseph received one month.

York, 2 April 1840, John Witherwick *alias* Withernwick, 23, read and write well, larceny before having been convicted of felony, 6 months.

Hull Packet, 10 April 1840, p2, reported John Withernwick was charged with stealing one basket, one piece of calico, and a quantity of pig leaf, the property of Christopher Smith, on 24 January last. Sentenced to six months' imprisonment to hard labour.

York, 29 December 1841, John Withernwick, 24, housebreaking before convicted of felony, 15 years.²⁶

A letter to the Mayor of Hull on 6 January 1842, to remove John Withernwick and others from the Gaol at Hull to the *Justitia* hulk at Woolwich.²⁷

The prison Registers show that John Witherwick, 24, stealing plate &c, was convicted at Kingston on Hull on 29 December 1841 and sentenced to 15 years. Sent to Van Diemen's Land on 7 March 1842 per *Eden* (2).²⁸ He arrived in Tasmania on 7 July 1842.

Tasmanian Indent Record:

John was 5'7¼", 25, Protestant, can read and write, single, convicted of stealing silver plate - spoons, salt cellars, forks &c from Mrs King, on 29 December 1841 at Kingston on Hull quarter sessions and sentenced to 15 years. Once assigned in school, a labourer from Garton. His father, George, a yeast warehouseman, and his mother, Nancy, were in Hull. His brothers, George, William, Joseph, Samuel, and sisters, Mary and Nancy, were all at Hull. It seems the family knew that Thomas had been executed in 1835. John indicates that his brother George was in Hull, but it seems George was probably still in Tasmania.

John was subject to fits and lost the use of his left arm through fits.

His Conduct Record shows:

John has a fresh complexion, dark brown hair, no whiskers, a round face, and light hazel eyes.

Subject to fits, lost part of 3rd finger on the right hand, left hand, and arm crippled.

He was a labourer and tutor and was sent to work at Saltwater Creek. The Saltwater River area contained two penal settlements. One was an agricultural settlement, which produced vegetables, wheat, and had a piggery. The other was a coal mine, known amongst convicts for its hellish conditions.

John has a few relatively minor offences, for which he was punished.

²⁶ TNA, HO27/50, 56, 62, 68

²⁷ TNA, HO13/79

²⁸ TNA, HO8/71

On 13 November 1845, he was ordered to the Invalid Department, being permanently disabled for the performance of hard labour.

Ticket of Leave on 20 February 1849. Conditional Pardon refused 17 July 1849. Recommended for Conditional Pardon on 2 July 1850.

The *Cantero* departed Hobart for Melbourne on 3 May 1852, with John Witherwick in steerage.

He had an unclaimed letter, Melbourne, 17 September 1857, possibly from his brother Charles Minden. The letter was addressed to John Witherwick at Glenorchy and could be claimed by quoting 210. Glenorchy, at the Melbourne Post Office.

What happened to John? Did he return to England or stay in Victoria?

It appears likely that he returned to England, and his brother's attempts to contact him in 1857 and 1860 were in vain.

He possibly returned to England on:

3rd class: J. Wetherwick, 38, Irish, left Melbourne per *Medway*, for London, on 17 March 1855.

John appears to be on the 1861 census:

J. Witherwick, 44, shoemaker, unmarried, born at Garton, Yorkshire, was a pauper in the Kingston on Hull workhouse.

He died on 4 February 1862, at Hull, aged 44.