

**The life story of Stephen Millard, father of Joseph.....our ancestors who were born in England, sent to Australia as convicts and became free men.**

(All records have mostly come from Ancestry.com, Ancestry Newspapers, various sources in Western Australia and records obtained through genealogists in England, over a long period of research)

Document compiled by Ross, Diane and Stephen Millard in February 2025.

Email - is [rossanddianemillard@gmail.com](mailto:rossanddianemillard@gmail.com) for any information that would be helpful.

**NB -?? in pages refer to information that may not be correct or unsure of details, or words illegible in original documents. We have checked all records to the best of our knowledge at the time.**

### **TIMELINE OF EVENTS**

1804 – 13<sup>th</sup> February – Stephen’s parents, John Millard and Sarah Budgett were married at Cloford.

1804 - 25<sup>th</sup> May - Records show that Stephen was born in early 1804 and baptised this day in the village of Leighton, Cloford in Somerset, England.

1805 - 5<sup>th</sup> June -Mary Foxwell, Stephen’s wife to be, was born to Jonathon Foxwell and Betty [Elizabeth] Jacobs

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1828 - 28<sup>th</sup> January - Stephen Millard married Mary Foxwell in Croscombe, Somerset, England

1828 – 26<sup>th</sup> March – Baptism Joseph Millard, Croscombe, privately.

1830 – 31<sup>st</sup> August – George born – baptised 10<sup>th</sup> November 1831... died

1833 - Preconvictions

31<sup>st</sup> March 1833 – Stephen Millard, 34, Charged with shooting at and wounding Daniel Fry, game keeper for the Rev. Mr Wickham, who was attempting to arrest him: and being in a closed land with intent to destroy game ( Western Flying Post 1/4/1833 ) The prisoner will be indicted at the Assizes for having at the same time entered a wood by night for the purpose of killing game. He was acquitted of the assault crime but charged with the second offence. (Reported in 1841 as shown below in the newspaper report)

1833 – Frances (Daughter)– born (Mary has listed Fanny as aged 8 in '41 and 15 in '51.... which doesn't tally)

1834 – Stephen (Son)– born.... died soon after

1836 – George (Second son also named)– born (Mary’s listed him as aged 5 in ’41 census and 13 in ’51 census.... which doesn’t tally??)

1838 – Stephen (second son also named) born

1840 - James and John Smith, Stephen Millard and Johnathan Hurd were caught poaching on 9 November.

1841 – James (Son) - born January

1841 – reported in the Bath Weekly Chronicle and Herald 7 January.... Stephen Millard, 34, for having assaulted David? Fry, in the year 1833. Not Guilty. The prisoner will be indicted at the Assizes for having at the same time entered a wood by night for the purpose of killing game.’

1841 – English Census in March – Ilchester County Gaol – Stephen Millard, aged 35 years, Criminal Prisoner.

1841 – English Census in March – Millard Family – Mary Millard, aged 35 years: Joseph aged 12 years, labourer: Fanny aged 8: George aged 5: Stephen aged 2: James aged 3 mths: Sarah Foxwell aged 65 (relative of Mary’s.... perhaps her aunt)

1841 – The Bath Chronicle, 7 April 1841 p3 & 15 April 1841. p3 – Stephen Millard was held in Shepton Gaol, Ilchester, prior to trial.

1841 – 8<sup>th</sup> April – Crown Court. Stephen Millard, charged with entering land at night, armed to take game.

Reported in the Western Flying Post -Sherborne and Yeovil Mercury 19<sup>th</sup> April 1841, Page 4

**A Story of a case of Poaching by Stephen Millard, John and James Smith and Jonathan Hurd. 19/11/1840 -Western Flying Post-Sherborne and Yeovil Mercury (The sentence)**

(Stephen Millard, John Smith, James Smith and Jonatan Hurd were indicted for entering a close of the Rev Mr Wickham, in the parish of Pilton, they being armed with intent to destroy game: and they were further charged with having assaulted a constable to prevent their lawful apprehension.

Mr Bere and Mr Fitzherbert conducted the case for the prosecution, and Mr Stone defended the prisoner.

Emanuel Day. - I am gamekeeper to Mr Wickham. On the Monday, the 9<sup>th</sup> of November, I was in Ham-Wood, in the Parish of Pilton. James Tucker and George Parker were with me. My cottage is near the wood. I left my cottage about 9 o’clock remained in the wood till about 1 o’clock in the morning. I had a mock pheasant in the tree. About 1 o’clock I heard several persons whistle, and I saw five men together. We were then lying on the ground: the men came within 10 yards: one of them snapped a gun: two of them had guns, and one had a bludgeon: I jumped up and collared two of them. John Smith was one of those I collared, and Millard was the other. I had known John Smith for about 7 years. I received a very heavy blow on the back of the head, which struck

me senseless. When I recovered, I found I still had hold of Smith: Millard at that time was striking me with the butt of a gun, and another man was beating me with a large stick. I then began to put my bludgeon into John Smith. They retreated a short distance: Millard then came on again with Hurd and began fighting, and John Smith got away from me: The whole five then retreated ten or a dozen yards: one of them said, “rush at him”, and kill him: My party then retreated 100 yards, and I saw no more of the prisoners. The fight lasted about 20 minutes, and I was very ill afterwards, and was not well in my head for more than a fortnight in consequence of the blows that I received. Upon getting to the cottage found Tucker was blood all over. I afterwards went back to the spot and found the broken stock of the gun.

Cross Examined - This spot was 300 yards from the path, I did not see Millard for some days afterwards. I was not then satisfied it was him. I saw him a second time, and after a little bit of looking at him I knew it was him, but he was differently dressed.

James Tucker, - I am gamekeeper to Mr. Tredway, of Wells, and was with the last witness. I saw 5 men come into the wood; I had seen the gun snapped. Day seized two of them, and I caught hold of another. We had a struggle and a fight. I received blows across my head with the butt end of the gun. My head was much cut. One blow split down my finger. I believe Millard to be the man who struck me, but I will not swear to him. I heard them say, “Kick at them---Kill them. I was nearly covered with blood and was attended by a medical man. Hurd beat down the knuckles of my left hand. I still feel the effects of the injuries.

Cross Examined -I was here 16 days when Millard was tried once before.

George Parker. -I am a labourer at Wells and accompanied Day and Tucker that night. I saw Millard strike Day was struck several times.

Millard, in his examination before the magistrate, stated that the other 4 prisoners were the poachers.

John Smith stated that Millard said he had shot a keeper before, and he would kill another before he was taken.

Mr Stone then addressed the jury for the prisoners. His Lordship summed up the case, but the verdict was not returned when our reporter left today.

#### Sentencing –

His Lordship then ordered that John and James Smith, Stephen Millard and Jonathan Hurd who were found guilty of a similar offence on the lands of Rev Mr Wickham. Should be put up to receive sentence.

Mr Justice Erskine – Then said to the four prisoners:

“ You all have been found guilty of a similar offence, which was accompanied with great violence towards those who were authorised by law to apprehend you, and it is highly necessary to put a check on those offences, not for the sake of protecting game, but the lives of the keepers which are at stake in the lawful exercise of their duty, and to prevent such persons as you from following any longer your ill course.”

“As for you Stephen Millard, you committed the offence under very aggravated circumstances, and I have every reason to believe that you are a man who has for a length of time been engaged in those transactions.”

“The sentence of the court is that you be transported for 7 years: and the sentence of the court you, John Smith, James Smith and Jonathan Hurd is that you be imprisoned and kept to hard labour for 18 calendar months.”

The criminal business closed today.

As a result of his previous criminal history, Stephen was sentenced with 7 yrs transportation as stated above. Transportation at this stage didn't occur. (No records can be found. He was imprisoned on a hulk by September.)

1841 -12<sup>th</sup> April: Shepton Gaol Description: Stephen Millard. Reads well...Married... Five children. Marks: Cut on top lip. Two cuts on middle finger on left hand.

1841 -19<sup>th</sup> April. The same paper, as above, reported the sentences. Stephen Millard for poaching ,7 years and John and James Smith and Jonathan Hurd for poaching ,18 months with hard labour.

1841 - Documented Entry from the England, Criminal Lunatic Asylum Register 1820 - 1876 .... Quarterly return of prisoners in Hulks.... September:

Prisoner no. 721...Stephen Millard, aged 37.... Offence: Entering enclosed lands for the purpose of destroying game. Taunton. 3 April 1841.... 7 years.

Surgeons report – healthy. Behaviour during the quarter – Good.

1841 – Quarterly return for December for prisoners in Hulks: Stephen Millard – same as above. Surgeons report – healthy. Behaviour – Very good.

1842 – Quarterly return for December for prisoners in Hulks: Stephen Millard– as above. Surgeons report – healthy. Behaviour – Very good.

1844 – Quarterly return for June for prisoners in Hulks:

Prisoner no. 721...Stephen Millard, aged 37..... (listed as 37 years old for the past three years.!!) Surgeons report – ulcer on the leg?? Behaviour – Very good/good.

1846 - 6<sup>th</sup> April: “Daily News” reported that Joseph Millard and James Phillis were indicted for breaking and entering the dwelling house of Prosecutor George Norman, at Kilver-Street, Shepton Mallett, and stealing three five-pound notes and other monies.

Sunday evening: The prosecutor went to church about six o'clock in evening, leaving his money box safely deposited in his bedroom. When he returned between 8 and 9 o'clock, he discovered the pantry window broken open and that his money , 4 x \$ 5 pound notes, 9 Sovereigns and a half, and some silver had been stolen, 3 of the sovereigns were marked in a peculiar way and those sovereigns as well as the notes were traced to the possession of the prisoners who were at once apprehended. The Jury found a verdict of Guilty; the prisoners were sentenced to 18 months imprisonment. (Joseph in Gaol till Oct? 1847)??

(Western Circuit-Taunton April 3, 1846)

(This sentence for Joseph was to have an impact on his later sentencing in 1850.)

1848-Stephen, (his father), should have been released around April after completing his seven years sentence. We have no records at this stage of his release. But he was free then to reoffend: Charged with receiving stolen goods in 1850.

### **Convictions at Epiphany Sessions in Wells, Somerset**

1850 – 31<sup>st</sup> December: At the Epiphany Sessions of the court held in Wells, Somerset.....Joseph Millard, son of Stephen, and Thomas Millard (probable relative, cousin), were charged with stealing 3 geese, 9 ducks, 14 fowls, 3 turkeys, a saddle and other articles, the property of Robert Cozens. Stephen was charged with receiving. Given their history of previous convictions and behaviours, all three were tried and found guilty. Joseph and Stephen were sentenced to 14 years imprisonment/transportation to Australia. Thomas received 15 years. (Thomas was transported on 24/8/1858 on the Edwin Fox to Western Australia. The ship, Edwin Fox eventually was revived and restored and is now in Picton, New Zealand as a Museum ship)

(. Bristol Mirror 4/1/1851 Page 4)

(Taunton Courier and Exeter Journal and Western Advertiser, 8/1/1851)

1850: -31/12/1850, Wilton Gaol Description Book (From Wells Epiphany)

No 238 – Stephen Millard, 50 years, height 5ft 9 inches, complexion fresh, eyes hazel, hair brown, status - married, scar corner of left eye, labourer, born Layton. Shepton Mallet.

No 237 -Joseph Millard, 22 years, height 5ft 10 inches, fresh complexion, eyes hazel, hair brown, status single, small scar on left thumb, labourer, born Croscombe. Shepton Mallet.

1851 –England Census – Night of 30<sup>th</sup> March.

Northamptonshire, Northampton (Borough), St Sepulchre (Parish). Barmigh (?) Gaol,

Stephen Millard 50. (46) Farm Labourer, born Layton.

Joseph Millard 22, Farm Labourer, born Shepton Mallett.

Sometime from April 1851 they were transferred to hulk, “Warrior”. This ship served as a 74-gun man of war, purchased by prison authorities in 1840, served as a hulk until 1851 when a mutiny broke out on board. Disturbance was put down by Royal Marines. Prisoners were then sent to Millbank prison in London. The “Warrior” was sold off soon after. (Still to confirm from second source)-1855

### **1851- England Census, Night of 30<sup>th</sup> March.**

Millard Family: \_ at Kilverstreet Plain, Shepton Mallet. (As written in Census book)

Mary- 45, head (born-Croscombe.) Fanny- 15, silk winder (born-Shepton Mallet,) George- 13, At Home (born -Croscombe), Stephen - 10, Silk Winder (born-Farmborough, (This is SW of Bath in Somerset,) (No record of James who was on 1841 Census. It’s possible that he died.)

And three lodgers, - 2 silk winders and a crepe weaver.

1852 –Beginning of May. Stephen and Joseph Millard transferred from Millbank prison ?? and previously the hulk “Warrior”, to board the “William Jardine” at Plymouth. The ship departed on the 3<sup>rd</sup> May 1852 for its three-month voyage to Western Australia.

1852 - 5<sup>th</sup> July -, Stephen Millard, younger son of Stephen and younger brother to Joseph, (believed born 1834- and now 18 years old.

Criminal Register-For Somerset, Tried for Larceny and received a sentence of 6 weeks and whipped. For stealing a purse, containing 2 shillings and other monies, the property of Edmund Atwell. (Bristol Mirror 10/7/1852)

### **WESTERN AUSTRALIA**

The William Jardine was a 671-tonne ship, built in Liverpool in 1836. It was employed as a convict ship. It carried the 7<sup>th</sup> of 37 shipments of Male convicts, destined for the Swan River colony, Western Australia. The voyage took 88 days and arrived in Fremantle on the 1<sup>st</sup> of August 1852 with 102 Passengers, 212 convicts. James Raiff was the Captain, James Donnelly was the Surgeon.

Upon arrival, new convict numbers were assigned, and their descriptions taken.

Convict Number 1362: Stephen Millard, sentenced to 14 years at Wells on 31/12/1850, age 42. (He was 48 in 1852, born in 1804.)

Convict Number 1363: Joseph Millard, sentenced to 14 years at Wells on 31/12/1850, age 23, (He was 24 in 1852, born in 1828.)

# Current Family Records (2025) in Queensland have verified that this “Stephen” is Joseph’s father.

### **As described on entry to Fremantle**

1852 -5<sup>th</sup> August. - Superintendent orders 1850-1854, Convict Dept, Page 41.

1363, Joseph Millard, 5th August 1852, arrived Fremantle, 5ft 9 and a half inches, fair skin, hazel eyes, oval face, dark brown hair, stout, from Warrior hulk (age 23)

1362, Stephen Millard, 5th August 1852, arrived Fremantle, 5 ft 8 and a half inches, fresh skin, dark eyes, long face, dark brown hair, stout, from Warrior hulk (age 42)

### **Location /Employment: CE or Convict Establishment**

The first convict transport ship was the “Scindian” which arrived in Fremantle on 1/6/1850 including 75 prisoners selected for their exemplary conduct. These men and the convicts to follow were employed in building the Fremantle Prison. Construction of major public works were instigated, and convict depots were established to enable convict gangs to be co-ordinated to build roads, bridges, and drainage to allow connection and communications between towns. By

the end of 1852, most convicts had been released on Ticket of Leave and were in private service, whilst the remainder were involved in road making. Then came the impetus of 1129 men, who arrived in 1853 to bolster public buildings construction and were crucial to road and bridge construction on the Perth to Albany Road.

### **Stephen Millard work history and convict record.**

1853- 1<sup>st</sup> August – To work on lime kiln and permitted to go into the bush for wood.

1853- 4<sup>th</sup> October -to Clarence River encampment.

1854- 24<sup>th</sup> February – C E Medical, Medical Journal for Patient 1853-1854

Stephen Millard was admitted on 24<sup>th</sup>, February. (This man is admitted into hospital, cold shivering and heart and pain in the head. -Sebricula??, Treatment -Woolwick?? Discharged 26/2/54 Health-Good. (Hard to read document.)

1854- C E- 24<sup>th</sup> March, to sawpit with extra rations (Pit sawing was an onerous occupation especially for the man in the pit.)

1854 -1<sup>st</sup> July, Ticket of Leave discharge. (C E -Receipt's and Discharges 1855-59)

T L or ticket of leave, was granted, being adjusted for their level of behaviour, before their sentence expired. This freed the convicts to seek employment under a master or to seek their own work, report monthly to local resident magistrate and notify him of any changes to employment. Couldn't leave their district without permission and a pass and he could be self-employed and engage other ticketers, own land and marry.

1854-20<sup>th</sup> July -Returned to Mt Eliza depot after granted pass. (Mt Eliza depot was on the Swan River, it was a hiring depot and steam mill. Also, where the Swan Brewery stands.)

1854- 21<sup>st</sup> July- engaged to Henry Burgess for 12 months work @ 15 shillings for first 3 months then 30 shillings for remaining 9 months. Henry was an early pioneer of the district.

1854-20<sup>th</sup> October. -returned to Depot after getting pass. T L. (He finished early with Burgess as he could now make his own decisions with having a T L.)

1855-31<sup>st</sup> January-joined Mt Eliza Depot.

1855 -24<sup>th</sup> February-assigned/engaged to David Guthrie, Perth.

1859-19<sup>th</sup> August- Stephen Millard T L. He was charged by Police Constable Singleton with having in his possession on the night of the 8<sup>th</sup> instant, a gun contrary to Ticket of Leave regulations, and also with having represented himself to be a free man. The prisoner acknowledged his guilt and said that that was the first or second time he had carried a gun and as he had been many years on Ticket of Leave without any charge having been preferred against him, he hoped his worship would deal with him leniently. His worship said that in consideration of his previously good character, and as it was only in his power if he punished him for carrying firearms without having permission, to do so -to send him to the convict establishment, CE. He would dismiss that charge, but for deceiving the Policeman, he would fine him 10 shillings.

1859- C E Stamp books 1857-1864: 2nd October, Stephen Millard, pounds per week, ??  
Signature H E.

H E, refuses to sign off on C P (Conditional Pardon) (Very hard to read document)

1859- 28<sup>th</sup> October, Perth Police Court: W. J Reid and Thos Jenkinson were charged by Stephen Millard on 3<sup>rd</sup> of October, stealing from his hut. Several articles of clothing (Shirt/Boots and some provisions). Reid and Jenkinson to trial and received 6 months hard labour.

1860- Convict Department Register-General Register 1850-1868

Stephen Millard—Ticket of Leave -1<sup>st</sup> July 1854, Conditional Pardon -29<sup>th</sup> December 1860.

A Conditional Pardon was virtually a remission of sentence and could be received after serving only half the sentence. He was free to leave the colony but not allowed to return to Great Britain or the place of conviction. After 1864 Conditional Pardons were not granted and Ticketers had to stay in the state until their full sentence had been served, before they were eligible to leave.

1861 -22<sup>nd</sup> March -From Perth Gazette and Independent Journal of Politics.

Stephen Millard and John Henderson charged by T.Church, the lessees of the city council lands in South Perth, with cutting and removing timber from off council lands without having a licence.

The case was withdrawn and arranged out of court.

1861- 14<sup>th</sup> August - Perth Police Court: Stephen Millard C P, charged with stealing a handkerchief from S. Russell at Bulls Creek by P C Staines, Case dismissed. (Inquirer and Commercial News, Perth)

1863- Local Prisoner Register and List of Colonial Lunaticism 1858-1868.

2<sup>nd</sup> June 1863, convicted as a Rogue and Vagabond: 1 Month sentence. Received on 25/6/63 and discharged on 21/7/63 ---Stephen Millard -Number- 1362.

(Extra document has dates of Stephen Millard-C P -22/6/63: Received 25/6/63: Discharged 22/7/63)

1863 - WA Convictions -C E. June received as local Prisoner. 2 Months. Stephen Millard. (from Midwest WA Heritage Convict Register Details)??-Offence unknown.

1864 -19<sup>th</sup> March -Unlawful assault on Catherine Henderson. Fined 5 shillings or 2 months.

1864 - 19<sup>th</sup> March -Damaging a public building. (Lock Up). Fined 20 pounds and 5 shillings or 3 Months.

1864-19<sup>th</sup> March, CE Local Prisoner -2 months for Assault C. Henderson, 3 months for Damaging a public building. (Couldn't pay so went to Convict Establishment for 5 months in total, until mid-August.)



### **Medical Records (Hard to decipher some words)**

1864- 24th March -Class, local- Stephen Millard-, Labourer, 64 Years.

Reported to surgeon -C.E.

27<sup>th</sup>, 28<sup>th</sup>, 29<sup>th</sup>, 31<sup>st</sup> March, and 1<sup>st</sup> April for treatment (hard to read statement)

1864 -12<sup>th</sup> May -CE, Freemantle Casual Sick Register. Class, Local, Stephen Millard, age 64, Labourer.

Cause of .....Ophthalmia?

1864 – 15<sup>th</sup> May- Ophthalmia, Hot ???, Zinc, oculus ??

17<sup>th</sup> May -Ophthalmia, Lotion

12<sup>th</sup> June, Ophthalmia, warm compress.

### **Excerpts found in Historical newspapers, Trove.**

1869 – 10<sup>th</sup> April, from The Herald – Cricket Match – S. Millard played in a cricket match at Bootnal, south of Geraldton, against Victoria district, which is slightly east of the town of Geraldton. Batted both innings. No runs.

1870 - 6<sup>th</sup> September -The Express Newspaper – Passenger Millard departed from Fremantle for Champion Bay on board “Twinkling Star”.

1873 - 28<sup>th</sup> June – Printed in Herald Fremantle - Shipping Report for 24<sup>th</sup> June -Passenger S. Millard arrived on board “May “from Champion Bay.

1873 - Northwest Almanac -1880-1885. Employed as a shoemaker at Champion Bay (Northern Edge of Geraldton WA)

1876 - 13<sup>th</sup> December - Inquiry and Commercial News, Perth. – Passenger Millard from Champion Bay to Perth, arrived in Perth on 10<sup>th</sup> December. “Subahani” schooner.

1881 -WA Almanac -Listed S. Millard: Shoemaker: Harding River (Cossack/Roebourne) (He would have been 77 years old.)

Listed in WA Almanac in 1879,1880,1881,1884. (Last known record, also as a shoemaker.),

**No known death record or grave has been found for Stephen Millard** but assume he passed away after 1884, at 80 Years of age, based on his birthdate of 1804. And as above, his last place of residence was Harding River /Cossack/Roebourne. WA.

**Joseph Millard, Son of Stephen Millard.**

Joseph Millard, age 23, Son of Stephen, who came to Fremantle, Western Australia in 1852 on the William Jardine.

Very few records exist of his convict years in WA. Convict No was 1363 ,14 years convicted at Wells 31/12/1850.

His ticket of Leave was granted on 17<sup>th</sup> March ,1855. His Conditional Pardon was granted on 5<sup>th</sup> November 1859.

He departed West Australia from King George sound, near Albany on the P&O Mail ship the Northam, on 31<sup>st</sup> January 1860 to Sydney in the eastern states. He made his way to the Darling Downs; On Westbrook Station he married Jane Underwood and in Drayton raised a family of 6 children who survived to adulthood.... one of his sons, Stephen becoming a policeman in the Qld Police Force!!!

His story has been also compiled by Millard family members.