

## **Thomas Stubbs, Scindian convict #21 – Twice transported!**

by Joanne Hyland

Thomas Stubbs was a 17-year-old sawyer and collier when he was convicted of housebreaking in March 1848 and sentenced to 14 years' transportation, due to having a previous conviction for burglary from two years earlier. Born to parents Thomas Stubbs and Maria Reade on 22 July 1830, at the time of his transportation his parents were listed as living at Golden Hill near Crewe, in Cheshire. He served the first part of his sentence in Pentonville Prison before being transferred to Portland Prison by August 1849, prior to impending transportation to the Swan River Colony departing February 1850.

From the time of his arrival in Western Australia Thomas must have been thinking about how to escape his punishment. He received his ticket-of-leave on 14 May 1851 but by September 1852 the governor had instructed that he be returned to the Convict Establishment with a sentence of six months' hard labour for attempting to escape. He was to be worked in irons until 31 January 1853. He had been working, possibly as a sawyer, in the Vasse district and had been found to have concealed himself on a vessel in an attempt to escape custody. The local Resident Magistrate John Bussell had convicted Stubbs of this offence but somehow on his arrival in Fremantle Stubbs convinced the Police Constable that he had been wrongly divested of his ticket-of-leave. The Governor did not look kindly upon his attempts to mislead the authorities, and it was this, along with the fact that he had attempted to abscond, that led to his harsh punishment.

This experience seems to have only strengthened Stubbs' resolve to escape the authorities. Once more under ticket-of-leave by March 1853, a year later he was aboard the ship *Isabella Blyth* heading for Champion Bay but never reached the intended destination for employment at the Geraldine Mine. Official correspondence details the authority's conclusion that he had either perished or escaped. The Governor was again disgruntled as Stubbs had disappeared in March 1854 and his absence was not reported until 7 months later in October 1854.

Thomas had indeed managed to escape and from his own later testimony had been on a vessel headed for France. Instead he found himself landed back in England, the one place he was not meant to return whilst still under sentence. He managed to find his way back to Chester and this was where he was once again apprehended, on a canal boat in Macclesfield. His identity was proven and he faced the courts once again, this time for returning from transportation.



A modern photo of a traditional long narrow boat on the Macclesfield Canal – image sourced from <https://travelexaminer.net/cheshire-ring-canal/>

The *Cheshire Observer* of 8 December 1855 reported:

*“Witness found him on the 11<sup>th</sup> November in a canal boat at Macclesfield. When charged with being unlawfully at large, he said he had an authority but had lost his ticket. In the declaration taken at the time the prisoner stated that he was sent out to West Australia, where he received a ticket of leave, and subsequently a conditional pardon. He worked for himself and saved £73; he then set sail in the Isabella for the Isle of France where the vessel was to put in for water, but she did not do so, and came direct to London so that he had no chance to land at France. He was found guilty, and sentenced to six months’ imprisonment, and then to be transported for life.”*

Stubbs served the six months in Knutsford Prison in Cheshire before once again being transferred to Portland Prison in readiness for transportation. He was returned to Western Australia on 19 August 1859 aboard the *Sultana* as prisoner #5372. The one difference in his status was that the second time around he was listed as being married. A marriage record has been found for a Thomas Stubbs in Macclesfield in the third quarter of 1855 to an Elizabeth Davenport. He was 29 years of age when he arrived back in Western Australia. Three years later, on 17 February 1862, he received his ticket-of-leave with his Conditional Pardon following almost four years’ later on 30 December 1865. Records indicate that he was working for himself in the Murray region from around 1861.

The Convict Establishment records reveal that in March 1866 Stubbs was sentenced to 7 days’ imprisonment for refusing to give an account of himself and for resisting police. Stubbs continued his run-ins with authority as twenty years later in 1885/1886 he was still recording minor convictions for drunkenness (Perth), assault (Fremantle) and deserting the service of his employer (John McAtee in Pinjarra, causing the forfeit of all wages due to him). At this time his physical appearance was described as being “middling stout, aged 55 years, 5ft 5½ in tall, light hair turning grey, hazel eyes, long visage, fair complexion”. No record has yet been found for Stubbs marrying in Western Australia or of his ever having had children.

Stubbs was portrayed as having a mischievous cheerfulness in the face of authority. On 30 June 1885 the *West Australian* reported on Perth Police Court proceedings of the previous day:

*“Thomas Stubbs was placed in the dock and charged by Constable Edwards with drunkenness. In reply to the Magistrate's enquiries, Stubbs cheerfully admitted the charge, and informed His Worship that he had never been before him before. Fancying he could detect an expression of exceeding clemency in Mr. Padbury's countenance, he looked somewhat jubilant, but his hopes speedily sank to zero as he heard the curtly expressed sentence of a fine of 5s.”*

Two Western Australian death records (no's 1311 and 2816) indicate that a Thomas Stubbs originating from England, died in 1905 at the age of 82 years. Is this a duplication of one record? Was this the convict Thomas Stubbs? Further research may reveal the answer. What is evident is that Thomas Stubbs, from a young age, had an issue with authority and had no wish to let it rule him. It did however, strongly influence his life and bestowed upon him the dubious honour of being twice transported to Western Australia, the second time with no possibility of further return to his homeland.

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