

Samuel Tolley, 9594, *Norwood*

Researched by Marcia Watson

Name variations: Tolly, Tully, Tooley

Born	14 April 1838, Old Forge, Swan Village, West Bromwich at 9 am.
Baptism	29 April 1838, Christ Church, West Bromwich, Staffordshire
Parents	John Tolley and Maria Phillips
Parent's marriage	Not found
Siblings	Sarah (1825), William (1826), John (1828- ?), Thomas (1830), John (1832), Henry (1835), Mary (1840), Harriet (1842)
Wife	Elizabeth
Marriage	Not found.
Children	

John and Maria Tolley initially lived at Tipton, between Dudley and West Bromwich in Staffordshire. When Samuel was born, they lived in Swan Village, about 2km from West Bromwich.

On the 1841 Census, the family lived at Prices Old Forge, West Bromwich, Staffordshire.¹ John Tolly 40, a coal miner; his wife Maria 25, and children:
Sarah 15, Will 13, a coal miner, Thomas 11, John 8, Henry 6, Samuel 3 and Mary 1

By the 1851 census, the family had moved to Dudley Road, West Bromwich.² John Tolley, 51, coal miner, his wife Maria 48, and their children:
John, 19, coal miner, Henry 15, Samuel 12, Marie 10, Harriet 8, all born West Bromwich Staffordshire. There also a lodger, David Ridley, 20, coal miner.

Samuel's father appears to have been unable to work around 1854.³ Unlicensed Cider Shops. On Tuesday, John Tolley, of Great Bridge, was summoned to the Police Office on a charge of selling cider without a license. The case was clearly established on the testimony of John Jones, formerly a policeman and sub-inspector Baxter, who informed the bench that complaints had been made by the inhabitants who saw drunken men coming out of such places, locally termed "wobble shops" on Saturday and Sunday nights. The defendant, who pleaded illness and poverty, said that some friends in the country made him a present of the cider, which he sold, being incapacitated from doing any work, was fined the mitigation penalty of 40s and costs.

Samuel Tolley was convicted of stealing lead and sentenced to 14 days on 19 February 1856 at Stafford. Later the same year, the newspapers reported:
Samuel Tolley, 16, collier, was charged with stealing two pieces of brass at Oldbury, Warwickshire, on 12 June 1856, the property of William Bennett. Samuel was seen taking the brass from the machinery in a pit. A banksman ran after him and found one piece of brass in Samuel's possession. Through promises the banksman made to the prisoner, he was shown where another piece was concealed. Having been convicted of a similar offence, Samuel was sentenced to six weeks hard labor.⁴

The following year at West Bromwich, Samuel Tolley and two others were brought up on remand on the charge of stealing iron at Tipton Green in August 1857. The police had no additional evidence, and the court believed there was insufficient evidence to convict them, so they were discharged.⁵

¹ TNA UK, 1841 census, HO 107/978/7

² TNA UK, 1851 census, HO 107/2025

³ Wolverhampton Chronicle and Staffordshire Advertiser, 19 July 1854, p7

⁴ Worcester Journal, 05 July 1856, p6

⁵ Staffordshire Advertiser, 15 August 1857, p7

Samuel's father died before 1857, although no death has been found. His mother remarried in 1857.

Philip Morris married Maria Tolley on 25 December 1857 at Saint Thomas, Dudley, Worcester.

Samuel had trouble staying on the straight and narrow; he was before the court again in April 1858. The newspaper reported:

Samuel Tolley, 19, collier, and Thomas Sturges, 17, forgeman, and Thomas Williams, 21, puddler, were indicted for stealing seven roll brasses, the property of James Solly and another at Tipton. On 28 March 1858, two policemen stopped the prisoners on the canal side at Tipton. Tolley had something under his coat, which was found to be one of the stolen brasses. Williams was also seized, but Sturges ran off and threw something in the canal, which was later recovered and found to be another of the brasses. The prisoners had entered the prosecutor's works by breaking the lock. The jury returned a verdict of guilty. Previous convictions were proved against them, and Tolley and Williams were sentenced to four years of penal servitude. Sturges received six months hard labour in the House of Correction.⁶

The Prison Registers show Samuel was convicted on 6 April 1858 at the Stafford Sessions and sentenced to 4 years of penal servitude after a previous conviction for a felony. He was transferred to Millbank Prison on 17 May 1858 from Stafford Gaol. After eight months, he went to Chatham Prison in Kent on 20 January 1859, where the convicts laboured in the dockyards and Royal Arsenal at Woolwich. The description of Samuel notes he was 5'2¾" tall, with brown hair, grey eyes, fresh complexion and had been severely burnt on his arm, shoulder and breast. He had a scar on his right eyebrow and several moles on his back. Maria Tolley, Great Bridge near West Bromwich, is listed in the special remarks. Samuel's religion is Romanist.⁷

Samuel was in Chatham Prison when the 1861 census. Only initials were used for prisoners. S.T., convict, unmarried, 20, coal miner, born in West Bromwich, Staffordshire.⁸

His family lived at Great Bridge Road, West Bromwich, Staffordshire:⁹

Philip Morris, 42, Coal miner, born in Pensax, Worcestershire.

Maria Morris, wife, 50 (she was closer to 60!)

Henry Tolley, son, 25, coal miner; Mary Tolley, daughter, 21, employed in iron mill; Harriet Tolley, daughter, 19, employed in iron mill; and William Wielding, 38, boarder, miner.¹⁰

While in Chatham Prison, Samuel was regularly in trouble, as the Governor's Journal records.¹¹

23 June 1860: I directed Reg. 2210 Saml Tolley, together with John Waller and Thos Durkin to be detained in the Separate Cells under report for disgusting conduct in the Mass Room in St Mary's Island until the charges against them should be laid before the Visiting Director.

28 September 1860: Captain Gambier, the visiting Director arrived at the Prison at 12.15. He heard prisoner applications, and ordered 2210 Samuel Tolley and two others, named above, were to be relieved from leg irons, Lt labor and to be located in different divisions in the Prison and employed in different parts of the Dockyards.

5 October 1860: Saml Tolley, 3 days CC on Bread & Water

12 February 1861: A corporal punishment of 36 lashes was inflicted on each of the undermentioned 12 convicts in accordance with the Directors sentence in the presence of myself

⁶ Wolverhampton Chronicle and Staffordshire Advertiser, 14 April 1858, p7

⁷ TNA UK, Prison Registers, PCOM2/40; PCOM2/40; HO24/8; PCOM2/1; PCOM2/40

⁸ TNA UK, 1861 census, RG9/480

⁹ TNA UK, 1861 census, RG9/2026

¹⁰ Philip Morris, 56, of Great Bridge Road, was buried at West Bromwich on 12 June 1872. Maria Morris, 75, from Great Bridge Road was buried at West Bromwich on 1 May 1879.

¹¹ TNA UK, Governors journal, PCOM2/427 and 428

and the medical officer and such other officers as were required to attend. 2210 Samuel Tolley was one of the 12 convicts.

19 February 1861: Samuel Tolley and others on 2 days of bread and water and on chains for security.

5 April 1861: Samuel Tolley and others on 2 days of bread and water.

6 December 1861: 2210 Samuel Tolley was discharged on license.¹²

Samuel made his way back home. In 1863 he was in back in the newspaper and court.¹³ Prize Fighting at Rowley Regis. Samuel Tolley, 21, miner and David Round, on bail, pleaded guilty to unlawfully committing a breach of the public peace on 24 June 1863, at the parish of Rowley Regis, by fighting a pitched battle. The prosecutor merely wished to convince the participants of illegal conflicts, now common in the south of the country, that they could not disturb the public peace with impunity. The prisoners, after words of caution from the judge, were entered into recognizances of £20 each to appear for judgment when called upon. They were then discharged.¹⁴

In 1865, he was lucky when a charge was dropped.¹⁵

The Grand Jury ignored the following bills: Wm Green, 25, labourer and Samuel Tolley, 25, labourer, having on the 23 November 1865, at Oldbury, broken and entered the dwelling house of Henry Bumford and stolen three pairs of boots.

Samuel's luck ran out in 1865:

Assault and Robbery at Oldbury. Samuel Tolley and William Gibbons were indicted for feloniously and violently assaulting John Yates at Oldbury on 13 October and stealing from him money and a gold watch and chain. The prisoners met Yates and asked him a question, and while he was answering them, they attacked and robbed him. Each of the prisoners had been in trouble six times, and each had served penal servitude. They were sentenced to twelve years of penal servitude.¹⁶

Prison Registers record Samuel Tolley, 25, married with no children, could read, a miner, convicted on 7 December 1865 at Worcester Assizes of robbery with violence after a previous conviction. He was sentenced to 12 years penal servitude. Samuel was transferred to Wakefield Prison on 9 January 1866, and on 11 September 1866, he was sent to Chatham Prison.

Received at Chatham from Wakefield Prison on 12 September 1866, discharged per *Norwood* on 27 March 1867 to Western Australia. 1867.¹⁷

On arrival in Western Australia, Samuel was described as:

9594. Samuel Tolley, 24, 5'3¾", brown hair, grey eyes, an oval face, pale complexion, healthy, scars on both shoulders, miner and single, read and write a little, Protestant.

His family lives in Great Bridge, Stafford. Wife Elizabeth at Great Bridge, Dudley.

Samuel was sent to Bunbury where, between 25 September 1867 and 29 July 1869, he was charged with various offences with sentences ranging from having his tobacco stopped for a month, 7 days of bread and water, to time in Prison. He returned to Fremantle Prison in 1869 for 6 months and, until 10 September 1872, saw more charges and time in Prison. In 1873, he was sent to Geraldton to work until 1877. See <https://midwestwaheritage.com/resultmcr/?id=2131>

Samuel received his Ticket of Leave on 27 February 1878. He left Geraldton and lived at Jarrahdale when he was named a co-respondent in a divorce case in 1881.

¹² TNA UK, Prison register, PCOM2/7

¹³ TNA UK, Prison register, HO27/136

¹⁴ Staffordshire Advertiser, 25 July 1863, p6

¹⁵ Worcester Journal, 07 January 1865, p10

¹⁶ Birmingham Daily Post, 11 December 1865, p6

¹⁷ TNA UK, Prison registers, PCOM2/3; HO23/20; PCOM3/3

The Court for Divorce and Matrimonial Causes, Western Australia.

On 7 March 1881. The Petition of James Henry Dixon of Bunbury, Western Australia, mercantile clerk Showeth:

1. That your Petitioner was on the 3 December 1872 lawfully married to Rachel Brownsworth¹⁸, widow, in the Congregational Church at Perth.

2. That after the marriage your Petitioner lived and cohabited with his wife at various places in the colony and that your Petitioner and his wife have had no issue of their marriage.

3. That on or about 3 March 1874, Rachel Dixon and your Petitioner were residing at Geraldton. Rachel Dixon left your Petitioner's house and went to live and cohabit with Samuel Tully and has ever since that date lived and cohabited with Samuel Tully at various places in the colony and is now living at Jarrahdale.

4. That since Rachel Dixon has been living and cohabiting with Samuel Tully she has repeatedly committed adultery with various persons whose names are unknown to your Petitioner.

5. Since Rachel Dixon went to live and cohabit with Samuel Tully your petitioner has never lived, resided or cohabited with his wife but has been living separate and apart from her.

Your Petitioner humbly prays that your Honor will be pleased to decree a dissolution of the said marriage. Jas H Dixon

Divorce was made Absolute in September 1881.¹⁹

The following year, Samuel and five others were charged with disorderly conduct at the Race Course on 5 January 1882. Samuel was sentenced to 6 months and was fined £10 for the damage done to a stall. He was discharged from prison on 21 June 1882.²⁰

Samuel left Western Australia on the *Macedon* in 1882, just under three weeks after getting out of prison. The ship left Fremantle on 11 July, called at Bunbury and Vasse on the 12th, left King George Sound on the 15th and arrived at the Semaphore, Port Adelaide, on 20 July 1882. She left the following day for Melbourne. It seems likely that Samuel disembarked at Adelaide rather than Melbourne.²¹

Apart from one possible court appearance in 1893, nothing has been found on Samuel. Two Broken Hill miners, Henry Douglas and Samuel Tolley, at Opie's Hotel, Burra, were charged with stealing a collection box from the Burra Hospital on 20 February 1893. Douglas was discharged from the hospital on Sunday, the 19th, for bad conduct, and Tolley left the hospital on the 20th. At the Magistrates Court at Redruth on 22 February, the case against both men was dismissed as there was insufficient proof to convict either of them.²²

Samuel Tolley, 67, died on 22 September 1902 at Wentworth, NSW. He died of cardiac asthma (a type of coughing or wheezing that occurs with left heart failure) of 41 days duration, sudden dilatation of the right side of the heart and syncope. Samuel was a labourer from England, and his parents were John Tolley, a miner, and Maria Phillips. He was buried on 23 September in the Church of England section of the Wentworth Cemetery.

His death certificate says he spent 6 years in South Australia and 30 years in New South Wales. The total of 36 years in Australia indicates his arrival was around 1866-7.

¹⁸ Rachel Priest firstly married convict, John Brownsworth (5480) in 1864.

¹⁹ SROWA, CONS 3404, Box 1, Packet 19/1881

James Dixon secondly married widow, Sarah Maria Mainwaring née Brittain the same year.

²⁰ <https://trove.nla.gov.au/newspaper/article/110501650?searchTerm=jarrahdale%20races>

²¹ The Argus, 24 Jul 1882, p4

²² South Australian Chronicle, 25 Feb 1893, p12; Burra Record, 1 Mar 1893, p2