

## FRANCES MILLS AND HER MANY PARTNERS

Frances Mills was my maternal 4x great grandmother. She was born and first married in England, transported as a convict to New South Wales in 1817, became a successful businesswoman in Sydney, and died there in 1837. During her life, Frances partnered with many men, two of whom she married formally. Frances had nine children; seven in England and two in Australia.

This story is one of a series I have written about my ancestors who emigrated to Australia or were born there. The other biographies in this series are;

Thomas Kelsey (1804-1866) and Mary Johnson (1802-1877)

Richard Whiting (1811-1853) and Susanna Harley (1812-1867)

Thomas Moore (1821-1890) and Mary Jane Kelsey (1827-1874)

John Sands (1818-1873) and Marjorie Moffat Chisholm (1830-1904)

William George Whiting (1838-1917) and Amy Jane Moore (1853-1935)

John Kane Smyth (1836-1891) and Ada Mary Sands (1857-1946)

Keith Moore Whiting (1882-1939) and Mary Grant Smyth (1887-1969)

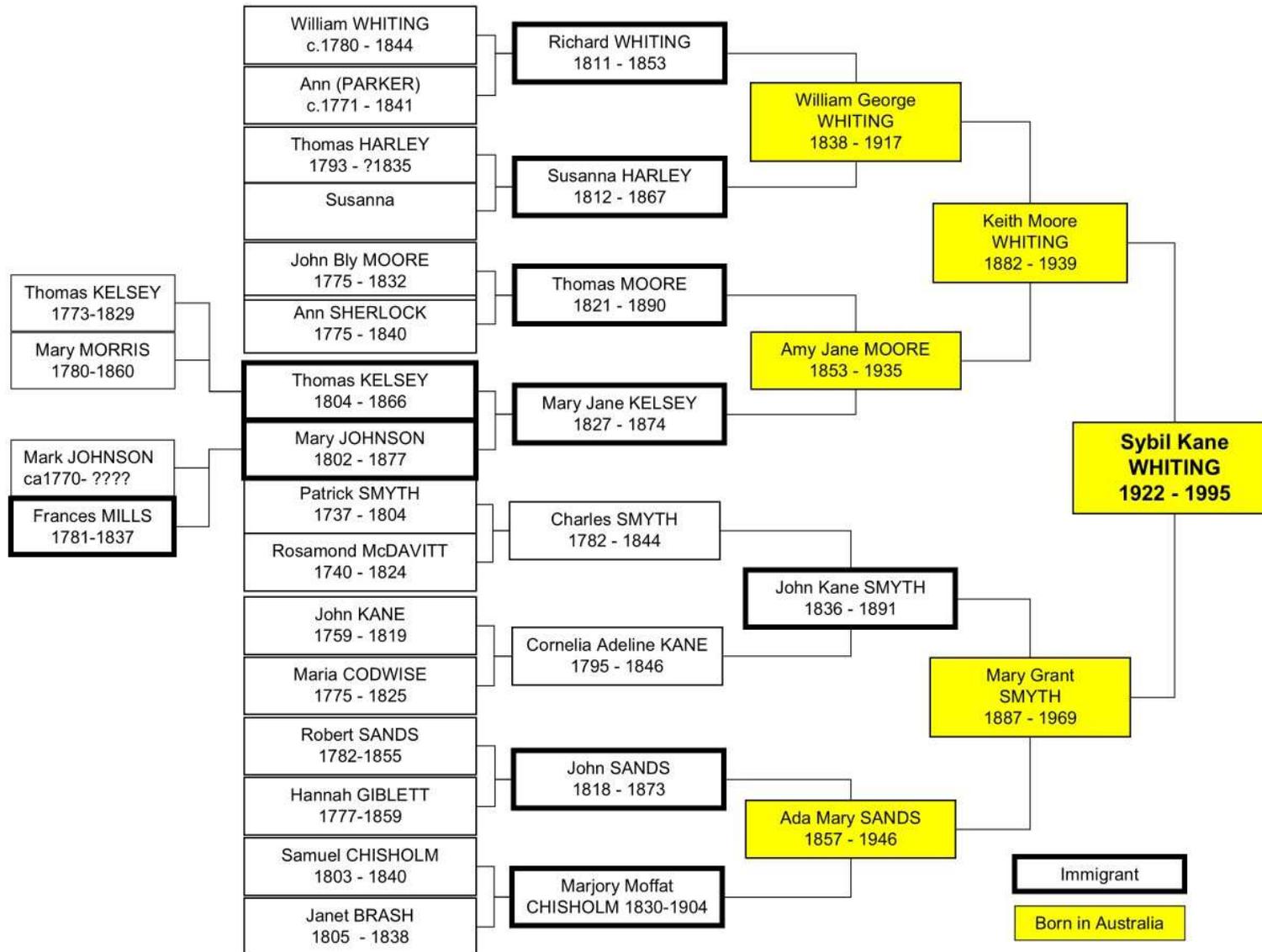
George Boyd Connor (1919-2014) and Sybil Kane Whiting (1922-1995).

Each of the stories can be read in isolation. Inevitably, because generations overlap their stories overlap and some repetition is unavoidable, I have tried to keep this to a minimum. For easy reference, family trees are included at the end of each story.

Frances Mills is the most researched and written about of all my ancestors who came to Australia. Although I have undertaken considerable research of my own, I am fully aware that I am repeating the work of others. Where I have not personally reviewed primary documents or transcripts of them, I have acknowledged the earlier researchers in the text or as footnotes. I take full responsibility however for any interpretations and conclusions I have drawn from the primary data.

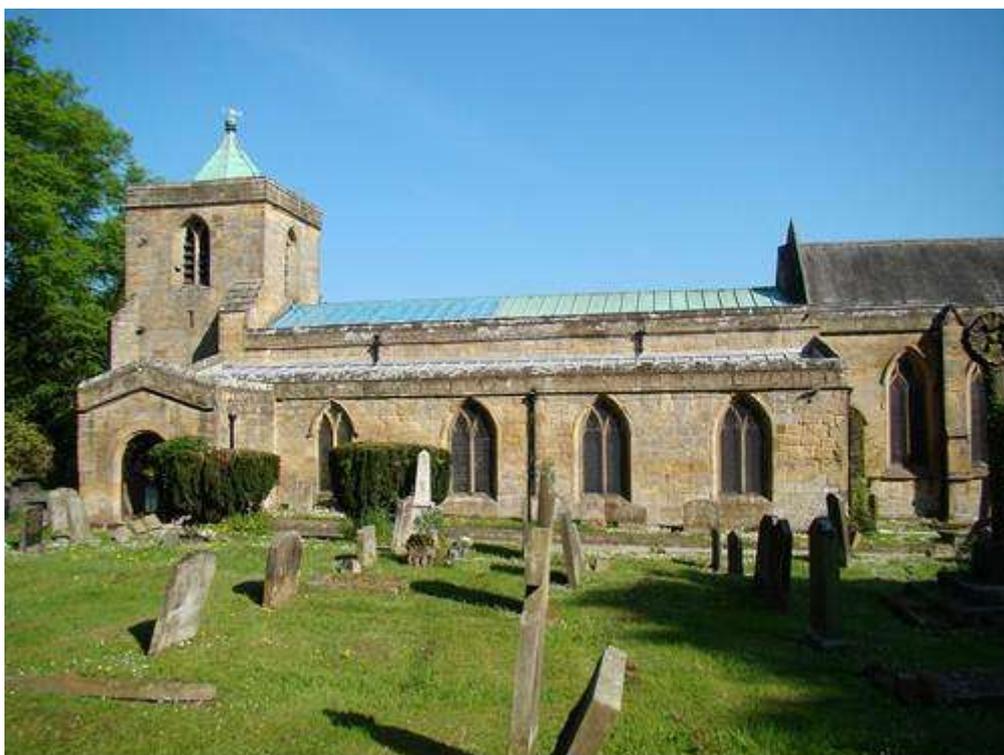
I particularly wish to acknowledge the considerable work of Violet Scahill and, more recently, Brian Wills-Johnson, both of whom are my distant cousins via Frances, and also June H Blades. For my own research, I had help from genealogist Nicola Hallam BA(Hons), MSc in tracing English records. The British Newspaper Archive, the National Library of Australia's TROVE database, Ancestry and Find My Past were invaluable sources of information about Frances' life and times.

## MY MOTHER'S ANCESTORS



## FRANCES' CHILDHOOD

Frances Mills, sometimes called “Fanny”, was born in Morpeth, Northumberland to James Mills (1749-1816) and Margaret Mitchell (1759-1845) who were married in Morpeth on 6 July 1778<sup>1</sup>. Frances was born on 2 August 1781. She had an older sister, Isabel (born 14 January 1780) and a younger sister, Margaret (born 29 February 1784)<sup>2</sup>. Margaret died aged 18 months<sup>3</sup>. There were three churches in Morpeth. The oldest, St Mary the Virgin (Anglican), dates from the 12<sup>th</sup> century and still stands about a mile south from the town. This is where the Mills family worshipped, were baptised, married and buried.



St Mary the Virgin, Morpeth

Morpeth was established around Morpeth Castle, a Norman fortress along the Great North Road from Newcastle-upon-Tyne (15 miles to the South) to Scotland, guarding a strategic crossing of the Wansbeck River. By the 1780s it was a busy market town for buying and selling produce from the surrounding agricultural area, and an administrative centre for the district. There was a Town Hall, Post Office, Sessions (Court) House and a Gaol. Corn, wheat, oats, barley, rye and livestock were the main local commodities. There were cattle and sheep yards and a central Market Place for trading every Wednesday, with an Annual Fair on Ascension Eve, specialising in black cattle. The town had at least eight licensed inns or ale houses, each with their own brew house, plus a public brewery. There was a town butchery, several tanneries, ironmongery, blacksmith, a saddlery and shoemaker, watchmaker, tobacconist, bookseller, grocer, hatter (milliner), draper, flax dressers and dyers, and a Manufactory which produced woven cloths, laces and linen goods, using the Poor as labour. Shallow coal and limestone mines operated within three miles of town. There were mills along the Wansbeck River and its tributaries for grinding grains, and there was a brick and tile-making factory on

<sup>1</sup> England Select Marriages, 1538-1973. Ancestry.com

<sup>2</sup> England Select Births and Christenings, 1538-1975. Ancestry.com

<sup>3</sup> England Select Deaths and Burials, 1538-1991. Ancestry.com

the northern edge of town, near the racecourse where the Morpeth Races were held every October, with a £50 Plate as the main prize. Cock fighting was another popular pastime.<sup>4</sup>

Morpeth had a Free Grammar School and a couple of private tutors who catered for the education of children from “genteel families”, however none of the Mills family was literate. The family, it seems, was not rich or genteel. There may have been some elementary instruction given by the Anglican clergy, but it was not until the early 1800s that the British and Foreign School Society was established, and elementary education became available to the masses. We don’t know what occupation James Mills had in Morpeth – he may have had a trade learned as an apprentice but, more likely, he was an agricultural labourer and his wife Margaret was a domestic servant. If they fell on harder times, there was a church-managed Poor House which relied upon charitable donations and tithes, and a Work House in Morpeth.

Summers in Morpeth are pleasant, but winters can be extremely cold with heavy rain, snowfalls and temperatures below freezing. Flooding sometimes impacted upon the town. Travellers caught outside sometimes died of exposure, or drowned crossing flooded streams. It was during the winter of 1796 that Frances’ elder sister Isabel died, aged 16. She is buried at St Mary Churchyard<sup>5</sup>.

Military men would have been a common sight in Morpeth during the second half of the 18<sup>th</sup> Century, as England firstly prosecuted the Seven Years War (1756-1763) against France and its allies, and secondly defended itself during the rise of the French Republic and Napoleon. Based on intelligence of an imminent French/Dutch invasion in 1778, many Militia Regiments were raised (5 or 6,000 men in total) and posted along the northeast coast of England to strengthen existing regular army and naval forces<sup>6</sup>. With Great Britain’s declaration of war with France in March 1793, 30,000 militiamen were called up for home defence<sup>7</sup>.

When any Regiment entered a new town, they did it in style, marching through in a column to the sound of their military band, brightly coloured tunics waving, polished brass, bayonets and muskets glinting. After all, they were going to be stationed there for a few weeks or months and wanted to be welcomed in the town, maybe earn a few free drinks at the local taverns and impress some women. As has always been the case, a military march and parade draws crowds of interested spectators, especially young children and young women, and especially in Britain. Some towns would ring the bells, and the crowds would applaud as they marched by. If given the chance as a child, I am sure that Frances would have watched the Regiments march through Morpeth, and perhaps she had romantic dreams about marrying a soldier one day.

As Frances, her sister Isabel and their friends matured, they became bolder and flirted openly with the young soldiers, who naturally flirted back. Then, in January 1798, the Royal North Lincolnshire Militia marched into Morpeth, the bright yellow waistcoats of their officers on full display, and were stationed there for three cold months. Frances, now sixteen with no elder sister to keep her on the straight and narrow, fell for a young private named Mark Johnson.

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<sup>4</sup> Drawn from scanning newspaper references to “Morpeth” 1750-1800. The British Newspaper Archive

<sup>5</sup> England, Select Deaths and Burials, 1538-1991. Ancestry.com

<sup>6</sup> Derby Mercury 22 May 1778 in The British Newspaper Archive

<sup>7</sup> Britannica provides an excellent summary of the “French Revolutionary Wars” and Bonaparte’s rise to power.

## FRANCES WITH MARK JOHNSON

Mark’s background remains a mystery. We know that he enlisted in the Royal North Lincolnshire Militia on 5 August 1796<sup>8</sup>. To enlist, usually a man had to be aged 22 to 45, although some children as young as 14 did enlist with their family’s approval<sup>9</sup>. Being a soldier in the Royal North Lincolnshire Militia might indicate that he came from Lincolnshire, but the only birth record from Lincolnshire during the period 1765 to 1785 is a Mark Johnson born 15 August 1783. This person would have been too young (13) to enlist in the militia. Outside of Lincolnshire, there are nine other birth records for Mark Johnson but, without an age and date to work from, it is not possible to narrow down his birth date and place much further. However, in June 1796, the Royal North Lincolnshire Militia Regiment was stationed in Sunderland and was still there when Mark Johnson enlisted. This may be a clue to his place of birth, as there was a Mark Johnson baptised at nearby Houghton-Le-Spring, Durham, on 28 October 1770, son of Mark and Mary Johnson. If correct, Mark was 26 when he enlisted.

Mark enlisted as a substitute for someone that had been called up in a ballot, an unknown conscript. Mark would have received a fee from the conscript and possibly from the conscript’s home parish, as well as normal army pay plus any enlistment incentives (bounties). In times of peace, a militiaman might only have to serve a few months each year, including one month in a camp somewhere, but he was expected to answer a call-up at any time. In times of war, militiamen would spend most of the year away from home but were not required to serve overseas. In these circumstances the Government *“earnestly recommended to the overseers of the poor to make ample provision for the wives and families of the militiamen, who have been suddenly called forth for service. This is duty they owe the country, and will act as reward for those who are defending the liberty and property of us all”*<sup>10</sup>.

The Militia Regiments’ role was to occupy defensive garrisons where and when required around the English coast and, although they might stay in the same place for some weeks or months, there could also be long marches to reach the next garrison place. From 15 October 1796 until 3 Jun 1797, the Royal North Lincolnshire Militia were stationed in Kingston-Upon-Hull, Yorkshire<sup>11</sup>, to defend against a higher threat of invasion. During this nine-month period, there was ample opportunity for the militiamen to form attachments with the women of Hull and surrounding district. The day before the Regiment was due to leave Hull, on 15 May 1797 eight privates of the Regiment married eight local brides. *“The procession to and from the Church was honoured with the presence of a very large concourse of spectators”*<sup>12</sup>. Mark would have witnessed this event.

Although militiamen were encouraged not to marry during their term of service (usually three years) there was not much the Army could do about it. Some wives would stay behind with family, claim Parish support and wait for their man to return, but there were many wives who followed their husbands to the next garrison town – a trailing column of women and some children. The Army made almost no allowance for this. The travelling wives were not provided accommodation or food and generally had to make their own arrangements. There was no official Army acknowledgment of them, and they did not have an easy life.

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<sup>8</sup> June H Blades. “Frances Mills: Harlot or Heroic Mother”

<sup>9</sup> Neil White. “Service in the British Army 1800-1900” 2018, in Forces War Records, Ancestry.com

<sup>10</sup> Stamford Mercury 4 Jan 1793, The British Newspaper Archive

<sup>11</sup> Hull Advertiser, 15 Oct 1796, 31 Dec 1796, 25 Mar 1797, 20 May 1797, 3 Jun 1797. The British Newspaper Archive

<sup>12</sup> Hull Advertiser, 20 May 1797. The British Newspaper Archive

On the 3 June 1797 the Royal North Lincolnshire Regiment was based in Whitby and Scarborough<sup>13</sup> and, by 23 January 1798, it was based in Morpeth and Alnwick<sup>14</sup>. This is where and when Mark Johnson met Frances Mills. In the two months they were together in Morpeth, Frances decided that she had found her future husband. When the Regiment marched out of Morpeth on 8 April 1798 heading for Tynemouth Barracks<sup>15</sup>, Frances followed them. Most of the Regiment camped at Blyth, just north of Tynemouth, but Mark and Frances went straight to Christ Church, Tynemouth to post the first of their marriage banns. They could have been married in Morpeth but chose Tynemouth instead, and in haste, which suggests that Frances was eloping and did not have the approval of her parents to marry. Frances never returned to Morpeth and never saw her parents again.

Mark Johnson (aged 28?) and Frances Mills (aged 16) were officially married at Christ Church, Tynemouth on 23 May 1798 after posting banns on the Sundays 8<sup>th</sup>, 15<sup>th</sup> and 22<sup>nd</sup> April 1798. Both signed their names with an ‘X’<sup>16</sup>. Two months later, the Royal North Lincolnshire Militia marched through Newcastle on their way to Liverpool, which they had to reach on 15 August<sup>17</sup>. Frances joined the trailing column of wives.

Liverpool became their home for a few months, until Frances became pregnant in January 1799. In March they were still there. Mark was one of 78 Privates in Captain Nedham Dymokes’ Company of the 1014-strong Royal North Lincoln Militia and was paid £1-10-0 per month<sup>18</sup>. As Frances’ pregnancy progressed, they must have decided at some point that Frances could not continue as one of the trailing column and needed to find somewhere comfortable for Frances to live and have their baby.

### **Kirton-in-Lindsey, Lincolnshire**

The following description of Frances’ move from Liverpool to Kirton-in-Lindsey, Lincolnshire is an interpretation, based on subsequent events in Frances’ and Mark’s lives. One of Mark’s fellow militiamen was William Williamson. William was married to Hannah Moore at Frodingham Lincolnshire in 1789 and they had three children baptised in Kirton-in-Lindsey; Melicent (1793), Samuel (1795) and Mark (1797). Hannah and her children seemed to be well settled in Kirton in 1799 while William was serving in Liverpool. William suggested that Frances go to Kirton-in-Lindsey and stay with his wife Hannah for support during childbirth, and Frances and Mark accepted their kind offer. During summer of 1799, Frances walked the 120 miles from Liverpool to Kirton-in-Lindsey, possibly accompanied by William Williamson returning home to see his family and introduce Frances to them.

Mark Johnson junior was born in September 1799 and baptised at St Andrew’s Church at Kirton-in-Lindsey on 17 October 1799<sup>19</sup>. The two strangers in town relying on the Parish for support must have drawn the attention of the local constable because in November 1799, he issued a warrant for the apprehension of William Williamson, labourer, as a Rogue and Vagabond for abandoning his wife and family for ten or eleven weeks, leaving them to be supported by the Parish<sup>20</sup>. With so many men joining the militia regiments at this time, Parish administrators of the Poor Laws were asked to be lenient when dealing with the families of

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<sup>13</sup> Hull Advertiser 3 Jun 1797. The British Newspaper Archive

<sup>14</sup> Cumberland Paquet 23 Jan 1798. The British Newspaper Archive

<sup>15</sup> Newcastle Courant 14 Apr 1798. The British Newspaper Archive

<sup>16</sup> England, Northumberland, Parish Registers 1538-1950. Family Search

<sup>17</sup> Newcastle Courant 4 Aug 1798. The British Newspaper Archive

<sup>18</sup> Pay Lists 24<sup>th</sup> March 1799. PRO. North Lincolnshire Militia Muster Books and Pay Lists W.O. 13 No 1297

<sup>19</sup> England Select Births and Christenings 1538-1975. Ancestry.com

<sup>20</sup> Lincolnshire Archives. Overseer of the Poor Records, Kirton in Lindsey. PAR/13/33

serving militiamen, but this was not always the case and many serving militiamen were classified as Rogues and Vagabonds.

Back in Liverpool, plans were being made for a Special Expedition to an unknown destination by a formidable force of naval vessels, 40,000 English and Russian soldiers plus cavalry units<sup>21</sup>. Calls were made for volunteers from the Militia Regiments to join the Regular Army and they were so overwhelmed with volunteers that barely a quarter were accepted. Mark Johnson was one of those who volunteered for the 35<sup>th</sup> Regiment of Foot. He was paid £3-10-0, being one third of his bounty<sup>22</sup>.

The Special Expedition was in fact an invasion of Holland. The aim was twofold: to neutralize the Dutch fleet and to support a rebellion by Dutch monarchists against the Dutch republican government forces which were backed by France. The British assumed that most of the Dutch population would support the invasion.

The British forces embarked on 27 August 1799 and joined with Russian forces to land in Holland at Den Helder, about 60 miles north of Amsterdam at the tip of the North Holland peninsula. Outgunned and outmanoeuvred, the Dutch fleet then mutinied and surrendered to the British fleet without a fight. The British troops landed unopposed. They marched South and had success at the Battles of Callantsoog and Krabbendam, but they soon ran into stiff resistance in difficult, swampy terrain and eventually decided to retreat to their beachhead. The Dutch rebels did not come out and support them as expected. Rather than face a siege during winter, the British commanders negotiated an armistice (the Convention of Alkmaar) so they could withdraw respectably. Evacuation of surviving British troops and prisoners of war was completed by 19 November 1799. British losses were about 18,000 killed, wounded or captured<sup>23</sup>. The 35<sup>th</sup> Regiment sustained heavy losses<sup>24</sup>.

Mark Johnson survived and returned to duty in England, but it is not clear if he stayed with the 35<sup>th</sup> Regiment of Foot or returned to the Royal North Lincolnshire Militia, his service as a volunteer for the Secret Expedition completed. Given later events, the second alternative seems most likely. Either way, he did not return immediately to see Frances and his son.

### **Scotton, Lincolnshire**

In July 1800, the Royal North Lincolnshire Militia marched out of Liverpool for Bristol, where they stayed for ten months. By this time, having lived with the Williamsons for about eighteen months, Frances was testing the patience of the Overseers of the Poor in Kirton-in-Lindsey. On 27 January 1801, the Constable summoned Frances (aged 19) before two Justices of the Peace to decide if she and her son Mark (then aged one year, four months) should continue to be supported by the Parish of Kirton-in-Lindsey. Examinations such as this were the process used by parishes to rid themselves of rogues, vagabonds and other undesirables by sending them back to their place of Legal Settlement (usually their home parish). For wives and children, the Legal Settlement was defined as the husband's Legal Settlement. The Parish records show<sup>25</sup>:

*“The Examination of Frances Johnson now resident in the parish of Kirton in the said Parts touching the place of her last legal Settlement taken before us two of his Majesty's Justices of the peace in and for the said Parts this 27th Day of January in the Year of our Lord 1801. This*

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<sup>21</sup> Oxford Journal 1 Jun 1799, The British Newspaper Archive. Article headed “Saturday Post, London July 19”

<sup>22</sup> Pay Lists 24<sup>th</sup> July 1799. PRO. North Lincolnshire Militia Muster Books and Pay Lists W.O. 13 No 1297

<sup>23</sup> Anglo-Russian Invasion of Holland. Wikipedia

<sup>24</sup> Stamford Mercury. 8 Nov 1799.

<sup>25</sup> Lincolnshire Archives. Kirton In Lindsey Parish Records. Settlement Examinations PAR/13/11

*Examinant on her Oath saith that she was born at Morpath in the County of Northumberland and that at May-day 1798 she was Married to Mark Johnson a Substitute in the North Lincolnshire Militia; And that she hath heard her said Husband say, that his last legal Settlement is in the Parish of Scotton in the said Parts; And that she hath Done no Act or thing to gain a legal Settlement except what is contained in the above Written Examination.*

*Taken Signed and Sworn before us in the Day and Year first above written, Thos. Goulton, W.R. Wilson. The Mark of ‘X’ Frances Johnson”.*

Based on Frances’ hear-say account and upon “*due proof made thereof*” that Mark’s last Legal Settlement was in Scotton, the Parish adjoining Kirton-in-Lindsey to the west, the J.P.s issued their order to the Churchwardens and Overseers of the Poor in Kirton and Scotton, as follows (in part)<sup>26</sup>;

*“We the said Justices upon due Proof made thereof, as well upon the Examination of the said Frances Johnson upon Oath as otherwise, and likewise upon due consideration had of the Premises, do adjudge the same to be true; and we do likewise adjudge that the lawful Settlement of them the said Frances Johnson and Mark her Son is in the said Parish of Scotton*

*We do therefore require you the said Churchwardens and Overseers of the Poor of the said Parish of Kirton or some or one of you to convey the said Frances Johnson and Mark her Son from and out of your said Parish of Kirton to the said Parish of Scotton and them deliver to the Churchwardens and Overseers of the Poor there, or to some or one of them, together with this our Warrant or Order, or a true Copy thereof, at the same time shewing to them the Original:*

*And we do also hereby require you the said Churchwardens and Overseers of the Poor of the said Parish of Scotton forthwith to receive and provide for them as your own Parishioner.*

*Given under our Hands and Seals this 27th Day of January in the Year of our Lord, 1801”.*

So, Frances and Mark junior were delivered to the Churchwardens in Scotton. Husband Mark would not have been aware of this move.

Scotton is a village about four miles west of Kirton-in-Lindsey. It is centred on the 11<sup>th</sup> century St Genewys Church about midway between the major towns of Scunthorpe and Gainsborough. In those days, Scotton Parish extended westward to the River Trent at East Ferry and had a population of about 4,400 people, the great majority of whom were employed in agriculture<sup>27</sup>. The village itself had 50 houses (242 people) in 1800<sup>28</sup> and the population has not varied much since first mentioned in the Domesday Book. Everyone knew everyone, and their business. A scan of the Parish Baptism registers from 1814-1820 shows that most men in Scotton were labourers or farmers, with a sprinkling of tradesmen such as farriers, carpenters, blacksmiths, malsters etc. but only two servants and one schoolmaster. The following description is taken from a manuscript by Brian Wills-Johnson<sup>29</sup>.

*“With no large manor house, bigger farms or cottage industry in the village, younger females during the 19th century probably found employment in tradesmen's and professional homes in nearby towns. The evidence of listed employments shows the village's dependence upon agriculture -- most males worked as agricultural labourers or small farmers -- and tradesmen and craftsmen provided almost all the needs of the inhabitants. And the population was largely*

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<sup>26</sup> Lincolnshire Archives. Kirton In Lindsey Parish Records. Settlement Examinations PAR/13/11

<sup>27</sup> Vision of Britain.org.uk “West Lindsey District”, 1811 Census, 4432 people

<sup>28</sup> *A Topographical Dictionary of the Empire Kingdom*. 1808 Benjamin Pitts Cooper. Richard Phillips London

<sup>29</sup> *Frances Johnson and her Australian Family*. Brian Wills-Johnson, 2018

parochial, with the 1851 census listing 182 people born in the village, 100 born in other Lincolnshire villages, and only 12 from outside the County.

The village, even by the mid-19th century, was still remarkably archaic<sup>30</sup>. A village bull was maintained to serve the common herd; the common lanes were let annually for grazing; the Parish Constable remained an important figure; and there was probably not a single proper house drain in the village. To celebrate the Jubilee in 1887 the church clock was restored, and a minute hand added for the first time. The problems of a predominantly labouring population remained largely untouched, with low standards of living and low expectations caused by poverty, and frequent visitations of diseases such as fevers, measles, and a threat of epidemic pneumonia.

Lyons tells us that five-sixths of the village were of the labouring class. Although as far as can be ascertained from oral testimony and sale catalogues, labourers' houses were made of brick or stone with tile roofs, cottages in general had open sewers with untrapped drains, leading into ditches which in turn led to an open main sewer. Bedroom accommodation was such that an adult might not stand upright in rooms which housed several people at night. Open sewers perceptibly contaminated wells, whilst those lucky enough to draw their water with pumps from deeper levels found that for apparent convenience the pump might be placed directly over the open, untrapped drain, to take off surplus water”.

In this setting, and without the Williamsons to fall back on, Frances had to carve out a position in this close-knit community and earn enough from working and charity to maintain her son. Frances' Northumbrian accent would have immediately branded her as a foreigner. Gaining community acceptance in such places can take decades and sometimes never happens. We don't know where in the Parish she lived but, at least initially, she would have stayed close to the village as her primary source of income.

In April 1801, the Royal North Lincolnshire Militia marched from Bristol through Salisbury, Rumsey and Southampton arriving in Portsea Barracks by 21 August 1801<sup>31</sup>. They remained at Portsea until November and then marched north to their home county. The Regiment arrived in Lincolnshire in late November 1801 and, presumably, Mark headed for Kirton, then Scotton to find Frances. They wasted little time in conceiving their second child. Mark may have stayed in Scotton throughout Frances' pregnancy.

Mary Johnson was born in Scotton in December 1802 and baptised at St Genewys Church, Scotton on 1 January 1803<sup>32</sup>. Importantly, the Rector, Rev Broxholm Brown and his Curate, described Mary as the “*daughter of Mark and Frances Johnson*”<sup>33</sup> as they did for all other baptism entries that year, acknowledging their belief that Mark was Mary's father.



St Genewys Church, Scotton Lincolnshire

<sup>30</sup> *Scotton: Aspects of Village Life*. Nick Lyons. 1980 Scotton Local History Group

<sup>31</sup> Stamford Mercury 17 Apr 1801, 31 July 1801 and 21 Aug 1801. The British Newspaper Archive

<sup>32</sup> “England. Select Births and Christenings, 1538-1975” FHL Film Number 436002, 508035 Ancestry.com.

<sup>33</sup> Lincolnshire Archives. Scotton Parish Registers. Baptisms 1783-1812. PAR/1/2

In late March 1803, notices appeared in newspapers to re-form the Royal North Lincoln Militia with all available speed<sup>34</sup>. The militiamen were to assemble in Lincoln on the 4 April and those who did not assemble would be deemed deserters and dealt with accordingly. For men that could not read a newspaper and relied upon word of mouth for news, this was not much warning. Whether Mark was unaware of the notice, or just ignored it we do not know, but on 26 April 1803, the following order was issued by the Parish.

*“Ordered that Mark Johnson brought before this Court in the custody of the Keeper of the said Bridewell for leaving his Wife and family chargeable to the parish of Scotton in the said parts, be recommitted to the said Bridewell till the next General Quarter Sessions of the peace to be holden in and for the said parts unless he be sooner sent for by the Commanding Officer of the South [sic] Lincoln Regiment of Militia from which he has deserted”<sup>35</sup>.*

Mark was not the only deserter. Of the 1367 militiamen called up for the North and South Lincolnshire Militia that month, 411 men did not report for duty and were unaccounted for<sup>36</sup>. Mark was arrested on 5 May 1803 and placed in the Kirton Bridewell (gaol) awaiting trial at the next quarter sessions. While Mark was in gaol, on 18 May 1803 Britain declared war on France and its allies, beginning the Napoleonic Wars.

Mark did not stay in gaol for long. On the night of 31 May/1 June, he escaped from the bridewell but by 10 June he was back in custody and giving a statement to two Justices of the Peace. Mark’s statement says; *“that in the night of Tuesday the 31st of May or early in the morning of the 1st of June he escaped out of the Bridewell at Kirton by the assistance of a Ladder which he found in the Bridewell which had been put thro’ the grating of one of the windows - with the assistance of this Ladder he got into the Sessions House & escaped out of the window of the Grand Jury Room*

*Mark Johnson ‘X’ his Mark*

*Taken before us two of his Majesty’s Justices of the Peace for the parts of Lindsey in the County of Lincoln this 10th day of June 1803  
Cayley Illingworth John Cracroft”<sup>37</sup>*

He does not mention anyone helping him. However, George Parkin son of John Parkin the Keeper of the Bridewell also gave a statement to the Justices in which he said that Mark Johnson was not the only one to escape that night. A man called John Thompson also escaped and he suspected that Hannah Williamson of Kirton had assisted in their escape. John Thompson, Mark’s fellow escapee, stated that he escaped and went to Hannah’s house. She gave him some tools to remove his leg irons and while he was dealing with that, she said she would take a ladder to the Bridewell to help Mark Johnson escape. She took the ladder and then returned to Thompson to ask him to go with her to help get Mark out. When they got to the Bridewell Mark had already made his escape. In her own confession, given voluntarily, Hannah confirmed Thompson’s version of events.<sup>38</sup>

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<sup>34</sup> Stamford Mercury 25 Mar 1803 and 1 Apr 1803. The British Newspaper Archive

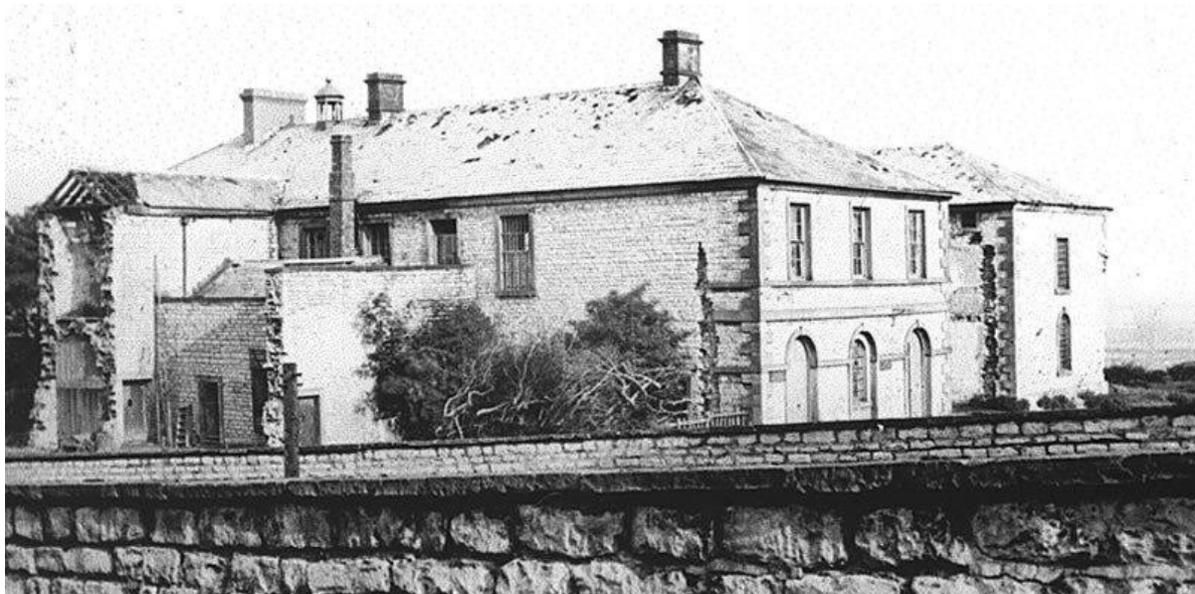
<sup>35</sup> Lindsey Quarter Session records. Kirton in Lindsey, Lincolnshire. 26 April 1803. LQS/A/2/25 Quarter Session Minute Book 1803-1805. Lincolnshire Archives, Lincoln, UK.

<sup>36</sup> Bury and Norwich Post, 15 Jun 1803. The British Newspaper Archive.

<sup>37</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1803. LQS/A/1/315. Lincolnshire Archives, Lincoln, UK

<sup>38</sup> “Archive Visit: Mark Johnson, Hannah Williamson and Frances Johnson” 2024. Nicola Hallam MSc

Hannah Williamson and Mark Johnson appeared before the court on 15 July 1803<sup>39</sup>. Hannah Williamson, the wife of William Williamson, soldier, “*well knowing the premises but being a person of evil mind and wicked disposition*” was charged with having aided and abetted Mark Johnson to escape the Bridewell. Hannah pled not guilty, but the Jury found her guilty and she was committed to the Bridewell for twelve months hard labour with the final month to be spent in solitary confinement. Strangely, Mark was not tried for escaping and was recommitted to the Bridewell until the next Quarter Sessions “*unless he sooner enters into His Majesty’s Sea Service.*”<sup>40</sup>



Kirton-in-Lindsey Quarter Sessions House and Bridewell

Mark did not re-appear at subsequent Quarter Sessions, and it is assumed that he was pressed into the Royal Navy, which was gearing up to defend against France and Spain’s naval forces. Mark’s fate is not known (Admiralty records are inadequate for this), but it seems certain that he never returned to Scotton and his family. He was probably one of the estimated 92,386 Royal Navy personnel who were killed in action, in shipwrecks, drowned, burned, or died of wounds or disease during the Napoleonic Wars from 1803-1816.<sup>41</sup>

## FRANCES WITHOUT MARK

With Mark’s absence, the burden of rearing and feeding the children fell entirely upon Frances, who had to work hard to supplement the family’s income. Frances probably accepted whatever job was offered to her within a three-mile radius (an hour’s walk) of Scotton, which brought in the villages of Scotter to the north and Northorpe to the south. Being desperate, Frances began stealing. In July 1807 she was put on trial for larceny and was discharged (no bill), probably arising from lack of evidence<sup>42</sup>. Then in July 1809 Frances was again put on trial for larceny and this time, she was found guilty and imprisoned for two months in the Kirton

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<sup>39</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1803. Ref LQS/A/1/315. Lincolnshire Archives, Lincoln, UK.

<sup>40</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1803. Ref LQS/A/1/315. Lincolnshire Archives, Lincoln, UK.

<sup>41</sup> “*Napoleonic War Casualties*” 2024. Wikipedia.com, citing White 2014, citing Dumas1923, citing Hodge.

<sup>42</sup> “England and Wales, Criminal Registers, 1791-1892”. Ancestry.com

Bridewell<sup>43</sup>. Judging from the sentence, her crime must have been petty larceny. Her children would have been cared for by the Parish Churchwardens and Overseers of the Poor, at Parish expense, while Frances served her sentence. Frances must have been heavily pregnant with her fifth child by the time she was released. Frances was to re-visit the Bridewell later.

In 1811 with Frances’ consent, Mark Johnson junior, aged 12, was apprenticed to John Barnby Marris, a turner and chairmaker from Kirton-in-Lindsey<sup>44</sup>. This apprenticeship was approved by the Churchwardens of Scotton who supported any opportunity to reduce the cost of maintaining the Poor. After due diligence by the Scotton dignitaries, Marris took responsibility for housing, feeding and training Mark junior until he reached 21 years. In Kirton, Mark may have been re-acquainted with the Williamson family.

In Mark’s absence, Frances took multiple partners. After Mark junior (1799) and Mary (1802), Frances had five more children born in Scotton; Ann (1805), Joseph (1808-1808), John (1809), Edward (1812) and Elizabeth (1814). It is hard to imagine the conditions Frances and many impoverished mothers like her endured during pregnancy and childbirth - poor sanitation, lack of privacy and medical care, except for a midwife. Many mothers and babies did not survive the ordeal. In 1800 in Britain, for every 1000 births 329 did not survive beyond age five (about 1 in 3)<sup>45</sup>. Frances lost Joseph, aged less than one, so her success rate as a mother was better than average.

All the children were named Johnson, acknowledging (I think) that Mark Johnson was Frances’ first and only love; all the rest were engagements of necessity or convenience. The Parish Rector who baptised Ann and the subsequent children described them as the child “*of Frances Johnson, wife of Mark Johnson*”, suggesting that Mark was not their father. For Elizabeth, the Baptism Register described her as the “*bastard daughter*” of James Brocklesby<sup>46</sup> and Frances Johnson, but she was still baptised “*Johnson*”.

Edward Johnson’s father was William Turner, aged about 35 (born in Scotton in 1776), a widower since 1811 with three children, labourer, who lived in Scotter. In the Bastardy Case record, Frances was described as a single woman<sup>47</sup>, then aged 30. Bastardy Cases involved the local parish authorities seeking maintenance contributions from absent fathers when women and their illegitimate children became a burden on parish funds. Court action was brought by the mother as the requirement for receiving parish relief. Frances would have had to notify the Parish of her pregnancy at least 40 days before the birth, then be examined by two Justices of the Peace to determine the father’s name. The father would then have to sign a bond to make payments to maintain the mother and child, with hefty penalties for failure. Payments were sometimes a lump sum (more than £18-8-0), or weekly. From William’s point of view, being named as the father would have been embarrassing and costly. From Frances’ point of view, it was a way of ensuring support for her and her child, but at the risk of harming her reputation even more.

Elizabeth Johnson’s father was James Brocklesby, aged about 22 (baptised in Scotton in 1792), single, a servant in husbandry living in Northorpe. Frances was again described as a single woman<sup>48</sup>, then aged 33. Apart from Mark Johnson, the two fathers we know about were very different people, one older than Frances and one much younger. The one thing they had

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<sup>43</sup> “England and Wales Criminal Registers, 1791-1892”. Ancestry.com.

<sup>44</sup> Lincolnshire Parish Apprentice Index. Find My Past.

<sup>45</sup> “Child mortality rate (under five years old) in the United Kingdom from 1800 to 2020”. Statista.com

<sup>46</sup> Lincolnshire Archives. Scotton Parish Registers. Baptisms 1813-1869. PAR/1/4

<sup>47</sup> Lincolnshire Archives. Scotton Parish Registers. Bastardy Cases PAR/13/5/2/4 Find My Past transcripts

<sup>48</sup> Lincolnshire Archives. Scotton Parish Registers. Bastardy Cases PAR/13/5/2/6 Find My Past transcripts

in common was their low economic status – Frances was not looking for long term security from them, and clearly did not want to marry either of them to legitimise their offspring, which leaves prostitution as a distinct possibility. Blades speculates that Frances may have worked as a servant in a tavern in Scotton, which might explain engaging with men from outside the village of Scotton<sup>49</sup>.

We shall never know if Frances was unwillingly forced into promiscuity through poverty and servitude or (eventually) chose prostitution as her profession, however she was described in a note on the 1814 Parish Baptism register for her “*bastard daughter*” Elizabeth as “*a notorious thief and harlot. Was transported in 1816*”<sup>50</sup>. This must have been written by the Rector H.J. Wollaston after the event, as if to say “good riddance!” and maybe “good job!”. By then, her poor reputation in the small community of Scotton was well-established.

## GAOL, TRIAL AND TRANSPORTATION

Frances and her family undoubtedly became a drain on Parish funds and an undesirable element in Scotton Parish society, and it would not have surprised anyone when Frances was arrested again for stealing on 12 June 1815. The complaint was made by Richard Jacklin and read: “*Charged by the Oath of Richard Jacklin on suspicion of Felony in stealing a womans Cap of the value of ten pence the property of Richard Jacklin of Scotton in the said parts*”<sup>51</sup>. Richard Jacklin was about 27 years old, a carrier from Scotter<sup>52</sup>, married to Ann who later became a schoolteacher. They had no children. Richard and Ann must have employed Frances briefly in 1815<sup>53</sup>. Judging from the clothing stolen, it was probably Ann Jacklin who noticed it missing. Along with the complaint, Richard and Ann Jacklin and another witness, Isaac Barren (a schoolteacher), had to lodge bonds with the Clerk of the Court, Henry John Wollaston, to guarantee their appearance at court. Henry John Wollaston was almost certainly the same Rev. H.J. Wollaston, Rector of Scotter, who officiated at Elizabeth Johnson’s baptism in Scotton in 1814 and later commented on Frances’ character<sup>54</sup>. Isaac Barren later became the Assistant Overseer and Registrar for Scotton. Frances had some powerful enemies.

Frances was immediately arrested and imprisoned in the Kirton Bridewell to await trial at the next Quarter Sessions. The Bridewell and Sessions House in Kirton was a relatively new facility, built in 1792. It was “*a large stone building, consisting of a centre and two wings; the Sessions-Court is in the centre of the building, and is used also as a chapel for the prisoners, over which is the Grand Jury room: on the west are the apartments of the gaoler. The south wing is appropriated to the male, and the north wing to the female prisoners*”<sup>55</sup>.

The Men’s Court had “*two workrooms, each 26 feet by 12, furnished with looms, twist mills, and spinning machines. On the left is a courtyard, and two workrooms, of a similar description,*

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<sup>49</sup> “*Frances Mills. Harlot or Heroic Mother*” by June H Blades. 2011 Ancestry.com

<sup>50</sup> Note in Parish Register for baptism of Elizabeth Johnson (Brocklesby) in 1814.

<sup>51</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1815. Ref LQS/A/1/411. Lincolnshire Archives, Lincoln, UK.

<sup>52</sup> Stamford Mercury 28 Jul 1815. The British newspaper Archive

<sup>53</sup> In the 1841 and 1851 Censuses, Richard was a cottager on a five-acre holding

<sup>54</sup> Lincolnshire Archives. Scotton Parish Registers. Baptisms 1813-1869. PAR/1/4

<sup>55</sup> *The History and Directory of The Towns and Principal Villages in the County of Lincoln including the port of Kingston upon Hull etc.* White. 1826. Transcription on <https://www.myintarweb.co.uk/kirton-white-1826/>

*which are inspected by the windows from the Keeper’s kitchen; and adjoining is an oven and bakehouse.*

*Here are eight solitary courts, 16 feet by 9, with a cell in each, about 8 feet square, and a hemp-block. The cells are lighted and ventilated by a grated window, 2 feet 6 inches square; and in every door there is one inspecting wicket. Also three other courtyards, with day rooms and fire places, to which coals are allowed during the six winter months; and furnished with benches to sit upon, and shelves for putting provisions.*

*On the Chamber Story are twenty-eight sleeping cells, 8 feet 6 each by 7 feet 6, and 10 feet high, furnished with wood bedsteads, straw and a blanket, and a rug each. Two large rooms, with fire-places and glazed windows, are here set apart as infirmaries.*

*The bath room is nearly 16 feet square, with a cistern for water, and a copper in it. There is no water laid on to any of the courts: it is brought daily to the Prisoners by the Keeper. The sewers are conveniently place and not offensive”.<sup>56</sup>*

Kirton Bridewell was designed to hold 116 prisoners at most and held 72 prisoners at the July 1815 Quarter Sessions. The cost of holding Frances for four weeks and five days in the Bridewell was £1-2-0, more than the value of what she stole<sup>57</sup>. According to these accounts, her children were not with her in the Bridewell. Frances would have been quite comfortable here and may have learned some baking skills which she could apply later in her life.

When Frances was brought to court on Friday 14 July 1815<sup>58</sup>, the charge was for stealing one woman’s cap of the value of ten pence, one woman’s apron of the value of one penny and one Ten Pound Bank of England note of the value of two pence<sup>59</sup>. The original complaint had been upgraded, which could have been true after further investigation by Richard Jacklin and others, or perhaps might have been exaggerated to make sure that the charge was serious enough to have an undesirable member of the community removed. “*Frances Johnson, late of Scotton, widow, for petty larceny,*” pled not guilty. This is the first time that Frances is referred to as a *widow*<sup>60</sup> although she was referred to as *single* in the bastardy cases for Edward (1812) and Elizabeth (1814). There were three witnesses, Richard and Ann Jacklin and Isaac Barren<sup>61</sup>. We do not know what arguments Frances made in her defence, but the jury found her guilty and sentenced her “*to be transported to some place beyond the Seas for the Term of Seven years*”. In deciding Frances’ sentence, the magistrates would have considered Frances’ previous conviction for petty larceny, the low value ascribed to the stolen items, and their recovery. Frances was fortunate that the Ten Pound note was valued as a piece of paper, rather than its redeemable value, which was more than the average agricultural labourer made in a year. If it had been valued at £10, it would have attracted a statutory death penalty.

The bill for Frances’ trial was £8-14-6. In a side note on the trial account, Henry John Wollaston certified “*that the Prosecutor is poor*”. Perhaps he thought the sentence was not harsh enough and it certainly brings into question his impartiality.

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<sup>56</sup> “*The State of the Prisons of England, Scotland and Wales (London, 1812)*”, James Nield, p.318-319

<sup>57</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1815. Ref LQS/A/1/411. Lincolnshire Archives, Lincoln, UK.

<sup>58</sup> Stamford Mercury 28 Jul 1815. The British Newspaper Archive.

<sup>59</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1815. Ref LQS/A/1/411. Lincolnshire Archives, Lincoln, UK.

<sup>60</sup> Lindsey Quarter Sessions Roll. Kirton in Lindsey, Lincolnshire. July 1815. Ref LQS/A/1/411. Lincolnshire Archives, Lincoln, UK.

<sup>61</sup> “*Frances Johnson and her Australian Family*” 2018. Brian Wills-Johnson

When Frances was imprisoned, Mark Johnson junior (16) was apprenticed in Kirton; Mary (13) was probably in domestic service in Scotton; Ann (9), John (7), Edward (3) and Elizabeth (1) were still in the care of the Overseers of the Poor in Scotton, essentially orphans.

## Lincoln Prison

Prisoners sentenced in Lincolnshire to transportation were collected in the Lincoln Prison, within Lincoln Castle, while waiting for shipping overseas. James Nield visited the Lincoln Castle Prison in 1809 as part of a national review of prisons and the following description is based on his report<sup>62</sup>.



Lincoln Castle Gaol and Exercise Yard, 2024<sup>63</sup>

Lincoln Prison, sometimes called the Georgian Prison, had been rebuilt in 1787-1790 and was designed to hold both Debtors (bankrupts) and Felons of both sexes and to maintain separation between them. Debtors always outnumbered Felons, and Males outnumbered Females. Compared to Felons, the Debtors were provided with more freedom within the castle walls for exercise, a view overlooking the castle grounds from their cell, more privileges and, if they could pay, more comfortable quarters. Nield believed sending Debtors to prison was a waste of money and effort. Out of 518 Debtors sent to Lincoln Prison from 1800-1809, 212 were for sums between 10 and 20 pounds and 262 Debtors were discharged without the plaintiffs obtaining one farthing of debt or costs. The remainder were discharged for promising to repay in instalments, but rarely repaid the full debt. The costs of trial and imprisonment far exceeded the original debt.

When Nield visited in December 1809, there were no female felons awaiting transportation. Male transportees had a Day Room with a fireplace, 17 feet by 9, and 11 feet high with a connected Courtyard 45 feet by 30. There were four such Day Rooms and Courtyards (one for females awaiting trial), separated from each other by walls 24 feet high. Pumps in one of

<sup>62</sup> *“The State of the Prisons of England, Scotland and Wales (London, 1812)”*, James Nield, pp 345-350

<sup>63</sup> *Seeing the Past. Lincoln Castle.* <https://www.seeingthepast.com/blog/lincoln-castle>

the Courtyards supplied hard and soft water to a wash house with copper, tubs etc in the centre of each Courtyard. All the Courtyards were light and airy.

At night, prisoners were locked in their cells which, on the ground floor were 9 feet by 5 ¾ and 11 feet high, with double barred windows and wooden shutters. Cells on the second storey were 10 feet square and 12 feet high with glass windows. Each cell had a wooden bedstead(s) and every Felon had straw-in-ticking as a bed with three blankets and a rug. Male felons were provided with a County Uniform of blue and drab-coloured cloth – presumably female felons were also. The Prison was perfectly dry, and whitewashed twice a year, or more often if necessary.

There were Male and Female infirmaries, and a Chapel. Nield noted that general health inside the prison was often better than outside. All prisoners were obliged to attend Chapel, separated by partitions so they could not see or communicate with each other. There was no employment offered in the Prison, so the passing days would have been monotonous and boring. With help from literate gaolers or the chaplain, Frances may have been able to send a letter to her children. Frances was in Lincoln Prison for almost a year and may have lacked female company for much of that time. Alone and with her fate known, she had ample time to reflect on her life so far. No doubt she initially felt remorse and self-pity for having descended so low and felt guilt at having to abandon her children but, at some point, her feelings of remorse and guilt were replaced by a determination to be reunited with her children one day. She had resilience.

Towards the end of her term, Frances was joined in March 1816 by Caroline Coulbeck Lusby aged 22, who was sentenced to death at Lindsey for highway robbery but had her sentence commuted to transportation for seven years<sup>64</sup>. In May 1816 they were joined by Ann Moulds aged 20, who was convicted at Holland for vagrancy and sentenced to transportation for seven years also<sup>65</sup>. Frances and her two fellow transportees would have spent a month or two together nattering in the female Day Room while they worked on handicrafts and did chores. Books (mainly religious) were available, but Frances could not read. Assize convicts under sentence of transportation received the King’s Allowance of 2s.6d. per week, so Frances could have paid gaolers for favours.

In June 1816, the High Sheriff of Lincolnshire received orders from Whitehall to transfer Frances Johnson and the other two female transportees to the ship *Lord Melville* at Deptford before the 13 July, provided that the women are “*free of any infectious Distemper, and in other Respects in a good State of Health*” to complete their sentences, and that each convict be cleanly and properly clothed, and provided with one spare jacket or gown, one spare petticoat, two spare shifts, two spare handkerchiefs, two spare pair of stockings and one spare pair of shoes<sup>66</sup>. As instructed, Frances, Caroline and Ann were moved to the *Lord Melville* on 3 July 1816 with their health clearances and spare clothes.

## **The Voyage**

The *Lord Melville* was originally a Royal Navy ship of 400 tons, launched at Shields in 1805. This was the first of two voyages she would make to New South Wales after being decommissioned from the Navy in 1816.

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<sup>64</sup> New South Wales, Australia, Convict Indents, 1788-1842. Ancestry.com

<sup>65</sup> Op. cit.

<sup>66</sup> “*Frances Johnson and her Australian Family*” 2018. Brian Wills-Johnson

The voyage of the *Lord Melville* was described by one of its passengers Barron Field, who was travelling, with his wife Jane and clerk John Gurner, to New South Wales to become Judge of the Supreme Court for the colony. They had a private cabin and if they so desired, could remain insulated from the 101 convict women on board, the guard, seamen and convict life below decks. Besides the Fields, there were several other free settlers and their families, and 32 children of convicts.

By his own admission, Barron Field was not a lover of sailing or the sea. He wrote *“the greatest pleasure of a sea voyage is the end of it, and I may venture to assert that the cry of Land! was never yet heard without joy, even by one of so roving a spirit that he would go to sea again the next day.”*<sup>67</sup> His description therefore mainly documents the progress of the voyage, ports of call, glimpses of land and meeting with other ships. During the long periods of routine sailing and boredom, he focussed on identifying the bird life and sea life which they encountered. He had little to say about the routine of human life on board, the seamanship required to reach their destination, his fellow passengers, how they were treated or how they felt. This is left to one’s imagination and accounts of other voyages<sup>68</sup>. Only when pressed after arrival did he write about fraternisation between the female convicts and seamen. Surgeon Daniel McNamara’s journal of the voyage has not survived.

In terms of progress, the voyage started badly. They departed from Gravesend on 29 August 1816 but on reaching the Downs, just north of the Strait of Dover, they were hit by a violent gale which wrecked several small coastal vessels, caused damage to the *Lord Melville*’s topmasts and blew them towards Cherbourg. For probably all the convicts on board, this would have been their first time at sea and the first of several terrifying experiences they would have. The *Lord Melville* retreated to Spithead (Portsmouth) to repair the ship and stayed there for two more weeks waiting for favourable winds. Barron Field and the other cabin passengers went ashore, but the convicts remained on board. During those two weeks in port, the convicts would have developed shipboard routines and social groups which would support them throughout the voyage and possibly afterwards. No doubt a few women developed relationships with the crew.

The *Lord Melville* departed Portsmouth on 16 September 1816 and worked its way west, passing Land’s End and entering the Atlantic Ocean four days later. Then, heading south, they endured ten days of storms and rough weather across the Bay of Biscay which Field described as *“misery infernal”*. Below decks must have been worse. The weather cleared on the 26 September, and they reached Porto Santo, Madeira and Ilha Beck without landing. They crossed the Tropic of Cancer on 3 October and reached the Cape Verde Islands on 9 October, but again did not make landing. On the 13 October, the temperature reached 83 degrees as they entered the doldrums and made very slow progress for the next 20 days until they crossed the equator on 4 November. Field wrote *“no landsman can form an idea of three weeks calm near the line”*. For the convicts, these weeks were spent mainly on deck by day under shade sails and at night under the stars. Below decks would have been unbearable. Their only relief was meeting a Spanish or Portuguese pirate ship and *“the Millwood of New York, bound from Canton to New York with tea.”*

The lookout sighted the coast of Brazil on 18 November and the *Lord Melville* reached Rio de Janeiro port on the evening of 21 November 1816. Field wrote *“it was like sailing in a ship of heaven into a new planet”* with the Pão d’Açúcar monolith and various forts guarding its

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<sup>67</sup> *“Narrative of a Voyage to New South Wales”* in *“Geographical Memoirs on New South Wales”*; by various hands; edited by Barron Field. John Murray, Albemarle St, London 1825.

<sup>68</sup> See for instance Surgeon’s Journal of the female convict ship *New Grove* from 24th November 1834 to 1st April 1835, written by Surgeon David Thomson – [www.femalefactory.com.au](http://www.femalefactory.com.au).

entrance, and the hinterland covered in Atlantic rainforest (Mata Atlantica). Field disembarked the next morning and spent nearly a fortnight with friends and acquaintances exploring Rio de Janeiro and the adjacent Forest of Tijuca. The seamen had shore leave and took the opportunity to drink lots of the local rum (cachaça) and buy supplies which they could sell at a profit when they arrived in New South Wales. Captain Thackray Wetherell bought Brazilian tobacco for the same reason<sup>69</sup>. The convicts did not disembark, there being nowhere on shore to contain them. Field made his only judgemental comment after visiting Rio de Janeiro. He wrote; *“I went on shore for nearly a fortnight, during which time I saw enough of America to appreciate its grandeur and fertility, and of the Portuguese, to estimate their pettiness and barbarism, and how unworthy the least enlightened nation in Europe is of colonizing such a fine country.”* It’s to be hoped he heeded this example when sitting in judgement in the New South Wales colony.

The ship departed Rio de Janeiro at dawn on 5 December 1816 and crossed the Tropic of Capricorn the next morning. They passed by Tristan da Cunha on the 21 December without seeing it, crossed the longitude of the Cape of Good Hope on the 2 January 1817, reached the “Roaring Forties” and headed east south-east with the temperature dropping to a maximum 52 degrees. They met two faster American ships heading in the same direction but that was all they encountered until 17 January when they first saw the Australian coast. During those days traversing the Southern Indian Ocean, the following seas were enormous, and Field had time to appreciate the power of the sea. He wrote, *“when there is a heavy swell and the wind blows, it is sport to see the head of a huge wave, as it rises into the wind’s sweep, dashed off into atoms like dust, and converted into foam”*. *“A beautiful effect is produced by the sun’s shining through the spray, at a ship’s side: a perfect rainbow is seen in the dark sea, on the other side of the spray, and may be fancied to lie some fathoms deep”*. But he remained very uncomfortable; *“when all this is done, a cabin is a small room, that serves for parlour and bed-room, and pantry and storeroom, never secure, from pitching and roiling at an angle of forty-five degrees from nature’s level, each way”*. *“He that would go to sea had need have neither ears nor nose; for booms and bulkheads will creak, and provisions will emit their odour.”* *“he who has the misfortune to have a stomach; and legs unused to balance his body on moving boards, had better stay on terra firma.”* Imagine what it was like in the cramped convict quarters below decks!

With the first sight of land in 73 days, the convict women must have begun to feel some relief that the voyage would soon be over, but also trepidation at what lay ahead. The *Lord Melville* had navigated to Cape Bridgewater (in western Victoria) and now turned east, following the coast but standing well out to sea. The passengers could see cliffs and wooded hills which *“had a look of home”* and there was smoke rising from fires. On the 19 January, the ship passed King Island and entered Bass Strait, surrounded by pods of dolphins. That night, a gale blew them through the Strait and in the morning, they could see Wilson’s Promontory behind them. They reached the Tasman Sea that day and headed north-east, hugging the New South Wales coastline with good views of the land. They reached Port Jackson and anchored in Sydney Cove on the morning of 24 February, after 179 days on board and 15,335 miles by the log.

Barron Field disembarked from the *Lord Melville* at 1pm on 25 March 1817. The Governor’s barge came alongside the ship and conveyed him to the Governor’s Wharf, and a salute of 13 guns was fired from Dawes’ Battery in honour of his arrival<sup>70</sup>.

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<sup>69</sup> Sydney Gazette and New South Wales Advertiser. Sat 1 Mar 1817 page 4

<sup>70</sup> Sydney Gazette and New South Wales Advertiser 1 Mar 1817

Sydney was experiencing a summer deluge, so unloading supplies and disembarking convicts was delayed for several days. During this time, the ship would have been approached by various men in small boats, wanting to be first in line to select a wife or servant. According to Francis Oakes in evidence he gave to Commissioner Bigge in 1819, *“Great difficulty is found in preventing boats from hovering round the ships; but no person is permitted to go on board without a pass from the superintendent. This privilege is granted only to inquire for servants; and the applications having been previously made to the superintendent, the women are sent to their respective places of destination as soon as the muster is completed. The governor has not been in the habit of inspecting the female convicts on their arrival, but a list of them and the persons to whom they are assigned is constantly sent to him. Each person who receives a female convict signs an indenture in which he obliges himself under a penalty of £20 to retain her in his service for the space of three years, providing sufficient subsistence, clothing, washing, and lodging, and not to part with her either directly or indirectly during the term, without the approbation or authority of a magistrate, or in case of misconduct proved and determined before him”*<sup>71</sup>.

The Surgeon Superintendent on the *Lord Melville*, Daniel McNamara, was a key person in the assignment process because after 179 days, he was well acquainted with the qualities and character of each convict under his care. On the 27 February, he wrote to Governor Macquarie submitting names of convicts whose *“conduct while under my superintendence has been very deserving and I am confident that any indulgence which your Excellency may deem admirable will be received by them with gratitude and thankfulness.”*<sup>72</sup> The names of the convicts have been lost, but it is clear that the Governor was offered the pick of the bunch.

On the same day, the convicts were mustered on board and interviewed by Captain John Gill, an officer in the 46<sup>th</sup> Regiment, in place of the Colonial Secretary who was busy welcoming Barron Field, the new Judge of the Supreme Court. Captain Gill wrote to the Governor, as follows.

*“Sydney 27<sup>th</sup> Feb<sup>y</sup> 1817*

*Sir,*

*Agreeable to your General Order of yesterday’s date, I this day mustered the female Prisoners on Board the Transport Lord Melville and have the honor to report that two of said Prisoners died on the Passage and that the remaining ninety nine were generally in good health, four only being confined in the Ship’s Hospital, that eighteen of them have Children, in all thirty two Male and Female. Having put the usual questions to them as to the treatment they had received, they answered very well, both by the Captain and Surgeon. The Muster Book which I have the honor to deliver herewith will inform your Excellency of the usual Particulars.”*<sup>73</sup>

This report seems rather perfunctory, and one wonders if the questions were penetrating, and if the convicts felt free to answer honestly.

In December 1817, Governor Macquarie asked Barron Field to comment on the morals, behaviour and treatment of female convicts aboard the *Lord Melville*, to help him defend his

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<sup>71</sup> Report of the Commissioner of Inquiry on the State of the Colony of New South Wales, 1822

<sup>72</sup> New South Wales, Australia, Colonial Secretary’s Papers 1788-1856. Letters received 1788-1826. Ancestry.com.

<sup>73</sup> New South Wales, Australia, Colonial Secretary’s Papers 1788-1856. Letters received 1788-1826. Ancestry.com.

administration against anonymous complaints, which led to questions from London. Barron Field replied as follows.

*"Sydney, 1st Dec<sup>r</sup>., 1817.*

*Sir,*

*In answer to the letter, with which your Excellency has honoured me, desiring me to state the conduct of the female Convicts on Board the Lord Melville Transport, Thackray Wetherell, Master, in which I came hither as a Passenger, and whether they were permitted to live with the Officers and Seamen during the voyage, I have to say that the women were treated very well and behaved as well as could be expected from their habits and character; they were certainly permitted to cohabit with the Officers and Seamen; but it is but justice to Mr. McNamara, the Surgeon Superintendent of the Ship, to say that this practice was permitted before he joined the Ship, which he did not do till some time after the women had all embarked, upon the Supersession of another Surgeon. He certainly might have reformed this practice; but to prevent connexion between the women and the seamen would (I am convinced) be quite impossible, even if the hatches had been battened down every night. I cannot speak of what passed on board in harbour, as immediately upon the vessel's coming to Anchor, both at Rio de Janeiro and here, I quitted the Ship.*

*Upon the whole, however, I believe there was as little immorality on board the Lord Melville, as it is possible should prevail among such a Ship's company of different sexes, so brought into contact. Of this I am sure, that a decent exterior was preserved; and, though I bore the relation of only a fellow passenger towards the convicts, yet I flatter myself that the high Office I was destined to fill here operated as some moral check upon them; and I read prayers to them on every Sunday, when the weather permitted, after which I always took occasion to give them some Moral or religious exhortation adapted to their circumstances and the occasion as it arose.*

*I have, &c.,*

*Barron Field, Judge of the Supreme Court.*

*True Copy: - J.T. Campbell, Secy.<sup>74</sup>*

## **CONVICT IN NEW SOUTH WALES**

When the *Lord Melville* arrived, the colony of New South Wales, then governed by Lachlan Macquarie, had just turned 29 – still in its infancy. Roads and streets were rough and muddy after rain, drainage and sewers were open, houses were mainly timber except for some Government buildings made of local sandstone and brick, clean water was scarce, and epidemics sometimes spread through the population. Males far outnumbered females and any new influx of females was immediately snapped up by men wanting a wife, labourer, servant or slave. Convicts were the lowest form of society and, for many, were seen as a resource to be exploited, sometimes abused mentally and physically. Convicts who had served their sentence and were now free settlers desperately wanted to escape and erase their convict pasts, while still exploiting their assigned convict servants.

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<sup>74</sup> New South Wales, Australia Colonial Secretary's Papers 1788-1856. Letters received 1788-1826  
Ancestry.com

Community expectations of female convicts and their treatment had been the subject of Government investigations and recommendations since 1812 and was still in progress when Frances arrived in 1817. In 1812, a Select Committee on Transportation made the following report on the experiences of female convicts:

*“In the distribution of female convicts great abuses have formerly prevailed; they were indiscriminately given to the inhabitants as demanded them, and were in general received as prostitutes rather than as servants; and so far from being induced to reform themselves, the disgraceful manner in which they were disposed of, operated as an encouragement to general depravity of manners. Upon arrival of Governor Bligh, two-thirds of children annually born within the colony were illegitimate.”*

*“Marriages have latterly become more frequent, consequently prostitution<sup>75</sup> is stated to have been less prevalent; and Governor Macquarie is directing his endeavours, under order from the Government here, to keep the female convicts separate till they can properly be distributed among the inhabitants, in such a manner as they may best derive the advantages of industry and good character.”<sup>76</sup>* For Frances, there was a danger that being a convict in New South Wales might not be very different from being a pauper in Lincolnshire.

Governor Macquarie was indeed trying to address the problem, but progress was slow. In response to questions from London (again), Macquarie wrote on 4 December 1817 that his solution to orderly assignment of female convicts was *“Erecting a large Factory and Commodious House at Parramatta, within a high Enclosure, for the Employment and Residence of the Female Convicts, and within a large Space of Ground for Recreation, so as to keep them always within it and prevent them having any Intercourse with the People of the Town, until such time as they should either be Married or Assigned as domestic servants to Married persons.”* He recognised that the existing factory *“is only Sufficient to Contain about Sixty Women, whilst there are Sometimes Not Fewer than Two Hundred employed there”<sup>77</sup>*. His problem was finding the funds to complete this project.

As per the prevailing regulations, Frances and her fellow transportees were transhipped in Sydney Harbour and sailed up-river to Parramatta to be distributed methodically to a married couple. As usual, the Government Factory at Parramatta was full, so Frances was fortunate to be assigned to someone who could provide her with food, clothes and lodging in return for her labour. The Muster of female convicts in New South Wales taken on 6 November 1817 shows that Frances Johnston [sic], who arrived in March 1817 on the *Lord Melville* and who was tried at Lincoln in August 1815 and sentenced to transportation for seven years, was assigned as a servant to Mr or Mrs Marr (the writing is faint)<sup>78</sup>. Frances was residing in the colony (of New South Wales).

## **Frances and the Marr Family**

A search of newspapers and Government Gazettes during 1817 found eighteen references to Mr Henry Marr, a convict who arrived in New South Wales aboard the *Admiral* in 1800. All the

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<sup>75</sup> Prostitution here is defined as any intercourse outside of marriage, rather than intercourse for money.

<sup>76</sup> Report of Select Committee on Transportation, p. 12 P.P. 1812, 11, 341. Quoted in *Select Documents in Australian History 1788-1850*: C.M.H. Clark. Angus and Robertson 1970 pp. 99-200.

<sup>77</sup> *“Frances Johnson and her Australian Family”* Brian Wills-Johnson, 2018, citing *Historical Records of Australia*: Series 1, Vol. 9 pp. 502-505.

<sup>78</sup> *New South Wales Female Convicts 1817* PRO 16, HO 10/9. (<http://nla.gov.au/nla.obj-1282147995> and <http://nla.gov.au/nla.obj-128214438>)

references are from New South Wales – none from Van Dieman’s Land. Henry Marr became a successful merchant, shopkeeper and publican in Castlereagh Street, Sydney and held land at *Driver Farm*, about ten kilometres north-west of Liverpool, on which he grazed cattle and sheep for meat. Occasionally, he sold or donated goods to the Government and, sometimes, the Government redirected these to charitable institutions in Hobart Town, but Henry Marr did not own a business in Hobart and does not seem to have travelled between Sydney and Hobart until 1821, when his stepdaughter died there.

Henry Marr of Sydney (or probably his wife Elizabeth<sup>79</sup>) may have selected Frances as a domestic servant for his stepdaughter Elizabeth Read. Elizabeth was an expectant new mother living with her parents in central Sydney and whose husband, Captain G. Frederick Read, was a merchant sailor who was mostly away at sea. Frances was, after all, a mature woman and very experienced mother and could have given Elizabeth helpful advice and support. The Read’s first child, George Frederick Read junior, was born in Sydney on 17 March 1817<sup>80</sup>, less than a month after Frances arrived. Frances probably became his nurse and nanny.

## FRANCES WITH JEAN PIERRE MEUNIER

In January 1818, Frances Johnson (now 36) became pregnant again. Her son and eighth child, William Johnson, was born in October 1818 in Sydney<sup>81</sup>. William’s father was unknown until Brian Wills-Johnson, a third-generation descendant of William Johnson, undertook a test which matched his DNA with a cluster of men in the USA having a common male ancestor, Dr Johannes Mousnier de la Montagne, of French origin. Based on a search of similar French names in the Australian colonies in early 1818, Brian deduced that William Johnson’s father could have been Jean Pierre Meunier and that Jean Pierre Meunier could be descended from the same French ancestor. His conclusion was that Jean Pierre Meunier<sup>82</sup> met and bedded Frances Johnson in early 1818, while she was assigned to Mr Marr.

The following description of Jean Pierre’s background is an extract from his biography by Brian Wills-Johnson<sup>83</sup>. *“Jean Pierre Meunier was born in 1791, probably in Épinal France. On 22 June 1808, Jean Pierre enlisted as a drummer in the De Meuron regiment, a Swiss mercenary force under contract to the British army, that had set up a recruitment base in Gibraltar.”*

*“Jean Pierre sailed to Malta where the regiment was stationed, performing garrison duties until early 1813. On 5 May that year the regiment embarked on the HMS Regulus, HMS Melpomene and HMS Dover for British North America, and at the beginning of August the 1,200 officers and men landed in Canada. On arrival the regiment was at or near full strength. After just three weeks in Canada, Jean Pierre deserted on 27 August 1813 but returned 3 September. Ten days later he was court-martialled at the regiment’s headquarters in Chambly and sentenced to life imprisonment. His sentence read:”*

*“The Court having maturely weighed the evidence adduced on behalf of the prosecution together with what the Prisoner has alledged [sic] in his defence, the Court is of opinion that the Prisoner J. P. Munier Drummer in deMeurons Regiment is guilty of the Desertion laid to*

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<sup>79</sup> Elizabeth Gore/Needham/Snailham/Driver/Marr was a convict on the First Fleet.

<sup>80</sup> The Sydney Gazette and New South Wales Advertiser Sat 22 Mar 1817

<sup>81</sup> His Death Certificate states that he was born in Sydney and was 81y 8m old when he died on 27 Jun 1900.

<sup>82</sup> There are various spellings in Australian records; e.g. Meunier, Mounier, Munier, Maunier, John Piermonia

<sup>83</sup> “Jean Pierre Meunier (1791-?)” by Brian Wills-Johnson. People Australia.

<https://peopleaustralia.anu.edu.au/biography>

*his charge, the Court therefore adjudge him the said Prisoner J. P. Munier Drummer in DeMeurons Regiment to be marked on the left side, two inches below the armpit with the letter /D/ half an Inch long; and then to be transported as a Felon for life, to any part of H. M.s Dominions beyond the seas, as H. R. H. The Prince Regent in the Name and on the Behalf of H. M. may be graciously pleased to direct.”*

*“Once Jean Pierre’s sentence had been confirmed at the British Army’s headquarters at Horse Guards in London, he was shipped back to England, where he was received on board the prison hulk Dido on 21 September 1814, more than a year after his court martial. Three days later he was ‘disposed of’ to New South Wales. He sailed on the Indefatigable, via Rio de Janeiro (where there was a delay of five weeks), and arrived in Sydney on 25 April 1815. The Sydney Gazette reported that the prisoners were landed in a healthy condition ‘and of particularly clean appearance’, indicating a well-managed voyage. Jean Pierre appears on 29 April 1815 as Pearce Manier on a list of convicts disembarked from the Indefatigable who were sent to Liverpool for distribution.”*

Contrary to Wills-Johnson’s biography, Jean Pierre Meunier was assigned to William Mitchell in the District of Airs on the upper George’s River about 20 kilometres south-southwest of Liverpool. William Mitchell was a free settler who arrived on the Providence in 1811<sup>84</sup>. In August 1812 at Parramatta, he married Elizabeth Huon de Kerilleau<sup>85</sup>, whose parents were both French refugees from the Reign of Terror under Robespierre. They fled to England in 1792 and then came to Australia as tutors for John Macarthur’s family at Camden<sup>86</sup>. On 10 June 1815, William Mitchell was granted 200 acres at Upper Minto and established *Horatio Farm*.<sup>87</sup> For William and Elizabeth, and her parents, having a native-speaking Frenchman as an assigned convict would have been a bonus. Jean Pierre began work as an agricultural labourer, helping to clear and cultivate *Horatio Farm*.

The farming community in the Airs-Minto area was quite small and was still threatened by natural disasters, lawless convicts and aggressive natives. As is still the case in many small rural outposts, socialising with neighbours and helping them was particularly important in establishing and maintaining a community. The Mitchell’s neighbours included the Howe and the Woodhouse families. George Marriott Woodhouse was granted 200 acres at Airs on 25 August 1812 which he named *Schuldham Farm*, and another 100 acres at Airs in 1816<sup>88</sup>. Jean Piere Maunier [sic] was in New South Wales for the Musters in November 1816 and October 1817<sup>89</sup> and was listed as a servant to Mr Woodhouse. Perhaps William Mitchell loaned Jean Pierre to George Woodhouse to help clear his new grant of land at Airs. William Howe was granted 3000 acres at Minto on 13 Jan 1818, which he named *Eskdale*<sup>90</sup>. The testimonial in support of Jean Pierre’s request for a Ticket of Leave in 1823 is as follows:

*Jean Pierre Mounier*

*We hereby Certify that Jean Pierre Meunier who came in the Ship Indefatigable which arrived in the Year 1815, has not been convicted of any Crime or Misdemeanor in this Colony, but is to our certain Belief an Honest, Sober and Industrious Character, having served faithfully Mrs*

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<sup>84</sup> New South Wales Australia, Colonial Secretary’s Papers 1788-1856. Memorial to the Governor 13 Aug 1825. Ancestry.com

<sup>85</sup> New South Wales Australia, St John’s Parramatta, Marriages, 1790-1966. Vol 1. Ancestry.com

<sup>86</sup> Australian Town and Country Journal 29 Oct 1887

<sup>87</sup> New South Wales Australia, Register of Land Grants and Leases, 1792-1867. Vol 2. Ancestry.com

<sup>88</sup> New South Wales Australia, Register of Land Grants and Leases, 1792-1867. Vol 2. Grant 311. Ancestry.com

<sup>89</sup> “New South Wales, Australia, Settler and Convict Lists 1787-1834”. Males 1816 and 1817. Ancestry.com

<sup>90</sup> New South Wales Australia, Register of Land Grants and Leases, 1792-1867. Vol 2. Ancestry.com

*W<sup>m</sup> Mitchell in the District of Airds from April 1815 to August 1821, William Howe Esquire in the District of Minto from August 1821, to the present Date. Sentence Life.*

*Minto 1<sup>st</sup> April 1823*

*W<sup>m</sup> Howe JP  
Thomas Reddall JP  
Resident Clergyman*

*1<sup>st</sup> Master W<sup>m</sup> Mitchell  
2<sup>nd</sup> Master W Howe*

This declaration makes it clear that Jean Pierre Meunier was in New South Wales at the time that William Johnson was conceived (January 1818) and, therefore, that Frances Johnson was also in New South Wales, assuming that the DNA evidence is correct.

Henry Marr was also a landholder, initially granted 30 acres at Parramatta on 1 January 1810<sup>91</sup>, but he added to his landholdings over time. He used these to run livestock and to sell meat to the Government stores. None of his landholdings however were in the Airds-Minto area, so there is no obvious reason why Frances would have an opportunity to meet Jean Pierre at *Horatio Farm* or *Schuldham Farm*. How Frances Johnson met Jean Pierre Meunier is pure speculation. Most likely, it was a casual encounter when Jean Pierre went to Sydney to buy clothing or other supplies from Henry Marr's warehouse (emporium) in Castlereagh Street, or they might have met in *The Bird in Hand* hotel next door.

On 3 May 1818, Captain G.F. Read and the brig *Lynx* returned from China with merchandise.<sup>92</sup> By June, he had surrendered his captaincy of the *Lynx* and travelled to Hobart as a passenger on the *Sophia*, arriving on 11 July.<sup>93</sup> It appears that he was the advance party for his family's move to Hobart, and that he took Frances Johnson with him to look after his son George, aged 16 months. The Muster of Female Convicts taken on 14-15 September 1818 in Hobart lists Frances Johnston [sic], who arrived in February 1817 aboard the Lord Melville and who was tried at Lincoln in July 1815 and sentenced to seven years transportation, residing at Derwent (Hobart). By this date, Frances was about eight months pregnant. Perhaps the Reads decided, as was their right, that Frances was no longer a suitable assignee servant and returned Frances to the Government Factory at Parramatta, or they may have sent her back to the Marr home in Sydney for the birth of her child. In fact, there is no birth or baptism record for William Johnson, so we don't know his accurate birthdate or place, only that it was in Sydney. The information available comes from his death certificate<sup>94</sup>.

In September 1818, Elizabeth Read announced her intention to move to Hobart for health reasons, with her servant Sophia Meredith<sup>95</sup>. The Reads arrived in Hobart on 11 October 1818<sup>96</sup>, approximately when William Johnson was being born in Sydney.

Jean Pierre Meunier remained in Sydney after William's birth, but there is no indication that he and Frances contemplated marriage, or even, that Jean Pierre was aware he had a son. Jean Pierre was granted a Ticket of Leave on 3 April 1823 and a Pardon on 23 September

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<sup>91</sup> New South Wales Australia, Register of Land Grants and Leases, 1792-1867. Vol 2. Grant 130. Ancestry.com

<sup>92</sup> Sydney Gazette and New South Wales Advertiser Sat 9 May 1818 p3

<sup>93</sup> Hobart Town Gazette and Southern Advertiser 11 Jul 1818

<sup>94</sup> Victorian Death Certificate No 7231/1900

<sup>95</sup> Hobart Town Gazette and Southern Advertiser 15 Sep 1818

<sup>96</sup> Hobart Town Gazette and Southern Advertiser. Sat 17 Oct 1818

1834<sup>97</sup> on the Condition that he stayed in the colony for the term of his sentence (Life). In 1823, he was living at Minto near Campbelltown, New South Wales and in 1825, he was working nearby for Elizabeth Mitchell’s brother Paul Huon de Kerilleau at *Sugarloaf Farm*. On 12 January 1833, Jean Pierre Mounier [sic] aged about 42 was permitted to marry Catherine Boyle, aged about 50<sup>98</sup>. Catherine was a housekeeper at Airds, near Minto. After 1834, Jean Pierre and Catherine disappear from the Australian records. It is possible he left the colony, without permission. There is a record of a Jean Pierre Meunier living in Rhône, France in 1836, who would be the correct age (45), but it is a common name in France.

## **FRANCES WITH JOHN MAWSON.**

The following account assumes that Frances Johnson returned to the Government Factory at Parramatta for the birth in October 1818. Being heavily pregnant, Frances would have been given shelter and access to midwives. When William Johnson was born, the Government Factory (commonly called the Female Factory) at Parramatta was the original facility built in about 1802. *“It consisted of two 80 by 20 foot rooms above the gaol. It was a wool and linen factory where women worked by day and it served as their refuge by night.”*

*“From its inception, the factory was intended to be a place where women who had not been immediately assigned to masters upon arrival in New South Wales were employed in tasks that were beneficial to the colony, and where corrupting influences could be kept at bay. In reality, this space was inadequate for achieving all of its aims as the majority of factory women could not find shelter there”<sup>99</sup>.* Although the Government under Lachlan Macquarie was in the process of designing and constructing a purpose-built facility, it was not completed until February 1821.

The Female Factory was the place free men visited to select a convict servant, mistress or wife. Convicted men went there to find a partner. Frances now came with baggage, a young child, and may not have been as desirable, but it seems that she was attractive to a convict named John Mawson, sometimes spelt Morson or Mosson. John was about the same age as Frances, born in about 1783 in Ripon, Yorkshire<sup>100</sup>. He was first charged on 19 March 1814 with stealing grain from a barn and sentenced to eight months’ hard labour<sup>101</sup>. He was arrested again on 22 February 1815 for stealing a side of bacon and eight hams from a warehouse on Christmas night 1814, and stealing money and town documents from a shop in Ripon on New Year’s Eve 1814. At his trial on 11 March 1815, he was found guilty of grand larceny and sentenced to transportation for seven years<sup>102</sup>. He was transferred to the Prison Hulk *Captivity* at Portsmouth, boarded the convict transport *Ocean* in August 1815 and arrived in Sydney on 30 January 1816. Upon arrival, John gave his age as 30 (actually 33) and was described as a bricklayer, 5ft 5¼ in. high with a ruddy complexion, black hair, and brown eyes<sup>103</sup>.

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<sup>97</sup> “New South Wales Australia, Convict Registers of Conditional and Absolute Pardons, 1788-1870” Conditional Pardon No 399. Ancestry.com.

<sup>98</sup> “New South Wales, Australia, Registers of Convicts’ Applications to Marry, 1826-1851” Ancestry.com

<sup>99</sup> Extract from “Parramatta Female Factory” by Michaela Ann Cameron. [Parramatta Female Factory – The Female Factory Online](#)

<sup>100</sup> North Yorkshire, England, Church of England Baptisms, Marriages and Burials, 1558-1812. Ancestry.com

<sup>101</sup> England and Wales Criminal Registers 1791-1892. Ancestry.com

<sup>102</sup> Australia, Convict Records Index. 1787-1867 Australian Joint Copying Project. Microfilm Roll 87, Class and Piece Number Ho11/2, Page Number 242

<sup>103</sup> “New South Wales Australia, Convict Indents, 1788-1842” Ancestry.com

In the 1816 Muster, John Mosson [sic] was a government labourer<sup>104</sup>. Probably around the beginning of 1819, John Mawson took Frances and her son William away from the Female Factory, however there is no record of this, or where they lived afterwards. Being a convict himself, Mawson was not entitled to have an assigned convict servant. Assuming John had a place to live, this may have added to his attraction – an escape from the Female Factory. On 1 March 1819, Governor Macquarie approved John and Frances’ request for permission to marry<sup>105</sup>, but there is no record that the marriage took place.

The next record of them is the 1820 Muster of Settlers and Convicts, which shows Frances Johnson back at the Government Factory<sup>106</sup> and John Mawson as a Government labourer<sup>107</sup>. They had already separated by 30 September 1820, the muster day for all female convicts in Parramatta<sup>108</sup>. On this date, Frances was about four weeks pregnant. John Mawson was probably the father but it could have been someone else, depending upon when Frances and John actually separated.

The new Government Factory at Parramatta was opened in February 1821.<sup>109</sup> Frances, her son William, and the other convict women were transferred to the new Factory which was “*A Large Commodious handsome stone built Barrack and Factory, three storeys high, with Wings of one storey each for the accommodation and residence of 300 Female Convicts, with all the requisite Out-offices including Carding, Weaving and Loom Rooms, Work-Shops, Stores for Wool, Flax, etc, etc.; Quarters for the Superintendent, and also a large Kitchen Garden for the use of the Female Convicts, and Bleaching Ground for Bleaching the Cloth and Linen Manufactured; the whole of the Buildings and said Grounds, consisting of about Four acres, being enclosed with a high Stone Wall and Moat or Wet Ditch.*”<sup>110</sup> Also on site was a medical and maternity hospital.

On 8 June 1821 at the new Government Factory, Frances (aged 39) gave birth to her ninth and last child, who was baptised Hannah Eleanor Morson, daughter of John and Frances Morson [sic] on 1 July 1821 at St Phillips, Sydney<sup>111</sup>. John Mawson died on 19 February 1821<sup>112</sup> during Frances’ pregnancy, so it was entirely Frances’ decision what to name the child. She clearly believed that John Mawson was the father. Perhaps naming her colonial-born children *William* and *Hannah* was in homage to her friends the Williamsons from Kirton-in-Lindsay but soon afterwards, the name *Hannah* seems to have been dropped, and she became simply Eleanor.

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<sup>104</sup> New South Wales, Muster of Male convicts 1816. HO 10/3 Images 348 and 349, nla.obj-1281054799 and 1281055571

<sup>105</sup> New South Wales, Colonial Secretary’s Papers 1788-1856. Letters sent within the colony 1814-1827. Ancestry.com.

<sup>106</sup> “New South Wales Australia, Settler and Convict Lists, 1787-1834” Females, 1820. Ancestry.com

<sup>107</sup> New South Wales, Muster of Male convicts 1820 L-Y. HO 10/13 Images 106 and 107, nla.obj-1283235048 and 1283235770

<sup>108</sup> The Sydney Gazette and New South Wales Advertiser Sat 23 Sep 1820 p.2

<sup>109</sup> The Sydney Gazette and New South Wales Advertiser Sat 27 January 1821 p.1

<sup>110</sup> ‘Appendix to the Report of Major General Lachlan Macquarie, late Governor of the Colony of New South Wales, being A List and Schedule of Public Buildings and Works erected and other useful Improvements, made in the Territory of New South Wales and its Dependencies, at the expence [sic] of the Crown from the 1<sup>st</sup> of January, 1810, to the 30<sup>th</sup> of November, 1821,’ by Lachlan Macquarie, 30 November 1822.

<sup>111</sup> Australian Births and Baptisms 1792-1981. Ancestry.com

<sup>112</sup> Australia Convict Records Index 1787-1867. Australian Joint Copying Project. Microfilm Roll 87, Class and Piece Number Ho11/2, Page Number 242. <https://convictrecords.com.au/convicts/mawson/john/109060>

## FRANCES WITH JOHN FOSTER

Discovering John Foster’s background has proved difficult because there were several men named John Foster in New South Wales in 1818-1820. According to the 1819 Population Muster, they were;

- a landholder farmer at Windsor,
- an escaped criminal,
- a sailor
- a pensioner who came free on the *Surry* on 4 March 1819, and
- a constable who was sentenced to transportation at Leicester in 1794 and arrived on the *Ganges* in 1797.

At first, the latter John Foster seemed the most likely partner for Frances because of his occupation and his arrival on the same convict ship as William Foster, who later became a significant benefactor to Frances and her children. On checking however, there is no John Foster listed among the *Ganges* passengers in 1797, but there is a John Fisher listed, who was tried and convicted at Leicester in 1794. It seems that John Fisher was mistakenly listed as John Foster in the 1818 and 1819 Musters, but this was corrected in the 1822 Muster to show that John Foster came free on the *Surry*.

Based on information from his death certificate, John Foster was born between 16 June 1776 and 15 June 1777.<sup>113</sup> A search of Ancestry’s databases shows there were (at least) 37 children baptised *John Foster* in England between 23 June 1776 and 30 July 1777.

According to the 1822 Population Muster, Frances’ husband John Foster came free on the *Surry*, arriving in Sydney in March 1819. The Surgeon Superintendent aboard the *Surry* reported that, “19th August 1818. Richard Partridge and his wife and John Foster came on board by an order from Capt. Young for a passage to New South Wales. They are ordered to be victualled at two thirds allowance”.<sup>114</sup> This indicates that the passengers had Government sponsorship, and John was described as a *pensioner* soon after arrival which suggests that he might have once been a Government employee. After arrival in Sydney, both Richard Partridge and John Foster were appointed as constables, so they may have had past careers as policemen in England. According to newspaper reports, the *Surry* left Spithead (Portsmouth) on 16 October 1818 with male prisoners. She arrived at Rio de Janeiro on 22 December 1818, leaving there 10 days later in company with the *Sidmouth* as far as Tristan da Cunha. The *Surry* arrived in Sydney on 4 March 1819 with 160 male prisoners<sup>115</sup>. Three died during the voyage.

We don’t know exactly when, where or how Frances Johnson met John Foster. On 8 September 1821 however, John Forster [sic] is listed as an ordinary constable without

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<sup>113</sup> NSW Death Certificate 5791/1823 V18235791 2B, and *Deaths and of Burials, New South Wales. 1821-1830*. Database compiled edited & published by Dr Craig James Smee.

<sup>114</sup> Medical Journal and diary of the Proceedings aboard the “*Surry*” Convict Ship between the 10<sup>th</sup> Day of August 1818 and the 5<sup>th</sup> April 1819. Matthew Anderson, Surgeon Superintendent

<sup>115</sup> Sydney Gazette and New South Wales Advertiser Sat 6 Mar 1819 p3

dependents<sup>116</sup>, so he and Frances did not have a formal partnership before that date. There were constables permanently stationed at the Government Factory, and constables often needed to travel to and from the Factory to transfer convicts. At some time during late 1821 to early 1822, constable John Foster may have gone to the Factory and met Frances Johnson there. John was aged about 44 and Frances about 40.

## **Frances’ Freedom**

Frances’ seven-year sentence was served on 13 July 1822. She eventually requested and was granted a Certificate of Freedom No. 336, but even without it, Frances was now able to buy and sell land and property, work and live freely in the community, travel at will, marry without permission (unless to a convict), be assigned a convict servant and, importantly for her, start the process of finding her English children and bringing them to New South Wales.

Although Frances’ was free to marry without permission, John Foster and Frances Johnson did not marry in a church – theirs was a common law marriage. In the General Muster of free settlers at Baulkham Hills (north of Parramatta) on 3 September 1822, the family is shown as John Foster, ordinary constable, Fanny Johnson his wife, and their children William Foster aged 3 and Hannah Foster aged 1½<sup>117</sup>. The children took John’s name, but Frances did not and remained a *Johnson*, another indication of her devotion to her first husband. The Mawson name disappeared altogether, except on Eleanor’s baptism record.

John’s position as an ordinary constable meant that he could draw rations and pay from the Government, a considerable advantage for any family. He was also literate. With other constables, John joined a petition to Governor Brisbane in April 1822, requesting an improvement in their government rations allowance<sup>118</sup>. The outcome was that from September 1822, ordinary constables in Sydney were paid at the rate of 6s 8d per week per man, 2s 6d per week for wife, and 1s 3d per week per child in lieu of rations<sup>119</sup>. For John and his family, this amounted to 11s 8d per week, plus a clothing allowance from the Government stores. In 1823, John was posted to the Colonial Secretary’s Office in Sydney, which would have been a prized posting and involved a family move from Baulkham Hills to Sydney city. For Frances, her future seemed secure at last, but then disaster struck. John Foster died in Sydney on 15 June 1823, aged 46, about 18 months after their de-facto marriage. John’s name efficiently disappeared from the Government pay lists after 14 June.

## **Frances and William Foster**

Almost immediately following John’s death, William Foster, a landholder and the District Constable for Lane Cove, gave Frances and her children a place to live and opportunity for gainful employment. William and John Foster were fellow constables and perhaps William’s welcome support was simply an act of charity from one colleague to a friend’s family in need, much as a benevolent society would support the widows and families of members. However, given the level of William’s support for Frances and her family over a long period, researchers have wondered if there was a closer, possibly familial relationship between John and William and/or Frances.

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<sup>116</sup> New South Wales Australia, Colonial Secretary’s Papers. Nominal List of all persons victualled from His Majesty’s Magazines under charge of Deputy Commissary General Wemyss. 8 Sept 1821. Ancestry.com

<sup>117</sup> New South Wales Census and Population Books, 1811-1825. Parramatta (Baulkham Hills) 1822 Ancestry.com

<sup>118</sup> New South Wales Colonial Secretary’s Papers 1788-1856. 1822. Ancestry.com

<sup>119</sup> Sydney Gazette and New South Wales Advertiser 13 Mar 1823

William Foster is better described as a significant benefactor rather than Frances’ partner. He had an immense influence on Frances and her children’s lives and therefore deserves recognition here. There are conflicting dates for William’s birth, ranging from 1762 to 1778. There were at least six William Fosters baptised between those years in Essex, where William Foster was tried and convicted on 5 March 1792<sup>120</sup>. Records of the Chelmsford Assizes have been lost so the nature of his crime is unknown, but he was sentenced to transportation for seven years. Several of those years were spent in one of the prison hulks moored at Woolwich on the Thames<sup>121</sup>.

The *Ganges* arrived in Portsmouth in October 1796 to be fitted out as a convict transport ship. Modifications were made to separate the married men, their wives and innocent orphans from the rest of the male convicts, crew and guard, and to open the ship to as much ventilation as possible. The *Ganges* was loaded with 121,289 pounds of beef and 40,522 pounds of pork, enough for a few months’ supply for the fledgling Colony of New South Wales, not yet a decade old and struggling to survive. She sailed from Portsmouth on 10 December 1796 with 194 male convicts from all parts of Britain. Thirteen died on the voyage and many suffered from scurvy<sup>122</sup>.

When the *Ganges* arrived in Sydney in June 1797, William Foster had less than two years left to serve on his sentence, and he was freed on 5 March 1799. He wasted little time establishing himself as a sawyer on the northern shore of Sydney Harbour<sup>123</sup> and by 1806 was a farmer on 30 acres at *Watson’s Farm*, Lane Cove<sup>124</sup>. William married his first wife, Mary Dooley, in 1807 and they had four children, Maria (born November 1807) Elizabeth (born February 1809), Richard (born May 1811) and Mary (born 6 February 1816). All the daughters died the year they were born – only Richard survived to adulthood. Perhaps not having a surviving daughter was one of the reasons William Foster was so generous to Eleanor Johnson.

In June 1810, William Foster joined The Loyal Sydney Volunteer Association as a private. Six months later, he was appointed a Constable in Sydney with a food ration and clothing allowance from Government stores. In July 1812, William was promoted to Constable in the Districts of Lane Cove and Hunters Hill<sup>125</sup> and the following year, he was granted 15 acres of land at Hunters Hill<sup>126</sup>. With a portion of this acreage, he became the local Pound-keeper for strayed stock.

Mary Foster, his wife, died in August 1816 aged 31. That year, William helped to promote the erection of a schoolhouse at Lane Cove *“for the Cultivation of the Morals and promoting the Education of Children of both Sexes, as also to improve the Females in other duties of domestic life”*<sup>127</sup>. The school was built next to the Church of St John the Evangelist (now in the suburb of Gordon) with funds and materials from community contributions and the Government. William Foster approved the employment of Mr W. Baker as the school’s first teacher<sup>128</sup> and William’s son Richard would have been among the first pupils.

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<sup>120</sup> Baptisms. Find My Past.

<sup>121</sup> New South Wales Australia, Convict Indents 1788-1842. Ancestry.com

<sup>122</sup> “Free Settler or Felon. Convict Ship *Ganges* 1797” Jen Willetts. freesettlerorfelon.com

<sup>123</sup> Settlers’ Muster Book 1800. Museums of History, NSW

<sup>124</sup> Sydney Gazette and New South Wales Advertiser, Sunday 4 May 1806, page 4

<sup>125</sup> Sydney Gazette and New South Wales Advertiser, Saturday 18 July 1812, page 1

<sup>126</sup> New South Wales Australia, Land Records 1811-1870. 30Apr 1813. Ancestry.com

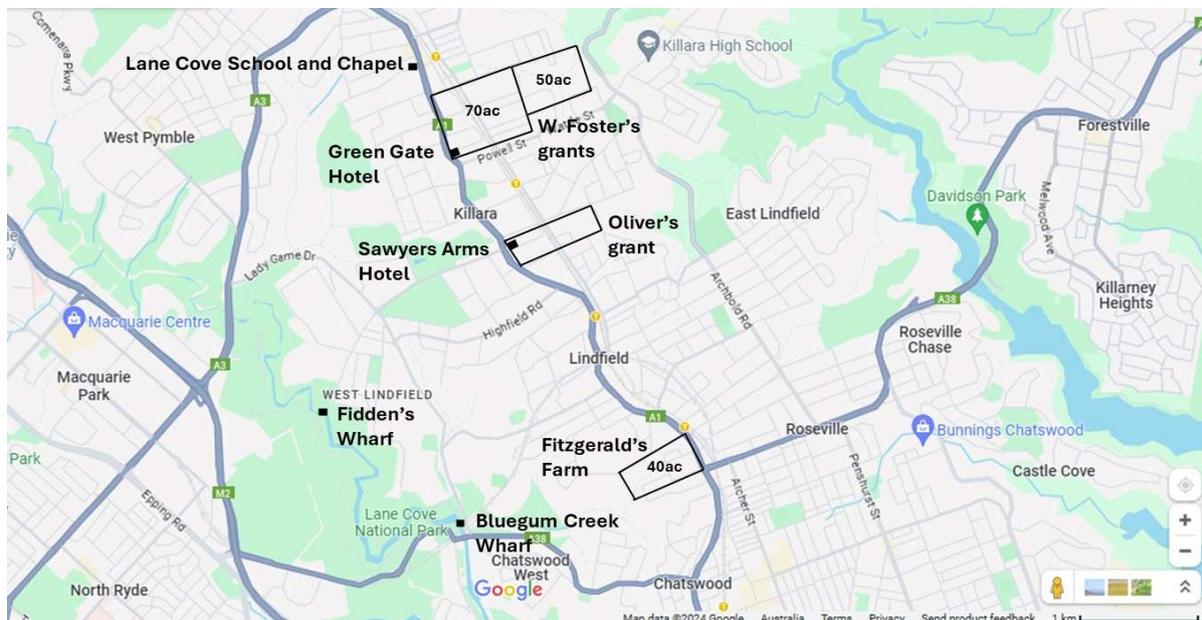
<sup>127</sup> Sydney Gazette and New South Wales Advertiser, Saturday 15 June 1816, page 1

<sup>128</sup> New South Wales Colonial Secretary’s Papers 1788-1856. Letters received 1788-1826. Ancestry.com

In April 1817, William Foster (about 44) and Elizabeth Britt (about 45), a convict who had arrived on the *Northampton* in 1815, requested permission from Governor Macquarie to be married<sup>129</sup>. This was approved and they were married at Parramatta the same month.

By 1818, William’s landholding at Lane Cove had grown to 115 acres, of which 25 acres was cleared. He had 2 acres of wheat, 9 acres of maize, ½ acre of potato, 1½ acres of orchard and garden, 6 horned cattle and 3 hogs<sup>130</sup>. Along with his police and pound duties, he needed help to maintain and grow his farm. In 1821, his holding was still 70 acres (granted) plus 45 acres (purchased), total 115 acres of which 30 acres was cleared<sup>131</sup>.

When John Foster died suddenly in 1823, William Foster (and his wife) gave Frances and her family a stone cottage and garden on ten acres in the southwest corner of his land, beside the Sydney - Maitland (Lane Cove) Road<sup>132</sup>. This gift was instrumental in helping the Johnson family to establish themselves in the colony.



Some early Land Grants in the Lane Cove District, overlain on a present-day map.

## English Connections

Finding an English connection, if any, between William Foster, John Foster and Frances Johnson is difficult because William and John Foster are very common names, and because of uncertainty about William Foster’s birth year. His possible birth years are;

- 1762-63, based on age 65 in 1828 New South Wales Census
- 1772-73, based on age 80 at death on 14 September 1853<sup>133</sup>
- 1772-73, based on age 19 at date of conviction in March 1792
- 1777-78, based on age 19 at date of arrival in June 1797.

<sup>129</sup> New South Wales Colonial Secretary’s Papers 1788-1856. 7 Apr 1817. Ancestry.com

<sup>130</sup> New South Wales Census and Population Books, 1811-1825. Land and Stock 1818. Ancestry.com

<sup>131</sup> New South Wales Census and Population Books, 1811-1825. Land and Stock 1821. Ancestry.com

<sup>132</sup> Now the Pacific Highway

<sup>133</sup> Assuming this is the William Foster who arrived on the *Ganges* in 1797.

Of the 37 children in England baptised John Foster between 23 June 1776 and 30 July 1777, twelve had a brother William, baptised at the same place<sup>134</sup>. Only two of these William Fosters have a birth date which fits our William Foster, namely;

- John Foster baptised 24 Nov 1776 and William Foster baptised 10 April 1763, sons of John and Mary Foster of Canterbury, Kent; and
- John Foster baptised 16 June 1777 and William Foster baptised 20 March 1773, sons of William Foster of Clapham, Yorkshire.

Neither of these birth places is close to Chelmsford, Essex where William Foster was tried and convicted in 1792, however Canterbury is the closer. Based on this analysis however, it seems unlikely that John and William Foster in New South Wales were brothers.

When William Foster was tried and convicted in Chelmsford in 1792, Frances was aged 11 and living with her parents in Morpeth, so it is very unlikely that Frances and William met in England. However, it is possible that Frances met John Foster in England.

Of the 37 children in England baptised John Foster between 23 June 1776 and 30 July 1777, two lived very close to where Frances lived in Kirton-in Lindsey and Scotton from 1799 to 1815 and would probably have known Frances Johnson of Scotton, in person or by name and reputation. They are;

- John Foster baptised 1 April 1777 (and his brother William Foster baptised 4 May 1764), sons of Thomas and Mary Foster of Scotter, Lincolnshire; and
- John Foster baptised 14 July 1777 (and his brother William Foster baptised 4 March 1766), sons of William and Prudence Foster of Kirton-in-Lindsey, Lincolnshire.

The John Foster from Kirton-in-Lindsey became a tailor, married twice and stayed in Kirton in Lindsey for most of his life<sup>135</sup>, but the John Foster from Scotter had opportunity to travel to New South Wales.

John Foster from Scotter married Martha Chapman at Scotter in 1804 and between 1804 and 1811 they had five children. Frances Johnson was producing children in nearby Scotton during these years. John's mother Mary died in 1812 and then his father Thomas Foster died on 30 May 1814. In his will, Thomas Foster left £30 to daughter Elizabeth, £5/5 to his eldest son William, £20 to his daughter Anne, £30 to son Thomas, and the remainder of his considerable landholdings and estate to his youngest son John Foster, who was also his sole executor. This made John a modestly wealthy man, able to live off renting his estates. According to the will, John had to distribute the cash to his siblings at least 12 months after Thomas' death (i.e. after 30 May 1815). John's wife Martha died on 1 April 1815, so John was relatively free to travel to New South Wales in 1818 (with family in Scotter to look after his children) and free to 'marry' Frances in late 1821. He does not appear in the 1841 England Census. Why he would go to New South Wales is a mystery. It would be nice to imagine that he went there to meet his brother William and settle the estate, but the birth date for William does not match.

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<sup>134</sup> Birth and baptism records in England. Ancestry.com

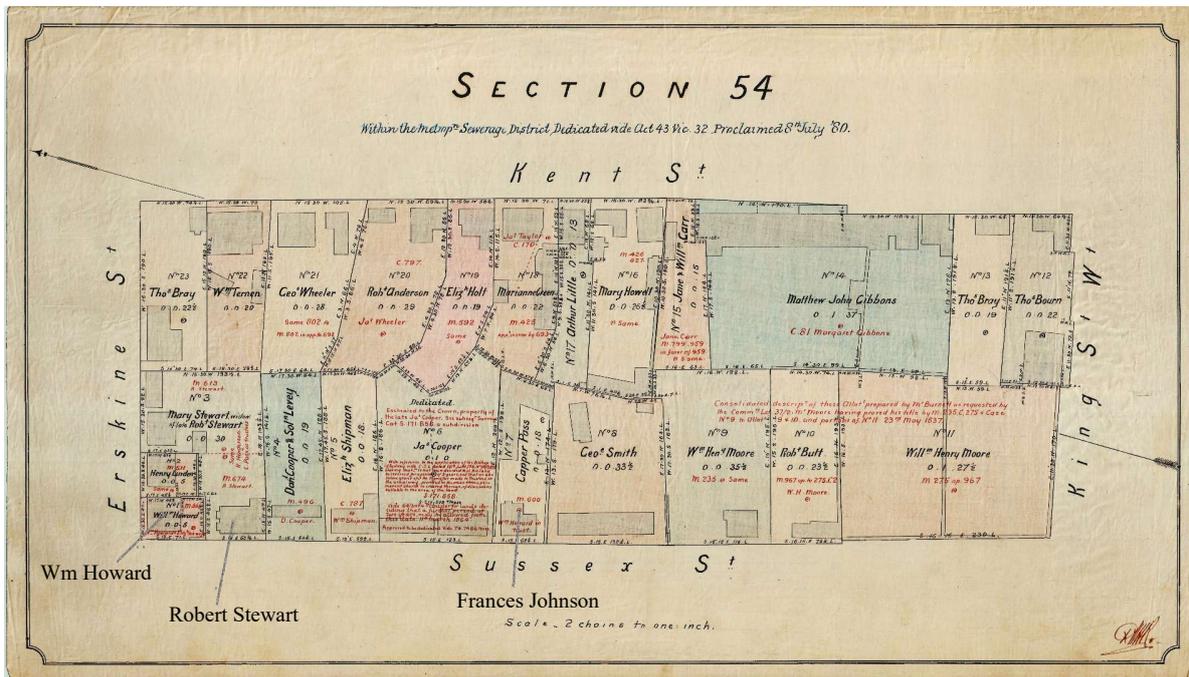
<sup>135</sup> England Census for 1841, 1851 and 1861. Ancestry.com

Perhaps during one of constable John Foster’s visits to the Government Factory at Parramatta he recognised Frances Johnson from Scotton, and perhaps his arrival and news from home were the catalyst Frances needed to try and reconnect with her English children.

## FRANCES WITH CAPPER PASS

After John Foster’s death, Frances decided to establish a business at Cockle Bay<sup>136</sup> which was named after the huge middens of shell waste deposited there over centuries by the aboriginal inhabitants. It became the industrial area of early Sydney, along the western shore of the town. The land here fell steeply to the water, with several cliff faces, and afforded sheltered, deepwater access and superior anchorages to Sydney Cove. By 1823, the shore was lined with wharfs, steam flour mills, lime works, timber yards and mills, warehouses, shipyards, slipways, slaughterhouses, markets and the Military Barracks. It was a place of bare-knuckle fights, robberies, drunkenness, and many drownings.

Based on later evidence, Frances established a baking business. Frances had learned baking, probably at various times during her checkered career. Frances took a lease over a property of 17½ perches in Sussex Street, Cockle Bay, between Erskine and King Streets. This became her business and home residence. There was a ready supply of flour and brewers’ yeast on hand, and strong demand for bread from passing trade and ships. Frances was able to purchase the Sussex Street property in 1827 for eighty pounds<sup>137</sup>, so her business was clearly successful.



Plan of Frances Johnson’s Lot in Sussex Street, 1833

<sup>136</sup> Now called Darling Harbour.

<sup>137</sup> New South Wales, Australia, Land Grants 1788-1963. Registers of Memorials 1822-1829. 9 April 1827.

Frances needed help to establish and run her business. She was granted three assigned convicts, Capper Pass and Patrick Reardon on 13 October 1823, and Alexander Steel on 12 December 1823<sup>138</sup>. Patrick Reardon (a stonemason) and Alexander Steel (a notorious absconder) did not stay long, but Capper Pass, a tallow chandler by trade, later became Frances’ last and most enduring partner.

Capper Pass was baptised in Shenstone, Staffordshire on 20 September 1775, the third child of William Pass and Mary Capper. At age 15, he was apprenticed to Mr John Ball of Abbots Bromley, Staffordshire to learn his trade as a tallow chandler, i.e. one who makes candles and soaps<sup>139</sup>. It appears though that Capper did not pursue that trade for long. In 1798 he married Phoebe Vise and they had two children, Thomas (1799) and Elizabeth (1801), both baptised in Walsall, Staffordshire where Capper had established a back-yard metal refining and forging business<sup>140</sup>. Phoebe died in March 1802 and Capper remarried to Ann Perkins in July the same year. After a short period as a victualler when the bottom fell out of the shoe buckle market, Capper moved his metal refining, casting and dealing business a short distance to Birmingham, where he and Ann produced three more children, Jane (1803), Harriet (1803) and Capper junior (1806). In about 1815 after a short period in Fleet Prison (London) for insolvency<sup>141</sup>, Capper moved the family to Bristol. It was here in 1818 that Capper Pass was arrested on a charge of receiving twelve hundredweight of copper valued at £75 and sent to Newgate Prison<sup>142</sup>. At his trial at Bristol on 11 January 1819, Capper was found guilty, sentenced to transportation for fourteen years and sent to the prison hulk *Justitia* at Woolwich, Kent<sup>143</sup>, to await transport. He gives the impression of being quite entrepreneurial, and sometimes tested the limits of the law. He was literate and (mostly) knew how to run a family business, which later flourished in the hands of Capper Pass junior. In 1831, he was described as 5ft 7in high, with a ruddy complexion, dark brown hair and hazel eyes<sup>144</sup>.

Capper Pass sailed for New South Wales on the *Canada* on 23 April 1819 and arrived in Sydney on 1 September 1819, aged 43<sup>145</sup>. He was assigned to Thomas Clarkson, a very wealthy ex-convict in the colony who owned many properties, including his home, a baker’s shop, malt-house, brewery and public house (*The Woodman*) on the corner of Hunter and Elizabeth Streets. Capper received some useful experience of baking and brewing while working for Clarkson. Not long after Capper’s arrival, Thomas Clarkson decided to return to England and proceeded to liquidate his assets<sup>146</sup>. Clarkson died in March 1824 in Sydney, leaving his wife Catherine to run his businesses. He must have owed significant debts to the Government, which proceeded to repossess and sell his assets from mid-1824 onwards<sup>147</sup>. Catherine Clarkson later supported Capper Pass’ request for a Ticket of Leave, so he must have been a useful and trusted servant.

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<sup>138</sup> New South Wales, Australia, Colonial Secretary’s Papers, 1788-1856. Special bundles 1794-1825. Ancestry.com

<sup>139</sup> UK, Register of Duties Paid for Apprentices’ Indentures, 1710-1811. Ancestry.com

<sup>140</sup> “Capper Pass - the First Hundred and Fifty Years” [https://www.freshford.com/pass\\_150](https://www.freshford.com/pass_150)

<sup>141</sup> London, England, King’s Bench and Fleet Prison Discharge Books and Prisoner Lists, 1734-1862. Ancestry.com

<sup>142</sup> Bristol Mercury Mon 18 Jan 1819

<sup>143</sup> UK, Prison Hulk Registers and Letter Books, 1802-1849. Ancestry.com

<sup>144</sup> New South Wales, Australia, Tickets of Leave, 1810-1869. Ancestry.com

<sup>145</sup> New South Wales, Australia, Convict Indents, 1788-1842. Ancestry.com

<sup>146</sup> The Sydney Gazette and New South Wales Advertiser 21 Aug 1819 page 2

<sup>147</sup> The Sydney Gazette and New South Wales Advertiser 27 May 1824 page 1

On 3 July 1823, Frances bought another property of 28  $\frac{3}{4}$  perches in Kent Street<sup>148</sup>. By the end of 1825, Frances had moved her business to the south-east corner of Bathurst and George Street, then part of Brickfield Hill on the southern fringe of Sydney town. This provided more space (29  $\frac{1}{2}$  perches), better access to passing trade and was across the street from hotels, the *Kangaroo Arms* and *Emu Inn*. She established a dining room in the bakery and served meals. Many customers in Sydney at that time would have requested alcohol with their meal, but there are no records of Frances having a license to serve beer only, let alone serve spirits. Of course, there was a strong trade in illegal alcohol, known as the ‘sly grog’ trade and there may have been a few bottles of rum, gin and whiskey hidden under the counter for regular customers. Sea captains often imported spirits illegally for the sly grog trade, and there were also local illicit stills hidden in the bush. Capper Pass may have managed this side of the business. In September 1826, Frances Pass was charged with selling spirits without a license. She was convicted and fined £25 with costs, equivalent to the annual fee for a liquor license.

On 22 September 1825, after serving six of his fourteen-year sentence, Capper Pass was granted a Ticket of Leave<sup>149</sup>. Frances Johnson and Catherine Clarkson were his character references. This meant that Capper could work for himself, acquire property, lease land, move freely within the police district where the Ticket of Leave was issued (Sydney in Capper’s case), and marry or bring his family to the colony.

In the 1825 General Muster, Eleanor Foster aged 4 $\frac{1}{2}$  is listed as the daughter of John Foster (deceased) and was probably living with William and Elizabeth Foster at Lane Cove. Eleanor would have been going to school at the Gordon schoolhouse. Frances is listed as a housekeeper, but she was much more than that, and Capper was listed as a baker. Capper and Frances were co-habiting by this time.

On 28 April 1826, The Governor granted permission for Frances Johnson and Capper Pass to marry, however on receiving this proposal, the Rev. John Dunmore Lang, Sydney’s first Presbyterian minister, wrote back to the Governor questioning their character, as follows<sup>150</sup>:

*Sir*

*The following parties having applied to me for the publication of banns in order to their being married according to the forms of the Presbyterian Church to which the female belongs, I beg to transmit their names for the sanction of His Excellency the Governor.*

*Capper Pass; aged 46; is a Widower; arrived in the colony in the year 1819; under a sentence of 14 years’ transportation; holds a ticket of leave and resides at present in George’s Street, Sydney where he follows the business of a tallow chandler; he is a person of very good character*

*Frances Johnston; aged 45; is a Widow; arrived in 1817 per the Lord Melville; under a sentence of 7 years transportation; is free; & bears a good character.*

*I beg to remark, however, that although a certificate of character has been signed for these parties by three respectable persons in their neighbourhood, I have learnt from one of themselves that they have been living for some time past in a state of concubinage; that*

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<sup>148</sup> Sydney Gazette and New South Wales Advertiser (NSW : 1803 - 1842), Thursday 26 May 1831, page 1

<sup>149</sup> New South Wales, Australia, Tickets of Leave, 1810-1869. Ancestry.com

<sup>150</sup> Colonial Secretary’s Correspondence, Archives Office of New South Wales, shelf 4/1889, letter 26/2367. This is the first mention of Frances being Presbyterian rather than Anglican.

*circumstance being unfortunately misunderstood not to affect a man’s character by the subscribers of the certificate.*

*I have the honour to be, Sir*  
Sydney 27<sup>th</sup> April 1826 *Your Most Obedt & Humble Servt*  
*John D. Lang*

This letter meant that consent to their marriage was put “on hold”. In fact, Capper Pass’ second wife Ann Perkins was still alive in England, so the statements that he “*is a Widower*” and “*he is a person of very good character*” were clearly incorrect. Perhaps Frances had begun to suspect that her future husband may not be trustworthy, or perhaps someone had warned her that once married, her assets would become his. Whatever the reason, Frances arranged to put her assets into a trust for herself and her children, thereby keeping them well insulated from Capper Pass and his family. Frances purchased the Sussex Street property for cash and then prevailed upon two neighbours to hold the assets and act as her trustees. These neighbours were Robert Stewart, a retired soldier and tailor, and William Howard, a boatbuilder who both lived a few doors north of Frances’ residence in Sussex Street. Within the trust, Frances put the Kent and Sussex Street properties, and the 10 acres with stone cottage given to her by William Foster in Lane Cove<sup>151</sup>. Now Frances felt prepared for marriage, if only for convenience, and to begin reconnecting with her English children.

France Johnston [sic] and Capper Pass were eventually married at the Scots Church, Sydney on 23 September 1828, three days after the Trust Deed was executed. Rev. John Dunmore Lang officiated so he must have been persuaded to change his mind, perhaps because Frances and Capper regularly attended his church. The witnesses were Frances’ friends and neighbours Robert and Mary Stewart. Frances signed with her ‘X’ mark<sup>152</sup>.

Capper Pass had a convict son, Thomas Pass by his first wife, who arrived in New South Wales in August 1820, less than a year after Capper arrived. Six months after Capper was transported, Thomas, aged 20, was convicted of highway robbery and sentenced to death, with the sentence later commuted to transportation for life. Thomas was in Sydney when Capper and Frances met and first asked for permission to marry. Surely Thomas knew that his stepmother was still alive, and that the marriage was bigamous, yet he seems to have made no public objection or complaint. Thomas was working at Maitland around the date of the wedding and perhaps was not on the guest list.

In the 1828 Census which was taken after the marriage, Frances Johnson and William Johnson (10) are listed as the wife and son of Capper Pass in George Street. Eleanor Johnson (7) is listed as a farmer on ten acres at Hunters Hill (Lane Cove), fully cleared with five acres cultivated and three horned cattle. Both her children had dropped the Foster surname and were now Johnsons. Frances adopted the Pass surname, but the children never did. Frances must have influenced their decisions, more evidence that it was a marriage of convenience. Having a literate man as a husband would help Frances be accepted in the patriarchal society of early Sydney and give her respectability.

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<sup>151</sup> Indenture of Settlement dated 20 Sep 1828 (cited by Violet Scahill, “The Matriarch”. Jun 1991. REEL 622 4/1717 POLICE OFFICE SYDNEY. R 5016 45/4219 CERT.B AFFIDAVIT.)

<sup>152</sup> New South Wales Registry of Births Deaths and Marriages. Certificate No 78/1828 V182878 73A



The Scots Church (St Andrew's), Sydney, 1840. (opened 1826)<sup>153</sup>

As well as baking, Capper seemed to be involved in keeping and trading livestock and land. In the 1828 Census, he is listed (still) as a tallow chandler of George Street, and as owning three horned cattle, which he kept in the Town-Herd. He also had a stallion, named *Northumberland*, which he advertised for stud services and kept in the paddock of his friend Thomas Hart at Cobbitty on Sydney's southwest outskirts. Capper used this horse as collateral to cover his debts, and it became the subject of several legal cases between 1832 and 1836 which reached the Supreme Court. In the last trial, a witness claimed that Capper Pass had asked him to look after “a lot of pigs” and keep them “out of the way”.<sup>154</sup> On a land sale deed written and signed by Capper Pass in 1832, he gave his occupation as a “butcher”<sup>155</sup>, and elsewhere he is described as a “baker and dealer”<sup>156</sup> and “baker &c”. He dabbled in real estate, was certainly an entrepreneur, and sometimes struggled to repay his debts. To borrow from the old nursery rhyme,

*Rub-a-dub-dub  
Three men in a pub  
And who do you think they be?  
The butcher, the baker, the candlestick-maker  
And Capper was all three!*

<sup>153</sup> Painting by Frederick Garling of Scots Church, Sydney, New South Wales. 1840s. State Library of NSW.

<sup>154</sup> Sydney Gazette and New South Wales Advertiser, Thursday 23 June 1836, page 3

<sup>155</sup> New South Wales, Australia, Land Grants, 1788-1963, Register of Memorials 20 Nov 1832. Ancestry.com

<sup>156</sup> Commercial Journal and Advertiser, Wednesday 16 March 1836, page 1

## Family Reunion

After the wedding, Frances set about reconnecting with her children in England. She needed help to write letters, and Capper may have assisted her with that. They were probably addressed to the Churchwardens and Overseers of the Poor in Scotton, her children’s last known address, and perhaps to the Williamsons in Kirton. Scahill suggests that Rev J.D. Lang may have helped to locate the family when he visited England in 1830-31<sup>157</sup>. It is hard to imagine this scholarly gentleman having time to travel to North Lincolnshire given his loftier colonial ambitions and plans, however he may have passed on letters and been able to pull some clerical strings.

Frances’ messages must have reached some of her children because John Johnson (aged 22) and Edward Johnson (aged 18) departed London on 27 December 1830 and arrived in Sydney as cabin passengers aboard the *Renown* on 24 June 1831<sup>158</sup>. No doubt, Frances had paid for their passage. The meeting, after sixteen years of separation, would have been heart-warming to see.

Not long after this, Capper’s son Thomas Pass by his first wife Phoebe Vise, was granted a Ticket of Leave for the District of Maitland. Capper petitioned the Governor to have this changed to the District of Lane Cove, and it was approved<sup>159</sup>. Possibly inspired by Frances, Capper wanted to have his son closer. At William Foster’s suggestion, Capper negotiated a lease over Fitzgerald’s Farm at Lane Cove for £52<sup>160</sup>. This was a 40-acre grant which Michael Fitzgerald and his wife Bridget had cleared, developed and cultivated for many years. He and William Foster were early pioneers at Lane Cove, close friends, and colleagues in the constabulary, until Michael died in 1828. In August 1831, William Johnson (aged almost 13) was managing *Fitzgerald’s Farm* on his own. It soon became known as *Capper’s Farm*. Capper gave this farm to his son Thomas for five shillings in a Deed of Gift dated 3 May 1832<sup>161</sup>, probably as a wedding present for Thomas and his approved bride Mary A Mildenhall<sup>162</sup>. Unfortunately, the marriage did not take place and Thomas returned to the Maitland district, leaving Capper’s hopes and plans for reunion in disarray.

The arrival of family, although greatly welcomed, must have initially caused some stress for Capper and Frances, wondering how to place them. In August 1831, they advertised for positions (presumably on a farm) with Capper as overseer and Frances as a dairy woman!<sup>163</sup> This crazy scheme went nowhere. Edward Johnson had been apprenticed to a farmer, William Stanuel of Scotton, from the age of ten<sup>164</sup> so he was naturally suited and trained to begin his colonial life on the land at Lane Cove, joining his half-brother William at *Fitzgerald’s Farm*.

John Johnson moved into the stone cottage and ten-acre farm with his half-sister Eleanor (aged 10). With the help of William Foster, they established a roadside inn, known as *The*

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<sup>157</sup> *The Matriarch* by Violet Scahill 1991 p.6

<sup>158</sup> Hobart Town Courier, Saturday 21 May 1831, page 2 and Sydney Herald, Monday 27 June 1831, page 4

<sup>159</sup> Archives Office of New South Wales, shelf 4/2114, item 31/6469. Petition. (cited by Brian Wills-Johnson)

<sup>160</sup> New South Wales, Australia, Land Grants, 1788-1963, Register of Memorials. 24 Aug 1832. Ancestry.com

<sup>161</sup> New South Wales, Australia, Land Grants, 1788-1963, Register of Memorials. 3 May 1832. Ancestry.com

<sup>162</sup> Permission granted 28 Mar 1832. New South Wales, Australia, Registers of Convicts' Applications to Marry, 1826-1851. Ancestry.com

<sup>163</sup> Sydney Gazette and New South Wales Advertiser, Tuesday 16 August 1831, page 2

<sup>164</sup> Lincolnshire Archives Scotton Parish PAR/13/9 Apprenticeship Indentures

Gate hotel and were granted a Publican’s License on 2 July 1832, with John as publican<sup>165</sup>. It was renamed *The Green Gate* in 1833, and the sign on the gate read;

*Erected 1833  
Ye Olde Green Gate  
This Gate Hangs Well  
It Hinders None  
Refresh and Pay  
And Travel On*

On 1 October 1832, a domestic servant named Ann Johnson, born in 1805, arrived in Sydney as a bounty passenger aboard the *Renown*<sup>166</sup>. Given the timing of her arrival and her age, it is possible that this is Frances’ daughter. However, there are no colonial records which link her to Frances or her children, and she is indistinguishable from the many other Ann Johnsons in the colony.

On 25 February 1833 at Rev. J.D. Lang’s home at Lane Cove, John Johnson (23) married Charlotte Oliver (17)<sup>167</sup>. At the time, Charlotte Oliver was living on her grandfather Henry Oliver’s grant less than a mile south of the *Green Gate*. After the marriage, John and Charlotte decided to build another hotel which was a long timber and bark hut on Oliver’s grant at the intersection of Fidden’s Wharf and Lane Cove Roads. They named the hotel, appropriately, *The Sawyers Arms* and were granted a Publican’s License on 28 June 1834, two weeks after the first of their eleven children was born.

With John’s move, the *Green Gate* no longer had a publican – Eleanor was not old enough to hold a license – so Frances decided to advertise the hotel for lease, as follows:

*“TO LET. A WELL-established Public House with extensive Stabling, known by the sign of the " Green Gate," Hunter's Hill, Lane Cove, 6 miles from Sydney on the new line of road from Sydney to Maitland, with a good garden well stocked with most excellent fruit trees, & ten acres of cultivated land, the accommodations are good and the rent moderate. This is a most desirable opportunity for a person of small capital, as it will afford him the most ample means of improving the same without incurring any expense beyond what is requisite for carrying on the business of a Publican. For further particulars apply to Mr. William Howard, Erskine-street, corner of Sussex-street.”*<sup>168</sup>

Not long after this advertisement was published, Frances must have received a letter from her daughter Mary in Hull, Yorkshire saying that she, her husband Thomas Kelsey and four children had decided to emigrate to New South Wales. The *Green Gate* was immediately taken off the market pending Thomas and Mary’s arrival. There is no record of their date of arrival or their ship, but they were in the colony by February 1835 when the Government assigned a groom to Thomas Kelsey of Lane Cove<sup>169</sup>. Thomas, Mary and their children settled at the *Green Gate*, and Thomas was granted the first of his many Publican’s Licenses on 29 June 1835<sup>170</sup>.

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<sup>165</sup> New South Wales, Australia, Certificates for Publicans' Licences, 1830-1849, 1853-1860

<sup>166</sup> New South Wales, Australia, Assisted Immigrant Passenger Lists, 1828-1896. Ancestry.com

<sup>167</sup> Australia Marriage Index 1788-1949. Ancestry.com

<sup>168</sup> Sydney Monitor, Wednesday 28 May 1834, page

<sup>169</sup> New South Wales Government Gazette, Wednesday 17 June 1835 (No.172), page 417

<sup>170</sup> New South Wales, Certificates for Publicans’ Licences, 1830-1849. Ancestry.com

In the space of three or four years, Frances had succeeded in surrounding herself with (at least) two of her daughters, three sons and five grandchildren, and provided them with a solid start in colonial life - a great achievement, especially for an illiterate woman from impoverished beginnings.

## Wheeling and Dealing

As mentioned above, Capper Pass was an entrepreneurial character who seemed to enjoy wheeling and dealing. After receiving his Ticket of Leave in 1828 and marrying Frances, he spent many days each year briefing lawyers to defend cases brought against him, prosecute complaints against others, and transfer assets.

Capper Pass and Patrick Moore had shares in a stallion, (later named *Northumberland*) which they kept on Thomas Hart's farm at Cobbitty. Each year they would put the horse to mares around the Sydney district in return for stud fees, and they paid Hart agistment fees for keeping the horse. At certain times of the year, the horse was stabled at the Green Gate with Thomas Kelsey. Hart was convicted of larceny and sent to Norfolk Island. In 1832, Capper Pass and Patrick Moore entered into a bond to secure Thomas Hart's assets, so when the Sherrif came to recover Hart's debts in August 1833, the Sherrif sued Pass and Moore<sup>171</sup>. As it turned out, Capper Pass had already sold Hart's assets, so Moore paid the entire amount, then sued Capper Pass for the other 50% and won the case. Capper Pass now had to pay Patrick Moore £167<sup>172</sup>.

Capper began to have difficulties when he obtained a loan from one Robert Henderson, a landowner and gardener at Brisbane Water. With accrued interest, the loan had reached £193 in May 1832. By this time, Henderson decided he needed some security for the loan, so Capper gave Henderson a mortgage over the bakery on the corner of George and Bathurst Streets, plus the stallion *Northumberland* and two brood mares<sup>173</sup>. Henderson took possession of the stallion but then let Capper Pass maintain and manage the horse, putting it to stud etc. Meanwhile, the Sherrif was pursuing Capper for the bond to Thomas Hart. Believing the stallion still to be the property of Capper Pass, he seized the horse when it was stabled at the *Green Gate*, and then sold it. The Sherrif also intended to seize and sell Frances' Kent Street property<sup>174</sup>, believing it to be Capper's, but this did not happen. So, now it was up to Henderson to take the Sherrif to court to recover the value of his horse which had been wrongfully seized. He was successful and was awarded damages of £50.<sup>175</sup> This still did not relieve Capper of his debt to Henderson. Capper reduced the debt somewhat by buying a piece of land in Sussex Street for £25 in October 1834<sup>176</sup>, and then passing it on to Henderson in December with a value of £50<sup>177</sup>.

Capper Pass also owed money to Thomas Barker, a flour miller at Cockle Bay. The debt of £129 may have been the value of flour bought on credit. In September 1832, Capper mortgaged *Fitzgerald's Farm* to Thomas Barker, redeemable after one year<sup>178</sup> in return for

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<sup>171</sup> New South Wales Government Gazette, Wednesday 28 August 1833 (No.78), page 342 and Sydney Herald, Thursday 25 February 1836, page 2

<sup>172</sup> Australian, Friday 6 March 1835, page 2

<sup>173</sup> New South Wales, Australia, Land Grants 1788-1963. Registers of Memorials 8 May 1832,

<sup>174</sup> Sydney Gazette and New South Wales Advertiser, Thursday 8 May 1834, page 3

<sup>175</sup> Sydney Herald, Thursday 25 February 1836, page 2

<sup>176</sup> New South Wales, Australia, Land Grants 1788-1963. Registers of Memorials 17 Oct 1834

<sup>177</sup> New South Wales, Australia, Land Grants 1788-1963. Registers of Memorials 8 Dec 1834

<sup>178</sup> New South Wales, Australia, Land Grants 1788-1963 Registers of Memorials 14 Sep 1832.

Barker’s forbearance of the debt. Two months later however, Capper transferred the farm for £200 to Edwin Dobson (the buyer who paid £50) and Thomas Barker who paid £150. After repaying Barker, Capper had a net gain of £71 for the farm which had cost him £52. It is not clear what impact this sale had on William and Edward Johnson, who were working on the farm. Perhaps the new owner Dobson, who held the property as trustee for Jane Simpson and her children, allowed the Johnsons to stay on as tenant farmers.

We will never know the nett profit or loss of Capper Pass’ many transactions, but he was never declared insolvent in New South Wales. In March 1836 however, a single advertisement appeared saying that the house and premises of the bakery at George and Bathurst Streets was now in the hands of William Newton<sup>179</sup>, who intended to continue the business as usual. William Newton was the person who bought the stallion *Northumberland* from the Sherrif in 1834 for £52-10s, so he and Capper Pass had history.

In February 1837, Capper offered a room for rent at the bakery and it appears that this coincided with Capper and Frances’ move to the *Royal Oak* hotel, situated on George Street about two blocks south of the bakery. Capper Pass was granted the Publican’s License for the *Royal Oak* in July 1837.

## EPITAPHS

Frances Pass died at the *Royal Oak* hotel, George Street on 23 December 1837, aged 57. She was buried at the Devonshire Street (Sand Hills) Cemetery. Later, her children erected a headstone which read;

*To the Memory of Frances Pass, who departed this life December 23<sup>rd</sup>, 1837 aged 57 years.  
This Stone is erected by her dutiful and affectionate children who have now to lament the loss of a  
kind and indulgent parent.*

*Also Christina Victoria Johnson OBIT 11<sup>th</sup> Nov<sup>r</sup> 1848 aged 2 years and 3 months<sup>180</sup>*

Christina Victoria Johnson was a daughter of William Johnson, suggesting that perhaps he was the driver behind erection of the headstone. When the Devonshire Street Cemetery was resumed in 1901 to make way for Central Railway Station, Frances’ remains were reinterred at the Eastern Suburbs Memorial Park, Matraville<sup>181</sup>.

Two weeks after Frances’ death, Capper Pass (aged 63) signed an affidavit that he intended to marry Ann Rose (aged 35).<sup>182</sup> It was Ann’s second marriage – her maiden name was Porter and she had arrived in New South Wales as a free settler in December 1833. It was Capper Pass’ fourth marriage, and it took place in St Andrew’s Presbyterian Church, Sydney on 27

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<sup>179</sup> Commercial Journal and Advertiser, Wednesday 16 March 1836, page 1

<sup>180</sup> Epitaph book of Church of England section of Devonshire Street (Sand Hills) Cemetery, Sydney 1901, compiled by A.G. Foster 1900-1901, with typescript introduction by C.H. Bertie, 1925.

<sup>181</sup> Australia and New Zealand Find a Grave Index. Ancestry.com. This contradicts Blades and Wills-Johnson who say re-interment was at Pioneer Park (Botany Cemetery) Bunnerong.

<sup>182</sup> “Pint Pots and Oranges” V Scahill 1991. Page 20, citing Archives Office of New South Wales Affidavit Certificate 82 45/4219 R 5016.

January 1838<sup>183</sup>. The difference in ages and unseemly haste for marriage might have caused some concern among Johnson family members.

In February 1838 Capper advertised the bakery to let. It was described as “*a lucrative business*”, “*now in full work*”<sup>184</sup>. The fact that Capper wanted to distance himself from the bakery so soon after Frances’ death suggests that it was mainly Frances’ enterprise. He must have had difficulty finding a tenant because he continued to employ bakers (convict assignees) during 1838 and was still involved in maintaining the bakery business. William Newton had disappeared from the scene. Capper Pass’ Publican’s License for the *Royal Oak* was renewed in June 1838, so he was managing two businesses.

Eleanor Johnson (17) married James Oatley Jr (21) on 1 January 1839 at St Andrew’s, Sydney. Eleanor’s half-brother John approved the marriage because Eleanor was still a minor. One hopes that Eleanor’s stepfather Capper Pass attended the wedding and also approved of the marriage. However, according to his stepson William Johnson<sup>185</sup>, not long after the marriage some “*infamous intrigue*” seriously affected Capper’s domestic happiness. The nature of the intrigue was not explained. Capper started drinking heavily and his health rapidly deteriorated. Capper Pass died at the *Royal Oak* on 10 March 1839. James Oatley Jr, who had been refused access to see Capper before he died, and other concerned family members, requested an inquest be held into Capper’s death. The evidence from the inquest held at the *Royal Oak* on 12 March 1839 was reported in the Sydney press<sup>186</sup> and the Jury verdict was that Capper died a “*Natural Death, accelerated by the excessive use of ardent spirits*”. William Johnson disputed the press reporting of the inquest, defending Capper as a man who was not normally a hard drinker of ardent spirits, but that Capper was “*totally insane*” at least three weeks before his death<sup>187</sup>.

After Capper’s death, William Foster attempted to reclaim a grant of 50 acres of land adjacent to his 70-acre block at Lane Cove. William had originally claimed this land on 30 October 1822 and he intended that it should become Eleanor Johnson’s. In 1837, William requested that the Deed of Grant be put in the name of Capper Pass, in trust for Eleanor. Upon Capper’s death however, there was a risk that the land would be claimed by Ann Pass because Capper died intestate, and William wanted to prevent this.<sup>188</sup> The land was finally granted to Eleanor Oatley on 19 February 1841, as William originally wished.

Ann Pass was granted a Publican’s License for the *Royal Oak* in May 1839 and quickly remarried to William Ford<sup>189</sup>. The Publican’s License was transferred to William Ford in September 1839. William Ford had given evidence at the inquest into Capper’s death and (falsely) claimed that Capper Pass had always been a hard drinker. He was present at the hotel during Capper’s decline, and it is hard not to suspect that he was in some way involved in Capper’s death. Ann Ford died at the *Royal Oak* on 30 July 1840, aged 42. In the space of two and a half years, the *Royal Oak* claimed the lives of Frances Pass, Capper Pass and Ann Pass Ford. William Ford was the beneficiary.

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<sup>183</sup> New South Wales Marriages 1788-1945. Volume V18383044 74A. Find My Past

<sup>184</sup> Commercial Journal and Advertiser, Saturday 10 February 1838, page 1

<sup>185</sup> Commercial Journal and Advertiser, Saturday 16 March 1839, page 3

<sup>186</sup> Sydney Gazette and New South Wales Advertiser, Thursday 14 March 1839, page 2

<sup>187</sup> Commercial Journal and Advertiser, Saturday 16 March 1839, page 3

<sup>188</sup> New South Wales Government Gazette, Wednesday 11 September 1839 (No.448), page 1007

<sup>189</sup> In all newspaper articles Ann’s husband is named William Ford, but on the marriage documents he is Thomas Ford.

**APPENDIX 1. FRANCES MILL'S FAMILY**

