



Sarah Gilbert

Date of Trial:	29 May 1816
Where Tried:	Middlesex Gaol Delivery
Crime:	Larceny in a dwelling house
Sentence:	Life
Est YOB:	1786
Stated Age on Arrival:	30
Native Place:	
Occupation:	Servant
Alias/AKA:	Sarah Scott (m)
Marital Status (UK):	
Children on Board:	
Surgeon's Remarks:	Quiet but of a meddling disposition
Assigned NSW or VDL	VDL

Sir George Thomas Smart, the renowned English music composer, conductor and teacher, hosted a grand party at his London home for one hundred and twenty guests on 10 May 1816.¹ Was it by intent or chance that Sarah Gilbert happened to be at his house the following day? Whatever the circumstances, she was unable to resist temptation, the sorry consequence of which found her fronting up to the Old Bailey on 29 May 1816 to answer the following charge.²

SARAH GILBENT [sic] was indicted for feloniously stealing, on the 11th of May, twenty-four silver forks, value 12l. twelve silver table-spoons, value 6l. twelve silver desert spoons, value 3l. four silver sauce ladles, value 4l. two gravy-spoons, value 2l. eighteen silver tea-spoons, value 4l. seven silver salt-spoons, value 1l. one silver cheese-knife, value 7s. one pair of silver sugar tongs, value 10s. one silver punch ladle, value 10s. two silver cup-covers, value 4l. one silver snuffer-stand, value 1l. one silver tea-pot stand, value 1l. 1s. one silver butter knife, value 5s. four silver salts, value 4l. four silver wine labels, value 4s. four decanter stands, value 1l. two extinguishers, value 5s. one tablecloth, value 5s. and one man's jacket, value 10s. the property of Sir George Thomas Smart, knt. in his dwelling-house.

Six witnesses were called to give evidence. Louisa Hall, servant to Sir George, stated that on the day after the party she had washed up the plate and put it in a tablecloth in the back kitchen, adding that it could not be seen from the street. As explained by William Hall, another servant, arrangements had been made for staff from the Argyle Rooms to come and collect some furniture that had been hired for the party.³ Dennis Keef, a porter from the Argyle Rooms, stated that he and another porter named Roach had been sent to collect some cane seats, tables and trestles, and while they were removing the furniture they had to keep the door open. He then stated:

In the course of the work, between half past one and two o'clock, I saw the prisoner at the bar. To the best of my belief I saw her on the two pair of stairs landing place. I don't know whether she had anything; she had a pair of pattens in her hand. I was coming down; thinking she was one of the servants of the house, I remarked to her, that it was a nice day, to what the day before was, when we brought the things, for it had been a rainy day; and she said, yes it was. From that moment's conversation I had sight and view enough of her to know it was she, when I saw her again; in the course of about three hours, or something less, I was as sure of her then, as I am now. I think she had something in her apron before her, but I can't swear.

John Roach confirmed having seen the prisoner.

I was assisting Keef that morning. I saw the prisoner in Sir George's house, at the bottom of the stairs in the hall. I spoke to her, and said, good day ma'am; we are all in a bustle here. She made a very low answer which I could not hear; I am sure she is the person.

David Thomas, linen draper of 119 Oxford Street was the next witness to take the stand.

On the day in question, I took notice of the prisoner by her being in my house. It is two turnings from John-street, which leads to Great Portland-street. It was about twelve o'clock. I had the Rev. Mr. Helm in my house, who on going out to his silversmith's left the street door open, and I found the prisoner in



my house. I knew her person; I saw her in about an hour and a half afterwards in Edward-street, Cavendish-square. She had then a large bundle of things in a table-cloth. From that to Sir George's house, which is about four or five hundred yards, or rather less than a quarter of a mile. I took particular notice of her and walked past her. When I turned round, she was out of my sight; she had gone down a gateway, where there was no thoroughfare. I went down also and heard a noise behind a stable gate, and I looked behind and immediately she ran off from behind it and up some steps, and said, I am undone, take the property? the property is yours, or something to that purpose. She was greatly confused. I called several persons but not one of them would secure her. I took her; I afterwards took the bundle from behind the gate, where she had left it. I afterwards examined it. There were one hundred and one pieces of silver plate. All these I gave to the officer. They were never out of my hands until I gave them to the officer. I delivered the prisoner to him also.

The last witness was Charles Jefferson, an officer of Malborough Street who had taken Sarah Gilbert into custody and who had also taken possession of the stolen silver plate, plus a coat, which 'have been in my custody ever since'.

In her defence the prisoner stated that she had no earthly friend to intercede on her behalf, her husband was in the King's Bench, and her two children were being cared for by her parents. Her distressing situation held no sway, the verdict being 'GUILTY – DEATH'.

Sarah Gilbert's opportunistic haul was valued at almost £50. Did she know what was wrapped up in the tablecloth, or had she just taken in 'on spec'? And having done so, how did she think she could get away with without drawing attention to herself as she struggled with what must have been a heavy, and possibly suspiciously 'clinking' load?

As reported in the *Northampton Mercury* of 15 June, Sarah Gilbert was just one of thirty-three people sentenced to death at the 29 May session. Six weeks later the same newspaper reported that the sentences for all but four of the capitally convicted had been respited. Fortunately (?) for Sarah her sentence was commuted to transportation for life.⁴

It is not difficult to imagine how Sarah Gilbert felt when, on 5 June 1817, she was embarked on the *Friendship*, then at anchor at Deptford.⁵ There is no record of any children accompanying her, so they presumably remained in the care of her parents. Who her husband was, and what happened to him is not known.

What exactly he meant by the term 'meddling' is unclear, but 'quiet but of a meddling disposition' is how Surgeon Peter Cosgreave described Sarah's behaviour on the journey to New South Wales. Of the 101 females embarked on the *Friendship*, 17 had been tried at London/Middlesex, of whom twelve, including Sarah Gilbert, were sent to Van Diemen's Land on arrival. In accordance with the directive from the Colonial Secretary's office these women joined the other forty-two *Friendship* women who boarded the *Duke of Wellington* for the voyage to Hobart where the vessel weighed anchor on 20 January 1818.⁶

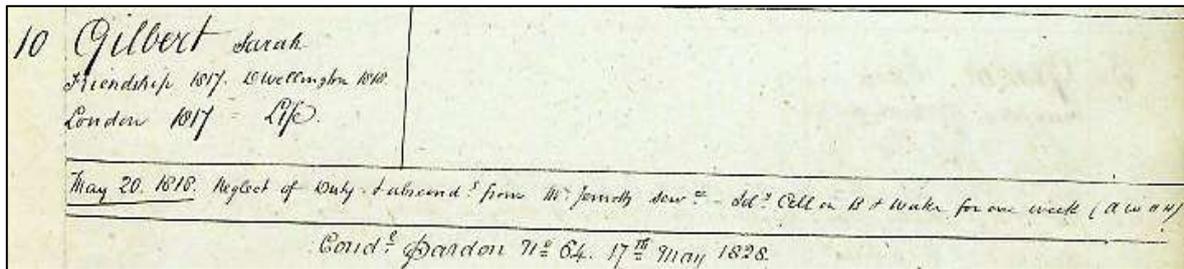
Sarah Gilbert's prison record gives her age in 1816 as 30 - the same age recorded when she was mustered on arrival in 1818. She was a servant by calling and, always an advantage, she could both read and write.⁷ It was as a 30 year old that, five months after her arrival at Hobart, she became Mrs Scott.⁸

James Sarah	Scott / Gilbert	Convict Convict	Calcutta. Friendship	42 years 30 years	29 June	James	250
William Joseph Hart	.Book Hart						

The marriage between Sarah Gilbert and James Scott, age 42, took place, by banns, on 29 June 1818. According to the register both were convicts, James having arrived per *Calcutta* and Sarah per *Friendship*. As was standard at this time, the marital status of both parties was not included in the record.

Prior to her marriage Sarah Gilbert had been assigned to William Jemott, as denoted by the only misdemeanour

listed in her conduct record. On 20 May she was charged with neglect of duty and absconding from Mr. Jemott's service for which she was ordered to the solitary cell on bread and water for a week.⁹



Her master, albeit for such a short time, had himself arrived as a convict, per the *Indefatigable* in 1812. He had been tried at the Old Bailey Admiralty Sessions on 28 February 1812, charged rather spectacularly with having 'piratically stolen 30,000 ounces of Silver in Spanish dollars, the property of Halford and Gome, and 2,000 ounces of like silver, the property of Messrs. Pedro and Co. on the high seas, within the jurisdiction of the Admiralty of England'. The judge, in passing sentence of death, observed 'that it was no more than charity to inform the prisoner that he had little reason to expect mercy on this side of the grave'.¹⁰ Not only was his sentence commuted but, by the time 'lifer' Sarah Gilbert arrived at Hobart, William Jemott had obtained a conditional pardon, his wife had joined him from England, and he was well on the way to establishing himself as a merchant and commission agent.¹¹

For the 1820 muster Sarah Gilbert was shown as holding a ticket of leave; in 1822, still with a ticket of leave she was listed as a servant to a Mrs. Walker. To confuse matters, the 1823 muster records her as the 'wife of R Scott'.¹²

The next records found for Sarah Gilbert concern her conditional pardon which, as noted on her conduct record, was granted on 17 May 1828. The public was advised of this milestone via Government Notice 114 of 4 June.¹³

THE LIEUTENANT GOVERNOR has been pleased to grant the undermentioned Indulgences:

FREE PARDON,
To Richard Summers, 125, Lord Melville
Edward Whittaker, 20, Atlas S

CONDITIONAL PARDON,
To Thomas Jackson, 26, Almorah
James Kettle 46, Lady Castlereagh
John Liddel, 176, Sir William Beasley,
Sarah Gilbert, 10, Friendship

Two years later a public announcement was made through the *Colonial Times* of the names of those whose pardons, conditional or absolute, had been sanctioned by His Majesty and Sarah's name was again listed.¹⁴

What has been mooted as the final record for Sarah is a death registered at Hobart in 1835. The age of the deceased is recorded as 50 and she was the wife of a botanist.¹⁵ There is no record of the Informant, nor is any other information provided that might unequivocally identify this woman as the erstwhile Sarah Gilbert.¹⁶

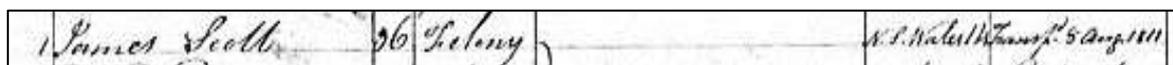
o. 294	Sarah Scott	Brisbane Street	6 November 1835.	50 years.	Free	Botanist's wife
	4129					

There is a reference in the Scott-Gilbert marriage registration that definitely does not stand up to scrutiny. It is stated that convict James Cross had arrived in the Colony on the *Calcutta* which had sailed from Spithead on 24 April 1803 and arrived at Port Phillip Bay nearly six months later on 9 October. This was a momentous occasion. The vessel, commanded by Lieutenant Collins, and carrying on board nearly 300 convicts together with some convicts' wives and children, a contingent of Civil Staff, and a detachment of Royal Marines, had been sent to Port Phillip to establish a new settlement there.¹⁷ James Cross was not one of those on board.¹⁸ He had actually

arrived in New South Wales in 1812 on board the *Guildford*, and was then transferred to Van Diemen's Land on the *Ruby*.¹⁹

James Scott, of Mitcham, Surrey, a dealer in old iron, was arraigned on 9 January 1811, charged on the oaths of John Holden and others with 'feloniously receiving, of and from Benjamin Flood at Mitcham, one truss of hay, well knowing the same to be stolen'. He was tried at the Newington Epiphany Session on 15 January 1811, together with Benjamin Flood, a labourer and occasional assistant at the stables of John Burt. John Holden of Mitcham, coach master; and John Burt of Mitcham, ostler to Peter Wooderspoon of the White Hart Inn, victualler, accused Benjamin Flood of stealing the hay and passing it to James Scott. Separately at the same Session, Benjamin Flood was charged with stealing the hay. Both James Scott and Benjamin Flood were found guilty of their crimes, but while Benjamin was sentenced to imprisonment to hard labour for six months, James Scott was sentenced to transportation for fourteen years.²⁰

James Scott, then aged 36, was transferred from the Surrey County Goal to the hulk *Retribution* to await the next stage of his journey – embarkation on 8 August 1811 on the convict transport *Guildford*, a relatively modern ship, built in 1810.



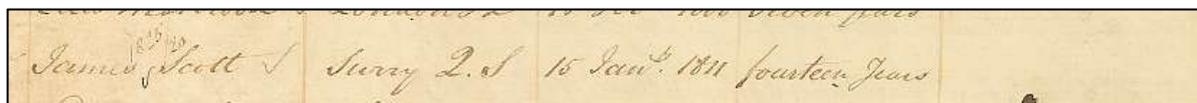
Carrying 200 convicts the *Guildford* left London on 3 September 1811 and arrived at Port Jackson on 18 January 1812. This was to be the first of her eight voyages transporting convicts to Australia.²¹ The last leg of James Scott's journey was as a passenger on the Calcutta-built ship *Ruby*. Chartered by Governor Macquarie, this ship reached Hobart on 19 February carrying Major Andrew Geils, newly appointed Commandant of Hobart, and his entourage. In addition, as Macquarie advised the Earl of Liverpool in his despatch "No 5 of 1812":

By the *Ruby* I sent Eighty Male Convicts for the Norfolk Island Settlers, and likewise a Considerable Supply of Provisions, Stores and Slop Clothing for the Use of the Settlement at Hobart Town, and which were at that time very much Wanted.²²

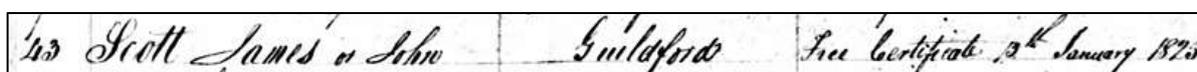
The Colonial Secretary's office prepared and promulgated a list of those convicts selected for transfer to Van Diemen's Land.

A list of Eighty Male Convicts to be embarked on board the Ship *Ruby* of Calcutta for the Settlement of Hobart town on the River Derwent in Van Diemen's Land under the Command of Major Geils 73^d Reg^m with Extracts from the regular Indents of their Names, Ages, places and Times of Trial and their Sentences.²³

James Scott was on the list, although none of the men's ages were shown. But based on the hulk record, James would have been about 36 or 37.



The various convict lists/musters do not reveal much about James Scott's life between 1816 and 1823 apart from telling us that he spent most of that time in government employment. From 1820 he is listed as having a ticket of leave, and for the 1823 muster he was shown as a married man.²⁴ He served out his full sentence and was issued with his certificate of freedom in January 1825.²⁵ This was reflected in the 1826 convict muster.²⁶



James managed to keep himself out of trouble for the whole of his time under sentence. His first and only transgression was recorded on 10 April 1828 when he was bound over to keep the peace for three months towards Mr (or Mrs?) Fletcher.²⁷

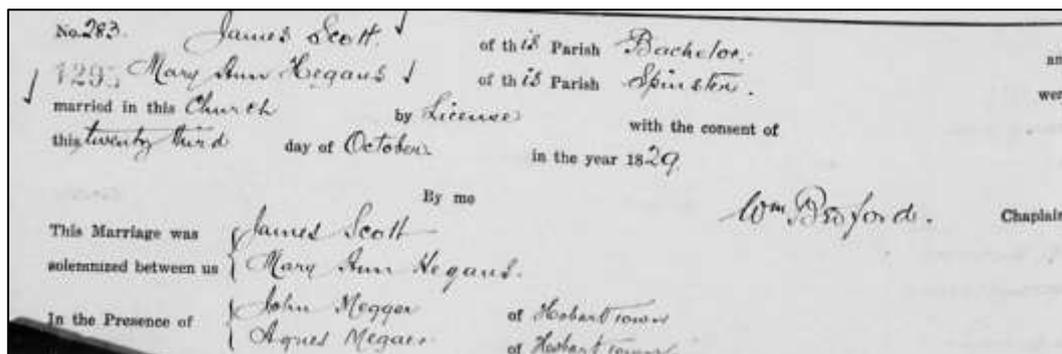
of indigenous seeds.³⁴

A similar notice, confirming the Scott's address as Brisbane Street, was placed in the Sydney press.

DIED – On the 3rd instant, at No. 50, Brisbane-street, of serious apoplexy, Sarah the Wife of Mr. J.W. Scott, Collector of Indigenous Seeds.³⁵

So this begs the question as to where and when Sarah Scott (formerly Gilbert) ended up. Did she and James live out their lives quietly, keeping well out of trouble (and the newspapers)? Once they were both free did they leave Hobart and/or Van Diemen's Land either together or separately?

On another tack, who was the James Scott who, on 23 October 1829, married by licence Mary Ann Hegans?³⁶



The names of the witnesses were actually John and Agnes Mezger, who ran a saddlery warehouse in Argyle Street.³⁷ Having been tried at the Bristol Quarter Session on 15 April 1822 and sentenced to seven years transportation for 'stealing a pocket-book from some person unknown', the bride, Mary Ann Hegans (aka Mary/Martha Hagan), had arrived at Hobart on the Mary (3) on 19 October 1823. She behaved herself for the first few years, but between 1826 and 1828 she was a repeat absconder and consequently a regular customer at the Female Factory. She was issued with her certificate of freedom in April 1829.³⁸ After her marriage her conduct record listed two more incidents, in May 1831 and May 1833, for which she was bound over.³⁹ All was not well with the marriage between James and Mary Ann Scott. The following notice was published in April 1831.⁴⁰

NOTICE.
MARY ANN SCOTT, my wife, having deserted her home for some time past without any just cause, I hereby caution any person from giving her credit on my account, or harbouring her, as I will prosecute them as the law may direct.
JAMES SCOTT.
 Hobart town, Campbell street,
 April 8, 1831.

Eighteen months later The Tasmanian carried the following item.⁴¹

James Scott was charged by his wife, Mary Ann, with many acts of cruelty, which compelled her at last to seek protection from the Police. He was ordered to find sureties, and committed in default of bail.

If this was 'our James, it suggests that his first wife Sarah had either died or disappeared. The account of Sarah Gilbert leaves many questions unanswered.

NOTES

¹ Wikipedia, George Thomas Smart, https://en.wikipedia.org/wiki/George_Thomas_Smart.

² *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 21 October 2018), May 1816, trial of SARAH GILBERT (t18160529-7).



- ³ The Argyll (Argyle) Rooms was an entertainment venue in Little Argyll Street – Wikipedia, Argyll Rooms, https://en.wikipedia.org/wiki/Argyll_Rooms.
- ⁴ *Northampton Mercury*, 15 Jun 1816, p.4, and 27 Jul 1816, p.4.
- ⁵ Findmypast (FMP), England & Wales, Crime, Prisons & Punishment, 1770-1936, Prison Registers.
- ⁶ Ancestry, New South Wales, Colonial Secretary's Papers, 1788-1856.
- ⁷ Ancestry, England & Wales, Criminal Registers, 1791-1892, England, Middlesex, 1816. Female Convicts Research Centre Inc (FCRC), Female Convicts in Van Diemen's Land database, Convict ID: 3590.
- ⁸ Tasmanian Archives and Heritage Office (TAHO), Hobart marriages 1818, RGD36/1/1 no 280.
- ⁹ TAHO, Conduct Record, CON40/1/3 p.5.
- ¹⁰ *Lancaster Gazette*, 7 Mar 1812, p.4.
- ¹¹ TROVE, various articles 1817-1819.
- ¹² Female Convicts in Van Diemen's Land database. Ancestry, New South Wales, Australia, Settler and Convicts Lists, 1787-1834, New South Wales, Female, 1821 and Male and Female, 1822. Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, Tasmania, List of convicts (incomplete), 1823.
- ¹³ *The Hobart Town Courier*, 7 Jun 1828, p.2.
- ¹⁴ *Colonial Times*, 14 May 1830, p.4.
- ¹⁵ TAHO, Hobart deaths 1835, RGD34/1/1 no 4129.
- ¹⁶ The death reference is sourced from the Biographical Database of Australia (BDA), Biographical report for Sarah GILBERT, ID : B#10013633001, 1818 Tasmanian Database created by Garry Wilson. The Female Convicts in Van Diemen's Land database has not included a death reference for Sarah Gilbert.
- ¹⁷ "European Settlement" 1803, Nepean Historical Society, <https://nepeanhistoricalsociety.asn.au/history/first-settlement-1803/>.
- ¹⁸ However, Included in the convicts was a Samuel Cross, alias John Cross.
- ¹⁹ TAHO, Tasmanian Name Index, Scott, James, Record type Convicts, 1812.
- ²⁰ FMP, Courts and Legal, Surrey Quarter Sessions 1780-1820.
- ²¹ Ancestry, England & Wales, Criminal Registers, 1791-1892, England, Surrey, 1811. Ancestry, UK, Prison Hulk Registers and Letter Books, 1802-1849, Retribution, Register, 1803-1836. Claim a Convict, Details for the ship Guildford (1) (1812), <http://www.hawkesbury.net.au/claimaconvict/shipDetails.php?shipId=87>. Free Settler or Felon. Convict Ship Guildford 1812, https://www.jenwillets.com/convict_ship_guildford_1812.htm.
- ²² Historical Records of Australia (HRA), The Library Committee of the Commonwealth Parliament, 1916, Series I, Volume VII, p.587.
- ²³ TAHO, Convict Listing, Ruby, CON13/1/1 p.20.
- ²⁴ Ancestry, New South Wales, Australia, Settler and Convict Lists, 1787-1834, New South Wales, Male 1816, 1817, 1820, 1821, 1822. Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, 1820 and 1823.
- ²⁵ *The Hobart Town Gazette and Van Diemen's Land Advertiser*, 21 Jan 1825, p.1.
- ²⁶ Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, Tasmania, List of convicts (incomplete), 1826.
- ²⁷ TAHO, Conduct Register, CON31/1/38, p.15.
- ²⁸ *Hobart Town Gazette*, 24 Mar 1827, p.7.
- ²⁹ For example, *The Hobart Town Courier*, 30 Apr 1830, p.1, 9 Apr 1831, p.3, 28 Feb 1834, p.1.
- ³⁰ *Colonial Times*, 11 Dec 1829, p.3.
- ³¹ *Colonial Times*, 13 Mar 1838, p.3.
- ³² TAHO, New Norfolk deaths 1840, RGD34/1/2 no 575. For some reason, in the 'Ship's Name' column was the notation 'Aug Jessie'.
- ³³ TAHO, Hobart deaths 1835, RGD34/1/1 no 4129.
- ³⁴ *The Cornwall Chronicle*, 14 Nov 1835, p.2.
- ³⁵ *The Sydney Herald*, 30 Nov 1835, p.2.
- ³⁶ TAHO, Hobart marriages 1829, RGD31/1/1 no 1295.
- ³⁷ *The Hobart Town Courier*, 10 Oct 1829, p.1. The Mezgers were subsequently the long-term publicans of the "Bird in Hand" in Argyle Street – various TROVE references.
- ³⁸ *The Hobart Town Courier*, 2 May 1829, p.2.
- ³⁹ *Bristol Mirror*, 20 Apr 1822, p.3. BDA, Biographical report for Mary Hegans. FCRC, Female Convicts in Van Diemen's Land database, Convict ID: 8562. TAHO, Conduct Record, CON40/1/5 Image 35.
- ⁴⁰ *The Hobart Town Courier*, 9 Apr 1831, p.3.
- ⁴¹ *The Tasmanian*, 12 Oct 1832, p.6.



SOURCES

Genealogy Websites

Ancestry

England & Wales, Criminal Registers, 1791-1892

New South Wales and Tasmania, Australian Convict Musters, 1806-1849

New South Wales, Australia, Colonial Secretary's Papers, 1788-1856

New South Wales, Australia, Settler and Convict Lists, 1787-1834

UK, Prison Hulk Registers and Letter Books, 1802-1849

FindmyPast

England & Wales, Crime, Prisons & Punishment, 1770-1935

Other Websites

Biographical Database of Australia (BDA), <http://www.bda-online.org.au/>

Claim a Convict, <http://www.hawkesbury.net.au/claimaconvict/>

Female Convicts Research Centre, <https://www.femaleconvicts.org.au/>

Free Settler or Felon? <https://www.jenwillets.com/>

LINC Tasmania, <https://www.linc.tas.gov.au/>

Nepean Historical Society, <https://nepeanhistoricalsociety.asn.au/>

Old Bailey Proceedings Online, <http://www.oldbaileyonline.org/>

Tasmanian Archives and Heritage Office, <https://www.libraries.tas.gov.au/archive-heritage/>

Wikipedia, <https://en.wikipedia.org/>

Online Newspapers

British Newspapers (FindmyPast)

Bristol Mirror

Lancaster Gazette

Northampton Mercury

TROVE

Colonial Times

Hobart Town Gazette

The Cornwall Chronicle

The Hobart Town Courier

The Hobart Town Gazette and Van Diemen's Land Advertiser

The Sydney Herald

The Tasmanian

Publications

Historical Records of Australia (HRA), The Library Committee of the Commonwealth Parliament, 1916

© Leonie Fretwell, 2019