
 Jean Lang (Snr)

Date of Trial:	25 April 1817
Where Tried:	Glasgow Court of Justiciary
Crime:	Theft
Sentence:	14 years
Est YOB:	1779
Stated Age on Arrival:	39
Native Place:	
Occupation:	Servant
Alias/AKA:	Jane Atcheson, Jane Gubby (m), Jane Owen (m)
Marital Status (UK):	
Children on Board:	
Surgeon's Remarks:	Quiet, humane and industrious
Assigned NSW or VDL	VDL

Of the five *Friendship* females tried and convicted in Scotland, there were two by name of Jean Lang on board the ship when it departed from England's shores in July 1817. Although it has not yet been confirmed, they were most likely mother and daughter. The *Caledonian Mercury* of 12 April 1817 listed them as scheduled to appear at the forthcoming Glasgow Spring Circuit, and they were tried together on 24 April 1817.

John Smith, John McLean, Jean Lang senior, and Jean Lang junior, *alias* Morrison, accused of theft, by breaking into Newton Cottage, Sauchiehall road, on the 15th October 1816, and carrying away feather pillows, bedcovers, English blankets, nine white ivory handled knives, three forks, and two table cloths, belonging to the sequestered estate of Alexander Still, merchant in Glasgow.

Smith was charged with being habit and repute a thief, McLean with theft only, and the Langs for the reset of said goods at their house, second close east from Claythorn-street Glasgow. Smith is the person who was admitted king's evidence against Quigly, at a former Circuit Court here.

Smith and McLean pleaded *Guilty*; the Langs pleaded *Not Guilty*.

Lord Gillies asked McLean his age, and he answered he was 14.

After evidence had been gone through, Mr Drummond addressed the Jury for the Crown, and intimated that he had restricted the libel against McLean to an arbitrary punishment; but that of Smith was very different, as his case was aggravated by being habit and repute. As to the women, they were only actors, or reseters of the goods stolen. The Learned Counsel then adverted to the general tenor of the evidence, and called upon them to bring in a verdict of *Guilty* against the whole prisoners at the bar.

Mr. Stewart addressed the Jury for the prisoners.

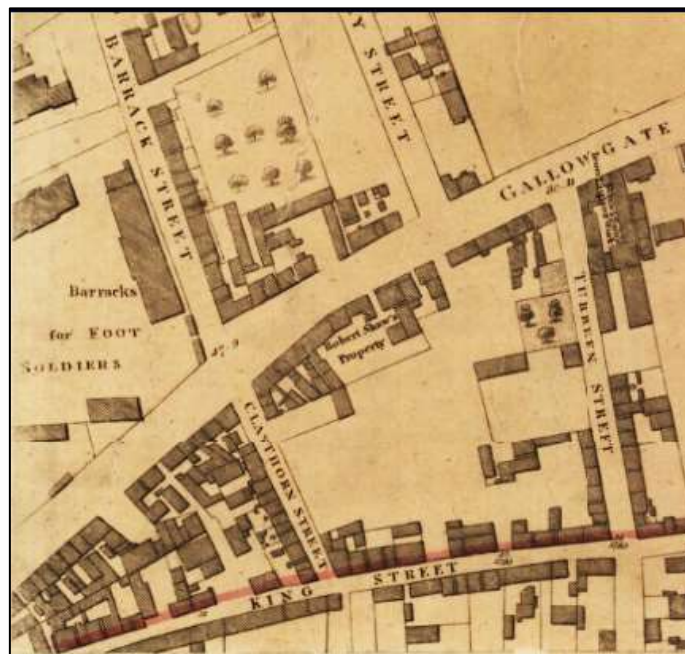
Lord Hermand charged the Jury, who, without leaving the box, in two minutes returned their verdict, finding the boys *Guilty* on their own confession, and the women also *Guilty*. – Sentence delayed till tomorrow. ¹

Due to the length of proceedings, the determination of sentences was delayed to the following day. There was to be no mercy for habitual criminal John Smith who was sentenced to be hanged on 28 May. Young John McLean was sentenced to be transported for 14 years, as were Jean Lang senior and Jean Lang junior.²

As an aside, the victim Alexander Still, formerly a prosperous merchant in Greenock (Glasgow) moved to London after his bankruptcy and thereafter emigrated to New South Wales in 1821 on the *Westmoreland*. He was appointed as principal muster-clerk in the Colonial Secretary's office. He was mustered in 1825 at Sydney with his wife and five children, the youngest two having been born in the colony, and, at the age of 63, almost thirty years older than his wife Sarah, he and his family were included in the 1828 census, Alexander being described as a Clerk in Colonial Secretary's Office.³ He died in March 1830, leaving a destitute widow and five children for whom a public subscription was organised to raise money for their support. Alexander had died of dysentery in the crowded and noisome debtors' section of the Sydney Gaol where he had been confined for some months.⁴

Claythorn Street, sandwiched between Gallow Gate and Barrack Streets, and where the Langs resided, was some

distance from the up-market Sauchiehall Street.⁵



Fortunately for the elder Lang she did not have to languish in Glasgow for too long. She was not included in the list of convicts who were reported as having, on 30 May 1817, commenced their journey southwards, the first stage being removal from Glasgow to the port of Leith, about fifty miles to the east.⁶ This may have been an omission by the reporter but if not her departure would have been very soon before or after this date.

Yesterday forenoon the following convicts; from Glasgow, were sent from the jail here to Leith, to embark for the hulks, viz. Jean Hume, Mary Cain, Jane Lang, junior, Elizabeth Brodie, and Elizabeth Robertson.

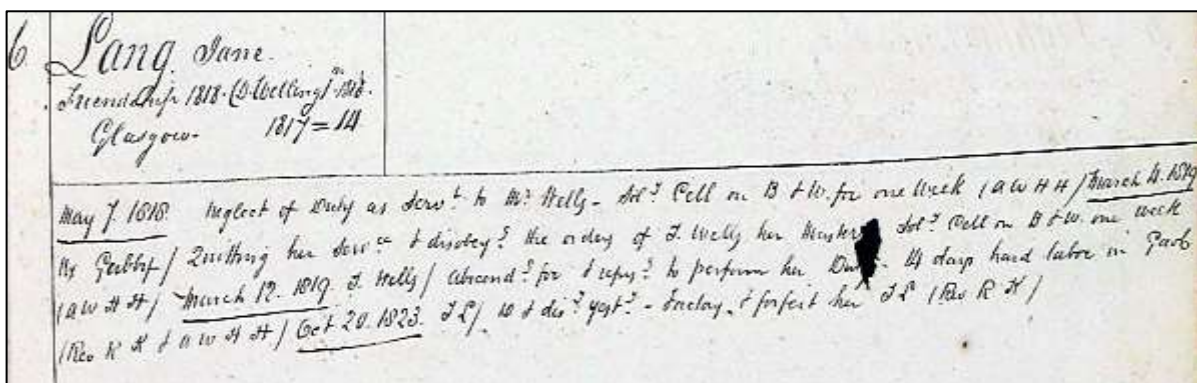
Just short of her fortieth birthday, and one of the older cohort, Jean was included in the list of those convict women who in the latter part of June 1817 were mustered on board the *Friendship*, which, when all pre-departure arrangements were completed, sailed on 3 July 1817. Jean was remarkable for her behaviour during the voyage, which met with the approval of Surgeon Peter Cosgreave, who assessed her as 'Quiet, humane and industrious'. On arrival she was described as being 39, a servant, and able to read and write, and was one of those transhipped to Hobart on the *Duke of Wellington*, where her journey ended on 20 February.⁷

Apart from the convict cargo, the *Friendship* carried on board a small group of free passengers. Two of these were Mrs. Prudence Brodrigg and Mrs. Charlotte Wells, accompanied by their children.⁸ Both had made the journey to reunite with their husbands who had preceded them to the colony per the *Sir William Bensley* which had arrived in Sydney in March 1817. Also on board the *Sir William Bensley* was William Sorell, Lieutenant-Governor-elect of Van Diemen's Land. All three men then boarded the *Cochin* for Hobart Town, arriving there on 29 April 1817. Unlike their wives, Brodrigg and Wells had arrived as convicts sentenced to 14 years transportation. However they were not run-of-the mill convicts, but were 'gentlemen convicts', who had committed crimes related to their professions, respectively administering unlawful oaths and embezzlement. William Brodrigg, a solicitor, had gained quite some notoriety through his imprudent involvement with a gang of poachers in what was termed 'The Berkeley Affair'.⁹ Through their social status, their qualifications, and the friendships forged with Sorell, Wells and Brodrigg were 'fast tracked' through the system. By 1818 both men had received a conditional pardon; Thomas Wells had been appointed as Clerk to the Lieutenant-Governor and William Brodrigg as Clerk to the bench of Magistrates.¹⁰

As a free man Thomas Wells was entitled to assigned servants, and one of those allocated to him was apparently

Jane Lang senior. The fact that she had been such a model prisoner on board the *Friendship*, where her behaviour may well have been noted by Mrs. Wells, might have led the Wells family to specifically request that Jane be assigned to them. However, once back on firm ground, she proved to be less amenable, or perhaps found service with the Wells not to her liking.

Within a couple of months of being assigned, on 7 May 1818 Jane Lang was charged by her master with neglect of duty for which she was sentenced to a week in the gaol's solitary cell on bread and water. The family were, however, prepared to take her back and give her a second chance. All was well for the next ten months, but on 4 March 1819 she was again sentenced to a week in solitary on bread and water for quitting her service and disobeying the orders of Thomas Wells, her master. One day after her release, on 12 March, she was again charged by the ever-patient Thomas Wells of absconding from her service and refusing to perform her duties. This time she was sent to the gaol for 14 days hard labour. Only one further offence was registered in Jane Lang's conduct record. On 23 October 1823, and holding a ticket of leave, she was found to have been drunk and disorderly the previous day and for this was sent to the Factory and forfeited her ticket of leave.¹¹

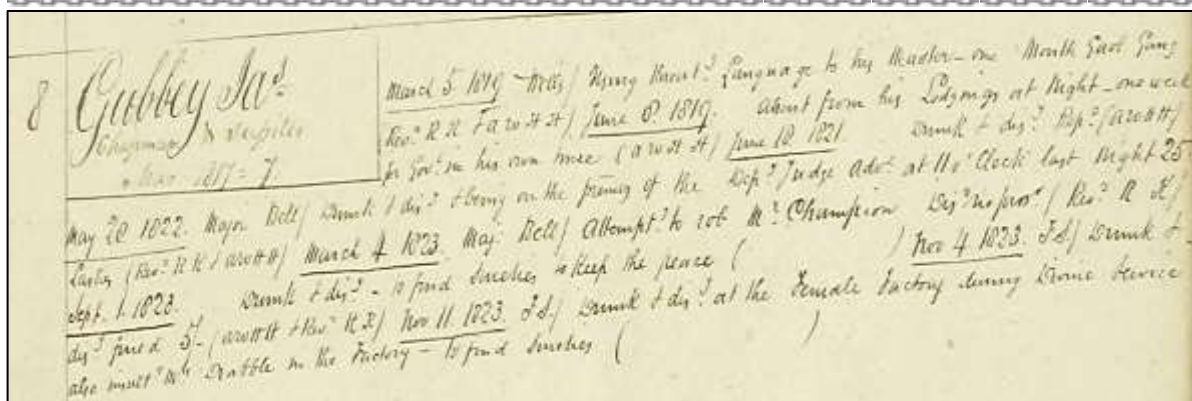


The entry for the 4 March 1819 misdemeanour includes the annotation 'ux Gubby'. It was under the alias Jean Acheson that Jean Lang married James Gubby by banns at Hobart on 23 November 1818. Both parties were convicts, the groom listed as aged 23 and one of the convicts who arrived on the *Chapman*; the bride's age was understated at 36.¹² The pair had been married about five years when Jean was mustered in 1823 as the wife of James Gubby.¹³

James Jean Witnesses Hugh David W.	Gubby, A Acheson, Gordon, Burrh.	Convict, Convict.	Chapman, Friendshp	23 years, 36 years.	23 rd November	Hobart.
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James Gubby, born around 1796 at Dungannon, Co. Tyrone, had been tried at Omagh in March 1816, sentenced to seven years transportation, and had left from Cork aboard the *Chapman* which arrived at Sydney on 26 July 1817. He was then transferred to Van Diemen's Land in August 1817 on board the *Jupiter*.¹⁴

It is from his conduct record that we find that James too had been assigned to Thomas Wells which would have given him and Jean an opportunity to become acquainted. On 5 March 1819, Wells brought forward a charge that James had used threatening language to his master, which earned him a month with the Gaol Gang. Two months later, on 6 June, he was absent from his lodgings at night for which he was ordered to work one week for the Government in his own time. There was then a break until 18 June 1821 when James was found drunk and disorderly.¹⁵



He had been mustered at Hobart in 1820 and 1821 as assigned to Major Bell.¹⁶ It was Major Bell who, on 28 May 1822, lodged a charge that James had been drunk and disorderly and had been found at the premises of the Deputy Judge Advocate at 11 o'clock the previous night. For these transgressions he was to receive 25 lashes. A charge laid on 4 March 1823 of attempting to rob a Mr. Champion was dismissed due to the non-appearance of a prosecutor. Further drunk and disorderly charges in 1823 were laid on 1 September and 4 November. On 11 November, and by then free by servitude, James was again found drunk and disorderly at the Female Factory during Divine Service and also for insulting Mrs. Drabble, wife of the Factory Superintendent, in the Factory.¹⁷ His 'indiscretions' notwithstanding, James Gubby had obtained his certificate of freedom in May 1823.¹⁸

It was at this point that the trail for James Gubby ran cold. It was not until a newspaper item dated 7 January 1873 was located, that a possible clue was provided as to James' fate. In the introductory paragraph of his letter to the editor of the *Mercury*, the signatory, 'Marksman', drew attention to the state of what was generally known as "Rats' Castle".

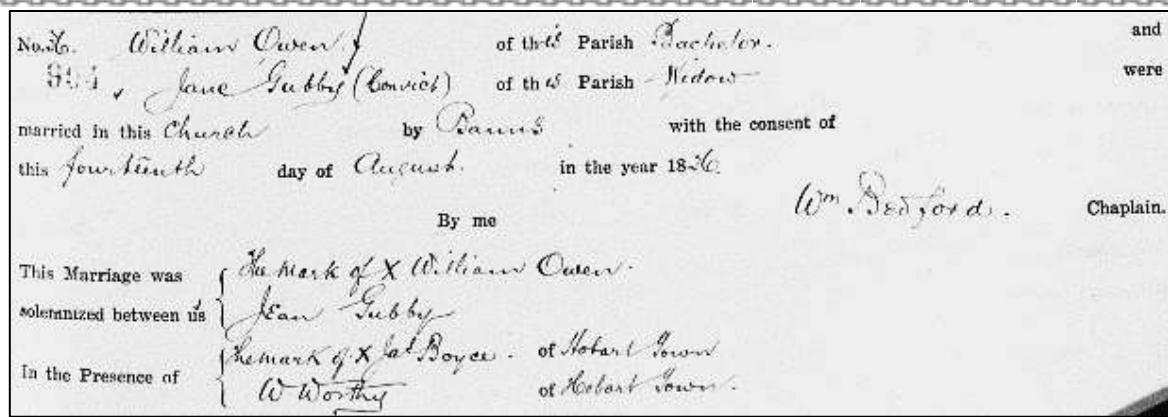
Sir, - Years ago, and long way before many a reader who scans this paper came into being, "Rats' Castle" on Langlow's Hill with its old gowns, rags, and tatters, filling up its window panes, was the Catholic Church.¹⁹

Having noted that the first incumbent was Father Connolly, followed by Father Terry and then Bishop Willson, "Marksman" continued.

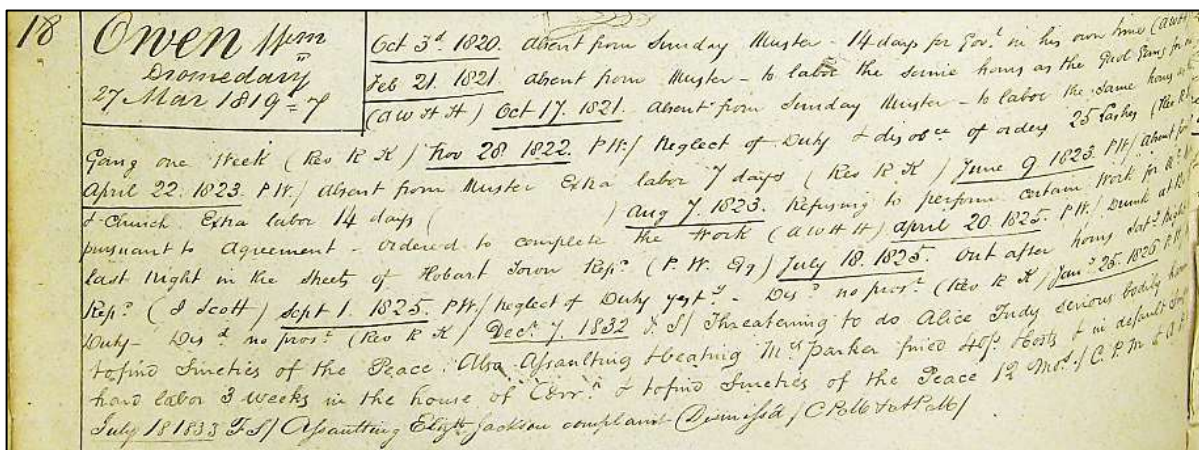
Well, in Father Connolly's time, all that square of the city on which the nunnery stands now ... was granted to the Roman Catholic faith, and all along its top boundary there stood, until lately, deep green cherry trees ... the graceful peppermint tree, the solemn eucalyptus, and here and there a fragrant box shrub ... This place was tastefully chosen as a burial ground in those days, and although few of the many that lie there now had a "stone to show what was"; still, there were some over whose remains memorials were erected, and here is the inscription ...

[No 3]
 Sacred to the memory
 of
 JAMES GUBBY,
 Who died Dec 12th, 1825.
 Aged 32 years

No matching death record has been located for the passing of this James Gubby, but the likelihood of him being Jean Lang's husband gains credence from the fact that, as Jane Gubby, she married again, this time to one William Owen, on 14 August 1826. The groom was a bachelor and the bride a widow (still under sentence). He made his mark and she signed her name.²⁰

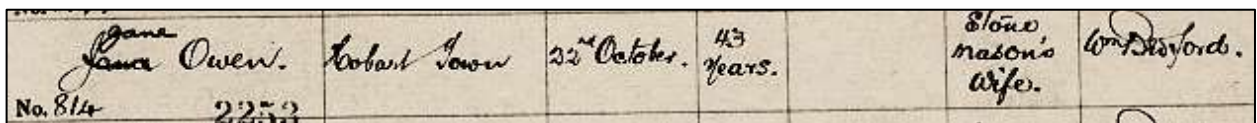


Although not clear from the marriage registration, William Owen had arrived at the colony as a convict. As one of 210 listed prisoners brought before the very busy April 1819 Warwick Assizes, he was charged and found guilty of stealing, in Birmingham, 3 hundred-weight of hops, the property of Thomas Greensall.²¹ Sentenced to seven years transportation, he, together with nearly 400 others, embarked on the convict transport *Dromedary* which left England in September 1819 and arrived at Van Diemen's Land on 10 January 1820 where 347 convicts were disembarked.²² William Owen, a native of Shrewsbury, was a bricklayer/stone mason by trade and it is no surprise that a man with his skills was employed on public works, as documented in the various musters. He was thus mustered in 1826 prior to receiving his certificate of freedom in June 1826 and prior to the day in August of the year he married widow Jane Gubby.²³



William Owen's conduct record shows that he chalked up eleven offences prior to receiving his certificate, and three subsequently. Most of the offences resulted in him spending extra time on public works – a punishment for him but no doubt a bonus for the government. The 28 November 1822 offence – neglect of duty and disobedience of orders – was regarded as more serious and earned him 25 lashes. The last two offences indicate that he might have been somewhat ill-tempered, three different women – Alice Tudy(?), Mrs Parker, and Elizabeth Jackson – all being the subject of threatened and/or actual assault.²⁴

There is nothing to suggest that his wife Jane was mistreated. In fact, by the time William faced charges of assault he was a widower. Jane Owen, flatteringly at the stated age of 43, had died in October 1830.²⁵

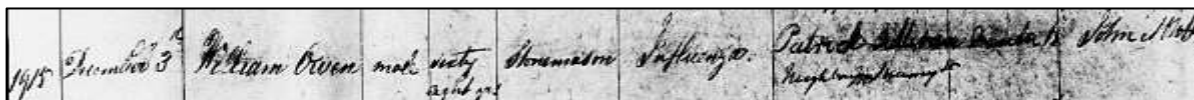


No children have been found as resulting from Jean Lang's marriages to James Gubby and William Owen.

One reference has been found that substantiates William's arrival in the colony and confirms his occupation. In August 1849 he was called upon to give evidence in a complicated property case involving the widow of one James Cheatham.²⁶

The first witness sworn was William Owen ... He deposed that he was a stonemason and bricklayer, and he had been 30 years in the colony next January. He knew James Cheatham, and knew that he was dead. He saw him after he was dead, and knew him very well; it was about 17 or 18 years since he died. Witness had been employed by him as a mason about four or five years before his death; it was in 1823 or 1825 ... Cheatham had no children when he died, and witness knew Cheatham both in England and Hobart Town.²⁷

William Owen, stonemason, died at Hobart on 3 December 1852. His age was recorded as 68 and the cause of death as influenza. The informant was Patrick Sullivan, a neighbour of Murray Street.²⁸



Postscript

For reference, another man by the name of James Gubby is recorded as arriving at Hobart on 6 October 1828 having made the voyage from Cork on board the vessel *Coronet*.²⁹ Another listing of *Coronet* passengers includes a Mary Hounce.³⁰ On 28 November 1828 James Gubby, bachelor, and Mary Frounce [sic], spinster, were married by banns at Hobart, and went on to have a number of children.³¹ A Mary Gubby (baker's wife) died in February 1864 and a James Gubby died at Hobart in January 1867.³²

While briefly considered, nothing has been found to support any notion that 'our' William Owen married again following the death of his wife in 1830. Having twice applied for permission to marry, and being successful the second time, approval was granted in November 1837 for a man by the name of William Owen to marry a woman by the name of Mary Cummins alias Squires, who had arrived in the colony per the *New Grove*.³³ They married in December 1837 and over the next two decades or so a dozen children were born to the couple.³⁴ The baptism records show that this William Owen was a fisherman by occupation.³⁵

NOTES

¹ *Caledonian Mercury*, 12 Apr 1817, p.3 and 18 Apr 1817, p.3.

² *The Scots Magazine*, 1 May 1817, p.74.

³ Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, General Muster M-Z, 1825; Ancestry, 1828 New South Wales, Australia Census (TNA Copy), New South Wales, Census R-S, 1828.

⁴ 'Still, Alexander (?-1830)', Obituaries Australia, National Centre of Biography, Australian National University, <http://oa.anu.edu.au/obituary/still-alexander-13703/text24485>, accessed 19 August 2018. For a heart-wrenching account of his fate, see the article by Vindex in *The Australian*, 17 Mar 1830. "THE SYDNEY GAOL." *The Australian (Sydney, NSW : 1824 - 1848)* 17 March 1830: 2. Web. 19 Aug 2018 <<http://nla.gov.au/nla.news-article36867953>>. Note, there was another Alexander Still who arrived in the colony in 1822 and who was appointed to the Government Commissariat at Bathurst. He is generally referred to as Alexander Still junior in newspaper accounts.

⁵ National Library of Scotland, Town Plan Views, <https://maps.nls.uk/view/74400941>.

⁶ *Caledonian Mercury*, 31 May 1817, p.3.

⁷ Ancestry, New South Wales, Australia, Settler and Convict Lists, 1787-1834, HO 10; Piece: 11, 1818. Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 897. Note – for most of the colonial convict records Jean is referred to as Jane.

⁸ *The Hobart Town Gazette and Southern Reporter*, 21 Feb 1818, p.2.

⁹ Jo Watson, "William Adams Brodrigg and the Berkeley Castle Poaching Affray of 1816", *Tasmanian Ancestry*, Volume 25 Number 1 – June 2004, Tasmanian Family History Society Inc., pp13-15. Much has been written about the Berkeley Affair but Jo Watson's article provides a succinct account.

¹⁰ *Old Bailey Proceedings Online* (www.oldbaileyonline.org, version 8.0, 23 August 2018), April 1816, trial of THOMAS WELLS (t18160403-87). P. R. Eldershaw, 'Wells, Thomas (1782-1833)', *Australian Dictionary of Biography*, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/wells-thomas-2779/text3953>, published first in hardcopy 1967, accessed online 23 August 2018. Thornbury Roots, <http://www.thornburyroots.co.uk/crime/william-adams-broddribb/>. Refer also to BOF account on Elizabeth Burrell.

¹¹ TAHO, Conduct Record, CON40/1/5 p.3.

¹² TAHO, Hobart marriages 1818, RGD36/1/1 no 294.

¹³ Female Convicts Research Centre (FCRC), Female Convicts in Van Diemen's Land database, Convict ID: 3603.

¹⁴ Biographical Database of Australia (BDA), Biographical report for James Gubby.



- ¹⁵ TAHO, Conduct Record, CON31/1/1 p.3.
- ¹⁶ Ancestry, New South Wales, Census and Population Books, 1811-1825, Hobart Town Population Muster 1820 and 1821.
- ¹⁷ TAHO, Conduct Record, CON31/1/1 p.3.
- ¹⁸ *The Hobart Town Gazette and Van Diemen's Land Advertiser*, 24 May 1823, p.1.
- ¹⁹ *The Mercury*, 7 Jan 1873, p.3.
- ²⁰ TAHO, Hobart marriages 1826, RGD36/1/1 no 904.
- ²¹ *Northampton Mercury*, 27 Mar 1819, p.3; *Northampton Mercury*, 17 Apr 1819, p.4.
- ²² History Australia, Dromedary 1820, <http://www.historyaustralia.org.au/twconvic/Dromedary+1820>. Note William Owen is not included in all lists of the convicts who arrived on the 1819-1820 *Dromedary* voyage.
- ²³ Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, Tasmania, List of convicts (incomplete) 1817-1821, 1823 and 1826. *Hobart Town Gazette*, 17 Jun 1826, p.1.
- ²⁴ TAHO, Conduct Record, CON31/1/29 image 338.
- ²⁵ TAHO, Hobart deaths 1830, RGD34/1/1 no 2253.
- ²⁶ Refer to Caveat Board, *Robinson v Everall and Wife*, *The Courier*, 8 Aug 1849, p.3 and 25 Aug 1849, p.4.
- ²⁷ Both men were tried at the 1819 Warwick Lent Assizes, both were sentenced to 7 years transportation, and both were transported on the *Dromedary*.
- ²⁸ TAHO, Hobart deaths 1852, RGD35/1/3 no 1915.
- ²⁹ TAHO, CSO1/1/3427861.
- ³⁰ *The Tasmanian*, 10 Oct 1828, p.2.
- ³¹ TAHO, Hobart marriages 1828, RGD36/1/1 no 1155. Some Ancestry Online Family Trees appear to have confused the two men named James Gubby, correctly ascribing his marriage to Mary but with no mention of any previous wife, and ascribing his arrival date to 1817 (as convict) but not noting the 1828 arrival (as a free man) – e.g. Hodge Family Tree, <https://www.ancestry.co.uk/family-tree/person/tree/19569657/person/828771922/facts?ssrc=> and Combridge Family Tree, <https://www.ancestry.co.uk/family-tree/person/tree/89862667/person/81003602951/facts?ssrc=>.
- ³² TAHO, Hobart deaths 1864, RGD35/1/7 no 4266. TAHO, Hobart deaths 1867, RGD36/1/1 no 1155.
- ³³ Convict Records of Australia, <https://convictrecords.com.au/convicts/cummins/mary/9469>.
- ³⁴ TAHO, CONS2/1/1 p. 139. TAHO, Hobart marriages 1837, RGD36/1/3 no 3687. FCRC, Female Convicts in Van Diemen's Land database.
- ³⁵ For example, baptism and death of last Owen child – Selina – TAHO, Hobart births 1859, RGD33/1/7 no 2704, TAHO, Hobart deaths 1859, RGD35/1/6 no 1666.



SOURCES

Genealogy Websites

Ancestry

1828 New South Wales, Australia Census (TNA) Copy
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
New South Wales, Census and Population Books, 1811-1825
Online Family Trees

Other Websites

Australian Dictionary of Biography, <http://adb.anu.edu.au/biography/>
Biographical Database of Australia (BDA), <http://www.bda-online.org.au/>
Convict Records, <https://convictrecords.com.au/>
Female Convicts Research Centre, <https://www.femaleconvicts.org.au/>
History Australia, <http://www.historyaustralia.org.au/>
LINC Tasmania, <https://www.linc.tas.gov.au/>
National Library of Scotland, <https://maps.nls.uk/>
Obituaries Australia, <http://oa.anu.edu.au/obituary/>
Old Bailey Proceedings Online, <http://www.oldbaileyonline.org/>
Tasmanian Archives and Heritage Office, <https://www.libraries.tas.gov.au/archive-heritage/>
Thornbury Roots, <http://www.thornburyroots.co.uk/>

Online Newspapers

British Newspapers (Findmypast)

Caledonian Mercury
Northampton Mercury
The Scots Magazine

TROVE

Hobart Town Gazette
The Australian (Sydney)
The Courier
The Hobart Town Gazette and Southern Reporter
The Hobart Town Gazette and Van Diemen's Land Advertiser
The Mercury
The Tasmanian

Publications

Watson, Jo, "William Adams Brodribb and the Berkeley Castle Poaching Affray of 1816", Tasmanian Ancestry, Volume 25 Number 1 – June 2004, Tasmanian Family History Society Inc

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