
 Jean Hume

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|------------------------|-----------------------------|
| Date of Trial: | 26 April 1817 |
| Where Tried: | Glasgow Court of Justiciary |
| Crime: | Theft |
| Sentence: | 7 years |
| Est YOB: | 1793 |
| Stated Age on Arrival: | 24 |
| Native Place: | Glasgow |
| Occupation: | Servant |
| Alias/AKA: | Jane Hume |
| Marital Status (UK): | |
| Children on Board: | |
| Surgeon's Remarks: | <i>Industrious</i> |
| Assigned NSW or VDL | NSW |

The *Caledonian Mercury* of 5 April 1817 advised its readers that two young women were included in those indicted to stand trial at the Glasgow Circuit Court which was scheduled to meet on 23 April. The two women in question were Jean Hume and Mary Cain or Kane.¹ A report of their trial was carried in *The Scots Magazine*.

Jean Hume and Mary Cain were next convicted, on their own confession of theft, and of being habit and repute thieves. The former was sentenced to seven years, and the latter to 14 years transportation, her bad character being much aggravated. Jean Hume said to her fellow prisoner on leaving the dock, "You'll get a black man when you go over."²

The *Caledonian Mercury's* report of the trial included details of the actual crime – theft of goods from a milliner's shop in Bell Street – described elsewhere as some red-striped gingham.³ It is also from the same newspaper that we learn that, on 30 May, four of the *Friendship* women who had been tried in Glasgow, including Jean Hume and Mary Cain, had been 'sent from the jail here to Leith, to embark for the hulks'.⁴ It is more than likely that Jean and Mary continued their association as messmates on board the *Friendship*. Both impressed Peter Cosgreave, the ship's Surgeon, who described them as 'industrious'.

The colonial records track Jean (or Jane as she was alternatively named) from the convict indent through to the issuing of her certificate of freedom in 1824. The indent confirms the place, date and outcome of her trial, and that she was aged 24 on arrival at Port Jackson. For the 1788-1819 and 1820 settler and convict listings she was resident in Sydney and 'disposed of' as a milliner, but whether or not on her own account is not clear.⁵ Indicating a change in circumstances, the 1822 muster records Jane as the 'Wife of J. McCoy, Sydney'.⁶

Both Jane Hume and James McCoy are included in the 1824 Cawdor census and population returns – as employees of John Macarthur at his property at Cawdor.⁷

Cawdor was part of Camden Park, the name of the renowned John Macarthur's extensive land holdings established on what had been known as Cowpastures, regarded as the best land in the colony.⁸

The notation on the 1824 entry for Jane shows that she had by this time been granted her certificate of freedom. As publicised in *The Sydney Gazette and New South Wales Advertiser* on 13 May, Jean Hume had obtained her

certificate during the previous week.⁹ The register description shows that she was a little above average in height, standing at 5/7, she had a ruddy, slightly pockmarked complexion, dark brown hair and brown eyes.¹⁰

| | |
|----------------------------|---------------------------------|
| NUMBER, _____ | 2/1164 |
| NAME, _____ | Jean Hume |
| VESSEL, _____ | Friendship (2) |
| YEAR ARRIVED, _____ | 1813 |
| WHERE CONVICTED, _____ | Glasgow C. of Just. |
| WHEN CONVICTED, _____ | 16 April 1811 |
| TERM, _____ | seven years |
| NATIVE PLACE, _____ | Glasgow |
| CALLING, _____ | servant |
| AGE, _____ | thirty one |
| HEIGHT, _____ | 5 feet 7 inches |
| COMPLEXION, _____ | ruddy & a little pock marked |
| HAIR, _____ | dark brown |
| EYES, _____ | dark |
| DATE of CERTIFICATE, _____ | 6 May 1824 |
| GENERAL REMARKS, _____ | |

Turning now to James McCoy who, according to the 1824 Cawdor population book, was born about 1794, had arrived in the colony on the *Earl Spencer* in 1813 to serve a fourteen year sentence, who, by 1824, had been granted some form of indulgence, and with whom Jean Muir was living in 1822, as noted above.

A check on the convict listing for the *Earl Spencer* reveals that there was no-one by the name of James McCoy on board. However, there was a James McKay listed who had been tried at the Glasgow Court of Justiciary, and sentenced to 14 years transportation.¹¹ Following through, in 1812 James McKay, a weaver of Cowcaddens, Glasgow, was the subject of a precognition taken in respect of charge of 'theft, habit and repute'.¹² His trial was held on 29 April, and the *Caledonian Mercury* reporter was on hand to record the details.

James McKay was indicted for stealing a parcel in June last, containing ironmongery, from the sloop Johnston, lying at the Broomielaw. The pannel pleaded *guilty*. The libel was restricted to arbitrary punishment, and he was sentenced to 14 years transportation.¹³

His next move was to Woolwich and the hulk *Retribution* where he was received on board on 24 August 1812 and where he spent the next nine months when he was transferred to the *Earl Spencer* in readiness for the journey into exile. The convict ship sailed from Portsmouth on 2 June 1813, its departure being widely reported in the newspapers. James McKay travelled with some interesting shipmates.

The *Earl Spencer* convict ship, sailed last week from Portsmouth, for New South Wales; took out upwards of 200 male convicts; several of them notorious characters, with *smugglers* from Christ Church and *Luddites* from York.¹⁴

The ship anchored at Port Jackson on Saturday 9 October 1813, its arrival being recorded in the local press.

The prisoners brought by the *Earl Spencer* were landed on Thursday, and mustered in presence of His Excellency the Governor and Commander in Chief, previous to their distribution. They are a healthy set of men; and appear thoroughly sensible of the kind treatment they experienced from Captain Mitchell and his Officers during the passage.¹⁵

According to the convict indent, James was a young man of 20 when he arrived and, at 5/10¼ inches, he was a

tall man. He had a dark/pale complexion, black hair and dark brown eyes.¹⁶ Listed as James McCoy, he was one of the 45 male convicts, and one of 3 weavers, sent to Windsor, where magistrate William Cox Esq was to organise their distribution amongst the settlers according to an agreed ballot procedure. Further, and as directed by the Governor -

This distribution is to be made to those Settlers only who have no Gov^t Men, and who from their industry are deserving of this indulgence. Such settlers of this description residing on the Rivers Hawkesbury Nepean and South Creek must draw for the Gov^t Men thus intended to be assigned to them, at Windsor.¹⁷

The 1814 population muster finds him, as James McKay, assigned to T. Wheeler, probably Thomas Wheeler, emancipated landholder at Nepean.¹⁸ For the settler and convict lists from 1817 to 1821 James was a government labourer, but for the 1822 general muster, as James McCoy, he was a householder, resident at Sydney, and holding a conditional pardon.¹⁹ According to the records, James McKay was granted a pardon on 29 May 1820.²⁰

Having followed Jean/Jane Hume and James McKay/McCoy from their convictions to the 1824 New South Wales population returns, the next likely record source is the 1825 general muster, and indeed Jean Hume is located at Cawdor, still in the employ of J. Macarthur, and even though she had, by 1824, received her certificate of freedom, she was still classified as 'C' – Convict.²¹

| Names | Age | Sex | Profess | Height | Complexion | Employments |
|------------|-----|-----|------------|--------|------------|------------------|
| Hume, Jean | | C | Friendship | 1815 | 7 | emp J. MacArthur |

However, no corresponding 1825 record has been located for James. The next mention of him is the public notice advising that he had obtained his certificate of freedom in May 1826, at which time he surrendered his conditional pardon.²²

27/5/26
 James McKay
 East of the
 1813
 Glasgow by sea
 By April 1811
 Glasgow
 Weaver
 Thirty Nine
 3 feet 11 inches
 Dark Sallow
 Brown
 Dark
 11 May 1826
 cond Pardon No.
 1346 obtained at
 8/5/26

James is also listed in the 1828 census, as a 38 year old weaver, residing in Clarence Street, Sydney. This time it is Jean Hume who is missing from the records.²³

| No. | Name | Age | Sex | Prof. | Year | Widow | Children | Employment | Residence | District |
|-----|---------------|-----|-----|-----------|------|-------|----------|------------|------------------|----------|
| 577 | M. Kay, James | 38 | M | W. Weaver | 1828 | | 14 | W. Weaver | Clarence Street, | Sydney, |

The fact that James is listed on his own – no wife, children or indeed any other household members calls into question the relationship between him and Jean/Jane Hume. No application to marry has been located; nor has any record of marriage. In fact, the 1825 record for Jean/Jane is the last found for her at this stage.

It is likely that James did marry if he was the James MacKay whose marriage to Jane Oxley Murchie was registered at Sydney in 1844.²⁴ James would have been about 50 and his bride, who had been born on 13 October 1824 to Allan and Elizabeth Murchie, thirty years his junior.²⁵ This couple had four children, only one of whom, Margaret who had been born in 1845, survived infancy.²⁶ Jane was a widow after just seven years of marriage. James died on 25 July 1851 and was buried the next day.²⁷

DIED,
At his residence, Kent-street, on the 25th instant, Mr. James M'Kay, in his 55th year.

FUNERAL.—The Friends of the late Mr. Joseph Byrne, late of Campbelltown, are requested to attend his Funeral, to move from the residence of Mr. John Murphy, Elizabeth-street, South of Goulburn-street, To-morrow (Sunday) afternoon, at a quarter-past 2 o'clock.
JAMES CURTIS, Undertaker.
Hunter-street, July 26. 1852

James McKay of Kent Street in the City of Sydney had drawn up his will on 9 July 1851. He devised and bequeathed to his dear wife his house and premises at Kent Street which, as executrix, she was to sell as soon as possible after his death. From the proceeds she was to pay all debts and funeral expenses, and the balance of the proceeds was to be used for the support, maintenance and education of his daughter Margaret McKay.²⁸

For the record, Jane Oxley McKay, eldest daughter of Mr. A.B. Murchie, blacksmith, married John Smith, third son of Mr. James Smith, by special license on 18 January 1853.²⁹

This still leaves us with the question as to what happened to Jean/Jane Hume. In 1825, when she was still recorded as employed by the Macarthur family, she would have been in her early thirties. Did she find a partner and/or marry and have children? Did she continue in the service of the Macarthurs? Could she possibly have returned to her homeland? Where, when, and how did she die?

NOTES

¹ *Caledonian Mercury*, 5 Apr 1817, p.3.

² *The Scots Magazine*, 1 May 1817, p.75.

³ *Caledonian Mercury*, 28 Apr 1817, p.3. Convict Records, Felicity Cannon, Community Contributions – Jean Hume, <https://convictrecords.com.au/convicts/hume/jean/66940>.

⁴ *Caledonian Mercury*, 31 May 1817, p.3.

⁵ Ancestry, New South Wales, Australia, Settler and Convict Lists, New South Wales, Female, 1788-1819, 1820.

⁶ Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, New South Wales, General Muster, 1822.

⁷ Ancestry, New South Wales, Census and Population Books, 1811-1825, Cawdor Population and Stock 1824.



- ⁸ Camden History, Jenny Akers, Cawdor, <http://www.camdenhistory.org.au/Cawdor.pdf>.
- ⁹ *The Sydney Gazette and New South Wales Advertiser*, 13 May 1824, p.1.
- ¹⁰ Ancestry, New South Wales, Australia, Certificates of Freedom, 1810-1814, 1827-1867, (NRS 12208) Register of Certificates of Freedom, 4 Feb 1810-26 Aug 1814.
- ¹¹ Convict Records, James McKay, <https://convictrecords.com.au/convicts/mckay/james/112536>.
- ¹² Findmypast (FMP), Scotland, Criminal Database 1801-1917, Crown Office Precognitions. Precognition in Scots law is the practice of taking a factual statement from witnesses by both prosecution and defence after indictment or claim but before trial. This is often undertaken by trainee lawyers or precognition officers employed by firms; anecdotal evidence suggests many of these are former policemen – Wikipedia, [https://en.wikipedia.org/wiki/Precognition_\(Scots_law\)](https://en.wikipedia.org/wiki/Precognition_(Scots_law)). By the late 1790s, with the building of the Forth and Clyde Canal, Cowcaddens had been transformed from a common for grazing cattle to an industrial area, with foundries, cotton and silk mills, flour mills, granaries, warehouses, timber yards, etc. - W. Hamish Fraser, *The Glasgow Story, Neighbourhoods, Cowcaddens*, <https://www.theglasgowstory.com/story/?id=TGSDG14>.
- ¹³ *Caledonian Mercury*, 2 May 1812, p.3. There seems to have been a long delay between the theft – in June 1811 – and the trial.
- ¹⁴ *Cheltenham Chronicle*, 10 Jun 1813, p.2.
- ¹⁵ *The Sydney Gazette and New South Wales Advertiser*, 16 Oct 1813, p.1.
- ¹⁶ Ancestry, New South Wales, Australia, Convict Indents, 1788-1842, Bound Indentures, 1801-1814.
- ¹⁷ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 935; Reel or Fiche Numbers: Reel 6002, pp. 558-560. The other two weavers were Yorkshire man William Greenhough and John Bradshaw, cotton weaver from Cheshire.
- ¹⁸ Ancestry, New South Wales, Census and Population Books, 1811-1825, Population Muster, 1814.
- ¹⁹ Ancestry, New South Wales, Australia, Settler and Convict Lists, 1787-1834, New South Wales, Male 1817, Male 1818, Male K-Y 1821. Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, New South Wales, General Muster, 1822.
- ²⁰ Ancestry, New South Wales, Australia, Convict Registers of Conditional and Absolute Pardons, 1788-1870, Absolute, 1820. It is confusing to find James listed in the 'Absolute' pardons records when he is classed as 'CP'.
- ²¹ Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, New South Wales, General Muster A-L, 1825.
- ²² *The Sydney Gazette and New South Wales Advertiser*, 17 May 1826, p.1. Ancestry, New South Wales, Australia, Certificates of Freedom, 1810-1814, 1827-1867, (NRS 12208), Registers of Certificates of Freedom, 1 Dec 1823-Apr 1827, June 1828-Dec 1833.
- ²³ Ancestry, 1828 New South Wales, Australia Census (TNA Copy), New South Wales, Census I-M, 1828.
- ²⁴ New South Wales Registry of Births Deaths & Marriages (NSW BDM), Marriage registration, 1913/1844 V18441913. Note: For the information on James McKay/Jane Oxley Murchie, I have relied, in part, on the Ancestry, Murchie-Smith online family tree, <https://www.ancestry.co.uk/family-tree/person/tree/26872063/person/1938105112/facts>.
- ²⁵ Biographical Database of Australia (BDA), Biographical report for Allan Barbour Murchie.
- ²⁶ NSW BDM, Birth registrations.
- ²⁷ NSW BDM, Death registration, 188/1851 V1851188 106. *The Sydney Morning Herald*, 26 Jul 1851, p.3.
- ²⁸ FMP, New South Wales Will Books 1800-1952, Will number 2289.
- ²⁹ *The Sydney Morning Herald*, 19 Jan 1853, p.3.



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TROVE

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