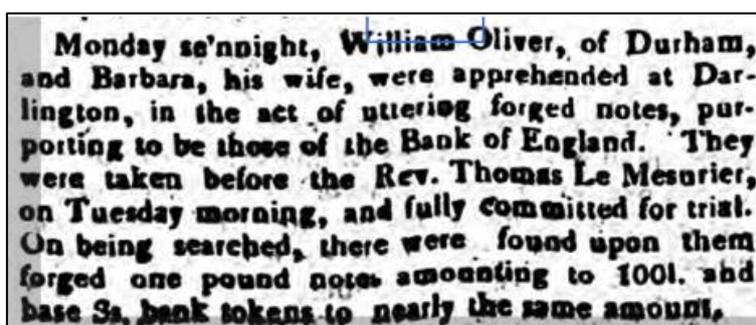

 Barbara Oliver

Date of Trial:	10 August 1816
Where Tried:	Durham Assizes Court of Pleas Oyer and Terminer Gaol Delivery
Crime:	Having forged bank notes
Sentence:	14 years
Est YOB:	1775
Stated Age on Arrival:	43
Native Place:	Newcastle on Tyne
Occupation:	Servant
Alias/AKA:	
Marital Status (UK):	Married – William Oliver
Children on Board:	
Surgeon's Remarks:	<i>Quiet and industrious</i>
Assigned NSW or VDL	NSW

The following item appeared in the *Lancaster Gazette* on Saturday, 27 April 1816.¹



Monday se'night, William Oliver, of Durham, and Barbara, his wife, were apprehended at Darlington, in the act of uttering forged notes, purporting to be those of the Bank of England. They were taken before the Rev. Thomas Le Mesurier, on Tuesday morning, and fully committed for trial. On being searched, there were found upon them forged one pound notes amounting to 100l. and base 3s. bank tokens to nearly the same amount,

A year or so before they were arrested Barbara and William had celebrated twenty-one years together as man and wife. The marriage between William Oliver and Barbara Leighton took place on 15 December 1794 and was registered at Newcastle All Saints, Northumberland. William's birth date is not confirmed, but was about 1770. Barbara, daughter of John Leighton, a cordwainer, and his wife Elizabeth, was baptised on 27 November 1774 in the parish of Saint Nicholas, Newcastle Upon Tyne.² And by the time they were arrested they had been blessed with at least six sons, but at this stage records for only two of these have located. Thomas Oliver, recorded as 'fifth son', was born on 22 July 1809 and baptised the same year on 10 December at All Saints, Newcastle upon Tyne. His younger brother George, 'sixth son', born on 13 July 1812, was also baptised at All Saints on 2 September 1812. Usefully, these two records tell us that William was a tailor by trade.³

The Olivers had to wait four months before their cases came up at the Summer session of the Durham Assizes. An account of the trial was reported in the local newspaper.

WILLIAM and BARBARA OLIVER were arraigned on charges of counterfeiting notes purporting to be of the Bank of England, and uttering the same knowing them to be forged, &c. To the first of these charges they pleaded not guilty, when several respectable tradesmen residing in Darlington, proved their having received forged notes resembling those of the Bank of England from Barbara Oliver and another woman, (who unfortunately for the ends of justice, has hitherto escaped) and that William Oliver was privy to it. The prisoners were therefore acquitted of the first charge, no witnesses having appeared to prove the fact and found guilty of the second, viz. of uttering forged notes, knowing the same to be counterfeited. They were consequently transported for fourteen years.⁴

Barbara Oliver was held in prison for almost a year before she was taken down to London to be marshalled onto the *Friendship*. It was from the vessel that, on 4 June 1817, she, and three other women, petitioned for alleviation of their destitute circumstances.⁵



268. [F25/4/42-3] Mary Davis, Mary Lenny, Margaret Sellars, and **Barbara Oliver**, Friendship transport ship, Deptford, 4 June 1817

Honored Sir the Humble Pertition of Mary Davice who was tride at the County Gaol Notingham and Cast for Death But now Going to Leave my Country Leaveing 9 Children and quite Destetute therfor hopes you will Be So Kind as to take into Concerderation my pitifull Case Likewise Mary Lenny who was tride at the Winchester Last March and was Sentence to 14 years and as Left 6 Children fatherless and Destetute likewise Margrate Selars who was tride at Carlile Last August widow Sentense for Life Likewise **Barbery Oliver** who was tride in the City of Drurumn Sentence for 14 years Tranceporttation the Smallides Danation will Be Gratefully Received By your Humbly Pertitioners Being all quite Destetute.

Annotated: Petitions from Mary Davis £10 Mary Lenny £10 Margt Selars £5 Barbara Oliver £5 Convicts

Barbara Oliver's 'going-away present' was £5. Notably, for her case there was no mention of any children being left behind, and none accompanied her on the voyage. By this time, as we will see, William Oliver had already been in the colony for over a year. Indeed, Barbara Oliver was identified as being one of the sixteen women prisoners who were hoping to be reunited with their convict husbands. And clearly the Olivers were, as a daughter Esther was born to them in Sydney on 19 December 1819, and baptised on 9 January 1820 at St Philip's Church.⁶

William Oliver's sojourn in prison immediately following his trial was short – he was one of six men 'sent off to the Hulks' in mid-September 1816.⁷ The register for the *Justitia* records that Willm Oliver, aged 46, was received on 18 September 1816, and removed on 20 November 1816.⁸ He was one of 125 convicts who were loaded onto the *Shipley*, which departed on 20 December 1816, and arrived at its colonial destination four months later, on 24 April 1817. From the indent we have a description of this man – 5 foot 5 inches tall, with a sallow complexion, brown hair and hazel eyes.⁹ The 1818 muster finds him assigned as 'Settler's Man' and that for 1820 as in 'Govt Employ'.¹⁰ However, there had been a major change in circumstances for the 1822 muster which finds Barbara Oliver, the unnamed Oliver child, and William Oliver all at Port Macquarie, where Barbara and William were listed as engaged in 'Public Works'.¹¹

William Oliver was one of those in a list drawn up on 11 July 1821 by John Redman, Gaoler, for the information of Major Morisset, Commandant Newcastle, being,

... Names of Prisoners transported to Newcastle on board the HMCB Elizabeth Henrietta, with their respective Sentences annexed thereto also their original times and Places of Trial and Sentence extracted from the deed Polls or Indents of the respective ships or vessels by which they arrived in this Colony.¹²

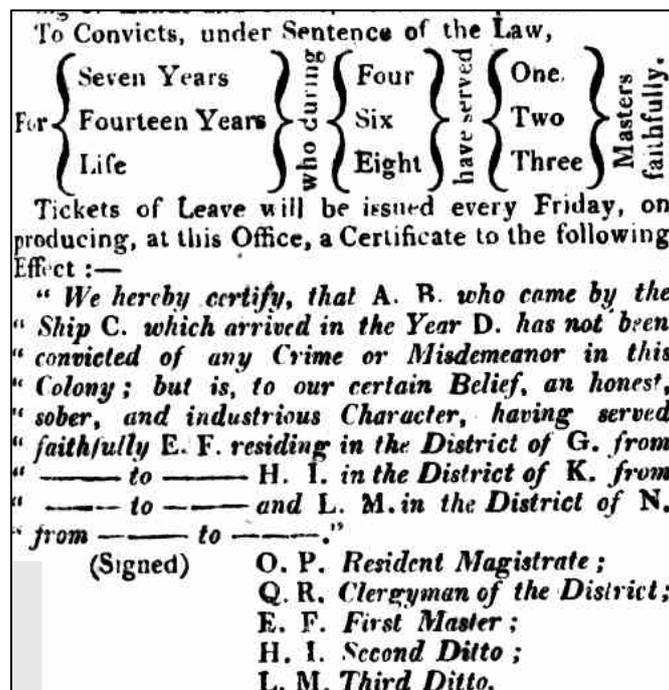
The entry for William Oliver shows that he had committed an offence (not specified) for which he had appeared before the Magistrates on 23 June 1821, and for which he was sentenced to serve the remainder of his original sentence at Port Macquarie. Only three months before Governor Macquarie had appointed Francis Allman, soldier and public servant, as the commandant of the new penal establishment at Port Macquarie, which was to replace that at Newcastle which, with the spread of settlement, had lost its prime advantage of isolation. As with Newcastle, the purpose of the Port Macquarie penal establishment was to be a secondary place of punishment for intractable convicts, and particularly to accommodate those convicts who reoffended after their arrival in the colony.¹³

Barbara Oliver, once more wishing to re-join her husband, petitioned to be relocated to Port Macquarie. The good news that 'Barbara Oliver, to join her husband W^m Oliver, Prisoner @ P^t Macquarie by the first opportunity', was conveyed in a letter dated 20 March 1822, from the Colonial Secretary's Office to the John Nicholson Esq., Master Attendant.¹⁴ At least, if she so chose, Barbara would have the companionship of another wife with whom she was acquainted from their time on board the *Friendship*. Elizabeth Patrick, by now Sarah Patrick, had accompanied her convict husband Charles Ellis when he was bundled off to Port Macquarie.¹⁵

The Oliver family was back in Sydney by around mid-1824. Listed as 'Old Oliver and Nurse', they had been sent to Sydney to give evidence at a case scheduled to be heard at the Supreme Court (details unknown). Unlike some

of the other 'evidences' they were not immediately returned to Port Macquarie after the trial.¹⁶

On 29 July 1824, Barbara Oliver submitted her petition for 'the privilege of a Ticket of Leave'. The Government and General Order of 7 November 1822 superseded the Order of 9 January 1813, and set out revised conditions for eligibility for obtaining Tickets of Leave.¹⁷



With reference to the eligibility criteria, she wrote:

The Petition of Barbara Oliver Humbly and Respectfully Showeth -

That Petitioner arrived in this Colony on Ship "Friendship" In January 1818.

That Petitioner was tried by a Criminal Court in the City of Durham on the 10th Day of August 1816 and received a sentence of Transportation for Fourteen Years under which Sentence she came to this Country.

That Petitioner has always endeavoured to conduct herself in conformably to the Colonial Orders and Regulations and has never been in an instance since her arrival subjected herself to the censure of Any in Authority.

That Petitioner understanding that your Excellency is pleased to encourage the Well conducted by granting them the privilege of a Ticket of leave, after Eight years' probation from the time of their Conviction and Petitioner having fulfilled that Period, humbly prays that Your Excellency would be graciously pleased to extend this indulgence to her.

And Petitioner will ever pray &c. &c.¹⁸

In support of the petition, Francis Allman appended the notation that the 'above petitioner has lived as a nurse in my family for two years, during which time she conducted herself well' – those two years being when Barbara was at Port Macquarie and, as we now know, assigned to the Commandant.

The Colonial Secretary responded with a note of 16 August 1824 addressed to Barbara Oliver / Capⁿ Allman Sydney.

Your Memorial having been submitted to the Governor, I have been honored with His Instruction that you must furnish the Certificate of Character and Service required by the Colonial regulations before you will be able to obtain the Ticket of Leave which you solicit.¹⁹

The required documentation was duly furnished, set out in the government pro forma.

We hereby certify that Barbara Oliver who came by the ship "Friendship" which arrived in the year 1818 has not



been convicted of any Crime or Misdemeanour in the Colony; but is to our certain belief an honest, sober, and industrious character, having served faithfully William Oliver residing in the District of Sydney from January 1818 to August 1822, & Francis Allman Esq^r, Captⁿ in the HC 48th Regiment, late Commandant at Port Macquarie from 4th of August 1822 to the 18th September 1824.

The 'we' were the Resident Magistrate, Richard Hill - Clergyman of the District, Wm Oliver - First Master, and F. Allman - Second Master. In addition, the Police Officer having checked the record books, confirmed Barbara Oliver's clean slate.²⁰ Finally, with the administrative details sorted out, on 7 October 1824 Ticket of Leave 427/1361 was issued to Barbara Oliver, 'Granted in pursuance of the Govt. & General Order of the 7 Nov 1822'. From the description we see that Barbara was quite short, standing at 5 feet and 0½ inches, was of fair complexion, with brown hair and dark eyes. She would have been just short of her fiftieth birthday.²¹

We have noted above that William Oliver had been sentenced in 1821 to serve out the remainder of his sentence at Port Macquarie. The question arises, therefore, as to how William, accompanied by his family, having been sent to Sydney in 1824, was able to remain there, rather than being shipped back to Port Macquarie. The answer lies in a petition to Governor Brisbane, lodged by William Oliver in March 1825. After the standard preamble, and with reference to having being sent to Port Macquarie, William continues:

That Memorialist since that time has endeavoured to Conform with the Orders and Regulations of the Officer in Command at the aforesaid settlement. And so far recommended himself by Uniform good Conduct to the Notice of Captain Allman, as to be brought by that Gentleman to Sydney on his resigning the Command of Port Macquarie, in whose employ he has since remained for more than 9 months at Head Quarters.

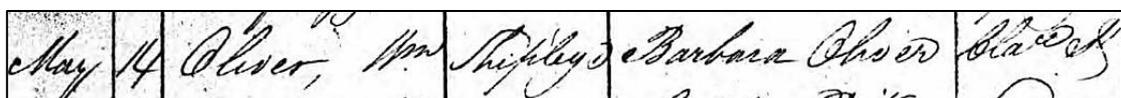
That Memorialist humbly implores Your Excellency to be pleased to permit him to remain in the Service of the Government at Sydney, he having a Wife and family whom he might be enabled to assist by industry and perseverance in his profession.

And Memorialist will ever pray &c. &c.²²

William had clearly made a good impression on Captain Allman who once more came to the assistance of the Oliver family.

Captain Allman would be glad if the bearer Mr. Oliver would be allowed to remain with his wife at Sydney – he has known him for three years, he is quiet and inoffensive. This certificate is given to him that Capt. A. does not oppose his being left at Sydney.²³

The petition was successful. In a role reversal, on 14 May 1825 Barbara Oliver was officially recorded as the 'employer' of her assigned convict husband.²⁴ No doubt, now settled with her tailor husband in Clarence Street, Sydney, Barbara Esther looked forward to a less eventful future.



But from reading the 1825 muster, it seems that her life was once again in turmoil.²⁵

Oliver Barbara	C. Friendship	1817/14	wife of Wm. Oliver Sydney
Oliver William	C. Shipley	1817/14	by Employ Port Macquarie
Oliver Esther	6 bc		left in Capt. Allman's Sydney

Barbara is living on her own in Sydney; daughter Esther is in the care of Capt. Allman's servants; and William is back at Port Macquarie, the reason being that, unlike his law-abiding wife, he had yet again committed an offence, for which he was tried on 10 August, as detailed in *The Sydney Gazette and New South Wales Advertiser* of 18 August 1825.

William Oliver, prisoner of the crown, referred to at the close of our last Police Report, as having in his possession



a silver watch in which the figures had been artfully altered, was brought up and the watch having been identified on the oath of the person who had lost it some months since, and the prisoner having no defence to set up, but that he had purchased it of a person *who had left the Colony*, was sentenced to a penal settlement for 3 years.²⁶

No time was wasted in placing him on board the His Majesty's brig *Amity*, which sailed from Sydney on 19 August 1825 bound for Port Macquarie.²⁷ This time there were no petitions to 'rescue' the man who must have so disappointed not only his wife but also his 'patron' Francis Allman. He was still at Port Macquarie for the 1828 census, but no records have been located for his wife Barbara and daughter Esther for 1828.²⁸ But we do know that William and Barbara were together again in Sydney by March 1829 when they were the subjects of what *The Australian*, in its characteristic 'over the top' style, described as circumstances 'the most awful and horrifying that have ever yet occurred, to blot the annals of this or any other Country'. In light of the confused and conflicting 'surmises' of the events, *The Australian* declared that it would lay before its readers 'a full and accurate report of the proceedings ... whence a proper estimate of the matter may be deduced'.

On Sunday morning an Inquisition was holden at the George Inn Castlereagh-street, before C.T. Smeathman, Esq. Coroner for Sydney, on view of the body of William Oliver, then lying dead in the house of Mr. Gilbert Smith, immediately opposite.²⁹

The Jury attended at half past ten A.M., and having inspected the body, returned to the Jury-room, when evidence was taken; viz.

Mr. G.F. Ord, who did or does lodge in the house of Mr. Smith, deposed, that on Friday last, about four o'clock, he returned home to dinner, consisting of a cold round of beef, mutton chops, and stewed oysters with greens and potatoes. - Some parts of the beef had a peculiarly sour, unpleasant taste. Witness partook of each of the aforesaid articles, and drank a little table beer. About ten minutes after dinner witness was seized with a violent fit of vomiting, which continued for about an hour. Took a little brandy, which he immediately threw up. Witness was very ill, and almost incessantly vomiting during the whole night. Deceased was taken ill about two o'clock on Thursday. Some soup had been made on that day, of which deceased partook, and witness heard him say that he was poisoned. The deceased was cook in the family. He continued very ill, complaining of griping pains in his stomach, and a heat in the throat.

Question by the Jury – Witness had eaten of the beef the preceding day, but was not at all affected.

Witness on Saturday consulted Dr. Bland, who bled him. Witness since then was gradually getting better, but still felt very weak.

The Coroner (attended by the Foreman) with the consent of the Jurors, now proceeded to the house of Mr. Smith, who was too ill to attend, in order to take his evidence. After the lapse of an hour, the Foreman returned alone, and informed his brother Jurymen that a serjeant of the garrison had just told some persons, in allusion to this dreadful affair, that a man had been on Friday last at the shop of Mr. Malcolm, the druggist in George-street, asking for an ounce of arsenic – that Mr. Malcolm refused to serve him, and that the person went away, seemingly for the purpose of getting arsenic elsewhere. It was therefore suggested that one of the Jury should volunteer to make a circuit of the various vendors of medicinal drugs in the town, accompanied by a constable, to make enquiry respecting any persons who might have applied at any of such places for poison. Mr. A. Polack offered to accomplish this part of the business, and set out for the purpose about half past twelve o'clock – shortly after which the Coroner re-joined the Jury, and read over to them the evidence of Mr. Smith, taken in presence of the Coroner and Foreman of the Jury, a copy of which the Coroner, having very properly given our Reporter every facility for making an accurate return of the proceedings, we should be enabled to subjoin, were it necessary to state the deposition literally. It was to the following effect:-

Mr. Gilbert Smith, master of the Globe Tavern, Castlereagh-street, deposed that about half past twelve on Thursday he went into the back yard, and discovered deceased sitting on the pump trough, vomiting very much, disgorging a great deal of water, tinged green, accompanied by bile. Deceased complained that his intestines were inflamed, and that he was in great pain. That yesterday morning about six o'clock, deceased complained that he was dying. The deponent sent for Dr. Mitchell about one o'clock on Saturday afternoon. The deponent, accompanied by Dr. McLeod, went into the room of the deceased, when he expired. Deponent verily believed deceased partook of the soup made by him (deceased) for the family on Thursday, which soup the deponent



stated himself to be of opinion caused his decease.

Ellen Hartneck, an assigned servant to Mr. Smith, deposed, that on Thursday last she saw the deceased take a bason [sic] of soup for his dinner about two o'clock, and about ten minutes afterwards he was seized with a violent vomiting.

It being now a quarter past one, Mr. Polack returned, having procured written certificates from Messrs. Cook and Marshall, Foss, Malcolm, and Mace, druggists; but the production of these was considered unnecessary, in consequence of what followed.

The Coroner and Foreman having again, in the interim, gone over to Mr. Smith's to examine the wife of deceased, who also lived in his house, now returned, bringing with them a large stone jar, containing about two pounds of a white substance, nearly resembling fine flour.

Barbara Oliver, wife of deceased, deposed that her husband was cook to Mr. Gilbert Smith, and on Thursday he made soup for dinner, and thickened it with flour.

Here the Coroner, or the Foreman, or Captain Rossi, for they had all three gone over together, desired to know from whence deceased obtained the flour. This caused the production of a jar, which, to all appearance, contained at the bottom two pounds of flour, and above that a paper careless wrapped up, containing a white powder, have superscribed the word "poison."

Mr. G. Smith having entered the Jury-room, though in a weak condition, stated that he knew nothing whatever of the jar already found. He knew that a quantity of arsenic had been sent to him at Port Macquarie by different gentlemen, for the purpose of curing birds, but how it came into the jar, or how deceased came to make use of it he could not say. Witness had it at Port Macquarie enclosed in treble paper, and marked "poison". The quantity in the jar appeared to be about an ounce. This paper had been so carelessly thrust into the jar, that there was nothing to prevent a great portion of the poison mixing with the flour. At this moment Doctors Mitchell and McLeod entered the room, and having looked at the jar, they suggested that it should be taken strict care of until they could analyse the contents, and that the Inquest should be adjourned until they (the Surgeons) had come to an opinion as to the cause of the death of deceased, by examining the contents of the stomach, as the process of opening the body, &c. would occupy some time.

The Coroner accordingly adjourned the Inquest until ten o'clock on Monday. When the adjournment took place it was half past two.

The Jury having met again at the George Inn yesterday, pursuant to adjournment, the Coroner received an intimation that Barbara Oliver, the wife of the deceased, William Oliver, had died on Sunday night about ten o'clock, and a letter was read from Dr. Mitchell, stating that it would be advisable not to call the Jury together until the Coroner should hear from him again.³⁰

The 27 March edition of *The Australian* carried the Jury's decision.

About one o'clock on Tuesday ... the Coroner read a communication from Drs. Bland and McLeod, stating their opinion, that both William Oliver, and the child of Mr. Smith died from the effects of poison conveyed into the stomach, and that a part of the contents of the jar had been found to contain a portion of *arsenious acid*.

The Jury having again consulted upon this subject concurred in the following verdict.

That deceased William Oliver, as well as his, deceased's, wife, and the child of Mr. Smith met their deaths in consequence of arsenic being accidentally mixed with flour, and used to thicken the soup of which they all partook.

At four o'clock the Jury, who had since the preceding Friday exhibited a uniform patience and assiduity highly creditable to them, were finally discharged.³¹

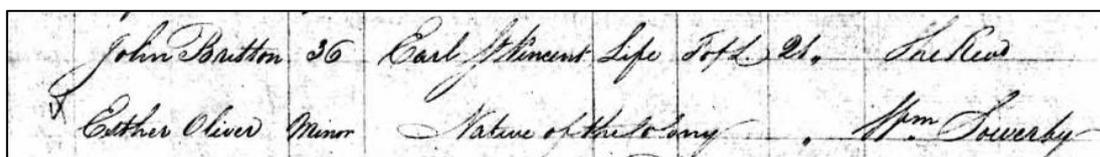
William Oliver, given age 57, and Barbara Oliver, given age 54, were buried on 23 March 1829 at St James' Church, Sydney.³² Their now orphaned daughter, Esther Oliver, was only nine years old when her parents died.

The last record noted for Esther was the 1825 muster, when she was being cared for by Captain Allman's servants. As there was no mention of her in the account of the inquest, and no record of her having been placed in the Orphan School, it is most likely that she continued to be looked after by some, hopefully, caring family. In fact, even at the tender age of nine, she may have earned her keep as a domestic servant. We can, however, firmly

locate her in 1838, when she was a young woman of nineteen. In April of that year a couple, then in the service of Mr. Howell of Borowa, Yass, applied for publication of banns at St. Saviour's, Goulburn.³³ The groom-to-be was John Britton, who was serving a life sentence, but who held a ticket of leave. The intended bride was Esther Oliver, spinster, and native of the colony. Both had 'Excellent' characters and their respective ages were thirty-six and nineteen, but with Esther being a minor the application was stalled. As set out in the 'Remarks' column of the application form, by Law, the consent of parents or legally appointed guardian must be first obtained before permission to marry can be given in respect of a minor. It was noted that 'Much inconvenience arises from this state of things', but the hands of the Principal Superintendent of Convicts were tied.

However inconvenient the Law may be, I am not authorised to break it – therefore I have no means of allowing this young woman to marry but by having a Guardian or Guardians appointed for her in the usual way. If this however will be attended with any expense – the Girl as well as the Man she is about to marry should be informed of it.³⁴

With no parents or legal guardians to call upon, and presumably unable, or not prepared to pay the legal fees for drawing up the guardianship, what was Esther to do? Whatever the answer to this may have been, the problem was resolved as the application was granted on 21 May.³⁵



The marriage between John Britton and Esther Oliver was registered at Gundaroo; Gunning; Yass in 1838.³⁶ John Britton, some twenty-seven years older than Esther, had been tried at the Old Bailey on 15 September 1819, when he was then younger than his bride to be.

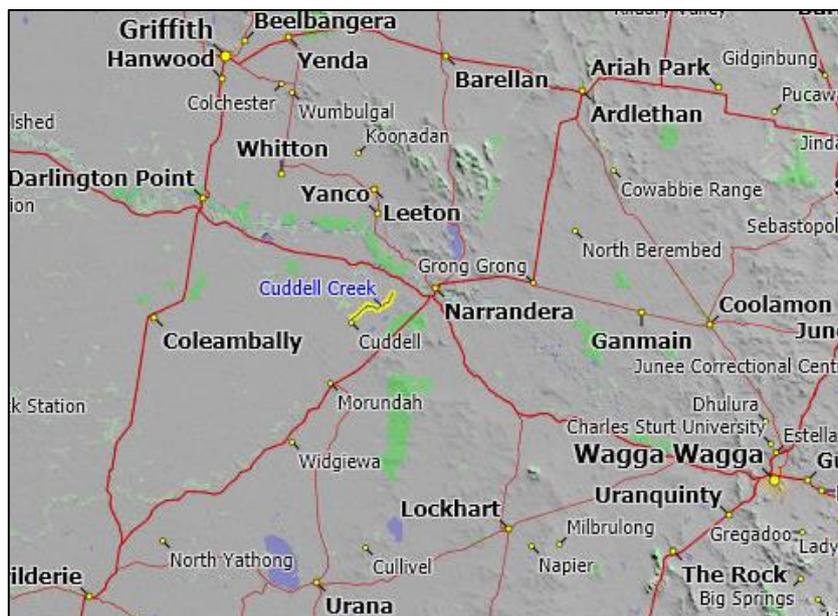
John Stone and John Britton (each aged but 17 years) were indicted for stealing, privately in the shop of Mrs. Lawford, at Enfield, on the 2d August last, eight silver spoons; pair of sugar tongs, &c, the property of the said Mrs Lawford. The prisoners were found Guilty – Death.³⁷

In his defence, John Britton stated that 'I was not watching about – I know nothing of Stone; I heard the alarm, joined in the pursuit.' The value of the booty was reckoned to be fifty shillings. Fortunately, and not unexpectedly given the nature of the crime and the tendency to leniency in many such cases, the sentences for both boys were commuted to Life, and they were dispatched to the hulk *Laurel* moored at Portsmouth.³⁸ It was from Portsmouth that the *Earl St. Vincent* sailed on 12 April 1820 with 160 convicts on board, including John Britton and John Stone, who were two of twenty convicts under the age of 18, all of whom were accommodated separately from the rest of the convicts. The vessel arrived at Sydney Cove on 16 August, the convicts were mustered on 23 August, and landed and inspected by Governor Macquarie on 29 August, after which they were dispersed to their assigned destinations.³⁹

John Britton was described as a Wire and Frame Maker by occupation, 5 foot 7 inches tall, with a fair sallow complexion, brown hair and hazel eyes. He obtained a ticket of leave (30/348) fairly shortly after his arrival. The 1825 muster finds him working on the Clearing Party at Bringelly, under Mr. Campbell; in 1828 he was a herdsman assigned to Thomas Hassall at Binda, in the Southern Highlands.⁴⁰

Twenty years after his arrival he was granted a conditional pardon.⁴¹ He died aged sixty-one on 14 January 1866, his death being registered at Binalong, NSW.⁴² He had drawn up his will at Arkstone Forest, Burrowa, near Yass on 18 May 1855. He affixed his signature by way of 'X', and it was witnessed by William Howell and Thomas Hancox Hassall. The document was in the form of a Deed of Gift, by which John Britton, of Cuthill, Yanco Creek near Wagga Wagga, lower Murrumbidgee, and at the time 'being now at a distance from home and considering the uncertainty of life', made over to his 'dearly beloved wife Esther Britton' all his landed and other property,

consisting (at that time) of thirty acres situated near the Pudman Creek, including the Hut and other buildings, and known as Britton Grove; all his cattle and horses running in that district and at the Murrumbidgee; and all his personal goods and chattels. Probate was granted to Esther on 14 January 1866, the goods sworn at £2,500.⁴³



Map showing Cuddell Creek, New South Wales ⁴⁴

It is from a court case held two years after John's death, but concerning an incident that had occurred in 1856, that we find out a little more about Esther and John Britton. At the Police Court, Wagga Wagga, on the 21 July 1868, one James Scully was brought up on a remand on a charge of murdering one Robert Buzzacotte, at Cuddell Creek, in 1856. Esther Britton was a leading witness.

Esther Bretton [sic], widow, of Yass, was sworn, and said that she had known the prisoner about twenty or thirty years. In the year 1856 was living at Mr. Howell's station, Cuddell Creek, and the prisoner was living there also. A man named Robert Buzzacotte was living at Yarrabee, a station of Mr. Howell's about three miles distant. Buzzacotte died about ten or eleven years ago, but could not remember the month or year of his death. One night shortly before that event, the prisoner, John Bretton (her husband), Richard Atkins, John Bushell, and John Wales were drinking in the kitchen at Cuddell. It was at this time, at about 8 or 9 o'clock. When getting her husband to bed she heard a noise in the kitchen like a crash and though it was crockery breaking. Went out to see what was the matter and met Wales, who said prisoner had hit Buzzacotte with a bottle. A few minutes later went into the kitchen and saw the deceased sitting on a stool with his head hanging down bleeding. Wales and witness tried to wash his head, but deceased would not permit it, and witness did not see the wound. Never saw deceased dead or alive after, but next morning was told that he was dead.⁴⁵

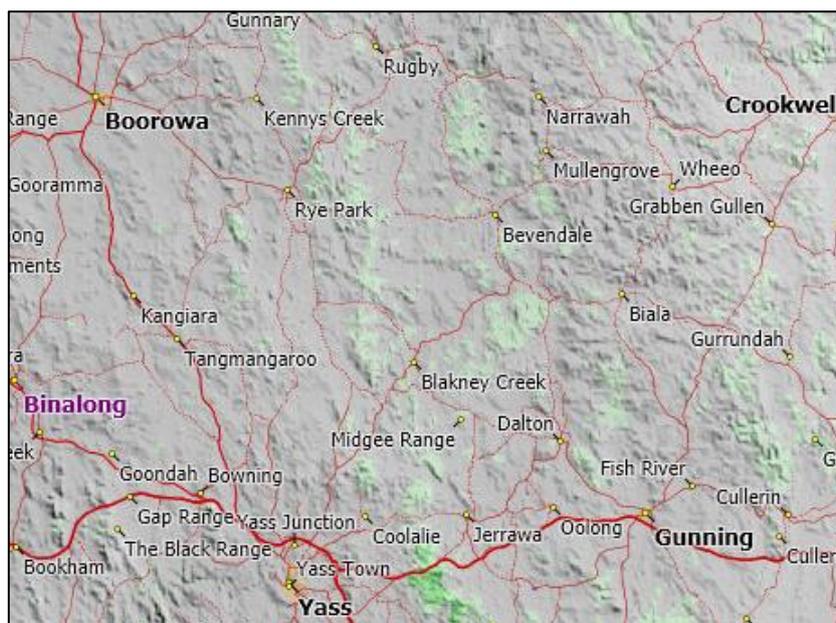
Another witness was Richard Atkins, farmer of Yass, who recalled the night, and corroborated the evidence presented. For the record, James Scully was acquitted. But from Esther's evidence we learn that the Brittons, nearly twenty years after their marriage, were still closely connected with the Howell family. They, or at least Esther, remained closely associated with Richard Atkins, freeholder of North Yass, up to and indeed after, he died in 1874. Not only was she the sole executrix of his will, Esther Britton, widow of North Yass, was also the sole beneficiary of his estate, valued at £700.⁴⁶

Esther Britton died aged sixty-eight on 3 July 1883, and her death was registered at Yass. She was buried at St. Clement's Church, Yass, where her husband had also been buried.⁴⁷ The informant had given her father's name as John [husband?] and did not know who her mother was.⁴⁸ She appointed John Harper of Yass as the sole executor of her will, drawn up on 2 June 1883, a month before she died.

This is the last will and Testament of me Esther Britton of Yass in the Colony of New South Wales Widow. I direct that all my just debts funeral and Testamentary Expenses be paid as soon as conveniently may be after

my decease. I give devise and bequeath unto Charles Noakes senior of Pudman Creek in the said Colony Farmer all those premises situated in Cooma Street in Yass aforesaid known as the "Old Barracks" to the use of the said Charles Noakes Senior his heirs and assigns for ever. I give devise and bequeath unto Helen Harper of Yass aforesaid Spinster all those premises situated in Polding Street O'Connell Town near Yass aforesaid lately purchased by me from John Colls known as Poplar Cottage with all the lands adjoining thereto for her own and separate use ... I further direct that the whole of my household furniture goods chattels and effects contained in and about my present premises shall be disposed of by my Executor hereinafter named and that the proceeds thereof shall be handed over to the Treasurer of the Yass District Hospital for the benefit of the said Hospital. I further devise and bequeath unto Mary Wesley all the rest and residue of the real and personal Estate to which I shall be entitled at the time of my decease for her own sole and separate use ... I appoint John Harper of Yass aforesaid Clerk Executor of this my will In witness whereof I have hereunto set my hand this Twenty second day of June in the year one Thousand Eight hundred and Eighty three. *Esther Britton*. Signed by the said Testatrix as her last Will and Testament in the presence of us present at the same time who at her request in her presence and in the presence of each other have subscribed our names as witnesses. *H. Wesley John Harper*. 10th October 1883. This day by act of Court Probate of the last will of Esther Britton late of Yass deceased was granted to John Harper Sole Executor. Testator died 3rd July 1883. Estate sworn at £2980.⁴⁹

Esther Britton died a relatively wealthy woman. Based on the consumer price index (CPI) the relative value of her estate in 2017 was \$AUD340,000.⁵⁰ There are no records of any children born to Esther and John, and certainly their wills make no reference to any descendants. So with Esther we come to the end of this branch of the Oliver family.



Map showing Rye Park⁵¹

As a postscript, I wonder who sent, and what the contents were, of a Ship letter, addressed to Mrs. Esther Britton of Burrowa, and awaiting collection as at 15 January 1886 from the Sydney Post Office.⁵²

NOTES

¹ *Lancaster Gazette*, 27 Apr 1816, p.3.

² Findmypast (FMP), England, Boyd's marriage indexes, 1538-1850. Ancestry Online Family Tree, Oliver Family – North East England, <https://www.ancestry.co.uk/family-tree/person/tree/108964950/person/260072935696/facts>.

³ FMP, Northumberland and Durham Baptisms. Both baptism transcripts confirm that the mother was a daughter of John Leighton, cordwainer, OTP. The mother's 'Residence' on both was given as Warkworth, Nbl; the 'Father's Notes' was given as Berwick on Tweed (1809) and Jedburgh (1812). The Mary Ann Oliver, baptised at Malling Riggs, Sunderland, Durham in 1800, may have been a daughter of William and Barbara, FMP, England Births and Christenings, 1538-1975.

⁴ *Durham County Advertiser*, 31 Aug 1816, p.5.



- ⁵ "Letters, nos 201-300." Prisoners' Letters to the Bank of England, 1781-1827. Ed. Deirdre Palk. London: London Record Society, 2007. 65-92. British History Online. Web. 12 September 2017. <http://www.british-history.ac.uk/london-record-soc/vol42/pp65-92>.
- ⁶ Ancestry, Australia, Birth Index, 1788-1922, Vol No V18195003 1B. Biographical Database of Australia (BDA), Biographical report for Esther Oliver.
- ⁷ *Durham County Advertiser*, 21 Sep 1816, p.4.
- ⁸ Ancestry, UK, Prison Hulk Registers and Letter Books, 1802-1849.
- ⁹ BDA, Biographical report for William Oliver.
- ¹⁰ Ancestry, New South Wales, Australia, Settler and Convict Lists, 1787-1834. Incidentally there were three men by the name of William Oliver on the same muster page.
- ¹¹ Ancestry, New South Wales, Australia, Settler and Convict Lists, 1787-1834.
- ¹² Ancestry, New South Wales, Colonial Secretary's Papers, 1788-1856.
- ¹³ By his commission from Governor Macquarie Allman was authorised to try, investigate, and punish all petty crimes and misdemeanours committed at the settlement. There are conflicting views as to Allman's administration of Port Macquarie. It is claimed that under his watch the settlement became a hell (https://en.wikipedia.org/wiki/Port_Macquarie). On his visit there in November 1821, Governor Macquarie found the ninety-four convicts 'healthy, well clothed and without any complaint whatever' (A.J. Gray, 'Allman, Francis (1780–1860)', Australian Dictionary of Biography, National Centre of Biography, Australian National University, <http://adb.anu.edu.au/biography/allman-francis-1699/text1837>, published first in hardcopy 1966, accessed online 21 September 2017).
- ¹⁴ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 937.
- ¹⁵ Refer to account of Elizabeth Patrick, BOF, Part 3b.
- ¹⁶ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 897.
- ¹⁷ *The Sydney Gazette and New South Wales Advertiser*, 8 Nov 1822, p.1.
- ¹⁸ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 900.
- ¹⁹ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 937.
- ²⁰ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 898.
- ²¹ *The Sydney Gazette and New South Wales Advertiser*, 14 Oct 1824. Ancestry, New South Wales, Australia, Tickets of Leave, 1810-1869.
- ²² Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 897.
- ²³ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 900.
- ²⁴ Ancestry, New South Wales, Australia, Convict Records, 1810-1891, Assignment and Employment of Convicts.
- ²⁵ Ancestry, New South Wales and Tasmania, Australia Convict Musters 1806-1849, 1825.
- ²⁶ *The Sydney Gazette and New South Wales Advertiser*, 18 Aug 1825, p.2.
- ²⁷ Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, NRS 939.
- ²⁸ Ancestry, 1828 New South Wales, Australia Census (TNA Copy).
- ²⁹ Gilbert Smith came free per *Minerva* in 1819. He was appointed as a storekeeper in the Commissariat Department, serving at both Port Macquarie and Sydney – BDA, Biographical report for Gilbert Smith.
- ³⁰ *The Australian*, 21 Mar 1829, p.3. The article was headed up 'AWFUL AND HORRIBLE CATASTROPHE. Death of Three Persons by Poison!'
- ³¹ *The Australian*, 27 Mar 1829, p.3.
- ³² BDA, Biographical reports for William and Barbara Oliver. Ancestry, New South Wales, Australia, Convict Death Register, 1826-1879.
- ³³ Ancestry, New South Wales, Australia, Convict Applications for the Publication of Banns, 1828-1830, 1838-1839. The Howell family, together with the Hassall and Hume families, were pioneer settlers in the Yass district. See also, Graeme Challinor's Genealogy Pages, 'John James Howell and William P Howell Jnr', <http://www.gundaroo.info/genealogy/other/howell.htm>. Known now as Burrowa, the name was variously spelt – e.g. Burowa, Boorowa, Borowa, etc.
- ³⁴ Ancestry, New South Wales, Australia, Convict Applications for the Publication of Banns, 1828-1830, 1838-1839. The prospective bride was recorded as Esther Olive.
- ³⁵ Ancestry, New South Wales, Australia, Registers of Convicts' Applications to Marry, 1826-1851.
- ³⁶ NSW Registry of Births Deaths & Marriages (NSW BDM), Marriage registration, 1974/1838 V18381974 22.
- ³⁷ *Morning Advertiser*, 16 Sep 1819, p.3. The Old Bailey account gives 21 July as the date of the crime.
- ³⁸ Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.2, 22 September 2017), September 1819, trial of JOHN STONE JOHN BRITTON (t18190915-3). FMP, England & Wales, Crime, Prisons and Punishment, 1770-1935, Series HO77. Ancestry, UK, Prison Hulks Registers and Letter Books, 1802-1849.
- ³⁹ Free Settler or Felon? Convict Ship Earl St. Vincent 1820, http://www.jenwilletts.com/convict_ship_earl_st_vincent_1820.htm
- ⁴⁰ BDA, Biographical report for John Britton.
- ⁴¹ *New South Wales Government Gazette*, 4 Mar 1840 [Issue No.12], p.203.
- ⁴² NSW BDM, Death registration, 3303/1866.
- ⁴³ FMP, New South Wales Will Books 1800-1952, No 6682.
- ⁴⁴ Bonzle, <http://www.mapsbonzle.com>.
- ⁴⁵ *Empire*, 29 Jul 1868, p.3. The article was headed up "The Alleged Murder at Cuddell Creek Twelve Years Ago".
- ⁴⁶ FMP, New South Wales Will Books 1800-1852, No 7021.



⁴⁷ Yass Cemetery Records, http://members.webone.com.au/~sgrieves/cemeteries_australia.htm#St Clements.

⁴⁸ NSW BDM, Death registration, 12088/1883.

⁴⁹ FMP, New South Wales Will Books 1800-1852, No 8895. Charles Noakes Senior died at the age of 80 on 24 January 1908, having lived and farmed at Rye Park for fifty years – *The Burrowa News*, 31 Jan 1908, p.3. He was brother to Dinah Noakes who, in 1844, had married Thomas Jones, son of *Friendship* convict Sarah North – refer to account of Sarah North, BOF, Part 3a. “The Old Barracks”, Cooma Street, Yass, was, in 1882, a bakery, operated by Messrs. W & J Ashby – *Yass Courier*, 21 Apr 1882. John Harper was a legal clerk of Yass. He died on 30 April 1888 and the sole executor of his will was one of his daughters, Helen Harper - FMP, New South Wales Will Books 1800-1852, No 16703. Mary Wesley, born c1856 at “Arkstone” near Boorowa, was a daughter of John and Honor Wesley, residents of Rye Park – Obituary, *The Burrowa News*, 29 Jun 1934, p.2.

⁵⁰ Measuring Wealth, <https://www.measuringworth.com/australiacompare/relativevalue.php>.

⁵¹ Bonzle, <http://www.mapsbonzle.com>.

⁵² *The Burrangong Argus*, 13 Mar 1866, p.3.



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