

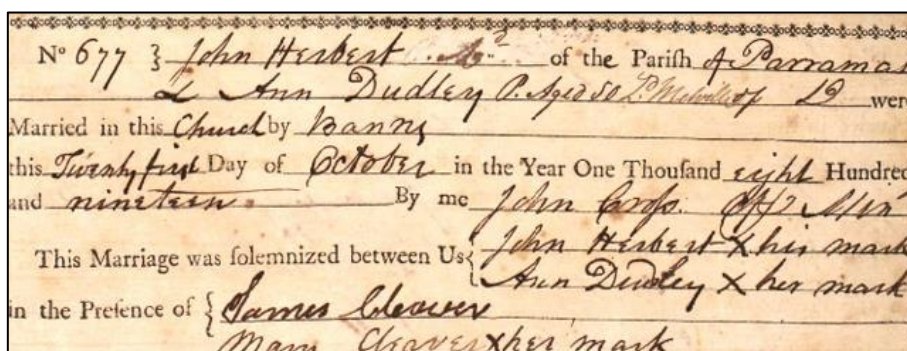
Ann Dudley

Date of Trial:	12 August 1816
Where Tried:	Warwick Assizes
Crime:	Larceny
Sentence:	7 years
Est YOB:	1786
Stated Age on Arrival:	
Native Place:	
Occupation:	
Alias/AKA:	
Marital Status (UK):	
Children on Board:	1 – died on voyage
Surgeon's Remarks:	<i>Quiet and indolent</i>
Assigned NSW or VDL	NSW

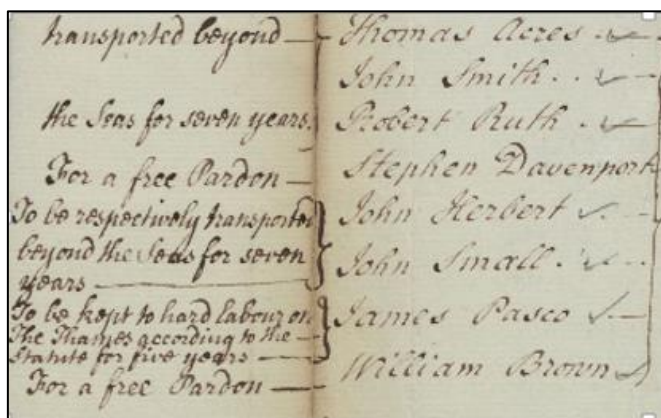
Six of the *Friendship* women were tried at Warwick – three in August 1816 and three in April 1817. One, Sarah Blower, did not survive the voyage and three were transhipped to Van Diemen's Land on arrival. Ann Dudley, tried in 1816, was one of the two who remained in New South Wales. Theft of 5½ yards of lace was the crime which brought Ann Dudley before the Warwick Assizes in August 1816, and for which she received a sentence of seven years transportation, as reported in the *Northampton Mercury*. On the same page the *Mercury* also reported, more expansively, on events of a very different nature that took place in another court on the same day as the sentences were handed down – the Duke of York's birthday, which was celebrated with much splendour.¹ Ann would be held at the County Gaol until she was removed to Deptford and embarked on the *Friendship*.

The convict indent records provide scant information about Ann Dudley, silent, for instance, on her native place, estimated YoB/age and occupation. It is mooted, however, that Ann Dudley was a daughter of John Dudley and his wife Mary (née Benbow) who was baptised on 13 November 1785 at Christ Church, Worcester, England.² From Surgeon Superintendent Peter Cosgreave, in his assessment of Ann's behaviour on board the *Friendship*, we learn not only that he found her to be quiet and indolent, but that she had also brought on board a child who died during the voyage.³

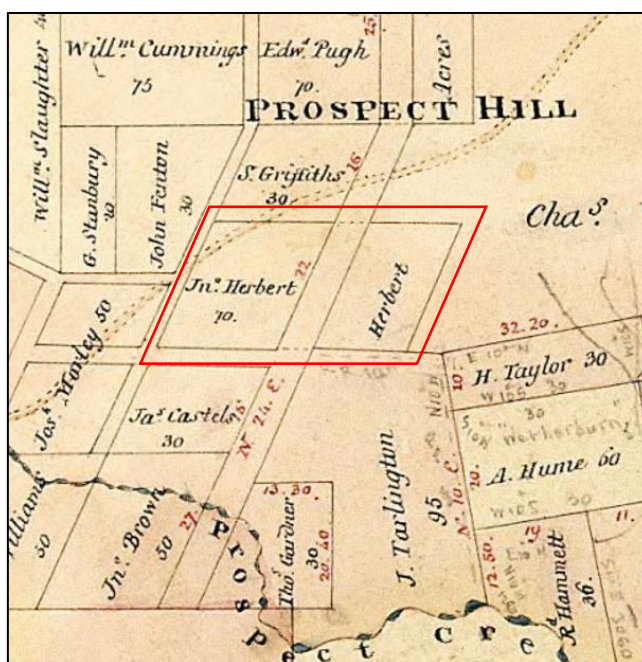
Within two years of her arrival in the colony Ann Dudley became Mrs. Herbert. She and John Herbert were married on 21 October 1819 at St. John's Parramatta. Finally we have an age for Ann – she was stated to be 50 when she married (surely not!) and the name of the ship she arrived on is incorrectly recorded. The only member of the wedding party who could sign his name was witness James Cleaver.⁴



John Herbert, a Devonshire man born about 1760, faced the 1785 Devon Lent Assizes, together with three accomplices, charged with having robbed James and Rebecca Burt of a watch, money etc, for which they were all capitally convicted. Fortunately for the quartet 'some favourable circumstances appearing on their behalf at their Trials they were Reprived'. John Herbert was to be transported beyond the seas for seven years.⁵

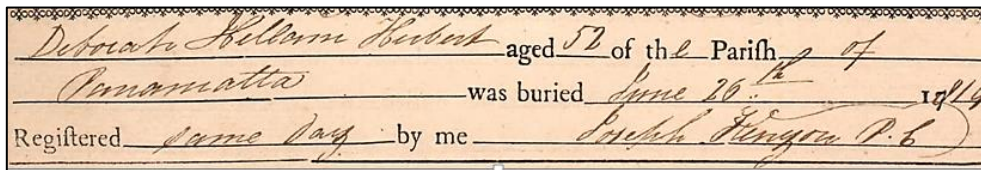


Before the outbreak of the American Revolutionary War in 1785 transportation 'beyond the seas' generally meant exile across the Pacific to America, However, with America no longer a viable option official minds were applied to finding another solution, which became all the more urgent with would-be transportees taking up precious space in the already crowded hulks and in the prisons. The decision was made to establish a penal colony in New South Wales, previously claimed for Britain in 1770. On 13 May 1787 the transport *Charlotte*, one of the 'First Fleet' of convict ships, left England and arrived at Port Jackson on 22 January 1788. One of the convicts aboard was John Herbert who, after his trial had been held at Exeter High Gaol until January 1786, after which he had been transferred to the prison hulk *Plymouth* prior to embarkation on the *Charlotte*.⁶ Another of the "First Fleet" vessels was the *Prince of Wales* which sailed from England in April 1787 and arrived at Port Jackson on the same day as the *Charlotte*. One of the convicts on board was Deborah Ellam. Born about 1767, she had been found guilty at the August 1784 Chester Quarter Assizes of stealing goods from the dwelling of Henry Byrom and sentenced to seven years transportation.⁷ Just over two months after arriving in the colony John Herbert and Deborah Ellam were married on 2 April, the marriage being registered at St. Phillips Church, Sydney. One of the witnesses was Thomas Acres (aka Akers) who had been tried at the same Assizes as John Herbert and was also transported on the *Charlotte*.⁸ Between 1789 and 1805 eight children were born to John and Deborah - Benjamin, William, Joseph, John Herbert Jnr, Charles, Thomas (d 1802), James, and the only daughter Susannah.⁹ In 1792 John Herbert was granted 70 acres of land, known as "Herbert's Farm" or "Pender", located at the base of Prospect Hill, rent free for ten years and thereafter at an annual rent of 1 shilling, subject to the standard improvements being carried out.¹⁰

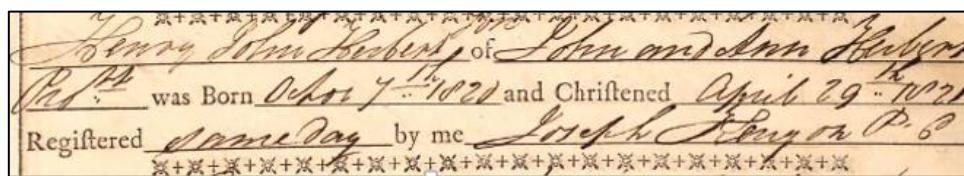


"Herbert's Farm"¹¹

The marriage between John and Deborah, if sometimes troubled, would have been one of the more enduring of the time. They had just reached their thirtieth anniversary when Deborah died on 3 June 1819. She was buried at Parramatta, her age at death being recorded as 52.¹²



So, John had been a widower for only four months or so before he and Ann Dudley were married. In October 1820 Ann presented John with yet another son – Henry John Herbert born on 7 October and baptised at Parramatta on 29 April 1821.¹³



This raises the question as to whether Ann would have taken on any ‘motherly’ duties with respect to the children of her husband’s previous marriage, and the only ones who may have needed some guidance would have been the youngest children – son James and daughter Susannah - as by 1819 the other boys were well able to look after themselves.¹⁴ If so, Ann (and John) were relieved of their responsibility to Susannah when, at the age of sixteen, she married shoemaker convict Anthony Saunders on 23 April 1821 at St. Luke’s, Liverpool, her brother Joseph being one of the witnesses.¹⁵

For the 1822 general muster John and Ann are listed separately. John was recorded as being free by servitude and a landholder at Parramatta. Ann is shown as a convict and the husband of J. Herbert of Parramatta.¹⁶ The Land and Stock registers for 1822 list John Herbert as the grant holder of 70 acres, 50 of which are now cleared. He had 20 acres under wheat and 26 under maize with smaller plantings of peas, beans and potatoes. He ran 6 horses, 4 horned cattle and 16 hogs, and had on hand 25 bushels of wheat and 400 of maize.¹⁷

It must have been with some relief when, in August 1823, Ann Dudley received her certificate of freedom, the welcome news being notified in the *Sydney Gazette*.¹⁸ And Ann’s new status is reflected in the 1825 muster which records her as Ann Dudley, free by servitude, wife of Jn^o Herbert, Parramatta.¹⁹

The family are actually shown together for the 1828 census, the return for which has a few issues. John Herbert was not aged 85 in 1828 and the *Charlotte* had arrived in the colony in 1788. The *Friendship* had arrived in 1818 not 1816. But we now find that while retaining his holding in Prospect John Herbert had set himself up as a dealer of some kind in Parramatta. At home with the John and Ann are their son Henry and James, the youngest son from John’s previous marriage.²⁰

6	Herbert John	85	55	Charlotte 1796	7 3/4	do	dealer
7	do Ann	42	do	Friendship 1816	7	do	
8	do James	21	B6	B6		do	
9	do Henry	9	B6	B6		do	

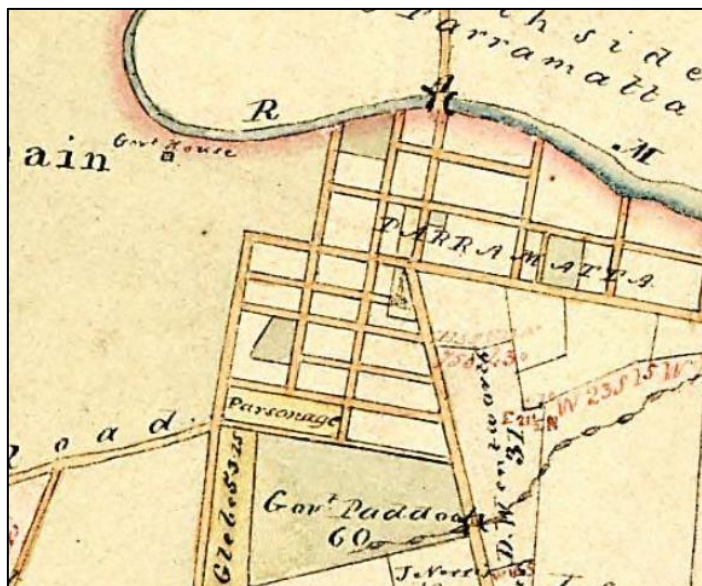
} Parramatta

The Herberts had been operating their dealership from their residence in Campbell Street, Parramatta, next to the Parsonage, for a few years before the 1828 census, as indicated by the following 1826 news item.²¹



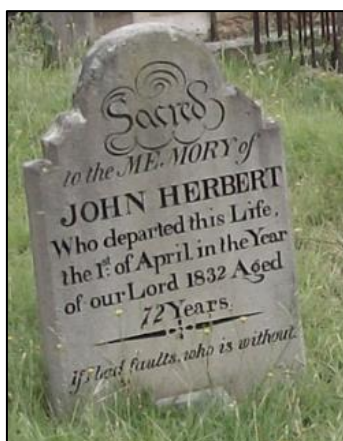
One morning last week, at about 4 o'clock, an inhabitant of Parramatta, named Herbert, was roused from his slumbers by a most opportune, but appalling noise. It seemed to proceed from a part of his tenement, denominated "the shop," where every thing composing the poor man's stock in trade lay. To stay or go was not long a question with Herbert. He rushed into the shop, from whence a stranger could be just then distinctly heard and seen rushing out. A quantity of the shop goods lay snugly packed up on the floor--the stranger had declined taking charge of them, and the landlord was too busy, and felt too happy, in replacing the goods, to take charge of him. The fellow escaped through the shop door, which he had managed to open from the inside. He appeared to have first entered by descending through the concavity of the chimney...

We are not told what type of goods made up the Herbert's inventory, but it is likely to have been of a general trading nature. Was John Herbert doing a delivery run when, a year later, he was brought before the local magistrates to answer a summons for driving his cart with two horses furiously through the town while he was sitting in the vehicle and for which he was ordered to pay a fine of ten shillings?²²



Map showing location of Parsonage ²³

John Herbert died on 1 April 1832 aged 72. There was nothing in the newspapers to mark his passing. He was buried with his first wife at St. John's Parramatta. The inscription at the base of his headstone reads "If I had faults, who is without".²⁴



In his will he left the property in Campbell Street to his wife Ann, and the cart and horses to their son Henry John. The Prospect Farm was left in equal parts to his seven children by Deborah Ellam.²⁵

Ann Herbert placed notices of properties 'To Let' in the newspapers in July 1835 and May 1836. The first is for a 'compact pleasant cottage' and the second for a 'Dwelling House' (the same property?) and a 'House and Shop'. There is a certain urgency in the second of the notices as Ann was apparently intending to leave Parramatta.²⁶

TO LET.

A COMPACT PLEASANT COTTAGE situated in a very fine salubrious spot on the **WESTERN ROAD, PARRAMATTA**, within about 50 yards of the Sydney Road, commanding a full view of the Race Course & the Coaches. Consisting of 6 Good Rooms, 2 Back Kitchens, suitable for any Family, with many advantages. Immediate possession may be had by applying to **MRS. HERBERT**,
Western Road, Parramatta.

TO LET,

A DWELLING HOUSE, of 6 Rooms and 2 back Kitchens, with a Brick Stable, a large Yard and a Garden, lately occupied as a *Public House*, for which it is well suited, situate on the Western and Bathurst Road, leading out of Parramatta. *Rent only £25.*

Also, at same place, a **HOUSE and SHOP**, the latter with Glass Cases and Fixtures, &c. The House has 8 Rooms, a back Kitchen, Yard, with a Well of fine Water, 2 Stables, and a large Garden. *Rent only £35.*

These very low Rents are asked because the Proprietor is anxious to have them immediately leased, as she is about to leave that Town.

Apply on the Premises to
ANN HERBERT.

From the next record located for Ann - a report on her inquest - we find that she had indeed left Parramatta and moved to Sydney.

SUDDEN DEATH. - Yesterday morning an elderly female named Ann Herbert, residing in Goulburn-street, was found dead in her bed. She had been for some days in a declining state, but not to such a degree as to cause any fears to be entertained on her account. On the previous evening she retired to rest, and the next morning neglecting to call her son as was her wont at four o'clock, at five he went in search of her and found her lying dead in her bed. An inquest was held on the body in the course of the day at the sign of the "Good Woman", in Sussex-street, and the above facts were given in evidence by her son. Dr. Savage, of Castlereagh-street, who was called in and examined the body, certified that death proceeded from natural causes, and the jury returned a verdict to that effect. The deceased was well known about the town as a hawker of caps and laces. She is said to have been possessed of considerable property in the neighbourhood of Parramatta.²⁷

Perhaps the reference to 'caps and laces', and the fact that Ann Dudley had been transported for stealing lace, suggest that she might have been a milliner or dressmaker prior to her conviction?

A brief mention in the Death column of *The Sydney Monitor and Commercial Advertiser* of 30 November formally notified the public of Ann Herbert's death.

On Wednesday morning, suddenly, Mrs. Herbert, late of Parramatta, widow.²⁸

No record has been found to show where Ann Herbert was buried. Her son Henry John Herbert found her body, but I have found little more upon which to build a picture of his life, except a suggestion that he was the Henry Herbert who died in 1913, with the Liverpool registration recording that his parents were John and Ann.²⁹

In the overall scheme of things the life of Ann Dudley/Herbert, and any contribution she might have made to colonial history, were decidedly insignificant. However, and posthumously, she did have one claim to fame.³⁰

FIRE AND LIFE ASSURANCE COMPANY.—The first claim that has been made in the *Life Department* of this Company, and which, we learn, has been promptly paid, was that on a policy of the late Mrs. Ann Herbert, of Parramatta, who died about a month since, and who had effected an assurance on her life in the early part of this Company's business; in the short period that has elapsed since this institution was established, it is not to be expected much benefit can have resulted to the friends of individuals assured, from its formation, but as years roll on, we hope to see it prove a most useful undertaking, and one that will deserve the best support of the inhabitants of this Colony. The apathy and indifference of a great portion of this community, as regards a protection to themselves and families against loss by fire, and in many cases ruin and beggary, no way surprise us, who have for many years observed the character of our Australian public in any matter that touches on the pounds, shillings, and pence; but we much fear many will find out their mistake when too late.—*Gazette*.

NOTES

¹ *Northampton Mercury*, 24 Aug 1816, p.4.

² Ancestry Baxter online family tree, <https://www.ancestry.co.uk/family-tree/person/tree/164249216/person/202138992766/facts>. However, there is also a baptism for an Ann Dudley, daughter of John and Mary Dudley, on 7 January 1786 at Kings Norton, St Nicolas, Worcestershire – Ancestry, Birmingham, England, Church of England Baptisms, Marriages and Burials, 1538-1812. Based on these speculative records, and if Ann was a married woman when she gave birth to the child she took with her on the *Friendship*, it would have been under her maiden name that she was tried and convicted. Alternatively, although there is nothing in the records to confirm or otherwise, it may have been as Mrs. Dudley that she was transported.

³ FindmyPast (FMP), Australian Convict Ships, 1786-1849, Indents, 1788-1842, (NRS 12188), Reel 394. Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856, Series: NRS 897; Reel or Fiche Numbers: Reels 6041-6064, 6071-6072, p.64.

⁴ Ancestry, New South Wales, Australia, St. John's Parramatta, Marriages, 1790-1966, Vol 01, Baptisms, 1790-1825; Marriages, 1789-1823; Burials, 1790-1825.

⁵ FMP, England & Wales, Crime, Prisons & Punishment, 1770-1935, Judges' Reports on Criminals 1784-1830 – Correspondence, 1784-1785.

⁶ Convict Records, Community Contributions (Denis Pember), <https://convictrecords.com.au/convicts/herbert/john/65997>.

⁷ FMP, England & Wales Crime, Prisons & Punishment, 1770-1935, Judges' Reports on Criminals 1784-1830, Correspondence, HO47, Piece number 6. Convict Records, Community Contributions (Denis Pember),

<https://convictrecords.com.au/convicts/ellam/deborah/129146>. Deborah's accomplices, Elizabeth Hewitt and Alice Halton, were sentenced respectively to 12 and 6 months imprisonment, both also to be whipped. *Manchester Mercury*, 7 Sep 1784, p.4.

⁸ Ancestry, Australia, Marriage Index, 1788-1850. NSW Registry of Births Deaths & Marriages (NSW BDM), Marriage registration 40/1788 V178840 3A and 50/1788 V178850 4. Thomas Acres also witnessed the marriage of John Small, who had been tried with John Herbert. Biographical Database of Australia (BDA), Biographical report for Thomas Acres, Person ID: B#10011000501.

⁹ NSW BDM, Birth and Death registrations. Ancestry, New South Wales, Australia, St. John's Parramatta, Baptisms 1790-1825 and Burials 1790-1825.

¹⁰ Ancestry, New South Wales, Australia, Land Grants, 1788-1963, Colonial Secretary, Register of Land Grants, 1792-1809. Governor Phillip, in his Instructions dated 25 April 1787, was empowered to grant land to emancipists. Each male was entitled to 30 acres, an additional 20 acres if married, and 10 acres for each child with him in the settlement at the time of the grant.



- ¹¹ NSW Land Registry Services, Historical Land Records Viewer, <https://hlrv.nswlrs.com.au/>, Historical Parish Maps, Prospect, Cumberland, A.O. Map No 265.
- ¹² Ancestry, New South Wales, Australia, St. John's Parramatta, Burials, 1790-1966, Vol 1 Baptisms, 1790-1825; Marriages, 1789-1823; Burials, 1790-1825. There seems to have been an inordinate delay between the death on 3 June and the burial/registration on 26 June. The relationship between John Herbert and Deborah Ellam is recounted in The Fellowship of First Fleeters, John Herbert and Deborah Ellam, http://www.fellowshipfirstfleeters.org.au/johnherbert_deborahellam.htm.
- ¹³ Ancestry, New South Wales, Australia, St. John's Parramatta, Burials, 1790-1966, Vol 1 Baptisms, 1790-1825; Marriages, 1789-1823; Burials, 1790-1825.
- ¹⁴ John Herbert had purchased 80 acres on the Nepean River at Castlereagh, The land was divided equally among his five youngest sons as they became old enough to work the land on their own - Convict Records, Community Contributions, Robert John Herbert, 13 Apr 2017, <https://convictrecords.com.au/convicts/herbert/john/65997>.
- ¹⁵ Ancestry, Sydney, Australia, Anglican Parish Register, 1814-2011, Liverpool St. Luke, Composite, 15 May 1811-07 July 1823. BDA, Biographical report for Anthony Saunders, Person ID: #30023006001.
- ¹⁶ Ancestry, New South Wales and Tasmania, Australian Convict Musters, 1806-1849, New South Wales, General muster 1822.
- ¹⁷ Ancestry, New South Wales, Census and Population Books, 1811-1822, Sydney Population, Land and Stock, 1822.
- ¹⁸ *The Sydney Gazette and New South Wales Advertiser*, 4 Sep 1823, p.3.
- ¹⁹ Ancestry, New South Wales and Tasmania, Australia Convict Musters, 1806-1849, New South Wales, General Muster A-L, 1825.
- ²⁰ Ancestry, 1828 New South Wales, Australia Census (TNA Copy), New South Wales, Census E-H, 1828.
- ²¹ *The Australian*, 6 Sep 1826, p.3.
- ²² *The Sydney Gazette and New South Wales Advertiser*, 24 Feb 1827, p.3. Alternatively the furious driver may have been John Jnr.
- ²³ NSW Land Registry Services, Historical Land Records Viewer, <https://hlrv.nswlrs.com.au/>, Historical Parish Maps, St. John, Cumberland, A.O. Map No 277.
- ²⁴ Find A Grave, database and images (<https://www.findagrave.com> : accessed 11 November 2019), memorial page for John Herbert (1750–1832), Find A Grave Memorial no. 46480398, citing St John's Cemetery, Parramatta, City of Parramatta Council, New South Wales, Australia ; Maintained by hyphen (contributor 47198172).
- ²⁵ Convict Records, Community Contributions, Robert John Herbert, 13 Apr 2017, <https://convictrecords.com.au/convicts/herbert/john/65997>.
- ²⁶ *The Sydney Monitor*, 18 Jul 1835, p.1. *Commercial Journal and Advertiser*, 25 May 1836.
- ²⁷ *The Sydney Gazette and New South Wales Advertiser*, 29 Nov 1838, p.2.
- ²⁸ *The Sydney Monitor and Commercial Advertiser*, 30 Nov 1838, p.2.
- ²⁹ NSW BDM, Death registration, 17806/1913. Ancestry, Baxter online family tree, <https://www.ancestry.com/family-tree/person/tree/164249216/person/202138993453/facts>.
- ³⁰ *The Sydney Herald*, 19 Dec 1838, p.2.



SELECTED SOURCES

Genealogy Websites

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1828 New South Wales, Australia Census (TNA Copy)

Ancestry, Birmingham, England, Church of England Baptisms, Marriages and Burials, 1538-1812

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

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

New South Wales, Australia, Land Grants, 1788-1863

New South Wales, Australia, St. John's Parramatta, Baptisms, 1790-1825

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New South Wales, Census and Population Books, 1811-1825

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Sydney, Australia, Anglican Parish Register, 1814-2011

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Australian Convict Ships, 1786-1849

England & Wales Crime, Prisons & Punishment 1770-1935

Other Websites

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NSW Land Registry Services, Historical Lands Records Viewer, <https://hlrv.nswlrs.com.au/>

NSW Registry of Births, Deaths, Marriages, <https://www.bdm.nsw.gov.au/>

The Fellowship of First Fleeters, <http://www.fellowshipfirstfleeters.org.au/>

Online Newspapers

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TROVE

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The Australian

The Sydney Gazette and New South Wales Advertiser

The Sydney Herald

The Sydney Monitor

The Sydney Monitor and Commercial Advertiser

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