

Free Settler or Felon ?



Convict Ship Marquis of Hastings 1826

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Convict Ship Links.....

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Embarked: 152 men

Voyage: 134 days

Deaths: 0

Surgeon's Journal: yes

Previous vessel: Midas arrived 17 December 1825

Next vessel: Sir Godfrey Webster arrived 3 January 1826

Captain William Ostler

Surgeon Superintendent George Rutherford

This was the first voyage of the convict ship *Marquis of Hastings* bringing prisoners to Australia.

Some of the convicts of the *Marquis of Hastings* were held on the *York* and *Leviathan* Hulks at Portsmouth prior to transportation.

John Henry Capper was Superintendent of Ships and Vessels employed for the confinement of criminals. He made the following report..... *"The convicts confined on board the Leviathan, York and Hardy hulks, in Portsmouth harbour, have been employed in carrying on the public works under the naval and ordnance boards, and the principal officers of those departments have expressed their approbation of the prisoners' conduct when on shore executing their tasks of labour.*

The prisoners were transferred from the Hulks to the ship on 15th August 1825 and the *Marquis of Hastings* departed Portsmouth on **22 August 1825** and Rio de Janeiro on 2nd November 1825.

The Sydney Gazette later reported: {Extract}*The Marquis of Hastings fell in with a French brig (the Bon Pere) from Nantz, off the Cape of Good Hope, bound to the Isle of Bourbon, and by this means elicited the information that Ferdinand VII had abdicated the Spanish Throne, in favour of his brother, Don Carlos, a Prince that is universally adored by the people, on account of his patriotic attachment to the Constitutional Government, as established by the famous Cortes. The same respectable and authentic source, whence we derive the above, has also added to our stock of choice information, by acquainting us that the Relict of the venerated Macquarie receives a pension, from His Majesty's Government, of £400 per annum. Young Lachlan may yet revisit his Country, by which time we hope this other Scion of Australia will have the melancholy felicity of viewing that Monument which a grateful People will then have raised to the memory and in honour of his revered Sire. (2)*

Surgeon George Rutherford kept a Medical Journal from 2 July 1825 to 9 January 1826. He remarked that there were few cases of serious illness due to the favourable season when sailing. They departed in August when fine weather was to be expected off the Cape of Good Hope*On no former occasion however did scurvy make its appearance so early on voyage, symptoms developing before they reached the line.*

Knowing from former voyages what I had to expect by entering the cold southern latitudes before reaching the Cape I considered it advisable to put into Rio de Janeiro for refreshments - little else could be done other than arresting the progress of the disease when it made its appearance up to that date by the usual means - liberating them from irons and obliging them to take exercise, keeping the prison clean, dry and ventilated and administering lime juice. No cases of scurvy appeared after Rio de Janeiro.

Behaviour of the prisoners during the voyage was recorded in the indents. The men were classed as either well conducted, of indifferent conduct or disorderly. One of the prisoners - William Crookshank was punished for disorderly conduct; William Brooks/Brocks, formerly a native of Midlothian and sailor in the Royal Navy, was punished for

mutiny during the voyage.

The *Marquis of Hastings* arrived in Port Jackson on **3 January 1826**.

There were no deaths of convicts on the voyage and 152 male prisoner under Guard of 37 rank and file of the 57th regiment under Ensign Stewart arrived on the *Marquis of Hastings*.

Other ships bringing detachments of the 57th regiment included the *Prince Regent*, *Henry Porcher*, ***Asia***, *Borodino*, *Norfolk*, *Minstrel*, *Sir Godfrey Webster*, *Hooghley*, *Lonach*, *Royal Charlotte*, *Sesostris*, *Mangles*, *Medway* and *Morley*

Until 1825 Frederick Goulburn held the position of Colonial Secretary in New South Wales. In June 1825 Alexander McLeay was appointed to the position. Alexander McLeay arrived with his wife and six daughters on the *Marquis of Hastings* on 3 January 1826. From this time forward more detailed information was recorded in the convict indents. Previously at most the name, age, place and date of trial, native place, trade and physical description were set down. After Alexander McLeay took over the position the indents revealed details such as name, age, education, religion, marital status, family, native place, calling, offence, when and where tried, sentence, prior convictions, physical description and to whom assigned on arrival. Occasional information regarding relatives already in the colony, deaths and colonial sentences were also often recorded.

A Muster was held on board on Saturday 7th January 1826 by Colonial Secretary Frederick Goulburn. This was the last time he held a muster on a convict ship

The prisoners were landed on the morning of Monday 9th January.

They were not landed at the usual place in Sydney Cove, but in the Government Domain, in Farm Cove, and were then marched through the Domain at the back of Government House direct to the Prisoners' Barracks in Hyde Park.



Convict [Hyde Park] Barrack Sydney N.S. Wales, c. 1820 Artist unknown Watercolour Presented by Mrs E Fuller in memory of her husband, Capt AWF Fuller, 1963 - State Library of NSW

Governor Darling inspected these men in the



Governor Darling inspected these men in the barrack yard; and was pleased to hold out to them the prospect of every proper encouragement on condition of exemplary good behaviour; after which they were distributed throughout the Country. The majority were forwarded to the interior by water, for the purpose of accommodating the settlers, who have been so badly off for labourers for a considerable time past. (3)

William Ostler came into conflict with Governor Darling as the following correspondence shows:

Governor Darling to the Commissioners of the Navy. Gentlemen, 3rd Febru'y, 1826..... I beg to state to you that Mr. Ostler has throughout acted most irregularly. Soon after his arrival, he landed 2 Casks of Brandy and two Casks of Wine, with Thirteen Packages of Goods of different kinds. These were detained by the Naval Officer, but have since been given up, the Attorney General being of opinion that the Laws for seizing Goods, landed without a Permit, do not extend to this Colony. I must not omit to mention that, in order to render this imposition the less liable to detection, Mr. McLeay's name, the Colonial Secretary, who came out Passenger in the Marquis of Hastings, was put on the several articles landed; And that, even after this occurrence, another Boat was detained with a quantity of things on board, but Mr. Ostler endeavoured to excuse himself in this case by asserting that they belonged to one of the Officers of the Ship. I should add that, in addition to these Articles, Mr. Ostler imported Thirty five Tons of Pig lead, which it does not appear, by your Letter, he had any authority to Ship, though he produced a Cocket to that effect, and was in consequence permitted to land it. I have furnished Mr. Ostler with a Certificate of his having landed the Convicts, which were embarked under his charge, in good order, and have stated in it that I should report his Conduct to enable you to take the necessary steps. From what I understand, Mr. Ostler is by no means a solitary case. I shall, however, use all the means in my power to put a stop to the Ships, employed in this Line, trading, as appears to have been the practice. I have, &c, Ra. Darling. (1)

One year later a Government Order was issued: *As the Conduct of the Masters of Convict Ships, has, in several Instances, been extremely irregular in endeavouring to introduce into the Colony Articles for Sale, contrary to their Charter Party, and to the Prejudice of the established Merchants and Traders, the Commissioners of the Navy, on the Representation of His Excellency, have signified their Determination to co operate, to the utmost, to put a Stop to such Practices; And, in Pursuance thereof, have resolved to inflict a severe 'Mulct against the Freight of the Marquis of Hastings for the highly improper Conduct of the Master' on his last Voyage to this Colony.*

The Marquis of Hastings was to depart the colony for Calcutta on 28th

January 1826.

The Asiatic Journal reported in 1827....Capt. Wm. Ostler, of the *Marquess of Hastings*, homeward-bound from China, threw himself overboard in a fit of insanity off the Cape of Good Hope, on the night of the 9th September.

An article in the *Australian* later gave further news - *In our last number we mentioned that Captain Ostler had drowned himself after being detected in an attempt to burn that fine vessel to prevent some contraband goods, which had been taken on board, being discovered. It appears that on the same morning, the 9th September, when this circumstance took place, a note was found on the desk in his cabin to this effect: "A bad crew, and bad first officer, have been the destruction of W. Ostler" At two o'clock on the previous day, a fire was discovered, but soon extinguished, in the store room of the ship. It must have been put into the scuttle by some person maliciously inclined. Captain Ostler struck his forehead, replying to Mr. Martin, that it was a very strange think, and then returned to his cabin. The vessel put into the Cape of Good Hope by desire of the crew, for refreshment. The fore and spring stays were found burned by vitriol. She had put into Mossel Bay in distress on the 1st of the same month. Row, the chief officer, had been suspended from duty by Captain Ostler on the 9th August. One thousand chests of tea were sold at Batavia to defray the expenses of repairing the damage sustained in the Java sea, and coffee taken in to supply the efficiency.* (20 December 1826).

Notes and Links:

1). Evidence of George Rutherford - on the efficiency of secondary punishment.

George Shaw Rutherford was also employed as surgeon on the convict ships **Prince of Orange** in 1821, **Shipley** in 1822, **Eliza** in 1827, **Lord Melville** in 1829, **Royal Admiral** in 1830 and the **China** in 1846 (to Norfolk Island)

2). Hunter Valley convicts arriving on the Marquis of Hastings in 1826

3). From the National Archives Chartered ship, 450 tons. Principal Managing Owners: 1-3 George Lyell, 4 James Somes.

4). It was reported that Frederick Goulburn departed the colony on the *Columbia* in January 1826 with the intention of retiring from public life.

5). William Ostler was previously Master on the convict ships Elizabeth 1816 Elizabeth 1818 and Elizabeth 1820

6). The vessel *Marquis of Hastings* transported convicts to Australia in

1826 (NSW), [1827](#) (NSW), [1828](#) (NSW), 1839 (VDL) and 1842 (VDL).

7). Eleven convict ships brought prisoners to New South Wales in 1826 - Marquis of Hastings, [Sir Godfrey Webster](#), [Mangles](#), [Sesostris](#), [Lady Rowena](#), [Regalia](#), [Marquis of Huntley](#), [England](#), [Boyne](#), [Speke](#) and [Phoenix](#).

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Below is a list of convicts of the *Marquis of Hastings* who have been identified in the Hunter Valley, Maitland, Newcastle or Lake Macquarie districts. Find out more about them [HERE](#):

Name	Occupation	Crime	Native Place	Location NSW
Levi Abraham	Jeweller's Clerk	Burglary	London	Newcastle
James Barrett	Reaps & thrashes	Burglary	Wiltshire	Brisbane Water
William Billett	Ploughman	Horse stealing	Wiltshire	Brisbane Water
William Brooks	Butcher	Horse stealing	Essex	Maitland
John Cronshaw	Iron founder	Stealing	Manchester	Maitland
William Crookshanks	Clerk	Robbery	Birmingham	Port Stephens
John Crowbombe	Ploughs	Horse stealing	Somersetshire	Luskintyre
William Cutts	Horse doctor	Horse stealing	Essex	Maitland
James Dewell	Bricklayer	Highway robbery	London	Newcastle
Thomas Fellows	Horse shoer	Highway robbery	Warwickshire	Dungog

James Fibbins	Ploughman	Felony	Sussex	Singleton
John Fibbins	Ploughman	Felony	Sussex	Maitland
David Gardner	Ploughman	Felony	Sussex	Maitland
Jonathon Goldspink	Ploughman	Sheep stealing	Norfolk city	Luskintyre
William Goslett	Hawker	Burglary	Wiltshire	Patterson's Plains
Philip Gould	Carter	Stealing in a dwelling house	Taunton	Brisbane Water
Robert Gower	Ploughman	Felony	Sussex	Brisbane Water
John Hallett	Boot maker?	Burglary	Taunton,	Patterson's Plains
Abraham Hicks	Reaper	Felony	Gloucestershire	Paterson
George Hobbs	Horse dealer	Horse stealing	Gloucestershire	Dartbrook
Henry Holmes	Ploughman	Killing a sheep	Suffolk	Brisbane Water
Joseph Manning	-	Housebreaking	Convicted Taunton	Merton
Joseph Moorey	Ploughman	Felony	Kent	Patrick Plains
Daniel Morgan		Burglary	London	Maitland

William Mortimer	Ploughman		Devon	Port Stephens
John Nevit/Nevil	-	Housebreaking	Taunton	Dartbrook
John Pritchard	Watchmaker	Larceny	Islington	Merton
Joel Richards	Ploughs	Burglary	Devon	Maitland
George Skarritt	Carter	Burglary	Monmouth	Newcastle
William Spurling	Ploughs & milks	Burglary	Norfolk	Brisbane Water
Joseph Trigg	Ploughs	Burglary	Hertford	Maitland
Thomas Williams	-	-	Gloucestershire	Patterson's Plains
William Willmott	Stable boy	Stealing from the Person	London	Newcastle

References:

- (1) HRA, Series 1, vol. XII, p. 157
- (2) Sydney Gazette 1 February 1826
- (3) Sydney Gazette 12 January 1826

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