



# HAA007 Convict Ancestors

## Story - Lyndall Nairn

HAA007 INTRO: John Lloyd Smith, ne'er do well or victim of circumstances?

**John Lloyd Smith (c.1805 - died after 1865) Was he a ne'er do well or a victim of circumstances?**

Many of the British convicts who were transported to Australia between 1788 and 1869 managed to turn over a new leaf, so after serving their time, they led productive lives with no further brushes with the law. However, for various reasons (some beyond their control), a minority of the convicts fell back into their old habits and re-offended, so instead of putting their convictions behind them, they continued in the penal system in Australia. One such convict, who tried to be a successful emancipist but did not quite make it, is John Lloyd Smith. In fact, if he had not received a conditional pardon in 1865 and been put on a ship bound for San Francisco, the sixty-year-old John Lloyd Smith would probably have become an "old lag" (1).

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### John Lloyd Smith: Ne'er-do-well or victim of circumstances?

From our twenty-first century perspective, it is difficult to understand the reason behind John Lloyd Smith's string of convictions that spanned four decades from 1829 to the 1860s. Nevertheless, the facts of John's life story are as follows. John Lloyd Smith, my great, great, great grandfather, was born c.1805 in Alnwick, Northumberland, England (2). When he was about fifteen, he moved to Edinburgh, where he worked as a butcher (3). His business failed in 1824, so he moved again to Liverpool, where he got married. Then he paid his debts in Edinburgh, and he and his wife moved to the Isle of Man, where he ran a public house. That business did not succeed, so he moved to London, where he became a shop assistant with a linen draper, who also went out of business. John returned to Edinburgh early in 1829, and lived with his sister Jane and her husband James Lowrie for a short time. James Lowrie, a witness at John's trial in Edinburgh on 8 January, 1830, commented that John "seemed to have no funds ... and did not appear anxious to get into employment", so Lowrie asked his brother-in-law to leave his house (4). In this trial, the facts of October and November 1829 are clear: John hired a horse to ride to Glasgow, but instead of returning the horse at the due time, he tried to sell it. He went to a tailor to order some new clothes, which he collected but did not pay for; instead, he tried to sell them (5). John claimed that he was engaging in these fraudulent activities "out of necessity" because he needed money to pay his overdue rent; he also admitted to being drunk and to seeking employment with the East India Company (6). At the same time, John told several of the twenty-two witnesses who gave evidence against him that he was in Edinburgh doing business for his employer in London (who he later explained was no longer in business), and he used a series of aliases (Lloyd, Shepherd, Scott) to cover his lies (7). The Judge of the High Court of the Justiciary found John guilty of horse stealing, falsehood, fraud and wilful imposition and sentenced him to seven years and transportation (8).

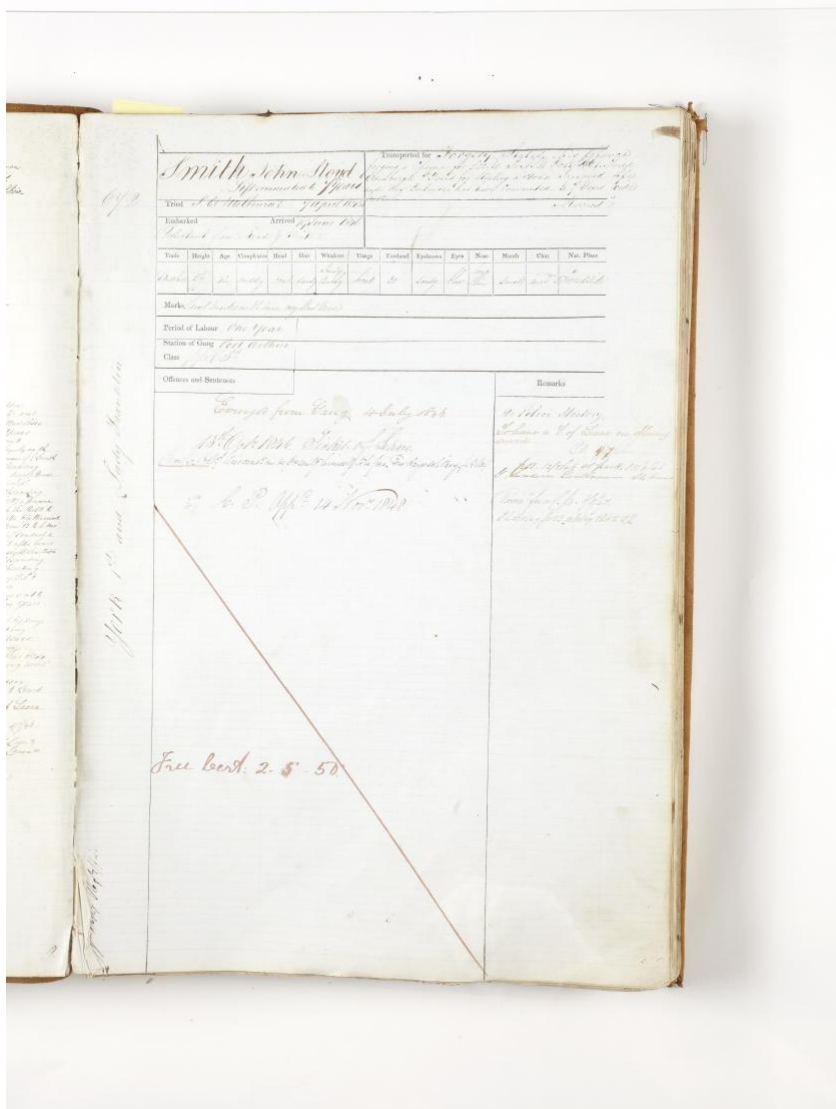
John then spent some time during 1830 on the prison hulk *Ganymede* at Woolwich (9) before boarding the *York I*, which departed England in September 1830 and arrived in Sydney on 7 February, 1831 (10). On board the *York*, John became friends with another convict, Thomas Armitage Salmon, from Leeds (11).

John's indent on arrival in Sydney indicates that he could read and write and that he was a widower with one daughter (12). He was assigned to work first for William Merritt and then for Seth Hawker, both in Sydney (13).

In 1834, John met Mary Ann Salmon, the sister of Thomas Armitage Salmon. Mary Ann had travelled to Australia as a free person with Sarah Jennings, Thomas's wife, and their three children on the *Princess Victoria*, which arrived in Sydney on 4 February 1834 (14). John and Mary Ann's application to marry was approved in February 1835, and they were married in April (15). Then between 1835 and 1841, John and Mary Ann had **six children**.

After they earned their Certificates of Freedom in 1837 (16), John and Thomas set up a butcher business together (17) with shops in Pitt Street (18) and George Street (19), and they paid eight hundred pounds to buy land with a slaughterhouse at Black Wattle Swamp, which today is the Sydney suburb of Glebe (20). This business seems to have been successful for several years (21), but in 1843, they went bankrupt (22). With many creditors pressing (23), John decided to leave Sydney. He went to Melbourne, where he must have been desperate for money because he was convicted at the Superior Court in Melbourne of forging and uttering at least two cheques with a combined value of about thirty pounds (24).

This second conviction in April 1843 involved harsher punishments than the first one because now John was sentenced to life imprisonment (25). He spent the following months in the Hyde Park Barracks, Darlinghurst Gaol and Cockatoo Island, before being shipped to Norfolk Island (26). **John's wife, Mary Ann**, lodged two petitions on his behalf, one in October 1843 asking for leniency, which resulted in John's life sentence being commuted to seven years, and another one in August, 1845, requesting that John be removed from Norfolk Island to Hobart (27). He was transferred to Port Arthur in Van Diemen's Land in June 1846 per the *Lady Franklin* (28).



### John Lloyd Smith, Conduct record, 1846, TAHO, CON37/1/3

He earned his Certificate of Freedom in 1850 and then travelled on the *Margaret and Agnes* from Launceston to Port Phillip (29).

In the 1850s, John's records are hard to trace. The oral history in our family indicates that his family members were conscious of the shame he had brought on them, so they wanted nothing to do with him. He must have become desperate again and committed a third crime because he was tried in Maitland in 1854 and sentenced to five years although the records are not clear on what this third offense entailed (30). While serving this third sentence, he gained two Tickets of Leave, one in Goulburn in 1857 and another in Scone in 1859 (31).

John obviously had difficulty staying on the right side of the law because he was convicted a fourth time in 1860 in Wollongong, again for forging and uttering forged cheques (32). He was sentenced to five years plus two years hard labour on public works (33). Records from Cockatoo Island indicate that he was serving this sentence there during 1863-64 (34). Then in July 1865, a miracle happened: John was granted a pardon on the condition that he leave the Australian colonies and never return (35). In August 1865, he was transferred by steamer from Cockatoo Island to Newcastle, where he was put on board the *Alrevida*, which was bound for San Francisco (36). No details concerning the reason for this conditional pardon or who was involved in arranging it are included in the records; it was certainly not publicized in the newspapers, so some mystery still surrounds John Lloyd Smith, who at roughly sixty years of age, left Australia for California, where he seems to disappear from the historical record. Perhaps he adopted a new identity with yet another alias.

## Speculations and conclusion

### References

#### John Lloyd Smith, speculations and conclusion:

From the distance of more than 150 years, it is difficult to know how to interpret John Lloyd Smith's character. Why did he not learn his lesson after his first offense and stick to the straight and narrow, like his brother-in-law Thomas Armitage Salmon, who did not commit any crimes after being transported to Australia? Was John simply a con man who was beyond rehabilitation? Did he become so inured to and institutionalised in the convict system that he lacked the motivation and skills to survive in the outside world? Was he a victim who felt defeated by unfortunate circumstances? After three business failures in Britain, he then experienced a fourth disastrous bankruptcy in Sydney, and with the pressure of having to support a family, it is not surprising that he went off the rails. Therefore, it is possible that John may have been experiencing some mental health problems, such as depression or a drinking problem. Perhaps there is some truth in all of these speculations about his character; after all, the reasons behind his disastrous series of decisions must have been complex. He was probably a mixture of a ne'er do well and a victim of his unfortunate circumstances.

A more heartening approach is to consider how John Lloyd Smith's descendants have turned out. Although one of his sons, the grazier Henry Armitage Smith, did experience a bankruptcy during the drought and depression in the 1890s when he lost his two properties near Temora (37), he did not commit any crimes as a result.



#### *Henry Armitage Smith and wife, Mary Jane Whitby, taken c.1917*

All John's other descendants in subsequent generations seem to have led constructive lives, following a wide variety of occupations, including a boarding house owner, two nurses, two psychologists, four teachers, a senior manager in a large business, a paramedic, a social worker, an IT worker, a shoemaker, a clerk in the public service, two university lecturers, an environmental scientist, a solicitor, a football player at international level, small and medium size business owners (such as newsagents and a salon owner), a radio announcer and a soft drink manufacturer. When we look at this big picture, which involves widespread success stories from many responsible people, the long-term impact of John Lloyd Smith's crimes and failures seems minimal.

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#### John Lloyd Smith, image credits:

Main article:

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First break out article, Robert Burdett Smith:

2. Picture of Robert Burdett Smith, member of the NSW Parliament, State Library of New South Wales. Retrieved 1 July, 2016, [http://www.parlpapers.sl.nsw.gov.au/display.cfm?par\\_id=17700](http://www.parlpapers.sl.nsw.gov.au/display.cfm?par_id=17700)
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Second break out article, Mary Ann Salmon, the wife of John Lloyd Smith:

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6. Picture of the Baroness Angela Burdett Coutts, the Mineralogical Record Biographical Archive. Retrieved 1 July, 2016, [www.minrec.org](http://www.minrec.org)

Conclusion:

7. Photo of Henry Armitage Smith and his wife, Mary Jane Whitby, taken in Marrickville c.1917, from the private collection of Henry John Smith