

Australiana

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*An Australian plaster Bust of Dr. Denis O'Haran (1854-1931) by Nelson William Illingworth (1862-1916).
Signed verso Nelson Illingworth Sc / 1901 /Reg. 1163. 35cm high*

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Alexander Berry's watch

A young Scottish doctor, Alexander Berry, probably bought his gold pocket watch in London in 1806. He carried it with him as he built up enormous wealth and property holdings in New South Wales, until his death at 'Crow's Nest' on Sydney's northern shore in 1873. It remained in the family for another two or three generations, until sold with other Berry memorabilia.

John Houstone

Alexander Berry (1781–1873) was a pioneer New South Wales settler. He was born at Cupar in Fifeshire Scotland on St Andrews Day, 30 November 1781. His father, a farmer, planned for him to become a surgeon, and after elementary education at Cupar Grammar School, Alexander passed on to St Andrews and Edinburgh universities. He graduated in medicine at the latter at the age of 24.

Rather than embarking on a conventional medical career as a surgeon, and despite his father's disapproval, he accepted a commission with the Honourable East India Company and made a number of voyages with them to China and India as ship's surgeon.

East India ships were used to transport wounded back to England and Berry was necessarily involved with them. He also witnessed the savage flogging of crewmen, which he abhorred. At this time of his life, he determined that his future career lay in commerce, rather than medicine. He resigned his commission and prepared to enter into trading ventures. He joined forces with another young adventurer, Frances Shortt, with whom he had been a medical student a few years earlier.

About this time he acquired a pocket watch. The watch, in an 18ct gold case was made by leading London makers W

1 Gold pocket watch by W & G Constable, London No 3890, with Roman numerals and second hand, the case hallmarked London 1806, maker IR (probably John Reily).



& G Constable who were first listed at 71 Brunskill Row in 1804. The watch case is hallmarked for 1806, with case maker's mark I R, probably for John Reily. The movement is of high quality exhibiting a cylinder escapement, which was developed by George Graham in 1726 as an improvement on the verge. The case was engraved with initials AB and Berry probably purchased it before he left on his first trading expedition to the Cape of Good Hope with Shortt in 1806. The watch, numbered 3890, has an all up weight of 5oz (150g).

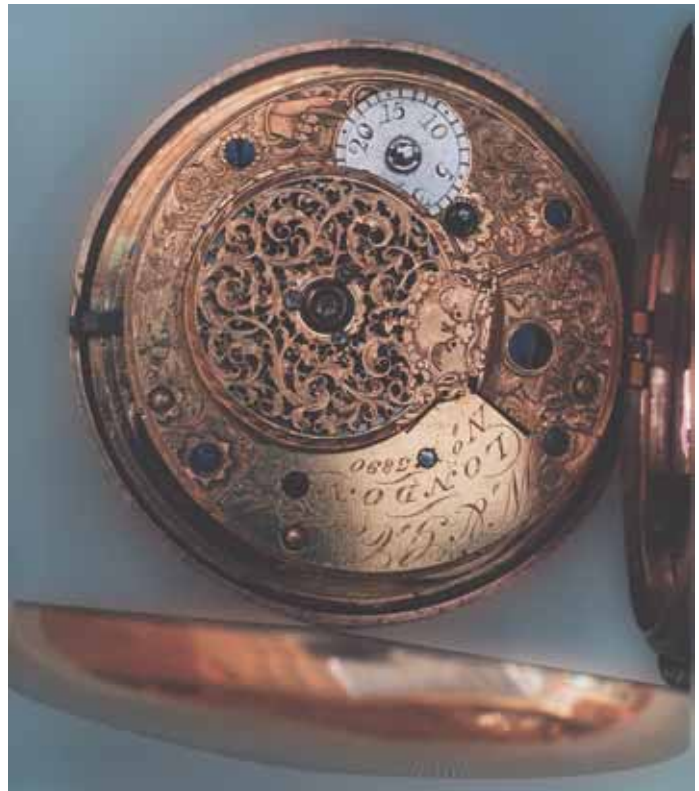
At the Cape, Berry heard of the disastrous Hawkesbury River floods of 1806-07 and he invested all his resources in the purchase of a prize ship, which he renamed *City of Edinburgh*. He loaded this with provisions and set sail for Australia on 4 September 1807. He first called at Tasmania, disposing of much of his cargo at Port Dalrymple and Hobart, to Governor Bligh's great displeasure evidenced when he reached Sydney on 14 January 1808.

Berry thought the hot-tempered William Bligh quite unsuited to his position as Governor, but when asked to sign a petition for Bligh's arrest he wisely demurred. He was in Sydney on 26 January 1808 when the NSW Corps arrested Governor Bligh.

Berry agreed to the *City of Edinburgh* being commissioned to carry settlers from Norfolk Island to Van Diemen's Land. When he returned to Sydney in 1808, he found that a cargo of hardwood that Lt Colonel George Johnston had promised would be prepared for him had in fact been used locally by Johnston's successor Lt Governor Foveaux. Berry refused a request from Foveaux to transport Bligh to Cape Town.

He left on a trading expedition to the Fiji Islands and in the ensuing years he travelled widely in the Pacific visiting New Zealand and South America, as well as the Pacific islands. The *City of Edinburgh* finally foundered on the way to Cadiz and Berry arrived there as a passenger on a Spanish ship; on board he met Edward Wollstonecraft (1783-1832). They returned to London and lodged

2 Gold pocket watch by W & G Constable, London No 3890,



together in Greenwich with Edward's sister Elizabeth.

Berry and Wollstonecraft became partners and chartered a vessel to take merchandise to Sydney in 1819. The partners took a house and store in Lower George Street. Learning that land grants were being made in the colony, they determined to become residents to qualify for the grants. Berry returned to London to develop his connections there, returning to Sydney in 1821.

In his absence Wollstonecraft had taken up a grant of 521 acres north of Sydney Harbour where he built a cottage. Because of its elevated and commanding position he named it 'Crows Nest'.

The partners then applied for and were granted extensive tracts of land from 1822. They received 10,000 acres at 'Coolangatta' in the Shoalhaven District of the South Coast, on condition that they took up and provided for 100 convicts. By 1844, the property had expanded to cover 65,000 acres. By this time the estate employed 200 men including convicts.

Elizabeth Wollstonecraft followed her brother to the colony in 1824 and on 22 September 1827, she and Alexander Berry

were married by the Reverend Samuel Marsden at St James's Church, Sydney. Edward Wollstonecraft died at the young age of 49 in 1832, leaving his half of the partnership to his sister.

Since his own emigration in 1821, Berry had been pressing his three brothers and two sisters to emigrate from Scotland to Australia. Finally in 1836 they did so, and were installed at 'Coolangatta'. None was married, and his married sister in Scotland was childless. He lamented the lack of an heir. On 11 April 1843, Elizabeth died aged 63. Alexander gave two acres to St Thomas's Anglican Church North Sydney to provide it with a burial ground. Elizabeth was the first interred there.

After his family's arrival, Alexander returned to 'Crows Nest' and his brother John was nominally Coolangatta's manager, though at first very much under Alexander's authority. Brother William later took over management and received regular critical letters from Alexander in Sydney.

Alexander Berry was a well known activist from his early years in the colony. He was an early member of the Sydney Philosophical Society and of the Royal



3 Gold pocket watch engraved with initials AB for Alexander Berry (1781-1873)

Society of NSW and delivered papers on the geological features of the NSW coast. He and Wollstonecraft were the first joint secretaries of the Agricultural Society. They regularly appeared on early subscription lists.

Berry was involved in numerous disputes and legal battles with other colonists over his long life. On one occasion the Surveyor-General, Sir Thomas Mitchell challenged him to a duel. The fiery Reverend Dr John Dunmore Lang and Berry carried on an acrimonious feud which extended over years. Lang claimed *inter alia* that Berry had brutally flogged convict servants. Berry denied this, though he agreed that 'incurrigibles' had been punished. One assigned convict on his establishment at Coolangatta had his position described as 'sourcer'.

Berry was appointed to the Legislative Council in 1828 and though he spoke rarely, he held this office for 30 years, the longest term on record. He had been well known to all the early Governors commencing with Bligh and continuing

through the terms of Macquarie, Brisbane, Darling, Bourke, Gipps and Fitzroy. Berry lived his last years at 'Crows Nest', dying on 17 September 1873 aged 91 years.

His younger brother David was the last surviving brother, dying in 1889. The estate was valued for probate at £1,252,857 - a sum of astronomical proportions for the time. David's will provided for £250,000 in legacies, principally for the endowment of a public hospital in the town of Berry, to St Andrews University in Scotland and to the Presbyterian Church. The residual beneficiary Sir John Hay, Berry's first cousin once removed, had the task of raising the legacies from the illiquid estate. Gradually parts of the estate were sold off.

The Berry estate included an extensive collection of records and documents covering the whole period of the Berry family's occupation of 'Coolangatta' from 1822 until David Berry's death in 1889. In the mid 1900s, antiquarian book dealer Kenneth Stewart bought the boxes

of Berry papers, pictures, furniture and other relics from the Hay descendants. Kenneth Stewart is remembered for a fine collection of Conrad Martens paintings which he put together and which after his death were owned first by Kerry Packer and then Alan Bond. Most of this collection came from the Berry estate.

Stewart died in 1983 and much of his estate was put up for auction by James R Lawson Pty Ltd in July 1983. The articles sold included the Berry papers as well as Berry furniture and other articles. On 18 July 1983, the Mitchell Library bought the Berry papers which were contained in 17 boxes.

At this time W F Bradshaw, a well known and respected antique dealer of Queen Street, Woollahra bought the watch, which had the Berry estate provenance. In April 2007, Bill Bradshaw in a gesture typical of his generosity gave it to his long term employee Keith Lehane, who was retiring through ill health, accompanying it with a note on the watch's provenance. Sadly Keith Lehane only survived until 3 August 2007. His executor then put up the watch for sale.

The watch has had an extraordinarily long association with Australia, presumably arriving with Alexander Berry in 1807 and surviving with him until his death in 1873. It remained with Berry estate records until purchased by Kenneth Stewart and then until sold to Bill Bradshaw in 1983. Bill always showed it with pride, and quite often wore it, drawing it out from the fob pocket in his waistcoat, just as Alexander Berry would have done.

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- *Historical Records of Australia* Vol. 1 p 92
- *Alexander Berry and Elizabeth Wollstonecraft*, North Shore Historical Society 1978
- Ian Macdonald, *Unsung Hero. A short monograph about Alexander Berry 1781-1873*, 2004

SHAPIRO



1



2



3



4

1. Original 19th Century Victoria Police Warrant to apprehend Ned Kelly. Sold \$52,800
2. Stuart Devlin, Six Silver and Silver Gilt Tumblers. Height 13 cm, stamped SD. Sold \$2,880
3. Tasmanian Tiger Skin, c 1930 (Thylacinus cynocephalus). Sold \$114,000
4. Marguerite Mahood, The Grievance, c.1925. Sold \$19,200
5. MacRobertson's Freddo Frogs advertising statue in glazed earthenware by TC & AC Bosley South Australia c.1920. Sold \$10,320
6. Schulim Krimper, Blackbean bookcase, 1951. Sold \$24,000
7. Australian Cedar Circular Tilt-Top Centre Table, probably Hobart, Tasmania, c.1850. Sold \$33,600
8. Australian Glass Wine Carafe, c 1900, possibly engraved by Frank B Webb, Sydney. Sold \$2,880



5



6

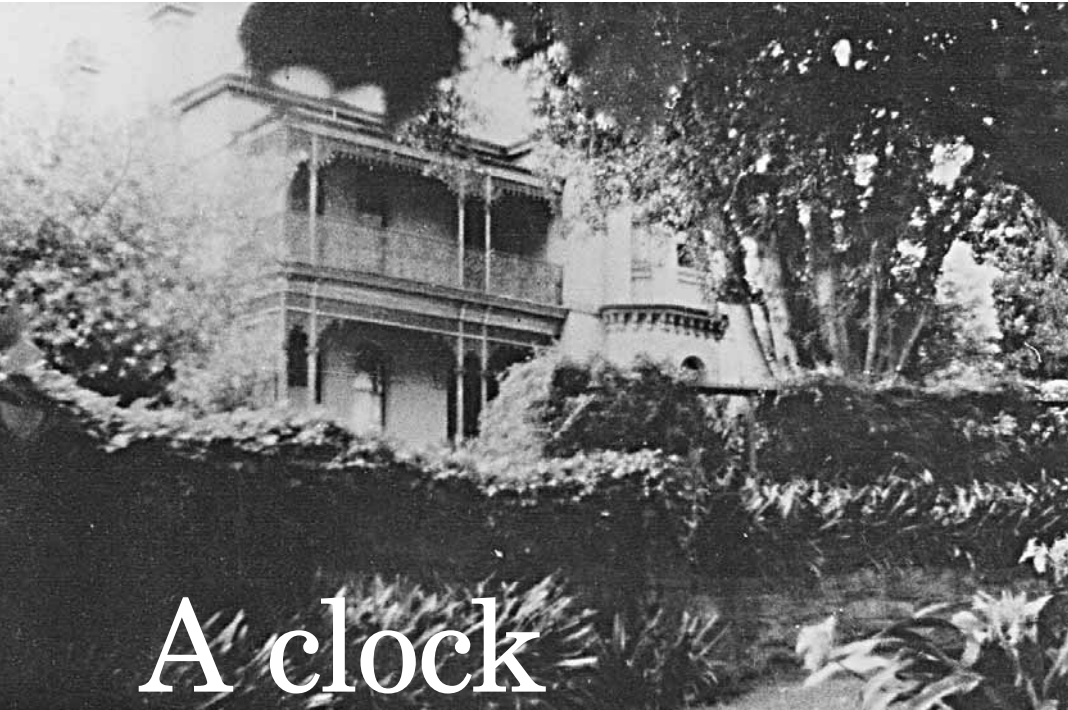


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8

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A clock

Margaret Carlisle looks into the history of a 'lost' mantel clock and finds a link to the architect of Sydney's Queen Victoria Markets

1 Photo of house at 505 Glenmore Road, Edgecliff

Margaret Carlisle

A reinforced mantelpiece held a very large clock in an old house purchased in 1936 at 505 Glenmore Road, Edgecliff in Sydney. As a 'part of the house' it remained there until the 1960s when the Church of England's St James Glebe¹ came 'free' of its 99-year leases and that portion on which the house stood was resumed, unnecessarily, for the Eastern Suburbs Railway.

For the next twenty years, this clock remained under the house of the next residence occupied by the family in the adjacent suburb of Woollahra.

In the 1980s, a family reunion of people who had connections with the old house brought forward a question by a 90-plus-year-old who had grown up at number 505 Glenmore Road, 'I wonder what happened to father's clock?' Stirring up an interest about the old timepiece under the house, it was some time before any further investigation was possible, by which time four of the elderly attendants at that reunion had passed away, their memories with them.

So who was the lady's father and why had the clock been important? Three family names from that meeting were known so it became a study that encompassed the history of the house as

well as the people who had lived there so long ago. Land Titles Office records showed the land had been a 40-acre (16.19 ha) grant to William Thomas in 1817, then a Crown grant to William Grant Broughton, Bishop of Australia and the Trustees of the St James Glebe in 1842.² In 1866 the church leased the land to various tenants for 99 years.

William Henry Prescott became one of these lessees and the Paddington Rate Books for 1867-9 list a description of a house on the leased land of the Glebe.³ He named it 'Ringswould' presumably after his native place in Kent, England. From the BDM evidence, Prescott had two daughters, one of whom married George McRae in 1895.⁴ Katie Prescott and George McRae had four children and it was their daughter, Kathleen Hudson née McRae who had been the elderly lady at the reunion and had asked about 'father's clock.' The clock had therefore belonged to George McRae.

So who was George McRae? A short entry in the addendum to the *Australian Dictionary of Biography* suggested he was an architect while the *Cyclopedia of New South Wales* p. 215 explained he was the City Architect for Sydney:

While engaged in the City Architect's Office Mr McRae supervised the completion of the Centennial (Town) Hall, Sydney, and designed and

supervised the erection of other important buildings.

Among a long list of these other buildings was the Queen Victoria Markets in George Street, Sydney. The City of Sydney Archives proved that George McRae, born in 1858 in Edinburgh, Scotland was the architect of today's Queen Victoria Building (QVB) which opened originally in 1898.

In 1897 he had been appointed Principal Assistant Architect of the Public Works Department of NSW and in 1912 he succeeded W L Vernon as NSW Government Architect, a position he held until his death in office in 1923 at 'Ringswould'.

Retrieved from its long sojourn under the house, the timepiece needed restoration and was returned to a pristine condition by an antique clock specialist,⁵ striking the hour and half hour. The case, a solid block of carved trachyte, measures 855 mm (2'8") long, 610 mm (2') high and 220 mm (8.5") wide. On the back of the clock is a small screw with the name of the maker of the movement, Vincente & Co., silver medallists Paris Exhibition 1855, No. 5569-58.

Trachyte is a fine igneous rock, widely used in the columns of the QVB by the contractors, Phippard Bros., who had quarries on the 'Gib' (Mt Gibraltar) at Bowral and another north of Pambula

New City Markets

GEORGE STREET
SYDNEY



on the south coast of New South Wales. Seemingly an unofficial presentation piece since it carries no plaque, descendants of the McRae family believe the stonemasons could have made the case to commemorate the completion of the building but no written evidence has so far been found. McRae's son, George Malcolm Prescott McRae, could have perhaps helped, but he too had passed away only the year before the search had started.

George McRae's death in 1923 at 505 Glenmore Road caused his wife to move. In the Agreement for Sale dated 1936, the clock is mentioned as being still on the premises.⁶

Although the Queen Victoria Market was a failure commercially in its early years, architecturally it was a triumph,⁷ but it took nearly 90 years before it was restored to its original splendour and its beauty again graced the CBD of Sydney in 1983.

This clock is a small reminder of George McRae (1858–1923), who gave Sydney an outstanding building, fortunately saved at one time from demolition for a car park! The Faculty of Architecture at the University of Sydney fittingly gave the George McRae Prize for Architectural Construction.



Margaret Carlisle is a long-time member of the Australiana Society and has a graduate diploma in local and applied history. A more detailed version of this article appeared in *Descent*, June 2004.

- 2 New City Markets designed by George McRae, from Frank Hutchinson (ed.), *New South Wales the Mother Colony of Australia*, NSW Government Printer Sydney 1896
- 3 Mantel clock in trachyte case, formerly the property of George McRae (1858–1923), Sydney's City Architect and NSW Government Architect

NOTES

- 1 'Glebe': portion of land going with clergyman's benefice, *Concise Oxford Dictionary*.
- 2 Land Titles Office Sydney, Certificate of Title vol 5413 fol 168-9, 1866 (99 year lease) book, book 102 fol 139.
- 3 Paddington Rate Books, microfilm roll 2 1867-1874 Glenmore Ward, Woollahra Local History Library, Double Bay.
- 4 Births Deaths & Marriages NSW, births: 1863/3713 & 1868/4017; marriages: 1886/3247, 1895/4084, 1898/8696.
- 5 L A Wilson of The Tompion Pty Ltd.
- 6 Land Titles Office, Agreement for Sale, 18 Mar 1936, book 1751 fol 588.
- 7 Nicholas & Eve Stening, 1977, *George McRae*, thesis, University of Sydney, City of Sydney Archive.

Lawrence Butler

Lawrence Butler is the best known of the earliest Sydney cabinet-makers. New research reveals details of his alleged role in the Irish Rebellion of 1798, his trial and his subsequent transportation to New South Wales. After his arrival in Sydney in 1802, Butler was assigned as a carpenter in the Government Lumber Yard. He soon set up his own business providing furniture for private clients and the government, with his workshop in Pitt Street established by 1810 or earlier. Documentary evidence reveals some facts about his products, his clients and his merchandising business, but identification of his surviving work remains elusive.



Barbara Butler and David St L Kelly

At the beginning of 1798, Lawrence¹ Butler (1750–1820) was a cabinet-maker living in Ferns, a small village in the north of County Wexford, Ireland. His life was soon to undergo radical and unforeseeable change when he became caught up in the Irish Rebellion of 1798. After the rebellion was put down, he was imprisoned and charged with aiding and abetting the murder of a loyalist, and for

¹ William James Packer (1794–1881), cabinet, casuarina veneer on cedar carcass. Signed in ink 'James Packer/ Sydney New South Wales/ an a Prentice – 1815'. Collection: National Trust of Australia (NSW). Photograph Christopher Shain. Courtesy National Trust of Australia (NSW)



being a rebel captain. He was tried by court martial in Wexford Town and was sentenced to transportation for life. After a considerable period in gaol, he was transported on the *Atlas* (II), arriving in New South Wales in October 1802.

Because of his cabinet-making experience, he was immediately assigned to work in the Sydney Lumber Yard. He is now widely regarded as the most important cabinet-maker in the early years of the colony of New South Wales. No mark or label by Butler is known², and only one piece of furniture, the 'James Packer' specimen cabinet c 1815 made of casuarina veneered over cedar, has been provenanced to his workshop.³ However, several authors have attributed a number of surviving items of colonial furniture to him.⁴ Most of the items feature casuarina veneered on cedar, which they regard as Butler's speciality.

A few writers on colonial furniture have published limited biographical information about Butler. This article incorporates that knowledge, and sets out for the first time a large amount of additional information about Butler. It deals with Butler's trial and the role he was alleged to have played in the 1798 Rebellion. It then deals with his transportation and his life in New South Wales. It does not attempt to deal with Butler's life before 1798. We hope that the material recorded here may lead to further research throwing light on Butler's life in Ireland and in New South Wales.

THE 1798 IRISH REBELLION

The 1798 Rebellion⁵ was one of the main uprisings by the Irish in their centuries-long resistance to English rule.⁶ That resistance had led during the rules of Henry VIII, Elizabeth I, Oliver Cromwell, William and Mary, and Anne to the confiscation of lands from the Irish⁷, and to the resettlement in Ireland of people from England and Scotland.

Irish Catholics, in particular, were systematically deprived of their property and subjected to a program of political and economic deprivation.⁸ They could neither vote for, nor be elected as

members of, the independent Irish Parliament.⁹ They could not hold any office under the Crown. They were not entitled to their own system of education. Towards the end of the 18th century, Ireland was still governed by a system of repressive laws that would be regarded today as approaching cultural genocide of the Catholic majority.¹⁰

Yet the 1798 rebellion was initially led not so much by Catholics as by disaffected middle-class Presbyterians. They were subject to much less stifling penal laws than the Catholics, but they had both economic and political grievances against England, much in the same way as the American colonists. They were inspired by the American and French Revolutions, and by publications like Thomas Paine's *The Rights of Man*. A critical moment came in 1791 with the formation of the Society of United Irishmen.¹¹ The Society initially sought to promote political reform by peaceful means. In particular, it sought an elected representative Parliament from which no religious group (whether Catholics or Presbyterians) would be excluded.

Dismayed by the French Revolution, and awake to the need to take action to prevent a similar uprising in Ireland, the British Government led by William Pitt appointed a new Viceroy on 4 January 1795. Lord FitzWilliam¹² immediately sought to conciliate the Catholics and to remove some of their disabilities. Strong opposition by Protestant (Anglican) leaders led to the Viceroy's failure and his recall to London. The Society of United Irishmen was soon banned.

Republicans took over the Society and sought help, as the Irish had so often in the past, from the French. Wolf Tone, a Protestant barrister and one of the leading members of the Society, convinced the French that an invading army would be welcomed by a general uprising. In 1796, an invasion fleet carrying 14,000 men was so badly damaged by extreme weather that it had to return to France.

The British and Irish governments responded swiftly to the failed invasion. Repressive legislation was passed. The



2 United Irishmen badge

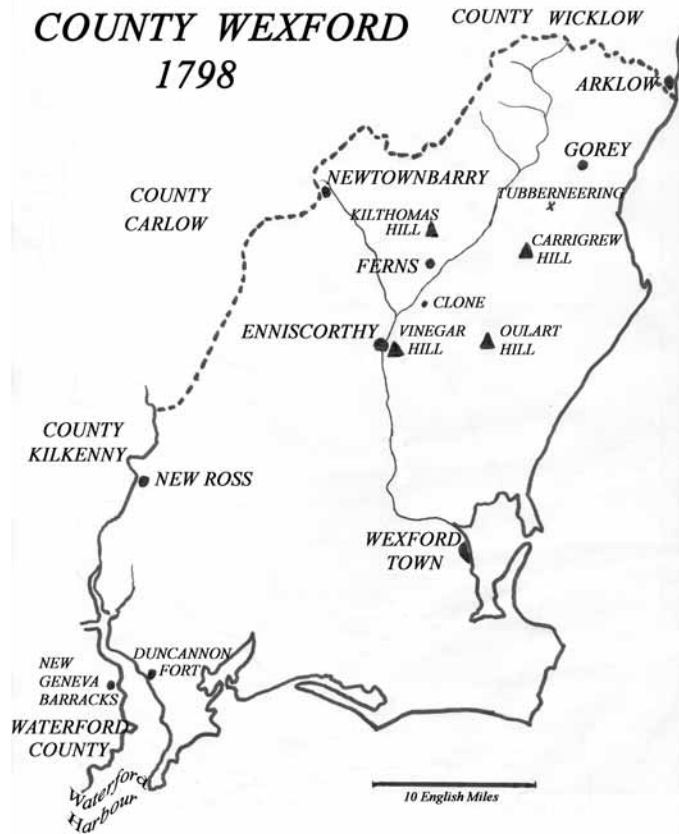
Yeomanry, a force linked to the Orange Lodges in Ulster, was established. Militia regiments were sent from England. Both set about looking for arms in house-to-house searches. Intimidation, torture, rape, murder and house burnings became commonplace.

In March 1798, the Irish Government arrested the leaders of the Society of United Irishmen. Unrest continued and martial law was proclaimed. Government searches and the associated violence intensified. The army became involved. The British Commander-in-Chief, General Abercrombie, sought to restrain its excesses, only to be recalled to England and replaced by the unflinching and implacable General Lake.

The declaration of martial law was the last straw. The leaders of the Society arranged for the uprising to commence on the night of 22 May. Before it could happen, their main leaders, Samuel Neilson and Lord Edward Fitzgerald were arrested. On hearing the news, their followers in Dublin beat a hasty retreat. Despite the absence of leaders, and the failure of their followers to capture Dublin (news of which was slow to filter through to neighbouring counties), the uprising commenced. In most areas, the rebels had little success, and were easily put down.

COUNTY WEXFORD

1798



3 Map of Wexford, Ireland

But that was not so in County Wexford. The rising there took place on Saturday 26 May in the north of Wexford, not far from Farns, the small village where Lawrence Butler lived. The rebels suffered an initial setback at Kiltomas Hill, just north of Farns. But on Sunday 27 May, they had a major success in the Battle of Oulart Hill. The following day, they took Farns and then marched a few miles south to Enniscorthy, the second largest town in the county. They took the town in a bloody battle, and established camp on nearby Vinegar Hill. Rebel groups went into the neighbourhood to recruit more volunteers. Some no doubt were dragooned into service. On Tuesday 29 May, almost 10,000 men were assembled on the hill. Most of them struck camp and marched south to Wexford Town, which they took on 30 May. The garrison and many loyalists had already left, heading for New Ross, a large town on the border with Kilkenny.

The rebels set up government in Wexford Town. They decided to split into two groups. The first was to march west and attack New Ross. The second

group was to head north to take Newtownbarry in the north-west, and Gorey in the north-east.

On Friday 1 June, the second group was badly defeated at Newtownbarry. A large number of rebels reached Carrigrew Hill, not far from Gorey. For a short time there was a stalemate. Then, on Monday 4 June, government forces moved out from Gorey to attack the rebels. They approached Carrigrew in two columns from different directions, not realising that the rebels were themselves on the move. The rebels met up with one of the columns and defeated it in a major battle at Tubberneering. When the other column retreated, the rebels took Gorey.

The first group was slower in moving to attack the government forces at New Ross. The attack eventually took place on 5 June. After initial success, the rebels were defeated, suffering heavy losses.

Government forces led by General Lake had by now encircled Wexford County, and were poised to quash the rebellion there. On 9 June, an indecisive battle was fought at Arklow, with heavy losses on both sides. The rebels retreated to Gorey, and later to Vinegar Hill, where they were routed on 21 June.

Government forces took nearby Enniscorthy after bitter fighting.

The southern rebel leaders in Wexford Town realised that they had no hope of defeating Lake's army. They surrendered in the hope of avoiding a massacre, but all the rebel hierarchy who remained in Wexford Town were summarily executed shortly afterwards. Many rebels escaped either from Enniscorthy or from Wexford town, some to go into hiding, others to continue to harass the government forces that pursued them.

A much smaller than expected French army contingent of 800 soldiers arrived belatedly in August, in County Mayo on the west coast, and was joined by local rebels. After defeating an army led by General Lake, it was itself defeated by a larger force under General Cornwallis.

Wolf Tone finally sailed into Lough Swilly, off the coast of Donegal on 12 October with about 3,000 French troops. A British flotilla attacked and captured the entire French force, including Tone. Condemned to death on 10 November, he cut his own throat in his cell two days later.

The United Irish uprising was finally at an end. Extremists on both sides had indulged in dreadful cruelty, much of it based on pre-existing sectarian and economic hatreds. Upwards of 30,000 died during the rebellion and its aftermath.

Cornwallis, appointed Viceroy, was appalled by the vengeance being wrought by the Yeomanry and the Militia. The situation was clearly out of hand; suspects were executed on the spot, house burnings and torture continued. Cornwallis made strong representations to London. Spurred on by the British Government, the Irish Parliament had passed an *Amnesty Act* in July which offered a general and unconditional amnesty and a guarantee of safety to the rebel rank and file.

This offer excluded those who had acted as rebel leaders – the captains, colonels and generals.¹³ Factors relevant to proving that a rebel was of officer rank were carrying a pistol or sword; riding on horseback; and giving

4 The town of Ferns, photograph c 1890. From P H Hore (ed), *History of the Town and County of Wexford*, London 1910, volume 6, p 155



FERNs FROM CATHEDRAL TOWER.

commands and drilling men in ranks.¹⁴ Rank and file rebels who surrendered would be protected from prosecution by the law on showing their 'protection papers', unless they were specifically charged with murder or house burning.

Though initially wary of the offer, thousands surrendered within a few months and returned to their homes with their 'protection' papers. However, they often proved to be a dangerous possession. In many cases, loyalists saw possession of the papers as proof of involvement, and many rebels who were 'protected' were either executed or charged with relevant crimes.¹⁵

BUTLER'S TRIAL

A system was established for trying rebels, either by courts martial or by the assize courts under *Insurrection Acts*. However, not all the captured rebels were tried. Some surrendered on condition they serve in the British or Prussian army,¹⁶ be transported to the colonies¹⁷ or accept exile.¹⁸ Some important leaders, including Michael Dwyer¹⁹ and Francis Lysaght,²⁰ surrendered on condition that they be transported.²¹ Others were sent to New South Wales simply because they

were suspected of being rebels.²²

It would be a mistake to think that justice was better served by the institution of trials. Confessions were extracted by torture and floggings. People were convicted on flimsy evidence. Many gave evidence against their fellow rebels in return for amnesty against prosecution.²³ Courts martial and assize juries were often hopelessly biased. Despite the protests of Protestant (Anglican) loyalists, Cornwallis intervened. He required all court martial convictions, in particular, to be given to him for review. But no system of review of the papers could reveal much of what went on before the trial, or of the bias of all those involved, or of the public pressure for convictions.²⁴

The National Library of Ireland holds the manuscript of the court martial of a 'Laurence Butler',²⁵ whom we believe to be the Lawrence Butler who was transported to New South Wales in 1802.²⁶ The trial took place in Wexford in 1798 or 1799.²⁷ He was charged with aiding, abetting and assisting the murder of George Grimes (a member of the Yeomanry in Ferns) on or about 29 May 1798, and with

having acted as a Rebel Captain during the Rebellion. Butler pleaded not guilty, and he represented himself.

THE EVIDENCE

The prosecution produced four witnesses. The first, Grimes's mother, testified that a party of rebels had piked her son to death at her home at Clone, about a mile from Butler's home town, Ferns. She recognised Lawrence Butler as having been present on horseback among the rebels. She had not seen him carrying arms, nor had he 'done any act' connected with the murder, because 'there was enough to take my son's life without his assistance'. Butler appeared to be the rebels' commander, because it was he who, when one of the rebels commenced to break windows and furniture, gave the order from the yard: 'Enough. Done. Let's away.'

The reason for the murder of Grimes appears from the testimony of the second witness for the prosecution, William Sinnot, who told the court martial that he had been in Ferns on the morning of 29 May. The 'cry of the town' was that Grimes had killed a person by the name of Carton (apparently a blacksmith suspected of

making pikes for the rebels²⁸) and that if Grimes were not taken care of, he would 'ruin the Country'.

The rebels, with Sinnott, had then set out for Vinegar Hill, which was a rallying point for the rebels in the area. They took a route to avoid Grimes's house, but a man on horseback, who the rebels identified as 'Larry Butler', 'came up'. The rebels proceeded to Grimes's home, where Sinnott saw Grimes put to death. Being questioned, Sinnott denied that he would recognise the man on horseback, as he had never seen him before or since the day of the murder. He also said that he had not heard the man on horseback give any orders.

Under cross-examination, Sinnott was asked 'Did you not come and take me prisoner on that very morning? I have a right to know you well.' Sinnott replied 'I did not. I never knew where your house was. I never saw you until the time you came up'. In answer to a question by the court, Sinnott said that he could not say whether the prisoner on trial was the man that came up'.

The third witness for the prosecution was Anne Bryan. She had been afraid to stay in her house on the morning of 29 May, and had seen Butler go into her house. She had followed him in and found him taking up a coal from the fire. As he left, he said that he and twenty others were going to Grimes's house to 'get satisfaction for what was done to their men'. He also said that they were going to burn houses at Clone. She testified that houses had, indeed, been burned that day at Clone.

The final witness for the prosecution was Anne Pepper. Her evidence was restricted to a conversation she had had with Anne Bryan 'immediately after the rebellion'. Pepper stated that Bryan had told her that Butler had 'burst in' Bryan's door, breaking a 'panell' in doing so. Bryan had told her 'that Butler had said he would put Grimes to death and burn Clone and that he commanded his men'.

Butler put in a written defence and asked that it be annexed to the record. The document appears not to have

survived. However, the basis of his defence at the court martial seems to have been that he was press-ganged into participation in the rebellion.

He called five witnesses. The first, Sarah Donally, was distinctly unhelpful. Butler asked her where she was when Grimes was killed. She replied that she was two fields off and could 'not tell one man from another'. Butler asked her no further questions.

Butler's second witness was a neighbour, Anne Berry. She said that she had been mostly at Butler's house during the rebellion. Then Butler asked 'Do you know of my having been taken away by force?' Berry replied: 'I do not. I was in a back house, but your wife told me you had been forced away.' He then asked whether she had heard of him having been called by any title signifying that he was an Officer. She said that she had not.

The court then asked the witness a series of questions, which elicited the facts that Butler had returned home the evening of 29 May without any guard on him; that he had gone away again, without force, the following day; and that he had come home to Ferns after the rebellion. The court asked whether Berry knew when the prisoner had been 'first taken up' (that is, arrested for his alleged crimes); and whether she had heard that he had broken out of Wexford Gaol. Berry said that he had been first taken up a long time ago, and that she knew he had got out of Wexford Gaol, but did not know whether he broke out or got out in some other way.

Butler's third and fourth witnesses were even less helpful to his case than the first. In response to questions by the court, John Wright stated that he had heard that Butler carried the colours at the battle of Tubberneering; and that he had heard after the rebellion that Butler had been 'rather active' during it. Samuel Hawkins testified that Butler had obtained a 'protection' for him from 'Murphy the priest' (presumably, Father John Murphy of Boolavogue, near Ferns, one of the leaders of the rebels in northern Wexford). When asked by

Butler in what capacity he, Butler, had acted, Wright replied: 'I do not know what Command you had, you carried the colours.' Pressed by 'Do you think I carried them willingly?' he said: 'I cannot say.'

At this stage, Butler sought an adjournment to call a fifth witness, Mary Brown. The adjournment was granted. On resumption, Brown stated that she had been at Ferns in Butler's house on 29 May. She then testified that Matt Cavanagh, with a party of other rebels, had come to his house and taken him away, after finding him hiding under a bed. Brown had seen him taken as far as Clone. In fact, Brown had gone with Butler to Clone. Butler had not gone into any house in Clone: 'They would not let you. They said you were not United and that it was not safe to have you amongst them.'

Butler then asked: 'Do you remember how I got home?' to which Brown replied: 'I saw you come home with a woman's cloak about you. I heard that it was by the help of that Disguise that you got off.' Then Butler asked whether Brown had seen him on the day of the battle of Tubberneering. Brown replied that Jim Irwin and Paddy Connors had come and said that he should not run away as he had before, and that he should carry the colours - which they made him do.

Questioned by the court, Brown insisted that Butler had taken no part in the burning of houses in Clone; that he had a guard on him; that he had been in her sight the whole of the relevant time; that he had not gone into a house to fetch fire from it; that Butler had been taken from Ferns at about 10 am on 29 May; and that he had been within two yards of Grimes when Grimes was murdered. The tribunal then appeared to question impartiality, asking when and by whom she was summoned and whether they had had a conversation about the trial, which she denied.

Regrettably, nothing further appears in the record of the court martial in the National Library of Ireland. There are no findings, convictions or sentences.

Statements in the NSW records that Butler was sentenced to transportation for life indicate that he was found guilty of one or more of the crimes with which he was charged.²⁹ There would be little point in a detailed critique of the procedures followed, or the evidence given (some of it clearly conflicting³⁰), in Butler's court martial by reference to the standards applied in courts martial or civilian courts today. However, the following observations seem justified.

Firstly, William Sinnot testified that Butler had ridden up to a group of rebels who were on their way to Vinegar Hill. They then turned to Clone to deal with Grimes. Berry and Brown both gave evidence supporting the view that Butler was taken by force by a group of rebels from his own home. There may, of course have been two separate groups of rebels. But Butler alleged that Sinnot himself was among the group which took him. The tribunal made no attempt to pursue that allegation (which Sinnot denied), nor to ask why Sinnot was with a rebel group that was on its way from Ferns to Vinegar Hill, and why he was (presumably) still with the group when Grimes was murdered. Sinnot may have been a rebel at the time (as Butler seems to have implied during Sinnot's cross-examination), but later have become an informer in order to protect himself. Alternatively he may have been an informer all along.

Secondly, some of the other evidence given at the court martial may have been affected by the witnesses' fear of loyalist retribution. That seems likely in the case of Butler's first witness, in particular. Why would Butler have called a witness knowing that she would have nothing whatever to say in his favour? That may also be the case in relation to Butler's third and fourth witnesses, each of whom emphatically implicated him in the rebellion. It seems doubtful that Butler would have called either of them if he had known what their evidence was to be.

Thirdly, despite these facts, the prosecution evidence against Butler in relation to aiding and abetting the murder of Grimes, and of acting as a

rebel captain, was fairly strong. Two witnesses saw him on a horse at the murder of Grimes, and Butler admitted by implication that he had carried the colours at Tubberneering. So far as we know, Butler did not deny being present when Grimes was murdered. The evidence would surely have supported a conviction on each charge, particularly given the less than rigorous standards adopted by courts martial at the time. Butler's claim that he was forced to join the rebels would not have provided a defence.

BUTLER'S ACTUAL ROLE IN THE REBELLION

Apart from the evidence given at the court martial, we know nothing of Butler's actual role in the rebellion. Evidence was given at the court martial that, on the morning of 29 May, Butler was forced into joining the rebels; and that he returned home in disguise that evening. He seems to have voluntarily returned to the rebels, presumably at Vinegar Hill, the following morning. Having lived at Ferns, it is most likely that he was a member of the northern group of rebels led by Father John Murphy. Whether he took part in any of the northern battles before the battle of Tubberneering is not known. Evidence given at the court martial suggests that Butler may not have done so, and that he was back in Ferns when a couple of rebels persuaded him to carry the colours on the day of the battle of Tubberneering, and warned him not to run off as before.³¹

However, other evidence was that he was 'rather active' during the rebellion; and there is no doubt that he was well enough placed with Father John Murphy to obtain a 'protection' from him for the witness Samuel Hawkins. It certainly seems unlikely that Butler would have been chosen to carry the colours at Tubberneering if he had not been involved in the rebel cause after he voluntarily left Ferns, presumably for Vinegar Hill, on 30 May.

What happened to Butler at the end of the rebellion is not known. Evidence was given in the court martial that he

returned home after the rebellion; that he was 'taken up' a long time before the trial; and that he 'got out' of Wexford prison before being 'taken up' a second time. If he did indeed return home 'after the rebellion', he may well have experienced the defeat at Vinegar Hill and the fall of Enniscorthy. Whether, once 'taken up', he escaped from prison, or was freed under a protection granted by Cornwallis or General Hunter³² before his complicity in the two crimes with which he was charged was discovered³³ is unknown.

Precisely where Butler was imprisoned after the court martial is not known, but it seems likely that he was eventually placed in New Geneva Barracks or on one of the prison hulks in Waterford Bay. New Geneva Barracks may be the most likely as it was used as a holding place for rebels awaiting trial, transportation or other disposition. The conditions in it, and in the hulks, were dreadful. Torture and floggings were commonplace.³⁴ There is no record in the surviving papers of Butler or his family petitioning for his release. When he was eventually transported, it must have been a welcome release.

BUTLER'S TRANSPORTATION

Butler was transported on the ship *Atlas* (II) in 1802. There is no record of the conditions below deck, but they would have been dreadful, as they were on all the early transports. An eyewitness account has survived of conditions on the *Minerva*.³⁵ The convict quarters were crowded, dimly lit and poorly ventilated. Most prisoners were shackled together in pairs. Movement by either of them would affect the other, causing chafing which eventually led to ulcerations. The convicts shared the space with rats and other vermin. In good weather, they would be allowed to walk around the deck for a couple of hours. They had to spend the rest of their time in their confined and claustrophobic quarters.

The tropics were oppressive due to the heat and lack of air. The trip from Rio or Cape Town³⁶ deep into the Southern

Ocean was at least equally frightful. Rough weather or heavy rain would result in the hatches being closed, possibly for days on end. Sanitation was appalling. The stench from slop buckets and filthy unwashed bodies must have been overwhelming. Survival in a sane state was a mighty victory for endurance and resilience.

The conditions below deck were bad enough. But much worse experiences befell those rebels who came on transports with sadistic or greedy masters. The *Hercules* and the *Atlas* – not *Atlas* (II) – which made their voyages to Sydney just before Butler’s transport, were among the worst. The convicts were deprived of proper exercise, were given inadequate food and water, and had to endure intolerably cramped quarters.³⁷ The consequences were hardly surprising. The reports made by Governor King to the Transport Commissioners on the two vessels were damning.

The former arrived on 26 June and the latter on 7th inst. Both these ships have lost 127 convicts out of 320 put on board, and the survivors are in a dreadfully emaciated state.³⁸

And, again:

The miserable state the survivors were in in both ships on their arrival in port, being filthy beyond description, some of the convicts lying dead with heavy irons on, many of them died as they were coming from the ship to the hospital.³⁹

The masters of some other ‘rebel’ transports were far more humane. In 1799, the *Minerva* and the *Friendship* sailed from Cork together. They parted in the Atlantic Ocean, and made their separate ways, the *Minerva* stopping at Rio de Janeiro for provisions, the *Friendship* at St Helena and Cape Town.⁴⁰ They arrived in Sydney on 11 January and 16 February 1800, respectively. A few rebels bought cabin space on board or had it bought for them,⁴¹ a couple took their families with them.⁴² On the

Friendship, some rebels were unshackled shortly after leaving Cork. They remained so for the entire voyage.⁴³ A dozen or more rebels were given an unusual privilege:

There had been a considerable quantity of wine brought on board at Cork for the private use of the 12 or 14 of the prisoners who had seen better days, and who indeed, were enjoying the comforts of affluence when their untameable discontent plunged them into the vortex of rebellion.⁴⁴

On New Year’s Day 1800, the captain of the *Friendship* unshackled more convicts. He addressed the remainder and promised that they, too, would be unshackled, on condition of good behaviour, as soon as the coast of New Holland was sighted. He kept his promise. The convicts are reported to have left the ship in Sydney Cove in good spirits, cheering the captain as they went.⁴⁵

On the *Minerva*, too, some prisoners were unshackled from the start. In his journal entry for 20 December 1799, the surgeon, John Washington Price, complained that some of these men had nonetheless plotted to take over the ship,⁴⁶ and had consequently been confined in separate quarters:

we separated the most treacherous and desperate amongst them from the rest of the convicts by placing them in a strong room in the after part of the ship – those we put in the room were Dr [Bryan] O’Connor, Florence McCarty, [Fr] James Harold, Richard Dry, William Hooford, Charles Deans, John Lacey, Peter Ivers, Edward O’Hara, John St Leger, William Maume, Patrick Cleary, James Gilman and Daniel McCallas. Nonetheless, only one of them had been placed in irons.⁴⁷

Later in the voyage, the irons were removed from many other prisoners,

‘whose good conduct on the voyage well merited it.’⁴⁸

The *Atlas* (II),⁴⁹ bearing Lawrence Butler and numerous of his fellow rebels, sailed from Cork around to Waterford to take on convicts for the long voyage south. She sailed from Waterford on 30 May 1802. She seems to have followed the same route as the *Minerva* – a single stop at Rio de Janeiro on 30 July, then the long journey to Sydney. No eyewitness account of the voyage is available.⁵⁰ We do not know whether any of the rebels travelled above deck, either with or without their families. Nor do we know whether any of the rebels were unshackled on the voyage.

Atlas II seems to have had a reasonably good voyage, apart from particularly stormy weather and heavy seas in the Southern Ocean, and arrived in Sydney Cove on 30 October 1802. A letter of 9 November 1802 from Governor King to the Transport Commissioners in London speaks in the most favourable terms of the treatment experienced by the prisoners:

The *Atlas* (Musgrave) arrived here the 30th ultimo, after a five months voyage from Waterford.⁵¹ She lost no convicts on the passage,⁵² and the whole were in perfect health and fit for immediate labour, and expressed the greatest thanks to the master and surgeon for their attention and kindness to them. This is proof that the masters of the *Atlas* (Brooks) and the *Hercules* might have brought their cargoes equally as well and expeditious.⁵³

According to S H Sheedy, Captain Thomas Musgrave was seen to shake the hands of the rebels as they disembarked the *Atlas*. Sheedy quotes from an unsourced report that Musgrave is said to have written:⁵⁴

That in reading the charge sheets of the convicts he had embarked in Cork, he was firstly very pleased to find that, apart from several petty thieves who were transported to



Sydney for 7 years, and could not by the greatest imagination be considered criminals, the remainder, one hundred and ninety men, were charged as political offenders, and had been guilty of no apparent behaviour that could be considered criminal. Reading the charge sheet impartially, these men, for a political view contrary to that of the authorities, a view that I do not claim to understand, were being transported, therefore I could not recommend nor condemn the views of either the United Irishmen or the Authorities.⁵⁵

BUTLER IN NEW SOUTH WALES

On arrival in Sydney on 30 October 1802, Butler was assigned to work in the Sydney Lumber Yard as a carpenter.⁵⁶

He was granted a conditional pardon (one which required him to remain in the colony) by Lieutenant Governor Foveaux on 3 December 1808.⁵⁷ On taking control of the colony in 1810, Governor Macquarie required the surrender of all the conditional pardons granted during the Rum Rebellion and its aftermath. Butler surrendered his on 15 February 1810, and petitioned Macquarie to admit him 'to participate in the indulgences that may be extended to others, during Your Excellency's Administration'.⁵⁸ Macquarie did not grant the pardon. Instead, Butler was

granted a ticket of leave⁵⁹ on 1 August 1810.⁶⁰ He petitioned Macquarie again in 1812,⁶¹ and finally obtained his conditional pardon on 25 January 1813.⁶²

BUTLER'S CABINET-MAKING BUSINESS

We do not know how long Butler remained in the Lumber Yard or when he commenced his cabinet-making business. Most convicts were allowed to work for themselves after completing their assigned government work.⁶³ A person with Butler's skills would certainly have been in demand. It is likely that he began working as a cabinet-maker after government hours shortly after his arrival.

There is some, albeit equivocal, evidence of this in a letter in November 1802 from his friend Michael Hayes⁶⁴ to his family in Wexford. Hayes told his family that Lawrence 'was employed under government. His trade is very good, where sobriety is attached'.⁶⁵ The use of the word 'trade' may suggest that he was talking not only of government but also of private work. Stronger evidence is found in Butler's 1812 petition to Macquarie for a conditional pardon:

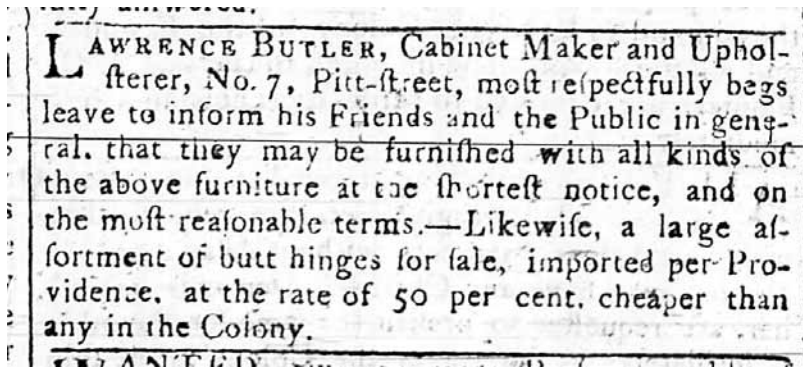
Your Petitioner most humbly begs he has during his time in this Colony been freely permitted to follow his Trade as a Cabinet Maker from

5 Attributed to George William Evans (1780-1852), *A View of the West Side of Sydney Cove*, c. 1803. Watercolour, 19 x 62.2 cm sight size. Collection State Library of New South Wales, Dixson Galleries, DG V1/73

which he has derived some degree of Competency for the support of himself and his family.

Just when or where he first established his cabinet-making premises is not known. His only known premises were at 7 Pitt's Row (or Pitt-street)⁶⁶, where he lived and worked from at least 1810 until he died. He is noted as its principal resident in a map of Sydney dated '1803-1810'.⁶⁷ There were two sources for the map: James Meehan's *Plan of the Town of Sydney*, 1807 and the *Sydney Gazette*, 1803-1810. Meehan's 1807 plan makes no mention of Lawrence Butler.

In his 1810 petition to Macquarie, he stated that the 'principal part' of his eight years in the colony had been 'spent in Government employ until he received a hurt by the fall of a piece of timber in erecting the Building of the Church'.⁶⁸ Precisely when that occurred is not known.⁶⁹ Butler appears to have been in private business as a cabinet-maker before Foveaux granted his conditional pardon in 1808.⁷⁰



6 Advertisement, *Sydney Gazette* 2 November 1811

Butler's cabinet-making business was certainly not that of a sole artisan. He employed others to work for him. The earliest documentary record of Butler's business is in November 1809. In that year, James Ezzy was apprenticed to Butler for three years 'to learn his art of work'.⁷¹ In a letter to his brother Richard on 25 November 1812, Michael Hayes stated that Butler had 'five men employed but he is badly paid.' In May 1812, Butler charged his apprentice, William Ezzy, with improper conduct and neglect of his work. The verdict was that Ezzy be 'bound by his indentures and his hours of work 6am–6pm with usual allowance for meals and be allowed to sleep at his father's until he makes default to this order.'⁷²

It seems likely that this case was the one reported without names, and with a very different slant, in the *Sydney Gazette* on 2 May 1812 (the same date as the trial). According to the *Gazette*, an apprentice applied for cancellation of his indentures. One basis was oppressive treatment because his master, a cabinet-maker of Pitt-street, required he work from daylight until 10 or 11 pm. The Bench of Magistrates denied cancellation, but stated that he should not be required to work longer than from 6 am to 6 pm. The report does not say whether the allegation of oppressive treatment was accepted.

In the 1814 Muster, Butler is recorded as having four apprentices: James Packer, James Morris, Thomas Upton and Thomas Bladey, all born in the colony.⁷³ In the same year, he

employed three convicts: William Temple, cabinet-maker,⁷⁴ Thomas Bowman,⁷⁵ chair-maker, and John Booth.⁷⁶ Butler advertised for an apprentice in the *Sydney Gazette* of 9 December 1815. In another advertisement in the *Gazette* on 4 May 1816, he offered employment to two journeymen and an apprentice; and on 9 November 1816, he advertised in the *Gazette* for an apprentice. In 1816, Lawrence applied to Governor Macquarie to take a ship to Shoalhaven in search of cedar for his 'manufactory' and permission was granted for one trip.⁷⁷

Confirmation that Butler's cabinet-making business was a substantial one comes from a series of advertisements of the business in the *Sydney Gazette*, abbreviated here. The first appeared in November 1811.

Lawrence Butler, Cabinet-Maker and Upholsterer, 7 Pitt-Street, most respectfully begs leave to inform his Friends and the Public in general, that they may be furnished with all kinds of the above furniture at the shortest notice, and on the most reasonable terms.
2 November 1811, p 1

Lawrence Butler, Cabinet-Maker, wishes to inform his Friends and the Public that he has a large assortment of Cabinet furniture. – Upholstery done in the first style of elegance and fashion, bed and window curtains, mattresses, chairs and sofas, with every other article of Cabinet and Upholstery, completed on the

most reasonable terms and shortest notice.

11 February 1815

Lawrence Butler, Cabinet-Maker and Upholsterer, 7 Pitt-street, begs to acquaint his Friends and the Public in general that he has for Sale: Chairs, tables, and sofas, drawer and clothes presses, patent dining tables on pillars, of the newest construction, dressing and shaving boxes, with glasses, card tables, an elegant cabinet and escritoire, bedsteads and mattresses, &c. made under his immediate inspection, and warranted of the best materials.⁷⁸
9 December 1815

FOR SALE at the HOUSE of L. Butler, Cabinet-Maker and Upholsterer, 7 Pitt-street, Furniture of all descriptions ...
13 January 1816

Lawrence Butler, Cabinet-Maker and Upholsterer, 7 Pitt-street, begs to acquaint his Friends and the Public in general that he has for SALE the following ARTICLES: Viz, Furniture of every description on the shortest notice ...
4 May 1816

Lawrence Butler, Cabinet-maker and upholsterer, Pitt-street, begs leave to inform his Friends and the Public, that his ware-rooms are constantly supplied with every Article of Household furniture in 3 Branches.⁷⁹
9 November 1816

On the Premises of Mr L. Butler, 7 Pitt-street, on Friday next at 12 o'clock: ... Also a Quantity of Furniture: viz. chairs, tables, drawers, clothes presses, &c.
Mr Bevan, auctioneer, advertising an auction, 6 November 1819

BUTLER'S GENERAL MERCHANDISING BUSINESS

However, cabinet-making was not

Butler's only business. He was also heavily involved in merchandising. His furniture advertisement on 2 November 1811 also referred to 'a large assortment of butt hinges, imported per *Providence* at the rate of 50% cheaper than any in the colony'. Later advertisements, on 16 November 1811 and 23 November 1811, added 'and screws' to 'hinges'. The offer was a limited one, and may, of course, have been nothing more than getting rid of a surplus of hinges and screws bought for his cabinet-making business.

However, a claim made against him in 1813 by Walter Laing for £100 sterling for non-payment of goods that Laing supplied to Butler indicates that he was involved in general merchandising by the middle of 1812.⁸⁰ The court received evidence that Laing's bill was presented to, and signed by Butler on 23 May of that year. The list of the goods Laing supplied to Butler has not been preserved, but it included 349 gallons of elephant seal oil.⁸¹

Then, in January 1814, Absalom West sued Butler for £87/3/- for non-payment for a large keg of tobacco supplied to Butler in mid-1813.⁸² Obviously, the amount could not have been for personal use. Like the record of the action brought by Walter Laing, this is clear evidence of an expanding merchandising business.

Butler began advertising his merchandising business in the same year. On 19 March 1814, an advertisement in the *Sydney Gazette* read:

On sale at the premises of Lawrence Butler, Cabinet-Maker and Upholsterer, No 7, Pitt-Street, the following articles, Viz: Tea, sugar, tobacco, candles, Bengal and English soap, longcloth and calicoes, English and India prints, ladies and gentlemen's gloves, ladies dressing and hair combs, silver thimbles, ribbands, threads,

tapes, pins and needles, superfine broadcloth, yellow and brown nankeens, cotton checks, cotton stockings, silk and cotton handkerchiefs, flannels, lines and twines, a large assortment of China, glass ware and ironmongery, viz. rasps and files, pit and cross-cut saws, hand and tenon saws, door, cupboard, drawer, and box locks, brass and iron butt hinges, brass cocks, brass and copper wire, brass and iron bolts, mortice chisels and firmers, a variety of brass furniture, tea and table spoons, knives and razors, shoemaker's tools, plated gig furniture, bridle bits and stirrup irons, beds, gimblets of sizes, and numerous other useful and valuable Articles.

This was followed in the *Sydney Gazette* on 21 May 1814:



7 Secretaire bookcase, in three parts, made for Governor P G King. Casuarina, cedar, beefwood and unidentified ebonised wood stringing, h 168.5 cm. This is one of the earliest extant pieces of Australian furniture, possibly made by Lawrence Butler. Private collection

LAWRENCE BUTLER, CABINET MAKER, No 7, Pitt-street, Sydney, begs to acquaint his Friends and the Public in general, that he has for SALE the following ARTICLES; viz. Furniture of every description on the shortest notice, thread lace and edging, ladies' dresses and trimmings, coloured and white cambric muslin, black do. English and India prints, gingham, longcloth and calico, Canton cloth, shawls of all descriptions, blue, white, and yellow nankeens, a quantity of slops, counterpanes, thread; tape, and bobbing, pocket and silk handkerchiefs, stationary, hosiery, knives, razors, and scissors, Ironmongery, consisting of locks, hinges, bolts, axes and hoes, table and tea spoons, &c. &c. brass furniture of all kinds, carpenters' and joiners' tools of sorts, kettles, frying pans, spades and scythes, English and India earthenware, tea, sugar, Tobacco, soap, candles, and a variety of other articles.

Two Journeymen and an Apprentice wanted to the above business.

8 Advertisement, *Sydney Gazette*
4 May 1816

On Sale, at the Warehouse of Lawrence Butler, Cabinet-Maker and Upholsterer, No 7, Pitt-St, the following articles, Viz.-

Tea, sugar, coffee, tobacco, English and Bengal soap, candles, calico, longcloths, English print, cambric and muslin handkerchiefs, silk and polecat do. Thimbles, thread and tapes, ribbands, Ladies' dressing and hair combs, yellow, blue and white nankeens, a large assortment of door locks, hinges, and bolts, window bolts, brass butt hinges, drawer locks and furniture, plated gig furniture, bridle, bit and stirrup irons, cloak and curtain pins, scissors, cutlery of all kinds, looking glasses, hair brooms and brushes, shoemakers' and carpenters' tools of all kinds, and a child's chaise, &c. &c. &c.

On 24 September 1814,⁸³ an advertisement in the *Sydney Gazette* offered an even wider range of goods for sale at Butler's premises at 7 Pitt-street:

Tea, sugar and coffee, plumbs and currants. Spices of all kinds, salt and salpêtre, calico, longcloths, and punjums, Europe and Bengal prints, hosiery, blue, white and yellow nankeens, flannels, bed ticking, blue gurrah, Europe and Bandannah silk handkerchiefs, bundle and pocket handkerchiefs, thread, bobbing, tape,

silk, twist, hall cotton, pins and needles, sail needles, shoemaker's tools, ladies dress and hair combs, small looking glasses, cutlery of all sorts, stationary, viz. foolscap and letter paper, memo, and account books, quills, ink powder, and wafers, ironmongery, viz. locks, bolts, and hinges, drawer furniture, sash pullies, brass and copper wire, bell cranks, brass cocks, files, bridle bits and stirrup irons, a few sets of plated gig furniture, tea and table spoons, platted and plain shawls, striped cotton and calico shirts, soap and candles, wholesale and retail, and numerous other articles, at reduced prices.

His advertisement on 9 December 1815⁸⁴ went well beyond furniture. Butler offered:

carpenters' tools of all kinds, brass and ironmongery, viz. nails, locks, hinges and bolts, axes, hoes, frying pans, tea kettles, saucepans, smoothing irons, spades, English and Indian earthenware, calico, prints, Irish linen, check, punjum and sheeting, men and women's stockings, gingham, corduroys, dimity, fustian, handkerchiefs, waistcoats and shirts, blue, white and yellow, and British nankeen, toys &c &c. N. B. - Bridle bits, stirrup irons, and plated mounting for chaise harness.

His advertisement on 13 January 1816, p 1,⁸⁵ was also not confined to furniture.

Stationery, ironmongery, hosiery, cotton counterpanes, ladies' dresses, black book muslin, black net, grey and green twilled jacopet, muslins of different colours, silk fringes, trimmings, thread and cotton lace, artificial flowers and feathers, worked book muslin, Cambridge muslin trimmings, lace veils and lace muslin handkerchiefs, printed cotton shawls, romal handkerchiefs, black and red silk handkerchiefs, sarsnets, crapes

&c. - English cheque, calico, blue and yellow nankeens, Bengal prints and tablecloths, children's toys, sewing silk, cotton, thread, tales, earthenware, grocery, soap and candles, and various other articles.

Butler's advertisement on 4 May 1816 concentrated on merchandise:

... thread, lace and edging, ladies dresses and trimmings, coloured and white cambric muslin, black do. English and India prints, gingham, longcloth and calico, Canton cloth, shawls of all descriptions, blue, white and yellow nankeens, a quantity of slops, counterpanes, thread; tape, and bubbing, pocket and silk handkerchiefs, stationary, hosiery, knives razors, and scissors, Ironmongery, consisting of locks, hinges, bolts, axes and hoes, table and tea spoons, &c. &c. brass furniture of all kinds, carpenters' and joiners' tools of all sorts, kettles, frying pans, spades and scythes, English and India earthenware, tea, sugar, tobacco, soap, candles, and a variety of articles.

So did his advertisement on 9 November 1816.⁸⁶ Having referred briefly to his furniture business, it continued:

L. B. has now on SALE the following ARTICLES of late importation; viz - Longcloths, punjums, counterpanes and palempores, white and coloured cambrics, fine and coarse India prints, double sheeting, table cloths and diaper, English and India gingham, English printed calico, blue, white, and yellow nankeens, fustians of shades, blue gurrah, English checks, fine and coarse calico, Irish linen, dimity, crapes and ladies' dresses, of shades; English thread lace, shawls, silk handkerchiefs, caps, ribbands, artificial hawsers, threads, tapes, bobbins, stationary, a general assortment of hardware, consisting of brass, mortice, and other locks, spring do for hall doors, hinges and screws, brass and

other drawer, chest, cup board, and box locks of the very best quality, patent portmantua double bolted and common padlock, brass furniture mounting, plated do for chaise harness, plated and iron spoons, English glue, carpenter's tools, shoemaker's tools and hemp, frying pans, sauce-pans, kettles, and India stew pans, sheep shears of sizes, materials for bell hanging, prime teas, best, second, & coarse sugars, plumbs, spices, fish and other sauces, tobacco, soap and candles, oils and colours, turpentine, painter's brushes of sorts, a great variety of earthen ware, in sets or otherwise, glass butter tubs with covers, decanters, tumblers, and wine glasses; slops, and many other articles on the most reasonable terms.

There were no more advertisements by Butler. However, in the *Sydney Gazette* on 6 November 1819, an auctioneer, Mr Bevan, advertised the sale of both furniture and other articles from Butler's premises on the following Friday at 12 o'clock:

IRONMONGERY, consisting of Locks, Hinges, Garden Rakes and Hoes; some Cutlery, Brass work for all Types of Cabinet Work, comprising Handles, Knobs, Drawer Locks, Screws &c.

BUTLER'S CABINET-MAKING CLIENTS

The extent of Butler's advertising suggests that his cabinet-making business was a successful and significant one. But much stronger claims have been made for it. For example, Hawkins has stated that Butler was 'probably the most prominent cabinet-maker in Sydney between 1810 and 1820, gaining all the major work, both government and private'.⁸⁷ Known records point *unerringly* to only three clients: John Blaxland; Walter Laing, a wholesale merchant; and the Government.

John Blaxland is known to have paid Butler for work on three occasions. On 29 August 1807, he made a payment of £21/2/- in response to a bill.⁸⁸ On 13

April 1808, he paid £46/19/0 for his labour; and on 14 September 1808 he paid £26/14/-, again for his labour.⁸⁹ While the first payment did not refer to 'cabinet-maker', it seems probable that it was made to Butler for that type of work. The date is seven years before the first 'merchandising' advertisement in 1814; and four years before his first cabinet-making advertisement.

In his 1811 advertisements, he offered butt hinges and screws for sale, but selling butt hinges and screws at that time was probably only incidental to obtaining them for his cabinet-making business. It seems likely that the general merchant business came later.

Both of the latter payments refer to Butler as a cabinet-maker. As the payments were made for Butler's labour, the furniture was probably not stock, but 'bespoke', or specially made, for Blaxland.

In 1814, Walter Laing sued Lawrence Butler for £100 sterling for non-payment for a range of goods that Laing had supplied to Butler.⁹⁰ Butler claimed a set-off for a range of furniture he had made for Laing. The list of items on which the set-off was based has not survived, but two witnesses referred to some of them in their evidence. According to Andrew McDougall, a cabinet-maker himself, the furniture was very well made. It included cedar chairs with bottoms, two large tables, a set of six chairs without bottoms including two elbow chairs, a four poster bed, two kitchen tables and a camp bedstead. McDougall suggested that the bedstead was worth £12 without the ironwork; the six chairs without bottoms were worth £9,⁹¹ and the camp bedstead £4.

Joseph Smith, an upholsterer, also gave evidence of values. He thought that £5 was not too high a price for a large mattress bolster and pillows for a bedstead that was apparently 7ft long and 6ft wide. And £12 was not too much for a good 'sofa'. Laing was awarded only £13/5/-. Presumably, the deficit arose from the success of the claimed set-off. In that case, Butler's furniture must have cost Laing more

LAWRENCE BUTLER, Cabinet-maker and Upholsterer, Pitt-street, begs leave to inform his Friends and the Public, that his Ware-rooms are constantly supplied with every Article of **HOUSEHOLD FURNITURE** in 3 Branches; to which an APPRENTICE will be taken. — B. has now on SALE the following ARTICLES of late Importation; viz — Longcloths, punjums, counterpanes and palempores, white and coloured ambries, fine and coarse India prints, double meeting, table cloths and diaper, English and India ginghams, English printed calico, blue, white, and yellow nankeens, fustian of shades, blue gurrab, English checks, fine and coarse calico, Irish linen, dimity, crapes and ladies' dresses, of shades; English thread lace, shawls, silk handkerchiefs, caps, ribbands, artificial flowers, threads, tapes, bobbins, stationary, a general assortment of hard-ware, consisting of brass, mortice, and other locks, spring do. for hall doors, hinges and screws, brass and other drawer, chest, cup board, and box locks of the very best quality, patent portmantua double bolted and common padlock, brass furniture mounting, plated do. for chaise harness, plated and iron spoons, English glue, carpenter's tools, shoemaker's tools and hemp, frying pans, sauce-pans, kettles, and India stew pans, sheep shears of sizes, materials for bell hanging, prime teas, best, second, & coarse sugars, plumbs, spices, fish and other sauces, tobacco, soap and candles, oils and colours, turpentine, painter's brushes of sorts, a great variety of earthen ware, in sets or otherwise; glass butter tubs with covers, decanters, tumblers, and wine glasses; slops, and many other articles on the most reasonable terms.

9 Advertisement, *Sydney Gazette* 9 November 1816

than £85 – a sizeable order.

In March 1816, Governor Macquarie authorised a payment to Butler from the Police Fund⁹² of £214 for furniture (desks, book presses, writing table etc) made and supplied by Butler for the chambers of the Supreme Court.⁹³ In May 1817, Governor Macquarie authorised a payment to Butler from the same source of £4/9/6 for work done for Jeffrey Bent, Judge of the Supreme Court.⁹⁴

Other records of payments made to Butler indicate another three possible clients of his cabinet-making business. In the case Absalom West brought against Butler, John William Lewin⁹⁵ gave evidence bearing on the issue whether payment had to be in local currency or in sterling. He stated that:

Mr Butler has had a current account against me for some time – in currency – I paid him lately in sterling money. He allowed me 25 per cent. Some of the goods were furnished to me when



10 John William Lewin (1770-1819), *Sydney Cove*, 1808. Watercolour, signed and dated, 28 x 54.5 cm (sight). Collection: Mitchell Library, State Library of NSW ML 59

currency was at 75 per cent – I have paid him currency some times at 50 per cent.

On 14 January 1815, a notice appeared in the *Sydney Gazette* concerning the loss by Mr R Brookes, Pitt-street, Sydney, of a promissory note drawn in favour of Lawrence Butler on Lieutenant Colonel Molle:

LOST, a Note of Hand, drawn in favor of Lawrence Butler on Col. MOLLE, amount £27 19s 7d Sterling. Payment being stopt it can be of no use to any Person but the Owner, Mr R. Brookes, Merchant, Sydney. – Whoever will bring the same to his Residence, in Pitt-street, will be rewarded for their trouble.

On 11 February 1815, a payment totalling £2/10/- was made to Butler and recorded in the Hassall account book, 1811-1819.⁶

Which of these payments can be attributed to one of Butler's businesses rather than the other? First, Lewin's statement concerning his account with Butler gives no indication of what it was for, except that he had made a payment for 'goods'. While that suggests the merchandising business, it certainly does not rule out the possibility that Lewin used the account to purchase furniture as well. Much the same can be said about the second payment, a promissory note by Lieutenant-Colonel Molle. Butler's merchant business was well established at the time and is as likely a source of the payment as the cabinet-making business.

The third payment, however, almost certainly relates to Butler's merchandising business, and not his cabinet-making. It was for four combs and 'a set of desk furniture'. The 'desk furniture' may, of course, have included a writing box or slope. But the words used suggest simply a pen and ink set, with accessories, sourced from Butler's merchandising business.

Another group of clients for Butler's cabinet-making business has been suggested: 'most' of the men who met in

1813 to found the Commercial Society of Sydney, the aim of which was to form a trading group to issue promissory notes⁷ to take the place of currency. These men were described somewhat disparagingly by Governor Macquarie as 'divers victuallers, publicans etc'. He swiftly put an end to the venture.⁸

However, W C Wentworth described them more flatteringly as 'belonging to the richer class of inhabitants'.⁹ The inclusion of Butler in the group indicates that he was well established, because each member was to issue promissory notes for £100, payable on demand. But it does not follow from Butler's inclusion in the membership of the Society that 'most' of its members were clients of his. The only known common interest is that they were all concerned to have a more reliable system for commercial payments.

It may well have been Butler's merchandising business, rather than his cabinet-making, that made him an obvious candidate for membership of the group. And, even if some of the other members were his clients, one cannot know whether they were clients of his cabinet-making business, his

11 Chinese porcelain bowl painted with a 'View of the town of Sydney in New South Wales' around the outside, c. 1815-20. Collection: Australian National Maritime Museum, photograph Andrew Frolows



merchandising business, or both. All that we *actually* know is that one of the members was Absalom West who, on the one occasion that we do know of,¹⁰⁰ was a supplier to Butler in connection with his merchandising business, not a client of his cabinet-making business.

But there is other evidence that the clients of Butler's cabinet-making business included important people in the colony. Firstly, in February 1810, a number of leading free settlers supported Butler's petition to Governor Macquarie for a conditional pardon: John Oxley, Elizabeth Macarthur, Captain James Birnie, Gregory Blaxland and John Apsley. They recommended Butler on the basis that he was 'an honest industrious man and deserving of that clemency that may be granted to Good Characters'.

Given Butler's Irish convict background, it is unlikely that he made the acquaintance of such people socially.¹⁰¹ It is more likely that he knew them as clients, either of his cabinet-making business or of his merchandising business. But the facts that his advertisements in November 1811 made no mention of merchandising except in relation to butt hinges and screws, and that his first general merchandising advertisement was not

until 9 March 1814, suggest that he was not a general merchant until after the date of the petition in February 1810. So, some, at least, of the people who supported Butler's petition to Macquarie may have been clients of Butler's cabinet-making business.¹⁰²

Secondly, the Colonial Secretary's papers for 1816 list Lawrence Butler among the 'Free Settlers and other Free persons allowed to become Settlers' who were to receive grants of land in 1816 – in Butler's case, 100 acres. D'Arcy Wentworth had recommended the grant. Butler was described as 'married and industrious'.¹⁰³ Together with John Oxley, two other important free settlers and officials – Captain John Piper (Commandant at Norfolk Island 1804–1810) and George Johnston (Major Johnston of the NSW Corps, who had previously quelled the Irish uprising at Castle Hill in 1804) – supported Butler in a petition made in 1817 for the deeds to the 100 acres¹⁰⁴ which he had been allotted by Macquarie. Oxley, with Piper and Johnston (whose land adjoined Butler's), certified that Butler had cleared and was cultivating the land, and building a house upon it.

One might be tempted to infer from the 1816 recommendation that

Wentworth was a customer of Butler's. If so, one could not be sure whether he was a client of Butler's cabinet-making or merchandising business or both, because the merchandising business was well-established by 1816. And there is the further possibility that the relationship between Butler and Wentworth was solely that of debtor and creditor.¹⁰⁵

Drawing inferences from the 1817 supporting statements also faces a difficulty. Piper's and Johnston's statements may be explicable simply on the basis that they were Butler's neighbours and in the best position to certify the clearing etc of the relevant land, while Oxley, on this occasion, may have been acting officially in his role of Surveyor-General.

The foregoing analysis of the evidence concerning Butler's clients enables us to assert confidently that they included not only the Government, but also a number of prominent settlers. We cannot be certain that any of them, apart from Hassall,¹⁰⁶ were clients of his merchandising business. However, both John Blaxland and Walter Laing have now been identified as clients of his cabinet-making business; and there is a significant possibility that a number of other, named, settlers were as well.



12 Rod Butler, a direct descendant of Lawrence and Walter Butler, stands next to a cedar chest of drawers attributed to Lawrence Butler at 'Clyde Bank', the late Caroline Simpson's museum, in 2001

Despite the paucity of the information available, we know far more about Butler than we do about any other cabinet-maker of the early colonial period. He is the only one we know from that period to whom we can confidently attribute particular clients, both government and private. In time, other information may come to light that will identify other clients of his. Even at this stage, we know enough to conclude that he was an important figure in the history of the decorative arts of early New South Wales, as well as a significant contributor to the merchandising in Sydney of a wide variety of goods imported from England and India.

BUTLER'S FAMILY

The court martial record suggests that Lawrence Butler was married at the time of the rebellion; one of the witnesses referred to having been told by Butler's wife that he had been taken away by rebels on the morning before the battle of Tubberneering. Correspondence from Butler's friend and fellow rebel, Michael Hayes, to his family in Wexford spoke about Lawrence's wife, Catherine, on several occasions. There is no mention in the surviving records that Catherine petitioned to go with Butler to New South Wales, and no mention in the records of any children from the marriage. Butler described himself as a 'widower' on his certificate of marriage to Ann Roberts in 1817.¹⁰⁷

It is unclear whether Butler sent money back to his wife in Ferns when he became established in Sydney.¹⁰⁸ What we know of the matter comes solely from four letters written home to Ireland by fellow Wexford rebel convict, Michael Hayes, who remained a friend of Lawrence's until his death.¹⁰⁹ In the letters Michael wrote:

Inform Catherine Butler that her husband is perfectly well. He is employed under Government. His trade is very good but where sobriety is attached (2 November 1802)
 Inform Lawrence Butler's wife that I made an application to him to forward some money. His reply was he could not now, but at another time he would send her £20 or more. He has five men employed but is badly paid. He is not yet free. Remember me to her (25 November 1812)

Inform them that L. Butler is well; he has a family. I done all in my power to make him send support to his wife in Wexford. He might if he was well disposed (20 May 1814)

Laurie Butler I frequently urged to send Ten or twenty pounds to his wife. He shuffled off by excuses. He is certainly encumbered with debts. He has three children by his housekeeper (4 April 1817)

The third of these suggests that Butler may have had a reason for not sending money back to Catherine. We will probably never know why he was not 'well disposed' to her, and made excuses for not sending her money. The effect of participation in the rebellion and its consequences on the families of rebels, including the confiscation of property of those sentenced to death, must have been enormous. And separation under a life sentence at the other side of the world must have made many despair of ever re-establishing lost relationships.

Butler was recorded in the 1806 Muster as living with a fellow-convict, Mary Ann Fowles (also known as 'Radley' and 'Bradley'). Mary Ann Fowles had been sentenced to seven years transportation for perjury, and arrived on the *Surprise* on 25 October 1794. She became free by servitude in 1801. She was described as the wife of Thomas Radley¹¹⁰ when they both appeared on a charge of assault in the Sydney Magistrates Court on 18 November 1799,

a charge which was later withdrawn.¹¹¹ Thomas Radley died in 1803. In the Reverend Samuel Marsden's female muster in 1806, Fowles was listed as a 'concubine' living with Lawrence Butler and having one child. It is unclear whether this was Walter, Butler's eldest child, whom he acknowledged in his will, but who is listed in the 1828 Census as having been born a year later.¹¹²

The relationship with Mary Fowles did not last. By 1812, Lawrence was living with another convict, Ann Roberts.¹¹³ Their first child, Lawrence Ormond, was born on 20 July 1812, George Patrick in 1815, Mary Ann in June 1817, and Elizabeth in 1819. In 1819, both George and Elizabeth died within a month of each other.¹¹⁴

Although Ann was listed in the 1814 Muster as the 'wife' of Lawrence Butler, they were not married until 1 July 1817, at St Phillip's (Anglican) Church, Sydney, by special licence. Their application stated that Lawrence was a 'widower'. Catherine appears to have died in Ireland earlier in the year, though Butler's friend Michael Hayes was obviously unaware of it when he wrote home in April 1817. Ann was widowed in December 1820, and was named sole executrix of Lawrence's will.

BRUSHES WITH THE LAW

Many of the Irish rebels of 1798, like their colleagues from earlier and later political activities,¹¹⁵ found it impossible to accept a continuation in the colony of the subservience to the Crown which they had rejected in Ireland. They were regarded with fear and loathing when they arrived in Sydney.¹¹⁶ Many were continually in trouble with the authorities, and Irish rebel convicts were over-represented in the hated places of secondary punishment, like Norfolk Island.

But Butler was not among them. Apart from three brushes with the law, he was a law-abiding citizen, apparently determined to make a new life in the colony. In particular, he appears not to have been implicated in any way in the Irish rebel-led 'Vinegar Hill' rebellion of

1804, which centred on Castle Hill, and was swiftly put down by the authorities.¹¹⁷ There is no record of his maintaining contact with people in Wexford, though he is listed as being a recipient of mail from the *Canada* in 1810.¹¹⁸

Butler's brushes with the law were as follows:

In October 1808, he and Mary Ann Bradley (Fowles) appeared before the Bench of Magistrates charged with disturbing the peace of the neighbourhood.¹¹⁹ The court heard evidence that, despite being required by the Constables to be quiet, the defendants still continued to quarrel and beat and abuse Ann Johnston¹²⁰ who was turned into the streets at 12 midnight. The court (George Johnston, Edward Abbott, Garnham Blaxcell and William Lawson) reprimanded Butler, while sentencing Bradley to imprisonment for a week. Nothing appears in the record to explain the nature of the incident or the disparity between the treatment of the offenders.

In 1817, he appeared before the magistrates, charged with employing a convict, John Booth, during government hours.¹²¹ William Temple and Thomas Bowman¹²² gave evidence that Booth was ill and on the Surgeon's Exempt List. According to Bowman, Butler employed Booth to do very light work 'just to get him a little nourishment.' Booth also slept at Butler's and was admitted to hospital twice during the few months he was there. Butler's apprentices raised a subscription for Booth, Bowman subscribing half a crown a week, plus some sugar and tea. The charge was dismissed.

In 1819, he was charged with assault on Eliza Palmer outside her house. According to Palmer and two witnesses, the assault was a serious one, involving a heavy beating. Butler was required to enter into a recognizance of £50 sterling to attend court, with two sureties of £25 each. He pleaded not guilty, but there is no record of his defence. He was fined £10 and put on a £100 recognizance, with two sureties of £50 each,¹²³ to keep the peace for a year. What provoked the

assault is not explained in the record. It took place the day after an altercation between the two in Palmer's house. The only hint of a reason is that, at the beginning of the assault, he was alleged to have called Palmer 'a thieving bitch'.¹²⁴

We have already noted¹²⁵ that Butler was sued on two occasions for non-payment of bills. In the first, he successfully claimed a set-off, the claim being reduced from £100 to a little more than £13. In the second, the sole issue was whether the payment had to be in local currency or in sterling. The court found in Butler's favour, giving judgment for payment in sterling.

D'Arcy Wentworth sued Butler in 1817 on a promissory note for £126.¹²⁶ The promissory note appears to have been given to secure repayment of loans from Wentworth, possibly relating to Butler's merchandising business. The case did not proceed to court. Presumably, the claim was paid or a settlement reached.

Finally, the Colonial Secretary's correspondence in 1816 contains a letter from J T Bell to J T Campbell, the Governor's secretary, indicating that Butler was indebted to Palmer & Co of Calcutta in the amount of about £40, a debt which was probably related to the importation of goods for Butler's merchandising business.¹²⁷

Little is known of Butler's wider social interactions. If one were to judge solely by reference to his choice of witnesses to his will, his close friends would appear to have been mainly fellow Irish. He also appears to have been on friendly terms with the Irish cabinet-maker, Thomas Shaughnessy, who acted as a surety for him in relation to the assault on Eliza Palmer. His other sureties, however, were not Irish. There are only a few snippets of additional information. In 1809 he paid a subscription for 'enclosing the burial ground', one of 118 contributors.¹²⁸ The 1814 Convict Muster records a recently arrived convict, Thomas Tugman, as a 'servant to L. Butler'.

In 1814, Butler was the victim of a robbery from his home of £150 worth of



13 Map, District and Parish of Petersham, NSW. Butler's 100-acre grant is now in the suburb of Lilyfield, on land partly occupied by Callan Park Hospital. Collection: NSW Department of Lands, Parish and Historical Maps; barcode 140622; sheet 2; CD-PMap MN04; image 14062201 (C) DEPARTMENT OF LANDS; Panorama Avenue Bathurst 2795 www.lands.nsw.gov.au

chattels and money. No-one was charged with the offence.¹²⁹ On 17 May 1817, he was named in a List of Benefactors to the Auxiliary Bible Society of NSW, one of 80 contributors. He donated 10 shillings.¹³⁰ He was a juror on three occasions: in 1816, 1817 and in 1820; at the inquests into the deaths of Patrick McMahon, Hugh Wood, and the still born child of William and Jane Gibson.¹³¹ Despite being married in an Anglican Church and buried in the Anglican cemetery,¹³² he remained a Roman Catholic until his death.

BUTLER'S ESTATE

On 18 November 1820, Butler made a will¹³³ in which he stated that he was 'labouring under bodily infirmity and aware of his approaching dissolution'. His signature was witnessed by Michael Hayes (his friend and fellow rebel from Wexford),¹³⁴ Isaac Wood¹³⁵ and John Connell.¹³⁶ In his Will, he referred to his 'affectionate wife Ann' and to his love for his children. He named Ann as sole executrix of his will. He also named Reverend Philip Conolly¹³⁷ as a guardian to superintend the education of the children and 'improve them in morality and virtue'. He left his estate equally to Ann and his three surviving children, Walter, Lawrence and Mary Ann. However, he added the proviso that the Reverend Conolly, or his successor, 'would inspect and see justice done them agreeable to my Will' and that Ann's compliance was required 'under pain of forfeiting her share and control over my children.' Lawrence Butler died at Sydney on 7 December 1820, aged 70.¹³⁸

The exact size of Butler's estate is uncertain. Butler's will stated that his estate comprised two houses and premises in Pitt Street, a house and premises in Kent-street,¹³⁹ a 100-acre farm in the District of Petersham,¹⁴⁰ livestock¹⁴¹ and other assets, such as his cabinet tools, furniture and shop goods. There are two sources: the application of his wife, Ann, for probate,¹⁴² and a Memorial by his son Walter in 1825, seeking a grant of land.¹⁴³ According to a statement sworn by Butler's wife, Ann, in her application, his 'goods, chattels, credits and effects' did not exceed the value of £500. According to the memorial by Walter in 1825, the estate was worth 'upwards of £2,000'.¹⁴⁴ The difference in valuations may lie in the fact that Ann's statement omitted Butler's interest in land. Why that should have been so is not known.

During his life in Sydney, Butler's financial position fluctuated. Letters home from Michael Hayes suggest that there were times when he had considerable debts. In 1812, Hayes reported that Butler was employing five men, but that he was 'badly paid'. In 1817, he reported that Butler was 'encumbered by debts'. Whether Hayes had close knowledge of Butler's finances is not known. The cases brought against Butler by Laing, West and Wentworth indicate that he was given substantial credit.

The properties he held in Pitt Street and Kent Street were apparently on long leases.¹⁴⁵ Moreover, he held the freehold title to the land awarded to him by Governor Macquarie.¹⁴⁶ Obtaining that title must have increased his wealth considerably, as the land lay in one of the most prized areas of Sydney, some of the most important figures in the early history of New South Wales being his neighbours. Butler's 100 acres adjoined Captain John Piper's land. D'Arcy Wentworth paid Piper £1,500 for Piper's 295 acres in 1826. That translates to approximately £500 for 100 acres. Prices may, of course, have

increased along with the population growth in the six years after Butler's death. But the 1826¹⁴⁷ sale was said to have been at reduced prices.

Butler's personal furniture and the stock at his three premises would also have had considerable value, as would the 50 head of cattle. So, unless he had considerable debts, the total value of the estate may well have been closer to Walter's estimate than to the one contained in Ann Butler's probate statement.¹⁴⁸

THE BUSINESSES AFTER BUTLER'S DEATH

On 16 December 1820, Ann Butler advertised both businesses in the *Sydney Gazette*:

Mrs Butler, of Pitt-street, Administratrix to the last Will and Testament of Mr Lawrence Butler, deceased, begs Leave to inform her Friends and the Public in general, that she has for SALE, at very reduced prices, the following ARTICLES of Furniture in the Cabinet Way; viz. chests of drawers, chairs of different patterns, tables, wash-hand stands and bedsteads of every description, clothes' presses, sofas, a quantity of brass and iron locks of every description, castors of all sizes, an assortment of cloak pins, knobs and drawer handles, screws of all sizes, table, butt, and box hinges, bed-screws, bell cranks and springs, brass pins and screws, augers and gouges, chisels of all sizes, turning, key-hole, and hand saws, coffin furniture, thumb latches, bolts of all sorts, plane irons, sheep shears, bridle bits, sail needles, small ditto, brads of all sizes, gimblets, pins, needles, thimbles, a quantity of thread lace, silk and cambric trimmings for bonnets, threads, laces, bobbing, table spoons, different sorts of spices, tea and sugar; also improved balls for cleaning leather breeches, best polished steel snuffers, &c. &c. &c.-

-The Cabinet Business carried on in the usual manner. Orders will be thankfully received, and executed on very reasonable terms, with neatness and dispatch. Such persons as have claims on the above Estate, will please to forward their accounts forthwith.

Then, on 6 January 1821, Ann Butler advertised her role as executrix of the estate:

Whereas letters of Administration have been granted unto me, Ann Butler, on the Estate and Effects of the late Lawrence Butler, Trader, Sydney:-- All Persons who stand indebted therein are hereby requested to liquidate the same; and all Persons who have claims on the said estate are desired to furnish the same without delay.¹⁴⁹

Thereafter, Ann appears to have gradually withdrawn from general merchandising. On 4 August 1821, she advertised the cabinet-making business, now under her direction, with only a passing reference to the merchandising business:

CABINET and UPHOLSTERY WAREHOUSE, NO 7 PITT-STREET - Mrs Butler, widow of the late Mr. Lawrence Butler, deceased, begs to return her thanks to her Friends and the Public for the many favours she has already received, and has now to inform them, that she still carries on the Cabinet and Upholstery Business, in all its various branches; and has on Sale all sorts of furniture; viz. chests of drawers, dining and drawing-room tables, Pembroke and dressing ditto, cane bottom chairs, wash-hand stands and bedsteads, &c. writing desks, with all sorts of brass work of the latest fashion, and various other articles, too numerous to mention.

On 18 August 1821, Ann complained of two apprentices, William Haslam and Michael Byrne, absconding from her service and protection.¹⁵⁰ On 21 September 1821, her advertisement dealt only with Byrne:

Whereas MICHAEL BYRNE, an Apprentice, has absconded from his service; this is to give notice, that any Person harbouring, encouraging or employing the said RUNAWAY, will be rigidly prosecuted; and all Constables, and others, are requested to lodge the said Absentee in one of His Majesty's Gaols.
ANN BUTLER

On 28 June 1822, Supplement p 2, her advertisement concentrated again on the cabinet-making business, but included a reference to ironmongery:

TO be SOLD, at Mrs. Ann Butler's, Pitt-street, Sydney, the following ARTICLES: viz. handsome wardrobe complete, a sofa, sets of drawers of various descriptions, cane-bottomed chairs, Pembroke, dining, and breakfast tables, sideboards. - Also various sorts of brass work for the cabinet and upholstery trade, with every description of ironmongery. NB. Every description of cabinet and upholstery work done at the shortest notice, in the best style of workmanship.

On 20 December 1822, the merchandising business was given more space:

ON SALE, at Mrs. Butler's, No. 7, Pitt-street, Raisins 1s 6d per lb, tea, sugar, soap, and candles, sets of drawers, sideboards, chairs, and tables, cane-bottom sofas, bedsteads and bed castors, hinges of all sorts, brass furniture, door and cupboard locks, files and screws of all sorts, coffin furniture, thread, tape, and bobbin, carpenters' tools, cramps, and seasoned cedar.

On 27 March 1823, Additional Supplement p 1, her advertisement was almost exclusively about the cabinet-making business:

On Sale at Mrs Butler's, 7 Pitt-street, a quantity of iron rim locks, stock and other locks of various descriptions; pit, cross-cut and other files; bed castors and brass work of every description; ironmongery of all sorts; also a superb sideboard, and chest of drawers; cain and wooden bottomed chairs; tables of every description; bedsteads; raisins 1s 3d per lb. in taking 6 lb lots, 1s; and good seasoned cedar. Orders in the Cabinet Line will be punctually attended to.

On 13 November 1823, Mr John K Dayton advertised an auction at Mrs Butler's 'Furniture Warehouse', 7 Pitt Street, on the same day:

A QUANTITY of New and Valuable HOUSEHOLD FURNITURE, comprising a gentleman's writing desk, 2 sets of tables in 3 pieces each, 1 set elliptic corniced tables, 1 set card ditto, 4 pembroke ditto, 4 round ditto, 2 round stands, a highly finished mahogany tent bedstead, 3 handsome cedar ditto, 3 chests of drawers, 3 wash-hand-stands, 2 dozen cane-bottom chairs and a dozen cedar ditto.

Ann carried on Butler's cabinet-making business for four years. Her main assistance¹⁵¹ in the business came from Miles Leary, a convict from Wexford who arrived on the *Hercules* in 1802. He had been sentenced to seven years transportation and was given a certificate of emancipation in 1811.¹⁵² Whether Leary had worked for Lawrence Butler is not known, but seems likely. He appears to have been in de facto control of running the cabinet-making business after Butler's death. Ann was assigned a non-mechanic (ie,

untrained) convict on 29 July 1822, and a replacement on 24 December 1823. But several mechanic convicts (those to work in the cabinet-making business) were assigned to Leary alone.¹⁵³

The relationship between Ann and Leary was clearly a difficult one. On 18 May 1821, Leary advertised in the *Sydney Gazette*, warning people not to settle accounts with any person, since he would not honour any settlement with someone else since the death of Lawrence Butler. This can only have been aimed at the possibility of a debt owed to him personally being treated as a debt to Butler's estate.

Ann responded in an advertisement in the *Gazette* on 26 May:

I do hereby Caution the Public against trusting or crediting, on my account, any Person whatsoever; and I desire those to whom I am indebted to send in their accounts. Also, those who are indebted to me to pay the same without delay; or they will be sued by Legal Process immediately.

The rift appears to have continued for some time. In October 1821, Ann advertised for:

a steady man to superintend the cabinetmaking business ... etc ... otherwise Mrs Butler will let her extensive workshops and other apartments, together with the tools used in the above trade, on terms as may be agreed upon.

Just when the relationship was mended is not known. However, Ann sought to marry Leary in August 1823, on the basis that she could not afford to lose 'so able an assistant'. As noted earlier, Lawrence had left his estate equally to Ann and the children, with the provision that Father Conolly, a Catholic priest, or his successor, 'would inspect and see justice done them agreeable to my Will' and that Ann's compliance was required 'under pain of forfeiting her share and

control over my children.' On the advice of the Catholic priest Father Therry (who was, by then, responsible for the welfare of the Butler children, Conolly having moved to Van Diemen's Land), Reverend Cowper refused to marry them. Ann petitioned Governor Brisbane to intervene.¹⁵⁴ There is no record of a response.

Not long after, Ann and Leary fell out again. Ann advertised that she would not be responsible for Leary's debts. She placed a notice in the *Sydney Gazette* on 12 February 1824:

CAUTION- I have to Caution the Public against giving Miles Leary any Trust or Credit on my Account. As he is not authorized by me to receive any Debts, or make any Contracts whatever, I will not hold myself responsible for any of them. And Notice is hereby given to the said Miles Leary, that he will be prosecuted if he shall hereafter attempt to come into my House, or upon my Premises. Ann Butler.

Ann died in the same year. However, Leary continued to carry on the cabinet making business at the Pitt-street property. In the 1828 Census, Leary, carpenter, was listed as head of the household at Pitt-street, at which address there are also listed four carpenters and one labourer.¹⁵⁵ Leary died in 1834.¹⁵⁶

BUTLER'S CHILDREN

Three of his children survived Butler: Walter, 13, Lawrence Jnr, 8, and Mary Ann, 3. Within four years they were orphaned. Walter assumed responsibility for his young siblings under the guidance of Father Therry.¹⁵⁷

Walter is listed in the 1828 Census as a carpenter.¹⁵⁸ He is recorded as a cabinet-maker in Castlereagh St in 1832.¹⁵⁹ He was probably too young to have worked under his father's tutelage. Perhaps he learned his trade from Miles Leary. He is said to have

been 'outfitting ships' by the early 1830s.¹⁶⁰ Following his Memorial to the Governor in 1824,¹⁶¹ Walter was granted 80 acres of land in 1825, and a further 100-acre grant at Shoalhaven in 1830, which he sold for £25 in October 1833.¹⁶² He travelled extensively in the colonies, living in both Tasmania and Victoria for significant periods. He continued his cabinet-making in Tasmania¹⁶³ and Victoria,¹⁶⁴ developed property and business interests in all three colonies, and held publican's licenses at various times in each of them.¹⁶⁵ He returned to Hobart in 1854, where he was elected an alderman in 1858, 1859, 1860 and 1861. Walter died in 1870, aged 62.¹⁶⁶

Walter's younger siblings, Lawrence and Mary Ann Butler, were closely associated with the influential newspapers of the period. Lawrence was apprenticed as a printer/compositor to Edward Smith Hall, the outspoken and controversial owner and editor of *The Monitor*,¹⁶⁷ and worked briefly for the *Sydney Gazette* during the mid 1830s.¹⁶⁸ Over the years, he progressed to the management of newspaper printing departments for Melbourne founder John P Faulkner's *Port Phillip Patriot*, George Cavanagh's *Port Phillip Herald*,¹⁶⁹ and *The Morning Chronicle* in Sydney.¹⁷⁰ Lawrence died of consumption (tuberculosis), aged 44.

Mary Ann Butler married Scottish immigrant John Campbell Macdougall¹⁷¹ in 1834. Macdougall was the proprietor and editor of the Tasmanian newspaper, *The Colonial Times*. When he died in 1848, leaving six young children, Mary Ann continued running the newspaper with the editorial help of the solicitor, Kenrick Brodribb, the son of Tasmania's first solicitor, William Adams Brodribb.¹⁷² On selling the newspaper in February 1855, they moved to Melbourne where they married. Brodribb was appointed Provisional Director of the newly formed Australian Alliance Assurance

Company¹⁷³ and acted as their solicitor. Mary Ann died two years later at the age of 40.

Barbara Butler is married to Rod Butler, a direct descendant of Lawrence Butler's eldest son, Walter, and has uncovered a great deal of information on Lawrence Butler through her research in Ireland and Australia. Barbara Butler can be emailed at robut@bigpond.com.

David St L Kelly is a Melbourne lawyer and antique dealer who has published a number of articles in *Australiana* and in *Furniture History* (London).

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NOTES

- 1 The spelling of his first name varied. We use 'Lawrence', rather than 'Laurence', even though the latter is often used. He advertised as 'Lawrence'; and his headstone used that spelling. He signed as 'Laurence' in his 1812 petition to Governor Macquarie and is named as 'Laurence' in his will, but he did not draw it up.
- 2 The earliest labels on colonial furniture date from the 1830s.
- 3 The cabinet is held by the National Trust (NSW) at Old Government House, Parramatta. A drawer bears a pencil inscription: 'James Packer Sydney New South Wales an a Prentice 1815'. A 'James Packer' appears in the 1814 General Muster as an apprentice to Butler. It seems reasonable to infer that the James Packer who wrote the inscription was the same person.
- 4 J Hawkins, 'The Art of the Cabinet-Maker from the first settlement 1788-1820', *Australian Antique Collector* (1983-84), part 2, June-December 1983, p 50; part 3, January-June 1984, p 56; J Hawkins, 'Australian Decorative Arts in

the Clyde Bank Collection', *Australiana*, vol 25, no 2, May 2003, p 60; K Fahy, C Simpson & A Simpson, *Nineteenth Century Australian Furniture*, David Ell Press, Chippendale, NSW, 1985, p 39; K Fahy & A Simpson, *Australian Furniture, Pictorial History and Dictionary*, Casuarina Press, Sydney, 1998, p 32; K Okey, 'Brass Galleries on early Australian sideboards', *Australiana*, vol 25 no 4, Nov 2003, p 147.

- 5 There are hundreds of books on the subject. The most useful for our purposes have been: Sir R Musgrave, *Memoirs of the Different Rebellions in Ireland*, 4th ed, Round Tower Books, Indiana, 1995 (3rd ed, 1802); T Cloney, *Personal Narrative of Those Transactions in the County Wexford, in which the Author was engaged during the awful period of 1798*, Dublin, 1832; Miles Byrne, *Memoirs of Miles Byrne*, Irish University Press, Shannon, Ireland, 1972 (originally published Paris and New York, 1863); N Furlong, *Fr. John Murphy of Boolavogue 1753-1798*, Geography Publications, Dublin, 1991; D J Gahan, *The People's Rising - Wexford 1798*, Gill & Macmillan, Dublin, 1995; D J Gahan, *Rebellion! Ireland in 1798*, O'Brien Press, Dublin, 1997. A good, brief discussion is A-M Whitaker, *Unfinished Revolution: United Irishmen in New South Wales 1800-1810*, Crossing Press, Darlington, 1994.
- 6 From 1707, 'Great Britain'.
- 7 'Irish' is used in an inclusive sense. The invasion under Henry II led to the confiscation of lands from the original inhabitants. It was largely the 'Old English' (descendants of the Norman invaders, many of whom had intermarried with the Irish) who lost their lands under the Tudors, Cromwell, William and Mary, and Anne.
- 8 One example is the law which forbade a Catholic landholder from leaving his land to just one descendant. The land had to be split between all descendants at the higher level. The intended result was the elimination of large landholdings by Catholics. Similarly, Catholics in business or trade were excluded from guilds and unable to become freemen of the city; only freemen were listed in trade directories. If they wished to trade in a corporate town, they had to pay an annual fee known as 'quarterage' to the corporation. See, eg, W Nolan & K Whelan (eds), *Kilkenny: History and Society*, Geography Publications, Dublin, 1990, p 260.
- 9 1782-1800. It was abolished when the *Act of Union* 1800 came into operation on 1 Jan 1801, uniting the Parliaments of

- Great Britain and Ireland. See www.historical-debates.oireachtas.ie/aboutthissite.html.
- 10 See, eg, T P Power & K Whelan (eds), *Endurance and Emergence: Catholics in Ireland in the 18th Century*, Irish Academic Press, Dublin, 1990.
- 11 The formation of the Society involved a merger of existing groups, both Protestant and Catholic, which were agitating for reform. See D J Gahan, *Rebellion! Ireland in 1798*, O'Brien Press, Dublin, 1997, p 14-27; R Hughes, *The Fatal Shore*, Vintage, London, 2003 (first published Collins Harvill, Great Britain, 1987), p 183.
- 12 Lord William Fitzwilliam was one of the leading Whig statesmen in the late 18th and early 19th centuries. He was the sponsor of D'Arcy Wentworth, to whom he was distantly related. See *ADB* vol 2, p 579; www.adbonline.anu.edu.au
- 13 D J Gahan, *Rebellion! Ireland in 1798*, p 105.
- 14 P C Power, 'The Courts Martial of 1798-9', Irish Historical Press, Kilkenny, 1997, preface, p vi. See also T Graham, 'Dublin in 1798', in D Keogh & N Furlong (eds), *The Mighty Wave - the 1798 Rebellion in Wexford*, Four Courts Press, Dublin, 1996, p 67.
- 15 For example, General Hunter gave a 'protection' to one of Wexford's rebel leaders, Thomas Cloney, in August 1798. He was arrested in May 1799, charged with aiding and abetting the killing of John Gill at Vinegar Hill and sentenced to death. However, Cornwallis sent Thomas Cloney into exile for two years as a prisoner in Fort William in the Scottish Highlands. He was allowed to return to Ireland in 1803. See T Cloney, *Narrative*, Dublin 1832, Appendix, 'Trial', p 236f.
- 16 P C Power, *The Courts Martial of 1798-9*, p 33. Power refers to numerous prisoners being sentenced to serve in the Prussian army. The option was negotiated in 1799 by a Prussian officer, Captain De Schouler.
- 17 E Hay, *History of the Irish Insurrection of 1798*, James Duffy, Dublin, 1898, p 252-53.
- 18 A number who surrendered on condition of exile to America were in fact transported to NSW. Michael Dwyer, John Mernagh, Hugh Byrne, Martin Burke and Arthur Develin were among them. See T J Kiernan, *The Irish Rebels in Australia*, Burns & Oates, Melbourne, 1954, p 28f; G Cargeeg, 'The Rebel of Glenmalur - A History of Michael Dwyer', Hesperian Press, Carlisle, Western Australia, 1988.
- 19 The 'Wicklow Chief', another leader of the Wicklow rebels, who fought alongside the northern Wexford rebels at Vinegar Hill.
- 20 Member of a prominent gentry family in County Clare. He was implicated in a short-lived uprising in Jan 1799 and sentenced to serve in the Prussian Army. However, he was transported on the *Friendship* in 1799. He died en route at Cape Town. See www.clarelibrary.ie/eolas/coclare/history/clare_1798_rebellion.htm
- 21 The same has been said of Joseph Holt, another leader of the rebellion in Wicklow: *ADB* vol 1, p 550-51; www.adbonline.anu.edu.au. However, he may have been sentenced under the *Fugitives Act*: W H Maxwell, *History of the Irish Rebellion in 1798*, Baily, London, 1845, p 330-31; T J Kiernan, *Transportation from Ireland to Sydney: 1791-1816*, Canberra, 1964, p 62; A-M Whitaker, *Unfinished Revolution*, p 25.
- 22 A contemporary record says that through the 'lenity' of the government some convicts were 'allowed to embark without trial': C Graham, P McIntyre & A-M Whitaker (eds), *The Voyage of the Ship Friendship from Cork to Botany Bay 1799-1800*, p 4. The book is an edited version of the journal of the voyage which was written by M A Reid, who accompanied her husband, Hugh Reid, the master of the *Friendship*. The policy was spelled out in an order from London to the Undersecretary in Dublin: 'A light punishment for rebellion will excite revenge and terror. ... you should transport all prisoners in the gaols and give full power to the generals'; quoted in R Hughes, *The Fatal Shore*, p 181. In fact, many rebels were apparently exiled without trial on the illegal orders of the magistrates. T J Kiernan, *The Irish Exiles in Australia*, Burns & Oates, Melbourne, 1954, quotes H Grattan, *Memoirs of the life and times of the Rt. Hon. Henry Grattan*, Henry Colburn, London, 1849, vol IV, p 240, in relation to magistrates in Ireland in the years before the rebellion, who were not troubled about offences or names, but 'assumed the power of transporting the king's subjects without trial, sentence, or condemnation. Some of these victims were tied upon cars and carried away, weeping in bitter agony and crying aloud for trial. It was stated that upward of one thousand persons were thus illegally taken'. Grattan was a Protestant Whig statesman, an MP in Ireland and, later, in the British Parliament, who strongly supported equality for the Irish Catholics.
- 23 P C Power, *The Courts Martial of 1798-9*, p 32.
- 24 *Ibid* p 31.
- 25 Reproduced with the permission of the Board of the National Library of Ireland, Ms. 17, 795 (4).
- 26 The court martial accused and the transportee were both charged with serious offences in connection with the Rebellion, meriting the death sentence or transportation. Only one Lawrence (Laurence) Butler was transported to NSW; and there is no record of any person of that name having been executed in Ireland: Sir R Musgrave, *Memoirs of the Different Rebellions in Ireland*, Appendix xxi, 4 p 820, List of persons executed in the town of Wexford for the crimes of rebellion, murder, &c. from the retaking of the town by the royal army, June the 21st, 1798 to the 18th December, 1800. Moreover, genealogical studies have shown that the first name Lawrence (Laurence) was extremely rare in the wider Butler family. Both the court martial accused and the transportee came from Wexford and both were married at the time. The records do not establish that the transportee, Lawrence Butler, came from Ferns, where the accused in the court martial lived. However, Lawrence's co-rebel and close friend in NSW, Michael Hayes, owned property only a few miles from Ferns. Hayes and Butler knew one another in Wexford, and Hayes knew Butler's wife, Catherine: see n 106. It is therefore likely that Butler lived or worked near Hayes. Given all these facts, the possibility that the 'two' Butlers are not the same person can, in our view, be discounted.
- 27 National Library of Ireland, Ms 17, 795 (4). The primary date given on the manuscript of his court-martial is 10 December 1798. However it also has '(or 1799?)' and then '(probably 1799)'.
- 28 In 'The Religious Factor in the 1798 Rebellion', in *Rural Ireland 1600-1900: Modernisation & Change*, (O'Flannaghan, Ferguson & Whelan, eds), Cork University Press, 1987, p 72, K Whelan states that the man Grimes killed, Carton, was from Ballycarney, a blacksmith suspected of making pikes.
- 29 He may, of course, have been sentenced to death (the usual sentence for murder) and had his sentence

- commuted to transportation for life.
- 30 Eg, the evidence of Anne Bryan and Mary Brown concerning Butler's alleged implication in the burning of houses in Clone.
- 31 He would not have been alone in going home during the rebellion. See M Byrne, *Memoirs of Miles Byrne*, p 97: 'The halt of the 2nd and 3rd June at the camp of Carrigrew Hill was considered necessary to afford time to those who had gone to enquire about their families on their way back from Wexford, to rejoin the camp.'
- 32 Hunter was the commander of Wexford after the rebellion.
- 33 See n 15.
- 34 See, eg, T Cloney, Narrative, p 127; and T P. Walsh, 'New Geneva' : www.hooklessvillage.com/heritage1.htm
- 35 P J Fulton (ed), *The Minerva Journal of John Washington Price*. See also B Whiting, *Victims of Tyranny*, p 56-90; A James, *The Voyage of the Transport 'Minerva' 1799-1800*, Royal Australian Historical Society, Sydney, 1996.
- 36 For variations in the route followed by the transports, see C Bateson, *The Convict Ships 1787-1868*, 1974, p 175.
- 37 For a description of the disgraceful treatment of the convicts, and the futile attempts to bring the two masters to justice, see C Bateson, *The Convict Ships*, p 179f; A-M Whitaker, *Unfinished Revolution*, p 71f; R Hughes, *The Fatal Shore*, p 149-50. In the case of the former vessel, there was some 'excuse' as the master had to put down an attempt to take over the ship in the vicinity of Cape Verde Islands. In the latter, there was none. The ship's master reduced the convicts' rations, to enable him to sell the surplus, resulting in starvation, disease, and a high death rate.. For the treatment of convicts on transports in general, see C Bateson, *The Convict Ships*, Ch 7-9; R Hughes, *The Fatal Shore*, p 145f.
- 38 King to the Transport Commissioners, 23 July 1802; *HRA*, I, iii, p 531.
- 39 King to the Transport Commissioners, 9 August 1802; *HRA*, I, iii, p 553.
- 40 C Graham, P McIntyre and A-M Whitaker (eds.), *op cit*, p 16.
- 41 Those rebels who are known to have travelled 'upstairs' on the *Minerva* are Joseph Holt, Revd Henry Fulton, Farrell Cuffe, William Maun, Joseph Lysaght. See B Whiting, *Victims of Tyranny*, Harbour Publishing, Strathfield NSW, 2004, p 67; C Graham, P McIntyre and A-M Whitaker (eds.), *op cit*, p 8.
- 42 Including Joseph Holt and Revd Henry Fulton on the *Minerva* (J Washington Price, *The Minerva Journal of John Washington Price: a voyage from Cork, Ireland to Sydney, New South Wales, 1798-180* (ed P J Fulton), Melbourne University Press, 2000, p 60-1; B Whiting, *Victims of Tyranny*, p 66-7); and Joseph Lysaght on the *Friendship* C Graham, P McIntyre and A-M Whitaker (eds), *op cit*, p 8). For the possibility (in most cases, only theoretical) of wives accompanying convicts, see R Hughes, *The Fatal Shore*, p 111f; B Kercher, *Debt, Seduction and Other Disasters*, Federation Press, Annandale, NSW, 1996, p 154. On the Second Fleet, a number of wives and children accompanied convicts into exile: W Oldham, *Britain's Convicts to the Colonies*, Sydney, 1990, p 167.
- 43 C Graham, P McIntyre and A-M Whitaker (eds), *op cit*, p 8. It is unclear whether the unshackled rebels were given cabin space 'upstairs'. Governor Phillip had ordered some prisoners to be unshackled on the voyage of the First Fleet: C Bateson, *The Convict Ships 1787-1868*, Reed, Sydney, 1974, p 101.
- 44 C Graham, P McIntyre and A-M Whitaker (eds.), *op cit*, p 18. One of them was Matthew Sutton, an attorney who took part in the rebellion in Wexford: A-M Whitaker, *Unfinished Revolution*, p 212.
- 45 *Ibid*, p 33.
- 46 P J Fulton (ed), *The Minerva Journal of John Washington Price*, p 84.
- 47 *Ibid*, p 132.
- 48 *Ibid*.
- 49 A ship of 543 tons, carrying 54 men and bearing 12 guns, made in Quebec in 1801, registered in London in 1802, owned by Beatson & Co: *HRNSW*, vol 4, p 931.
- 50 The log of *Atlas* (II) gives minimal information concerning the convicts and the conditions on board: British Library - Asia, Pacific & Africa Collection; *Atlas Journal*; L/Mar/B/27F - *Atlas Voyage to New South Wales and China*; 15 Dec 1801 - 12 Jan 1804; Captain Thomas Musgrave.
- 51 Actually, five months from Cork.
- 52 He appears to have been wrong on this point. C Bateson, *The Convict Ships 1787-1868*, appendix 1, records 4-5 deaths. This compares with *Atlas*' I: 63 dead out of 176; *Hercules*: 44 out of 165; *Anne*: 3 out of 154; *Friendship*: 19 out of 133; and *Minerva*: 3 out of 191. The figures given for deaths on convict ships are sometimes arrived at by comparing numbers embarked with numbers disembarked. But that fails to take account of re-landings of convicts before departure. In the case of 'Atlas' II, there were 15 re-landings.
- 53 *HRA* I, iii, p 720.
- 54 S H Sheedy, *History of the Sheedy family c1800-1863*, ML mss 1337, p 139. The report was made in response to official criticism that he was sympathetic to the rebels' cause. Sheedy states that a recommendation was made to England that Musgrave never be employed again to carry convicts to the colonies. There is no record of any such report or recommendation in *HRA* or *HRNSW*.
- 55 S H Sheedy, *op cit*, p 137-8. Similar sentiments to Musgrave's were expressed by some other masters: A-M Whitaker, *Unfinished Revolution* p 79. But Irish rebels fared much less well on other transports, where they were sometimes singled out for brutal treatment, partly because of the fear that they would mutiny: *ibid*, p 72. See also R Hughes, *The Fatal Shore*, p 148f, particularly in relation to the voyage of the 'Britannia' in 1796-97, on which 6 men were flogged to death; Kiernan, *Irish Exiles in Australia*, p 11-12.
- 56 Letter, Michael Hayes to his sister Mary, Nov 1802. M Hayes, Letters (manuscript) 1799-1833, NLA MS 346 (copies in State Library of NSW and National Library of Australia, originals in Fransiscan Archives, Dun Mhuire, Killiney, Dublin). Butler's statement in his 1810 petition to Governor Macquarie for a conditional pardon. SRNSW: Colonial Secretary, [4/1846, p.40], Petition for Mitigation of Sentence, 15 Feb 1810, Fiche 3163.
- 57 State Records NSW: Colonial Secretary; [SZ760 p 1346]; Conditional Pardon from Lt Gov Foveaux, 1808-9; Reel 6001. Butler himself was confused about who granted the 1808 conditional pardon. In his 1812 petition to Macquarie for a conditional pardon, he attributed it to Lt Gov Paterson: SRNSW: Colonial Secretary; [4/1848, p 78-9]; Petition for mitigation of sentence; 28 Dec 1812; Fiche 3169.
- 58 SRNSW: Colonial Secretary; [4/1846, p 40], Petition for mitigation of sentence; 15 Feb 1810; Fiche 3163.
- 59 While a ticket of leave was not a pardon (the holder remaining a convict), it entitled the person to work for himself or herself alone, subject to stated conditions. See B Kercher, 'Perish or Prosper: The Law and Convict Transportation in the British Empire,

- 1700–1850’, *Law and History Review* vol 21 no 3, Fall 2003, www.historycooperative.org/journals; R Hughes, *The Fatal Shore*, p 307f.
- 60 SRNSW: COD18; [4/4427 p 614]; Ticket of Leave; 1 Aug 1810; Reel 601, He continued his cabinet-making business during the period from the cancellation of his conditional pardon (January 1810) to the granting of his ticket of leave (August 1810). In the prosecution dealt with in the text at n 121, Thomas Bowman testified that he had been in Butler’s employ for nearly four years. That would indicate that his employment began around the middle of 1810.
- 61 SRNSW: Colonial Secretary; [4/1848, p 78-9]; Petition for mitigation of sentence, 28 Dec 1812; Fiche 3169.
- 62 K Johnson & M Sainty, *Convict Pardons 1 Jan 1810-31 Dec 1819*, Genealogical Publications of Australia, Sydney, 1974.
- 63 For variations in the treatment of convicts in this regard, see J Hirst, *Freedom on the Fatal Shore*, Black Inc, Melbourne, 2008, Ch 2.
- 64 Hayes was convicted of administering the United Irishmen oath and was transported to NSW on the *Friendship* in 1800. He obtained a conditional pardon in 1803, and an absolute pardon in February 1812.
- 65 M Hayes, Letters, 1799-1825.
- 66 Now, Martin Place, alongside the GPO.
- 67 Reproduced in B Thomas, *Early Sydney 1803-1810: The Principal Residents*, 1979.
- 68 The ‘hurt’ must have been severe for him to have been freed from government service. He claimed in his petition that the infirmities of age rendered him ‘nearly incapable of earning a subsistence’.
- 69 The church, St Phillip’s, was built between 1802 and 1809.
- 70 From 29 August 1807, John Blaxland made three payments to Butler: SRNSW: Colonial Secretary; [4/1727 p 201, 207, 214]; Statement of Capital Advanced by John Blaxland from 3 April 1801 to 14 Sep 1808, 29 Aug 1807, 13 April 1808, 14 Sep 1808; Reel 6043.
- 71 K Fahy & A Simpson, *op cit*, p 32; G Douglass & L Legge, *Along the Windsor Richmond Road: The Early Days of the Ezzy Family*, Sydney, 1985.
- 72 SRNSW: Bench of Magistrates 1788-1820; COD 234; [SZ773]; Improper conduct and neglect of his work; 2 May 1812; Reel 458 Judge Advocate D’Arcy Wentworth presided.
- 73 C J Baxter (ed), *General Muster of New South Wales: 1814*, ABGR in association with the Society of Australian Genealogists, Sydney, 1987. Only James Morris seems to have continued on to practise as a cabinet-maker: J Hawkins, ‘The Art of the Cabinet-Maker’, pt 2, p 52.
- 74 The man to whom the two ‘Macquarie Chairs’ have been attributed: eg, J Bickersteth, ‘The Three Macquarie Chairs’, *Australiana* vol 14 no 1, Feb 1992, p 11; K Fahy, C Simpson & A Simpson, *op cit*, p 41; K Fahy & A Simpson, *op cit*, p 231, fig 123; C Crouch, ‘Convict-Provenanced Furniture in Australia’, *Australiana*, vol 20 no 1, Feb 1998, p 7. In the case against Butler for employing the convict, John Booth, during government hours, Temple testified that he had been in Butler’s employ ‘after government hours’ from the time of his arrival in 1813.
- 75 Sentenced to life in London in May 1801, Bowman arrived on the *Calcutta* in October 1803. Ticket of Leave no 36
- 76 See n 121
- 77 SRNSW: Colonial Secretary; [4/1736 pp.150-1]; seeking permission to send boat to Shoal Haven for cedar, 28 Oct 1816; Reel 6046.
- 78 Repeated, 16 December 1815 p 2, and 23 December 1815, p 2.
- 79 The ‘3 Branches’ may include two other premises (one in Pitt-street and the other in Kent-street) that Butler had at the time of his death. See n 139.
- 80 SRNSW: Court of Civil Jurisdiction; NRS2659; [5/1109 no.382]; *Laing, Walter vs Butler, Laurence*, 21 October 1813. Laing was represented by Simeon Lord, who often acted as agent for others in court. See B Kercher, *Debt, Seduction and Other Disasters*, p 3-4, 62.
- 81 Martin Bryant gave evidence that ‘Mr Blaxcell charged 4/- per gallon’ for elephant oil. He assessed the value of the three casks of oil at £4/10/-.
- 82 SRNSW: Court of Civil Jurisdiction; NRS2659; [5/1110 no. 121]; *West, Absalom vs. Butler, Lawrence*, 24 Jan 1814. This dispute was over whether the payment should be accepted in sterling or currency. The Court ordered payment of £58/2/-. Currency, in the form of promissory notes and, after 1813, local coinage in the form of the holey dollar and the dump, was often discounted against sterling. Produce and commodities, such as wheat and rum, were sometimes used as forms of payment: S J Butlin, *Foundations of the Australian Monetary System 1788-1851*, Sydney University Press, 1968, Ch 1; B Kercher, *Debt, Seduction and Other Disasters*, p 143f; *Sydney Gazette*, 5 October 1811, advertisement by Henry Kable; *Sydney Gazette*, 25 March 1815, advertisement by Simeon Lord. Later, Simeon Lord advertised his willingness to receive payment in ‘fur, seals, kangaroos, opossums, bandicoots and squirrels’: *Sydney Gazette* 26 July 1826. See also *Sydney Gazette*, 6 December 1826.
- 83 Repeated, 1 October 1814.
- 84 Repeated, 16 December 1816, p 2, and 23 December 1815, p 2,
- 85 Repeated, 20 January.
- 86 Repeated, 16 January 1816, p 2.
- 87 Hawkins, ‘The Art of the Cabinet-Maker’, part 2, p 51.
- 88 SRNSW: Colonial Secretary; [4/1727, p 201] Statement of Capital Advanced from 3 April 1801 to 14 Sep 1808, 29 Aug 1807, Reel 6043.
- 89 SRNSW: Colonial Secretary; [4/1727 p 207, 214] Statement of Capital Advanced from 3 April 1807 to 14 Sep 1808, 13 April 1808, 14 Sep 1808, Reel 6043. These payments amount to almost £95 in only 13 months, a large income from just one after-hours client!
- 90 SRNSW: Court of Civil Jurisdiction; NRS2659; [5/1109 no. 382]; *Laing, Walter vs Butler, Laurence*, 21 October 1813.
- 91 He suggested that the elbow chairs were each worth ‘50d’ extra.
- 92 SRNSW: Colonial Secretary; [SZ759 p.197]; Payment from Police Fund, 11 May 1816; Reel 6038. D’Arcy Wentworth was treasurer of the Police Fund under Macquarie, and recommended the payments to Butler. Governor Macquarie established the Police Fund to finance gaol and police expenses and various infrastructure. It was later used for wider purposes: M J E Steven, ‘Public Credit and Private Confidence’, in J Broadbent & J Hughes, *The Age of Macquarie*, Melbourne University Press, 1992, p 50.
- 93 *Sydney Gazette*, 11 May 1816, Government and General Orders; SRNSW: Colonial Secretary; [SZ759, p 197]; Paid from Police Fund for furniture for new Courts of Justice; 11 May 1816; Reel 6038.
- 94 SRNSW: Colonial Secretary; [SZ759 p 347]; Payment from Police Fund, 30 April 1817; Reel 6038.
- 95 The famous artist and naturalist, author of *Birds of New Holland with their Natural History*, London, 1808. He came to NSW on a free passage on *Minerva* in 1800. See National Library of

- Australia, *A Brush with Birds*, 2008, p 42.
- 96 Hawkins, 'The Art of the Cabinet-Maker', part 2, p 52-3; Mitchell Library, A861-A864.
- 97 A promissory note is a written promise to pay a specific sum to the named person or to that person's order, or to the bearer of the note. It is a form of negotiable instrument. Promissory notes played a major role in early NSW. See S J Butlin, *op cit*, p 26f; B Kercher, *Debt, Seduction and Other Disasters*, p 131f.
- 98 D R. Hainsworth (ed), *Builders and Adventurers: The Traders & the Emergence of the Colony 1788-1821*, Cassell Australia, North Melbourne, 1968, p 55. Macquarie encouraged the formation, by prominent citizens, of the Bank of New South Wales in 1816. Butler was not among them. Only one member of the Commercial Society was included: Robert Jenkins, a free settler and merchant with a warehouse in Pitt-street. For the foundation of the bank, see S J Butlin, *op cit*, p 107f.
- 99 D R Hainsworth, *The Sydney Traders-Simeon Lord and his Contemporaries 1788-1821*, Melbourne University Press, 1981, p 60.
- 100 See n 82.
- 101 For the social gulf between free settlers, on the one hand, and convicts and ex-convicts ('emancipists'), on the other, see J Hirst, *Freedom on the Fatal Shore*, p 139f.
- 102 It is possible that some of them did not actually know Butler personally, but relied on the advice of others.
- 102 SRNSW: Colonial Secretary; [9/2652 p 25]; List of persons to receive grants of land, 16 Jan 1816; Fiche 3266.
- 104 Located in the District of Petersham (now the suburb of Lilyfield). See SRNSW: Colonial Secretary; Registers of Lands Grants and Leases 1816-1822 Volume 3, 1819, page 13, Grant No.99, NSW Dept of Lands. Parish and Historical Maps, District and Parish of Petersham, Barcode 140622, Sheet 2, CDPM Map MN04, Image 14062201, and Barcode 140729. Sheet 1, Map MN04, Image 14072901. The early land grants there, only 6 miles from Sydney, were made to military officers and civil officials. Other, later grantees, a few of whom were emancipists, had a close association with officials or military officers: A McMartin, *History of some of the Western Suburbs of Sydney-Early Sydney 1788-1898*, Burwood Evening College, Lecture 18, 'Leichhardt'. Butler must have had influential supporters to be granted land in that area.
- 105 See n 126.
- 106 See n 96.
- 107 SRNSW: Archives Resources Kit, Births, Deaths Marriages Registers 1787-1856, CGS12937; Reel 5002/5003, No 266, p 93.
- 108 If Butler was originally sentenced to death, any property he owned would have been forfeited to the Crown. If he was sentenced only to transportation, that 'attain' would not have applied, and his wife in Ferns would presumably have been entitled to it. For inconsistencies in applying the rules of attainder in New South Wales itself, see B Kercher, *Debt, Seduction and other Disasters*, p 49f.
- 109 Letter, Michael Hayes to his sister Mary, Nov 1802. M Hayes, Letters (manuscript) 1977-1833, NLA MS 246, (copies in State Library of NSW and National Library of Australia- originals in Franciscan Archives, Dun Mhuire, Killiney, Dublin). Hayes was one of the witnesses of Lawrence's will. See n 134.
- 110 A fellow-convict, also transported on the *Surprise*, Fowles had been found guilty of perjury on the basis of evidence she gave at trial in London of Radley, with whom she was living at the time.
- 111 SRNSW: Bench of Magistrates; COD77; [SZ767 bundle 50, p.124-125]; Assault & ill-treatment, 18 Nov 1799; Reel 655.
- 112 Later Musters and the 1828 Census indicate that Walter was born in 1807 or 1808.
- 113 Born in 1777, she arrived on the *Speke* in November 1808, after being convicted of larceny in March 1807 in Worcestershire and sentenced to 7 years transportation.
- 114 K Johnston & M Sainty, *Gravestone Inscriptions New South Wales*, vol 1, 1973, grave no 406
- 115 The most notable earlier transportees had been members of the group 'The Defenders': Kiernan, *Irish Exiles in Australia*, p 11. The most notable of the later ones were involved in the rebellion of 1803, led by Robert Emmett.
- 116 See, eg, A-M Whitaker, *Unfinished Revolution*, p 23 (Governor King); T J Kiernan, *The Irish Exiles in Australia*, p 13-16 (Governor Hunter).
- 117 For a description of the various Irish rebel attempts to overthrow the government of NSW, see T J Kiernan, *Irish Exiles in Australia*; A-M Whitaker, *Unfinished Revolution*, Chapter 4; R Hughes, *The Fatal Shore*, p 184f.
- 118 *Sydney Gazette*, 3 September 1810, Postscript. The vessel had sailed from England. However, it apparently called in at Wexford or Cork because other mail recipients included John Brennan and William Davis, both from Wexford.
- 119 SRNSW: Bench of Magistrates; COD231; [SZ770 p. 295]; Disturbing the peace, 29 Oct 1808; Reel 657
- 120 Ann Johnson had been convicted of stealing bed linen and furniture from her landlord in 1804 in London, and was transported for seven years. She arrived in 1806. See n 75.
- 121 SRNSW: Bench of Magistrates; COD235; [SZ774]; Unlawfully employing John Booth, 7 May 1814; Reel 1259.
- 122 See n 75.
- 123 Before trial, the sureties were Thomas Shaughnessy, the well-known cabinet-maker, and Joseph Larkin, an ex-convict carpenter from Lancaster, who had been sentenced to life and arrived on the Royal Admiral in 1800. After the trial, the sureties were George Crossley, the notorious lawyer,; and Robert Lathrop Murray, Principal Clerk in the Police Office in 1817, a former captain in HM Royal Regiment, and Assistant Superintendent of Police in 1819.
- 124 SRNSW: Court of Criminal Jurisdiction; COD 447; 2703 [SZ787], 7, p70; Assault on Eliza Palmer, 1819.
- 125 See n 80-82.
- 126 SRNSW: NRS 13719; 173 [9/2352]; Process Papers, 1817, *Wentworth v Lawrence (sic) Butler*.
- 127 SRNSW: Colonial Secretary; [4/1736 pp 47,48,48a,]; Claim against for debt; 24 Jan 1816; Reel 6046.
- 128 *Sydney Gazette*, 4 June 1809, Subscribers to Burial Ground enclosure.
- 129 *Sydney Gazette*, 5 Feb 1814, p 2. Suspects were questioned. One person apprehended was a Wainwright, who was subsequently convicted of attempted burglary and sentenced to one month solitary confinement in the county gaol and 12 months imprisonment with hard labour at Newcastle: *Sydney Gazette*, 10 May 1817, p 3.
- 130 *Sydney Gazette* 17 May 1817: List of Benefactors to Auxiliary Bible Society.
- 131 SRNSW: Colonial Secretary; [4/1819, p.409]; McMahon, 23 Feb 1816, Reel 6021. [4/1819, p.7333]; Wood, 3 Feb

- 1817, Reel 6021. [4/1819, p317-8]; Gibson, 1-2 Aug 1820, Reel 6021.
- 132 K Johnson & M Sainty, *Gravestone Inscriptions NSW*, 1973, vol 1, grave no 407
- 133 SRNSW: Early Probate Records; NRS 13725; [7/2582, no. 097]; Reel 2658. Copy of original Will from the Supreme Court of NSW, Sydney.
- 134 Hayes was granted an absolute pardon in 1812. He decided not to return to Ireland. He died by drowning in 1825, aged 58: *Sydney Gazette*, 15 Sept 1825; K Johnson & M Sainty, *Convict Pardons- 1 Jan 1810-31 Dec 1819* Genealogical Publications Australia, Sydney, 1974.
- 135 Wood was the owner of the Sydney Academy, a school for 'young gentlemen scholars', in which Latin, German, Spanish, Italian and Portuguese were taught, as well as dancing: *Sydney Gazette*, 21 January 1819. Wood was also from Wexford, He arrived in Sydney in 1813 to serve a seven year sentence. Pardoned in 1816, he died in 1823, aged 43. Registry of Births Deaths and Marriages (NSW), Death Reg no V18235663, 2B/1823; *Sydney Gazette*, 21 Jan 1819; Col Sec (NSW) Index, 1788-1825.
- 136 Connell was a free settler merchant who lived next to Butler in Pitt-street. He died in 1836, aged 60: D F Salt, *Kurnell - Birthplace of Modern Australia-Earliest Settlers - Birnie, Connell, Laycock*, www.ssec.org.au ; *Government Gazette* (NSW), Dec 1834, p 884, Sect no. 37, Town Allotments; Col. Sec (NSW), Index, 1788-1825.
- 137 Father Philip Conolly (1786-1839) and Father John Joseph Therry (1790-1864) were the first Catholic priests appointed to the colony. They arrived in May 1820, Therry taking over when Conolly left for Hobart the following year.
- 138 *Sydney Gazette*, 9 December 1820.
- 139 The precise locations of the other two properties listed in the will, in Pitt-street and Kent Street, are unknown.
- 140 The land granted to him in 1816 by Governor Macquarie. See n 103.
- 141 Walter's memorial stated that the 'livestock' comprised 50 head of cattle.
- 142 Statement made to Judge Barron Field, whose record is attached to the will. Probate was granted on 2 January 1821: SRNSW: NRS 13725; [7/2582; entry no.097]; Index to Early Probate Records; Reel 2658.
- 143 Following his Memorial, Walter received an 80 acre land grant in 1825 and a further 100 acre grant at Shoalhaven in 1830. SRNSW: Colonial Secretary; [4/1836B no148 p.681-90]; Walter Butler's Memorials, 6 Dec 1824, 13 June 1825, Fiche 3081. [4/3514, p 478]; Reply; Reel 6014. [9/2652, p 85]; Land Grant, 15 Aug 1825, Fiche 3266, and [9/2740, p 4]; Fiche 3269; SRNSW: Indexes to Land Grants, 1788-1865; [7/497; Reg no. 71, p.463]; Index to copies of Deeds to Land Grants 1826-1856; Walter Butler, 100 acres, Lower Shoalhaven; date 24 Jan 1830; AO Reel 2561.
- 144 SRNSW: Colonial Secretary; [4/1836B no. 148 p 681-90]; Memorials; 6 Dec 1824; Fiche 3081;. [4/3514 p 478]; Reply; 13 June 1825; Reel 6014. Neither this nor Ann's statement indicates the amount of the debts that had to be paid from the estate.
- 145 See, eg, NSW *Govt Gazette* 1833-1850: 4 May 1839, p 589; *The Australian* 23 Dec 1829, concerning the case of *Bell v Leary*.
- 146 See text at n 103.
- 147 J Ritchie, *The Wentworths - Father & Son*, Melbourne University Press, 1999, p 213; and Piper, John (1773-1851) *ADB*, vol 2, 1967, p 334-5; www.adbonline.anu.edu.au.
- 148 Father Therry, the guardian of Butler's children, endorsed Walter's Memorial.
- 149 She must have meant probate. She was granted probate on 2 January 1821.
- 150 *Sydney Gazette*, p 4.
- 151 She was assigned convicts on 29 July 1822, 1 August 1823, and 24 December 1823: SRNSW: Colonial Secretary; [4/4570D p 7, 32] List of persons receiving an assigned convict 29 July 1822 - 28 Feb 1824; Fiche 3290; [4/4570D p 125]; Fiche 3291.
- 152 SRNSW: COD 18; [4/4427 p 536-37]; Certificate of Emancipation; 1 Feb 1811, , Reel 601..
- 153 SRNSW: Colonial Secretary; Fiche 3296; X53, p 5, 6, 18, 31, 46, 62, 76; List of persons to whom convict mechanics have been assigned; 31 Mar 1822 - 30 Sep 1823; SRNSW: Colonial Secretary; [4570D p 106]; On list of persons receiving an assigned convict; 1 Aug 1823; Fiche 3291; SRNSW: Colonial Secretary; [5/3821.1 p 8]; On list of individuals to whom bonded mechanics have been assigned; 28 April 1824; Fiche 3293.
- 154 SRNSW: Colonial Secretary; [4/1772 p.94/94a]; Memorial re her marriage to Miles Leary, 27 Aug 1823; Reel 6059.
- 155 M Sainty & K Johnson, *Census of NSW 1828*, rev ed, Library of Australian History, Nth Sydney, 2008.
- 156 Macquarie University, *Decisions of the Superior Courts of NSW, 1788-1899, In re Leary* Supreme Court of NSW in banco, 2 June 1834.
- 157 SRNSW: Colonial Secretary; [4/1836B, no.148, p. 681-90]; Memorial of Walter Butler, 6 Dec 1824; Fiche 3081. Reply; [4/3514, p. 478]; 13 June 1825; Reel 6014.
- 158 M Sainty & K Johnson, *Census of NSW 1828*, rev ed
- 159 *Sydney Directory* 1832.
- 160 A Pulvertaft, *James Graham... Given a Chance*, Shoalhaven Historical Society, 2006, p 115 (source not stated).
- 161 SRNSW: Colonial Secretary; [4/1836B no. 148 p 681-90]; Memorials; 6 Dec 1824; Fiche 3081; [4/3514 p 478]; Reply; 13 June 1825; Reel 6014.
- 162 NSW *Government Gazette*, 1833-1850: 1839, p125; 1840, p1033; 1850, p 1866.
- 163 *Launceston Independent*, 13 Oct 1832, 18 May, 1 June and 8 June, 1833.
- 164 *Geelong Advertiser*, 26 March 1841.
- 165 Manchester Arms in George St Sydney in 1833/34; Ship Inn at Williamstown 1841-53; Ship Inn in Collins St, Hobart 1861-69; British Hotel in Liverpool St, Hobart 1870.
- 166 It was said that he was an 'honourable, straight-forward and upright man' and that 'whatever he possessed he acquired by his own individual exertions and industry, and it was through the exercise of that industry he had realised an independent fortune': speeches recorded in '*The Courier*' (Hobart Town), 14 Feb 1856, p 3 and 13 July 1858.
- 167 SRNSW: Index to Quarter Session Cases 1824-37; [4/8453 no. 32]; Assault, Jul 1831.
- 168 *Sydney Gazette*, 14, 21 April 1835; May 26, June 30, 1836.
- 169 *Port Phillip Patriot & Melbourne Advertiser*, 22 April, 24 May, 14, 17, 21, 28 June, 1, 5, 12 July 1841.
- 170 SRNSW: Colonial Secretary; Letter 50/4790, Shelf 4/2900; Lawrence Butler, 1850.
- 171 *ADB* vol 2, 1967, p 163-164; *John Campbell Macdougall (1805?-1848)*; www.adbonline.anu.edu.au.
- 172 W A Broddrib, *Recollections of an Australian Squatter 1835-1883*, Royal Australian Historical Society, in association with J Ferguson, Sydney, 1978, p 71.
- 173 *The Victorian*, 19 July 1862, p 15.



Texans support Queensland's 150th Anniversary

A new exhibition, 'LJ Harvey and his times', will be on show at the Queensland Art Gallery from 21 February to 14 June 2009.

Lewis Jarvis Harvey (1871-1949) was the most important practitioner and teacher in the Arts and Crafts Movement in Queensland and a figure of national significance. Harvey was an accomplished potter and woodcarver as well as the inspiration of the largest school of art pottery in Australia.

'LJ Harvey and his times' celebrates the return to Queensland of a large

and important collection of material relating to Harvey's career. It was inherited from Harvey's daughter, Elsie, and donated to the Gallery by Harvey's twin grandsons, the Reverends David and Bruce Harvey Noble of Houston, Texas. The gift will be displayed with the support of paintings and sculpture of the period from the Gallery's collection.

This display is part of the Queensland Art Gallery's contribution to a series of exhibitions to celebrate Queensland's Sesqui-Centenary in 2009.

HARVEY, Lewis .Jarvis (Australia, 1871-1949), Wall bracket: *Infancy, Youth and Maturity*, c. 1912. Timber, carved and assembled. Purchased 1987. Queensland Art Gallery Foundation with the assistance of the Reverends David and Bruce Noble



A new exhibition, showing artworks from members of The Society of Arts and Crafts of New South Wales, will be held at Mosman, where the founders of the Society first met over 100 years ago

All fired up

Donna Braye

From its early days, the Society of Arts and Crafts of New South Wales provided a supportive environment for its members. Established in 1906 at a meeting of craftworkers held in the Mosman home of bookbinder Dorothy Wilson, its main aim was to nurture and provide an opportunity for members to improve the quality of their work through ‘friendly criticism’.

Over the next few months membership increased, meetings continued to be held in members’ homes, and the Society’s philosophy was formed with emphasis on promoting the use of Australian materials and native flora and fauna as design inspiration. That philosophy is still in place today among the current practitioners in this active society.

The Society of Arts and Crafts differed from other art societies, as its members were accomplished in many areas including china decorating, pottery, sculpture, jewellery, repousse work, wood-carving, embroidery and textile design. As a large percentage of members were female, the Society encouraged their interest in the decorative arts and crafts by supporting their desire for professionalism, improving their skills and the quality of work.

As well as commencing a lecture program and establishing a library, the Society was committed to promoting members’ work and to this end established an exhibitions program. This became an annual event, with a selection committee to ensure standards were maintained. Exhibitions gave members a chance to display their work and to earn an income. By 1908, the Society had a

Grace Seccombe (1881–1956), *dish*, slip-cast, hand-finished earthenware wren and beetle on a nest with underglaze painting, 11 x 10 cm. Private collection, photograph by Amy Barker

city showroom where the public could buy pieces. There were also opportunities to display items in selected shop windows in the city.

In 1910 the Art Gallery of New South Wales, the first collecting institution to support the Society, acquired works by Ada Newman and Marian Munday for its permanent collection.

The Society was conscious of the need to engage the public and in 1908 a category of associate membership was established, enabling non-

exhibitors to gain an understanding of the work of exhibiting members with opportunities to attend lectures and to use the library.

Many members, including Ada Newman and Olive Nock, had studios which were also used to hold classes and as retail outlets. Other members' skills extended to promotion and such artists as Margaret Preston, Vi Eyre and Eirene Mort were effective advocates of the Society and its role. In 1931 members presented a radio program on arts and crafts.

All Fired Up is an exciting exhibition which celebrates the significant contribution made by the members of the Society of Arts and Crafts of New South Wales in the promotion of the decorative arts, with their deliberate use of Australian motifs. On display are sensational examples, created between 1908 and 1950, which display the international influences of Art Nouveau, Arts & Crafts and Modernism.

The two ceramic pieces by Merric Boyd and Grace Seccombe are very different in their stylistic interpretation of the flora and fauna theme. Grace Seccombe's slip-cast, hand-finished earthenware dish, with a wren determinedly perched on its nest, displays her keen observations of native birdlife, while her subtle blue glaze shows the delicacy of the bird. The porcelain jug by Merric Boyd is a bold, hand-modelled piece, with its applied branch handle sweeping across the front of the jug to finish in the underglaze decoration of tree foliage by his wife, Doris.

All Fired Up is an opportunity to view some amazing and rare pieces, many held in private collections, which have never been on public exhibition. Other examples include a lidded pot decorated with gum blossoms by Ada Newman, a green parrot by Olive Nock, a Banksia jug by Nell Holden, a dragon vase by Ernest Finlay and exquisite pieces by Muriel McDiarmid, Myrtle Innes, William Ricketts, Eirene Mort, Marian



Munday, Harry Lindeman, Violet Mace, Una Deerbon, May Crouch, Philippa James, Katie Blomgren, Nell McCredie, Vi Eyre, L.J. Harvey and Ethel Warburton.

Merric Boyd (1888–1959), potter, Doris Boyd (1889–1960), painter, *jug*, wheel-thrown, porcelain, modelled handle in the form of a tree trunk and underglaze foliage, dated 1935, 13.5 x 15.5 cm. Private collection, photograph by Amy Barker

All Fired Up will be on view from 6 – 26 April 2009 at Mosman Library, 605 Military Rd, Mosman NSW. The exhibition is free and open during library hours, Mon/Wed/Fri 9.30-5.30, Tues/Thurs 9.30-9pm, Sat/Sun 10am - 4pm.

Donna Braye is the Local Studies Librarian at Mosman Library, NSW, and curator of the exhibition *All Fired Up*. Enquiries: d.braye@mosman.nsw.gov.au or phone 02 9978 4101.

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A champion piece of research?

In two letters to the editor, readers offer different viewpoints on the article by Ruth Dwyer and Brett Manley, 'A "champ" of a library table by William Hamilton', *Australiana*, vol 30 no 4, November 2008, pp 15-20.

FROM DAVID ST L KELLY, MELBOURNE

A *Australiana* published my article entitled 'Colonial furniture: provenance and its pitfalls' in August 2008. That article examined the subject of provenance in relation to colonial furniture, and was critical of a number of existing practices. Its main theme was that provenance statements should only assert a fact *if the available evidence makes it at least probable that it is true*. In particular, a provenance statement of the unqualified form 'made by X' or 'made for Y' should be made only if there is compelling evidence supporting it.

The recent article by Ruth Dwyer and Brett Manley sets out the known provenance of a colonial table made from Tasmanian myrtle. On the basis of that provenance, the article confidently

claims that the table was 'made for' Colonel William Champ (1808–1892).

The main evidence presented for that claim lies in family tradition. Firstly, a direct descendant of Champ wrote a statement in December 2005 that the table had belonged to him, and that it had been in the possession of the family 'since being in Colonel Champ's possession'. Secondly, two direct descendants of Champ remembered the table as being in the possession of their mother. The article's claim that the table was 'made for' Champ therefore faces not one, but two, major hurdles.

Firstly, the evidence provided for the claim is in the form of family tradition. As explained in my article, that form of evidence is not always reliable. It is rarely sufficient to support an unqualified statement as to the maker or owner of an item.

Secondly, the family tradition reported in the article does no more than assert that the table was once *in the possession* of Champ, not that it was *made for* Champ. Champ could have acquired the table from someone other than the maker at any time during his long life in Australia (he arrived in 1829). The facts set out in the article offer no support for its claim that the table was 'made for' Champ.

A similar conclusion might well be drawn about the article's separate claim that the table can 'safely be attributed to' the cabinet-maker William Hamilton. But the practices relating to attribution of items of colonial furniture are as complex and controversial as those relating to provenance statements. They require much more extended treatment than is possible in a letter.

FROM WARWICK OAKMAN, HOBART

I have just read November 2008 *Australiana* and I wanted give feedback on Ruth Dwyer and Brett Manley's article, 'A "champ" of a library table by William Champion'.

It is one of the finest, simplest and most succinct pieces of research that you have published in this area. It does not make loose leaps of faith, is versed in excellent primary research

that cuts fresh ground – and answers so many questions of Tasmanian colonial period native hardwood furniture, such as

- who were the clients?
- what was the source of materials?
- who were the manufacturers?
- what are the related objects?
- how were pattern books disseminated?
- what happened to the objects over time?

It also provides some solutions to other important aspects of Australia's history – providing a genuine social climate for the making of artisan goods. As a table, it is a great discovery, a fresh frontier, made more wonderful by the owner's passion for the object and knowledge.

Happily, it avoids all those annoying 'beauty pageant' comparisons. It would be wonderful if it got the Peter Walker award. The winners don't have to be 9,000,000 pages long!



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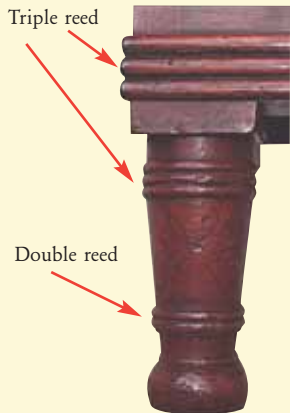
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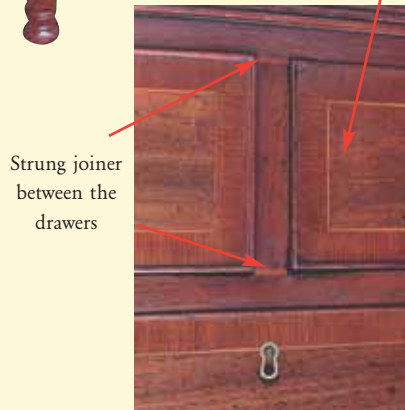
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Triple reed

Double reed

Grevillea cross-banding



Strung joiner
between the
drawers



Detail of adzed backboards

A beautifully made and extremely rare Australian chest of drawers from the workshop of Laurence Butler, Sydney circa 1810, of the finest cedar, cross-banded with Grevillea and strung. It has the following Butler features; a triple reed to the top and base, standing on ring-turned triple-reed legs to a most unusual adzed backboard. This chest of drawers bears many similarities to that formerly in the Simon Collection and is one of a group of seven case furniture items of Butler furniture known to the writer, made in Sydney before 1817.



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