

Charlotte Boyce

(proper name *Charlotte Evans*, uxor *Charlotte Gillatly*)

POLICE NUMBER 486 ¹	LITERACY read and write imperfectly
TRIAL DATE 15 October 1840	AGE ON EMBARKATION 20
TRIAL PLACE Middlesex (Westminster) Quarter Sessions	AGE ON ARRIVAL 21
OFFENCE larceny in stealing a pair of trousers	HEIGHT 5' ¾"
SENTENCE 7 years	COMPLEXION fair
GAOL REPORT 6 months in the House of Correction before, poor, single	HEAD oval
PREVIOUS CONVICTIONS once 6 months for stealing clothes, once bailed for being disorderly, once 14 days for the same	HAIR dark brown
SURGEON'S REPORT orderly	VISAGE full
ON THE TOWN no	FOREHEAD high
MARITAL STATUS single	EYEBROWS light brown
CHILDREN 0	EYES hazel
FAMILY	NOSE medium
NATIVE PLACE Westminster, England	MOUTH medium
TRADE ON EMBARKATION	CHIN medium
TRADE ON ARRIVAL house servant, wash	MARKS pockpitted, E W on right arm

c1820 **Born** at Westminster, London, Middlesex, England.²

15 October 1840 Tried at Westminster Quarter Sessions, London, Middlesex, England charged with larceny in stealing a pair of trousers; found guilty; sentence 7 years transportation.³

5 April 1841 Departed Woolwich, England on the *Rajah*.⁴

19 July 1841 Arrived at Hobart on the *Rajah*.⁴

c24 July 1841 Upon arrival at Hobart, assigned to Mr Richard Macmichael, Hobart.⁵

28 August 1841 Charged with being absent without leave from the service of Macmichael; sentence 2 months hard labour at Cascades Female Factory, Hobart.³

31 December 1841 Mustered in the service of Mr G Woodward, Hobart.⁶

17 January 1842 Charged with being absent without leave from the service of Lear; sentence 6 weeks at the wash tub at Cascades Female Factory, Hobart.³

17 October 1842 Charged at the Police Office, Hobart on the complaint of Constable Clarke with misconduct in being in an indecent situation with a man in the Brickfields last night; in the service of Mrs Watt, Dunn Street, Hobart; plea guilty; sentence 6 months hard labour at Cascades Female Factory, Hobart.⁷

8 December 1843 Application for permission to marry John Gillatly⁸ (free) sent to the Muster Master.⁹

5 January 1844 Application for permission to marry John Gillatly sent to the Secretary; approved.⁹

14 January 1844 Notice given of approval for permission to marry John Gillatly; Charlotte in assigned service at New Town; John free.¹⁰

¹ TAHO, CON40/1/2 p.87 No.486 [image 85] (Charlotte Boyce); TAHO, CON19/1/1 p.229 [image 118] (Charlotte Boyce); ML, CY 1282 p.145 (Charlotte Boyce); ML, CY 1197 p.152 (Charlotte Boyce); ML, CY 958 p.443 (Charlotte Boyce)

² TAHO, CON19/1/1 p.229 [image 118] (Charlotte Boyce)

³ TAHO, CON40/1/2 p.87 No.486 [image 85] (Charlotte Boyce)

⁴ AJCP, ADM 101/63 *Rajah*

⁵ ML, CY 1274 p.254 (Charlotte Boyce); ML, CY 1282 p.145 (Charlotte Boyce)

⁶ AJCP, HO 10/51 p.350 No.486 (Charlotte Boyce)

⁷ TAHO, AC480/1/1, 17 October 1842 (Charlotte Boyce)

⁸ John is unlikely to have been a convict as there are no possibilities for him on the Tasmanian convicts index.

⁹ TAHO, CON52/1/2 p.70 (Charlotte Boyce & Jno Gillatly)

¹⁰ *Hobart Town Gazette*, 12 January 1844 p.47; 19 January 1844 p.83; 26 January 1844 p.119; 2 February 1844 p.178 (John Gillatly & Charlotte Boyce)

This biography supplements our book *Patchwork Prisoners* available from www.researchtasmania.com.au.

- 29 January 1844 **Married** John Gillatly at St John's Anglican Church, New Town; Charlotte aged 23, prisoner, illiterate; John aged 24, servant; witnesses David Wilson (illiterate) and Harriet Lowndes.¹¹
- 1844 **Daughter** Anne Gillatly born in Tasmania^{12,13}
- 12 April 1844 Charged at the Police Office, Hobart by Constable Collins with misconduct in dancing in a booth on the race course; sentence 14 days hard labour¹⁴ at Cascades Female Factory, Hobart.¹⁵
- 21 February 1845 Ticket of Leave granted; gazetted 25 February.¹⁶
- 10 November 1845 **Son** John Gillatly born at Hobart; father John Gillatly; labourer, resident of Hobart Town.¹⁷
- 21 January 1846 Son John Gillatly baptised at St David's Anglican Church, Hobart.¹⁷
- 1847 **Son** Thomas Horne Gillatly born in Tasmania; father John Gillatly.¹³
- 15 October 1847 Free by servitude; Certificate of Freedom available for collection.¹⁸
- 25 December 1848 Arrived at Adelaide, SA from Hobart with husband John Gillatly and three children on board the *Timbo*.¹⁹
- 1852 **Son** Henry Gillatly born; father John Gillatly.¹³
- December 1852 Husband John Gillatly departed Melbourne for Adelaide on the *Henrietta*; aged 32.²⁰
- 11 September 1855 Husband John Gillatly applied to the bench of magistrates for a licence for the *Sailor's Return* hotel, St Vincent Street, Port Adelaide, SA; refused.²¹
- Newspaper report:
- NEW GENERAL LICENCES.
- John Gillatly, Sailor's Return, Port Adelaide.*
The application was supported by Mr. W. Wigley, who produced a numerously-signed memorial on behalf of the applicant.
*Refused, on account of only three days' notice having been given. Leave was granted to apply again at the next quarter day, or at the adjourned meeting of the Bench.*²¹
- 18 September 1855 Husband John Gillatly re-applied to the bench of magistrates at an adjourned sitting for a licence for the *Sailor's Return* hotel, St Vincent Street, Port Adelaide, SA; granted.²²
- Newspaper report:
- Mr. W. R. Wigley supported the application of John Gillatly, for a publican's general licence at Port Adelaide. He (Mr. Wigley) said the application had been ordered to stand over for the report of the police as to the suitability of the premises. That report he now handed in, and begged to remark that it was most favourable.*
*The Bench granted the licence.*²²
- 19 September 1855 Son Henry Gillatly died at Port Adelaide, SA; aged 3.²³
- 21 September 1855 Son Henry Gillatly buried in plot number 39, Old Alberton Cemetery, Adelaide, SA; aged 5, resident of Port Adelaide, SA.⁴⁴

¹¹ TAHO, RGD37/1/4 1844/1234 Hobart (Charlotte Boyce & John Gillatly)

¹² Anne's death certificate has place of birth as Port Adelaide, SA (NSW Death Certificate 1927/005371 (Annie Devine)).

¹³ personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

¹⁴ Conduct record has punishment as solitary confinement.

¹⁵ TAHO, AC480/1/1, 12 April 1844 (Charlotte Boyce)

¹⁶ *Hobart Town Gazette*, 25 February 1845 p.234 (Charlotte Boyce)

¹⁷ TAHO, RGD32/1/3 1845/2782 Hobart (John Gillatly)

¹⁸ *Hobart Town Gazette*, 12 October 1847 p.1021 (Charlotte Boyce)

¹⁹ personal communication, John and Kim Devine, 2 October 2011; *Adelaide Times*, 1 January 1849 p.2A (Mr and Mrs John Gellatly)

²⁰ PROV, 'Online Indexes: Index to Outward Passengers to Interstate, UK, NZ and Foreign Ports 1852-1886' December 1852 p.1 (J Gillatly)

²¹ *South Australian Register*, 11 September 1855 p.3 (John Gillatly); personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

²² *South Australian Register*, 19 September 1855 p.3 (John Gillatly); personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

²³ SA Death Record, 1855/3 p.163 Adelaide (Henry Gillatly); personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

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- 20 November 1855 Husband John Gillatly entered and rode his horse Prince in the Port and Lefevre's Peninsula races.²⁴
- 1856 Son Richard Gillatly born at Port Adelaide, SA; father John Gillatly, contractor.²⁵
- 26 April 1856 Cited in a charge against Margaret Barret at the Police Court, Port Adelaide, SA.²⁶
Newspaper report:
CHARGE OF FELONIOUSLY STEALING. – Margaret Barret was charged with stealing a clock valued £5 from Alfred Bachelor Evershed, who stated that he now resides in the Yalala district, and formerly resided on Lefevre's Peninsula. The clock produced in Court was his property. He missed it from his house on the Peninsula about the middle of September last. He never sold it, gave it away, or authorized any one to take it away. It was a little altered, but he could identify it by a particular mark on the lock. There are two tacks in the small hinge at the back, and there are two crosses on the pendulum. Charlotte Gillatly, wife of John Gillatly, of Port Adelaide, knew the clock produced. She bought it from prisoner, but could not exactly state how long back. Mr. Waid since repaired it and improved its appearance. Mr. Evershed and his wife were staying in her house while the lock was there. Witness, in reply to prisoner, stated that her servant saw the prisoner give up the clock and receive the price of it. Thomas Gard, sergeant of police, found the clock in question at Mr. Cook's house, on the swamp, on Tuesday last. Mr. Evershed at the time identified it and said it had been stolen from him. Mr. Cook said Mr. Gillatly had left it there. Eliza Box, a servant of Mr. Gillatly's saw prisoner receive half a sovereign and some silver from Mrs. Gilatly for a clock like the one produced. Francis W. Wyman, police-constable, arrested the prisoner on the present charge. She said she knew nothing about the clock. Evershed identified the clock there, and Gillatly said the prisoner was the person who had sold it. The evidence having here closed, the prisoner made a long statement in exculpation of herself. The following are briefly the points upon which she rests her defence: – That Mr. Evershed left the clock at her house, that Mrs. Evershed retained a shawl belonging to her, and that after asking the advice of another woman she deposited the clock in her box. About three weeks afterwards Mr. Evershed demanded the clock, and she (prisoner) said she would give it up when her shawl was returned. Mrs. Gillatly afterwards said that she (the prisoner) would never get back her shawl, and that she would stand between her and all danger if she would bring the clock to her. Mrs. Gillatly said prisoner could sell the clock or do what she pleased with it. Prisoner afterwards enquired several times after Mrs. Evershed, but could never find her. The prisoner was committed for trial at the next Local Court of Full Jurisdiction.²⁶
- 28 April 1856 Husband John Gillatly charged at Port Adelaide Police Court, SA with allowing goats to stray; fined 5 shillings with costs 10 shillings.²⁷
- 9 June 1856 Husband John Gillatly applied to the bench of magistrates to transfer the licence of the *Lass O'Gowrie* hotel²⁸, Port Adelaide, SA to John Pooah Cook; granted.²⁹
- 11 September 1856 Husband John Gillatly completed delivery of 10,000 tons of silt for the Port of Adelaide Corporation, SA.^{30,31}
Newspaper Advertisement:
TO THE PUBLIC OF PORT ADELAIDE. – Having completed the delivery of 10,000 tons of Silt, for which I had contracted with the Corporation of Port Adelaide, I beg to state, for the information of the public in general, but especially with a view of relieving the minds of many of my respected friends, who, at the time of my taking the contract, being too well acquainted with the bottomless bogs and mud canals – facetiously termed streets – of the Port, expressed grave doubts as to the possibility of my being enabled to surmount the obstacles that reared themselves in the way of the successful performance of the terms of my engagement. I say that I feel great pleasure in making known that I have fulfilled my contract to the perfect

²⁴ *South Australian Advertiser*, 21 November 1855 p.3 (Gillatly)

²⁵ *Advertiser*, 21 April 1943 p.6 (Richard Gillatly)

²⁶ *South Australia Register*, 28 April 1856 p.3 (Charlotte Gillatly)

²⁷ *South Australian Register*, 30 April 1856 p.3 (John Gillatly)

²⁸ The *Lass of Gowrie* hotel was formerly known as the *Sailor's Return* hotel.

²⁹ *South Australian Register*, 10 June 1856 p.2 (John Gillatly)

³⁰ *South Australian Register*, 11 September 1856 p.1 (J. Gillatly)

³¹ *South Australian Register*, 19 September 1856 p.3 (John Gillatly)

satisfaction of myself, the Corporation, and of everybody else; and am quite prepared to enter into another contract of a similar nature, and upon the same terms as the last.

*I am your very obedient servant,
J. GILLATLY.³⁰*

- 23 October 1856 Husband John Gillatly unsuccessful in tender for delivery of 7,000 tons of silt for the Port of Adelaide Corporation, SA.³²
- 19 November 1856 Son Thomas Horne Gillatly died at home, Port Adelaide, SA; aged 9.³³
- 20 November 1856 Inquest into death of son Thomas Horne Gillatly held before Dr Chambers at the *Carpenters' Arms* hotel, Port Adelaide, SA.
Verdict: accidental death.³⁴
- Newspaper report:
INQUEST AT THE PORT. – On Thursday afternoon an inquest was held before Dr. Chambers, at the Carpenters' Arms, Port, on the body of Thomas Horne Gillatly, aged nine years, whose death resulted from injuries received in falling out of a cart on the previous day. Mr. Willington having been chosen foreman and the Jury sworn, they proceeded to view the body, after which the following evidence was taken: – Dr. Gething stated he was called at half-past 2 on Wednesday afternoon to see deceased, whom he found in a dying state, and who died a few minutes after his arrival. Had examined the body with Dr. Todman, and although there was no fracture of the ribs, he apprehended there must have been some severe internal contusion and rupture of the vessels of the left side. Deceased did not appear to have received any serious injury on the head. Mary Ann Coleman deposed that on Wednesday afternoon she observed a horse and cart belonging to Mr. Gillatly passing the Carpenters' Arms at a moderate pace. Deceased was in the dray, and whilst trying to grasp the reins, which had fallen on the horse's back, the horse kicked the bottom of the dray, sending deceased over the front of it by the side of the horse. At the instant of his fall the wheel of the dray went over him. He got up and walked for a few paces and then dropped. By a Juror – The dray was an open one. Deceased was standing in the dray. John Gillatly deposed deceased was his son, aged nine years, and had been employed for a month past in driving one of his horses and drays. Was distant from his son about a hundred yards when the accident occurred. Deceased never spoke after his fall from the cart. By a Juror – The horse deceased was driving was six years old. By Sergeant Gard – Had been cautioned by Sergeant Gard against allowing his son to drive his horses. By another Juror – The horse deceased drove was perfectly quiet. Could not say whether he bolted or not. A Juror remarked it was disgraceful that a child of such tender years as deceased should have been permitted to have charge of a horse and dray. It was the duty of the police to have prevented so dangerous a practice. A verdict of accidental death was returned, with the following appendage: – "That the Jury consider it very improper for a boy so young as deceased to have the management of a horse, and hope this may prove a warning to all fathers not to place their children in such danger. They further hope that the police will be on the alert to prevent such occurrences for the future."³⁴
- 21 November 1856 Son Thomas Horne Gillatly buried in plot number 39, Old Alberton Cemetery, Adelaide, SA; aged 9, residence Port Adelaide, SA.⁴⁴
- 24 November 1856 Husband John Gillatly charged at the Police Court, Port Adelaide, SA with allowing his horse and dray to proceed through the streets of Port Adelaide without a driver; fined 5 shillings.³⁵
- Newspaper report:
A HORSE WITHOUT A DRIVER. – John Gillatly appeared to an information laid by Sergeant Gard, for allowing his horse and dray to proceed through the streets of the Port without a driver. Mr. Boykett for defendant. Constable Smith stated that being on duty on the 19th November he observed a horse and dray going along the street, having no one in charge, of which defendant, who came up shortly after with another horse and dray, admitted he was the

³² *South Australian Register*, 24 October 1856 p.3 (John Gillatly)

³³ SA Death Record, 1856/5 p.153 Adelaide (Thomas Horne Gillatly); personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

³⁴ *South Australian Register*, 21 November 1856 p.2 (Thomas Horne Gillatly)

³⁵ *South Australian Register*, 25 November 1856 p.3 (John Gillatly)

owner, and that he had taught the horse to follow him. For the defence Mr. Boykett said he could prove that the horse and dray in question were, on the 19th November, under the charge of a man who had since been discharged from Mr. Gillatly's employ. He called Thomas Rain who stated the horse and dray were driven by a man named "Scotty," who, at the time of Constable Smith coming up, was negligently absent. His Worship considered the information proved, and fined defendant 5s. Mr. Boykett said he would like to know under what clause of the Police Act defendant was convicted. The information stated he (defendant) was wilfully absent from his horse and dray; but inasmuch as his client had engaged a driver, he contended his client was not responsible for that driver's neglect. His Worship – Defendant admitted he was the owner of the dray. Mr. Boykett – Yes, your Worship, but he was not the driver, and the Police Act under which this information has been laid as reference to the drivers – not to the owners. His Worship – Well, the fine must be deducted from the driver's wages.³⁵

26 December 1856

Husband John Gillatly owner of a horse racing at Lefevre's Peninsula Races.³⁶

18 February 1857

Husband John Gillatly notified the public that Mr Robert Moore will act on his behalf regarding his debts.³⁷

Newspaper advertisement:

THIS IS TO GIVE NOTICE that Mr. ROBERT MOORE, of Port Adelaide, is authorized to RECEIVE and GIVE RECEIPTS for all DEBTS due to the undersigned.

JOHN GILLATLY, Port.

*February 18, 1857.*³⁷

29 August 1857

Daughter Charlotte Gillatly born at Port Adelaide, SA.³⁸

20 September 1857

Daughter Charlotte Gillatly baptised at St Paul's Anglican Church, Port Adelaide, SA.³⁸

18 August 1858

Charged at the Police Court, Port Adelaide, SA with assault on Mrs Lumbers; fined £3.³⁹

Daughter Anne Gillatly charged with the same offence; fined £1.³⁹

Newspaper report:

*ASSAULT. – Mrs. Lumbers charged Mrs. Gillatly and daughter with assaulting her. It appeared that a Montague and Capuletian feud existed between the disputants and their families. The bellicose spirit of the defendant had been formerly restrained by her having been bound over to keep the peace towards complainant. From complainant's evidence the assault in question consisted in the two defendants and the paterfamilias maltreating in a varied manner the complainant, who, however, assisted by her better-half, managed to effect an honourable retreat, leaving with the enemy a few locks of her hair, the truth of which statement was in some degree corroborated by certain premature spots of baldness on the complainant's caput. Other evidence having been heard, the Magistrate fined Mrs. Gillatly £3 and her daughter £1.*³⁹

5 October 1859

Husband John Gillatly ordered by the local court in the case *Barrenger v. Gillatly* to auction 2 cart horses, dray and harness, and 1 new horse dray.⁴⁰

14 March 1860

Husband John Gillatly cited in a civil sitting of the Supreme Court, Adelaide, SA in the case of *Wissman v. Birrell*.⁴¹

Newspaper report:

WISSMAN v. BIRRELL.

Mr. Ingleby for the plaintiff, and Mr. Andrews for the defendant.

This was an action for the unlawful detention of a mare and gelding.

The defendant is Mr. G. Birrell, the levying officer of the Local Court of Adelaide. It appeared that judgment was obtained in that Court in a suit in which one Barrenger was plaintiff and one Gillately defendant. A warrant to levy for 41l. 12s. 6d. was placed in

³⁶ *South Australian Register*, 29 December 1856 p.2 (Mr. Gillatly)

³⁷ *South Australian Register*, 19 February 1857 p.1 (John Gillatly); *South Australian Register*, 20 February 1857 p.1 (John Gillatly)

³⁸ personal communication, John and Kim Devine, 2 October 2011 (Charlotte Gillatly)

³⁹ *South Australian Register*, 19 August 1858 p.3 (Mrs Gillatly and daughter)

⁴⁰ *South Australian Advertiser*, 5 October 1859 p.4 (Gillately)

⁴¹ *South Australian Advertiser*, 15 March 1860 p.3 (Gillately)

Birrell's hands to execute. Birrell instructed one of his men, who levied upon the two animals which were found running near Mr. Milne's garden, Glen Osmond; having been told they were the property of Gillately, and the horses in due process were sold to satisfy the judgment debt.

The case for the plaintiff was that the horses were his property and not Gillately's.

The pleas were, that the defendant did not take the horses, and, secondly, that they were not the property of the plaintiff.

The main question involved in the case was, whether the horses were the property of the plaintiff.

It appeared that there was a sort of quasi partnership between Wissman and Gillately in a farm at the Dry Creek, but the horses were being worked by Gillately on his own account tin drawing stone, and there was no appearance of the ownership of Wissman when they were seized by the officer.

Wissman, who described himself as a carpenter, stated that he had lent Gillately 100l. in various sums, and received the cattle as security; but he could produce no receipts, which he said had been lost, and that he lent the money without interest. He said he considered the horses were his till he got payment of the debt; but he failed to prove that they had ever been in his possession.

Mr. Ingleby produced a paper, signed by Gillately, authorising Wissman to hold the horses and some other cattle as security for 100l. and which he (Mr. Ingleby) said he held as security for payment of 50l. lent by him to Wissman.

His Honor, in summing up, put it to the jury as a case of credibility; and with regard to the circumstances of the levy, said the question of ownership, a very important principle, was involved in the case, for if property could fly from party to party, or suits could be got up to deprive people of the fruits of their judgments, all such transactions should be looked to by juries with great jealousy. His Honor, with regard to the credibility to be attached to the plaintiff, told the Jury that they would consider whether it was likely, in the first instance, that a poor man like the plaintiff would lend 100l, without receiving any benefit from the loan; and, again, if he did advance the money, whether it was likely he would lose the receipt. His Honor directed them that, if there had been a receipt and it was lost, the plaintiff should have been prepared with some of the circumstances connected with its loss, but which he had failed to do. His Honor concluded that the question was whether there had been fraud with an intent to keep the judgment creditor out of the fruits of his judgment.

The Jury retired for a quarter of an hour, and returned a verdict for the defendant.⁴¹

28 November 1860	Son William James Gillatly born at Port Adelaide, SA; father John Gillatly. ⁴²
10 October 1861	Son William James Gillatly died at home, Port Adelaide, SA; aged 10 months. ⁴³
14 October 1861	Son William James Gillatly buried in plot number 39, Old Alberton Cemetery, Adelaide, SA; aged 11 months, residence Port Adelaide, SA. ⁴⁴
c1862	Husband John Gillatly moved from South Australia to New South Wales. ⁴⁵
1863	Owner and occupier of a house at Cannon Street (between Ship and Marryatt Streets), Port Adelaide, SA; annual value £8. ¹³
3 July 1863	Daughter Anne Gillatly married James Devine ⁴⁶ at the residence of John Gillatly, Port Adelaide, SA; Anne aged 19; ⁴⁷ James aged 21. ⁴⁸
20 April 1864	Granddaughter Charlotte Gillatly Devine ⁴⁹ born at Port Adelaide, SA; father James Devine, mother Ann Gillatly. ⁵⁰

⁴² SA Birth Record, 1860/20 p.20 Adelaide (James Gillatly); personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

⁴³ SA Death Record, 1861/9 p.300 Adelaide (William James Gilleatly); personal communication, John and Kim Devine, 22 September 2006, 9 June 2008, 22 June 2011

⁴⁴ personal communication, John and Kim Devine, 2 October 2011

⁴⁵ personal communication, John and Kim Devine, 22 June 2011

⁴⁶ James Devine later moved to Albury where his father-in-law John Gillatly helped out at his hotel and worked a gold claim near Albury.

⁴⁷ Age given as 18 years on death certificate (NSW Death Certificate 1928/005371 (Annie Devine)).

⁴⁸ SA Marriage Record, 1863/54 p.113 Adelaide (James Devine & Anne Gillatly)

- 7 October 1865 Granddaughter Mary Ann Devine⁵¹ born at Port Adelaide, SA; father James Devine, mother Ann Gillasly.⁵²
- 12 October 1865 Cited in the insolvency case against John Devine.⁵³
Newspaper extract:
*... Edwd. Downer, solicitor, examined by the insolvent, stated that he remembered issuing process at the suit of Mrs Gillately. He was paid for issuing the summons. He took up the action because insolvent had run into her debt and he considered he was not honest enough to pay, and he told her that if she would bring the fees of Court he would take proceedings. She came and brought £3...*⁵³
- 21 November 1868 Granddaughter Ann Isabel Devine⁵⁴ born at Queenstown, SA; father James Devine, mother Ann Gellatley.⁵⁵
- 23 August 1870 Grandson James Douglas Palmerston Devine⁵⁶ born at Palmerston, SA;⁵⁷ father James Devine, mother Ann Gillatly.⁵⁸
- 1870s Husband John Gillatly and son John Gillatly farmed at Moorwatha, near Albury, NSW.¹³
- c1872 Granddaughter Mary Devine born; father James Devine; mother Anne Gillatly.⁵⁹
- 23 October 1873 Charged at the Police Court, Port Adelaide, SA with stealing an antimacassar from *Prince's Hotel*; plea not guilty; sentence 1 month imprisonment at Adelaide Gaol, SA.⁶⁰
Charged at the Police Court, Port Adelaide, SA with stealing another antimacassar from the same premises; sentence 1 month's hard labour at Adelaide Gaol, SA.⁶⁰
Newspaper report:
*Charlotte Gillatly was charged with stealing an antimacassar from the Prince's Hotel. Sabina Jane Yeo, wife of Thomas Yeo, deposed to having lost the article some months ago, and stated that she had not seen it since until it was shown to her by Constable Buchan. The prisoner had not authority to remove it. Margaret Scott, draper, stated that she purchased the article from defendant in May. Constable Buchan deposed to the arrest, and stated that the prisoner denied having sold the antimacassar. The prisoner pleaded not guilty, and the Bench committed her to gaol for one month. The same prisoner was charged with stealing another antimacassar from the same premises, and Ellen Nelson gave evidence of having purchased it from the prisoner. Defendant was sentenced to another month's hard labour.*⁶⁰
- 22 December 1873 Discharged from Adelaide Gaol, SA.⁶¹
- c1874 Grandson John William Devine born in the Albury district, NSW; father James Devine; mother Anne Gillatly.⁴⁵
- c1875 Granddaughter Alice Alexandrina Devine born at Howlong, NSW; father James Devine; mother Anne Gillatly.⁴⁵
- 1876 Grandson Thomas Devine⁶² born at Gumbargna near Corowa, NSW; father James Devine; mother Anne Gillatly.⁶³

⁴⁹ Charlotte is not listed on her mother's death certificate, so she is probably one of the 5 females listed as deceased at the time of her death in 1928.

⁵⁰ SA Birth Record, 1864/31 p.239 Adelaide (Charlotte Gillatly Devine)

⁵¹ Mary Ann is not listed on her mother's death certificate, unless she is Mary Devine born c1872, otherwise she is probably one of the 5 females listed as deceased at the time of her death in 1928.

⁵² SA Birth Record, 1865/38 p.81 Adelaide (Mary Ann Devine)

⁵³ *South Australian Advertiser*, 13 October 1865 p.3 (Mrs Gillately)

⁵⁴ Ann Isabel is not listed on her mother's death certificate, so she is probably one of the 5 females listed as deceased at the time of her death in 1928.

⁵⁵ SA Birth Record, 1868/68 p.593 Adelaide (Ann Isabel Devine)

⁵⁶ James is not listed on his mother's death certificate, so he is probably one of the 3 males listed as deceased at the time of her death in 1928.

⁵⁷ Palmerston is now in the Northern Territory.

⁵⁸ SA Birth Record, 1870/89 p.521 Palmerston (James Douglas Palmerston Devine)

⁵⁹ NSW Death Certificate 1928/5371 (Annie Devine)

⁶⁰ *South Australian Register*, 24 October 1873 p.3 (Charlotte Gillatly)

⁶¹ personal communication, John and Kim Devine, 2 October 2011; SRSA, GRS 2414 Vol.E-F p.104

⁶² Thomas is not listed on his mother's death certificate, so he is probably one of the 3 males listed as deceased at the time of her death in 1928.

- c1876 Grandson John Devine born; father James Devine; mother Anne Gillatly.⁵⁹
- c1877 Grandson (unnamed) Devine born; father James Devine; mother Anne Gillatly.⁴⁵
Grandson (unnamed) Devine died.⁴⁵
- c1878 Grandson Hamilton Devine born in the Albury district; father James Devine; mother Anne Gillatly.⁶⁴
- c1880 Grandson Robert Lundey Devine born at Brocklesby near Howlong, NSW; father James Devine; mother Anne Gillatly.^{64,65}
- c1881 Grandson William Richard Devine born at Brocklesby near Howlong, NSW; father James Devine; mother Ann Gillatly.^{64,66}
- 27 December 1882 Son John Gillatly died of pneumonia (duration 14 days) at Gerogery Road, Albury, NSW; aged 35, born Tasmania, 19 years in NSW; father John Gillatly, labourer; mother Charlotte Boyce; informant brother-in-law James Devine, resident of Albury, NSW.⁶⁷
- 28 December 1882 Son John Gillatly buried at Albury, NSW; Anglican ceremony.⁶⁷
- c1883 Granddaughter Harriet Devine born at the *Racing Club Hotel*, Albury, NSW; father James Devine; mother Ann Gillatly.⁶⁸
- c1884 Grandson Henry Devine born at the *Racing Club Hotel*, Albury, NSW; father James Devine; mother Ann Gillatly.⁶⁹
- c1885 Grandson Edward Devine born at Wodonga Place, Albury, NSW; father James Devine; mother Ann Gillatly.^{64,70}
- c1887 Granddaughter Gertrude Devine born at Malcolm Lane, Newtown, NSW; father James Devine; mother Ann Gillatly.^{64,71}
Grandson Henry Devine died at Newtown, NSW.⁶⁴
- 15 December 1887 Husband John Gillatly accidentally died by falling off a dray at Neotsfield near Singleton, NSW; aged 58, labourer, born Perth, Scotland, parents unknown, married but particulars not known; 45 years in New South Wales, coroner's inquest.⁷²
- 16 December 1887 Husband John Gillatly buried in the Anglican cemetery, Singleton, NSW.⁷²
- c1888 Granddaughter (unnamed) Devine born in New South Wales; father James Devine; mother Anne Gillatly.⁴⁵
Granddaughter (unnamed) Devine died in New South Wales.⁴⁵
- c1889 Grandson Joseph Henry Devine born; father James Devine; mother Anne Gillatly.^{64,73}
- 20 March 1889 Petition regarding the estate and effects of husband John Gillatly, late of Singleton, NSW, labourer, who died intestate.⁴⁵
- Petition:
The Humble Petition of Richard Brudenell Ophir Taylor Attorney for Charlotte Gillatly of Port Adelaide in the Province of South Australia Widow Richard Gillatly of Port Adelaide aforesaid Town Hall Porter and Charlotte Gillatly of Port Adelaide aforesaid Spinster – Respectfully Sheweth
That on the twenty ninth day of January one thousand eight hundred and forty four the said Charlotte Gillatly first above named being then Charlotte Boyce of Hobart in the Colony of Tasmania Spinster intermarried with the above named John Gillatly deceased –

⁶³ NSW Birth Record 1876/6807 Albury (Thomas Devine); personal communication, John and Kim Devine, 22 June 2011

⁶⁴ personal communication, John and Kim Devine, 22 June 2011; NSW Death Certificate 1928/005371 (Annie Devine)

⁶⁵ NSW Birth Record 1880/8432 Albury (Robert L Devine)

⁶⁶ NSW Birth Record 1881/9283 Albury (William R Devine)

⁶⁷ NSW Death Record 1883/4969 Albury (John Gilletley)

⁶⁸ NSW Birth Record 1883/10312 Albury (Harriet Devine); personal communication, John and Kim Devine, 2 October 2011

⁶⁹ NSW Birth Record 1884/12009 Albury (Henry Devine); personal communication, John and Kim Devine, 2 October 2011

⁷⁰ NSW Birth Record 1885/12394 Albury (Edward Devine)

⁷¹ NSW Birth Record 1887/8445 Newtown (Gertrude Devine)

⁷² NSW Death Certificate 1888/12935 Singleton (John Gillatly)

⁷³ NSW Birth Record 1889/2223 Sydney (Joseph H Devine)

Charlotte Boyce

That there was issue of the said marriage six children only namely: Anne now the wife of James Devene of Burrowa in the Colony of New South Wales InnKeeper, John, Henry, Thomas Horn, Richard and Charlotte.

That the said John Gillatly last mentioned died in New South Wales aforesaid some six years ago unmarried –

That the said Henry Gillatly and Thomas Horn Gillatly died in infancy.

That the said Richard Gillatly now of Port Adelaide Town Hall Porter and Charlotte Gillatly of Port Adelaide aforesaid Spinster are living and residing with the said Charlotte Gillatly Widow of Port Adelaide aforesaid and are both of full age the said Richard Gillatly being of the age of thirty years or thereabouts and the said Charlotte Gillatly being of the age of Twenty eight years or thereabouts.

That the said John Gillatly left South Australia aforesaid for New South Wales some twenty five years since and is the same person as John Gillatly who resided at Singleton in the said Colony and died in or about the month of December one thousand eight hundred and eighty seven intestate leaving property which is now in the possession of the Curator of Intestate Estates in the said Colony.

That your Petitioner is the Attorney for the said Charlotte Gillatly Richard Gillatly and Charlotte Gillatly the Younger the Widow Son and daughter of the said Deceased.

That there are no other persons save the said Anne Devene entitled to share in the distribution of the Estate of the said Deceased other than those whose names are hereinbefore set out –

Your Petitioner therefore Prays that an order may be made empowering the said Curator of Intestate Estates to pay over to him the shares of the said Charlotte Gillatly Widow, Richard Gillatly and Charlotte Gillatly two of the children of the said deceased.

And your Petitioner will ever pray &c &c

Dated this 20th day of March 1889.

The papers in support of this application are correct & the Curator respectfully recommends that an order be made in terms of prayer of said Petition.

Thos Powel

Curator

26/3/89⁴⁵

28 August 1895

Died of chronic bronchitis (duration 3 years) and paralysis (duration 12 hours) at her usual residence at Bridgewater, Birkenhead, SA; aged 74 years, widow of the late John Gillatly, contractor.⁷⁴

4 September 1895

Buried in plot number 39, Old Alberton Cemetery, Adelaide, SA; aged 71, residence Gunn Street, Birkenhead, SA.⁴⁴

⁷⁴ SA Death Certificate, 1895/229 p.10 Port Adelaide (Charlotte Gillatly)