

Mary Copping *

(aka *Mary Coggin*; nee *Mary Travis*; ux^{or} *Mary Randall*)

POLICE NUMBER 442 ¹	LITERACY read only
TRIAL DATE 7 December 1840	AGE ON EMBARKATION 19
TRIAL PLACE Middlesex (Hicks Hall) Sessions of the Peace	AGE ON ARRIVAL 19
OFFENCE shoplifting	HEIGHT 4' 10"
SENTENCE 7 years	COMPLEXION fresh
GAOL REPORT 6 weeks and 1 month in the House of Correction before, single	HEAD oval
PREVIOUS CONVICTIONS once 6 weeks for being disorderly, again 1 month and 14 days for being disorderly	HAIR brown
SURGEON'S REPORT good	VISAGE bull
ON THE TOWN 2 years	FOREHEAD medium
MARITAL STATUS single	EYEBROWS brown
CHILDREN 0	EYES hazel
FAMILY father Samuel Travis, mother Jane Snowden	NOSE medium
NATIVE PLACE Windsor, England	MOUTH medium
TRADE ON EMBARKATION	CHIN round
TRADE ON ARRIVAL house servant, needlewoman	MARKS Joseph Copping JM and IL on right arm, MC IL JC on left arm

c1822	Born at Windsor, Berkshire, England; father Samuel Travis; mother Jane Snowden. ²
7 December 1840	Tried at Hicks Hall Sessions of the Peace, Clerkenwell, London, Middlesex, England indicted for larceny; sentence 7 years transportation. ⁵
5 April 1841	Departed Woolwich, England on the <i>Rajah</i> . ³
19 July 1841	Arrived at Hobart on the <i>Rajah</i> . ³
c24 July 1841	Upon arrival at Hobart, assigned to Mr Boot, Liverpool Street, Hobart. ⁴
22 November 1841	Charged with neglect of duty and disobedience of orders; in the service of Blyth; reprimanded. ⁵
31 December 1841	Mustered at Cascades Female Factory, Hobart. ⁶
10 February 1842	Absconded from the service of Miss Bruford, New Town Road, Hobart. ⁷
2 March 1842	Charged with absconding from the service of Bruford; sentence 3 months hard labour in the separate working rooms at Cascades Female Factory, Hobart, then assigned in the interior. ⁵
30 June 1843	At New Norfolk. ⁵
18 July 1843	Application for permission to marry Joseph Randall ⁸ (<i>Susan</i>). ⁹
26 July 1843	Application for permission to marry Joseph Randall sent to the Secretary; approved. ⁹
2 August 1843	Notice given of approval for permission to marry Joseph Randall; Mary in assigned service at New Norfolk; Joseph a conditional-pardon holder. ¹⁰

¹ TAHO, CON40/1/2 p.205 No.442 [image 203] (Mary Copping); TAHO, CON19/1/1 p.189 [image 98] (Mary Copling); ML, CY 1197 p.152 (Mary Copping); ML, CY 958 p.443 (Mary Copping); ML, CY 1282 p.146 (Mary Copping)

² TAHO, CON19/1/1 p.189 [image 98] (Mary Copling); VIC Death Certificate 1895/5118 (Mary Randall)

³ AJCP, ADM 101/63 *Rajah*

⁴ ML, CY 1282 p.146 (Mary Copping); ML, CY 1274 p.255 (Mary Copping)

⁵ TAHO, CON40/1/2 p.205 No.442 [image 203] (Mary Copping)

⁶ AJCP, HO 10/51 p.354 No.442 (Mary Copping)

⁷ *Hobart Town Gazette*, 18 February 1842 p.163 (Mary Copping)

⁸ Joseph Randall was transported for 7 years on the *Susan* in 1837; tried at Wiltshire Assizes for breaking open a counting house and stealing therein (a time piece); single; Ticket of Leave 19 November 1841, Conditional Pardon 2 February 1843, Certificate of Freedom issued 24 August 1852 (available 4 March 1844) (TAHO, CON31/1/36 p.151 No.1271 [image 142] (Joseph Randall)).

⁹ TAHO, CON52/1/2 p.170 (Mary Copping 442 & Joseph Randall 1271)

¹⁰ *Hobart Town Gazette*, 4 August 1843 p.907; 11 August 1843 p.931; 18 August 1843 p.954 (Joseph Randall & Mary Copping)

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

Mary Copping

- 21 August 1843 **Married** Joseph Randall at St Matthew's Church of England Church, New Norfolk; Mary aged 22, spinster, illiterate; Joseph aged 34, bachelor, farming man, illiterate; witnesses James Miles and Sarah Smith (illiterate).¹¹
- 2 January 1844 Witness with husband Joseph Randall at the marriage of shipmate Ann Jones 1st (*qv*) to Richard Hasler at St Matthew's Church of England Church, New Norfolk.¹²
- 4 March 1844 Husband Joseph Randall eligible to collect a Certificate of Freedom.¹³
- 1 June 1844 **Son** William Randall born at New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.¹⁴
- 30 June 1844 Son William Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.¹⁴
- 12 February 1845 At New Norfolk.⁵
- 17 February 1845 Ticket of leave application form issued at the Police Office, New Norfolk; fee 2/6.¹⁵
- 24 February 1845 Ticket of Leave application received at the Police Office, New Norfolk.¹⁶
- 3 March 1845 Ticket of Leave application forwarded to the Comptroller General.¹⁷
- 14 March 1845 Ticket of Leave granted;¹⁸ gazetted 18 March.¹⁹
- 20 March 1846 **Son** Joseph Randall born at New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.²⁰
- 30 March 1846 Son Joseph Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.²⁰
- 11 September 1847 **Daughter** Jane Randall born at New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.²¹
- 3 October 1847 Daughter Jane Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.²¹
- 7 December 1847 Free by servitude.⁵
- 1 February 1848 Certificate of Freedom issued; gazetted 19 February.²²
- 15 April 1850 **Daughter** Mary Randall born at New Norfolk; father Joseph Randall, farmer; informant mother Mary Travis, illiterate, resident of New Norfolk.²³
- 3 May 1850 Daughter Mary Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, resident of New Norfolk; mother Mary Randall.²⁴
- 25 August 1851 **Son** John Randall born at New Norfolk; father Joseph Randall, farmer; informant mother Mary Travis, illiterate, resident of New Norfolk.²⁵
- 26 September 1851 Son John Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.²⁶

¹¹ TAHO, RGD37/1/3 1843/555 Hobart (Mary Copping & Joseph Randall); TAHO, NS489/1/3 No.73 (Joseph Randall and Mary Copping)

¹² TAHO, RGD37/1/4 1844/1269 Hobart (Ann Jones & Richard Hasler)

¹³ *Hobart Town Courier*, 8 March 1844 p.4 (Joseph Randall)

¹⁴ TAHO, NS489/1/2 p.14 No.613 (William Randall)

¹⁵ TAHO, POL517/1/1, 17 February 1845 (Mary Copping)

¹⁶ TAHO, POL517/1/1, 24 February 1845 (Mary Copping)

¹⁷ TAHO, POL517/1/1, 17 February 1845 (Mary Copping); TAHO, POL517/1/1, 24 February 1845 (Mary Copping)

¹⁸ The *Hobart Town Gazette* of 25 February 1845 also has Mary being granted her Ticket of Leave on 21 February 1845, but this seems to be an error (*Hobart Town Gazette*, 25 February 1845 p.234 (Mary Copping)).

¹⁹ *Hobart Town Gazette*, 18 March 1845 p.368 (Mary Copping)

²⁰ TAHO, NS489/1/2 p.19 No.686 (Joseph Randall)

²¹ TAHO, NS489/1/2 p.25 No.766 (Jane Randall)

²² *Hobart Town Gazette*, 22 February 1848 p.189 (Mary Copping)

²³ TAHO, RGD33/1/28 1850/75 New Norfolk (Mary Randall)

²⁴ TAHO, NS489/1/2 p.30 No.842 (Mary Randall)

²⁵ TAHO, RGD33/1/29 1851/440 New Norfolk (John Randall)

²⁶ TAHO, NS489/1/2 p.33 No.872 (John Randall)

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Mary Copping

- 28²⁷ January 1852 Son John Randall died of bowel complaint at New Norfolk; aged 5 months, farmer's son; informant mother Mary Randall, illiterate, resident of New Norfolk.²⁸
- 30 January 1852 Son John Randall buried at New Norfolk cemetery, registered at St Matthew's Church of England Church; aged 5 months.²⁹
- 24 August 1852 Husband Joseph Randall issued a Certificate of Freedom.³⁰
- 25³¹ January 1853 **Son** John Randall born at New Norfolk; mother Mary Travis; informant father Joseph Randall, labourer, illiterate, resident of New Norfolk.³²
- 18 February 1853 Son John Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.³³
- 12 March 1854 **Son** Samuel Randall born at New Norfolk; mother Mary Randall; informant father Joseph Randall, labourer, illiterate, resident of New Norfolk.³⁴
- 30 March 1854 Son Samuel Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.³⁵
- 20 March 1856 Husband Joseph Randall eligible to be placed on the electoral roll for the electoral district of New Norfolk; resident of Montague Street, New Norfolk, householder, landlord Thomas Price.³⁶
- 4³⁷ June 1856 **Daughters** Sarah Randall and Susan Randall, twins, born at New Norfolk; father Joseph Randall, labourer; mother Mary Travis; informant brother William Randall, resident of New Norfolk.³⁸
- 6 June 1856 Daughters Sarah Randall and Susan Randall, twins, baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.³⁹
- 10 July 1856 Husband Joseph Randall eligible to be placed on the electoral roll for the electoral district of New Norfolk.⁴⁰
- 15 November 1857 **Son** Charles Randall born at New Norfolk; father Joseph Randall, labourer; mother Mary Travis; informant brother William Randall, resident of New Norfolk.⁴¹
- 25 December 1857 Son Charles Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.⁴²
- 1858 Husband Joseph Randall occupier of a house with 2 acres of land at Derwent Place, New Norfolk, annual value £25, owner William Stanley Sharland, New Norfolk.⁴³
- 5 April 1858 Son Charles Randall died of dysentery at New Norfolk; aged 5 months, labourer's son; informant mother Mary Randall, illiterate, resident of New Norfolk.⁴⁴
- 10 April 1858 Son Charles Randall buried at New Norfolk cemetery, registered at St Matthew's Church of England Church; aged 5 months, labourer's son.⁴⁵

²⁷ Date given as 20 January 1852 on birth record.

²⁸ TAHO, RGD35/1/21 1852/102 New Norfolk (John Randall)

²⁹ TAHO, NS489/1/8 p.42 No.1120 (John Randall)

³⁰ TAHO, CON31/1/36 p.151 No.1271 [image 142] (Joseph Randall)

³¹ Date given as 5 January 1853 on baptism record.

³² TAHO, RGD33/1/31 1853/862 New Norfolk (John Randall)

³³ TAHO, NS489/1/2 p.35 No.906 (John Randall)

³⁴ TAHO, RGD33/1/32 1854/976 New Norfolk (Samuel Randall)

³⁵ TAHO, NS489/1/2 p.37 No.938 (Samuel Randall)

³⁶ *Colonial Times*, 4 April 1856 p.3 (Joseph Randall)

³⁷ Date given as 12 June on birth record.

³⁸ TAHO, RGD33/1/34 1856/1223 & 1224 New Norfolk (Sarah & Susan Randall)

³⁹ TAHO, NS489/1/2 p.42 Nos.1007 & 1008 (Susan & Sarah Randall)

⁴⁰ *Colonial Times*, 7 August 1856 p.3 (Joseph Randall)

⁴¹ TAHO, RGD33/1/35 1857/1654 New Norfolk (male Randall)

⁴² TAHO, NS489/1/2 p.46 No.1057 (Charles Randall)

⁴³ Cowley, *1858 Valuation Rolls for Central & Eastern Tasmania* p.L1-78 (Joseph Randall)

⁴⁴ TAHO, RGD35/1/27 1858/680 New Norfolk (Charles Randall)

⁴⁵ TAHO, NS489/1/8 p.54 No.1295 (Charles Randall)

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- 24⁴⁶ November 1859 **Daughter** Martha Randall born at New Norfolk; mother Mary Ann Travers; informant father Joseph Randall, labourer, resident of New Norfolk.⁴⁷
- 15 January 1860 Daughter Martha Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.⁴⁸
- 12 August 1861 **Daughter** Charlotte Randall born at New Norfolk; father Joseph Randall, labourer; mother Mary Randall; informant Ellen Summerfield, illiterate, resident of New Norfolk.⁴⁹
- 8 September 1861 Daughter Charlotte Randall baptised at St Matthew's Church of England Church, New Norfolk; father Joseph Randall, labourer, resident of New Norfolk; mother Mary Randall.⁴⁹
- 8 October 1861 Daughter Charlotte Randall died of inflammation of the chest at New Norfolk; aged 2 months; labourer's daughter; informant sister Jane Randle, illiterate, resident of New Norfolk.⁵⁰
- 10 October 1861 Daughter Charlotte Randall buried at New Norfolk cemetery, registered at St Matthew's Church of England Church; aged 2 months, labourer's daughter.⁵¹
- 21 June 1863 Son Samuel Randall died of brain fever at New Norfolk; aged 9, gardener's son; informant sister Jane Randle, illiterate, resident of New Norfolk.⁵²
- 24 June 1863 Son Samuel Randall buried at New Norfolk cemetery, registered at St Matthew's Church of England Church; aged 9, labourer's son.⁵³
- 7 December 1864 Daughter Jane Randall married Richard Brewell⁵⁴ at St Matthew's Church of England Church, New Norfolk; Jane aged 18, labourer's daughter, spinster, illiterate; Richard aged 33, labourer, widower; witnesses George Austin, Rosina Wass and Mary Randall.⁵⁵
- 15 July 1865 Son William Randall died of breach on the lungs at New Norfolk, aged 21, labourer; informant sister Jane Brewer, illiterate, New Norfolk.⁵⁶
- 19 July 1865 Son William Randall buried at New Norfolk cemetery, registered at St Matthew's Church of England Church; aged 21, labourer, resident of New Norfolk.⁵⁷
- c1866 Grandchild (unnamed) Brewell born at New Norfolk or Hobart; father Richard Brewell, mother Jane Randall.⁵⁸
- Grandchild (unnamed) Brewell died at New Norfolk or Hobart.⁵⁸
- 10 September 1867 Son-in-law Richard Brewell tried at the Supreme Court, Hobart indicted for rape of his sister-in-law Susan Randall, aged 13 years; sentence of death recorded, commuted to imprisonment for life without any remission at Port Arthur Penitentiary, initially admitted to the General Hospital, Hobart; aged 46, born Yorkshire, 5'5¼", brown hair, ship to colony *Maria Somes 2*, Free Pardon.⁵⁸
- Newspaper report:

ASSAULT ON A CHILD.

⁴⁶ Date given as 26 November 1859 on baptism record.

⁴⁷ TAHO, RGD33/1/37 1859/1698 New Norfolk (Martha Randall)

⁴⁸ TAHO, NS489/1/2 p.50 No.1116 (Martha Randall)

⁴⁹ TAHO, NS489/1/2 p.54 No.1161 (Charlotte Randall); TAHO, RGD33/1/39 1861/1700 New Norfolk (Charlotte Randle)

⁵⁰ TAHO, RGD35/1/30 1861/708 New Norfolk (Charlotte Randle)

⁵¹ TAHO, NS489/1/8 p.61 No.1408 (Charlotte Randall)

⁵² TAHO, RGD35/1/32 1863/347 New Norfolk (Samuel Randle)

⁵³ TAHO, NS489/1/8 p.64 No.1446 (Samuel Randall)

⁵⁴ Richard Brewell was transported for 7 years on the *Maria Somes* arriving in 1850; tried at Sheffield Quarter Sessions on 10 January 1848 for stealing 40 fowls and previous conviction; aged 21, single, Church of England, read and write a little, native place Pontefract, labourer (TAHO, CON 33/1/96 No.22385 [image 41] (Richard Brewell)).

⁵⁵ TAHO, RGD37/1/23 1864/601 New Norfolk (Richard Brewell & Jane Randall); TAHO, NS489/1/4 No.312 (Richard Brewell & Jane Randall)

⁵⁶ TAHO, RGD35/1/34 1865/356 New Norfolk (William Randall)

⁵⁷ TAHO, NS489/1/8 p.67 No.1502 (William Randall)

⁵⁸ TAHO, SC89/1/1 1869/37 (Jane Brewell); TAHO, CON33/1/96 No.22385 [image 41] (Richard Brewell); *Tasmania Police Gazette*, 9 April 1875 p.56 (Richard Brewell)

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Mary Copping

Richard Brewell *pleaded not guilty to an information charging him with having on the 2nd August last committed an assault on a female child aged 10 years.*

Mr. Sargent appeared for the prisoner.

The child was a sister of the prisoner's wife. The details of the case were unfit for publication.

The jury, after a brief consultation, returned a verdict of guilty.

The prisoner was remanded for sentence.

SENTENCES.

REGINA V. BREWELL.

Richard Brewell, *convicted in the earlier part of the day of assault upon a girl 10 years of age (his sister-in-law), had sentence of death recorded against him.*⁵⁹

5 August 1869

Daughter Jane Randall petitioned for divorce from her husband Richard Brewell citing his imprisonment for life for rape of her sister Susan Randall.⁵⁸

Divorce petition:

In the Supreme Court of Tasmania

Matrimonial Causes Jurisdiction

Brewell v Brewell

I Jane Brewell of New Norfolk in Tasmania Wife of Richard Brewell formerly of New Norfolk aforesaid Laborer but now a prisoner at Port Arthur Tasman's Peninsula make oath and say

- 1 *That I was on the seventh day of December one thousand eight hundred and sixty four lawfully married to the said Richard Brewell at St Matthews Church New Norfolk aforesaid by the Reverend William W F Murray the Incumbent of the said Church.*
- 2 *That after my said marriage I lived and cohabited with my said husband at New Norfolk aforesaid and also in Hobart Town aforesaid.*
- 3 *That there was issue of the said marriage one child but which child has since died.*
- 4 *That on the second day of August one thousand eight hundred and sixty seven the said Richard Brewell did violently and feloniously assault one Susan Randall a Sister of your petitioner and did then violently and against her will feloniously ravish and carnally know the said Susan Randall and the said Richard Brewell was convicted thereof at the Criminal Sittings held at Hobart Town on the ninth day of September one thousand eight hundred and sixty seven.*
- 5 *That sentence of death was thereupon recorded against the said Richard Brewell and subsequently the said sentence was commuted to imprisonment for life and he is now undergoing the said commuted sentence at the Penal Establishment at Port Arthur aforesaid.*
- 6 *That no collusion or connivance exists between me and my said husband for the purpose of obtaining a dissolution of our said marriage or for any other purpose.*

Sworn by the said Jane Brewell (x her mark) at New Norfolk aforesaid the fifth day of August one thousand eight hundred and sixty nine

*Before me Jno Caluci Commissioner*⁵⁸

Newspaper reports:

MATRIMONIAL CAUSES JURISDICTION.

BESWELL V. BESWELL.

The Attorney-General instructed by Mr. Bargent, appeared for the petitioner. The respondent did not appear, nor was he represented by counsel.

This was a petition by the wife against the husband for a divorce on the ground of a conviction for life, for a capital offence.

The Attorney-General said the petition stated that on the 7th of December, 1864, the petitioner, Jane Brewell, was married to the respondent, Richard Brewell, at New Norfolk. He was now undergoing penal servitude for life for a serious crime, having been convicted on the 2nd Sept., 1867. On this ground the petitioner prayed for a divorce.

A long argument here took place as to the competency of the Court to come to a decision without being satisfied that the respondent was entitled to be heard in answer to the petition.

⁵⁹ *Mercury*, 11 September 1867 p.3 (Richard Brewell)

Mary Copping

The Attorney-General replied that the respondent had been served with a copy of the petition, and had not put in an appearance.

The Court determined to hear the evidence, and take time to consider the point raised by the Puisne Judge.

The Rev. Mr. Murray, incumbent of St. Matthew's Church, New Norfolk, was then called, and proved the marriage between Richard Brewell and Jane Randall, the petitioner, and that they had subsequently lived together as husband and wife.

Susan Randall, a young girl, daughter of Joseph Randall, of New Norfolk, was examined and deposed to having resided with the petitioner and respondent in Harrington-street, Hobart Town, in 1867, and that while there the respondent committed an offence upon her for which he was tried and convicted.

The Attorney-General asked for an order nisi, but the Court declined to make the order until it has an opportunity of searching for authorities to ascertain the true position of the parties.⁵⁹

MATRIMONIAL JURISDICTION.

BREWELL V. BREWELL.

This was a petition of Jane Brewell for divorce from her husband, Richard Brewell, who is now confined for life in the penal establishment at Port Arthur under conviction for felonious assault.

The Attorney-General appeared for the petitioner. The respondent was not represented.

The petition set forth that the petitioner was married to the respondent at St. Matthew's Church, New Norfolk, on the 7th December, 1864; it also set forth cohabitation. On the 7th August, 1867, the respondent committed a violent and criminal assault upon Susan Randall, sister of the petitioner, for which he was on the 9th September sentenced to death, but the sentence has since been commuted to imprisonment for life.

The Attorney-General said that in this case there was, as a ground for divorce, the additional crime of incest. He produced the record of the conviction, the certificate of the marriage, and also would bring forward evidence of the committal of the offence.

His Honor Sir Francis Smith asked if there was any proof of service of notice?

The Attorney-General said that the affidavits were in, and explained that the respondent was anxious to appear, but could not, as it was against penal discipline.

Sir Francis Smith: It appears to me that either it was not necessary to serve the notice, or else opportunities should have been given the respondent to be present.

The Attorney-General explained that the sheriff had no power to bring him here, but the respondent could employ counsel to appear on his behalf.

Sir Francis Smith: There can be no doubt of its being right to keep him safe, but there is the question whether he should not be heard before a decision is given.

The Attorney-General: He can appear by counsel, but he is without means. He has, however, the other alternative: he can appear by writing, and every facility is given prisoners to write letters, which are sent up.

Sir Francis Smith: We are aware of that, but in this case there arises a question of precedent, and we must be careful.

The Attorney-General said that so far as the petitioner was concerned, if she could not proceed in this way there was no other open for her.

Sir Francis Smith: That is all very well, but justice must be done to both parties. I will put a case: Supposing a man is convicted of larceny, and the next day the wife assumes something that would give her the right of a divorce, which she would be able, in her husband's absence, to establish, but which, were he present, he might be able to scatter to the winds.

The Attorney-General: I can give another case: If a man is a pauper, or ill in bed, he is in the same position.

Sir Francis Smith: But in that case there would be nothing to prevent his coming. IN this case the man is in durance.

The Attorney-General: And he cannot leave.

Their Honors both said that the case never appeared to them so difficult as it now did.

Sir Valentine Fleming mentioned the hardship of such a case, where a man is confined for a short period.

The Attorney-General: In that case a postponement might be granted, but here the man is confined for life; sentence of death was recorded against him, but it was subsequently commuted to imprisonment for life.

Sir Valentine Fleming: You admit having served notice, and yet he cannot appear. We are actually called upon to grant a divorce without hearing him.

The Attorney-General: But he has the opportunity of appearing by paper or by counsel.

Sir Valentine Fleming: That is one way, but as he is confined, should we not be dealing with him differently to others! Then, again, he said he was anxious to appear, did he not?

The Attorney-General: Yes, your Honor, but penal discipline will not allow of it.

Their Honors said a principle was involved, and they hesitated to establish a precedent.

Sir Francis Smith: I cannot see that there has been any answer to the case I put. A man might be convicted for a very slight offence, and his wife could get a divorce while he was undergoing his sentence because he could not appear.

The Attorney-General: IN this case the man by his own act has lost his right, and the law provides for his being represented by letter or by counsel.

Their honors said they would consider the point, and in the meantime they would, to save time, hear the evidence.

The Rev. W. Murray, incumbent of St. Mathew's Church, New Norfolk, was then examined, and he proved performing the ceremony of marriage between the petitioner and the respondent.

Susan Randall sister of the petitioner was next examined. Her evidence went to show the nature of the offence committed upon her by the respondent, for which he is now under sentence.

The Attorney-General then said that all he applied for was a rule nisi, and the Executive would, he had no doubt, in the interim consider the case, and if it was necessary make arrangements for the prisoner to be brought up. He might say that he did not appear there as counsel, but in forma pauperis to assist in carrying out justice.

Sir Valentine Fleming said that the case altogether was a very unusual one.

Sir Francis Smith: I suppose you have not found a parallel case Mr. Attorney-General?

The Attorney-General replied that he had searched a great many cases, but he had not absolutely exhausted them.

Sir Valentine Fleming: There is no doubt that the offence was committed, or that that is a good ground for granting the divorce, but there is a doubt as to our mode of procedure, and I should like to look into the matter to ascertain whether this man being in the custody of the law, we can grant the divorce without giving him the same opportunities as other men, and whether indeed the divorce would be effectual. To grant the decree nisi without the man having the opportunity to come would be useless, and before granting it I should like to see what are the particulars of the case.

The case was then postponed, the Court promising to give their decision in Chambers, and to intimate to the Attorney-General when they were prepared to do so.⁶⁰

- 19 November 1869 Daughter Jane Randall's divorce case continued under the Matrimonial Causes Jurisdiction of the Supreme Court, Hobart; Richard Brewell to be brought up from Port Arthur to the gaol at Hobart for trial the following week.⁶¹
- 12 August 1870 Husband Joseph Randall died of paralysis at New Norfolk; aged 69, labourer; informant wife Mary Randall, resident of New Norfolk.⁶²
- 16 August 1870 Husband Joseph Randall buried at New Norfolk cemetery, registered at St Matthew's Church of England Church; aged 65, labourer.⁶³
- 4 September 1870 Grandson Albert Edward Rainbird born at New Norfolk; father William Rainbird, mother Jane Randall.⁶⁴
- 22 February 1871 Grandson Albert Edward Rainbird died of decline at New Norfolk; aged 5 months; informant father William Rainbird, labourer, illiterate, resident of New Norfolk.⁶⁵

⁶⁰ *Mercury*, 29 September 1869 p.2 (Jane Randall & Susan Randall)

⁶¹ *Mercury*, 20 November 1869 p.2 (Brewell v. Brewell); *Launceston Examiner*, 20 November 1869 p.5 (Brewell v. Brewell)

⁶² TAHO, RGD35/1/39 1870/383 New Norfolk (Joseph Randall)

⁶³ TAHO, NS489/1/8 p.74 No.1605 (Joseph Randall)

⁶⁴ TAHO, RGD33/1/48 1870/1159 New Norfolk (Alfred Rainbird)

Mary Copping

- 14 November 1871 Grandson Alfred Rainbird born at New Norfolk; father William Rainbird, mother Jane Randall.⁶⁶
- 25 February 1872 Grandson Alfred Rainbird died of disease of the chest at New Norfolk; aged 3 months; informant father William Rainbird, labourer, illiterate, resident of New Norfolk.⁶⁷
- 18 March 1872 Daughter Jane Randall died of phthisis and abscess on the chest at New Norfolk, aged 24; informant husband⁶⁸ William Rainbird, labourer, illiterate, resident of New Norfolk.⁶⁹
- c1875 Moved with family from Tasmania to Victoria.⁷⁴
- 22 March 1875 Son-in-law Richard Brewell granted a Free Pardon.⁷⁰
- 1880 Daughter Susan Randall died in Victoria; aged 24, father Joseph Randall, mother Mary Travers.⁷¹
- 2 August 1882 Son-in-law Richard Brewell died of stricture and cystitis at the General Hospital, Hobart; aged 54, labourer, born Yorkshire; informant James S Morris, Secretary, General Hospital, Hobart.⁷²
- 19 June 1895 **Died** of cancer of the uterus at 18 Robert Street, Melbourne, Collingwood, VIC; aged 70, born Windsor, England; father Samuel Travis, warehouseman; mother Jane Snowden; 30 years in Tasmania, 20 years in Victoria; surviving children Joseph aged 48, Mary aged 40, Sarah aged 36, Martha aged 30; informant granddaughter Sarah Jane Randall,⁷³ resident of 18 Robert Street, Collingwood.⁷⁴
- 22 June 1895 Buried at the General Cemetery, Melbourne, VIC.⁷⁴
- 1896 Daughter Martha Randall married Joseph Tomlinson in Victoria; Martha born New Norfolk, TAS; Joseph born Melbourne, VIC.⁷⁵
- 1897 Granddaughter Eva Tomlinson born at Collingwood, VIC; father Joseph Tomlinson, mother Martha Randall.⁷⁶
- 1914 Son Joseph Randall died at Alexandra, VIC; aged 75, father Joseph Randall, mother Mary Trevor.⁷⁷
- 1933 Daughter Martha Randall died at Cheltenham, VIC; aged 73, father Joseph Randall, mother Mary Travers.⁷⁸

Notes

- Mary's daughter Mary may be the Mary Randall who married John Clark at the residence of the Reverend JW Simmons, 287 Liverpool Street, Hobart (Congregational ceremony) on 18 June 1870; Mary aged 20, spinster; John aged 21, bachelor, bricklayer, illiterate; witnesses Eliza Poultney (illiterate) and Christopher Finarty.⁷⁹
- Mary's daughter Sarah may be the Sarah Randall who married Lavington Woodhall at the residence of Reverend JW Simmons, Scott Street, Glebe, Hobart (Congregational ceremony) on 24 July 1894; Sarah aged 37, spinster; Lavington aged 36, bachelor, plasterer; witnesses Annie Moore and Edmund Moore.⁸⁰

⁶⁵ TAHO, RGD35/1/40 1871/323 New Norfolk (Albert Edward Rainbird)

⁶⁶ TAHO, RGD33/1/49 1871/1138 New Norfolk (Alfred Rainbird)

⁶⁷ TAHO, RGD35/1/41 1872/306 New Norfolk (Alfred Rainbird)

⁶⁸ No record of their marriage has been found.

⁶⁹ TAHO, RGD35/1/41 1872/311 New Norfolk (Jane Rainbird)

⁷⁰ TAHO, CON33/1/96 No.22385 [image 41] (Richard Brewell)

⁷¹ VIC Death Record 1880/7094 (Susan Randall)

⁷² TAHO, RGD35/1/51 1882/376 Hobart (Richard Brewell)

⁷³ A birth record for Sarah Jane Randall has not been found in Victoria.

⁷⁴ VIC Death Certificate 1895/5118 (Mary Randall)

⁷⁵ VIC Marriage Record 1896/3762 (Jos Tomlinson & Martha Randall)

⁷⁶ VIC Birth Record 1897/10189 (Eva Tomlinson)

⁷⁷ VIC Death Record 1914/12198 (Joseph Randall)

⁷⁸ VIC Death Record 1933/5991 (Martha Tomlinson)

⁷⁹ TAHO, RGD37/1/29 1870/259 Hobart (John Clark & Mary Randall)

⁸⁰ TAHO, RGD37/1/53 1894/341 Hobart (Gavington Woodhall & Sarah Randall)

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Mary Copping

- Mary's grandson may be the William John Martin Feeley Randall who died at Collingwood, VIC in 1881; aged 7 months, mother Martha Randall, father unknown.⁸¹ He was born in 1880 at Fitzroy, VIC, father Martin Feeily, mother Martha Randall.⁸²
- A grandchild of Mary may be Alvina Randall born at Richmond, VIC in 1886, father unknown, mother Martha Randall.⁸³

⁸¹ VIC Death Record 1881/4017 (William John Martin Feeley Randall)

⁸² VIC Birth Record 1880/22639 (Martin Feeily)

⁸³ VIC Birth Record 1886/5671 (Alvina Randall)

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