

Grace McGunnigall

(uxor Grace Smith, alias Ann Smith)

POLICE NUMBER 259 ¹	LITERACY neither read nor write
TRIAL DATE 9 September 1840	AGE ON EMBARKATION 21
TRIAL PLACE Glasgow Court of Justiciary	AGE ON ARRIVAL 23
OFFENCE stealing a jacket and former conviction	HEIGHT 5' ¼"
SENTENCE 7 years	COMPLEXION fair
GAOL REPORT convicted and imprisoned before, bad, single	HEAD oval
PREVIOUS CONVICTIONS 5 times in prison for theft—once 4 months, 3 times 2 months, once 1 month	HAIR brown
SURGEON'S REPORT quiet	VISAGE full
ON THE TOWN no	FOREHEAD broad
MARITAL STATUS single	EYEBROWS brown
CHILDREN 0	EYES hazel
FAMILY father Daniel McGomigal; mother Bridget	NOSE medium
NATIVE PLACE Glasgow, Scotland	MOUTH small
TRADE ON EMBARKATION yarn winder	CHIN medium
TRADE ON ARRIVAL house servant, wash	MARKS stout made

c1818 **Born** at Glasgow, Lanarkshire, Scotland; father Daniel McGunnigal; mother Bridget.²

9 September 1840 Tried at the Court of Justiciary, Glasgow, Lanarkshire, Scotland indicted for theft, habit and repute in stealing a jacket and previous conviction; verdict guilty in terms of own confession; sentence 7 years transportation; cannot write.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 AC Swift, Hobart.⁵

23 August 1841 Charged with misconduct in being in a public house; in the service of Brown; returned to Government.⁶

30 September 1841 Charged with being absent all night without leave from the service of Macdougall; sentence 10 days in solitary confinement at Cascades Female Factory, Hobart, then returned to her service.⁶

22 December 1841 Charged at the Police Court, Brighton with absconding from the service of Mr Johnstone, Hobart; forwarded to Hobart for trial.⁷

28 December 1841 Charged at the Police Court, Hobart with absconding from the service of Johnstone; existing term of transportation extended 6 months, to be detained 3 months at Cascades Female Factory, Hobart before assignment.

31 December 1841 Mustered at Cascades Female Factory, Hobart.⁸

20 April 1842 Absconded from the service of Mr Elliott, Liverpool Street, Hobart.⁹

28 April 1842 Charged at the Police Court, Hobart on the complaint of Constable Hadfield with being absent 2 days and nights without leave from the service of Mr Elliott, Liverpool

¹ TAHO, CON40/1/4 p.266 No.259 [image 193] (Grace McGunnigall); TAHO, CON19/1/1 p.205 [image 106] (Grace McGunnigall); ML, CY 1282 p.148 (Grace McGunnigall); ML, CY 1197 p.158 (Grace McGunnigall); ML, CY 958 p.444 (Grace McGunnigall)

² TAHO, CON19/1/1 p.205 [image 106] (Grace McGunnigall); Melbourne Benevolent Society Patient Register; PROV, VPRS 7446/P1 p.153 (Grace Smith); PROV, VPRS 7680/P1 p.80 No.1222 (Grace Smith)

³ NAS, JC26/1840/319 (Grace McGunnigall)

⁴ AJCP, ADM 101/63 *Rajah*

⁵ ML, CY 1274 p.257 (Grace McGunnigall)

⁶ TAHO, CON40/1/4 p.266 No.259 [image 193] (Grace McGunnigall)

⁷ TAHO, LC53/1/2 p.71 (Grace McGunnigall)

⁸ AJCP, HO 10/51 p.366 No.259 (Grace McGunnigall)

⁹ *Hobart Town Gazette*, 29 April 1842 p.401 (Grace McGunnigall)

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- Street, Hobart; plea guilty; sentence 12 months hard labour at Cascades Female Factory, Hobart.¹⁰
- 19 September 1843 Charged at the Police Court, Hobart by Constable Horton with being absent without leave from the service of Mr Flegg and drunk yesterday; sentence 4 days in solitary confinement at Cascades Female Factory, Hobart.¹¹
- 1 November 1843 Charged at the Police Court, Hobart by Mr Flegg with being drunk on his premises yesterday; in the service of Mr Poulteny, Goulburn Street, Hobart; sentence 2 months hard labour at the wash tub at Cascades Female Factory, Hobart, then assigned in the interior.¹²
- 27 February 1844 Classified as a 2nd class probation pass-holder; gazetted 1 March.¹³
- 11 April 1844 Charged at the Police Court, New Norfolk by her master with insolence and refusing to do her work this morning; in the service of Mr C Hall, to whom she was on loan on wages; plea not guilty; sentence 4 days in solitary confinement.¹⁴
- Statement of witness Mr C Hall:
*This morning on getting up I found that the sitting room had not been swept out or cleaned and scarcely any fire lighted, her mistress remonstrated with her respecting it and she was extremely insolent to her she refused to do any more work she said she would have her breakfast but she would not do any more work to day.*¹⁴
- 19 June 1844 Application for permission to marry Daniel Smith¹⁵ (*Waterloo*) sent to the Secretary; approved.¹⁶
- 20 June 1844 Notice given of approval for permission to marry Daniel Smith; Grace in private service at New Norfolk; Daniel holding a Ticket of Leave.¹⁷
- 8 July 1844 **Married** Daniel Smith at St Matthew's Anglican Church, New Norfolk; Grace aged 24, spinster, ship to colony *Rajah*, illiterate; Daniel aged 33, ticket-of-leave holder, illiterate; witnesses Isaac Moles (illiterate) and Susan Harbor (illiterate).¹⁸
- 31 August 1844 Promoted from a 2nd class to a 3rd class probation pass-holder; gazetted 6 September.¹⁹
- 9 September 1844 Husband Daniel Smith witness at the marriage of William Seamore and Bridget Bahan (*Royal Admiral*) at St Matthew's Anglican Church, New Norfolk; illiterate.²⁰
- 1 November 1845 Ticket of Leave granted; gazetted 4 November.²¹
- January 1846 At New Norfolk; resident in the Campbell Town district.²²
- February 1846 Hired in private service as a probation pass-holder to R Mozley, Campbell Town district, to April 1846.²²
- May 1846 Hired in private service as a probation pass-holder to her husband Daniel Smith, Campbell Town district, to September 1846.²²
- 22 September 1846 Husband Daniel Smith recommended for a Conditional Pardon.²³

¹⁰ TAHO, AC480/1/1, 28 April 1842 (Grace McGunnigall)

¹¹ TAHO, AC480/1/1, 19 September 1843 (Grace McGunnigall)

¹² TAHO, AC480/1/1, 1 November 1843 (Grace McGunnigall)

¹³ *Hobart Town Gazette*, 1 March 1844 p.266 (Grace McGaigall)

¹⁴ TAHO, CON167/1/1 p.430 (Grace McGannigan)

¹⁵ Daniel Smith was transported for 14 years on the *Waterloo* in 1834, tried at Middlesex Quarter Sessions on 16 October 1834 for breaking into a workshop; single, brick maker, aged 26, native place Hammersmith; Ticket of Leave 1 January 1844; Conditional Pardon 23 November 1847; Certificate of Freedom 26 January 1849 (TAHO, CON31/1/40 p.114 No.1990 [image 116] (Daniel Smith), TAHO, CON18/1/21 No.1990 [image 241] (Daniel Smith); TAHO, CON34/1/5 p.458 No.1990 [image 460] (Daniel Smith)).

¹⁶ TAHO, CON52/1/2 p.427 (Daniel Smith & Grace McGunnigall)

¹⁷ *Hobart Town Gazette*, 21 June 1844 p.691; 28 June 1844 p.721; 5 July 1844 p.759 (Daniel Smith & Grace McGunnigall)

¹⁸ TAHO, RGD37/1/4 1844/1288 Hobart (Daniel Smith & Grace McGunnigall); TAHO, NS489/1/3 No.97 (Daniel Smith & Grace McGunnigall)

¹⁹ *Hobart Town Gazette*, 6 September 1844 p.1073 (Grace McGaigall)

²⁰ TAHO, NS489/1/3 No.103 (Daniel Smith)

²¹ *Hobart Town Gazette*, 4 November 1845 p.1386 (Grace McGunnigall)

²² TAHO, POL47/1/3 (Grace McGunnigall)

²³ TAHO, CON31/1/40 image 116 p.114 No.1990 (Daniel Smith)

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November 1846	Hired in private service as a probation pass-holder to her husband Daniel Smith, Campbell Town district, to May 1849. ²⁴
19 January 1847	Son (unnamed) Smith ²⁵ born at <i>Barton</i> , River Isis; mother Grace McGunnigall; informant father Daniel Smith, brick maker, illiterate. ²⁶
23 November 1847	Husband Daniel Smith approved for a Conditional Pardon. ²³
9 March 1848	Free by servitude. ⁶
24 April 1848	Certificate of Freedom issued; gazetted 2 May. ²⁷
1 September 1848	Son Daniel Smith born in the Campbell Town district. ²⁸
23 September 1848	Son Daniel Smith died of debility in the Campbell Town district; aged 4 days; informant William Valentine, accoucheur, Campbell Town. ²⁹
26 January 1849	Husband Daniel Smith issued a Certificate of Freedom. ²³
3 February 1849	Departed Launceston for Port Phillip, VIC with husband Daniel Smith as steerage passengers on the brig <i>Swan</i> ; Grace free by servitude, ship to colony <i>Rajah</i> ; Daniel free by servitude, ship to colony <i>Waterloo</i> . ³⁰
7 February 1849	Arrived at Melbourne, VIC from Launceston via Circular Head on the brig <i>Swan</i> , 150 tons, master Woods; passengers: cabin The Lord Bishop of Tasmania Reverend RR Davies, Mr and Mrs W Lyall, Captain Berry, Mrs Young and 3 children, Messrs Emmett, C Bradbury, Abraham Flower, Robert Marlow, steerage J Jennings, Anne Jennings and child, Lewis Carroll, T O'Keefe, T Fogarty, Patrick Reilly, J Cooper, Grace McGunnigall, D Smith, Robert Lispeth, J Cooper. ³¹
1850	Daughter Catherine Smith born at Richmond, VIC; father Daniel Smith; mother Grace Smith. ³²
28 March 1852	Daughter Catherine Smith died at Richmond, VIC, aged 14 months; father Daniel Smith, brick maker. ³³
29 March 1852	Daughter Catherine Smith buried in the parish of St Peters, Melbourne, VIC. ³³
c1852	Son Daniel Smith born at Richmond, VIC; father Daniel Smith; mother Grace Smith. ³⁴
17 January 1854	Warrant issued by the Melbourne Bench for the apprehension of husband Daniel Smith charged with deserting his wife and 3 children; ³⁵ information to Mrs Smith, next Royal Hotel, Richmond, VIC. Description of Daniel: 5' 4", auburn hair, blue eyes, fair complexion, slight build, Roman nose; has the name of a female tattooed on one of his arms; wore when last seen a greyish coat and dark grey waistcoat. ³⁶
c1855	Husband Daniel Smith formed a <i>de facto</i> relationship with Barbara McKenzie, most probably taking the children with him; Barbara a free emigrant on the <i>Admiral Boxer</i> in 1854. ³⁷
22 January 1858	Charged at Melbourne, VIC with an unknown offence; sentence 3 months imprisonment. ³⁸

²⁴ TAHO, POL47/1/4 (Grace McGunnigall)

²⁵ This could be daughter Matilda Smith born c1848 according to descendant Dawn Friend.

²⁶ TAHO, RGD33/1/26 1847/746 Campbell Town (male Smith)

²⁷ *Hobart Town Gazette*, 2 May 1848 p.450 (Grace McGunnigall)

²⁸ TAHO, RGD33/1/26 1848/856 Campbell Town (Daniel Smith)

²⁹ TAHO, RGD35/1/18 1848/65 Campbell Town (male Smith)

³⁰ TAHO, POL220/1/1 p.70 (Grace McGunnigall & Daniel Smith)

³¹ *Argus*, 9 February 1849 p.2 (Grace McGunnigall & D Smith)

³² VIC Birth Record 1850/26797 (Cath Smith, mother Grace Smith)

³³ VIC Death Certificate 1852/28572 (Catherine Smith)

³⁴ VIC Marriage Certificate 1873/2548 (Daniel Smith & Martha Goodear); personal communication, Dawn Friend, 22 April 2007

³⁵ Only two surviving children are known at this time. It is likely the other child was born in Victoria c1853.

³⁶ *Victoria Police Gazette*, 19 January 1855 p.13 (Daniel Smith)

³⁷ Daniel Smith and Margaret McKenzie have four children: John, Joseph Henry (b.c.1858), Roderick and William (b.1865); personal communication, Dawn Friend, 22 April 2007

³⁸ personal communication, Dawn Friend, 5 June 2007 (transcriptions from PROV, VPRS 516/P1 records)

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- 18 September 1858 Charged at City Court, Melbourne, VIC with stealing a coat from a carriage; insufficient evidence, discharged.
Description: an old³⁹ woman.⁴⁰
- 22 November 1858 Charged at Melbourne, VIC with being drunk and disorderly; sentence 3 months imprisonment with hard labour, detained at Melbourne Gaol.
Description: height 5' ¼", complexion sallow, hair grey, eyes grey, nose small, mouth small, chin small, eyebrows light, visage medium, forehead medium, aged 38 in 1858, native place Glasgow, trade servant, religion Protestant, read only, particular marks nil; previous history per *Rajah* to Van Diemen's Land in 1839 under sentence of 7 years, married, 5 times in gaol previously.⁴¹
- 6 December 1858 Received from Melbourne Gaol, VIC to the hulk *Sacramento*; gaol report conduct good.⁴¹
- 10 December 1858 Charged on the hulk *Sacramento*, VIC with misconduct; admonished.⁴¹
- 22 February 1859 Discharged from the hulk *Sacramento*, VIC having served her time.⁴¹
- 12 March 1859 Charged at Richmond, VIC with larceny; sentence 3 months imprisonment.^{38, 41}
- 22 March 1859 Received from Melbourne Gaol, VIC to the hulk *Sacramento*.⁴¹
- 15 June 1859 Discharged from the hulk *Sacramento*, VIC having served her time.⁴¹
- 31 September 1859 Charged at Melbourne, VIC with drunkenness; sentence 1 month imprisonment, detained at Melbourne Gaol.^{38,34}
- 3 October 1859 Received from Melbourne Gaol, VIC to the hulk *Sacramento*; gaol report conduct good.⁴¹
- 29⁴² October 1859 Discharged from the hulk *Sacramento*, VIC having served her time.⁴¹
- 25 October 1859 Charged at Melbourne, VIC with vagrancy; sentence 3 months imprisonment, detained at Melbourne Gaol.^{38,34}
- 7 November 1859 Received from Melbourne Gaol, VIC to the hulk *Sacramento*; gaol report conduct good.⁴¹
- 19 January 1860 Charged on the hulk *Sacrament*, VIC with a breach of the rules; admonished.⁴¹
- 25 January 1860 Discharged from the hulk *Sacramento*, VIC having served her time.⁴¹
- 23 February 1860 Charged at Melbourne, VIC with larceny; sentence 3 months imprisonment, detained at Melbourne Gaol.^{38,34}
- 5 March 1860 Received from Melbourne Gaol, VIC to the hulk *Sacramento*; gaol report conduct good.⁴¹
- May 1860 Discharged from the hulk *Sacramento*, VIC having served her time.⁴¹
- 30 May 1860 Charged at Melbourne, VIC with larceny; sentence 2 months imprisonment, detained at Melbourne Gaol.^{38,34}
- 11 June 1860 Received from Melbourne Gaol, VIC to the hulk *Success*; gaol report conduct good.⁴¹
- 13 July 1860 Charged on the hulk *Success*, VIC with insolence; sentence 24 hours in solitary confinement.⁴¹
- July 1860 Discharged from the hulk *Success*, VIC having served her time.⁴¹
- 19 January 1861 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁴³
- 21 January 1861 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁴⁴
- 26 January 1861 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁴⁵

³⁹ Grace would have been aged about 42 at this time.

⁴⁰ *Argus*, 20 September 1858 p.1S (Grace Smith)

⁴¹ PROV, VPRS 516/1 No.286 [Fiche 4] (Ann Smith)

⁴² This may not be 29, it is difficult to read.

⁴³ *Argus*, 21 January 1861 p.6 (Grace Smith)

⁴⁴ *Argus*, 22 January 1861 p.6 (Grace Smith)

⁴⁵ *Argus*, 28 January 1861 p.6 (Grace Smith)

- 4 February 1861 Charged at City Court, Melbourne, VIC with stealing from a dwelling; sentence 2 months imprisonment.⁴⁶
Newspaper report:
STEALING FROM A DWELLING. – *Grace Smith, an old woman of about 60 years of age, was charged with stealing some plated measures from the house of a Mr. O'Brien, and was awarded two months' imprisonment for the offence.*⁴⁶
- 8 April 1861 Charged at City Court, Melbourne, VIC with habitual drunkenness; fined 5 shillings.⁴⁷
- 22 May 1861 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁴⁸
- 27 May 1861 Charged at City Court, Melbourne, VIC with habitual drunkenness; sentence 1 month imprisonment.⁴⁹
- 17 June 1861 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁵⁰
- 18 June 1861 Charged at City Court, Melbourne, VIC with being an incorrigible drunkard; sentence 2 months imprisonment.⁵¹
- 21 October 1861 Charged at City Court, Melbourne, VIC with drunkenness and obscene language; fined 5 shillings.⁵²
- 2 December 1861 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁵³
- 12 December 1861 Charged at City Court, Melbourne, VIC with stealing a mantle from a dwelling house in Bourke Street, the property of Samuel Harvey; remanded for further evidence.⁵⁴
Newspaper report:
*Grace Smith, an old woman ... The prisoner said she had found the mantle, but admitted having pawned it.*⁵⁴
- 15 February 1862 Charged at City Court, Melbourne, VIC with Anne Lynch with stealing a pair of boots from a dwelling and pledging the boots with Mr Jamieson, a pawnbroker in Russell Street; sentence 2 months imprisonment.⁵⁵
- 26 April 1862 Charged at City Court, Melbourne, VIC with vagrancy; sentence 7 days imprisonment.⁵⁶
- 19 May 1862 Charged at City Court, Melbourne, VIC with habitual drunkenness; discharged and cautioned that on her next appearance she would be sent for 3 months to gaol.⁵⁷
- 4 August 1862 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁵⁸
- 7 August 1862 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁵⁹
- 18 August 1862 Charged at City Court, Melbourne, VIC with Catherine Taylor, two elderly women, with vagrancy; sentence 1 month imprisonment.⁶⁰
Newspaper report:
*They had been found under suspicious circumstances in a verandah at a late hour on Saturday evening.*⁶⁰
- 31 October 1862 Charged at City Court, Melbourne, VIC with having no lawful visible means of support and who had for several nights annoyed the family of Mr B Roll, Rosslyn

⁴⁶ *Argus*, 5 February 1861 p.6 (Grace Smith)

⁴⁷ *Argus*, 9 April 1861 p.6 (Grace Smith)

⁴⁸ *Argus*, 23 May 1861 p.5 (Grace Smith)

⁴⁹ *Argus*, 28 May 1861 p.6 (Grace Smith)

⁵⁰ *Argus*, 18 June 1861 p.6 (Grace Smith)

⁵¹ *Argus*, 19 June 1861 p.5 (Grace Smith)

⁵² *Argus*, 22 October 1861 p.6 (Grace Smith)

⁵³ *Argus*, 3 December 1861 p.6 (Grace Smith)

⁵⁴ *Argus*, 13 December 1861 p.6 (Grace Smith)

⁵⁵ *Argus*, 17 February 1862 p.5 (Grace Smith)

⁵⁶ *Argus*, 28 April 1862 p.5 (Grace Smith)

⁵⁷ *Argus*, 20 May 1862 p.6 (Grace Smith)

⁵⁸ *Argus*, 5 August 1862 p.6 (Grace Smith)

⁵⁹ *Argus*, 8 August 1862 p.6 (Grace Smith)

⁶⁰ *Argus*, 19 August 1862 (Grace Smith)

- House, Nicholson Street, by locating herself in their veranda at night; sentence 1 month imprisonment.⁶¹
- 1863 Daughter Matilda Smith married William Fleming in Victoria; born Melbourne, VIC; mother Barbara McKenzie,⁶² father Daniel Smith.⁶³
- 9 March 1863 Charged at City Court, Melbourne, VIC with oft-repeated drunkenness, for which short sentences had failed to operate remedially; sentence 3 months hard labour, detained at Melbourne Gaol.^{64,41}
- 23 March 1863 Received from Melbourne Gaol, VIC to the hulk *Success*.⁴¹
- 9 June 1863 Discharged from the hulk *Success*, VIC having served her time.⁴¹
- 12 June 1863 Charged at City Court, Melbourne, VIC with Susan James with stealing a quantity of door handles; remanded.⁶⁵
- Newspaper report:
*Constable McGrath said he found the defendants in Carlton-gardens, with a packet of door-handles in their possession. There was a trade mark upon the packet, and he believed he should have no difficulty in finding an owner. Remanded till Wednesday next.*⁶⁵
- 17 June 1863 Brought up at City Court, Melbourne, VIC charged with stealing a packet of door-handles; discharged, no owner found for the articles.⁶⁶
- 1864 Granddaughter Anne Fleming born at Pyalong, VIC; father William Flemming; mother Matilda Smith.⁶⁷
- 11 April 1864 Charged at City Court, Melbourne, VIC with drunkenness; discharged if in the watchhouse since Saturday, or if arrested Sunday, fined 5 shillings.⁶⁸
- 11 April 1864 Charged at City Court, Melbourne, VIC with being a disorderly prostitute; discharged.⁶⁹
- 21 April 1864 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁷⁰
- 28 July 1864 Charged at City Court, Melbourne, VIC with stealing a coat from the shop of Sandford and Co., Bourke Street; sentence 3 months hard labour; an old offender.⁷¹
- 15 November 1864 Charged at City Court, Melbourne, VIC with drunkenness; fined 5 shillings.⁷²
- 10 December 1864 Charged at City Court, Melbourne, VIC with stealing a pair of boots; sentence 3 months imprisonment; an old woman.⁷³
- 1865 Grandson Robert Fleming born at Pyalong, VIC; father William Flemming; mother Matilda Smith.⁷⁴
- 21 October 1865 Charged at City Court, Melbourne, VIC with drunkenness; sentence unknown.⁷⁵
- 2 December 1865 Charged at City Court, Melbourne, VIC with Harriet King and Rosanna Levison with fighting in the market; sentence 1 month imprisonment.⁷⁶
- 13 February 1866 Charged at City Court, Melbourne, VIC with vagrancy and stealing an axe; sentence 2 months' imprisonment, full time; an old offender.^{38,77}

⁶¹ *Argus*, 1 November 1862 (Grace Smith)

⁶² Matilda's mother was Grace McGunnigall; Barbara McKenzie was her step-mother.

⁶³ VIC Marriage Record 1863/717 (Matilda Smith & William Fleming); personal communication, Dawn Friend, 22 April 2007

⁶⁴ *Argus*, 10 March 1863 p.6 (Grace Smith)

⁶⁵ *Argus*, 13 June 1863 p.7 (Grace Smith)

⁶⁶ *Argus*, 18 June 1863 p.5 (Grace Smith)

⁶⁷ VIC Birth Record 1864/10969 (Anne Flemming)

⁶⁸ *Argus*, 12 April 1864 p.6 (Grace Smith)

⁶⁹ *Argus*, 12 April 1864 p.6 (Grace Smith)

⁷⁰ *Argus*, 22 April 1864 p.7 (Grace Smith)

⁷¹ *Argus*, 29 July 1864 p.6 (Grace Smith)

⁷² *Argus*, 16 November 1864 p.6 (Grace Smith)

⁷³ *Argus*, 13 December 1864 p.6 (Grace Smith)

⁷⁴ VIC Birth Record 1865/17927 (Robert Flemming)

⁷⁵ *Argus*, 2 November 1864 p.6 (Grace Smith)

⁷⁶ *Argus*, 4 December 1865 p.6 (Grace Smith)

⁷⁷ *Argus*, 14 February 1866 p.2S (Grace Smith)

- 17 April 1866 Charged at City Court, Melbourne, VIC with stealing a shawl; plea guilty; sentence 1 month imprisonment.⁷⁸
- 21 May 1866 Charged in Victoria with vagrancy; sentence 6 months hard labour, full time.^{38, 79}
Newspaper report:
*Grace Smith, Mary A Hayes, Anne Smith, and William H. Hamilton, who were stated by the police to be well-known vagrants, who when not in gaol spent their lives hanging about the Eastern Market, were sentenced to six months' imprisonment under the Vagrant Act.*⁷⁹
- 8 December 1866 Charged at City Court, Melbourne, VIC with vagrancy and habitual drunkenness; sentence 6 months imprisonment, full time.^{38,80}
- 1867 Grandson William Fleming born at Pyalong, VIC; father William Flemming; mother Matilda Smith.⁸¹
- 25 June 1867 Charged at City Court, Melbourne VIC with Catherine Jones with vagrancy; sentence 4 months' or 14 days imprisonment.^{38, 82}
- 7 November 1867 Charged at City Court, Melbourne, VIC with stealing a pair of boots from a shop; sentence 2 months imprisonment; a deplorable looking creature.⁸³
- 1868 Husband Daniel Smith approved for land under section 42, Amending Land Act 1865, Lot 131 at Moranding near Kilmore, VIC.⁹¹
- 24 June 1868 Charged at City Court, Melbourne, VIC with vagrancy; admonished.⁸⁴
- 26 June 1868 Charged at Melbourne, VIC with vagrancy; sentence 6 months' imprisonment, full time.³⁸
- 16 January 1869 Charged at Melbourne, VIC with vagrancy; sentence 3 months hard labour, full time.³⁸
- 15 May 1869 Arrest warrant issued for stealing a watch (since recovered) from the dwelling house of Frederick Wood, Bourke Street East, Melbourne, VIC on 9 May.
Description: aged 45 to 50, 5' tall, medium build; wore a light print dress, grey shawl and black hat, but generally wears a print cotton sunbonnet; frequents the Eastern Market and the low taps.⁸⁵
- 7 October 1869 Arrested by the Melbourne police and charged at City Court, Melbourne, VIC with stealing a gold watch from the dwelling house of Frederick Wood in May last; on the application of Inspector Kabat, remanded for 7 days.^{86,87}
- 14 October 1869 Brought up at City Court, Melbourne, VIC charged with stealing a fob watch; sentence 12 months hard labour, full time.³⁸
- 8 November 1869 Moved from Pentridge Prison to Melbourne Gaol, VIC.³⁸
- 15 October 1870 Discharged from Melbourne Gaol; to her freedom by time.³⁸
- 1871 Granddaughter Marion Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.⁸⁸
- 16 May 1871 Charged at City Court, Melbourne, VIC with stealing a silver watch and a pipe from Henry Watson while he was in a drunken sleep in the street, near the Eastern Market, on Saturday night; plea guilty to pawning the watch which had been recovered; sentence 12 months hard labour; an old woman.⁸⁹

⁷⁸ *Argus*, 20 April 1866 p.7 (Grace Smith)

⁷⁹ *Argus*, 22 May 1866 p.15 (Grace Smith)

⁸⁰ *Argus*, 10 December 1866 p.6 (Grace Smith)

⁸¹ VIC Birth Record 1867/24032 (William Flemming)

⁸² *Argus*, 26 June 1867 p.7 (Grace Smith)

⁸³ *Argus*, 8 November 1867 p.6 (Grace Smith)

⁸⁴ *Argus*, 26 June 1868 p.6 (Grace Smith)

⁸⁵ *Victoria Police Gazette*, 18 May 1869 p.106 (Grace Smith)

⁸⁶ *Argus*, 8 October 1869 p.6 (Grace Smith)

⁸⁷ *Victoria Police Gazette*, 12 October 1869 p.221 (Grace Smith)

⁸⁸ VIC Birth Record 1871/4750 (Marion Fleming)

⁸⁹ *Argus*, 18 May 1871 p.15 (Grace Smith)

- 1872 Grandson James Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.⁹⁰
- 14 June 1872 Charged in Victoria with vagrancy; sentence 3 months imprisonment at Melbourne Gaol.³⁸
- 13 September 1872 Discharged from Melbourne Gaol, VIC; to her freedom by time.³⁸
- 30 September 1872 Charged at Melbourne, VIC with an unknown offence; sentence 3 months hard labour at Melbourne Gaol.³⁸
- 21 January 1873 Charged with quarrelling in the yard; sentence 3 days imprisonment.³⁸
- 1873 Husband Daniel Smith died at Kilmore Hospital, VIC; native place Hammersmith, Middlesex, England.⁹¹
- Grandson Jessie Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.⁹²
- Grandson Robert Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.⁹³
- 15 September 1873 Son Daniel Smith married Martha Goodear at Christ Church, Echuca, VIC; Daniel aged 21, bachelor, labourer, illiterate, resident of Echuca, born Richmond, VIC; father Daniel Smith, brick maker; mother Grace Smith (maiden name unknown); Martha aged 16, domestic, illiterate, spinster, resident of Echuca, born Macedon, VIC; father Stephen Goodear, carpenter; mother Martha Goodear (maiden name unknown); witnesses William Shules and Hannah H Garlick.⁹⁴
- 1875 Step-son William Smith died in Victoria; aged 10 years, born Pyalong, VIC; father Daniel Smith; mother Barbara McKenzie.⁹⁵
- Grandson John Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.⁹⁶
- 1876 Grandson William Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.⁹⁷
- 1877 Grandson William Smith died at Echuca, VIC; aged 15 months; father Daniel Smith; mother Martha Goodear.⁹⁸
- 7 March 1878 Admitted to the Benevolent Society Hospital, Melbourne, VIC with a fractured femur.
Description: domestic servant, born Scotland, aged 60, parents Daniel and Bridget McGomigle, widow, 3 children, arrived in Victoria in 1848, Presbyterian.⁹⁹
- 8 April 1878 Discharged from the Benevolent Society Hospital, Melbourne, VIC and admitted to Kew Lunatic Asylum, Melbourne suffering from dementia, also with an injury of the left ankle present on admission and is feeble.
Description: widow, native place Scotland, Presbyterian.⁹⁹
- 1880 Grandson Paul Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.¹⁰⁰
- 1881 Granddaughter Rachel Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.¹⁰¹

⁹⁰ VIC Birth Record 1872/11311 (James Fleming)

⁹¹ personal communication, Dawn Friend, 22 April 2007

⁹² VIC Birth Record 1873/26242 (Jessie Fleming)

⁹³ VIC Birth Record 1873/16280R (Robert Smith)

⁹⁴ VIC Marriage Certificate 1873/2548 (Daniel Smith & Martha Goodear); personal communication, Dawn Friend, 22 April 2007

⁹⁵ VIC Death Record 1875/14685 (William Smith)

⁹⁶ VIC Birth Record 1875/25153 (John Fleming)

⁹⁷ VIC Birth Record 1876/2217 (William Smith)

⁹⁸ VIC Death Record 1877/4606 (William Smith)

⁹⁹ SLV, MS 8366 (Grace Smith); PROV, VPRS 7446/P1 p.153 (Grace Smith); PROV, VPRS 7680/P1 p.80 No.1222 (Grace Smith)

¹⁰⁰ VIC Birth Record 1880/4384 (Paul Fleming)

¹⁰¹ VIC Birth Record 1881/23043 (Rachel Smith)

- 1882 Granddaughter Margaret Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.¹⁰²
- 1883 Grandson Reuben Frank Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.¹⁰³
- 1884 Granddaughter Grace Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.¹⁰⁴
- 1886 Grandson Daniel Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.¹⁰⁵
- Grandson Daniel Fleming born at Pyalong, VIC; father William Fleming; mother Matilda Smith.¹⁰⁶
- 21 May 1888 **Died** at 12 noon of disease of the brain at Metropolitan Lunatic Asylum, Kew, Melbourne, VIC; aged 41, patient, domestic servant, parents unknown.¹⁰⁷
- 22 May 1888 Buried at the General Cemetery, Melbourne, VIC.¹⁰⁷
- 23 May 1888 Inquest held into death at Kew Lunatic Asylum, Melbourne, VIC before C Caudler, coroner.
Verdict: died from disease of the brain.
Description: age unknown, Presbyterian.¹⁰⁸
Statement of witness James Vernon McCreery:
This Deponent James Vernon McCreery on his oath saith, I am the Medical Superintendent residing at the Kew Lunatic Asylum.
I find from the records of the Asylum that the deceased Grace Smith, aged about 75 years, was admitted on the 8th of April 1878, on the authority of the Warrant now produced. When I took charge of the Asylum on the 1st of March 1883, she was in fair bodily health and was suffering from Dementia. No marked change took place till the 8th instant on the evening of which day she had a severe epileptic fit. She got over the attack, and was able to be up for a few days, she then gradually got weaker and sank and died on the 21st instant.¹⁰⁸
Statement of witness Charles Snodgrass Ryan:
Charles Snodgrass Ryan: This Deponent Charles Snodgrass Ryan on his oath saith, I am a legally qualified Surgeon residing at Melbourne.
I have made a post-mortem examination of the body of the deceased Grace Smith. Externally it was in good condition. There were no marks of violence or bedsores. Internally the arachnoid was opaque, thickened, and adherent to the pia mater. The ventricles contained a large amount of cerebro-spinal fluid. The grey cortical layer of the brain was atrophied. There was stenosis or narrowing of the mitral orifice of the heart. In the upper portions of the right lung were 2 carous deposits. Both the liver and kidneys were smaller than natural and were much contracted. The other organs were fairly healthy. The stomach contained food and the intestines excrement.
The cause of death was disease of the brain.¹⁰⁸
Statement of witness Ann Morrison:
This Deponent Ann Morrison on her oath saith, I am an attendant in the residing at Kew Asylum.
The deceased Grace Smith was under my charge when she died and from the 29th of September 1885. She was feeble and demented but could go about as for herself. She took a severe fit on the 8th instant. She recovered from it for a few days and became weaker as her breathing became laboured & she gradually sank and died on the 21st instant. She had no marks or bedsores. Dr McCreery saw her regularly. A priest came to see her. The official visitors saw her.¹⁰⁸

¹⁰² VIC Birth Record 1882/25036 (Margaret Fleming)

¹⁰³ VIC Birth Record 1883/23212 (Reuben Frank Smith)

¹⁰⁴ VIC Birth Record 1884/27003 (Grace Fleming)

¹⁰⁵ VIC Birth Record 1886/17905 (Daniel Smith)

¹⁰⁶ VIC Birth Record 1886/28867 (Daniel Fleming)

¹⁰⁷ PROV, VPRS 24 1888/617 (Grace Smith); VIC Death Certificate 1888/6260 (Grace Smith); PROV, VPRS 7425/P1 p.191 (Grace Smith)

¹⁰⁸ PROV, VPRS 24 1888/617 (Grace Smith)

Grace McGunnigall

- 1889 Granddaughter Grace Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.¹⁰⁹
Granddaughter Grace Smith died at Echuca, VIC; aged 2; father Daniel Smith; mother Martha Goodear.¹¹⁰
- 1890 Granddaughter Elizabeth Hart Jane Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.¹¹¹
- 1892 Grandson Joseph Smith born at Echuca, VIC; father Daniel Smith; mother Martha Goodear.¹¹²
- 1893 Granddaughter Rachel Smith died at Echuca, VIC; aged 12; father Daniel Smith; mother Martha Goodear.¹¹³

¹⁰⁹ VIC Birth Record 1889/2939 (Grace Smith)

¹¹⁰ VIC Death Record 1889/1819 (Grace Smith)

¹¹¹ VIC Birth Record 1890/12349 (Elizth Hart Jane Smith)

¹¹² VIC Birth Record 1892/22638 (Jos Smith)

¹¹³ VIC Death Record 1893/5782 (Rachel Smith)

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