

Mary Smith 2nd (uxor Mary Paine)

POLICE NUMBER 439 ¹	LITERACY neither read nor write
TRIAL DATE 17 August 1840	AGE ON EMBARKATION 38
TRIAL PLACE Central Criminal Court (Old Bailey), London	AGE ON ARRIVAL 38
OFFENCE larceny, pledging	HEIGHT 5' 1¾"
SENTENCE 7 years	COMPLEXION fresh
GAOL REPORT convicted before, poor, widow, 1 child	HEAD oval
PREVIOUS CONVICTIONS once before for pledging	HAIR brown to grey
SURGEON'S REPORT mess woman and very good	VISAGE shap
ON THE TOWN no	FOREHEAD high
MARITAL STATUS widow	EYEBROWS brown
CHILDREN 1, 0 on board	EYES light hazel
FAMILY	NOSE long, pointed
NATIVE PLACE Maidstone, Kent, England	MOUTH small
TRADE ON EMBARKATION	CHIN round
TRADE ON ARRIVAL plain cook, house servant, wash, iron	MARKS scar on right elbow, long scar on right leg

c1803	Born at Maidstone, Kent, England. ²
17 August 1840	Tried at the Central Criminal Court, London, England indicted for larceny in stealing on 28 July 1840 1 buckle value 10 shillings, 1 spoon value 3 shillings and 2 petticoats value 3 shillings from Ann Williams; plea guilty; sentence 7 years transportation. ³
5 April 1841	Departed Woolwich, England on the <i>Rajah</i> . ⁴
19 July 1841	Arrived at Hobart on the <i>Rajah</i> . ⁴
c24 July 1841	Upon arrival at Hobart, assigned to Mrs Thompson, <i>Charles Hope</i> , Argyle Street, Hobart. ⁵
31 December 1841	Mustered in the service of Mrs Thompson, Hobart. ⁶
11 April 1844	Classified as a 3 rd class probation pass-holder; gazetted 12 April. ⁷
10 September 1844	Hired in private service for 1 month as a probation pass-holder to Mary Carter, Macquarie Street, Hobart. ⁸
30 November 1844	Ticket of Leave granted; gazetted 3 December. ⁹
13 December 1844	Charged with misconduct in her hired service; sentence 1 month hard labour at Cascades Female Factory, Hobart. ¹⁰
14 April 1845	Notice given of approval for permission to marry Edward Paine; ¹¹ Mary holding a Ticket of Leave, resident of Hobart; Edward free, resident of Hobart. ¹²

¹ TAHO, CON40/1/10 p.48 No.439 [image 51] (Mary Smith); TAHO, CON19/1/1 p.253 [image 129] (Mary Smith (2)); ML, CY 1282 p.153 (Mary Smith (2)); ML, CY 1197 p.150 (Mary Smith); ML, CY 958 p.440 (Mary Smith)

² TAHO, CON19/1/1 p.253 [image 129] (Mary Smith (2))

³ *Old Bailey Proceedings Online*, t18400817-2205 (Mary Smith)

⁴ AJCP, ADM 101/63 *Rajah*

⁵ ML, CY 1274 p.262 (Mary Smith 2)

⁶ AJCP, HO 10/51 p.396 No.439 (Mary Smith)

⁷ *Hobart Town Gazette*, 12 April 1844 p.425 (Mary Smith 439)

⁸ *Hobart Town Gazette*, 8 October 1844 p.1265 (Mary Smith)

⁹ *Hobart Town Gazette*, 3 December 1844 p.1479 (Mary Smith)

¹⁰ TAHO, CON40/1/10 p.48 No.439 [image 51] (Mary Smith)

¹¹ This may be the Edward Payne transported for 7 years on the *Isabella* in 1833, tried at Surrey Assizes on 9 August 1832 for stealing a gold ring, 2 coats, etc (receiving stolen goods; married, 2 children, Protestant, read and write, aged 49, house servant, native place London; no entries on conduct record; transported for 7 years in 1816 for shoes, served 3 years 10 months at Sheerness (TAHO, CON31/1/35 p.152 No.983 [image 154] (Edward Payne); TAHO, MM33/2 *Isabella* (Edward Payne)).

¹² *Hobart Town Gazette*, 15 April 1845 p.494; 22 April 1845 p.515; 29 April 1845 p.542 (Edward Paine & Mary Smith)

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- 15 April 1845 Application for permission to marry Edward Paine (free) sent to the Secretary; approved.¹³
- 7 May 1845 **Married** Edward Paine at St John's Anglican Church, New Town; Mary aged 40, widow, illiterate; Edward aged 59, licensed victualler,¹⁴ widower; witnesses Thomas Sparks (illiterate) and Emma Sparks.¹⁵
- 16 July 1845 Recommended for a Conditional Pardon for the Australian Colonies; gazetted 22 July.¹⁶
- 29 June 1846 Conditional Pardon granted on condition of her remaining in the island of Van Diemen's Land or some one of Her Majesty's Australian Colonies, she not having committed any offences since she was recommended to the Queen's mercy which would disentitle her to the indulgence; gazetted 30 June.¹⁷
- 17 August 1847 Free by servitude; Certificate of Freedom available for collection.¹⁸
- 2 October 1847 Husband Edward Paine renewed as licensee of the *Glasgow Wine Vaults* on the north-east corner of Liverpool and Elizabeth Streets, Hobart.¹⁹
- 30 September 1848 Husband Edward Paine renewed as licensee of the *Glasgow Wine Vaults* on the north-east corner of Liverpool and Elizabeth Streets, Hobart.²⁰
- 18 December 1848 **Died** of liver complaint at Hobart; aged 47, licensed victualler's wife; informant John Bryant, undertaker.²¹
- Death notice:
On Monday last, the 18th instant, MARY, the beloved wife of Mr. Edward Paine, of the "Glasgow Wine Vaults," Elizabeth-street, Hobart Town, aged 47 years, after a severe illness of several weeks.
Friends are respectfully invited to attend the funeral on FRIDAY NEXT, at three o'clock.²²
- 22 December 1848 Buried at St David's Anglican Cemetery, Hobart; aged 47, publican's wife.²³
- 1851 Husband Edward Paine licensee of the *General Washington Inn* on the north-east corner of Murray and Collins Streets, Hobart.²⁴
- 14 September 1858 Husband Edward Paine died of cancer at Church Street, Hobart; aged 73, licensed victualler, born England; informant George Rolmeyer,²⁵ friend, resident of Collins Street, Hobart.²⁶

Notes

- Mary may be the Mary Paine who was charged with shipmate Agnes Dogherty (*qv*) at the Police Court, Hobart on 6 September 1848 by Detective Constable Perkins with larceny; remanded.²⁷

Newspaper report:

Mary Paine and Agnes Dogherty were charged by Detective Constable Perkins with stealing, on Saturday last, from Mr. McGrath's tavern, the Victoria, in Murray-street, one cut glass decanter and a silver plated stand. About two years ago, the prisoner Paine was convicted of the very same offence, occurring under precisely similar circumstances, namely, sneaking upstairs, and escaping unperceived with the same articles. It was entirely owing to

¹³ TAHO, CON52/1/2 p.158 (Mary Smith & Edw^d Paine)

¹⁴ Edward Paine was the licensee of the *Glasgow Wine Vaults* at the north-east corner of Elizabeth and Liverpool Streets, Hobart from 1835 (Bryce, *Pubs in Hobart from 1907* (Ed. Paine)).

¹⁵ TAHO, RGD37/1/4 1845/1713 Hobart (Mary Smith & Edward Paine)

¹⁶ *Hobart Town Gazette*, 22 July 1845 p.909 (Mary Smith 439)

¹⁷ *Hobart Town Gazette*, 30 June 1846 p.640 (Mary Smith 439)

¹⁸ *Hobart Town Gazette*; 3 August 1847 p.793 (Mary Smith 439)

¹⁹ *Hobart Town Gazette*, 2 October 1847 (Edward Paine)

²⁰ *Hobart Town Gazette*, 30 September 1848 (Edward Paine)

²¹ TAHO, RGD35/1/2 1848/2209 Hobart (Mary Paine)

²² *Hobart Town Courier*, 20 December 1848 p.2 (Mary Paine)

²³ TAHO, NS282/11/1 p.105 (Mary Paine)

²⁴ Bryce, *Pubs in Hobart from 1807* (Ed. Paine); *Hobart Town Gazette*, 13 May 1851 & 30 September 1851 (Edward Paine)

²⁵ This name may not be Rolmeyer, it is difficult to read.

²⁶ TAHO, RGD35/1/5 1858/1119 Hobart (Edward Payne)

²⁷ *Colonial Times*, 8 September 1848 pp.2-3 (Mary Paine & Agnes Dogherty)

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the vigilance of the constable that the robbery was detected, as neither Mr. nor Mrs. McGrath had missed the property until it was produced by Perkins. The prisoners were remanded for further examination until the next day (yesterday).²⁷

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