

MARGARET BRODIE

[*Emma Eugenia*, (2) 1842]

by

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Surely one of the saddest stories of those of the 13,500 (approx.) females who were transported for their crimes to Van Diemen's Land (VDL) between 1812 and 1853 is that of Margaret Brodie. She was nineteen years old when convicted at Edinburgh, Scotland, in 1841, of 'stealing money from the person' and sentenced to transportation for ten years.¹ As a prisoner in VDL she was troubled and troublesome. She was gaoled frequently for offences ranging from disturbing the peace and drunkenness to theft, prostitution and absconding from custody. She committed her most serious offence, however, just a few months after she had completed her ten-year term of servitude and had received her Certificate of Freedom. In 1852, she was found guilty of the manslaughter of a young police constable. Although sentenced to 'fifteen years transportation' for that crime, she spent only two years in a Hobart gaol before being released as a prisoner 'on probation'. Her bad behaviour continued unabated. Except for a brief period in the mid-late 1860s when, possibly, she found a little happiness with the man she had married shortly after her arrival in VDL, she was in and out of prison for the rest of her life. A vagrant, destitute, and described in a newspaper in the late 1870s as 'a wretched-looking woman', she died in Hobart Gaol, in 1883. She was in her early sixties.

This is her story:

Margaret Brodie was born about 1820 in Ayrshire, Scotland. She was the daughter of William and Mary (Reid) Brodie. She had an elder brother, also William, who was born about 1811.²

On 26 July 1841, she was convicted in the Court of Justiciary, Edinburgh, Scotland, of stealing four shillings from the shop of a tailor and sentenced to transportation for ten years. It was not her first offence. Two years earlier, she had been convicted of the theft of a gold watch from a medical student and had spent nine months at Bridewell Prison, Edinburgh. As a consequence, the later crime was said to have been 'aggravated by her being by habit and repute a thief'.³

¹ Conduct record: CON40-1-2, image 104; Description List: CON19-1-3, image 93; Indent: CON15-1-1, images 8 and 9; Police No: 544; FCRC ID: 4561.

² CON40-1-2, image 104; CON15-1-1, images 8 and 9; <https://www.wikitree.com/wiki/Gibbons-2008>.

³ *The Scotsman* (Edinburgh), 23 January 1839 and 28 July – National Records of Scotland JC26/1841/468; British Library - via FCRC website; Bridewell: <http://georgianedinburgh.blogspot.com/2011/10/edinburghs-bridewell.html>

After her trial, Margaret spent four months in prison in Scotland while awaiting a ship to take her to VDL. The report she received from the gaol was unflattering. It read: 'Idle drunk(ar)d. Convicted before. Single.'⁴

Eventually, she was put aboard *Emma Eugenia* which, with 191 female prisoners and fifteen children, sailed from Woolwich, England on 24 November 1841 and reached Hobart on 9 April 1842. Surgeon-superintendent John Kidd, who had accompanied the vessel to VDL, reported that all of the prisoners were in 'a remarkably healthy state' when landed but of Margaret specifically he wrote 'tolerably good.'⁵

Upon arrival, Margaret was described as being twenty years old and single.⁶ She was five feet one and a half inches (about 156 cms) tall, with a fresh complexion, black hair and brown eyes. She stated that she was of the Church of England faith and that she could read and write 'a little'. Her occupation was given as 'housemaid'.⁷

Soon after disembarkation, Margaret was assigned as a servant to a free settler.⁸ Somewhere in her first year and a half as a prisoner, she caught the eye of ex-convict Alexander Gibbons and, on 9 August 1843, they applied for permission to marry.⁹

Gibbons, also from Edinburgh, Scotland, had been in VDL since his arrival per *Neptune III* (1) in January 1838. He was then twenty years old and single. In the previous year, he had been convicted of shoplifting. It was not his first offence. His crime, like Margaret's, had been aggravated 'by habit and repute and former conviction' and he had been sentenced to transportation for seven years. However, his behavior had been good in VDL and in May 1843 he had received a conditional pardon.¹⁰

Although approval to marry was quickly granted to the pair, the marriage does not appear to have been formalized. No record of it has yet been located. Nevertheless, Margaret was known as the wife of Alexander Gibbons and referred to alternatively as 'Margaret Brodie' and 'Margaret Gibbons' after that time.¹¹ It is believed that the couple settled down together in the Richmond district, not far from Hobart.

⁴ CON40-1-2, image 104.

⁵ Journey: <http://members.iinet.net.au/~perthdps/convicts/shipsTAS.html>; Kidd's medical journal: CON40-1-2, image 104; https://www.femaleconvicts.org.au/docs/ships/EmmaEugenia1842_SJ.pdf

⁶ There is uncertainty about Margaret's age in her convict documents. CON40-1-2, image 104 shows her age as twenty but CON19-1-3, image 93 shows it as twenty-two.

⁷ CON40-1-2, image 104; CON19-1-3, image 93; CON15-1-1, images 8/9.

⁸ <https://www.femaleconvicts.org.au/administration/assignment-system>

⁹ Gibbons: CON31-1-17, image 11; permission to marry: CON52/1/2, p.69; approval granted 15 August 1843.

¹⁰ CON31-1-17, image 11; Gibbons - conditional pardon: *Colonial Times*, 17 July 1844, p.3.

¹¹ CON31-1-17, image 11.

While the relationship was to sour eventually, the first few years of the marriage were probably happy ones for both Margaret and Alexander. It is clear that Margaret was pregnant when the application to marry was made because, in the year of the marriage, she gave birth to a son, George. A second son, Alexander, was born in 1845 and a third, William, in 1847.¹²

By 1845 Margaret had been granted a ticket of leave and Alexander had received his Certificate of Freedom but already there were indications of trouble in the marriage.¹³

It is likely that Margaret was spending a considerable amount of time away from her husband and, on 18 March 1846, she was charged with being 'drunk' and 'absent from her place of residence'. She was punished with imprisonment for a month, with hard labour, at the Cascades Female Factory, Hobart.¹⁴ On 28 November 1850, she was again sent to prison - this time for three months with hard labour – after she had been charged with 'being a common prostitute'.¹⁵

Despite these signs of trouble in the marriage, Margaret and Alexander seem to have continued to live together. The 1851 census of Tasmania shows Alexander as the occupier of a rented house at Enfield, a small town near Richmond.¹⁶ With him there were an adult female and three young children, obviously Margaret and their sons. What cannot be known, of course, is how often, and for how long, Margaret was absent from the home. As events were soon to show, she may have been elsewhere frequently.

On 26 July 1851, Margaret's ten-year term of transportation had been completed and, on 16 February 1852, her Certificate of Freedom had been issued.¹⁷ She was a free woman again.

But, what should have been a time of joy for her, soon became a time of tragedy.

On 27 November 1852, *The Hobart Town Courier* carried the story of the murder in busy Goulburn Street, Hobart, the previous day of a young police constable named Lawrence (or Laurence) Donovan. The report stated that Donovan had apprehended two females whom he suspected were 'prisoners of the Crown illegally at large' and was taking them to the watch-house when he was struck on the head with a heavy, iron quart-pot - a container sometimes referred to as a billy can - and that, presumably, the blow had caused his death. A local doctor had been called but he had arrived too late to give any assistance. One of the females had been

¹² Birth years of Margaret's son calculated from ages at admission to Queen's Orphan School, Hobart, 1853; see http://orphanschool.org.au/showorphan.php?orphan_ID=2044 (George).

¹³ Ticket of leave: CON40-1-2, image 104; certificate of freedom: CON31-1-17, image 11.

¹⁴ CON40-1-2, image 104.

¹⁵ CON40-1-2, image 104.

¹⁶ 'Alexander Gibbons' in Census via 'Tasmanian Names Index' at https://lincas.ent.sirsidynix.net.au/client/en_AU/names/

¹⁷ CON40-1-2, image 104; *Hobart Town Gazette*, 24 February 1852 (via FCRC website)

taken into custody. The body of the constable had been carried into the tap-room of the nearby St. Patrick's Inn where it was awaiting a Coroner's inquest.¹⁸

The inquest, before Coroner Algernon Burdett Jones, was held on 3 December 1852. After taking evidence from a number of witnesses, the jury concluded that it had been Margaret Brodie, 'the wife of Gibbins' (sic), who had 'feloniously, willfully and unlawfully' struck Donovan on the head and right ear, 'giving him a mortal injury and so did slay and kill him'. Two other women, both former convicts, who were with Margaret at the time – Mary Cameron (*Gilbert Henderson*, 1840) the wife of John Dyer, and Mary Ann King (*Rajah*, 1841), the wife of John Smith - were found to have aided and abetted her.¹⁹

On 22 January 1853, before His Honor Sir John Lewes Pedder in the Supreme Criminal Court, Hobart, all three women pleaded not guilty to the wilful murder of Donovan. According to a report in *The Courier* of 24 January, the trial, at which the women were undefended, was 'long and protracted' but the jury eventually returned a verdict of manslaughter against both Margaret and Mary Ann King. Mary Cameron was acquitted.²⁰

A week later, Margaret and Mary Ann were sentenced to 'transportation for fifteen years' but, as it happens, neither was 'transported' from VDL. Rather, they were taken to the Cascades Female Factory to serve two years' probation, after which they would become eligible to be released as assigned servants.²¹

Not long after Margaret was sent to prison, her three sons – George (ten years old), Alexander (eight years and six months) and William (six years and six months) – were admitted to the Queen's Orphan School, Hobart. Presumably, it was their father who had admitted them but, oddly, a note in the Admission Register reads 'Father deserted, mother in prison'. But had their father really deserted them – or was he just not able to care for them adequately at that time? Perhaps the latter was the case because, on 25 September 1857 - four years after their admission - George and William were discharged from the school into the care of their father. Sadly, the second boy, Alexander, had died at the Orphan School on 3 April 1857. The cause of his death was diarrhoea.²²

18 *Hobart Town Courier*, 27 November 1852, p.3.

19 Inquest: SC195/1/3, inquest 2872; newspaper reports: *Hobart Guardian, or, True Friend of Tasmania* (Hobart), 1 December 1852, p.3; *The Tasmanian Colonist* (Hobart), 6 December 1852, p.2; *The Courier* (Hobart), 8 December 1852, p.2.

20 CON40-1-2, image 104; *The Courier* (Hobart), 17 January 1853, p.2 and 24 January 1853, p.2.

21 *Hobart Guardian, or, True Friend of Tasmania* (Hobart), 29 January 1853, p.3.

22 See <http://www.orphanschool.org.au/searchorphans.php>; admission date: 5 August 1853; Alexander, death aged twelve: RGD35/1/5, 199/1857, Hobart.

Meanwhile, Margaret was finding her incarceration at the Cascades Female Factory difficult. While a prisoner there, she was charged, on 23 October 1853, with putting a piece of cord around her neck to induce officers into thinking that she had intended to commit suicide. For this, she was sentenced to another six months with hard labour, that to commence after the expiration of her two-year term of probation.²³

Eventually, however, Margaret was released. It is likely that the experience of the manslaughter charge and the subsequent prison term had taken a toll on her physical and mental health because, after one of her arrests in 1855, a newspaper described her as ‘a most unprepossessing looking female’ and, from that time onwards - except for a period in the mid-late 1860s - she was continually in trouble with the law.²⁴ In early June 1855, she was fined five shillings for ‘disturbing the peace’. On 3 October 1855, she was charged with being drunk and returned to the Cascades to spend ten days in a solitary cell. Three weeks later, she was found drunk again and this time was sent to the Cascades for three months. On 21 February 1856, she was drunk again and sentenced to another three months in prison with hard labour.²⁵

Some of this unruly conduct could be accounted for, perhaps, by the fact that Margaret’s applications for a ticket of leave – on 16 October 1855 and 4 November 1856 - had been refused. However, there was no improvement in her behavior when, on 11 July 1857, her next application, was granted.²⁶

During 1857, Margaret was charged with offences four times: on 15 January (being on Mr. Johnson’s premises for an unlawful purpose – fourteen days gaol with hard labour); on 28 July (drunk - fined a pound); on 4 August (drunk again - fined another pound); and on 8 August (absent without authorization - reprimanded). In 1858, happily, she was charged only once when, on 18 January, she was drunk again and fined ten shillings. In 1859, she was gaoled for another three months after absconding. In 1860, she was charged four times: on 12 January (drunk – fined ten shillings); on 12 February (absconding – two months gaol with hard labour, and her ticket of leave was revoked); on 23 April (drunk - fined ten shillings); and on 15 December (absconding – four months gaol with hard labour).²⁷

Then - quite astonishingly - Margaret managed to turn her life around for almost a decade and a half. Except for seven days in April 1864 in which she was locked up in Richmond Prison for ‘misconduct’ of some kind, she was able to stay out of trouble with the law from 1861 to 1873.

²³ CON40-1-2, image 104.

²⁴ *Tasmanian Daily News*, 20 October 1855, p.4.

²⁵ CON40-1-2, image 104; *Tasmanian Daily News*, 9 June 1855, p.3; *Hobart Mercury*, 5 October 1853, p.3; *Hobart Town Daily Mercury*, 19 October 1855.

²⁶ CON40-1-2, image 104; ticket of leave granted: *Cornwall Chronicle*, 18 July 1857, p.8;

²⁷ CON40-1-2, image 104; *Hobart Town Daily News*, 16 January 1857, p.3; *Cornwall Chronicle*, 18 July 1857, p.8; *Hobart Town Daily Mercury*, 11 February 1860, p.3 and 25 April 1860, p.3.

There are a number of possible explanations for this remarkable turnaround. In October 1859, Margaret was informed that her ticket of leave – which had been revoked after she had absconded in February that year – had been restored. Surely that would have pleased her! Now, rather than being assigned as a servant, she was able to find work of her own choosing. Moreover, on 18 June 1861, she received the news that a conditional pardon had been granted to her! She was a free woman again.²⁸ It seems likely, too, that the circumstances of her home life had improved. The discharge from the Orphan School of her sons into Alexander's care in 1857 must have pleased her - and Alexander now seemed to be finding success as a storekeeper at Buckland, near Richmond.²⁹

Unfortunately, that situation did not last.

By 1873, Margaret was back to her old way of life. Records of crime in Tasmania show that she was gaoled for three months in February 1873 for being drunk and disorderly. In late 1875, she spent another three months in gaol for the same offence - and for resisting arrest.³⁰

While it is unlikely that whatever it was that had caused the final breakdown of the marriage of Margaret and Alexander will ever be known, it is clear that, by late 1875, it was over.

On 2 October 1875, this notice appeared in *The Mercury*:

CAUTION.

My Wife, MARGARET GIBBONS, has obtained maintenance from me, and left Buckland. I request that the public will not give her credit on my account.

*ALEXANDER GIBBONS,
Storekeeper, Buckland.*³¹

Within a year, Alexander had lost his business at Buckland. A notice placed by William Kidson, a Buckland solicitor, in *The Mercury* in August 1876 left no doubt that Alexander was in financial difficulties.³² In March 1878, he applied for, and was granted, a hawker's licence for the Richmond district but that venture also failed.³³ He died at the New Town Pauper's Home on 10 November 1882.³⁴

Meanwhile, Margaret's life had become piteous. In 1876, she was gaoled for being 'idle and disorderly'. In early 1877, she was gaoled again for two months for the same offence. In June

²⁸ CON40-1-2, image 104.

²⁹ Alexander Gibbons, storekeeper at Buckland: *The Tasmanian Tribune* (Hobart), 12 February 1875, p.1; *Mercury* (Hobart), 2 October 1875, p.3.

³⁰ 'Tasmania Reports of Crime' via Ancestry: 1873, p.88; 1876, p.12.

³¹ *Mercury* (Hobart), 2 and 4 October 1875, p.3.

³² *Mercury* (Hobart), 16 August 1875, p.3.

³³ *Launceston Examiner*, 14 March 1878, p.2.

³⁴ RGD35/1/10/506/1882, Hobart.

1877, she was sentenced to three months imprisonment for larceny. In October 1877, she was gaoled for a month, again for being idle and disorderly. In February 1878, she was gaoled for three months, again for larceny.³⁵

When, in June 1879, she was charged with the theft of a skirt and sent to prison for four months, *The Mercury* reported the offence in distressing terms:

*A wretched-looking woman named Margaret Brodie was sent to gaol for four months for stealing a skirt. A good Samaritan had taken prisoner into her house to shelter her from a mob of boys who were reviling her as she lay in a drunken fit in the street. Her benefactor covered her with the dress and on recovering from her debauch she ungratefully decamped with it. She had been convicted before for the same kind of thing.*³⁶

In May 1880, Margaret was charged again with being idle and disorderly and sent to Richmond Prison for three months.

By early 1883, Margaret was clearly struggling. When she was arrested on warrant in May of that year for stealing clothes to the value of eight shillings back in 1881, a charge for which she had not yet faced court, she was taken – presumably by the police – to the Pauper Establishment at New Town, Hobart. However, police records indicate that she was there for only a week before she absconded.³⁷

On 14 July 1883, she was charged with stealing a pair of boots. Although described in court as ‘an elderly woman’, she was sentenced to three months in prison with hard labour.³⁸

Sadly, she was never free again. She died in gaol on 5 October, just a few days before her term had expired.³⁹

On 9 October 1883, *The Mercury* carried a report of an inquest into her death:

Yesterday morning an inquest was held at the Bird-in-Hand Hotel, Argyle-street, on the body of Margaret Gibbons who died in the gaol on Friday last. From the evidence of the chief female warder and Dr. Turnley, it appeared that the

³⁵ ‘Tasmania Reports of Crime’ via ‘Ancestry.com’: 1876, p.188; 1877, p.43, p.144 and p.171; 1878, p.69; 1879, p.163; *Tribune* (Hobart), 17 March 1877, p.3; *Mercury* (Hobart), 4 June 1877, p.3.

³⁶ *Mercury* (Hobart), 7 June 1879, p.3.

³⁷ ‘Tasmania Reports of Crime’ via ‘Ancestry.com’: 1880, p.135; 181, p.46; 1883, p.111; Pauper Establishment: POL709/1 via FCRC website; see also https://linctas.ent.sirsidynix.net.au/client/en_AU/names/search/results?qu=NI_NAME%3DMargaret&qu=NI_NAME%3DBrodie

³⁸ *The Tasmanian* (Launceston), 14 July 1883, p.790.

³⁹ CON40-1-2, image 104; Death: RGD 35/1/10/1225/1883, Hobart; Inquest: SC195/1/63, No.8737; POL709/1/19, p.166 (1883).

*deceased was received into the gaol on the 7th July and on the 14th of the same month was placed under medical treatment. The deceased stated in gaol that she had previously been in both Hobart and Launceston Hospitals, and was 55 years of age. Dr. Turnley, as medical officer of the gaol, attended on her from the 14th July till her death and testified to the fact that she suffered from a malignant disease of the stomach which was incurable and, in consequence of which, she died. The jury returned a verdict in accordance with medical testimony.*⁴⁰

Margaret was buried (as Margaret Gibbons) in the pauper section of the Cornelian Bay Cemetery on 10 October 1883. Cemetery records show that she was fifty-four when she died but it is believed that she was about sixty-three. She was described simply as a 'housewife'.⁴¹

⁴⁰ *The Mercury* (Hobart), 9 October 1883, p.2.

⁴¹ www.millingtons.com.au; AF35-1-1, p.138 – via FCRC d/Base.