

Mary Acton

(*Tory*, 1845)

By

Judith Cross

Mary Acton was well known to the police in Warrington, Lancashire, with the authorities finally managing to have her convicted in 1844 for a crime committed five years earlier. She was transported on the *Tory* arriving in Van Diemen's Land in July 1845. Despite marrying early in her sentence, she did not have a settled life and spent most of her sentence at Hobart and Ross Female Factories.

This is Mary's story

.....

Mary Acton was baptised on 23 May 1819 in Warrington, Lancashire,¹ a manufacturing town halfway between Liverpool and Manchester.² She was the second of six children born to William, a blacksmith, and his wife Ellen.

Mary initially worked as a county servant,³ and it was in this role in 1836 that she was a witness for her employer Mrs. Hutton, in a case against two fellow servants for stealing bacon.⁴ It appears that Mary then either fully worked or augmented her income by working as a girl 'on the town' from the age of eighteen.⁵ Whilst prostitution was not illegal in Britain at this time, prostitutes were regarded as women of low morals and came to the attention of authorities⁶ - in Mary's case, the newly created Warrington Police Force.⁷ On 14 January 1839 Thomas Jonsyon, one of the oldest officers of the Warrington police force, recently discharged, appeared before the

¹ Baptism of Mary Acton baptised 23 May 1819, England, Select Births and Christenings 1538 - 1975, Film number: 1468987, Reference ID: 2: Q76T55, Ancestry.com, Accessed 10 March 2020.

² British History Online, 'Townships: Warrington', <https://www.british-history.ac.uk/vch/lancs/vol3/pp316-324>, Accessed 21 March 2020.

³ Mary Acton, *Tory, 1845*, Conduct record, CON41/1/6,7 AOT TAHO; Police No: 189; FAS ID 12138.

⁴ *Liverpool Standard and General Commercial Advertiser*, 26 January 1836, n.p.

⁵ Mary Acton, Conduct record.

⁶ Christine Leppard, 'The Unfortunates: Prostitutes Transported to Van Diemen's Land 1822-1843', unpublished PhD thesis, University of Tasmania, 2013, p. 5.

⁷ Local Histories, 'A Brief History of Warrington', <http://www.localhistories.org/warrington.html>, Accessed 21 March 2020.

magistrates to ‘answer the charge of assaulting Mary Acton, a girl on the town.’⁸ In her statement Mary reported that she and two other girls were standing in front of a shop when Jonsyon called her a ‘nasty faggot, pushed her into the middle of the street, and struck her with a stick a heavy blow on the back.’ He then dragged her to the police office. The police officers testified that Jonsyon was drunk, and he was found guilty and fined ten shillings and costs.⁹

Shortly after this, on 13 July 1839 Mary was herself found guilty of larceny at the Kirkdale County Sessions in Liverpool and received a sentence of one month’s imprisonment.¹⁰

Over the next few years Mary become increasingly well known to the Warrington police. On 25 April 1839,¹¹ 16 July 1840,¹² and 22 April 1841,¹³ Mary was time and again accused of larceny and appeared at the Kirkdale Courthouse, only to be found not guilty on each occasion. Her co-accused in 1839, Margaret Ellam (aged 18), was however found guilty and sentenced to three months in prison.¹⁴

Although acquitted at her trial in April, when the 1841 census occurred on 6 June Mary was in the Warrington Bridewell with 25 other men, women, and children.¹⁵ In August 1842 she was again before the court charged with being riotous and disorderly.¹⁶ On this occasion Mary and several friends surrounded two men on their way home at 11 pm. The men were knocked down and abused until the arrival of the police. Mary and her friends were described as ‘notorious bad characters’ and after cautioning them the magistrates ‘told them that they were determined to rid the town of such pests to society as they were.’ The women were variously sentenced to one to three months imprisonment.¹⁷

⁸ *Manchester and Lancashire General Advertiser*, 19 January 1839, n.p.

⁹ *Manchester and Lancashire General Advertiser*.

¹⁰ Registry entry for Mary Acton, 'England & Wales Criminal Registers, 1791 - 1892, Class: HO 27; Piece: 58; page 110, Ancestry.com, Accessed 11 March 2020.

¹¹ Registry entry for Mary Acton, Piece: 58; Page 110.

¹² Registry entry for Mary Acton, Piece: 61; Page: 157.

¹³ Registry entry for Mary Acton, Piece: 64; Page: 114.

¹⁴ Registry entry for Margaret Ellam, 'England & Wales Criminal Registers, 1791 - 1892, Class: HO 27; Piece: 58; Page 110, Ancestry.com, Accessed 11 March 2020.

¹⁵ Census record for Mary Acton, aged 20, Bridewell Institution, Warrington, Lancashire, 1841 England Census, Class: HO107; Piece: 521; Book: 15; Civil Parish: Warrington; County: Lancashire; Enumeration District: Bridewell; Folio: 65; Page: 19; Line: 16; GSU roll: 306907, Ancestry.com, Accessed 11 March 2020.

¹⁶ 'Riotous Conduct', *Manchester Courier and Lancashire General Advertiser*, 27 August 1842, n.p.

¹⁷ 'Riotous Conduct'.

At Mary's next trial on 24 April 1844, Peter and Hannah Hamblett of Salford and John Hunt of Manchester¹⁸ were witnesses against Mary for stealing a watch 'five years before.'¹⁹ The newspaper report indicated that on 7 December 1839 Mary, together with two others, reportedly stole a watch 'robbing an old man named Joseph Saunders (since dead).'²⁰ Mary was found guilty and sentenced to 10 years transportation.²¹ Mary's luck had run out: of 91 people appearing that day, Mary was one of only four who were sentenced to transportation.²² Her co-accused, John Pugh (26 years) claimed he received the stolen watch from Acton, and was sentenced to twelve months imprisonment.²³

Mary's notorious reputation in Warrington did not end with her conviction. In 1844 George Heyes and Samuel Smith petitioned against their conviction for larceny in December 1843 which they claimed was based on the testimony of a sole witness: Mary Acton.²⁴ They stated that Mary Acton is a 'notoriously bad character ... being well known ... as a person of the most depraved habits' They cited a report from the Governor of Kirkdale Gaol regarding the bad character of Mary Acton, claimed that she committed perjury in their trial and that she had been a witness for 17 different parties and probably committed perjury each time. They concluded that 'a just God' recently had his retribution on Mary, giving 'her up to justice' with a sentence of ten years transportation.

On 22 March 1845 Mary departed Woolwich on the *Tory*, as one of 170 female prisoners and 24 children on board.²⁵ The surgeon reported that during the voyage Mary was sick for three days with a headache,²⁶ and that her conduct was 'bad.'²⁷ After her arrival on the 4th July 1845 Mary probably served six months' probation 'on board the prison ship *Anson*.'²⁸ Her initial service as a

¹⁸ Certificate of expenses of Peter Hamblett of Salford, and Hannah Hamblett and John Hunt, both of Manchester, for attendance as witnesses, Lancashire County Quarter Session, Petitions. Kirkdale: Easter 1844, Lancashire Archives, 1844, QSP3220/72.

¹⁹ Mary Acton, Conduct record.

²⁰ News of Neighbouring Towns,' *Manchester Courier and Lancashire General Advertiser*, 2 March 1844, n.p.

²¹ Mary Acton, Conduct record.

²² 'Kirkdale Sessions', *Liverpool Mercury*, 3 May 1844, n.p.

²³ News of Neighbouring Towns.'

²⁴ HO18, Home Office: criminal petitions, part 2, piece number 140.

²⁵ Journal of the *Tory*, 1845, Surgeon J Sloan The National Archives, Kew, Surrey, England, ADM 101/7/9, UK, Royal Navy Medical Journals, 1817 - 1857, Ancestry Library, Accessed 13 March 2020.

²⁶ Journal of the *Tory*.

²⁷ Mary Acton, Conduct record.

²⁸ Female Convicts Research Centre, *Convict Lives, Women at Cascades Female Factory*, 2nd edn., Hobart, Convict Women's Press, 2012, p.93. Mobi eBook.

probation passholder was with Harris, however she 'left her quarters late at night' and was given three months hard labour at the Cascades Female Factory in March 1846.²⁹

On 28 December 1846, Mary married Henry Watts (27 years) at Bethesda Church of England. Watts was a free man and a tailor.³⁰ At some point Henry died, possibly before August 1848, when Mary began a sequence of colonial offences. On the first occasion Mary was punished with five months hard labour for being 'absent from her authorised place of residence' after being apprehended with two others in a public house.³¹ By 9 March 1849 Mary was once again in service with Lovett and was absent without leave, resulting in two months hard labour in the Hobart Factory.³² On two further occasions in 1849 Mary was placed into service and punished with hard labour at the Hobart Factory for disobeying the rules. By November 1849 Mary's record indicated that she was 'not to be allowed to enter service in Hobart Town'.³³ After offending once again in August 1850 she was transferred to the Ross Female Factory to serve a new sentence of six months hard labour.³⁴

However, Ross Factory failed to settle Mary: October 1850 she neglected her work and in November used obscene language and was sentenced to ten days in the cells. On the same day, she disobeyed orders and received a further fourteen days of hard labour to be served 'at the expiration of existing sentence.'³⁵ Mary was also found with a quantity of soap and money and received a further three months of hard labour.³⁶ By August 1852 she was again in service with 'Jacksons', although she was returned to Ross for disobeying orders and served a further three months of hard labour. For the remainder of 1852 and 1853 Mary's records indicate that she was placed with four different people in the Launceston area.

On 22 April 1853 Mary, a widow, married Charles Smith,³⁷ alias Joseph Peachey (*Mayda*),³⁸ who in 1845 had been transported for fifteen years for violent robbery.³⁹ Charles was a labourer and

²⁹ Mary Acton, Conduct record.

³⁰ Mary Acton, Tory, 1845, Marriage, RGD35/1/5 no 82, AOT TAHO.

³¹ Mary Acton, Conduct record.

³² Mary Acton, Conduct record.

³³ Mary Acton, Conduct record

³⁴ Mary Acton, Conduct record

³⁵ Mary Acton, Conduct Record

³⁶ Mary Acton, Conduct record

³⁷ Marriage of Mary Ackton (sic) and Charles Smith, married 22 Apr 1853, 'Australia, Marriage Index 1788 - 1950', Ancestry.com, Accessed 13 March 2020.

³⁸ Charles Smith, alias Joseph Peachey, *Mayda*, Conduct record, CON33-1-79 AOT TAHO.

³⁹ Charles Smith, Conduct record.

arrived in Norfolk Island on 8 January 1846⁴⁰ before being transferred to Hobart on 19 May 1847.⁴¹ He had obtained his ticket of leave on 25 January 1853,⁴² shortly before his marriage to Mary.

Life appears to have settled for Charles and Mary and she finally gained her ticket of leave on 11 October 1853,⁴³ and completed her ten year sentence and was certified free on 24 April 1854.⁴⁴ On 19 December 1854 Charles was granted a conditional pardon.⁴⁵ A possible reference to Mary after her freedom was a notice in the Launceston newspaper indicating Mary Acton needed to pay the money that she owed to redeem her 'articles from pledge.'⁴⁶ However, given this notice is in her maiden name it may be referring to a different person, as is almost certainly the case with the death registration for Mary Acton on 8 August 1868 which is likely to be for Mary Acton, nee Bird.⁴⁷ In 1854 Mary and Charles were only 35 years old and may have lived for many more years but no other information could be found after this date.

⁴⁰ Charles Smith, alias Joseph Peachey, Conduct record.

⁴¹ Charles Smith, alias Joseph Peachey, *Mayda*, Indent record, Tasmanian Archive and Heritage Office, CON 17-1-2

⁴² Charles Smith, alias Joseph Peachey, Conduct record.

⁴³ Mary Acton, Conduct record

⁴⁴ Mary Acton, Conduct record.

⁴⁵ Charles Smith, Conduct record.

⁴⁶ Notice to Mary Acton, *Cornwall Chronicle*, 30 September 1857, n.p.

⁴⁷ Death Register entry for Mary Acton, died 8 Aug 1868, Tasmanian Archive and Heritage Office, RGD35/1/37 no. 569

BIBLIOGRAPHY

Australia, Marriage Index 1788 - 1950, Ancestry.com, Accessed 13 March 2020.

Brand, Ian, *The Convict Probation System: Van Diemen's Land 1839-1854*, Hobart, Blubberhead Press, 1990.

British History Online, 'Townships: Warrington', <https://www.british-history.ac.uk/vch/lancs/vol3/pp316-324>, Accessed 21 March 2020.

Conduct Registers of Female Convicts Arriving in the Period of the Probation System, Archives Office of Tasmania, Tasmanian Archive and Heritage Office.

Conduct Registers of Male Convicts arriving in the Period of the Probation System. Archives Office of Tasmania, Tasmanian Archive and Heritage Office.

Cornwall Chronicle

England & Wales Criminal Registers, 1791 - 1892, Ancestry.com, Accessed 11 March 2020.

England, Select Births and Christenings 1538 - 1975, Film number: 1468987, Reference ID: 2: Q76T55, Ancestry.com, Accessed 10 March 2020.

Female Convicts Research Centre, *Convict Lives, Women at Cascades Female Factory, 2nd edn.*, Hobart, Convict Women's Press, 2012, Mobi eBook.

Frost, Lucy, *Convict Lives, Women at the Ross Female Factory*, Hobart, Convict Women's Press, 2011, Mobi eBook.

Historic Liverpool, 'Kirkdale', <http://historic-liverpool.co.uk/kirkdale>, Accessed 21 March 2020.

HO18, Home Office: criminal petitions, part 2.

Journal of the *Tory*, 1845, Surgeon J Sloan The National Archives, Kew, Surrey, England, ADM 101/7/9, 'UK, Royal Navy Medical Journals, 1817 - 1857, Ancestry Library, Accessed 13 March 2020.

King, Peter, 'Decision-Makers and Decision-Making in the English Criminal Law, 1750 - 1800. *The Historical Journal*, 27, p.43 - 44.

Lancashire County Quarter Session. Petitions. Kirkdale: Easter 1844, Lancashire Archives, 1844, QSP3220/72

Leppard, Christine, 'The Unfortunates: Prostitutes Transported to Van Diemen's Land 1822-1843', unpublished PhD thesis, University of Tasmania, 2013.

Liverpool Mercury

Liverpool Standard and General Commercial Advertiser.

Local Histories, 'A Brief History of Warrington', <http://www.localhistories.org/warrington.html>, Accessed 21 March 2020.

Manchester and Lancashire General Advertiser.

Marriage permissions, Archives Office of Tasmania, Tasmanian Archive and Heritage Office.

National Library of Scotland, Map Images, Great Britain OS one inch, 1885-1900.

Old Mersey Times.

'UK Census collection', Ancestry.com, Accessed 11 March 2020.

University of Portsmouth, Warrington Through Time, 'Industry Statistics', http://www.visionofbritain.or.uk/unit/102176/cube/IND_SECTOR_GEN, Accessed 29 March 2020.