

One Husband Too Many...Female Convicts Transported from England for Bigamy.

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The English criminologist, Keith Soothill, called bigamy “a rare and comical crime.”¹ For female convicts transported to New South Wales and Van Diemen’s Land it was most certainly a rarity. I’ll come to the comical part later.

Rare

Lord Hardwicke’s *Marriage Act 1753*, which required marriages to take place at registered churches, and the introduction of civil registration in 1837 made proof of bigamy simpler. All that was needed were the Parish records or licences for each marriage, though witnesses to the marriages were also useful, particularly where the parties were unable to sign their own names. Generally, one of the spouses or the spouse’s family members instigated the action against the potential bigamist.²

Divorce was effectively unavailable to anyone but the very rich until the *Matrimonial Causes Act 1857* which reflected a changing legal attitude to the permanence of marriage. Prior to that, each divorce required an individual act of parliament to be passed. For the poor, self-divorce and wife sales were the only practical, if illegal, option.³

I used the Old Bailey database⁴ to find most of the women, as this is the most comprehensive and most easily searched collection of records available for the period between the beginning and end of female transportation to the Australian colonies (1788 to

¹ Keith Soothill, et al, “The Place of Bigamy in the Pantheon of Crime?”, *Medicine, Science and the Law*, Vol 39 Issue 1, 1999, pp 65-71.

² Ginger S. Frost, *Living in Sin, Cohabiting as Husband and Wife in Nineteenth-Century England*, Manchester University Press, 2008, p 75.

³ Frost, *Living in Sin, Cohabiting as Husband and Wife in Nineteenth-Century England*, pp 72-95.

⁴ <https://www.oldbaileyonline.org/>

1853).⁵ The search shows that, of the eighty females charged with and fifty-four convicted of bigamy, only three women were sentenced to transportation. Other Assize courts in England also transported women but a search of newspaper reports and databases including the Female Convict Research Centre database⁶ produced only one other woman, sentenced at the York Assizes.

Bigamy was primarily a male crime.⁷ Opportunities for men were greater because of greater social freedom and freedom of movement. At the Old Bailey in the same period four hundred and forty men were tried, three hundred and sixty-seven were convicted and ninety-eight were sentenced to transportation though not all of these sentences were necessarily carried out. So, a mere 3% of convicts sentenced to transportation at the Old Bailey were female.⁸

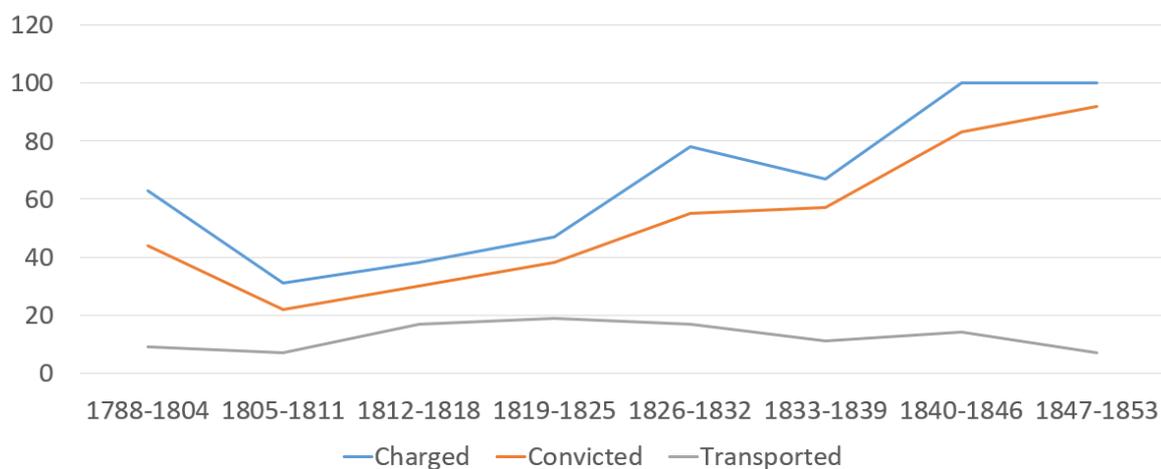


Figure 1: Total Numbers of Defendants Tried for Bigamy at the Old Bailey Between 1788 and 1853.

⁵ I have excluded women transported for bigamy within the colonies and have limited the search to English jurisdictions.

⁶ <http://www.femaleconvicts.org.au/>

⁷ David J. Cox, "'Trying to Get a Good One', Bigamy Offences in England and Wales, 1850-1950", *Plymouth Law and Criminal Justice Review*, 4 (2011), pp 1-32.

⁸By comparison, in the early 19th approximately 22% of all defendants at the Old Bailey were women. <https://www.oldbaileyonline.org/static/Gender.jsp> Accessed 22 Aug 2017.

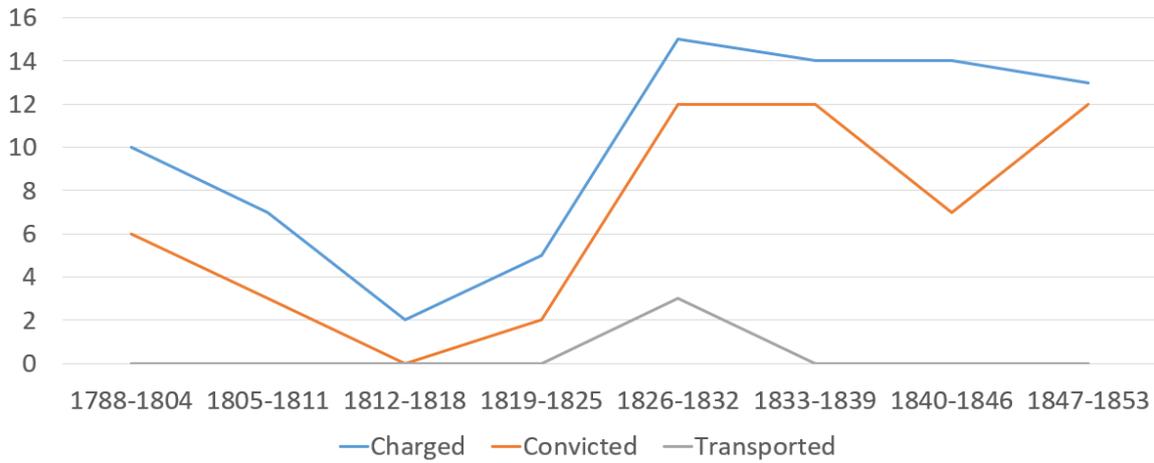


Figure 2: Total Numbers of Females Tried for Bigamy at the Old Bailey Between 1788 and 1853.

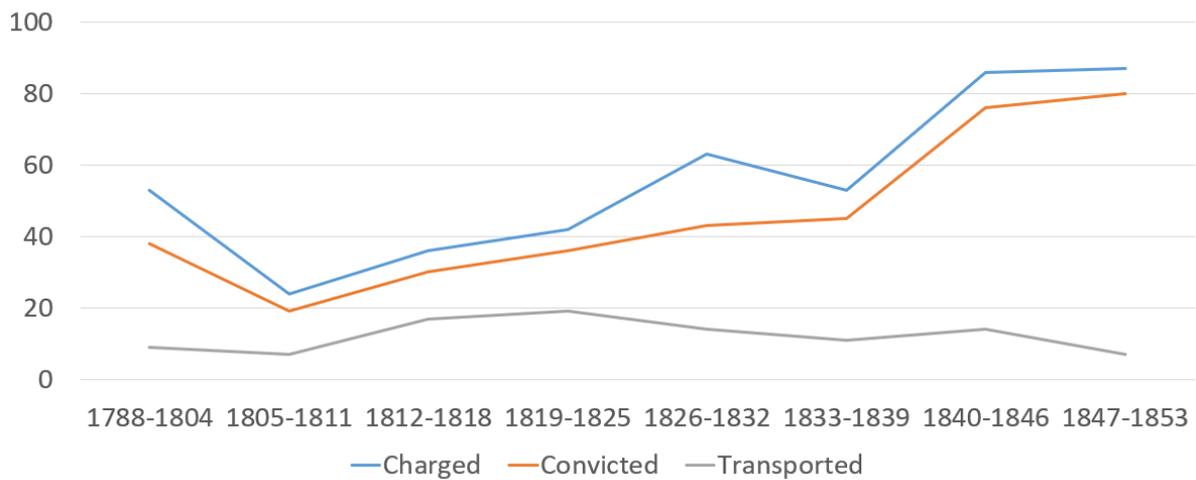


Figure 3: Total Numbers of Males Tried for Bigamy at the Old Bailey Between 1788 and 1853.

The graphs of Old Bailey figures given (Figures 1-3) show that charges and convictions for bigamy increased quite dramatically over the time period, though this may have been tied more to the increase in population, which nearly tripled over this time, than to any great outbreak of illegal marriages. I do wonder if the increase in prosecutions about 1828 had

any connection with the publicity surrounding the *Offences Against the Person Act 1828*, which defined bigamy as a crime in the statute books. This Act provided the defence against bigamy of being continually absent from a spouse for 7 years while not knowing that they were still living. This defence tended to be misinterpreted, particularly in the Colonies, as permitting a legal second marriage. Henry Finlay noted it was even used pre-emptively with people marrying in anticipation.⁹

The bottom line of the graphs shows that the numbers transported remained virtually constant for the whole period despite the large increase in convictions, so that effectively the percentage of convicts sentenced to transportation for bigamy decreased quite substantially.

Comical

Ginger S. Frost notes “Long terms of penal servitude were normally reserved for serial bigamists whose infidelity was not down to love, but to fraudulent behaviour”.¹⁰ This appears true for three of the four women who were transported to the Colonies. Two (Mary Ann Crossley and Hannah Goodman) were sent to New South Wales and two (Elizabeth Wood Lloyd and Mary Clay) to Van Diemen’s Land. All were transported in the short seven-year period between 1826 and 1833.

This is where the “comical” side of Soothill’s definition comes in handy. Because of the titillation and almost music-hall style humour aroused by these rare cases of female bigamy there are quite extensive newspaper articles available those three women. This helped me overcome the difficulties of tracing women who changed their names not once but multiple times and who were also actively hiding past relationships.

⁹ Henry Finlay, *To Have But Not to Hold, A History of Attitudes to Marriage and Divorce in Australia (1858-1975)*, Federation Press, Annandale, NSW, 2005, p 31.

¹⁰ Frost, *Living in Sin, Cohabiting as Husband and Wife in Nineteenth-Century England*, p. 72.

Elizabeth Wood LLOYD per *Sir Charles Forbes* (2) 1826

Dark brown-haired Elizabeth Wood Lloyd was the most cultured of our bigamists and could read, write and work at her needle.¹¹

As 16-year-old Elizabeth Lloyd Duckett¹², she married baker, Thomas Lloyd, in London in 1814.¹³ Three years later she was in a relationship with a sailor. Apparently, her husband said, “If you like the sailor better than me, you had better go with him,” paying him five shillings and a bottle of wine. This was considered by witnesses at her trial to be a wife sale and as such an acceptable form of divorce.¹⁴

As widow, Betty Wood Lowther Blythe (Louther Bligh), Elizabeth met and married William Henry Truss Esquire, a clerk in India House earning £800.¹⁵ After four years they separated and he agreed on a settlement of £120 a year. Elizabeth didn’t lose her appreciation of mariners. When Truss’s brother-in-law found her in Bognor in bed with Captain Atkinson, her trustee under the settlement, Truss took action.

Elizabeth was found guilty and was sentenced to 7 years’ transportation. She had been recommended by the Newgate Governor to the surgeon superintendent as a very respectable woman. He put her in charge of the sick bay on the *Sir Charles Forbes*.¹⁶

¹¹ Phillip Tardif, *Notorious Strumpets & Dangerous Girls; Convict Women in Van Diemen’s Land 1803-1829*, Angus & Robertson, 1990, pp 1021-1022. Elizabeth Wood Lloyd, Conduct Record, *Conduct Register of Female Convicts Arriving in the Period of the Assignment System*, CON 40/1/5, 307.

¹² London Metropolitan Archives, St Mary at Lambeth, Lambeth, Composite register: baptisms Oct 1797 - Dec 1812, baptisms at Stockwell Chapel Jan 1798 - Dec 1812, baptisms at the Workhouse Jan - Apr 1804, Sep - Dec 1812, burials Oct 1797 - Dec 1812, P85/MRY1/349

¹³ London Metropolitan Archives, Saint Marylebone, Register of marriages, P89/MRY1, Item 184

¹⁴ <http://www.oldbaileyonline.org/browse.jsp?id=t18260406-214-person1160&div=t18260406-214#highlight>

¹⁵ Ancestry.com. *England, Select Marriages, 1538–1973* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2014.

¹⁶ James McTernan, Surgeons Journal, *Sir Charles Forbes 1826*, ADM 101/67/7

Mary Ann Crossley per *Sovereign* 1829

Pale faced with brown hair and dark brown eyes, Mary Ann Crossley was possibly the most creatively imaginative of our bigamists.¹⁷ Mary Ann always claimed to be the natural daughter of Scottish nobleman, Lord Dundas, MP for Richmond in North Yorkshire.¹⁸

In 1813, as 16-year-old Mary Ann Rothwell, she married cooper, Richard Crossley, in Doncaster, Yorkshire. She married him again in London in 1814. This was the start of her predilection for marrying. By 1818 she was back in Yorkshire, marrying a labourer, at Silkstone.

Here her story becomes the grist of the tabloids.¹⁹ With little concern for chronology, Mary claimed that she had married a Captain Smith, accompanying him to the Battle of Waterloo where she gave birth in a ditch to a child who perished. Back in London, Captain Smith “plunged into dissipation, committed forgeries, and was executed at the Old Bailey” in about 1822. Mary Ann gave birth to a deformed child in a stage coach while trying to get influential help (presumably from her father) to save Captain Smith.

Evidence given at her trial showed that by 1828 Mary Ann was living with her son and a servant in a furnished house taken for her in Clapton. Later, on her arrival in NSW an otherwise sympathetic article in the *Colonial Times* stated, “it was reported that she had been a general dealer in husbands; and was a wife of no less than five or six men at one time.”²⁰

In 1828, as Sarah Jane Smith, she married Dr Henry Lee. About two weeks after the marriage Henry claimed that he feared she was about to kill someone, so had her committed to a madhouse.

¹⁷ Mary Ann Crossley, Convict Indent, State Records of New South Wales, *Convict Indents*, Series: *NRS 12188*; Item: [4/4014]; Microfiche: 672.

¹⁸ <https://blogs.ucl.ac.uk/eicah/aske-hall-yorkshire/aske-hall-case-study-the-properties-after-the-death-of-sir-lawrence/> Accessed 22 October 2016.

¹⁹ ‘LATEST ENGLISH NEWS’, (1829, July 23). *The Sydney Gazette and New South Wales Advertiser* 23 July 1829 p. 3.

²⁰ ‘Afflicting Vicissitudes’, *Colonial Times*, 25 December 1829, p. 3.

In giving evidence at her trial, Mary Ann's second husband said that his marriage to her was "for love and, partly expecting money". He said, "I saw no madness in her - I think I was mad when I married her, she was unpleasant some time afterwards."²¹

Mary Ann was found guilty on both charges and was sentenced to transportation for 7 years. She was sent to NSW with 119 other convicts on the *Sovereign* arriving in August 1829.

Hannah GOODMAN per *Sovereign* 1829

Also on the *Sovereign* was Hannah Andrews or Goodman. With a fair ruddy complexion, black hair and hazel eyes but no teeth, she was by far the most calculating and convincing actress among our bigamists as well as the most mobile.²² A report of her trial noted:

*Hannah Andrews, alias Hannah Goodman, alias Hannah Eagles, alias Hannah Reynolds, a good-looking, stout comely Welsh woman, about 28 years of age, was charged with having a plurality of husbands, to the extent of no less than six.*²³

Hannah's *modus operandi* was quite clever, playing on the greed and gullibility of the men she seduced. She would claim to be a wealthy widow with large sums of money in the bank and extensive property holdings, often going to great lengths to convince the men of these. In June 1828 she married "tall handsome" businessman, Henry Goodman, in Birmingham.²⁴ He said he thought she was "very pleasing in her manners" and a "nice comfortable sort of woman, and he did not mind if he made her his wife if she convinced him that she had the money in the Bank as she had stated." Goodman soon found Hannah had gone off with a substantial quantity of his property. He later found out that she was married to a man in Cardiganshire and another in Bristol.²⁵

²¹ <https://www.oldbaileyonline.org/browse.jsp?id=t18281204-42-defend441&div=t18281204-42#highlight>
Accessed 4 June 2018

²² Hannah Goodman, Certificate of Freedom, State Records of New South Wales, Sydney, NRS 1165, 1166, 1167, 12208, 12210, reels 601, 602, 604, 982-1027, T/L 36/37

²³ <https://www.oldbaileyonline.org/browse.jsp?id=t18290115-167-defend1326&div=t18290115-167#highlight>
Accessed 5 June 2018

²⁴ Marriage of Henry Goodman and Hannah Andrews, Married 4 June 1828, St Martin Parish Register, Birmingham, Warwickshire, UK, unpaginated, unnumbered.

²⁵ *The Ariel: A literary Gazette*, Vols 1-2, p.196, Google ebook

Hannah was serving a sentence in Liverpool for fraud when she was arrested at the instigation of her most recent husband, publican William Eagle, and charged with bigamy. She had duped Eagle in much the same way as Goodman.²⁶ At the trial he stated, “she conducted herself like an angel till she was married, but afterwards she was a perfect devil”.

Hannah initially attempted to deny she was the wife of either of the parties. The certificates of marriage were produced. Hannah, when asked if she had anything to say, “...burst into fits of laughter, and admitted that she had been married to the two complainants, but she said “they have both wives” so she had the right to marry again. ²⁷

Mr Halls, the Magistrate at the committal hearing at Bow Street, had little sympathy for men who claimed they'd been ruined and said he thought “all the parties had been rightly served. Persons who trafficked in wives in that manner deserved to be deceived.” He went on to condemn the 19th Century equivalent of online dating via the newspaper advertisements.²⁸

Hannah was found guilty and sentenced to 7 years' transportation.

Mary CLAY per William Bryan 1833

Unlike the other women, there is no detailed newspaper report on Mary Clay, just a brief note of the case in the local papers.²⁹ Though her age was given as 33 at the time of transportation, she was actually 42 years of age when she was sentenced at York Assizes in March 1833 to 14 years' transportation for two indictments of bigamy.³⁰ She had lived all her unglamorous life in the villages surrounding Halifax, West Yorkshire. Her gaol report said

²⁶ Marriage of William Eagle and Hannah Andrews, 15 September 1828, St Martin in the Fields Parish Register, London, Middlesex, UK, p. 461.

²⁷ <http://archive.spectator.co.uk/article/25th-january-1829/4/old-bailey-sessionswilliam-johnson-was-capitally-i> Accessed 12 October 2016

²⁸ ‘Bow Street-A Gay Deceiver’, Sydney Monito, 8 May 1830, p. 1.

²⁹ ‘Yorkshire Lent Assizes’, *Sheffield Independent*, 9 March 1833, Issue 635, p.1.

³⁰ <http://www.yorkfamilyhistory.org.uk/resources/york-assizes/york-assizes-surnames-c-d/>) Accessed 15 October 2016

she was of bad character and had led a very dissolute and disorderly life, though the Surgeon's report was more positive.³¹

In all ways Mary Clay was the exception, the outlier, never venturing more than a few miles from Halifax. She was more like the common bigamists who married again to find a better marriage and were sentenced to a brief spell in prison or a fine. Short, swarthy and pockpitted, with a low forehead, long sharp nose, brown hair and grey eyes, Mary was no beauty. The skills she offered were as a plain cook and house servant.³²

She had married very young in 1807.³³ Her first husband, James Clay, may have been only 13 at the time he left her six months later, joining the militia and serving overseas. Mary married again four years later, this time to a labourer, had two children and would have remained in obscurity.³⁴ But 20 years later, in 1832, she married another labourer.³⁵ This event caused first husband James Clay, and other related villagers from Warley, to bring charges of bigamy against her. The action catapulted her from her obscure life in the wool villages around industrial Halifax and sent her half way around the world.

Mary pleaded guilty and was sentenced to 14 years' transportation, seven years for each offence. This was twice the penalty imposed on each of the three Old Bailey women, yet she was certainly not involved in fraud or deception of any great pecuniary benefit.³⁶

Conclusion

Why was there such a compulsion to marry when so many people lived in sin? Were these women consummate actresses taking on brief but repeated roles to enable them to survive financially and emotionally in a male world? Was there some form of mental illness involved in their need to marry repeatedly, as Mary Ann Crossley's husband claimed? Was it the

³¹ <http://discovery.nationalarchives.gov.uk/details/record?catid=-6046488&catIn=7> Accessed 12 October 2016

³² Mary Clay, *Description List*, Tasmanian Archives and Heritage Office, Hobart, CON 19/1/14 p. 310.

³³ Marriage of James Clay and Mary Eastwood, 25th December 1807, St John the Baptist Parish Register, Halifax, Yorkshire, UK, p. 311, No. 932.

³⁴ Marriage of William Firth/Forth and Mary Eastwood, 7 August 1811, St John the Baptist Parish Record, Halifax, Yorkshire, UK, p. 262, no. 1048.

³⁵ Marriage of Thomas Oxley and Mary Eastwood, 1 October 1832, St John the Baptist Parish Record, Halifax, Yorkshire, UK, p. 48, no. 142.

³⁶ A man from Halifax named William Firth (per *Marquis of Hastings* 1827) was transported to NSW in 1827. Could Mary's bigamy have been a calculated act to enable her to follow him to Australia?

women who were tempting the men into marriage with the lure of financial gain, and then turning the tables on them by stealing from them as Hannah Goodman had done, or were the women the victims of the men's greed?

For at least three of the women, the ultimate irony of their punishment was that transportation enabled them to again marry bigamously in the Colonies, though it wasn't plain sailing and they only married successfully after they had served their sentences. Sending female serial bigamists to a colony with a male to female ratio of roughly 9:1 was possibly not the wisest form of punishment.

Elizabeth Wood Lloyd married a land surveyor in Launceston. They had a daughter but both mother and child died in Hobart within a few years.³⁷

Mary Ann Crossley applied to marry William Wentworth's overseer, twice as Sarah Jane Lee then as Mary Ann Crossley.³⁸ This latter prompted a rather wryly sarcastic response from the authorities:

Mary Ann Crossley alias Lee, alias Smith, 29/359 Convicted of Bigamy has three children – Is a daughter (as she states) of Lord Dundas- Sentence 7 years – is now inclined to try a third husband.

All attempts failed. With her Certificate of Freedom in hand, Mary Ann married a pompous 60-year-old ex-convict Parramatta baker, William Niblett.³⁹ Several months later she had left him, taking a note for 100 pounds.⁴⁰

³⁷ Marriage of Elizabeth Wood Lloyd and Henry Douglass, 29 October 1834, Tasmanian Archive and Heritage Office, RGD36/1/2, 2609.

³⁸ NSW Registers of Convicts' Applications to Marry, 15 March 1834, State Archives NSW; Series: 12212; Item: 4/4509; Page: 182; 5 April 1834, State Archives NSW; Series: 12212; Item: 4/4512; Page: 49.

³⁹ Marriage of William Niblett and Mary Ann Crossley, NSW BDM, 1836, St John's Church of England, Parramatta, NSW, 187/1836 V1836187 20.

⁴⁰ Advertising, 'Caution to the Public', *The Sydney Monitor*, 4 November 1836, p. 4.

Hannah Goodman continued her habitual moving and marrying at least four more times, twice in the Southern Highlands⁴¹ and twice in the Hunter Valley.⁴² By 1844 she was living in Windsor where she was sentenced to two years' hard labour at the Parramatta Female Factory for stealing £5 from her mistress. Again, she entertained the Court with her performance.⁴³

Mary Clay was the one who failed to marry Colonially, though not for want of trying. While still under sentence, she lived for 5 years at Brighton with an Irish convict, Daniel Slater. Their applications to marry were twice refused because of ecclesiastical objections.⁴⁴ In 1843 she again had her Ticket of Leave suspended and was removed from the district (to Richmond) for living in a state of adultery.⁴⁵ Either way she couldn't win and this ended her five-year relationship with Slater. He married elsewhere.⁴⁶

The experiences of these women show a continuity in the Colonies of the life patterns they had established in England. The men they related to changed but the way they conducted those relationships did not.

⁴¹ Marriage Hannah Goodman and Thomas Stafford, 1838, Bungonia, Goulburn, NSW, Ancestry.com. *Australia, Marriage Index, 1788-1950*. NSW BDM Records, 1954/1838 V18381954 22.

Marriage of Hannah Andrews and George Cullingworth, 1838, NSW BDM Records, 560/1838 V1838560 75.

⁴² Marriage of Hannah Goodman and George Burgall, 1842, Scone, NSW, Ancestry.com. *Australia, Marriage Index, 1788-1950*. NSW BDM Records, 485/1842 V1842485 26C.

Marriage of Hannah Burgall and Joseph Foster, 1852, Singleton, NSW, NSW BDM Records, 861/1852 V1852861 80.

⁴³ 'Windsor', *Hawkesbury Courier and Agricultural and General Advertiser*, 18 July 1844, p. 3.

⁴⁴ Daniel Slater, *Convict Applications for Permission to Marry*, Tasmanian Archives and Heritage Office, CON 53/1/1, 1838, p. 186 and 1841, p. 180.

⁴⁵ Mary Clay, Conduct Record, *Conduct registers of female convicts arriving in the period of the assignment system*, CON 40/1/1, 240.

⁴⁶ Marriage of Daniel Slater and Mary Rogers, 25 November 1844, District of Hobart Records, Church of St Joseph, no. 1350.

CONVICT NAME	Elizabeth Wood LLOYD <i>per Sir Charles Forbes (2) 1826</i>	Mary Ann CROSSLEY <i>per Sovereign 1829</i>	Hannah GOODMAN <i>per Sovereign 1829</i>	Mary CLAY <i>per William Bryan 1833</i>
Where tried	Old Bailey	Old Bailey	Old Bailey	York Assizes
Sentence	7 years (VDL)	7 years (NSW)	7 years (NSW)	14 years (VDL)
Age at trial	29	33 (or 36)	28	42 (33 on indent)
Approximate year of birth	c 1797	c 1796	1801	c 1791
Native Place	Carlisle, Cumberland	Hackney, Middlesex	Newport, Wales	Halifax, Yorkshire
Places of Residence in England	London	Yorkshire, London	Various incl Gloucestershire, Worcestershire, London	Halifax, Yorkshire
Birth name	Elizabeth Wood DUCKETT	Mary Ann ROTHWELL	Hannah ANDREWS?	Mary EASTWOOD
Children	1 (in VDL)	3 (1 with her on ship)	0	2 (in Yorkshire)
Marriages in England	1814: Thomas LLOYD, London 1822: William Henry TRUSS, London	1813: Richard CROSSLEY, Doncaster, Yorkshire and 1814: Finsbury, Middlesex 1818: John PICKERING, Silkstone, Yorkshire 1828: Dr Henry LEE,	????: Cardiganshire ????: Bristol 1828: Henry GOODMAN, Birmingham, Warwickshire 1828: William EAGLE, London	1807: James CLAY, (Warley) Halifax 1811: William FIRTH, (Hipperholme) Halifax, Yorkshire 1832: Thomas OXLEY, (Northowram), Halifax, Yorkshire
Applications to Marry	1832: James WESTWOOD	1834: Richard RESTALL	none	1838 & 1841: Daniel SLATER, Brighton, VDL (EO)
Marriages in NSW/VDL	1834: Henry DOUGLASS, Launceston	1835: William NIBLETT	1838: Thomas STAFFORD 1839: George CULLINGWORTH 1842: George BURGALL 1852: Joseph FOSTER	none
Other aliases	Betty Wood LOUTHER BLIGH (BLYTHE)	none	REYNOLDS BENNETT MATTHEWS?	none

Figure 4: A Summary of the Life Stories of the Transported Female Bigamists.

There once was an old man of Lyme
Who married three wives at a time,
When asked, "Why a third?"
He replied, "One's absurd!
And bigamy, sir, is a crime.

William Cosmo Monkhouse (1840-1901)

