

Croker Prize for Biography

Entry 1415

**The Blackest Sheep in
my Family Flock ... James Sheers**

When the First Fleet set sail from England in May 1777, not one of the almost 1500 people on board had any idea of what lay ahead of them. They were bound for Botany Bay in that newly discovered country that Captain James Cook had named New South Wales. For them, it was an unknown land; none had been there before and most had not even heard of it. For more than half that contingent, the convict men and women who had been transported by the Courts of England, it was a place of punishment but also a place of challenge and opportunity; a place so different from the squalor, the grime and stench, of the London that many of them had known.

The majority, if they did not actually embrace their fate, were prepared to accept the inevitable. For these, this new land gave them a sense of hope. They could breathe fresh air, see the sky with its brilliant stars, feel the warmth of the sun and most importantly, sense a chance, a possibility of freedom and a new start, even though they were, to all intents, confined in a prison, albeit one without walls.

These were the first European Australians; they were the base on which the Australia we know today has been built. Despite their origins in the slums of England, despite their reputation as unwanted criminals, most became settlers and farmers, raised families and prospered to an extent that would have been impossible in their native land.

One of these convicts was James Sheers, my great-great-great grandfather, **the blackest sheep in my family flock**. His crime, whilst relatively minor by today's standards, was a most heinous offence in Eighteenth century England.

There are variants of his name in the records – *Shiers, Shears or Sheers*; the only record of his actual signature is that on his marriage record¹ where he used the spelling “*Sheers*”, that been adopted here.

He was born probably sometimes between 1740 and 1750. There is a record of a James born to Thomas and Sarah Sheers, christened at St Mary Whitechapel, Stepney, London on 25 March 1744.² When sent to the hulks in 1787 he gave his age as 38;³ a newspaper notice of his death in 1838⁴ gave his age as 103 years! Hence a 1744 birth date would not be unreasonable and the Stepney record could well be of him. His history indicates that he was a Londoner and St Mary Whitechapel is not far distant from where we next find him.

On 07 July 1784, as a labourer living in the Parish of Saint Clement Danes,⁵ James was indicted (as *Shiers*) for committing “*highway robbery*”.

“**Stop Thief! Stop Thief!**” was a cry that echoed around London streets with some regularity in the Eighteenth century. It has been estimated that over ten per cent that city's population was engaged then in crime of one kind or another. Not all of the England of that time enjoyed the

life style and culture that we have come to associate with the term “*Georgian England*”. In the second half of the Eighteenth century, London had approximately 2 million people, the majority of whom lived under conditions of extreme poverty and squalor. In order to exist many were forced into a life of crime. It is probable that James could have been in such a situation.

The charge sheet states that on 02 July 1784,⁶ Sheers robbed Charles Wright, a London banker’s clerk, “*with force and arms*” and did put Wright “*--- in Corporal fear of Danger of his Life in the King’s Highway ---.*” Wright’s story was that he was strolling out from the city along the Strand at about two o’clock in the afternoon, when Sheers, seemingly accompanied by another man, and walking towards the city, bumped into him and in the ensuing jostling, Sheers picked a watch and its chain, from his pocket. Wright restrained him and Wright’s companion. Herbert Ord, assisted in bringing James to the police station. Both Wright and Ord said that they saw the watch in Sheers outstretched hand, but that it was not in his possession when they apprehended him.

Sheers story was that he was going along the Strand to Smithfield Market at about five o’clock when he came across a drunken party of Wright, Ord and three or four girls, when “*they caught hold of me and a woman, and stripped us both naked*” before handing him over to the police.⁷

Wright had been drinking, probably at lunch with Ord and the girls, and he probably looked to be an easy mark. A crowd had gathered and Sheers probably managed to pass the stolen goods back to accomplices who spirited them away. James was charged with “*feloniously assaulting Charles Wright on the King’s highway, on the 2d of July, and taking from his person and against his will, one watch, with the outside case made of shagreen, and an inside case made of base metal, value 40 s. a metal chain, value 5 s, one ring, value 5 s. one seal value 1 s. a metal key, value 6 d. and a metal hook, value 6 d. his property*”.⁸

Sheers was brought to the Old Bailey on 07 July 1784. Ord gave evidence in support of Wright’s accusations but Sheers was not able to provide any witness to corroborate his story. He did produce a paper prepared for his defence, which was unacceptable, as defendants were required to read their submissions into the trial record; this was impossible because, as James admitted, “*I cannot read ---,* “.

James Sheers was found guilty and the mandatory death sentence was imposed.

It is probable that Sheers was part of a gang preying on travellers. Although the prosecutor’s statement seems exaggerated and, the times of the alleged attack and the directions that the parties were travelling, are at odds, the presence of a witness counted against James. His own defence seems equally fanciful, but he had no witness to speak in his favour. “*I do not have a friend in the Court;*” he said.

Then, the law was weighted in favour of the prosecution. There was no presumption of innocence; in actual fact, the presumption was that if he was innocent, the defendant should be able to prove it.

The whole trial took no more than ten minutes. Sheers case was number 12 out of 117 tried that day, in which 18 prisoners received death sentences⁹. James Sheers was sent to Newgate Prison to await his hanging at Tyburn.

On 19 March 1785, Sheers' case was reviewed and his sentence was commuted to "*transportation for life to Africa*"¹⁰. In March 1785 it had been planned to send 150 convicts to Lemain Island in West Africa where they would be abandoned. This is where James Sheers was headed when his sentence was commuted. Luckily for him, this plan was abandoned.

On 05 April 1785, he was sent to the *Ceres*,¹¹ a former East Indiaman that was aground at Woolwich on the Thames; it had been established as a prison hulk in March 1785 to hold convicts from Newgate, pending transportation to Africa.

The accommodation was basic and overcrowded; the convicts were shackled together and slept two to a plank bed with a single blanket to cover them. The expense of maintaining them¹² was offset by putting them to work dredging the Thames and building embankments.

James Sheers remained there until ordered to Portsmouth on 24 February 1787 to embark on the transport *Scarborough* for Botany Bay. This voyage was generally uneventful, arriving in Port Jackson on 26 January 1788.

On the Monday 28 January the male convicts were disembarked. David Collins¹³ reported "*The confusion that ensued will not be wondered at when it is considered that every man stepped from the boat literally into a wood.*" Until then they had not set foot on land for over eight months and James Sheers had been incarcerated for three and a half years.

On Wednesday, 06 February the women convicts were landed. Surgeon Bowes described the scene that day in his Journal. "*The men convicts got to them very soon after they landed and it is beyond my abilities to give a just description of the scene of debauchery and riot that ensued during the night. They had not been landed more than an hour, before --- there came on the most violent storm of thunder lightning and rain I ever saw.*"¹⁴

It was, in fact, typical Sydney summer thunder storm; it could also be said to be the forerunner of many a future Sydney summer barbecue.

It is probable that on this night James Sheers first met Mary Smith. She had been transported, "*---for feloniously stealing ---, one pair of leather boots, value 21s.*"¹⁵ Two weeks later Mary and James were married.¹⁶ Their only daughter was the concubine, and later, the wife of Captain John Piper of the NSW Corps; today there are many hundreds, even thousands maybe, that can trace their ancestry back to James Sheers' arrival in Sydney Cove on 26 January 1788.

References

- ¹ St Phillip's Church of England, Sydney, Church Register, page 6, No.26.
- ² International Genealogical Index v 5.0, British Isles; Individual Record 6903657.
- ³ Public Record Office, London T1/644.
- ⁴ *The Sydney Morning Herald*, 18 December 1838, page 1.
- ⁵ Old Bailey Session Rolls, London Metropolitan Archives OB SR 229, James Sheers, 7 July 1784, No.3.
- ⁶ The Proceedings of the Old Bailey, Ref: T17840707-12.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ The Proceedings of the Old Bailey, Ref: s 17840707-696.
- ¹⁰ The Proceedings of the Old Bailey, Ref.o17850223-2 and SAG fiche 620 p23 & 24.
- ¹¹ Gillen, Mollie, *The Founders of Australia*, Library of Australian History, Sydney, 1989, p326.
- ¹² PRO Reel 3530, Hulk Returns 12 April 1786 to 12 April 1787; AONSW T1/644.
- ¹³ Collins, David, *An Account of the English Colony in New South Wales, Vol.1*, London, 1798 facsimile, Libraries Board of South Australia, 1971, page 6.
- ¹⁴ Bowes Smyth, Arthur, *the Journal of --- Surgeon, Lady Penrhyn 1787 – 1789*, Australian Documents Library, Sydney, 1979, page 67.
- ¹⁵ Proceedings of the Old Bailey, Ref: t17860531 - 3
- ¹⁶ St Phillip's Church of England, Sydney, Church Register, page 6, No.26.