

Croker Prize for Biography

Entry 1521

Better than Bedlam

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According to the *Collins English Dictionary*, the definition of immigration is: “the movement of non-native people into a country in order to settle there.”ⁱ And in Australia, this covers more than those who chose to come: it also covers those who were sent here as punishment. Because regardless of the convicts’ intentions when they left Britain, the British government knew that the majority of them were never to return to their homeland.

An immigration journey starts well before a person leaves the shores of a country. It is, after all, the course and events of their lives and pull or push them to immigrate. And Eleanor McCarthy apparently left two countries in her lifetime: reportedly born in Ireland, she was living and working in England when she came to the attention of the law. The Industrial Revolution in England led to a significant rise in the London populationⁱⁱ as people flocked there in the hope of finding work. It is possible that this is why Eleanor found her way to London if she was, indeed, born in Ireland, as information from other researchers suggests.

Eleanorⁱⁱⁱ was tried at the Old Bailey on 12th September, 1821, for kidnapping the six month old John Brady, the infant son of her employer, John and Norah Brady.^{iv} At first glance, this sounds like the work of a despicable character. It is, however, in her trial details that there is an indication that was something either mentally or medically wrong with Eleanor.

Evidence from William Ratcliffe, the keeper of *The George* hotel at Brickhill, is clear:

The prisoner brought the child to Brickhill, and took ... lodgings, and was taken extremely ill; her landlady applied to me ...for medical assistance; the medical gentleman found her in a dangerous state - she was speechless for twelve hours. When she came to herself ... the woman taxed her with stealing this child. She acknowledged stealing it, and said it belonged to John Brady , of No. 8, Field-lane.^v

Although in the 21st century part of it would be deemed hearsay evidence and not admissible in a court of law, the statement from Norah Brady, the mother of the child, adds more credence to the theory that Eleanor was ill: “...[John] was not weaned ... - I understood she used to give it her empty breast, to pass as a mother.”^{vi} Finally, Eleanor’s own testimony confirms that there was something seriously wrong: “I was taken in a fit, and did not know where I was - I sent her a letter to come for the child”.^{vii} It also strongly suggests that she bore no malice toward the parents and was, in fact, mindful of the needs of the child. Unless she is particularly cold and calculating, these are not the actions of someone who had evil intent.

When found, the child was in a distressed state. Eleanor had taken him from his food source twelve days previously and the baby was screaming and shoving his fists into his mouth when taken from Eleanor.^{viii} But, once over the fact that baby John was kidnapped by Eleanor, several issues must be considered.

1. She had made an attempt to feed him, be it as futile as it was, given he was not her child and she was not producing milk. It was suggested at the trial that the attempted feeding was done in order to mask the crime^{ix} but other evidence does not support this.
2. The minute she ‘came to her senses’ she admitted to what she had done, told people where the baby’s parents were and also wrote to the mother herself.^x

3. More than one person witnessed her in a, for want of a better term, comatose condition for twelve hours. Eleanor herself describes herself as having some kind of “fit”^{xi}.

Whatever way you look at it, Eleanor was not well. But, in a twist of fate, it does not appear to have been suggested that Eleanor was insane. And this, while by today’s reckoning is unkind and, perhaps, cruel, by 1822 standards it is the best thing that could have happened to her. In 1800 the *Act for the Safe Custody of Insane Persons Charged with Offences* meant that whether a person was found guilty or innocent of the crime that they had been charged with, they could be imprisoned because they did not know the difference between right and wrong.^{xii} In fact, the insane were actually considered prisoners rather than patients until the 1890s.^{xiii} It will never be known what was in the mind of the First Middlesex Jury^{xiv} who convicted her or Judge Recorder^{xv} who sentenced her. With the jury there is probably not much to consider: she was guilty and did not deny it. But the judge is a different story. There are two possibilities:

1. That he thought that she knew what she was doing and transportation was a suitable punishment. Most transported convicts did not return, therefore, not only were they taken from everything and everyone they knew but they were never going to be a problem in England again.
2. That he thought she was, in fact, ill, and that transportation was better than being locked up, possibly forever, in either Newgate or Bethlehem (known as Bedlam). Both of the latter options would lead to living in deplorable conditions, and most likely, conditions that would make her symptoms/condition worse.

Regardless, Mr Recorder, Judge at the Old Bailey on the day of her trial, decided that transportation for seven years to New South Wales was the punishment – or solution - for Eleanor. She left England from Portsmouth on 25th December, 1821 on board the ship *Maryann*, as one of 108 convicts on board.^{xvi} The average sentence of Eleanor’s fellow passengers was 10 years and, given that on other voyages of the *Maryann* the average sentence was under 10 years^{xvii}, it is possible that she was transported amongst some of the harder or more habitual offenders.

Mrs Pryor, who worked with Mrs Fry,^{xviii} inspected the *Maryann* while it was at Woolwich and considered that, “[t]he mode in which ... [the convicts] were brought on board, ... [was] highly objectionable”^{xix}: the prisoners that were to be embarked on the *Maryann* were often in leg irons, had little clothing and were emotionally distressed.^{xx} It would appear, however, that conditions on the actual voyage may have at least been suitable to maintain health. Evidence from the surgeon, James Hall, is that the health of the women on board was generally good due to the: “ ... rigid system of cleanliness and good discipline having been maintained”.^{xxi} Only one convict died during the voyage.^{xxii} There was some mutinous behaviour from some of the sailors during the voyage^{xxiii} but this does not appear to have had an impact on the women.

James Hall’s surgeon’s diary survives from the 1822 voyage of the *Maryann*. In one particularly telling section, Hall talks about some of the symptoms suffered by the women on the voyage and, given what is known about Eleanor, the question must be asked if she was amongst those treated: “I observed many complicated ailments among the women and was often perplexed in endeavouring to give them a name and more so in devising a rational principle of cure ...”^{xxiv} It must be remembered that medicine was not at the stage that it is now and many conditions that are not only possible to diagnose but to treat today were still mysteries in the early 19th century.

The journey took 146 days via Rio de Janeiro and Van Diemen's Land, and the ship arrived in New South Wales on 20th May, 1822 and, "[a]ll prisoners were disembarked on 23 May 1822 in Sydney in good health."^{xxv} It appeared that Eleanor's life may have, indeed, taken a turn for the better, beginning with her transportation.

Eleanor was sent to the Parramatta Female Factory,^{xxvi} which, among many other roles, often acted as a "marriage bureau."^{xxvii} Only the better behaved female convicts were put forward as potential marriage partners,^{xxviii} which suggests that Eleanor was considered to be one of the better convicts. She received permission to marry free man James No[w]lan on 12th September, 1822.^{xxix} It is likely that James Nolan decided that he wanted a wife and went to the factory to 'select' one. Many women married soon after their arrival in the colony,^{xxx} but again, Eleanor's reason for choosing this path would be merely conjecture. The pair were married in St Mary's Catholic Church on 3rd October, 1822^{xxxi} and by the 1828 census, Eleanor, now Nowlan was living in the Hunter Valley and "free by servitude".^{xxxii}

So thank you, Mr Recorder: whatever your reasons, you did a good deed for a lost soul.

ⁱ (Collins English Dictionary - Complete & Unabridged, n.d)

ⁱⁱ JEFFRIES, J. (2005). *Focus on People and Population - Chapter 1: The UK Population: Past and Present*. London: UK Government. Retrieved from Statistics.gov.uk

ⁱⁱⁱ Tried as Ellen M'Carty. This may have been due to her Irish accent being misunderstood.

^{iv} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015. (1821, September). Retrieved May 16, 2015, from Old Bailey Proceedings Online: www.oldbaileyonline.org

^v *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{vi} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{vii} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{viii} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{ix} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^x *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{xi} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{xii} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{xiii} WALLER, M. (2003, August 12). Bedlam: the brutal truth. *Mail Online*. Retrieved May 30, 2015, from <http://www.dailymail.co.uk/home/books/article-1042885/Bedlam-brutal-truth.html>

^{xiv} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{xv} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{xvi} *Trial of ELLEN M'CARTY (t18210912-141)*, version 7.2, 16 May 2015.

^{xvii} *Convict Ship Mary Anne 1822*. (n.d.). Retrieved May 16, 2015, from Free Settler of Felon?:

http://www.jenwillets.com/convict_ship_mary_anne_1822.htm

^{xviii} Mrs Fry was a Quaker who work for prison reform for female prisoners and improved conditions for women being transported to Australia

^{xix} *Convict Ship Mary Anne 1822*. (n.d.).

^{xx} *Convict Ship Mary Anne 1822*. (n.d.).

^{xxi} *Convict Ship Mary Anne 1822*. (n.d.).

^{xxii} *Convict Ship Mary Anne 1822*. (n.d.).

^{xxiii} *Convict Ship Mary Anne 1822*. (n.d.).

^{xxiv} *Convict Ship Mary Anne 1822*. (n.d.).

^{xxv} *Convict Ship Mary Anne 1822*. (n.d.).

^{xxvi} Home Office. (2007). *New South Wales and Tasmania, Australia Convict Musters, 1806 - 1849 [data based online]*. (Ancestry.com, Ed.) Retrieved May 16, 2015, from Ancestry.com

^{xxvii} *Parramatta Female Factory*. (n.d.). Retrieved May 31, 2015, from Parramatta Female Factory Precinct:

<http://www.parragirls.org.au/female-factory.php>

^{xxviii} *Parramatta Female Factory*. (n.d.).

^{xxix} Ancestry.com. (2010). *New South Wales, Australia, Colonial Secretary's Papers, 1788-1856 [database on-line]*. Retrieved May 16, 2015, from Ancestry.com.au

^{xxx} *NSW Convict Women on Ships arriving from England and Ireland 1788-1828*. (n.d.). Retrieved May 16, 2015, from Convicts to Australia: <http://members.iinet.net.au/~perthdps/convicts/confem.html>

^{xxxi} New South Wales Registry of Births, Deaths and Marriages. (1822, October 3). Marriage Registration of James NOWLAN and Eleanor McCARTHY - 66 Vol. 128. Sydney, NSW, Australia: New South Wales Registry of Births, Deaths and Marriages.

^{xxxii} *Hunter Valley Convicts/passengers arriving on the Mary Anne 1822*. (n.d.). Retrieved May 16, 2015, from Free Settler or Felon?: [http://www.jenwilletts.com/searchaction.php?page=1&ship=mary anne 1822&firstname=](http://www.jenwilletts.com/searchaction.php?page=1&ship=mary%20anne%201822&firstname=)

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