

## MARY SMITH

[*Eliza*, III, (2) 1830]

by

Don Bradmore

In itself, the story of Mary Smith is unremarkable but it highlights a serious problem that existed in Van Diemen's Land (VDL) in the first half of the nineteenth century – that is, the common but very dangerous practice of giving infants opium-based preparations to pacify them. In July 1829, Mary had been convicted of theft at Norwich, England, and sentenced to transportation for seven years.<sup>1</sup> She arrived at Hobart per *Eliza* III (2) in February of the following year. Upon arrival, she was described as a thirty-year old widow and a 'cripple'.<sup>2</sup> Assigned to free settlers as a 'housemaid' between 1831 and 1835, she was returned to the authorities on three occasions when, because of her physical disability, she was unable to do the work required of her. In 1835, she married former convict John Cawthorne (*Medina*, 1825) and, in March 1836, gave birth to a son, also named John. When the child died suddenly eleven months later, suspicion fell upon the parents. A subsequent inquest cleared both Mary and John of any deliberate wrong-doing. In doing so, it helped to raise public awareness of the too-easy availability of opium-based concoctions and of the often poorly-educated and ill-trained people who prepared them and advocated their use.

This is Mary's story ...

Nothing is known about Mary's early life except that she was born at Burton upon Trent, Staffordshire, England, about 1800.<sup>3</sup> Her convict documents reveal that she was a widow when she was convicted in 1829. Whom had she married? When? Was 'Smith' her maiden name or her name by marriage? Did she have children whom she had had to leave in England when she was transported?

On 14 July 1829 she was convicted of larceny in Norfolk, England. Regrettably, a report of her trial has not been located and the section of her Conduct Record which gives details of her crime has been damaged and is almost totally unreadable. However, from the few words that are still decipherable, it appears that this offence was not her first. She had been gaoled in England once before.

After her trial she was put aboard *Eliza* III which, with William Doutty as Master, David Thompson as Surgeon-superintendent and 117 female prisoners and a number of their children, sailed from the port of London on 7 November 1829 and reached Hobart on 24 February 1830. The journey to VDL was an uncomfortable one. In the medical journal he kept during the voyage, Thompson wrote:

---

<sup>1</sup> Conduct record: CON40-1-9, image 83; description list; CON19-1-2, image 354; police number: 166; FCRC ID: 4230.

<sup>2</sup> CON40-1-9, image 83.

<sup>3</sup> Year of birth calculated from age on arrival at Hobart.

*... from first putting out to sea the ship had encountered boisterous weather with the wind being generally strong for much of the voyage ... Almost all of the women were affected with sea sickness and many never had one entire day free of it for the whole of the voyage. Patients ... were vomiting, coughing, moaning and crying day and night ... One woman who was subject to fits of epilepsy suddenly became maniacal, had her head shaved and was put to bed in a strait waistcoat.*<sup>4</sup>

Mary was among the women whom Thompson had been obliged to treat for illnesses of various kinds during the voyage. Describing her as being ‘affected by *rheumatism chronicus*, but not to a great degree’, he had treated her ‘in the usual manner ... with sudorifics and rubefacients externally.’<sup>5</sup>

At Hobart, it was noted in Mary’s convict documents that she was ‘a cripple’ and that she ‘walks lame’. Did she have a deformed leg or foot or was her lameness due to the chronic rheumatism for which Thompson had treated her at sea? Elsewhere, she was described as being five feet (about 152cms) tall with a pale complexion, dark brown hair and grey eyes. Her skin was ‘pock-pitted’. She was of the Protestant faith. She could read but not write. Her convict trade or occupation was given as ‘farm servant’.<sup>6</sup>

Twelve months after her arrival in the colony and while assigned as a servant, Mary was accused of the theft of an expensive pair of shoes and some items of clothing. Committed to trial at the Court of General Quarter Sessions at Richmond, near Hobart, on 2 March 1831, she was found guilty and the seven-year term for which she was transported from England was extended by a further two years. It was a heavy punishment.<sup>7</sup>

Two years later, she was charged with another offence – but this time the ‘crime’ was something over which she had little control. On 12 April 1833, a Mr. Bonney to whom she had been assigned, complained to the authorities that ‘in consequence of her being a Cripple she is unable to do the work required of her.’ She was returned to the Female Factory for re-assignment.<sup>8</sup>

On four more occasions, Mary was charged with offences. On 17 October 1833, she was found guilty of ‘disobedience of orders’. She was let off with a reprimand but was less fortunate two weeks later when charged with ‘disobedience of orders and insolence’. She was punished with a term of two months’ imprisonment at the Female Factory. Additionally, it was ordered that she be assigned to settlers in the interior of the island in future. On 2 April 1834, she was charged again with being unable to do the work assigned to her. She was returned to the Female

---

<sup>4</sup> Medical journal of Surgeon-superintendent David Thompson, *Eliza III* (1830) at [www.femaleconvicts.org.au](http://www.femaleconvicts.org.au).

<sup>5</sup> As for Note 4; a ‘sudorific’ is any medicine or drug that causes or stimulates sweating; a ‘rubefacient’ is a topical application or ointment that produces redness of the skin, causes dilation of the capillaries and an increase in blood circulation in an attempt to relieve pain.

<sup>6</sup> CON19-1-2, image 354.

<sup>7</sup> CON40-1-9, image 83.

<sup>8</sup> CON40-1-9, image 83; at first, female prisoners awaiting assignment were held in a single room at the Town Gaol on the corner of Macquarie and Murray Streets, Hobart, but in June 1821 they were moved to a separate building within the precinct of the Gaol. In December 1828, they were transferred again, this time to the newly built Cascades Female Factory.

Factory at the Cascades to await another assignment. On 8 October 1834, she was charged again. Her offence, once more, was ‘insolence’. She was ordered back to the Female Factory to spend forty-eight hours in solitary confinement on a diet of bread and water. Interestingly, because she still had five years to serve of her sentence, that was to be her last recorded offence.<sup>9</sup>

What saved her from further trouble, it seems, was marriage. On 25 April 1834, former convict John Henry Cawthorne had made an application to marry her but approval had been denied.<sup>10</sup> However, when he made a second application on 15 May 1835, permission was granted and, after publication of the banns, the couple were married in the parish church at New Norfolk a month later. The marriage register described Mary as a ‘spinster’ and John as a ‘widower’. She was about thirty-five years old; he was six years older.<sup>11</sup>

John had been in VDL since his arrival on *Medina* (2) in September 1825. On 20 March 1824, he had been convicted of the theft of linen yarn at the York Assizes, Yorkshire, England, and sentenced to transportation for fourteen years. According to his convict documents, it was his first conviction. His gaol report described him as ‘very quiet’, adding that he was ‘married with two children’.<sup>12</sup>

Soon after the marriage John was granted a conditional pardon. It is likely that Mary was then assigned to him and that they settled down together at New Norfolk.<sup>13</sup> On 17 March 1836, Mary gave birth to their first child, whom they named John.<sup>14</sup>

For almost a year, all was well but, tragically, after an unexplained sickness, the baby had died.<sup>15</sup> He was eleven months old.

Because of the unusual circumstances, an inquest was convened. Held before Coroner Charles Arthur on 15 February 1837, its purpose was to enquire ‘when, where, how and by what manner the child came to its death.’<sup>16</sup> Unfortunately, a transcript of the proceedings of the inquest has not been located but according to a witness:

*... much discussion took place, and [there was] considerable difference of opinion as to how the deceased came by his death ... The verdict was, ‘Died, Inflammation of the Stomach’, but greatly aggravated by administering improper medicine. The child had been unwell for nearly a month when the medicine was given and it died in pain a short time after taking it ...*<sup>17</sup>

A ‘medical gentleman’ who gave evidence at the inquest stated that a powder which was produced at the inquest – and of which an equal quantity had been administered to the child

---

<sup>9</sup> CON40/1/9, image 83.

<sup>10</sup> CON31/1/6, image 240; police no: 705; his surname is also commonly seen as ‘Cawthorn; permission to marry: CON52/1/1, page 23;

<sup>11</sup> Age calculated from death certificate – see Note 33, below; marriage: 15 June 1835, RGD36/3011/1835, New Norfolk.

<sup>12</sup> CON31/1/6, image 240.

<sup>13</sup> CON31/1/6, image 240; conditional pardon No.776, 12 October 1835.

<sup>14</sup> Baptism: RGD32/7311/1836, New Norfolk.

<sup>15</sup> Death: RGD34/5170/1837, New Norfolk.

<sup>16</sup> SC195/1/3, Inquest No. 117.

<sup>17</sup> CON31/1/6, image 240 see also ‘Letter to the Editor’ in *The Tasmanian* (Hobart), 24 February 1837, p.7.

before its death - contained two and a half grains of opium. He was of the opinion that this quantity would have killed any child of the same age.<sup>18</sup>

Undoubtedly, evidence would have been given at the inquest about the many opium-based preparations – commonly a mix of ingredients including laudanum (or tincture of opium), alcohol, oil of sassafras, ginger, caraway seeds and treacle - which were used widely at that time to ease the irritation of colic in infants and as a pacifier or soother of young children when they had teething troubles or similar problems. Sometimes, such preparations were also administered to healthy young children by working mothers to ensure that they could work without being disturbed, and thus increase the family income. Frequently, too, they were used as sedatives by nurses and baby-minders to enable them to spend their working hours in relative peace.<sup>19</sup>

Such preparations were also used at times for an even more horrible purpose – to bring a quick, painless death to unwanted children for whom its parents had neither space nor food.<sup>20</sup> No doubt, it was this last consideration which the coroner and jurymen had in mind as they listened to the testimony of the witnesses at the Cawthorne inquest.

By far the most common of the opium-based preparations in VDL at the time was a patent medicine known as ‘Godfrey’s Cordial’. First formulated by apothecary Thomas Godfrey of Hunsdon in Hertfordshire, England, in about 1720, it had been available without prescription in England and North America since, and in VDL from the early days of settlement. It was meant to contain about one and a quarter grains of opium per ounce but its preparation varied greatly. Although it had long been recognised as leading to fatal doses of opium poisoning, its low cost and a lack of public knowledge about infant management had ensured its continuing popularity. The following report from an English newspaper, reproduced in the *Cornwall Chronicle* (Launceston) in August 1847, reveals the extent of its use and its often-tragic effects:

*... the practice of administering opium to infants, which is very general ... is usually begun when the child is three or four weeks old ... The result of this terrible practice is that great numbers of infants perish, either suddenly from an overdose or, as more commonly happens, slowly, painfully, and insidiously. Those who escape with life become pale and sickly children, often half-idiot, always with a ruined constitution.*<sup>21</sup>

But ‘Godfrey’s Cordial’ was not the only such preparation available. Other brands of children’s opiates in use at the time included ‘Dalby’s Carminative’, ‘Daffy’s Elixir’ and ‘Atkinson’s Infants’ Preservative’, ‘Dover’s Powder’, ‘Mrs. Winslow’s Soothing Syrup’ and ‘Mother’s Quietness’. In their advertising, manufacturers of these and similar products promoted them not only as ‘soothers’ but also as tonics, promising that their use would lead to increased strength,

---

<sup>18</sup> SC195/1/3, Inquest No. 117.

<sup>19</sup> [https://en.wikipedia.org/wiki/Godfrey%27s\\_Cordial](https://en.wikipedia.org/wiki/Godfrey%27s_Cordial); and <https://talesofdesolation.blogspot.com/2006/08/godfreys-cordial.html> and <https://journalofvictoriancuriosities.wordpress.co./tag/godfreys-cordial>.

<sup>20</sup> <https://talesofdesolation.blogspot.com/2006/08/godfreys-cordial.html>

<sup>21</sup> *Cornwall Chronicle* 25 August 1847, p.4.

vitality and robustness. It was not until the second half of the nineteenth century, when legislation to curtail or prohibit their use was introduced around the world and Medical Associations took steps to increase public awareness and to promote calomel and sugar-based substitutes that sales of opium-based preparations started to decline. And then, in the early twentieth century, many governments mandated a medical prescription for all opioid drugs, thus heavily restricting their availability and use.<sup>22</sup>

In summarising and concluding the inquest into the death of baby John Cawthorne in February 1837, Coroner Arthur had made it clear that no blame whatsoever could be attached to the child's parents, John and Mary. However, the coroner's jury had:

*... felt it to be their duty to accompany their Verdict with an expression of their opinion that the illness which the child had suffered for a month before its death had been aggravated by the improper treatment of Benjamin Nokes.*<sup>23</sup>

The 'Benjamin Nokes' whom the jury had named was one of a small but influential group of individuals in VDL at the time who, though lacking formal qualifications, were skilled in the use of herbal remedies and widely respected as 'traditional healers'. Because of the close involvement they had with ordinary people in their daily affairs, it is likely that they were even more persuasive in their appeals than the manufacturers of commercial remedies for common ailments. Often combining magic and science in their practices, they were sometimes referred to as 'cunning men' or 'cunning women', terms that had been widely used in England and Wales for many years.<sup>24</sup>

Benjamin Nokes had been in VDL since his arrival as a convict on *Indefatigable* in 1812. After gaining his freedom, he became one of the founders of Methodism in VDL and, with George Waddy formed a congregation and established a Sunday School in 1820. In 1822, he had left the congregation to form a rival school after a falling-out with William Horton who had arrived in VDL in 1821 as the first Methodist Minister. In 1823, he had received a land grant of two hundred acres near Brighton, thirteen miles (about twenty-one kms) from Hobart and at the same time ran a shop in Collins Street, Hobart, from which he sold a range of goods including medicinal and similar products which he manufactured himself. An insect repellent, which he advertised as 'an infallible remedy for destroying flies', was a particularly popular item. In 1828, he took over the Albemarle Hotel at York Plains, near Oatlands, but kept it for only a couple of years. While residing at Baghdad in 1832, he met William Allison with whom he formed a close association based on their common interests as traditional healers.<sup>25</sup> As early as 1834, his success in curing 'the gravel' – the complaint known today as 'kidney stones' – was lauded in the *Colonial Times*:

---

<sup>22</sup> As for Note 19, above; see also <https://www.bartleby.com/81/7311.html>.

<sup>23</sup> SC195/1/3, Inquest No. 117.

<sup>24</sup> The best-known of the 'cunning men' in VDL at this time were Nokes, William Allison and Moses Jewell (or Jewitt); see [https://en.wikipedia.org/wiki/Cunning\\_folk](https://en.wikipedia.org/wiki/Cunning_folk).

<sup>25</sup> <https://archivesandheritageblog.libraries.tas.gov.au/colonial-cunning-folk-part-one-william-allison/>; see also Morrison, Ian. (2018). 'Colonial Cunning Folk: Part 2 – Moses Jewitt and Benjamin Nokes'. Morrison is Heritage Librarian, Collection Development, Libraries Tasmania

*It is really astonishing, but it is nevertheless a fact, that Mr. B. Nokes, now at Bagdad, has, for a number of years past, succeeded in curing most obstinate cases of the gravel, which have failed under the most able practitioners. Several of the patients are known to us, and we can vouch for the accuracy of this statement. One of the persons whom he has cured, was afflicted with the gravel for forty years, and declares that since the removal of the disease, he never enjoyed better health — in fact that he flatters himself once more a young man.*<sup>26</sup>

When Nokes passed away in 1843, the official record of his death gave his occupation as ‘doctor’, an indication of how widespread was knowledge in the community of his activities as a healer.<sup>27</sup>

It is unlikely that Nokes ever wrote his remedies down, preferring to pass them on orally to people whom he was trying to help. Consequently, only a few have survived. Some were found quite recently ‘hidden in plain sight’ in the Tasmanian Archives, Hobart. They appear as handwritten entries in a small ‘nondescript’ notebook which once belonged to William Allison. Each is clearly attributed by Allison to his friend, Nokes. (In the following examples, the spelling and punctuation of the originals have been maintained.)<sup>28</sup>

*For ‘rhumatick’ pains - 2 oz. salt petre One quart Vinegar let it just boil then stand simmering strain it and put it in a Bottle for use rub the part well by the fire just wen going to bed.*

Another reads:

*For loss of voice horse-ness coughs and colds – Transverse sections of horseradish cut short – Dried – Chuid in the mouth*

And:

*For the gravil – Parsley roots two handful washed and scrape them like Horseradish add one handful Pennyroyal boil them in one gallon of water for half an hour strain them when cold Bottle it Drink one cup full every morning fasting.*

The particular remedy to which the coroner referred at the inquest on the death of baby John Cawthorne has not been located. It is not known whether the child’s parents had ever met Nokes or even whether they had contacted him in some way to ask for his help. It is possible that they simply used one of his remedies that had been passed on from one person to another over the years.

Unhappily, lessons about the use of opium-based pacifiers which should have been learnt following the death of little John Cawthorne in 1837 were not well heeded. In the years which followed, a number of infant deaths occurred in VDL in similar circumstances.

---

<sup>26</sup> *The Colonist and Van Diemen's Land Commercial and Agricultural Advertiser* (Hobart), 18 March 1834, p.2.

<sup>27</sup> Death, Nokes: RGD35/1799/1843, Hobart; see also Morrison (2018), *op. cit.*, Note 25, above.

<sup>28</sup> See Morrison (2018), *op. cit.* (Note 25, above.)

For example. in 1840, an inquest heard that, shortly before the suspicious death of fifteen-day old Thomas Stratton, his mother had given him a dose of Dover's Powder on the recommendation of a local doctor. After hearing all of the evidence, the coroner's jury found that the death could not be attributed to the parents, or to the child's doctor, or to the pharmacist who had prepared the mixture but to 'the visitation of God'.<sup>29</sup> In 1848, convicts Mary Murphy (*Greenlaw*, 1844) and Fanton (or Francis) Tynan (*Orator*, 1843), the man with whom she was cohabiting at the time, were tried in the Supreme Court, Hobart, for the 'wilful murder by poisoning' of Henry Williams, an infant of six months, who was Murphy's son by a previous partner. The doctor who performed an autopsy on the child told the court that he had found enough opium in the stomach to destroy three lives. After hearing that Murphy, herself, was addicted to opium and may have thought that giving the child some would soothe it, the jury decided that there was insufficient evidence to indicate that the accused pair had intentionally caused the death and both were acquitted.<sup>30</sup> In 1855, an inquest was held into the death of six-week-old Martha Mills whose mother had given her a teaspoonful of Godfrey's Cordial when she was ill. The child had died the next day. The mother, upon whom suspicion had fallen, was cleared of any wrong-doing. In handing down a verdict of accidental death, the foreman of the jury requested that the Coroner advise the pharmacist who had sold the preparation to the child's mother that 'in the future he should be more careful in giving instructions for using the several medicines he is in the habit of selling.'<sup>31</sup> In 1858, an inquest into the death of a two-year-old child, John Grocock at Hobart heard that the child's death appeared to have been due to an overdose of opium administered negligently by a doctor. However, the verdict was that the child had died from natural causes – namely scarlet fever – and that no blame whatsoever was attached to the doctor.<sup>32</sup>

Of course, there were other cases also.

Happily, Mary Smith gave birth to a second son, George Thomas Cawthorne, just eight months after the inquest into the death of their first son.<sup>33</sup> Afterwards, John and Mary appear to have lived happily together at New Norfolk. Neither was in trouble with the law again.

Mary passed away at New Norfolk on 29 February 1864. The cause of her death was said to be 'decay of nature'. Her age was shown on the death certificate as seventy-four but she was probably not yet seventy.<sup>34</sup>

John lived on for another ten years. He died at New Norfolk in 1874. He was eighty-eight.<sup>35</sup>

---

<sup>29</sup> *Cornwall Chronicle* (Launceston), 28 March 1840, p.4; death: 21 March 1840, RGD35/330/1840, Launceston.

<sup>30</sup> *Britannia and Trades' Advocate* (Hobart), 2 November 1848, p.2, 14 December 1848, p.2 and *The Courier* (Hobart), 13 December 1848, p.2; death: 7 November 1848; RGD34/1700/1848, Hobart.

<sup>31</sup> *Colonial Times* (Hobart), 28 August 1855, p.3; death: RGD35/1591/1855, Hobart.

<sup>32</sup> *Courier* (Hobart), 28 October 1858, p.3 and 30 October 1858, p.3; death: RGD35/11674/1858, Hobart.

<sup>33</sup> Birth, George Thomas Cawthorne (or Cawthorn), 22 October 1837; RGD32/8923/1838, New Norfolk.

<sup>34</sup> Mary, death: RGD35/344/1864, New Norfolk.

<sup>35</sup> John, death: 7 December 1874, RGD35/506/1874, New Norfolk.