

## SARAH HUTCHINGS

(*Providence II 2*, 1826)

by

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It is difficult to know what to make of convict Sarah HUTCHINGS. By today's standards she was not a 'bad' person – and yet, although only sentenced in England in 1825 to transportation to Van Diemens Land (VDL) for seven years, she was a convict when she died at Hobart thirty-two years later.

In that time, she had married a comparatively wealthy man, committed adultery in his home with one of his acquaintances with whom she later fled to Sydney where she lived as his wife before sailing off, first to Bombay, India, perhaps, and then on to England. Probably because she could not support herself there, she returned voluntarily to VDL but, unable to re-unite with the husband on whom she had walked out, she resorted to crime and spent her final years in gaol.

Her story is a fascinating one!

Sarah was thirty-three years of age and the mother of three children when, on 20 October 1825, she was convicted of 'the theft of ten sovereigns from the person' at the Southhampton (Portsmouth Borough) Quarter Sessions. Her accomplice in the robbery was a man by the name of Phillip HUTCHINGS. Was he her husband? Possibly, but that has not been verified. Within two months she was put aboard the convict vessel *Providence II (2)* which departed the Downs Christmas Eve of that year.<sup>1</sup>

Upon arrival at Hobart, on 16 May 1826, she stated that she was a widow. She had brought three Hutchings children with her. She was described as being 5'4½" (abt. 165 cms) tall with dark brown hair and brown eyes. She said that she was a dairy woman but that she could also cook and 'get up linen'. She was allocated Police No. 93.<sup>2</sup> The report of surgeon-superintendent Matthew BURNSIDE, who had sailed with *Providence*, reveals that she had been ill with abdominal pains during the voyage but had recovered well after treatment. His report described her as of 'swarthy complexion and full habit'.<sup>3</sup>

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<sup>1</sup> CON40-1-5, Image 51; <http://members.iinet.net.au/~perthdps/convicts/shipsTAS.html>

<sup>2</sup> CON13.

<sup>3</sup> *Surgeon's Journal of Her Majesty's Female Convict Ship Providence*, Adm. 101-062-03.

How Sarah spent her first few months in Hobart is unclear. Her convict documents seem to show that she was not assigned immediately. Did she spend those first months in custody caring for the children she had brought with her? Unfortunately, no record of what happened to the children after Sarah's arrival has yet been found.

What is known with certainty, however, is that, after being just six months in the colony, Sarah married again. Her new husband was David KELLY, a free settler, who appears to have owned multiple properties from which he collected rents. (In later years, he was to hold public-house licences, first at the 'Blue Bells of Scotland' in Murray Street and later at the 'Canterbury Inn' on the New Town Road.)

After publication of banns, the marriage, performed by the Rev. William BEDFORD, took place at the Church of England, Hobart, on 1 November 1826.<sup>4</sup> The marriage entry shows Sarah's name as 'Eliza HUTCHINSON', suggesting that this was her real name and that the name 'Sarah Hutchings' might have been an alias. In any event, from the time of the marriage onwards, she was known in VDL as 'Eliza KELLY'. She is described on the marriage entry as a 'widow' and a 'convict'; Kelly is described simply as a 'bachelor'. Sarah/Eliza was probably now thirty-four; Kelly's age is not given.

From the time of her marriage, Sarah was known as 'Eliza Kelly' and, for a couple of years, the newly-weds appear to have lived in harmony.

On 29 October 1832, Sarah/Eliza received her certificate of freedom! Then, just three weeks later, this notice appeared in the newspapers:

*NOTICE — My Wife, Eliza Kelly, who arrived in this Colony in the Ship Providence in the name of Sarah Hutchings, having left her home without any just cause, this is to give notice that I will not be answerable for any Debt or Debts she may contract after this notice. D. Kelly.  
Murray-street, Nov. 13, 1832.*

The dates are interesting! Eliza was free by servitude on 29 October 1832; Kelly's notice is dated 13 November. Clearly, Eliza had waited for her freedom before running away! Years later, it was reported in a newspaper that, on an occasion when Eliza had left the matrimonial home and gone off to Sydney, her husband had followed her there, brought her back and forgiven her.<sup>5</sup> Was this when that happened? It might have been!

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<sup>4</sup> Marriage: RGD36/919/1826, Hobart; Kelly: *The Tasmanian (Hobart)*, 2 November 1832, p.3; *Cornwall Chronicle*, 19 April 1848, p.2.

<sup>5</sup> *Cornwall Chronicle*, 19 April 1848, p.2.

After Eliza's return to her husband's home, the pair seemed to live happily enough together for the next twelve years. In that time, Kelly had obtained the licence of the 'Blue Bells of Scotland', and, as the wife of the publican, Eliza was sometimes in the bar helping to serve customers. It was there, on 13 February 1838, that she had her next contact with the law – but, fortunately, this time as the victim rather than the culprit. Earlier that month, a customer by the name of Mary REVOLETT had thrown a bottle in the bar which had struck Eliza on the head. Found guilty of assault, Revolett was sentenced to two months hard labour at the Cascades Female Factory.<sup>6</sup>

As it happens, however, Revolett was not the only customer with whom Eliza had interaction at the 'Blue Bells of Scotland'! At some time, probably late in 1843 or early in January 1844, she ran off from her husband again, this time with a regular customer by the name of CUMMINGS (seen also as CUMMINS). Together, they fled to Launceston and later to Sydney where they lived as man and wife.

Here, regrettably, there is some contradiction in published accounts of the couple's escapade. On 17 April 1847, the *Courier* reported that after [Eliza's] elopement she lived with Cummings for some time in Sydney before 'sailing with him from thence to Bombay, India.' However, on 19 April 1848, a report in the *Cornwall Chronicle* stated that Eliza and Cummings had 'left Launceston in the same vessel to Sydney where they lived together for some time, until, at length, Mrs. Kelly embarked for England, and her paramour for India.'<sup>7</sup>

So, did Eliza actually ever go to India? The question is still unanswered.

Very shortly after Eliza's departure from Hobart with Cummings, her husband placed another notice in the papers. As in the previous instance, it said that she had left his home without provocation and that he would not be responsible for her debts.<sup>8</sup>

From England, Eliza wrote to Kelly requesting that he send her a 'remittance' - that is, money - but when she had received no answer within a reasonable time she returned alone to Hobart. There, in about March 1847, she found that her husband was living with another woman, a former servant, who had given birth to his child. Eliza received no sympathy from her husband and his new lover and was turned out of the house.

The marriage was now over. The Kellys were never to be re-united.

Left without means, Eliza applied to the Quarter Sessions court for a maintenance order against her husband. At the hearing in April 1847, Kelly told the court that he objected to the idea of paying maintenance to Eliza on the grounds of her adultery with Cummings in his (Kelly's)

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<sup>6</sup> *Colonial Times*, 13 February 1838, p.7.

<sup>7</sup> *The Courier* (Hobart), 17 April 1847, p.3; *Cornwall Chronicle* (Launceston), 19 April 1848, p.2.

<sup>8</sup> *Colonial Times*, 6 February 1844, p.1; *The Courier*, 9 February 1844, p.1; *Colonial Times*, 13 February 1844, p.2.

house before her departure for England and because she had lived in Sydney as Cummings's wife. In response, Eliza's counsel produced evidence to show that Kelly was frequently drunk at home and did not treat Eliza as a wife ought to be treated. Ultimately, the court found in favour of Eliza. Kelly was ordered to allow his wife £2 per week.<sup>9</sup>

Within six months, Kelly appealed that decision but his appeal was unsuccessful. In no way deterred, he appealed again and, at the Quarter Sessions on 13 April 1848, he won his case. This time he had based his appeal - not as he had previously done on Eliza's conduct with Cummings - but on his own reduced financial circumstances. He told the court that the rents from his properties had fallen, that some bad tenants had left without paying rent at all, and that many of his houses had needed substantial repairs. Eliza counter-claimed that she was aware that Kelly had bought new properties recently and therefore could not be in such poor financial circumstances as he claimed. Nevertheless, her maintenance payments from Kelly were reduced from £2 per week to £1.5.0 per week.<sup>10</sup>

Was that the reason for Eliza resorting to crime again? Just a couple of months after the court's decision to reduce her maintenance payments, she was charged with the theft of an overcoat from a hotel lobby. In the Supreme Court, Hobart, on 24 July 1849, she was sentenced to transportation for seven years. As it happens, she was not sent away from Hobart but, instead, ordered to serve fifteen months imprisonment at the Cascades Female Factory.<sup>11</sup>

There, she applied unsuccessfully three times for a ticket of leave but on each occasion - 4 August 1850, 19 November 1850 and 23 December - her application was rejected.<sup>12</sup>

Still at the Cascades in mid-1851 - perhaps in hospital there - she absented herself without leave. Apprehended shortly afterwards, she was punished by being ordered to spend another two months in hard labour.<sup>13</sup>

On 24 July 1851, she was punished by Mrs. HORAN, an overseer at the Cascades, for 'singing in her apartment' (cell?). Her punishment on this occasion was to be fed on bread and water for the next three days. Then, on 6 August 1851, Mrs. Horan punished her once more, this time for 'idleness'.<sup>14</sup>

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<sup>9</sup> *Cornwall Chronicle*, 17 April 1847, p.3.

<sup>10</sup> *Cornwall Chronicle*, 19 April 1848, p.2

<sup>11</sup> CON40-1-5, Image 51.

<sup>12</sup> CON40-1-5, Image 51.

<sup>13</sup> Hospital: CON40-1-5, Image 51. See Police Notice, 14 July 1851; *Hobart Town Gazette*, 15 July 1851, via FCRC website.

<sup>14</sup> Cascades Punishment Book: CON138/1, pp.69-70, No.7, via FCRC website.

In the meantime, any contentment Eliza's husband, Kelly, might have been feeling after winning his appeal to have Eliza's maintenance payments reduced was to be short-lived. It is believed that he died at Hobart, at the age of fifty-six, on 13 September 1850.<sup>15</sup>

Eliza did not out-live him long. Fifteen months later – on 27 December 1851 - she too passed away. She was fifty-seven. The cause of her death is shown as 'convulsions'.<sup>16</sup> She was still a convict.

Ironically, on 4 August 1856, nearly five years after her death, the authorities noted on her convict record that she was now 'free by servitude'.

The story of Sarah Hutchings/Hutchinson/Eliza Kelly is an intriguing but baffling one!

There are a number of unanswered questions, not the least of which is whether 'Sarah Hutchings' was her real name. Was Hutchings or Hutchinson her maiden name? Was it the name of the father of her children? Was her first name really 'Sarah' or 'Eliza'? Was her marriage to Kelly, so soon after her arrival in VDL as a convict, unusual? (No request for permission to marry has been located.) While she was with Kelly, where were the three Hutchings children she had with her on *Providence*? Where were the children when she went off with Cummings – and then to England? Did she ever set foot in India? If so, for how long was she there? Why, after her return to VDL, was she not punished for going back to England in the 1840s? Had the certificate of freedom she received in 1832 been on the condition that she not return to England, as was usually the case? Perhaps later research will provide answers.

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<sup>15</sup> RGD35/273/1850, Hobart. Note: It has not been fully confirmed that this David Kelly was Eliza's husband.

<sup>16</sup> RGD35/1/3, No.1119, Hobart.