

Chapter Three

Merrick, Garbutt & Waterford documents

EDWARD & MARY MERRICK

Edward Merrick was born around 1763. On 24th December 1791 he married Mary Elizabeth Russell. The details are recorded in St Phillips Sydney registry. Where the couple stood for the ceremony is not known because the church was not built at that time. Edward died 9th February 1839 at Richmond and is buried with his wife who died on 25th May 1840 in St Peter's cemetery at Richmond. Mary Elizabeth Russell was born circa 1765. Both Mary and her husband Edward were arrested and tried in London – where they were born is not known.

On 26.3.1788, Edward Merrick & George Woodward were indicted for stealing. On the 2.4.1788 they were tried at the Old Bailey before Mr Justice Ashurst. George was found not guilty. Edward was sentenced to 7 years transportation to New South Wales. It was 26 months before Edward arrived with the 2nd Fleet in the ship *Surprise*. In 1815 he was District Constable & Poundkeeper. An earlier reference to Edward around 1790 referred to a man by the name of Moneypenny stealing Edward's trousers. Edward at that time was a blacksmith.

Mary Elizabeth Russell was convicted of stealing 1 hank of silk valued at 10 shillings. Following her trial at the Old Bailey she was sentenced to 7 years transportation and arrived 10.7.1791 on the ship *Mary Ann*.

The couple had six children and brought up the illegitimate daughter name Elizabeth of Mary Elizabeth Merrick.

The children born to Mary and Edward Merrick were: John 2.2.1793; Mary Elizabeth 14.3.1795; William 1796 – 1798 (year not known); Joseph 22.5.1800; twins, Richard & Thomas August 1802 and Susannah 7.1.1812.

Edward Merrick's trial details –

Witness sworn statement against Edward Merrick, Middlesex - information from Charles Deacon, servant of Joseph Paste of Islington, dustman taken before me the 2nd day of April, 1788 who being upon oath says that about half past an hour past the ten o'clock in the night of Wednesday of 26th March last he was called

upon by his Mother who informed him somebody at the door wanted a carter that informant got up and went down and opened the door when he saw the person now present who calls himself Edward Merrick who told this informant he wanted a cart to go to the Edgeware. The informant harnessed the horse and put in it a cart when the said Meyrick directed informant to go to Turnille. There to the Crib which informant did that they took up the person now present who calls himself George Woodward and from thence they proceeded to Edgeware Bridge and said Meyrick and Woodman got out of the cart and desired the informant to go on and they would follow that informant went towards London when he was stopped by Jacob Lyne. Deakin. C. Sworn before me the day and the year aforesaid [signature appears to be Samp Wright - and also signed by C Deacon].

Second Sworn Statement against Edward Merrick. Middlesex to wit the information of Elizabeth Paste wife of Joseph Paste of Islington Dustman, taken before me this 2nd day of April 1788 who being upon oath says that about ten o'clock on Wednesday night the 27th March last this informant and her son Charles Deacon being then in bed Edward Meyrick now present came to her window and cried Hallo Paste which induced the Informant then wakened her son who was asleep telling him that a person at the door wanted a horse and cart. That her son got up and went down to said Meyrick and upon his coming up again she asked him who it was when he said it was a young man wanted a horse and cart to remove some goods but whether he mentioned his name or not she cannot say. Sworn before me the day and year aforesaid Sampson Wright. Elizabeth Paste X her mark...¹

Edward's will is a lengthy one which in essence states that *first I commend my Soul to God who gave it to me and then I will and bequeath all my Estates Goods, Chattels and Effects, Cattle Horse Pigs and also all and every lands Hereditaments, Tenements, Messuages and real estate whatsoever of every description and all monies which shall be due and payable to me and all such moneys which shall in any manner fall due*

¹ Details of the stolen goods is found in the Outline of Families Section.

Chapter Three

Merrick, Garbutt & Waterford documents

and payable to me and all such moneys as I may be possessed of at the time of my decease... He goes on to say that he disposes of it in the following manner - first to pay for his funeral - decent Christian burial...*I give and bequeath to my Dear and Loving Wife Mary Merrick all my goods....* After his wife's death he left the farm etc to John and in turn to his heirs etc. He left the sixty acres at the back of Rouse's farm - also known as Merrick's Farm to the twin boys - Richard and Thomas and in turn to their children. After his wife's death the cattle horses pigs etc - sale of them were to go to all the other children. He also mentions Elizabeth child of Mary Elizabeth born before her marriage to Robert Martin Jr. The will was made in 1834.

Information about Edward's wife, Mary Elizabeth Russell are limited to the details of her trial.

MARY ANN RUSSELL

Wednesday 9 December 1789

Mary Russell was indicted for feloniously stealing one hand of silk, value 10/-, the property of JOHN DYE and EDWARD HARVEY privily in their shop.

JOHN DYE SWORN: I live at No 38 St Martin's Le Grand. I am a man's mercer and trimmings maker in partnership with E Harvey; about seven weeks since I first saw the prisoner she bought a pattern of sewing silk and said her father used a great deal, and would be a good customer; she came six or eight times a week, a boy served her and on packing up the paper we found a considerable decrease in the quantity; this was a fortnight before; from that time we kept our silk weighed and marked on purpose to detect her if possible having a strong suspicion; we shewed her a paper containing ten heads and each head weighing about eight ounces; Thomas Waters served her who usually did serve her; I went out to see which way they went; when she came out; the witness Waters followed her; MR HAYWOOD was in the shop, he is not here; he took her back into the shop, I followed her; she sat herself on a stool right near the counter, and on moving her from thence we discovered a head of silk dropt on the ground; we sent for a constable immediately and took her before SIR SAMPSON WRIGHT'S; she said Dear Sir, how can

you say so; she did not desire me to show her any favour.

THOMAS WATERS SWORN: The prisoner came into the chop; we showed her one piece of raven gray silk; about six pounds in ten different heads; I had examined that paper just before she was in, and I missed one head, which is eight ounces; I followed her out and brought her to the shop; she sat down on a stool; I sent for the constable when he came I was going to remove her to the middle of the shop to examine her, and there was a hank of silk on the floor by the stool. I counted the silk and missed a head before I went out; I did not see her take it; I will swear that hank of silk was not on the floor when she was brought back.

PRISONER'S DEFENCE

I did not meddle with or touch it. The prisoner called a witness who gave her a good character.

GUILTY

Of stealing but not privily. Transported for seven years. Tried by the first Middlesex Jury before Mr Baron Perryn.

Mary Elizabeth Merrick married Robert Martin Jr in 1891. She had an illegitimate daughter, Elizabeth who was born 18.3.1816. *She would not tell who the father is* was recorded on the baptism certificate. Elizabeth Merrick married at St Andrew's in Sydney on 6.2.1837 to Francis Tipping. Witnesses were Susannah Merrick and Mary Ann Taylor. Elizabeth had two children, Elizabeth born 21.3.1846 and William Francis 26.8.1849. Elizabeth died 24.4.1854 at Parramatta.

Mary's youngest sister, Susannah had an interesting life and prior to marriage and had a child by John Waterford. He too had an interesting life and married four times. Details of his life follow:

William Waterford He was born in Surrey, England circa 1800 and died following a fall from a horse 17th November 1876 at Merthera near Denison Town NSW. He came out to Australia on the *Minerva*. He was a convict and married 1.7.1828 to a widow Mary Griffiths. She died

Chapter Three

Merrick, Garbutt & Waterford documents

1.7.1829. They had one child, William born 25.7.1828 and died 12.9.1828.

William married 2nd - 23.11.1829 to Margaret Burn (Byrnes). Margaret was born c1810 and died 7.3.1830. She came to Australia with her mother Elizabeth who was aged 58 in 1828. Her father may be John who came out on the Earl Spencer in 1813. In the 1828 index he is aged 50 years. William and Margaret had one child who died. He was also named William.

William then had a child by Susannah Merrick daughter of Edward and Mary Elizabeth nee Russell. William's son was named John Merrick Waterford and was born on 23.8.1831 at Richmond. He died 28.8.1917 at Liverpool Road, Bankstown.

William Waterford married for a third time – to Elizabeth Hunt – on 11.8.1834. She died in a buggy accident in 1856.

William married for a fourth time – in Ireland – to Elizabeth Doherty on 6.2.1858. They had three children:-

1. William born c 1860 County Cork Ireland. He died 27.4.1938. He married in Mudgee NSW on 4.8.1886 to Catherine Mary Carney. She died 12.11.1942 Quirindi Private Hospital. Mary was born c1860 Singleton.
2. Hugh born 12.6.1861 – 2.5.1921 Leadville. He married Jane Rains. She was born c1869 –parents William Rains, farmer and mother Lucy nee Porter. She was born at Uarbry. Jane died 25.8.1939 in Gulgong Hospital. They had no children.
3. Ellen Bull 20.10.1862 Meruthern Station. She married 9.2.1887 to William Davis

William Garbutt & WILLIAM WATERFORD

Not a lot is known about William Garbutt. The Gaol entry for him stated that he was aged 22,

born in the Parish of Glazely, Shropshire, labourer – condemned and reprieved.²

Charged upon the oath of Thomas Taylor of Neeton on a violent suspicion of having on the 14th day of September, 1819, feloniously broken into the dwelling house of the said Thomas Taylor in the day time, there from one feather bed and bolster, one pair of blankets, one pair of sheets, one coat, one waistcoat, one pair of leather breeches, and two cloths, the property of the said Thomas Taylor: Committed until the next Azzises and Goal Delivery, the 4th day of October, 1819 by Richard Baker Esq.

He sailed from England 28.7.1820 on the Maria and arrived at Sydney via Hobart 30.12.1820. William was assigned 14th May, 1823 to Cox at Mulgoa but by 1828 he was at Cox's property Clarendon. He married on 28.3.1829 with the permission of the Governor to Elizabeth Callicot (widow) – nee Catlin Alias Cattel. The witnesses were John Freebody and Joseph Collins both of Windsor. William and Elizabeth's firstborn, William was born a few months after their marriage. The next child was Hannah born in 1832. She married a man by the name of Watts – no information on him and no record of the marriage. Her second marriage was to Thomas Chapman who came out to Australia as a four year old with his parents, brother and two sisters on the Cornwall in 1839.

Elizabeth and William Garbutt's third child was George Garbutt born in 1836. Nothing is known about the two boys. A George Garbett died in 1867 in Bathurst aged 31. This sounds as though he may be *our* George. What happened to William is unknown.

Hannah & Thomas Chapman had eight children: William Thomas 4.10.1856, Sophia Ann 1859, Mary Ann 17.10.1862, Georgina 23.7.1865, Alice Australia 2.2.1868, Amos 13.9.1870, Clarence George 1873, David Edward 1877.

William and Elizabeth Garbutt are both buried in Cobborah (near Dunedoo) and died in the 1880s. In the index there are varying spellings

² In addition to the event that led to his transportation to Australia William had at least one earlier conviction when he just happened to have a mare following him.

Chapter Three

Merrick, Garbutt & Waterford documents

of Garbutt – Garbett – Garbert – Garbet –
Garbut. From Peter Garbett – William Garbett
(correct spelling), son of Thomas and Mary (nee
Ramsell) born 27.6.1798 at Saint Leonard
Broseley Shropshire. This place is 11 miles from
Glazely.