

1813 BLUE MOUNTAINS CROSSING CONVICT IDENTIFIED: SAMUEL FAIRS – AN EXTRAORDINARY LIFE

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On 11 May 1813, Gregory Blaxland, William Lawson and William Charles Wentworth together with a local guide and three convicts set out to find a way across the Blue Mountains. William Lawson's Journal¹ opens with a description of their departure:-

'Mr. Blaxland Wentworth and myself with four men and four Horses - Laden with Provisions etc - took our Departure on Tuesday the 11th May 1813. Crossed the Nepean River at Mr. Chapman's Farm Emu Island at four o'clock and proceeded SW. Two miles. Encamped at 5 o'clock at the foot of the first Ridge of Hills.'

James Burne (Byrnes, Byrne and Burns) of Nepean has been identified as the guide through his 1814 payment from the Police Fund.² The three unnamed convicts are

more difficult to trace and have not been previously identified.³ Recent research has made a significant discovery, providing a name and this article outlines his extraordinary story.

Samuel Fairs has been identified as one of the three convicts on the expedition. This is confirmed through his 1817 petition for a Conditional Pardon, which Darcy Wentworth annotated with this comment:-

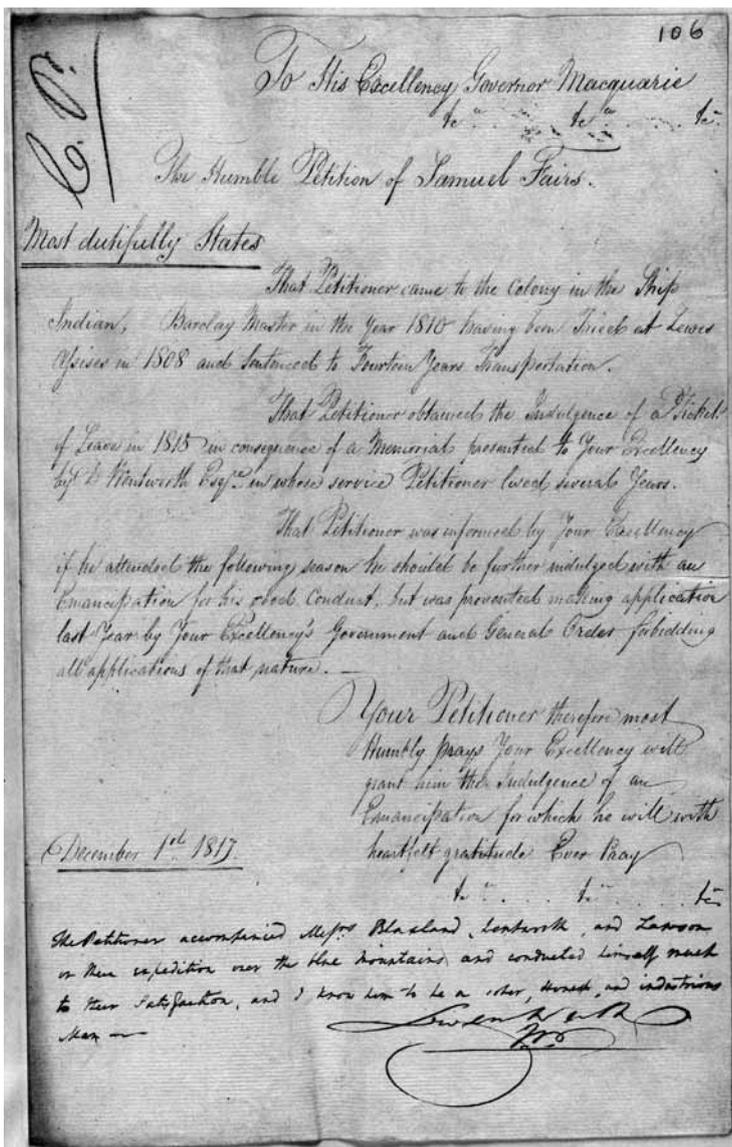
'The petitioner accompanied Messrs Blaxland, Wentworth and Lawson on their expedition over the mountains and conducted himself much to their satisfaction, and I know him to be a sober, honest and industrious man.'

(State Records NSW, Colonial Secretary's Papers Petition for mitigation of sentence re Samuel Fairs dated 1 December 1817, Reel 6052; 4/1851 p.106.).

Samuel Fairs (c.1786-1867) arrived on 16 December 1810 on board the *Indian*. He had been tried at Sussex Summer Assizes on 5 August 1809 for housebreaking, receiving a death sentence that was later commuted to transportation to NSW for life.

On 14 September 1813 Samuel married Mary Buckley at St John's Parramatta. Mary had arrived in 1812 on the *Minstrel*, having received a seven year sentence on 8 October 1811 at the Chester Quarter Sessions. A seven year sentence meant she could legally return to England once it had been served. Apparently this is what she did – but not for long. On 16 April 1822 'Mary the wife of Samuel Fairs' was convicted at the Chester Quarter Sessions and sentenced to seven years. This time Mary (also referred to as Elizabeth Mary in the official records) was transported to Van Diemen's Land on the *Lord Sidmouth*.

Samuel was given a Conditional Pardon in 1818 and in 1819 he received a 60 acre land grant at Appin. In 1823 he petitioned for an Absolute Pardon stating that he had 'by his indefatigable exertions and industry acquired the means to return to England' (Colonial Secretary's Papers [4/1869 pp.59-59c]). In readiness for his hoped for return to England, Samuel negotiated the sale of his land at Appin to J W Sturgeon (Colonial Secretary's Papers [4/1832 No.370], 1823). His petition was not successful and he had to wait until 1844 for his Absolute Pardon. In the meantime, Samuel married Catherine Wilson in 1820 at St Phillip's, Sydney. The marriage was fraught with problems from the start judging by the newspaper accounts



in *The Sydney Gazette and New South Wales Advertiser* as early as October 1821. Despite this, according to the 1828 Census Samuel and Catherine were living together at Camden. Samuel was described as the superintendent to William Charles Wentworth, continuing his links with the Wentworth family, which had begun with his assignment to Darcy Wentworth.⁴

Samuel's fortunes soon changed. In 1829 he was found guilty and sentenced to seven years transportation to Moreton Bay 'for stealing 200lbs of pork, a cask, and a quantity of nails, from the dwelling-house of W. C. Wentworth, Esq. at the Cowpastures, on the 10th of October last Guilty of Larceny' (*The Sydney Gazette and New South Wales Advertiser* 26 November 1829.).

On 9 June 1832 Samuel's father-in-law Caleb Wilson wrote to the Colonial Secretary (32/4417) setting out a litany of reasons why he should serve out his seven year sentence at Moreton Bay. In particular, he alleged that Samuel Fairs 'had been married by Mr Marsden to the woman who had just returned to England' who had 'subsequently returned to the Derwent and is now living at Argyle Street, Hobart Town' In all likelihood Caleb was referring to the Mary Fairs who had been transported to Van Diemen's land in 1822.

No action appears to have been taken against Samuel in response to this allegation of bigamy and in 1836 he received a Certificate of Freedom, having served his full sentence for his colonial crime and he returned to Sydney. Samuel received a Sydney town grant in 1837 (Colonial Secretary's Letters received re Land [2/7854, Reel 1125]). Having finally obtained his Absolute Pardon in 1844, he once more prepared to return to England and his Sydney properties – three small houses in Elizabeth Street, three small houses in Market Lane and one small house in Sussex Street (*Sydney Morning Herald* 24 July 1844) - were offered for sale.

Whether Samuel ever returned to England is not known. We do know that he ended his days in Tasmania, dying in Hobart in 1867 when he was 80 years of age. He left behind his wife and one year old son - Samuel. It seems Samuel married for the third time⁵ to Mary Ann Garrad. Where they married remains a mystery, at least for the present. No marriage record has been located in Australia. Perhaps Samuel did finally return to England and marry before settling in Tasmania for the last years of his extraordinary life.

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The information provided by Samuel Fairs' descendant P Wade is acknowledged with thanks

¹Blaxland, Lawson and Wentworth each kept a journal of the journey.

²James Burne was paid £10/-/- from the Police Fund for his services as a guide to the party that crossed the Blue Mountains, 5 February 1814 [SZ758 p.456, Reel 6038].

³The three convicts accompanying the expedition were not identified in Blaxland, Lawson or Wentworth's journals; nor were they formally acknowledged in official records following the expedition's return.

⁴NRS 1260, 1814 Population muster [4/1225] Reel 1252

⁵Mary Ann Garrad may have been his fourth wife as there is a marriage recorded between Susannah Foley and Samuel Fairs in 1838. No further details are known. The death of Susannah Fairs has not been located in the NSW BDM records.



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