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‘A Fine Passage’: Insights into Early Australian Convict Transportation

Issue 13: The McCouls – A Criminal Family

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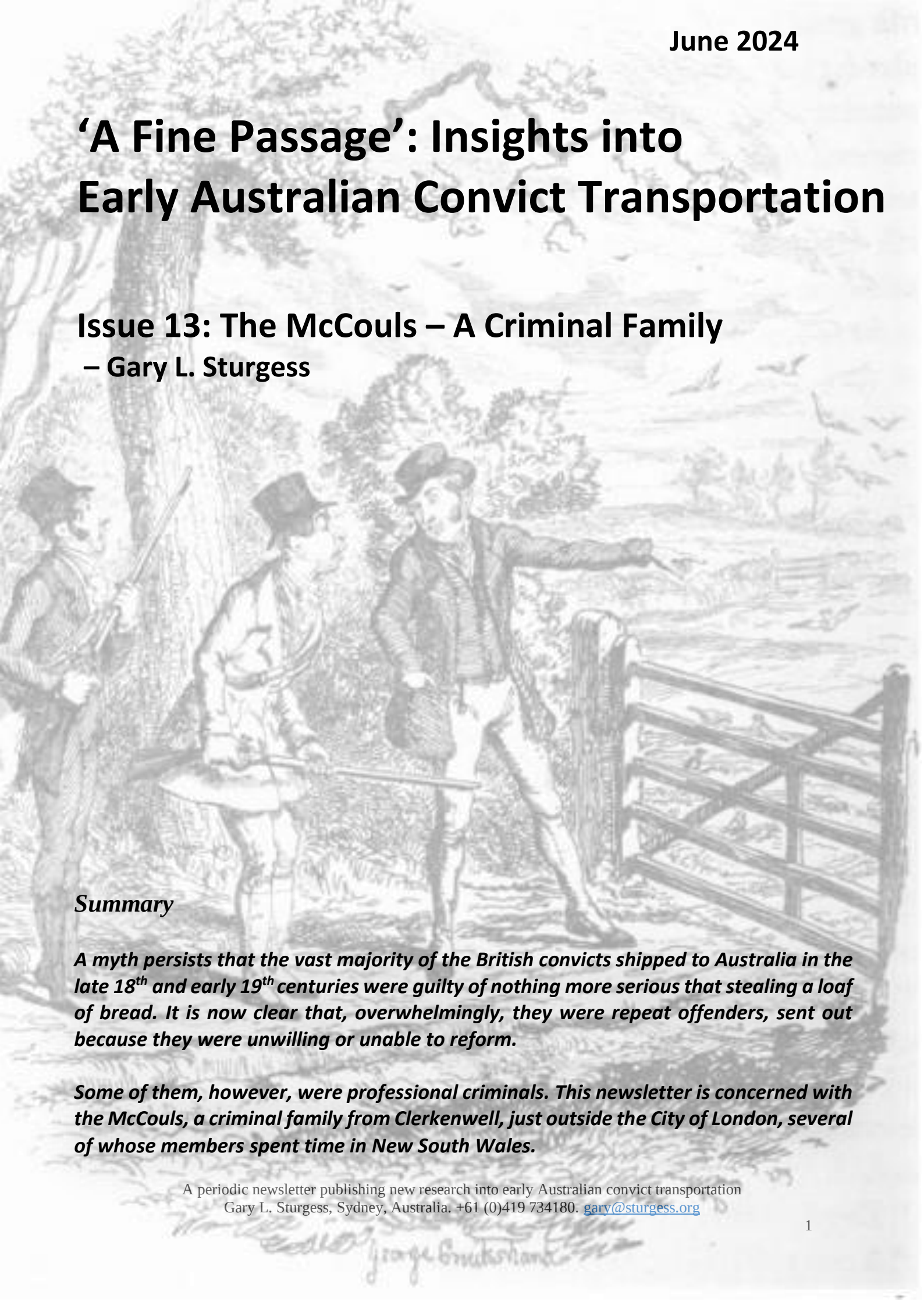


Summary

A myth persists that the vast majority of the British convicts shipped to Australia in the late 18th and early 19th centuries were guilty of nothing more serious that stealing a loaf of bread. It is now clear that, overwhelmingly, they were repeat offenders, sent out because they were unwilling or unable to reform.

Some of them, however, were professional criminals. This newsletter is concerned with the McCouls, a criminal family from Clerkenwell, just outside the City of London, several of whose members spent time in New South Wales.

Habitual and Professional Criminals

It has been 60 years since Lloyd Robson debunked the myth that the convicts sent to Australia were wide-eyed innocents, although family historians and television scriptwriters still cling to the belief that the vast majority of them were transported for stealing the metaphorical loaf of bread. Robson concluded that it was 'likely that 72 per cent of these convicts had formerly been in trouble. . . transportation was not a sentence passed lightly or for the first offence, unless it was a serious one'.[1]

Some of them had a long history of criminality before they were finally sent away. Charlotte Walker is illustrative: in underworld cant, she specialised in 'buttock and file', street prostitution and picking her customers' pockets, with a criminal career that lasted 24 years before she was finally transported in 1801. In that time, she appeared at the Old Bailey 12 times, and was arrested on at least 15 other occasions, the prosecutions abandoned by the victims/prosecutors or otherwise discontinued. Charlotte picked her marks carefully: the victims would be respectable men reluctant to attract publicity, often drunk and up a backstreet at night, where witnesses were few. She was finally convicted and sent to New South Wales when she broke her cardinal rule of taking nothing other than cash.[2]

But some of those transported to Australia were professional criminals and prominent members of London's underworld. This newsletter deals with the McCouls, a family of London criminals who, according to one of their own, had been swindlers and highwaymen for generations.[3] One of them was sent to Australia in 1789 on the *Lady Juliana*, two more the following year on the Second Fleet, and another was transported in 1814.

Of the family members who remained at home, one was hanged, another died in prison, and a third, while bankrupted late in life, operated for many years as a prominent (and defiant) member of London's criminal community.

Many of their crimes seem petty in nature – picking pockets in a Drury Lane theatre, stealing from a shop in London's West End – and if we relied only on individual court reports, it would be easy to dismiss them as small-time offenders. But one of the brothers-in-law was involved in the theft of around £3,000 from a bank clerk in 1804, and one of the brothers planned and executed

the robbery of a Glasgow bank in 1811, taking more than £20,000 – possibly the largest robbery in British history prior to the Great Train Robbery in 1963.

They were well known to the authorities in London and Middlesex, with family members variously described as 'a notorious character, who has long been celebrated for his skill and dexterity in conveying watches and money from one pocket to another', 'of some notoriety in the annals of Bow Street', 'a noted sharper and shoplifter'.

It is only when we study their extensive criminal careers outside of the metropolis, the family's reliance on criminal lawyers to organise their affairs and defend them in court, their use of law officers to compound their crimes when they were arrested, and in several cases, the apparent bribery of public officials, that we get some idea of the professionalism with which the McCouls operated, and why they infuriated the Bow Street officers.

They are not representative of the convicts sent to NSW throughout the late 18th and early 19th centuries, but they represent a class of convicts that has been generally overlooked, and they provide insight that is otherwise not available into the operation of the Georgian underworld.

Elizabeth and Ann

Elizabeth Barnsley and Ann Wheeler were caught stealing 18 yards of muslin, valued at six pounds, from a linen draper's shop in Bond Street (in London's West End) in February 1788. They were convicted and sentenced to seven years transportation, Elizabeth on the *Lady Juliana* (departed England in 1789) and Ann on the ill-fated *Neptune* (1790).

These women were sisters, and when first admitted to Newgate, the clerk wrote against their names, 'McCoul', as though this was something that the gaolers needed to know. Elizabeth was the oldest of the five McCoul siblings, then 32 years of age, with a criminal career stretching back more than a decade – shoplifting, stealing from pubs, receiving stolen goods, escaping from gaol. It is likely that she had started in her teens, but reports of trials in the lower courts are generally not available. At the age of 23, she was described thus:

> . . . about five feet four inches high, genteel made, slight brown hair, long visage, and full about the mouth, and her fore teeth rather rotten; had on a dark cotton gown with springs, and a black bonnet. . .[4]

'Genteel made' but with rotten teeth. She was literate, signing her name with confidence. Her first husband, Thomas Hollis, had been a professional criminal, prosecuted with her brother Jack over a highway robbery a month after their wedding. He disappears in the early 1780s, possibly having died in the hulks. In 1784, she married Thomas Barnsley, another professional criminal and another of Jack's associates: they had only been married four months when Thomas was arrested for stealing from a wagon near Maidenhead and sent to Reading gaol. It is probable that they did not see each other again until 1790 when they were reunited at Parramatta.

Ann was Elizabeth's junior by three years. She was, her brother said, 'an excellent scholar, having had a good education'. She had married Charles Wheeler two years before her arrest, and thus far, no evidence has been found of prior offences.[5]

The sisters' trial is deserving of close attention because of what it says about the McCouls' activities. The crime was committed in Mayfair, an up-market suburb even then. Ann was wearing a large white silk cloak trimmed with fur, and carrying a very large muff: almost invariably, descriptions of the McCouls and their in-laws note that they were genteelly-dressed. Elizabeth and Ann had shopped at these premises before, they name-checked aristocratic customers, and they used a ten pound note to pay for some Irish linen to reassure the shopkeeper that they were legitimate.

They employed legal counsel at their trial, and paid to stay in greater comfort on the master's side at Newgate prison. None of this was unusual for the McCouls: what was uncharacteristic was that the matter went to court. In the many of the cases brought against the family, the charges were dismissed when the victims failed to appear.

In spite of being illegal, the 'compounding' of crimes was still common at the time, with offenders making an accommodation with the victims ahead of the trial, returning their property or paying financial compensation in return for an agreement not to prosecute. Police officers often played a role in negotiating these arrangements, most famously, but by no means exclusively, Jonathan

Wild, the 'thief-taker general of London', who began his criminal career as a marshalman (a police officer) in the City of London. When in later years, Jack McCoul was asked by agents of the Paisley Union Bank to negotiate the return of bank notes stolen by his brother James, he referred to it as bringing about 'a reconciliation between the parties'.[6]

There can be no question that an attempt would have been made to reach 'a reconciliation' in Elizabeth and Ann's case, but the victims were not prepared to compromise.

There was another member of the extended McCoul family on the *Neptune*: Elizabeth's husband, Thomas, who was being transported for the crime he had committed in 1784. At that time, he had been described as: '. . . about 5'5", dark hair tied behind and of genteel appearance. He wore a light coloured drab close coat and surtout with metal buttons'.[7]

The voyage of the *Lady Juliana* was slow but it was healthy. Elizabeth mothered the young women on the ship, and served as midwife. The steward wrote: 'She was very kind to her fellow convicts, who were poor. They were all anxious to serve her. She was as a queen among them'.[8]

By contrast, the voyage of the *Neptune* was hell, with a final mortality rate of around 40 percent. It was much better for the women than the men, but 30 years later, Ann's brother Jack still held deep animosity towards Camden, Calvert & King, the Second Fleet contractors, and their 'ill-gotten wealth'.[9]

In New South Wales, Elizabeth and Thomas lived at Parramatta and on Norfolk Island. They had two children there, but by the time Thomas left the colony in 1793, they had separated. Elizabeth and the children then disappear from the records: it is likely that she paid for a passage home, and she is possibly the Elizabeth Barnsley buried at St Sepulchre, the family's church in Holborn, in 1804.

On his return, Thomas joined a gang with other men who had spent time at Botany Bay. When he appeared at the Old Bailey in 1801, he admitted that he had been transported, but insisted that since his return, 'I have lived as honestly as I possibly could'.[10] He was brought before a magistrate again in January 1804, charged with stealing almost £3,000 from a bank clerk at the corner of Fleet Lane. The Bow Street officers described him as 'one of the most notorious

London street-hustlers and pickpockets', but the case never came to trial, almost certainly because he returned the last of the notes and reached a compromise with the bank.[11]

Ann left New South Wales in 1795 before her sentence had expired, having either escaped or bribed a clerk to have her records fraudulently altered. She would have paid for a passage home, and on her return to London, carried on with her criminal career, working on and off with her brothers. She died in 1817, with a reputation that survived her: in an 1820 court case, she was described as having been 'a loose woman and noted shoplifter'.[12]

It was probably her former husband, Charles Wheeler, who was convicted of stealing a promissory note in Holborn in 1813, and transported to NSW for life. He was still there in 1837, when he was given a conditional pardon.

The Parents

Elizabeth once claimed that 'her family, for one hundred years back, had been swindlers and highwaymen', but (thus far) there is no evidence of this.

Their father, John Sr., had been a silversmith, and an instrument case and pocketbook maker, with a workshop near St Sepulchre. He was described as 'a man of unblemished character' who was unfortunate in business. He went on to become a 'serjeant at mace' for the City of London, a office in the City's courts not unlike that of sheriff, and passed away in 1785.

Their mother Elizabeth was a more colourful character who helped her eldest daughter escape from gaol, and assisted her sons in their criminal activities. James' biographer described her as 'a base, unprincipled woman' who had committed petty crimes with Ann and spent time in gaol (although he might have confused mother and daughter of the same name). In 1823, Jack portrayed his mother, then 98 years of age, 'as a most excellent wife, parent, and truly domestic woman'. She finally died in 1829, when she was, on Jack's account, 104 years of age.[13]

Ben

The second youngest child, Ben, was also well educated, and spent time in the Royal Navy throughout the American War of Independence. On his return at the

end of the war, he slipped into a life of crime, and was arrested with his brother Jack, for picking a pocket at the Drury Lane Playhouse. As usual, the case did not proceed. But in 1787, Ben was caught stealing a watch in Drury Lane, and this time, there would be no compromise: he was convicted and promptly hanged. The judge said that his co-offender should also have been executed 'for no other crime than that of being in company with Ben Mackcoull'.[14] After the hanging, the family had Ben's body taken across the road and buried at St Sepulchre.

Jack

The eldest of the boys, universally known as Jack, was for many years the most famous of the family. He received 'a liberal education' and was briefly articled to an attorney, but when his master passed away in December 1771, Jack established a career on the other side of the law. From the age of 17, he was actively involved in picking pockets, house-breaking and highway robbery. With very few exceptions, these cases did not proceed or resulted in an acquittal, although in 1777, when he was not yet 20 years of age, he was convicted of keeping a disorderly house (a brothel) in Fleet Street.

As with a number of other London criminals at the time, Jack then ventured out into the countryside, and in 1779, he was arrested along with his sister Elizabeth and brother-in-law Thomas Hollis over the theft of silverware from a pub at Ardleigh near Colchester in Essex. Jack was found guilty, sentenced to death, respited and sent to the hulks for seven years. He was given an early release in 1785 on the recommendation of the hulks contractor, Duncan Campbell, because of 'a long confinement. . . repeated Marks of Reformation and has behaved very orderly'. Given that he had escaped in 1781 and committed several crimes while he was out, this glowing testimonial begs questions.[15]

Jack visited Elizabeth several times while the *Lady Juliana* was waiting to sail for New South Wales, the ship's steward describing him as 'a highwayman. . . as well dressed and genteel in his appearance as any gentleman'.[16] In 1792, he was:

> . . . about 5'7" tall, with a dark complexion, dark hair which hangs short on his neck, stoutly-built, a snub nose, grey eyes and a speck in one of them, with a roughness in his speech.[17]

By 1800, Jack seems to have become a police informant, a charge he vigorously denied, although he did admit to having a close relationship with the City

Marshal. Under pressure from the Bow Street officers, he moved his family out to Lewisham, just beyond the limits of the expanding metropolis, and then to Hayes in rural Kent, where he and his mother ran the George Inn. It was there that he met the great comic entertainer and pioneering clown, Grimaldi. In his 1838 biography of Grimaldi, Charles Dickens gives a highly amusing account of a shooting expedition during Grimaldi's stay at the George Inn with 'Mackintosh' (Dickens' pseudonym for McCoul) which is too long to be republished here and too well crafted to be summarised.[18]

On his return to London, Jack continued to socialise with Grimaldi, and used him as his alibi for a robbery he was alleged to have committed at Staffordshire in 1807. There seems little doubt that the Bow Street officers 'fitted him up' for this crime, and he was rightly acquitted. He then published *Abuses of Justice*, a (highly selective) account of his life, venting his rage at thief takers who dared to break the law in going after lawbreakers such as himself. He advertised the book widely across the country and it went into a second edition.[19]

Retiring to the countryside once again, Jack set himself up as a 'stationer, librarian and music-seller' at Worthing in West Sussex. He was bankrupted in 1816, on his account because people were spreading malicious rumours about his role in helping his brother James evade the law. Writing in the margins of his personal copy of James' biography, Jack complained, 'There never was a Man so cruelly & shamefully used as John'.[20] He is probably the man who was buried at St Sepulchre in 1832, aged 77.

Jem

Unlike his siblings, the youngest McCoul, James (or Jem), did not have a good education. His biographer, a Scottish law officer named Stephen Denovan who knew him personally, wrote that his education did not extend beyond the basics of reading and writing:

> . . .which is no way astonishing, for the wayward disposition of the boy showed itself at a very early period of life; and it was only by the frequent application of the rod that his attendance at school could be enforced.[21]

While Jack disputed many of Denovan's details about the start of Jem's criminal career, he did not disagree that at a very young age, his brother had joined a gang of thieves and pickpockets in Clerkenwell. Worried about his wayward son,

their father found a place for him as a captain's servant on a naval frigate at the outbreak of the American War of Independence. Jack later wrote that Jem served through 'seven desperate engagements', and referred to him as a hero. He came home at the end of the war and squandered his savings at gaming tables, cock fights and prize fights.

James was first sent to Newgate in February 1786, where both of his brothers were already being held awaiting trial over a separate crime; as usual, none of their cases went ahead. Denovan provides a description of Jem around this time, which helps to explain his success:

> He was extremely loquacious; and used, on his first setting-out, to accompany the older and more finished thieves, whose hands were more expert than their tongues, to country fairs, horse-races, and other amusements, where he was employed in gulling the country folks, while his associates robbed money of them, at their cards, little-goes [small lotteries] and otherways . . . he could tell a lie with a better grace than any man living.[22]

On his return to London, he became a gentleman pickpocket, working the city's theatres and pleasure gardens. Jem was a long way removed from the street urchins in *Oliver Twist*: in 1796, he was charged with having taken a pocketbook of bills valued at £137 from a gentleman in Walbrook. The prosecutor failed to appear, and James walked free yet again. In the 1798 criminal register, he was described as 30 years of age, 5'7", dark complexion, brown hair, dark hazel eyes, and by occupation, a silversmith.

Jem then became a major receiver of stolen goods, and after another abortive prosecution where the only evidence was the uncorroborated testimony of an accomplice, he decided it was time 'to take a trip to the West Indies', a phrase he used whenever he felt the need to go to ground. On this occasion, he actually did go abroad, spending the next few years in Hamburg, Rotterdam and Tonningen, then Edinburgh and Dublin.

In early 1811, shortly after having been acquitted of a crime at Chester, Jem set about planning the robbery of the Paisley Union Bank in Glasgow, working with two well-known members of London's criminal fraternity, Huffey White and Harry French. On the 13th of July that year, they broke into the bank using skeleton keys, seized a consignment of bank notes, guineas and coins valued at

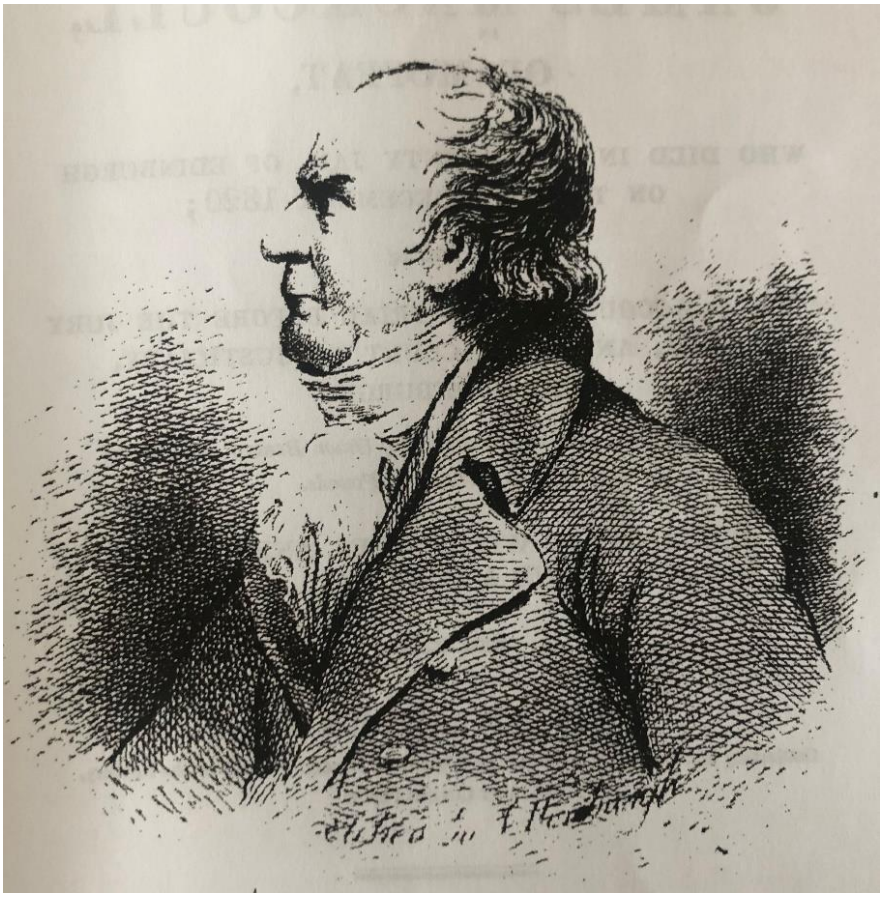
between £20,000 and £30,000, and made a dash for London before the crime was discovered.

Through some exceptional detective work, they were quickly identified and negotiations began through two different Bow Street runners to have the money returned – the loss of such a large quantity of the bank's own notes might well have crippled it, and it was more important to get them back than to gaol the perpetrators. Jem handed over around half of the money, but in attempting to retain the rest, he exposed himself and his co-offenders to prosecution. Over the next two years, White was arrested and escaped several times, before finally being hanged in 1813 for the robbing the Leeds mail. French was captured the following year, convicted of having escaped from the hulks and transported to New South Wales, where he died in 1821.

Jem was able to hold off prosecution for almost a decade, but in 1820, he made the foolish mistake of suing the Paisley Union Bank, seeking the return of notes taken from him in the intervening years when he attempted to convert them into a currency he could spend. The bank employed Stephen Denovan as their lead investigator and paid for witnesses to be brought up from London for the case. Jem was shocked when the defence produced the London locksmith who had made the skeleton keys, his old solicitor, and Huffey White's widow, among others. He lost the case and a criminal prosecution was begun immediately, using the same witnesses. The jury found him guilty and he was sentenced to death.

Jem was respited, and there were rumours that he was about to be transported, but his health declined, and on 22 December 1820, James McCoul passed away in Edinburgh gaol. Jack claimed that he had already been granted a free pardon, but this seems highly improbable. When probate was issued four years later, the value of his estate was less than £200.

The following sketch of Jem was made during the trial. Jack described it as a very bad likeness: 'instead of the scowling brow, he possessed an open, manly and pleasant countenance'.[23]



James McCoul, 1820

In Summary

The criminal careers of the McCoul siblings stretched over more than four decades, from 1775 until 1813, at least. Their offences included highway robbery and bank robbery, stealing from shops, pubs, houses and wagons, picking pockets and holding up bank clerks in the street, forgery, receiving and keeping brothels.

Contrary to the initial impression one gets in reading the convict indents and court reports, the McCouls did not confine themselves to London and Middlesex. While they remained grounded in the Clerkenwell-Holborn-Fleet area of London, they also carried out crimes in Andover, Bristol, Chester, Colchester, Maidenhead and Manchester, Edinburgh, Glasgow and Dublin, Hamburg, Rotterdam and Tonningen. And no doubt, many more.

Rather than coming from the urban underclass, they were middling sort of people. By the standards of the day, they were tolerably well educated. They

always dressed well and they lived well. None of them died wealthy, but they always had enough money to retain legal counsel, buy off witnesses or pay for a place on the master's side at Newgate.

In their younger years, they often worked together, but over time they became more independent: Jack wrote in 1823 that he had had little to do with his brother Jem for three decades. However, they could always fall back on one another in times of need.

Their father provided Jack with an alibi, and used his position as a city officer to have him arrested in order to get him away from bad influences. He found a place on a ship for young Ben when he first got into trouble. Their mother assisted her daughter Elizabeth in escaping from gaol, and helped Jem by hiding stolen property and laundering bank notes.

Jack visited Elizabeth on the *Lady Juliana*, and there can be little doubt that he gave her the substantial quantities of cash which she took with her on that voyage. While there is no direct evidence, we can be sure that he also visited Ann on the *Neptune*. In 1819, he wrote two letters for Jem, used in covering his attempts at laundering the Paisley Union notes. On her return to England from NSW, Ann continued to support Jack and Jem in their various criminal endeavours, and she also assisted Jem in converting the notes.

The criminal family is not a prominent literary motif in 18th and 19th century literature: Dickens' underworld is populated with solitary figures – Fagin, Bill Sykes, Abel Magwitch. Yet criminal enterprises built around family relationships must have been common in Georgian London. Business partnerships in this period were usually based on the trust relationships of the extended family: in the mercantile firm of Camden, Calvert & King, Thomas King married one of Calvert's nieces, their chief clerk was one of his nephews, along with several of their long-serving captains.

What is special about the McCouls is that one of them wrote a treatise on policing in London and Middlesex at the time, and was described at some length in a book written by Charles Dickens, and another had an extensive biography written about him. With other families, we are not so fortunate.

The McCoul name is spelt in a wide variety of ways, the most common alternative, often used by themselves, being Mackoull.

The image on the cover page is an illustration by George Cruikshank from Charles Dickens' biography of Grimaldi and shows Jack McCoul (Mackintosh in the book) with Grimaldi and a mutual friend at Hayes in Kent – 'Boz' (ed.), *Memoirs of Grimaldi*, London: G. Routledge & Co., 1853, opposite p. 153.

As usual, this newsletter is not fully referenced – to do so would add significantly to the length of the document.

[1] L.L. Robson, *The Convict Settlers of Australia*, Melbourne University Press, 1965, pp. 36 & 37
[2] Mary Clayton, 'The Life and Crimes of Charlotte Walker, Prostitute and Pickpocket', *The London Journal*, (2008) 33:1, pp. 3-19.
[3] John Nicol, *The Life & Adventures of John Nicol, Mariner*, Edinburgh: William Blackwood, 1822, p. 112.
[4] *Gazetteer and New Daily Advertiser*, 24 March 1779
[5] Marginal note by John McCoul in [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull alias Moffat*, London: Longman, Hurst, Rees, Orme, & Brown, 1822, National Library of Scotland, Lauriston Castle Collection, MSS 6625-6624, p. 175.
[6] Ibid., pp. 184-185.
[7] *Reading Mercury*, 6 December 1784.
[8] John Nicol, *The Life & Adventures of John Nicol*, op. cit., p. 125.
[9] Marginal note by John McCoul in [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, op. cit., p. vii.
[10] *R v Lemon Caseby*, Old Bailey Trials, 15 April 1801.
[11] *St James's Chronicle*, 10 January 1804.
[12] [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, op. cit., pp. 174 & 262-263.
[13] Marginal note by John McCoul in [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, op. cit., p. 1.
[14] [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, ibid., p. 2.
[15] Judges Reports on Criminals, UK National Archives (hereafter TNA), HO47/3/75, f. 257.
[16] John Nicol, *The Life & Adventures of John Nicol*, op. cit., p. 112.
[17] *The World*, 7 March 1792.
[18] 'Boz' (ed.), *Memoirs of Joseph Grimaldi* [1838], London: G. Routledge & Co, 1853, pp. 150-156.
[19] John Mackoull, *Abuses of Justice*, London: M. Jones, 1812.
[20] Marginal note by John McCoul in [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, op. cit., p. 7.
[21] [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, op. cit., p. 9.
[22] Ibid., p. 16.
[23] Marginal note by John McCoul in [Stephen Denovan], *Memoir of the Life and Trial of James Mackcoull*, op. cit., opposite title page.