

CONVICT PIONEERS

JOHN LEARY (1795-1854) and ELIZABETH SMITH (c1803-1880)

The lives of John Leary and Elizabeth Smith is interwoven with that of another convict Matthew Flynn as is summarised below:

Elizabeth Smith

Arrived in the Colony of NSW per the ship
"Mary 3" in 1823

John Leary

Arrived in the Colony of NSW per the ship
"Prince Regent" in 1824

Matthew Flynn

Arrived in the Colony of NSW per the ship
"Tyne" in 1819

Elizabeth Smith
married
John Leary

Elizabeth Smith married John Leary in Sydney on 15 Jan
1833 and on the same day baptised their daughter:

Catherine Leary
b 30 Dec, 1832

Apparently Elizabeth Smith and John Leary, later separated and Elizabeth Leary (nee Smith) began
a relationship with Matthew Flynn.

Elizabeth and Matthew had 3 children:

Elizabeth Leary
(nee Smith)
lived with
Matthew Flynn

<u>Mary Ann Flynn</u>	b 1837 at Goulburn
<u>Sarah Flynn</u>	b 6 Dec 1840 at Honey Flat, Binalong
<u>Harriett Elizabeth Flynn</u>	b 25 March 1844 at Honey Ck, Binalong

➤ After the death of John Leary

Elizabeth Leary (nee Smith)
married
Matthew Flynn
at Binalong on 18 April, 1858

CONVICT PIONEER JOHN LEARY (1795-1854)

John Leary, a native of County Clare, Ireland, was born in 1795.

John Leary arrived in the Colony of NSW per the ship "Prince Regent" on 15 July 1824. The ship was under the command of Captain Wales.

John Leary, whose trade was listed as plough, fences and thatches, was tried at County Clare, Ireland on 11 August 1823 and sentenced (crime unknown) to 7 years transportation to the Colony of NSW.

On arrival, John Leary was listed as being aged 28 years.

Physical characteristics included:

Height:	5 ft 5 in
Eyes:	grey
Hair:	brown
Complexion:	brown
Remarks:	very well

Prince Regent (S.)									
No.	Name	Rank	Where	When	Age	Native place	Height	Complexion	Remarks
1	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
2	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
3	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
4	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
5	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
6	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
7	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
8	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
9	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well
10	Leary John	Private	Clare	1795	28	Ireland	5 5	Brown	Very well

John Leary was assigned to controversial "Rum Corps" officer and sheep breeder John MacArthur (Macarthur) at Camden.



John and Elizabeth
Macarthur



A letter dated 2 August 1824 and signed by Rev Samuel Marsden, Chief Chaplain, Parramatta, shows John Leary among the 90 male convicts that were listed for disposal to various masters in areas such as Parramatta, Liverpool, Appin, Bringelly, Windsor, Evan, Bathurst and Wellington Valley.

The dispersal is listed below:

List of 90 Male Convicts landed this day from the Transport Ship Prince Regent (3) Males, master, and forwarded to Parramatta to be disposed of as follows:

Parramatta.

1. Patrick O'Brien To William Hayes, South Creek.

2. Patrick McManus } Tho^s Walker Esq^r 3. Maurice Joy.
alias Mc Caffrey } Concord.

4. Michael Ryan }
5. Peter Tone } Lt. Leithbridge
6. James McGonnis } Prospect.
7. James Hayes } 8. James Mackay
9. Murtagh Culhane
10. Tho^s Mc Lucade
11. Edmund Ashan

12. Coleman O'Loughlin }
13. Wm Carville }
14. John Egan } John McArthur Esq^r
15. Denis Egan }
16. Tho^s Mcade } 18. John Brennan
19. John Mullen
20. Tho^s Quirk
21. Henry Lyons
22. Tho^s Jones
23. John Leary

Liverpool.

24. Edward Murray To D^r Reed Esq^r Argyle

25. Saul Barry }
26. Rich^d Hagle } Male Orphan Institution.
27. John Long }
28. John Bath } 29. Tho^s Culhane
30. Edw^d Walsh
31. John Hanley
32. John Hurley

33. Martin McCormick To Jas Atkinson, Argyle.

34. Rich^d Keane }
35. Jas Leonard } John Buckfield. { 36. Matthew Byrne

37. George Finniffe To Mr Cordaux

38. Tho^s Bevan To Wm Campbell

Appin

39. Wm Mulholland }
40. James Devlin } For Distribution { 42. John Teedy
43. John Watson } 45. John Barclay

Minto.

44. Andrew Lewis to J. B. L. De Arrietta Esq.^{rs}
45. Patrick Roney to William Noice Esq.^{rs}

Bringelly.

46. Patrick Finn to John Wood. Chipping.
47. John Keilly } W^r. Nathl. Norton. { 49. James Markey
48. James Kelly } { 50. James Kelly

Windsor.

51. Michael Moore. { Henry Ruttsworth. } 52. Michl. Nicolson
Wilberforce.
53. John Field. { W^m. Cox Esq.^{rs} } 54. James Smith
Windsor

- | | | |
|---------------------|-----------------------|---------------------------|
| 55. Patrick Glenney | } For
Distribution | 66. John Walsh |
| 56. Michl. Burkell | | 67. James White |
| 57. Robert Mackey | | 68. Martin Hannagan |
| 58. Dant. Mc Namara | | 69. Edward Hood |
| 59. Dant. Mc Eloud | | 70. Roddy Rain alias Cain |
| 60. Walter Hughes | | 71. George Fittly |
| 61. John Webb | | 72. James Murphy |
| 62. Peter Norton | | 73. Joseph Doyle |
| 63. Patrick McKenny | | 74. George Evans |
| 64. John Percell | | 75. James McFar. |
| 65. James Murphy | | |

Evan.

76. Mark O'Donnell } For
77. Law^{ce}. Nancy } Distribution { 78. Patrick Keane
79. Terence alias James
Mastersson

Bathurst.

80. Tho. Paghey } For
81. James Murray } Government { 83. Jas. Mc Dowan
82. John Whelan } { 84. Patrick Redmonds
85. George Deveraux

86. Tho. Carney } W^r. Dehenty. { 88. Timothy Storey
87. Michael Wall } alias Clossy
89. Edmund Sheehy To W^r. John Street

Wellington Valley.

90. James Cough } For Government.
Colonial Secretary's Office }
21st July 1854 }

1825 General Muster of the Colony of NSW

The 1825 General Muster confirms that John Leary was "employed" by the Macarthur's at Camden.

[illegible]

A newspaper article from “The Australian” newspaper Saturday 22 July 1826, under the heading of “Police Incidents” shows that John Leary may **not** have been too **happy** in the **employ of John Macarthur** and was in some trouble:

The Australian (Sydney, NSW : 1824-1848), Saturday 22 July 1826, page 3, 4

POLICE INCIDENTS.

Richard Scannot, a runaway from the Hyde-park barrack, for some days, was adjudged a ten days' tour on the tread-mill.

John Matthews, identified to be a runaway from a road gang, in the district of Windsor—was ordered to be surrendered to the Magisterial bench of that district, to be dealt with by the latter according to law.

Another absentee from the prisoners' barrack, for some few days, his name, **John Leary**, was condemned to tread a tedious measure on the dread-mill, twice the number of days he had been absent.

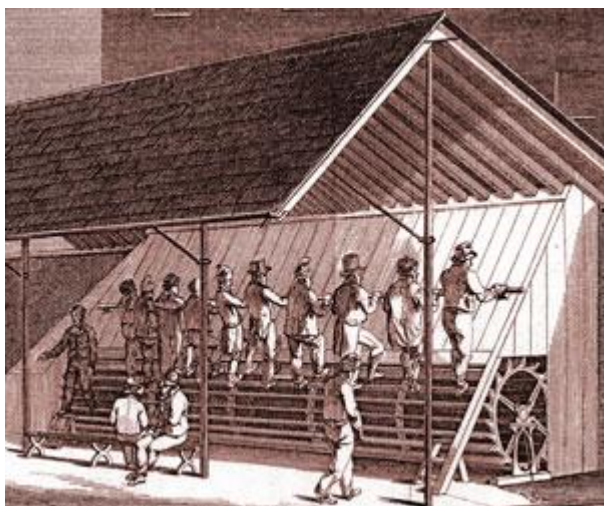
Michael Condon, apprehended as a runaway, subsequently found to belong to a gang in the interior—ordered ten days to the same machine.

Thomas Fegan, was meted out a similar degree of punishment, in consideration of a similar offence, absence from his gang.

The treadmill was introduced in Sydney in 1823 as a less brutal alternative to the lash, and authorities hoped it would be equally effective as a deterrent to further crime.

The treadmill was a stairway to nowhere. Punishment consisted of walking upstairs on a revolving set of steps,

There were two treadmills in Sydney and they were used to drive mill wheels for grinding grain into flour. Residents could bring their grain along to have it ground at these convict-powered mills. The NSW Government charged a fee for this, so the joint goals of revenue-raising and deterrence are not unique to speed cameras - the aim was the same in the 1820s!



Convicts being punished on the treadmill

The **1828 Census** listed John Leary; labourer aged 33, as a Government Servant.
He was still assigned to John Macarthur at Camden.

No.	Name	Age	Sex	Ship	Year	Religion	Employment	Residence
51	Leary, John	30	M	Elizabeth	1816	7 yrs Cat		
52	C. Catharine	21	F	Lebanon	1820	7 yrs		
53	C. Catharine	2	F					Publican, Campbell St.
54	C. John	1	M					
55	C. David						17 Road Long	
56	C. William	19	M	Florida	1820	Life Cat	Labourer	Alex. & Cooke, —
57	C. Cornelius	26	M	St. Margus	1822	7 yrs		C. John Day, —
58	C. Thomas	38	M	St. Vincent	1821	Life		C. Rocky Hill St.
59	C. Daniel	34	M	Ann. Charles	1820			C. James Blackman St.
60	C. Thomas	30	M	St. Owen	2 1818	7 yrs		Stone Cutters, (Donn's Office),
61	C. William	30	M	Lebanon	1819	7 yrs		Labourer, Rocky Hill, —
62	C. Charles	36	M	Arch. Chas	1818	7 yrs		
63	C. Sarah	36	F	Providence	1814	7 yrs		Farmer, —
64	C. J.			St. Vincent				Rocky Hill, —
65	C. Ann	30	F	Monrovia	1820	7 yrs Cat		Factory, —
66	C. Henry	4	M	St. Owen				C. —
67	C. Daniel	38	M	St. Vincent	1820	7 yrs	Labourer	Rev. P. McCall, —
68	C. John	33	M	St. Vincent	1824	7 yrs		C. John M. Arthur, —
69	C. Maria	21	F	Elizabeth	1820	7 yrs		Factory, —
70	C. Patrick	38	M	St. Vincent				Blackman St. M. Conall, —
71	C. Cornelius	30	M	St. Vincent	1820	7 yrs	Labourer	Mr. Dunn, Dunmore, —
72	C. John			Surry				Isle, —
73	C. Patrick			St. Vincent				Patrick Hall, —
74	C. Thomas			St. Vincent				Rocky Hill, —
75	Leary, Abraham	28	M	St. Malabar	1816	Life	pro. Shephard	John Tinsell, —

On 26 December 1828, John Leary was allocated **Ticket of Leave** (No 28 / 539).

Ticket of Leave details were listed as follows:

Name	John Leary
Ship	Prince Regent (3)
Master	Wales
Year	1824
Native Place	County Clare
Trade or Calling	Labourer
Place of Trial	Clare
Date of Trial	October 1823
Sentence	Seven Years
Year of Birth	1795
Height	5 feet 6 inches
Complexion	Dark
Hair	Light Brown
Eyes	Grey

Allowed to remain in the District of Camden on recommendation of Camden Bench, dated 30 Sep 1828.

Ref: Archives Office of NSW – Butts of Ticket of Leave – Microfilm Reel No: 913.

There is another reference to Ticket of Leave No: 426 issued also on the above date – “granted in pursuance of the Govt. Order dated 1 January 1827.

Ref: Mitchell Library NSW 1829 – R Darling’s Despatch 1204 P 304.

There were obvious complications because another Ticket of Leave (No 30/227) was issued some 17 months later on 13 May 1830.

This ticket was to allow John Leary to remain in the District of Airds.

Ref: Archives Office of NSW - Butts of Ticket of Leave – Microfilm Reel No: 913.

It appears as though John Leary may have been working in a convict party at a **stone quarry** as mention is made to “vide stone quarry letter dated 3 May 1830”.

A **Certificate of Freedom** (No 30/883) was issued on 8 December 1830
Ref: Archives Office of NSW – Butts of Certificate of Freedom 1830

CERTIFICATE OF FREEDOM.
No. *30/883*
Date, *8 December 1830*

Prisoner's No. _____
Name, _____ *John Leary*
Ship, _____ *Prince Regent (3)*
Master, _____ *Wales*
Year, _____ *1824*
Native Place, _____ *Blair*
Trade or Calling, _____ *Labourer*
Offence, _____
Place of Trial, _____ *Blair*
Date of Trial, _____ *October 1823*
Sentence, _____ *Seven years*
Year of Birth, _____ *1794*
Height, _____ *5 feet 6 inches*
Complexion, _____ *Tallow*
Hair, _____ *Brown*
Eyes, _____ *Blue*
General Remarks, — *Had a Ticket of Leave No
30/227 dated 13 May 1830
Recd. from the Supt of Police
Campbell Town 8 Feb 1831
& Cancelled*

Ref: Archives Office of NSW – Butts of Ticket of Leave – Microfilm Reel No: 913.


The previous Ticket of Leave had been returned, mutilated and cancelled. “It was torn up on 8 February 1831 on its receipt from the Superintendent of Police Campbelltown who delivered -----
(unclear)--.”

MARRIAGE – John Leary and Elizabeth Smith

In Sydney, on 15 January 1833, John Leary took as his bride fellow convict Elizabeth Smith (*detailed story of Elizabeth Smith - a separate story*).

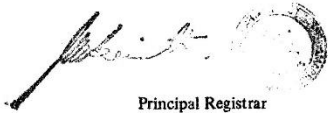
Both Elizabeth and John were listed as residents of the ship "**Mary of London**", obviously moored in Sydney Harbour.

Witnesses to the marriage were Dennis O'Brian and Catherine Marten.

 NEW SOUTH WALES	
Application 84M4532/RR	
Registration of Births, Deaths and Marriages Act, 1973	
MARRIAGES	
Number	59 Vol: 129
PARTIES	
Groom	John LEARY
Abode	Ship Mary of London
Bride	Elizabeth SMITH
Abode	Ship Mary of London
When married	15th January, 1833
Where married	-
Witnesses	Denis O'Brian and Catherine Marten
Authority	
Where Registered	-
Clergyman Officiating	-

I, **Vernon Mark Bennett**,
hereby certify that the above is a true copy of particulars recorded in a Register
of **Roman Catholic** Marriages kept by me

Issued at Sydney,
on **15th November, 1985**



Principal Registrar

BAPTISM – of daughter Catherine Leary

On the same day of their marriage, 15 January 1833, John Leary and Elizabeth Smith baptised their young baby, **Catherine Leary**, also at St Mary's Cathedral, Sydney.

Catherine was born on the previous Sunday fortnight, making it 30 December 1832.

PR 222



Application P 208278/86 SM NEW SOUTH WALES


Registration of Births, Deaths and Marriages Act, 1973


BAPTISMS


Number	116 Vol: 129
CHILD	
Christian name	Catherine
When born	Fortnight last Sunday
Date of ceremony	15th January, 1833
Where ceremony performed	St. Mary's Cathedral
Where registered	-
PARENTS	
Father	John LEARY (Ship "Prince Regent")
Mother	Elizabeth SMITH
Abode	-
Quality or profession	-
Sponsors	Edward Gutherie & Elizabeth Martin
By whom the ceremony was performed	-

I, Vernon Mark Bennett,
hereby certify that the above is a true copy of particulars recorded in a register of
St. Mary's Cathedral Roman Catholic Baptisms kept by me

Issued at Sydney,
on 9th April, 1986.


Principal Registrar



 S.O. 5178

Catherine Leary was to be the **only child** born to John Leary and Elizabeth Smith.

Catherine Leary's place of birth is **later listed** as **Menangle**, so the listing of her parent's abode "Mary of London" may have to be queried.

New research (outlined later in the story of Elizabeth Smith) indicates that at some stage Elizabeth Smith and John Leary separated.

Death of John Leary

Twenty one years passed for John Leary before passing away aged 65 years.

He was buried on 5 September 1854 in the Parish of St. John's Campbelltown in the County of Cumberland.

J P Roche officiated at the burial.

On the church burial return, John Leary was listed as a farmer living at Menangle.

- *There appears to be a query regarding the age of John Leary as in 1854, John should have been just close to 60 years of age, not 65 years.*

Burials in the parish of St. John's Campbelltown

in the County of Cumberland from the 1st day of August to the 27th day of December 1854

No.	Age	Sex	When Buried	Place of Burial	Quality or Profession	By whom the Ceremony was performed
2292						
927 Elizabeth Byrne	78 yrs	Female	11 th August	Menangle		J. P. Roche
928 Maria Robert	57 yrs	Female	20 th do	Campden		do
929 Catherine McIlwain	6 yrs	do	29 th do	do		do
930 John Leary	65 yrs	Male	5 th September	Menangle	Farmer	do
931 John Fitzgerald	49 yrs	do	13 th do	do	do	do
932 Caroline Plunkett	57 yrs	Female	5 th October	Campden		do
933 Mary M. Mahon	32 yrs	Female	9 th do	Narrabri		do
934 James Mill	50 yrs	Male	18 th do	Campden	ship plate maker	do
935 Thomas Green	25 yrs	Male	21 st do	Rahway	Unknown	do
936 James McIlwain	5 weeks	Male	18 th November	Campden		do
937 Edmund Meade	6 months	Male	25 th do	Menangle		do
938 Thomas Meade	6 yrs	do	1 st December	do		do
939 Robert Hamers	6 months	Male	6 th do	Campden		do
940 James Green	72 yrs	do	14 th do	do		do
941 Bridget Green	25 yrs	Female	27 th do	Campden		do

I Certify the above to be a true Return of all Burials performed by me, within the time above specified.

J. P. Roche



Application 77257/84ER

NEW SOUTH WALES

Registration of Births, Deaths and Marriages Act, 1973

BURIALS

Number	Vol: 119 No. 2295
Name	John LEARY
Abode	Menangle
Age	65 years
Quality or Profession	Farmer
When died	
When buried	5th September, 1854
Where ceremony performed	Parish of St. John's, Campbelltown, in the County of Cumberland
By whom the ceremony was performed	J.P. Roche

I, Trevor William Haines,
 hereby certify that the above is a true copy of particulars recorded in a Register of
 Burials kept by me
 8th May, 1984.

Issued at Sydney,
 on

Trevor Haines
 Principal Registrar



CONVICT PIONEER - ELIZABETH SMITH (c1803-1880)

➤ **Separate Story**