

CROKER PRIZE FOR BIOGRAPHY 2023

2326 The Soldier and the Convict – A Tale of Two Siblings

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The soldier and the convict – a tale of two siblings

There is a story in my family tree that two brothers, one a soldier in the 50th Regiment of Foot and one a convict, arrived in Sydney Australia on the same ship, the Susan in 1834.

The soldier was my 4th Great-Grandfather Norman McBeath and the convict was John McBeth, who some say was married to Ellen Tucker, related to the bushranger John Vane.

If true, this would be a colourful family history; two brothers on either side of the law, one guarding the other, on the journey to Australia.

Private Norman McBeath was a guard on a convict ship arriving in 1834, but not on board the Susan.

The 50th Regiment of Foot (West Kent Queens Own) guarded convict ships in the 1830s including the Susan.¹ While there are convict records for each ship and the high-ranking officers, the other guards were collectively referred to as the “rank and file.”²



Caption: 50th Regiment of Foot Cap Badge

The Australian Joint Copying Project (AJCP) has digitised the Muster Books and Pay Lists of the various regiments that were sent to guard convicts on the journey to Australia. While the records are digitised, they are not indexed or able to be key word searched. It is a painstaking process to go through these records one page at a time, but worth the effort, as I have confirmed that Norman arrived on the Pamela.³

No.	Name	Rank	Company	Pay	Remarks
353	Norman McBeth	Private	50th Regt	1/20	21 August 1834 per Pamela

Caption: Excerpt from the AJCP Paylist of the 50th Regiment of Foot in NSW confirms Private Norman McBeth arrived per Pamela in 1834

The Pamela arrived in Sydney on 2 March 1834.⁴ Travelling with Norman was his wife Agnes McBeath nee Wilson and their two-year-old daughter Margaret, my 3rd Great Grandmother. Their son Norman was born in Sydney in December of the same year.⁵

The convict, John McBeth aged 23, arrived on the Susan on 8 July 1834, four months after the Pamela. John was a farm servant tried at the Northumberland Assizes for highway robbery and originally sentenced to death, commuted to transportation “beyond the seas” for the term of his natural life.⁶

The next question is, were they brothers? I've looked at this from a few angles including the official records and the variations on their surnames, when and where they were born, and where they lived, to establish a connection.

Variants of the Scottish name McBeath are MacBeath, McBeth, and Macbeth. There are numerous records across Norman's life where he is either McBeath or McBeth. Similarly, John McBeth was also known as Macbeth and McBeath. These variations don't overly impact the validity of the source documents.

Norman and John were both from Scotland but not from the same area. Norman was born about 1802 in Abbey, Renfrewshire, Scotland, which is about 5 miles west of Glasgow.⁷ He married Agnes Wilson in 1830 in the same parish.⁸ His parents, Norman McBeth and Janet McKean were married in Barony, Lanarkshire, Scotland in 1782, in Glasgow.⁹ However, John McBeth was born about 1811 in Edinburgh.¹⁰

Norman left the Regiment in 1839.¹¹ He then became a Police Constable and the Watch House Keeper at Mudgee Gaol.¹² By 1864 he was retired and receiving a pension.¹³ He lived the rest of his life in Mudgee dying at his home in Douro St in 1881.¹⁴

After John arrived in 1834 he was assigned to Rev R Hill, Sydney, Minister of St James Church.¹⁵ In the 1837 General Muster he was assigned to the Government in Sydney.¹⁶ When he received his Ticket of Leave in 1842 he was restricted to the Carcoar area of NSW.¹⁷

These facts in isolation don't confirm Norman the soldier and John the convict were brothers. I have therefore explored if John McBeth the convict was the same person who married Ellen Tucker.

John McBeth was 61 when he married 17 year old Ellen Tucker in 1851 with the consent of the Guardians of Women as she was underage.¹⁸ They had five children in seven years and tragically died within a month of each other in 1860. There were no parent's names recorded on John's death certificate. At the time of their deaths, they were living in Cherry Tree Hill near Mudgee, not too far away from Norman.¹⁹

John McBeth, the convict could read and write²⁰ whereas John the husband of Ellen, signed the death register for his wife Ellen with his mark, an X.²¹ However, it is the difference of 19 years between John McBeth, husband of Ellen Tucker, born about 1792 and John McBeth, the convict born about 1811, that is too great to be ignored, and I have concluded they were not the same person.

An article in the Mudgee Guardian in 1918 is the most concrete indication of kinship between Norman the soldier and John, husband of Ellen.

*"A niece of Mr. Norman Macbeth, formerly of Bara, Lue passed away. The deceased was the daughter of Mr William Macbeth of Coolah. The Macbeths were an old Mudgee family, and Mr Norman Macbeth, sen. who was the lock-up keeper...lived in Mudgee until his death. So the nurse's death revives old memories."*²²

It is a complicated thread to follow, but the Norman Macbeth of Bara-Lue, was the first-born son of Norman the soldier and Agnes Wilson. William Macbeth of Coolah was the son of John McBeth and Ellen Tucker and Nurse Alice was William's daughter.^{23, 24} Nurse Alice was therefore the great niece of Norman (the son) and the great-great niece of Norman the soldier, which supports John and Norman being brothers.

There is often an element of truth in a family story. It may have been embellished over time or we may show some cognitive bias when reviewing new information, accepting the facts that support the story and ignoring or down-playing what doesn't. It's possible that John McBeth the convict was related to Norman the soldier, but unlikely they were brothers. The two John's in the story are not the same person, and John the husband seems a likely brother to Norman the soldier. One thing is for certain, Norman and John the convict did not arrive on the same ship.

1. www.freesettlerorfelon.com/convict_ship_parmelia_1834.htm
2. The Sydney Gazette and New South Wales Advertiser, Tue 4 Mar 1834 p.2
3. National Library of Australia, AJCP Pro Series WO Series 12 File 6127 Reel No. 3799 Pay list of a detachment of 50th Queens Own Regiment in NSW
4. The Sydney Gazette and New South Wales Advertiser, Tue 4 Mar 1834 p.2
5. NSW Registry of Births Deaths and Marriages Ref 2883/1834, baptism of Norman McBeth Scots Church, Elizabeth St Sydney, County of Cumberland.
6. UK Criminal Records, 1780 – 1871, Criminal Entry Books, 1833, HO 13/63
7. National Library of Australia, AJCP Pro Series WO Series 12 File 6132 Reel No. 3801-3802
8. Scotlandspeople.gov.au, Parish no. 559, Ref. 80239
9. Scotland, Select Marriages, 1561-1910, Old Parish Records, 19 May 1782
10. Ancestry.com.au: New South Wales, Australia, Convict Indents, 1788-1842, Bound indentures, 1833-1835, Susan 1 1834, p.468
11. National Library of Australia, AJCP Pro Series WO Series 12 File 6132, Reel No: 3801-3802. Return of Officers of the 50th Regiment of Foot 1 April to 30 June 1839
12. Ancestry.com.au: New South Wales, Australia, Sheriff's Papers, 1829 – 1879. Copies of Letters Sent 1861-1863, p460
13. Ancestry.com.au: New South Wales, Australia, Public Service Lists, 1867, Norman McBeth, Ordinary Constable, Mudgee.
14. NSW Registry of Births Deaths and Marriages, Death Certificate, Norman McBeath, Ref 1881/8825
15. Ancestry.com.au: New South Wales, Australia, Settler and Convict Lists, 1787 – 1834, Convicts arrived 1833-1834
16. Australian Joint Copying Project (AJCP) Records of the Home Office, General Muster: L-Q, 1837 HO10/34, Image 228. Note: name recorded as John McBeath, per Susan 1834 age 27
17. New South Wales, Australia, Tickets of Leave, 1810-1869, Ticket of leave butts (NRS 12202), Jul 1842-Oct 1842, No. 42/2230, 14th Sept 1842. Prisoner No. 42/2230
18. NSW Registry of Births Deaths and Marriages, Marriage Certificate, John McBeth & Ellen Tucker, Ref 541, Vol. 37B, 10 September 1851
19. NSW Registry of Births Deaths and Marriages, Death Certificate, John McBeth, Ref 5877/1860
20. Ancestry.com.au: New South Wales, Australia, Convict Indents, 1788-1842, Bound indentures, 1833-1835, Susan 1 1834, p.468
21. NSW Registry of Births Deaths and Marriages, Death Certificate, Ellen McBeth, Ref 5876/1860
22. Mudgee Guardian and North-Western Representative, 31 Oct 1918, p.23
23. NSW Registry of Births Deaths and Marriages, Death Certificate, William MacBeth, Ref 8234/1928
24. Sydney Morning Herald, Tuesday 15 Oct 1918