

John Beynon – Escaped Oatlands Gaol August 3rd 1837

By Rubee Dano

John Beynon is best remembered not so much for his escape as for his inability to live a lawful life and his extraordinary ability to dodge convictions. Beynon, originally transported for sheep stealing, was convicted in 1835 in Carmarthen, Wales. A native of Pembroke, about 30 miles from where he was arrested, he was transported on the *Lord Lyndoch* in August 1836, leaving behind a wife and four children. Beynon, a stonemason, was twenty-seven years old when he was transported, and possessed of a trade in high demand in early Van Diemen’s Land. His conduct record shows extensive misbehaviour throughout his time as a convict ([see link](#)).

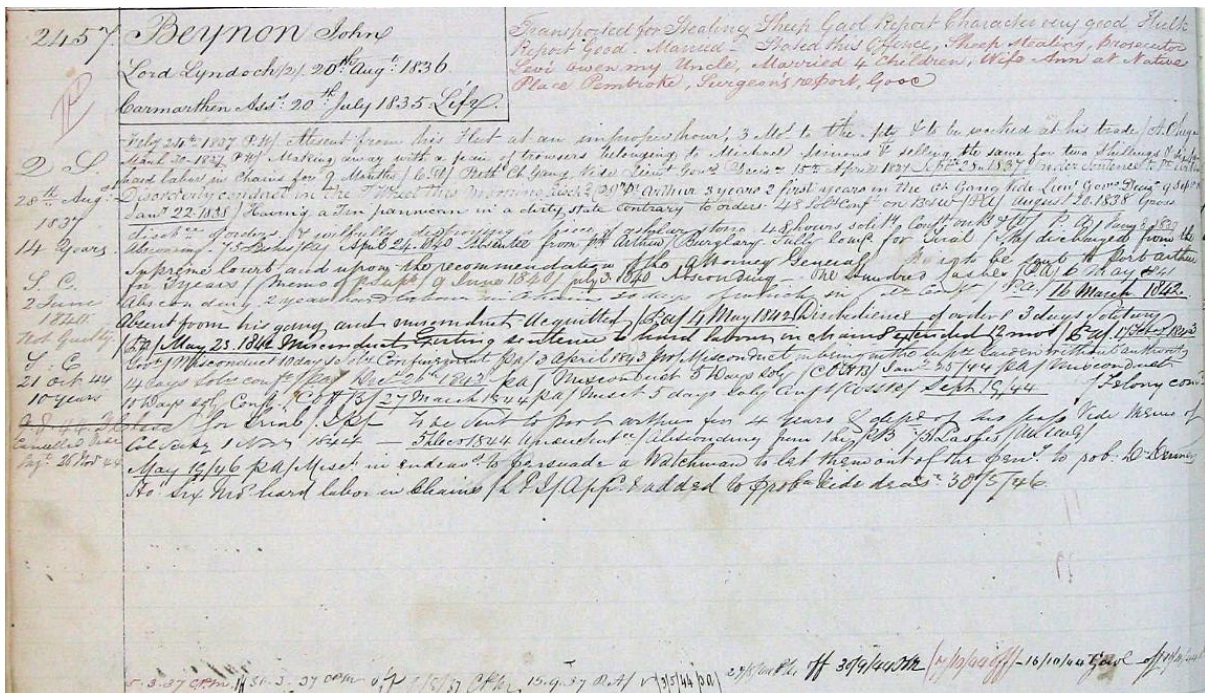


Image 1: Beynon’s original conduct record (Tasmanian Archive & Heritage Office)¹

By 1837 Beynon was assigned to the Perth Chain Gang, from where he came to be at the Oatlands Gaol, though details of how are unknown. His conduct record is patchy around this time, however correspondence from Police Magistrate John Whitefoord provides a glimpse into the situation in August 3rd 1837:

“I beg to acquaint you that the prisoner “John Beynon” effected his escape from the upper story of that division of the Gaol in present occupation by lowering himself by means of the bedding from the window, which is without fastening & ascending with the assistance of the covered top to the wooden staircase to the roof of the building from which he was able to make a gradual descent & arriving at a part of the wall which at that time was in an unfinished state.

¹ Conduct Record of John Beynon, Archives Office of Tasmania, CON 31/1/3, p99 (<https://libraries.tas.gov.au/Digital/CON31-1-3/CON31-1-3P99>, last accessed 12:31pm 31/10/2024)

No imputation of neglect whatsoever appears to me to rest upon the Officers of the Gaol, - the state and peculiar construction of the Building having alone supplied the means of escape”²

On August 28th of the same year, Beynon was tried at the Oatlands Court House on a charge of:

“Breaking and entering a building within the curtilage of the Dwelling house of Joseph McEwan & occupied therewith and having a direct communication therefrom and feloniously stealing one Velvetten Jacket worth Twenty Shillings one Pair of Cord Trowsers[sic] worth Twenty five Shillings, one Pair of Boots worth ten shillings one Silk handkerchief worth 4s/ one Pair of worsted Stockings worth 2s/ and one hat worth two shillings the Property of John Taylor.”

Beynon was duly found guilty and sentenced “to be transported beyond the seas for the term of Seven Years”, as well as being kept in hard labour in chains for the first two years³. This of course raises the question, how can you be transported beyond the seas when you are *already* beyond the seas? In practice the sentence meant transportation to the nearest penal colony, i.e. Port Arthur. Beynon’s conduct record shows he arrived at Port Arthur in September 1837⁴. He remained there until 1840, when he was bought before the Supreme Court for robbing a house at New Norfolk, specifically stealing a pair of trousers⁵ (yet again). Beynon was acquitted in this instance⁶:

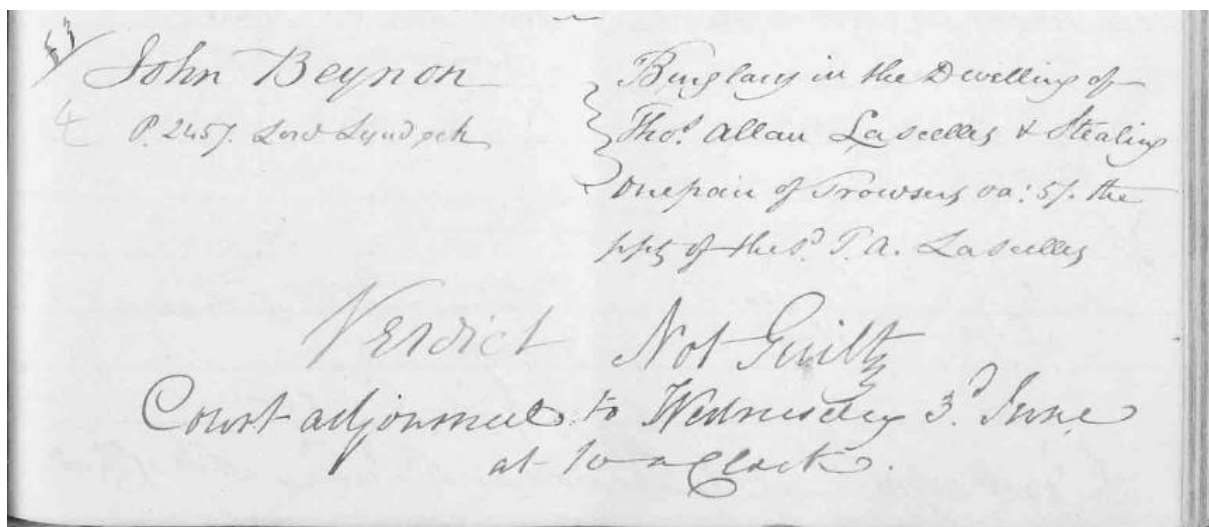


Image 2: Detail from Supreme Court Record of Beynon’s 1840 trial and acquittal⁷

² Archives Office of Tasmania, CSO 5/56/1246, p188 – 122

³ Record of Proceedings in the Court of General and Petty Sessions, Oatlands Court House, 28th August 1837, Archives Office of Tasmania, AB256/1

⁴ Conduct Record of John Beynon, Archives Office of Tasmania, CON 31/1/3, p99 (<https://libraries.tas.gov.au/Digital/CON31-1-3/CON31-1-3P99>, last accessed 12:31pm 31/10/2024)

⁵ 'SUPREME COURT—CRIMINAL SIDE.', *The Hobart Town Courier and Van Diemen's Land Gazette (Tas. : 1839 - 1840)*, 12 June, p. 4. , (<http://nla.gov.au/nla.news-article8748551>, accessed 11/10/2024)

⁶ Supreme Court Records, Archives of Tasmania, SC 32/1/4 p48 (<https://libraries.tas.gov.au/Digital/SC32-1-4/SC32-1-4P056JPG>, accessed 31/10/2024)

⁷ Ibid.

Beynon appears to have been in the Hobart area until 1844 where he appears in Supreme Court records again, this time for stealing a waistcoat and pair of shoes. He was found guilty and sentenced to ten years⁸:

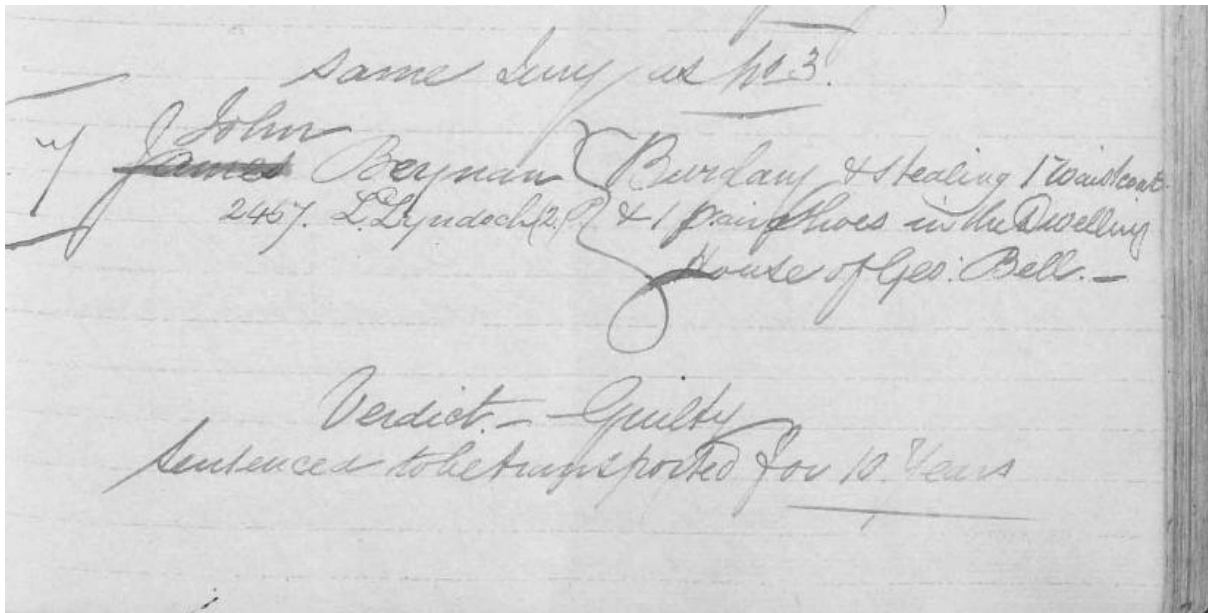


Image 3: Detail from Supreme Court Record of Beynon’s 1844 conviction⁹

Beynon was accused of stealing clothing in many of the above offences, this was almost certainly due to clothing being both highly available, and the ease of selling it on after the theft to obtain cash.

Beynon’s conduct record shows minor infringements during the next six years, during which time he seems to have been detained around the Hobart area; in May 1849 was designated to 3rd Class under the probation system¹⁰. The 3rd Class, or ‘Criminal Class’, was the lowest rank in the probation system, comprising of convicts prone to misbehaving¹¹, of which John Beynon was most certainly one. He was sent to Norfolk Island in 1850 after being charged with “house breaking and stealing therein on December 15th 1849, to serve 4 years hard labour in chains once there”¹².

⁸ Supreme Court Records, Archives of Tasmania, SC 32/1/5 p104, (<https://libraries.tas.gov.au/Digital/SC32-1-5/SC32-1-5P104.JPG>, accessed 31/10/2024)

⁹ Ibid

¹⁰ Conduct Record of John Beynon, Archives Office of Tasmania, CON 31/1/3, p99 (<https://libraries.tas.gov.au/Digital/CON31-1-3/CON31-1-3P99>, last accessed 12:31pm 31/10/2024)

¹¹ The Convict System – Probation 1839-53, *Profit and Punishment: Archaeological excavation at Port Arthur’s workshops*, University of New England (<https://blog.une.edu.au/port-arthur-2020/2020/12/07/the-convict-system-probation-1839-53/> accessed 14/11/2024)

¹² Lower Court Records, Archives of Tasmania, LC 247/1/18, p569 (<https://libraries.tas.gov.au/Digital/LC247-1-18/LC247-1-18P569> accessed 31/10/2024)

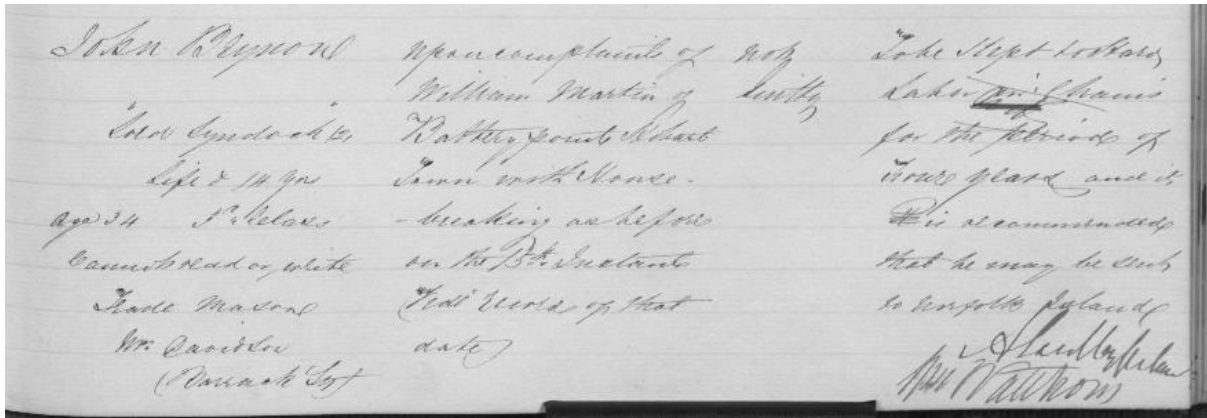


Image 4: Detail from Lower Court Record of John Beynon's 1850 conviction¹³

By 1852, Beynon had somehow secured admission to H.M. General Hospital in Hobart, where his next escape was reported on November 11th:

“Two inmates of H.M. General Hospital, named John Higson, and John Beynon, left that domicile of the afflicted without permission on the 2nd inst. Both Johns have doubtless been attacked by the yellow fever and in a state of mental aberration fled to the diggings.”¹⁴

The sarcastic mention of ‘yellow fever’ presumably refers to the contemporary mania for gold prospecting, hence ‘fled to the diggings’. Gold was first discovered in Van Diemen’s Land in February 1852, near the Fingal Valley¹⁵, and by December of that same year there were calls to regulate gold prospecting.¹⁶ This begs the question of whether runaway convicts intent on changing their fortunes in the gold fields were a factor at play, or simply the risk of violence and disorder that so often accompanies any endeavour that has the power to alter one’s fortunes so dramatically.

For this escape attempt, Beynon was remanded to the Prisoners Barracks in Hobart until a visiting magistrate was present for his trial¹⁷ at which he received 3 months hard labour¹⁸. In March of the following year, he received an additional 4 months hard labour for being “out after hours and found within the fences of the Female Factory”, and in July he absconded again and received a further 4 months hard labour.

Beynon achieved his first Ticket of Leave on June 13th 1854, though his freedom was short lived with conduct records showing he was in trouble with the law by October of the same year, and had his ticket of leave revoked on March 6th 1855, less than a year after he received it. He continued his long

¹³ Ibid

¹⁴ 'Local.', *The Tasmanian Colonist (Hobart Town, Tas. : 1851 - 1855)*, 11 November, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article226523830>

¹⁵ 1852 'GOLD IN VAN DIEMEN'S LAND.', *The Courier (Hobart, Tas. : 1840 - 1859)*, 28 February, p. 2. , viewed 12 Dec 2024, <http://nla.gov.au/nla.news-article2959409>

¹⁶ 1852 'GOLD IN VAN DIEMEN'S LAND.', *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, 15 December 1852, p. 837. , viewed 12 Dec 2024, <http://nla.gov.au/nla.news-article65580151>

¹⁷ Lower Court Records, Archives of Tasmania, LC 247/1/21, p994, (<https://libraries.tas.gov.au/Digital/LC247-1-21/LC247-1-21P994>, accessed 31/10/2024)

¹⁸ Conduct Record of John Beynon, Archives Office of Tasmania, CON 31/1/3, p99 (<https://libraries.tas.gov.au/Digital/CON31-1-3/CON31-1-3P99>, last accessed 12:31pm 31/10/2024); Later Conduct Record of John Beynon, Archives Office of Tasmania, CON 34-1-6, p233 (<https://libraries.tas.gov.au/Digital/CON34-1-6/CON34-1-6P233>, accessed 31/10/2024)

In 1859 Beynon married Grace Hayes in a Catholic Ceremony at St. Joseph's Church.²¹ Records are unclear but a Grace Beynon, Stonemason's Wife, is recorded as having died in 1861, however her age is listed as 57 years²² while Beynon's Grace is listed as being 31 on their marriage certificate. It is possible this was an error, as ages were often incorrect in records, however such a large variation is unusual. Beynon and Grace may have had a daughter (for the above reasons the records aren't clear), Mary Ellen Beynon, who died at age 7 in 1857 from a fever²³.

While he had his freedom, John Beynon's criminal activities did not stop. In January 1861 Beynon was tried for breaking and entering two years previously, and the theft of 3 quarts of brandy, 12 pounds of sugar, and 20 pounds of tea²⁴:

"John Beynon charged with breaking and entering on the 3rd October, 1859, a building within the curtilage of the dwelling house of Anthony Mann and stealing therein three quarts brandy, 12lbs sugar, and 20lbs tea, the property of the said Anthony Mann. The prosecutor proved that on the morning of Sunday 9th October, 1859, [Mann] discovered that an entry had been effected into his store by wrenching off one of the iron plates of the wall, and that brandy, tea, sugar, cheese, and other articles had been taken away. There were footmarks on the ground in the store (the natural soil) which matched with a pair of boots of prisoner's brought to witness by a constable. Prisoner and another built witness's stable.

William Menzie, Michael Molloy, and Thomas Clark, gave evidence respecting a pair of boots alleged to have belonged to prisoner, the footmarks of which were before referred to and which were found 20 yards from Mr. Mann's place. D. C. Wright deposed that on a Monday in October 1859, he was stationed at Bridgewater and received a report of the robbery at Mr. Mann's. Before then, on the Sunday morning, the prisoner passed by with a bundle. After receiving the report of the robbery, witness went to Hobart Town in search of prisoner, without success.

In reply to the Court, witness said he would not swear positively to the prisoner although he believed he was the man. Constable Simper deposed that he apprehended prisoner in November last. Prisoner handed in a written defence saying he had never been in Mr. Mann's store and denying all knowledge of the robbery"

Beynon's amazing luck with the court system held and he was once again acquitted. He appeared to be working in Triabunna in 1863 where his conduct record reflects that over the course of the year he left work without authority, committed larceny, and stole a dog. In 1866 Beynon was back in Hobart's Supreme Court for sheep stealing:

"John Beynon pleaded not guilty to an information charging him with having on the 17th March last, feloniously stolen and driven away one sheep, the property of Thomas Powell, of Tunbridge. The Solicitor-General opened the case and called the prosecutor, who identified a skin produced as that of a sheep which had been stolen from him. Witness had seen prisoner near a spot where there was blood, and where he appeared to be planting something.

²¹ Marriage Records, Archives Office of Tasmania, RGD 37/1/18, p151, (<https://libraries.tas.gov.au/Digital/RGD37-1-18/RGD37-1-18P151>, accessed 31/10/2024)

²² Death Records, Archives Office of Tasmania, RGD 35/1/6, p129 (<https://libraries.tas.gov.au/Digital/RGD35-1-6/RGD35-1-6P129>, accessed 31/10/2024)

²³ Death Records, Archives of Tasmania, RGD 25/1/36, p117 (<https://libraries.tas.gov.au/Digital/RGD35-1-36/RGD35-1-36P117>, accessed 31/10/2024)

²⁴ 'WEDNESDAY.', *The Mercury (Hobart, Tas. : 1860 - 1954)*, 24 January, p. 3. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article8795881>

Prisoner had not any sheep of his own; he was a stone mason, and on the day witness found the skin prisoner was removing to Antill Ponds. Ann Carew, of Tunbridge, proved that on the 20th March prisoner was at her house, with his wife, his mate, and a horse and cart, with furniture, at the door. They went on in the direction of Antill Ponds, and witness saw them no more. Mary Carew, daughter of the last witness, gave corroborative evidence, and said, after they had left her mother's house, she went out for the cow, and met the prisoner on the road with a bag on his shoulder; the bag had something in it, but witness did not take much notice. Sarah Higgins, of Tunbridge, deposed that she lived on the Antill Ponds side of Carew's; on the day in question the cart stopped before her house while the driver had a drink of water, and at that time the prisoner was not there.

Constable Carron proved that on receiving information from Mr. Powell, he went to a place called Deadman's Hill, on the ground of Mr. Harrison, and Powell showed him where there was a sheepskin planted; he saw blood there, as of a sheep having been killed. Witness produced the skin. He deposed to having apprehended prisoner the same night at Antill Ponds. Witness also verified a diagram showing the locus in quo.

He made a search at the place where prisoner went to reside at Antill Ponds, but could not find any meat there he saw several empty bags. The prisoner made no statement in defence".²⁵

Yet again, Beynon was acquitted. There are no records of him over the next three years until he stole a horse in Cressy in August of 1869²⁶. Beynon appears to have been in the Fingal, Cressy and Ross areas prior to his arrest which is first documented in January of 1870:

"Ross Police arrested [Beynon] and he was additionally charged and convicted for stealing Mr Robertson's dogs at Bloomfield, Macquarie, on 4th July 1868, and remanded for the further charges of horse stealing, and a case against him for breaking and entering in the stables of James Thirkell, Esq., Formosa, and theft of saddles, bridles etc; and dog stealing in this district and the Oatlands District."²⁷

Beynon was eventually tried in May of 1870, and remarkably was once again acquitted after witnesses failed to identify him²⁸. Beynon appears to live a quiet life, free of further trouble with the law, until his death in 1882 in Launceston from "exhaustion"²⁹. While the age and approximate location track for Beynon, it is interesting his profession is simply 'labourer' when we know he was a stonemason, however he hardly would have been around to correct the undertaker in this error.

What is remarkable about John Beynon's life is his repeated brushes with the law following his pardon from the probation system. In the cases of his 1866 and 1870 prosecutions, perhaps witnesses' failure to identify him can be explained by the time that had elapsed between the crimes

²⁵ 'L A W.', *The Mercury (Hobart, Tas. : 1860 - 1954)*, 13 April, p. 2. , viewed 31 Oct 2024, <http://nla.gov.au/nla.news-article8838737>

²⁶ 'RECORDER'S COURT.', *Launceston Examiner (Tas. : 1842 - 1899)*, 26 May, p. 5. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article39675231>

²⁷ 'The Cornwall Chronicle WITH WHICH IS INCORPORATED 'THE LAUNCESTON TIMES'', *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, 31 January, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article65985798>

²⁸ 'No Title', *The Tasmanian Times (Hobart Town, Tas. : 1867 - 1870)*, 26 May, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article232871876>; 1870 'RECORDER'S COURT.', *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, 27 May, p. 2.

²⁹ Death Records, Archives of Tasmania, RGD 35/1/51, p123, (<https://libraries.tas.gov.au/Digital/RGD35-1-51/RGD35-1-51P23>, accessed 31/10/2024)

and the trials. Perhaps Beynon had a threatening presence and witnesses were scared to speak out against him, or his appearance was so average that he was difficult to identify.

References:

Archives Office of Tasmania, CSO 5/56/1246, p188 – 122

Conduct Record of John Beynon, Archives Office of Tasmania, CON 31/1/3, p99
(<https://libraries.tas.gov.au/Digital/CON31-1-3/CON31-1-3P99>, last accessed 12:31pm 31/10/2024)

Conduct Record of John Beynon, Archives Office of Tasmania, CON 34-1-6, p233
(<https://libraries.tas.gov.au/Digital/CON34-1-6/CON34-1-6P233>, accessed 31/10/2024)

The Convict System – Probation 1839-53, *Profit and Punishment: Archaeological excavation at Port Arthur's workshops*, University of New England (<https://blog.une.edu.au/port-arthur-2020/2020/12/07/the-convict-system-probation-1839-53/> accessed 14/11/2024)

'The Cornwall Chronicle WITH WHICH IS INCORPORATED 'THE LAUNCESTON TIMES'', *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, 31 January, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article65985798>

Death Records, Archives Office of Tasmania, RGD 35/1/6, p129 (<https://libraries.tas.gov.au/Digital/RGD35-1-6/RGD35-1-6P129>, accessed 31/10/2024)

Death Records, Archives of Tasmania, RGD 25/1/36, p117 (<https://libraries.tas.gov.au/Digital/RGD35-1-36/RGD35-1-36P117>, accessed 31/10/2024)

Death Records, Archives of Tasmania, RGD 35/1/51, p123, (<https://libraries.tas.gov.au/Digital/RGD35-1-51/RGD35-1-51P23>, accessed 31/10/2024)

'GOLD IN VAN DIEMEN'S LAND.', *The Courier (Hobart, Tas. : 1840 - 1859)*, 28 February 1852, p. 2. , viewed 12 Dec 2024, <http://nla.gov.au/nla.news-article2959409>

'GOLD IN VAN DIEMEN'S LAND.', *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, 15 December 1852, p. 837. , viewed 12 Dec 2024, <http://nla.gov.au/nla.news-article65580151>

Record of Proceedings in the Court of General and Petty Sessions, Oatlands Court House, 28th August 1837, Archives Office of Tasmania, AB256/1

'L A W.', *The Mercury (Hobart, Tas. : 1860 - 1954)*, 13 April, p. 2. , viewed 31 Oct 2024, <http://nla.gov.au/nla.news-article8838737>

'Local.', *The Tasmanian Colonist (Hobart Town, Tas. : 1851 - 1855)*, 11 November, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article226523830>

Lower Court Records, Archives of Tasmania, LC 247/1/18, p569 (<https://libraries.tas.gov.au/Digital/LC247-1-18/LC247-1-18P569> accessed 31/10/2024)

Lower Court Records, Archives of Tasmania, LC 247/1/21, p994, (<https://libraries.tas.gov.au/Digital/LC247-1-21/LC247-1-21P994>, accessed 31/10/2024)

Marriage Records, Archives Office of Tasmania, RGD 37/1/18, p151,
(<https://libraries.tas.gov.au/Digital/RGD37-1-18/RGD37-1-18P151>, accessed 31/10/2024)

'No Title', *The Tasmanian Times (Hobart Town, Tas. : 1867 - 1870)*, 26 May, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article232871876>; 1870 'RECORDER'S COURT.', *The Cornwall Chronicle (Launceston, Tas. : 1835 - 1880)*, 27 May, p. 2. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article67275574>

'RECORDER'S COURT.', *Launceston Examiner (Tas. : 1842 - 1899)*, 26 May, p. 5. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article39675231>

'SUPREME COURT—CRIMINAL SIDE.', *The Hobart Town Courier and Van Diemen's Land Gazette (Tas. : 1839 - 1840)*, 12 June, p. 4. , (<http://nla.gov.au/nla.news-article8748551>, accessed 11/10/2024)

Supreme Court Records, Archives of Tasmania, SC 32/1/4 p48 (<https://libraries.tas.gov.au/Digital/SC32-1-4/SC32-1-4P056JPG>, accessed 31/10/2024)

Supreme Court Records, Archives of Tasmania, SC 32/1/5 p104, (<https://libraries.tas.gov.au/Digital/SC32-1-5/SC32-1-5P104JPG>, accessed 31/10/2024)

'WEDNESDAY.', *The Mercury (Hobart, Tas. : 1860 - 1954)*, 24 January, p. 3. , viewed 26 Sep 2024, <http://nla.gov.au/nla.news-article8795881>