

Michael Downes

Michael Downes, b.c.1781 (aged 20 in 1801) at Adamstown, Co Wexford, was transported for a life sentence to Sydney Cove on the 'Atlas (1)' in 1801/02 for his role in the 1798 Rebellion. The following records chart his life in the colony.

Match 14 from 'Ireland-Australia transportation database'

Last name:	DOWNES
First name:	MICHAEL
Full name:	MICHAEL DOWNES
Sex:	M
Imprisonment place:	Wexford
Document date:	08/03/1801
Crime desc:	HIGH TREASON, POSSESSING ARMS AND AMMUNITION
Sentence:	Death
Document ref1:	PPC 668
Comment1:	Statement in connection with convicts trial.

Match 15 from 'Ireland-Australia transportation database'

Last name:	DOWNES
First name:	MICHAEL
Full name:	MICHAEL DOWNES
Sex:	M
Age:	20
Imprisonment place:	Wexford
Document date:	27/03/1801
Crime desc:	High treason
Petitioner:	Convict
Document ref1:	PPC 672
Comment1:	Convict was convicted for being a Captain in the 1798 Rebellion. States he
Comment2:	resided at his father house at Adamstown, after the Rebellion.

Well known Wexford Historian and researcher of the 1798 Rebellion, and author of numerous articles and books, William Sweetman supplied the following information on Michael Downes:

"The following report in the Leinster Journal of the Spring Assizes April 1801, in which the following appeared
"Michael Downes, a person with considerable property, was tried for High Treason, in having been a rebel

captain and commanding the horrible massacre at Scullabogue. Some circumstances however arose in the course of evidence which induced the jury to accompany their verdict of guilty with a recommendation of the prisoner to Royal mercy." The Downes family lived at Adamstown not too far from Scullabogue. Both Walter Devereux and John Devereux were accused of being active at Scullabogue. Walter, certainly, had nothing to do with it but was executed and while John may have been there earlier he was almost certainly absent on the day of the burning of the prisoners. John ended up, like Downes, in Van Diemen's Land. Like Downes, John came from a prosperous farming background and like Downes never seems to have greatly prospered in Australia. Both at least survived probably because they could employ some sort of legal aid. The very mention of being mentioned with Scullabogue was a deadly accusation. The poor involved generally got short shrift. Downes was better defended and probably had nothing to do with the burning."

The *Atlas 1* departed Cork, Ireland, on 28 November 1801 and arrived in Sydney Cove 7 July 1802, Master: Richard Brooks; 151 male and 28 female convicts, of which 63 male convicts and 2 female convicts, 2 soldiers and a soldier's wife died on the voyage, and three escaped. Many were embarked in Ireland with illness such as typhus. Those who disembarked were in a dreadful state.

Governor King reported on their arrival:

King to Lord Hobart 23 July 1807

*"The former (Hercules) arrived on 26th June (1802), and the latter (Atlas1) on the 7th inst. Both these ships have lost 127 convicts out of 320 put on board, and the survivors are in a dreadfully emaciated and dying state."*ⁱ
(Historical Records Australia HRA I, ii, 531)

King to Transport Commissioners 23 July 1802

"A different scene has presented itself respecting the Hercules and Atlas. The first arrived here the 26th June, the latter the 7th instant. In a situation shocking to Humanity, the whole of the Convicts being Dead or in a dying state, which I shall more particularly detail, as I only write this just to inform you of those Ships' arrivals."

(HRA I,ii,532)

The captain of the 'Atlas 1', Captain Richard Brookes, following an inquiry, received no punishment for the number of deaths on his ship, and would eventually settle in the Colony. Brooks crammed the ship with so much private merchandise for sale in Sydney at the expense of the prisoners that it resulted in the high mortality rate.

A court of investigation reported:

"We are of the Opinion that the mortality on board the Atlas has been occasioned not from the infection of Epidemic disease received on board, but from the want of proper attention to cleanliness, the want of free Circulation of Air, and the lumbered state of the Prison and Hospital as appears in the Evidence inserted in the Minutes, and which we have minutely examined; and therefore the Charter Party in this Instance has not been fulfilled."

(HRA. III, 556; also refer to: T. J. Kiernan, *The Irish Exiles in Australia*, Burnes & Oates, Melbourne 1954; and T. J. Kiernan, *Transportation from Ireland to Sydney; 1791-1816*, Canberra 1954- self published)

On arrival, it is unknown where Michael Downes was assigned.

In 1803, Michael Downes was charged with theft from the hospital stores:

Sydney Gazette & NSW Advertiser, Sunday 21 August 1803 p2

"Wednesday Aug 17- Judge Advocates Office

I. McLaughlin, Michael Downes, and I. Cassidy, underwent an examination on the charge of robbing the Hospital Stores of a quantity of Wine and Sugar.

McLaughlan being first examined, made a confession that Michael Downes, on Sunday evening the 14th instant, applied to him for the key of the said Store, to which he had access, & that he, McLaughlan, gave him the key three times between the hours of seven and eight o'clock: But at length passing the door, met Downes on the threshold with two bottles in his arms, and a quantity of sugar, which he was then in the act of conveying away from the store-room. That Downes desired he would take no notice of what he saw and gave him one of the bottles which contained about half a gallon, and emptied into his cap part of the sugar.

Downes being then called in, acknowledged having taken out of the store about half a pint of wine, but disavowed any further culpability.

Cassidy confessed, that he had partook of the wine, to which the others invited him, but was them ignorant from whence it came.

John Tyso, servant to Mr Mileham, declared that Mc'Laughan gave him half a gallon of the wine, & in company with Downs and Cassady drank as much more, of which he informed his Master- Here the Enquiry closed and the Prisoners on the evidence were re-committed.

Sydney Gazette & NSW Advertiser, Sunday 21 August 1803, p4

EXAMINATIONS before the Lieutenant Governor, and Magistrates Sat August 21

Downes and McLaughlin, convicted of Robbing the hospital Stores, were sentenced One Hundred Lashes each, and to work in the Gaol Gang. The disposal of Cassady was submitted to his Excellency.

Shortly after Michael Downes was sentenced in August 1803, he was selected as one of a small group of convicts who would accompany Lieutenant John Bowen who was selected by Governor King to form the first settlement in Van Diemen's Land, in the River Derwent, at Risdon Cove which is about 7 kms north of the present site of Hobart. This was to prevent the French from claiming Van Diemen's Land. The party departed Sydney for the River Derwent on 29 August 1803 on the ships *Lady Nelson* and *Albion*. The *Lady Nelson* anchored in Risdon Cove on 8 September, and the *Albion* which carried Lt. Bowen, five days later. The party included a surgeon Dr Jacob Mountgarrett, a storekeeper, botanist, assistant surveyor and a gardener, 5 free settlers, 22 soldiers, 3 female convicts and 29 male convicts (NB. the HT First Settlers Assoc. names 29 male convicts, other sources say 21). A further 42 prisoners were dispatched on the *Dart* in October, twenty of whom were volunteers, and these latter were told that, if their behavior was good, they should be allowed at the end of two years to choose between settling at the Derwent and returning to Sydney.

The original group included Wexford rebels Michael Downes (recorded as Michael Dawns) and Dennis McCarty, and James Cavanagh who was tried at Rathdrum Co Wicklow for rebellious activities.

(Ref: The Hobart Town First Settlers Association has a list of the convicts at Risdon Cove, VDL:

<http://www.htfs.org.au/settlers1803.htm>)

Lt Col. Collins arrived from Port Phillip in February 1804 and chose Sullivan's Cove for his party of settlers and convicts.

The Victualling records which cover the period 17 October 1803 to 31 December 1804 show that Michael Downes and the other Risdon Cove settlers transferred over to Collins from Bowen on 26 June 1804. However Downes had gone 'off stores' on 31 July 1804, marked as *Michael Downs, DD* (viz. discharged), and according to researcher Garry Wilson, it would appear he left with Bowen on the *Ocean* on 8 August 1804, returning to Sydney.

"Early Tasmania: Papers" by James Backhouse Walker (Tasmania 1902), pp.37-56:

*Collins says that the officer in charge on his arrival (Lt Moore) described the convicts as "a worthless and desperate set of wretches". The Sydney authorities seem to have taken the opportunity of Bowen's settlement to rid themselves of their worst criminals, including the most turbulent of the United Irishmen, who had lately given so much trouble by their rising in the older colony. Collins eventually shipped the whole lot back to Sydney with but few exceptions. Of the 50 convicts there were only **11 men and 2 women whom the Governor deemed it expedient to keep.** (several had escaped)*

Whether Downes was one of the eleven who remained, or, among those who returned to Sydney with Bowen on the *Ocean* in August 1804, is not quite clear.

Irene Schaffer's book: *Land Musters, Stock Return, and Lists Van Diemen's Land 1803-1822* (pub. Hobart 1991), has the following:

Appendix 3:2 Clothing Supplied to Convicts at Hobart Town from 16 Oct 1804 to 31 Dec 1804

(CO 201/43, reel 21 pp.41-47)-

Page 232 Michael Downes: 1 Jacket, 1 W/Coat, 1 Britches, 2 shirts, 1 trousers, 1 shoes, 2 stockings, 1 hat

Notably Downes' supply of clothing was a third of that supplied to most of the other convicts.

The date of the above record would seem to indicate that Downes was still at the Derwent in October 1804, which may indicate he was one of the eleven chosen by Collins to remain. However, the fact that Downes received only a reduced supply of clothing suggests he was not staying long. It would appear that he had left for Port Jackson at least by 4 December 1804.

Dr Jacob Mountgarrett, Bowen's surgeon was told by Collins that his services were not needed as his medical staff was complete. Mountgarrett also returned on the *Ocean* and was immediately appointed surgeon to the new settlement that was about to be founded at Port Dalrymple on the north coast of VDL by Lt. Colonel William Patterson, and sailed with Patterson's party from Sydney in November 1804. The group included a

party of prisoners, which may have included Michael Downes. Mountgarret, an Irishman, may have chosen Downes to accompany them.

However, Downes may have transferred to Port Dalrymple from Hobart Town at a later date, although for some time there was no communication between the two settlements of the Derwent River and Port Dalrymple, until they came under the one government rule in 1812, so the circumstances under which Downes would have transferred is unclear. Records of convict movements in the new colony are sparse.

Downes is not in the 1805-06 Muster of NSW and Norfolk Island so he must have been in VDL at that time.

Port Dalrymple/GeorgeTown:

The Tamar river entrance was named Port Dalrymple (now George Town) and the Gov. of NSW sent an expedition under Lt Col. Wm Patterson who claimed Nth VDL in a ceremony at Outer Cove on 11 Nov 1804. He brought with him around 200 people in all, including soldiers, convicts, 1 free settler and a doctor (Mountgarret). There were several ships in the fleet- Patterson on board the *Buffalo*, convicts on the *Lady Nelson* from Norfolk Island, and two other ships, the *Integrity* and the *Francis*. By late Feb 1805, Patterson had moved his main settlement to York Town on the western side of the Tamar River but left a small detachment at Outer Cove. At both places he established successful gardens to grow vegetables for the two settlements. In 1811 Gov. Macquarie visited Port Dalrymple and ordered that George Town be made the headquarters for Nth VDL.

Michael Downes was in Port Dalrymple before 1810.

State Records for NSW refs: (<http://www.records.nsw.gov.au/state-archives/indexes-online/>)

Colonial Secretary's Papers 1788-1825

- 1810, October 9- re Michael Downes request for emancipation (Reel 6003; 4/3490A, p.99)

The Colonial Secretary, in a letter to Major Gordon, 73 Regt, Commandant Port Dalrymple, dated 9 Oct 1810, wrote: *The request of Thomas Howard for a lease of the house etc etc... now at Port Dalrymple will be taken into consideration by his Excellency when he visits that settlement, at which time he will also attend to the requests of Michael Downs and Martin Hayden for Emancipations.*

In the 1811 Muster of NSW, Norfolk Island and VDL, Michael Downes is listed at Port Dalrymple. He was described as *Port Dalrymple- Downes, Michael, Ship- Atlas 1, Trial date- Sept 1800, Trial Place- Wexford, Sentence- Life*

On 18 May 1813, Michael Downes received a Conditional Pardon
(NSW State Records: [4/4430]; Reel 774, p.68)

In 1814, while Dennis McCarty was in gaol in Sydney for rum smuggling, his wife Marianne on his farm at New Norfolk was robbed of goods worth over £560 by the notorious bushranger John Mills. Mills showed Marianne McCarty a list on which was listed all of the McCarty's valuable goods, which he said was written and signed by Michael Downes.

By 1814, Michael Downes was in the employ of George Weston Gunning Esq. at Coal River (north of Hobart Town). Gunning was a Lieutenant of 73rd Regiment of Foot sent to Port Dalrymple in 1810, appointed Acting Commissary, and Inspector of Public Works in 1812, resigning in 1814. In 1813 he was granted 44 acres of land at Coal River, Richmond, by Gov. Macquarie, plus 6 cows and 6 government men on the store for 18 months. After his resignation he took over his farm and became the local magistrate at Coal River. Downes had returned to George Town by 1817.

Apparently, Michael Downes was known to supply bushrangers, pre-amnesty, with supplies and ammunition. He was named in an enquiry into the murder of another Gunning employee James Whitehead in January 1815 by three bushrangers. The story unfolds at George Gunnings Stock Hut, called Campbell's Hut, at Coal River where Downes was the Stock keeper, and where the three bushrangers were resting when they were arrested.

Deposition re capture and escape of 3 bushrangers, Collier, McGuire and Byrne:

Sworn before James Gordon J.P. 17 Jan 1815

Francis Austin, prisoner, servant to George Weston Gunning esq.

.....

Downes, the Stock keeper who lives at the hut snatched at the musket and Swore it was his. Nelson would not give it him, but gave it in charge to Harty. They then seized on James Collyer, Richard McGwyre, and Hugh Burn, three noted Bushrangers, tied their hands and then lashed them together. Downes was cooking some dinner and had some Salt Pork and Dough Boys in an Iron and he requested they would let the Men remain a little while 'till could have something to Eat; and he gave the Bushranger's all he had in the Pot, which they Eat; the party then took them and marched them from Campbell's Hut to the house of Stynes and Tray; but, before they went from the Hutt, the Bushranger McGwyre told Downes, that when Whitehead should return, to inform him that they had left his Musket and Dogs at the Hut, and that the other Man (meaning another Bushranger) was at the back of the Sugar loaf with the Sheep and that he (Whitehead) knew very well where to find them.

Notably, Dr Mountgarrett was accused of similar underhanded behaviour.

After the departure of Lt. Col Patterson and the death of Collins, conditions throughout the island deteriorated and Mountgarrett became associated with many doubtful activities. He was accused of assisting Peter Mills, surveyor and harbour master, in his bushranging activities, and in 1815 was sent to Sydney but was acquitted. He returned to Port Dalrymple (having had his arm amputated), but Lt. Gov. Sorrell constantly complained of his neglect of duty. He was notorious as a bad debtor and was suspected of cattle stealing and misappropriating stores and medicines for which he was responsible. He was succeeded as surgeon at Port Dalrymple in 1821.

(Aust Dictionary of Biography , Isabella Mead, *Mountgarrett, Jacob.*)

The next report of Downes is in the *Hobart Town Gazette and Southern Reporter*, Sat 26 July 1817, p2, where he was part of a coronial inquiry. He had left Coal River and was now back at George Town:

HORRID MURDER AT GEORGE TOWN

On Friday 4th inst., the body of John Randall, acting as chief constable at George Town, Port Dalrymple, was found by Corporal Mitchell and some privates who were out in a boat fishing, lying on the rocks at Port Macquarie.....

*A witness (McDonald) saw Samuel Smith take up an axe and hit Randall, upon which he fell backwards and Edward Harwood who was in the house cried out "Don't hit the man"; that he, McDonald then left the house, but before he reached as far as **the Dispensary where Michael Downes lived** (a distance of about 600 yards) he saw Randall come out of the boat's crew hut and fall on his face. About 9 o'clock on Thursday evening Samuel Smith was seen by **Michael Downes** returning from the Long Meadows where Samuel Smith said he had been.... Etc.*

General Muster of Civil Settlers, Free Men taken at Port Dalrymple, VDL., 11-15 October 1819:

Name: Michl DOWNES; Ship Atlas; Where Tried-Wexford; Sentence-Life; Victualled- Off Stores; Remarks-[Sept 1800]

(Irene Schaffer, *Land Musters, Stock Return, and Lists Van Diemen's Land 1803-1822* (pub. Hobart 1991): Page157 List 9:6)

Michael Downes received an Absolute Pardon on 11 November 1823

(NSW SR: Col. Secretary's Papers 1788-1825;[4/4486] Reel 800, p. 65)

Col. Sec Papers record "*Index to Land Grants in VDL 1810-1823*" (Fiche 3262; 4/438, p.24)- undated:

- Michael Downes, 30 acres, Register 220.9, District: Morocu; Quit Rent 1/-.

(Question? Where is the district of "Morocu"?)

The following list of those receiving Land Grants was in the *Colonial Times and Tasmanian Advertiser*, Friday 18 November 1825, p4:

GRANTS OF LAND.

*Surveyor General's Office, Hobart Town,
November 14th, 1825.*

NOTICE is hereby given to the PROPRIETORS of the under-mentioned GRANTS of LAND, that the same are ready for Delivery at this Office; and it is requested that those Individuals entitled to receive them will lose no Time in making personal or written Application, as all Deeds remaining uncalled for, after the Expiration of three Weeks from this Date, will be returned to Head Quarters by the earliest Opportunity.

P. CAVENAGH, Assistant Surveyor.

Alexander, William	Cooley, William
Able, William	Copeland, Peter
Archer, Joseph	Corney, Matthew
Atkins, Thomas	Cassidy, John +
Antony, Charles	Chipman, John
Abrahams, Thomas	Casper, Philip
Alston, George	Cleary, Mary Ann
Anson, Henry	Cundell, Agnes
Anson, John	Capon, Thomas
Ayres, Ann	Cummins, John
Aitley, Henry	Cook, William
Allomes, Robert	Cumming, Jas. C. (3)
Allardice, William	Carter, Thomas
Allison, Francis +	Carter, Thomas, sen.
Allan, Joseph	Crear, James
Anderson, James	Dixon, George
Ashton, George +	Dixon, Robert
Armstrong, Robert	Desailly, Francis (3)
Archer, Thomas	Duncan, James
Archer, William +	Downes, Michael
Alldridge, John	Davis, Benjamin
Anderson, James	Dogherty, John
Bergen, John	Danvers, Geo. Butler

It appears to indicate that those named had failed to take delivery of their grants and had three weeks in which to do so.

A few months earlier, Michael Downes had travelled to Sydney:

The *Tasmania and Port Dalrymple Advertiser* (Launceston), Wed 27 April 1825 p1:

MICHAEL DOWNES, proceeding to Sydney on the Brig Queen Charlotte, requests all Claims to be immediately presented.

And:

The *Sydney Gazette and NSW Advertiser*, Thurs 2 June 1825 p2 Shipping Intelligence:

Shipping Intelligence.

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On Monday last arrived from Port Dalrymple, with 7,500 bushels of wheat, the colonial brig *Nereus*, Capt. Swindells. Passengers, Colonel Cameron's family, Mr. William Emmett, Mr. Walker, Mr. Foster, Mr. T. Peckham, and Mr. Downes.

Whether he returned to VDL to take up this land grant (within the 3 week specified period), or stayed in Sydney, or left the colony is as yet undetermined. No definite death record has yet been found for Michael Downes.

Possible references to Michael Downes, although by the mid 1880's there were several by the name of Michael Downes in the colony, including VDL, Victoria and NSW:

A newspaper report in the *Colonial Times* (Hobart) Tues 22 Sept 1835 p8, may refer to Michael Downes:

Police Reports:

Tues Sept 15

*Mrs Reardon appeared by summons to show how she had become possessed of a cow that she had sold to **Mr Downes** which had been taken from him and claimed by Mr Bonney who stated he had lost the cow about two years since. Mr Downes produced a receipt that proved that he came by the cow honestly..... Mr Bonney was ordered to take the cow he so claimed, without any proof. Now this may be way matters may have been conducted at **George Town** but it will not do here. It is a dangerous precedent and we doubt the authority or legality of the hearing and decision.*

Other possible records which should be checked:

1. A possible son of Michael Downes (although there is no evidence that he married):

Australian Death Index 1787-1985

Michael Downes

Death Date 21 August 1885

Place Tasmania

Age 63 (b.1822)

Reg. Place: **Launceston Tasmania (near Port Dalrymple)**

Reg No: 299

2. A Possible death of Michael Downes- (NB there appear to be several Michael Downes in the colony, according to the BDM Indexes)

Australia Death Index 1787-1985

Michael Downes

Death date: 1846

Death Place: NSW

Reg. Place- Sydney NSW

Volume No. V1846586 115 (this is a parish record)

(NB There is also a Marriage record for a Michael Downes to Eliza Prince in 1835, Reg. Place Sydney NSW, which may refer to the above death record)