

Born	1831, Bedfordshire
Parents	Robert Brain and Catherine Impey
Parent's marriage	11 October 1821, St Paul's, Bedford
Siblings	George (1822 –before 1828), Robert (1824 -1846), William (1826)

Family background.

Newgate Gaol.

Robert Grain, 25, born in Stevington, a shoemaker, was brought into custody on 15 February 1827, for burglary in the dwelling house of Willm Edwards in the county of Cambridgeshire, and stealing sundry boots and shoes, his property. He was ordered to be removed to Cambridge.¹

On 20 March 1827, Lent Assizes, Cambridge. Robert Brain, for larceny and breaking into a dwelling house, was sentenced to death.²

Whitehall, 20 April 1827. To Justices of the Norfolk Circuit.

The following persons having been tried and convicted before you at the last Assizes holden for the Norfolk Circuit of crimes hereafter mentioned, and had Judgment of Death recorded against them for the same, viz Robert Brown at Cambridge on 20 March 1827 of stealing in a dwelling house goods of the value of 40/-, will be transported for the term of Seven Years.³

Robert arrived on 13 July 1828 at Sydney, New South Wales, on board the *Phoenix*. He was 26, married with two children, a shoemaker from Bedfordshire, with a mark on the lower right arm - Robert Brain CB RB, with a heart between Catherine, assigned to Alex McLeay Esq, Sydney.

Application to Marry on 25 November 1834. Robert Brain, 33, *Phoenix*, 7 years, free, stated he was married with two children. Caroline Wood, 26, *Roslyn Castle*, 7 years, bond, said she was single - permission denied because Robert was married. They appear to have lived together and eventually married in 1874. He died in 1879, and Caroline in 1882.

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After Robert's transportation in 1828, Catherine had another child in 1831, George Brain.

On 11 January 1836, nine years after her husband was gaoled, Catherine and the children were admitted to Bedford Workhouse:

Catherine Brain, 37, Lacemaker, Dissenter, admitted by the Borough of Guardians, Settlement Kempton, husband transported, admitted through illness.

Her children were also admitted: Robert Brain (12), William Brain (10), and George Brain (5).⁴

Six months later, on 13 June 1836, the family were discharged on their own notice.

Sometime between leaving the Workhouse and June 1840, Catherine was admitted to the County Lunatic Asylum. On the 1841 census, Catherine Brain, 40, a patient in the Asylum, was born in the county.⁵

On 15 June 1840, George Brain, who was in the Workhouse, was sent on trial as a servant. He was back in the Workhouse by 11 August 1840. According to the Register, George was wholly disabled from childhood. (No other reference to a disability has been found) His Mother was in the Lunatic Asylum, and George was unable to support himself from childhood. On 22 August 1840, nine-year-

¹ The National Archives (TNA) UK, PCOM2/199

² TNA, HO 77/34

³ TNA, HO13/48

⁴ Bedfordshire Archives; Bedford, Bedfordshire, England; Poor Law Union Records; Reference: PUBV1/1

⁵ TNA, HO107/10/6

old George absconded with the Workhouse's clothes and appears to have been readmitted the same day.

On the 1841 census, recorded in June, George, 10, was an inmate in the Bedford Workhouse.⁶ His brother Robert is working as a groom living in the stables of the Swan Inn, in High Street, Bedford, and his brother William, 15, is possibly living with Elizabeth Kemp, a nurse and washerwoman. She appears to look after young children, perhaps orphans.

On 12 July 1843, George went on trial as a servant to Mr Tebbs, Red Lion.⁷ He returned to the Workhouse on 28 July, as "he was not strong enough". George was 12 years old.

George spent most of eight years in the Workhouse, occasionally leaving for a few weeks or absconding.

On 1 May 1848, George Brain (15), George Warr (15) and Thomas Wright (14), labourers, Bedford, charged with having stolen one pair of trousers, the property of Thomas Battyll Hodson, on 18 March last.

The Grand Jury ignored the bill against Warr and Wright, and found against Brain, who was then placed at the bar.

John Haynes lives opposite the prosecutor's house. On 18 March, I saw the prisoner scuffling between the door and the passage of the prosecutor's house, and against the wall, with something in his hand; another boy stood near the passage. He came out with something in his hand and ran down Barratt's yard. Witness pursued him to the passage and then waited for him. He came up again, and the witness accused him of taking something from Mr Hodson's. He said, "If I have got it, the shopboy put it behind the door". He produced a pair of trousers, and witness then took him to Mr Hodson's and left him in the case of Boxall.

Cross-examined by the prisoner. He did say that the boy, Wright, put them behind the door.

Wm Boxall is shopman to Mr Hodson. On the morning in question, the last witness brought the prisoner to him with a pair of trousers. Warr came at the same time and said, the boy Wright put the trousers behind the door. I had put them on the shelf just before going to dinner, and they were taken about 20 minutes afterwards. The boy Wright had been in Mr Hodson's service only a few weeks.

Thomas Battyll Hodson. Saw the trousers a few minutes after they were brought back; he had seen them at twelve o'clock that day on the counter; he knew them immediately; they were worth 3/6. Thomas Wright, one of the boys who had been indicted, was put in the witness-box. He stated that he had been with Mr Hodson about a fortnight as shop-boy. He lived with Mr Isitt before that for a month and before that lived at Olney. He was apprenticed by the Charity and was sent away because he did not behave well; he scratched a gig, and his master had no paint. He had to deliver handbills for Mr Hodson, but gave a lot all at once to a man.

Cross-examined by prisoner: The prisoner did know the trousers were stolen. He had been bothering him a week about them. Warr first asked him to get some water, and then Brain asked him to get him some. Warr said he would tell witness's master about his giving all those bills away if he did not get him some trousers.

Prisoner, in defence, said he never knew that the trousers were stolen.

The Recorder said he was charged with stealing them himself.

The Jury found the prisoner Guilty.

The Recorder sentenced George to six months' imprisonment and hard labour.⁸

⁶ TNA, HO107/10/20

⁷ William Tebbs, landlord of the Red Lion Commercial Inn, Bedford.

⁸ Bedfordshire Times and Independent, 06 May 1848, p3

On 2 December 1848, George Brain was admitted back into the Workhouse after being released from prison. He was observed to be a bad character.

William Gazely, William Taylor and George Brain absconded from the Workhouse on 14 December, taking workhouse clothing with them. All three had been in the Workhouse for only a few days.

At the Epiphany Sessions, Bedford, on 15 January 1849, George Brain was charged with stealing a pair of shoes on 14 December 1848, the property of the Guardians of the Bedford Union.

The prisoners, William Taylor and William Gazeley (the latter two now in prison for stealing the Union clothes), left the Workhouse together and took away a pair of shoes, valued at 7s, worn by James Goddard, another lad in the Workhouse. Gazeley sold the shoes to Mrs Garton, who keeps a shop in Eaton Socon, and the three of them spent the money together. The prisoner called Taylor as his witness, who was fetched from the prison to give his evidence as to Goddard sending for him to exchange shoes with him, which he confessed, but gave other evidence as to all three being in company together and participating in the produce of the sale of the shoes, and the prisoner was convicted. There being a former conviction, the prisoner was sentenced to transportation for seven years.⁹

[Taylor, 19, and Gazeley, 18, received 3 months summarily for leaving the Bedford Union and taking clothes in December 1848]

Petition.¹⁰ The spelling and grammar have not been corrected.

Received on 4 November 1850.

York Hulk, 3118. G. Brian, 17, convicted 14 December 1848, Bedford Borough Sessions.

To the right Hon^{ble} Sir Geo Grey Her Majestys Principal Secretary of State for the Home Department. Your Petitioner George Brian feels very desirous of Giving you to understand A few particulars in his case the which he thinks he this greviously suffering for.

The first thing to be considered his this that you may give my case so thorough good consideration for the Benefit of my future Prospects. Sir I was born of pious parents Though Poor I brought up by Parents up to the Age of 3 years. At which time I was deprived of A father which caused my Mother to remain A widow with three children. And I was youngest. A short period had clapsed when My Mother being taken with a Grevious illness and caused her to loose her intellectual powers And was taken to the Asylum where she remains Untill now. I being only 5 years of age And an orphan. I was then taken under the protection by an Aunt for the purpose of learning A trade where I remained for the space of 3 years while I was getting tired and wanted something I then gave consent to A travelling business. And that was the Cause of my unfortunate Accident. I was ate the Age of 14 when I first entered a prison And that for a pair of trousers. And being in connection with bad lads of my own age I received the sentence of 6 months hard labour. When I came out it was the middle of enter. I was sent out Prison with nothing but my dinner and My character so degraded I could not summon up courage enough to face my friend so much more my employers I romed A bout till at length again And had connection with a party that stole A pair of shoes and they sold the shoes for 6s and spent the money between us 3 lads for the which I received the sentence of 7 years and the other 2 men 3 months each. It was on Account of My former conviction And the little period between the 2 event accounted that he passed the sentence of transportation for 7 years but it was for my Good.

Your humble petitioner G. Brian begs earnestly imploring pardon on account of being young and thoughtless that you will send Me a Mitigation of sentence Or let me return back to Millbank for the space of 3 years as I have done 2 years in very severe punishment. I am now at the York Hulk Gosport And I am A lad amongst such a body of Men I have hard work to Keep out of temptation. May it please you to be so Kind as to give it a good consideration and pray Sir to send An Answer back to me.

⁹ Bedfordshire Mercury, 20 January 1849, p3

¹⁰ TNA, HO18/291

Cover: 291/24

George Brian, 18 Bedford Boro Sessions, Jan 1848, larceny, 7 years.

Gaol report - once before convicted.

Unsuccessful petition.

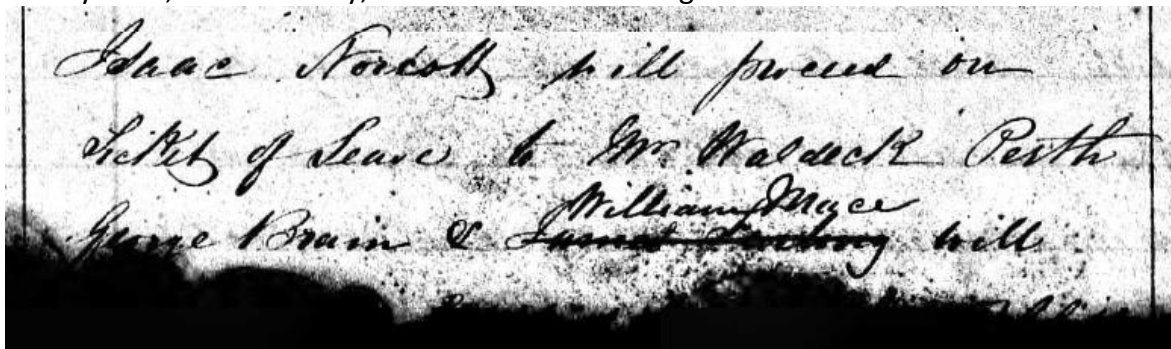
The Prison Registers show that George Brain, 18, single, read and write imperfectly, labourer, convicted on 15 January 1849 at the Bedford Sessions for stealing shoes and sentenced to 7 years. He was received at Millbank Prison on 8 August 1850 from Bedford Gaol, having been once convicted of a felony and once of stealing trousers. According to the Sheriff on 5 October 1849, he had no friends. Transferred on 27 June 1850 to the *York* hulk at Gosport. George had light brown hair, blue eyes, a pale complexion, an oval face, was stout, 5'6", had a mole between his shoulders and on his right arm, was Protestant, and his mother, Catherine, was in the Bedford Asylum. Boarded the *Pyrenees* on 10 March 1851 for the voyage to Western Australia.¹¹

On arrival in Fremantle, Western Australia, George was assigned number 470, issued a Ticket of Leave, and a physical description was recorded.

470. George Brain, 18, 5'7½", dark brown hair, blue eyes, round face, fair complexion, no marks, groom, and single.¹²

4 July 1851. The Superintendent's Journal: The following prisoners will be received from the ship *Pyrenees* and located in Division No. 3: 45 men from the *York* hulk at Gosport and 12 men from the *Stirling Castle* hulk, including 470. George Braine.

12 July 1851, unfortunately, the destination of George Brain and William Mace is unreadable.¹³



Isaac Forrester will proceed on
Ticket of Leave to Mr Waddeker Perth
George Brain & William Mace will

At some stage, George worked at Australind near Bunbury.¹⁴

By December 1851, George had not paid any of his passage money (£7). A year later, he had repaid £3.2.8.

A Conditional Pardon was granted on 7 April 1855.

George left the colony for Adelaide, South Australia, on the brig *Swallow* from Fremantle, Western Australia, on 30 April 1857, arriving on 27 May 1857.

No further trace has been found of George Brain.

Back in England

William Brain, 16, was convicted of stealing a quantity of plums, the property of William Brimley, of Bedford, on 2 January 1844. He was sentenced to one month with hard labour and whipped.

¹¹ TNA, HO24/4; PCOM2/30; PCOM2/136

¹² State Records Office of Western Australia (SROWA), Acc 128/32

¹³ SRPWA, Superintendents Orders, So1-So3, p51, p56

¹⁴ Convicts of South West WA. <https://convictssouthwestwa.com.au/>

Then, later the same year, Wm Brain, 18, labourer, Saint Paul, Bedford, was committed on 18 November 1844, indicted for having on 5 August, at the parish of Saint Paul, Bedford, feloniously stolen one pair of cord breeches, one pair of knee caps and one silk handkerchief, the goods of Thomas Whitelock. On 31 December 1844, William was convicted and sentenced to seven years' transportation.

He left England on 8 March 1846 per *Palmyra*, and arrived at Hobart, Tasmania on 22 August 1846. On arrival, he said his mother, Katherine, was in the Lunatic Asylum and he had one brother, George.

Robert Brain, 21, died 9 March 1846 at The Rose Yard, St Pauls, Bedford. He was a groom and died of consumption of one year duration. It is not known if William knew his brother was near death before he left England, or if he had lost contact with Robert.

Their Mother, Catherine Brain, was moved from the Lunatic Asylum in Bedford to the New Asylum at Stotfold on 30 March 1860.

Three Counties Asylum (Fairfield Hospital) was a large asylum established at Stotfold, near the Hertfordshire-Bedfordshire border, in 1860 to house "pauper lunatics" from Hertfordshire, Bedfordshire, and Huntingdonshire.

Catherine Brain, 69, died on 18 May 1864 at Three Counties Lunatic Asylum, Stotfold, of paralysis. A post-mortem was performed.