

Name variations: Couper, Cooper. Couper is his correct surname.

James was born around 1821 at Farr, Sutherland, one of the most northerly counties in Scotland.

The first reference to James Couper was in the Crown Counsel Procedure Book AD9/10, p156:

James Couper was received on 8 October 1846 at Wick, charged with theft by housebreaking. Writ orders were made on 19 October for a trial by the Sheriff and Jury.

The John O'Groat Journal, 13 November 1846, reported the trial, and the account appears to have been copied from the charge sheet. ¹

James Couper, from Reay, was then placed at the bar and charged with housebreaking and theft. "In so far as on 25 September last, or on one or other of the days of that month, or of the month of August immediately preceding, or of October immediately following, the said James Couper did wickedly and feloniously break into and enter the dwelling house, situated at Dalchlaggy ², in the parish of Rey, then and now or lately occupied by Kenneth Campbell, senior, and Kenneth Campbell, junior, both labourers at Dalchlaggy foresaid, and that by forcing open the door of the said house, by breaking a padlock, by which the said door was locked and closed, and having thus, or by some other means to the Complainer, unknown forcibly effected an entry into the said house, the said James Couper did then and there wickedly steal and theftuously away take therefrom, a pocket blade, with a metal clasp, a small New testament, a book titled "The New Universal Letter-Writer", a yellow cotton locket-handkerchief, a paper snuff-box, five shillings in silver and copper money, a steel pen, three postage stamps, three blank letter envelopes, all the property or in the lawful possession of the said Kenneth Campbell, junior. Pannel pled guilty and, after a suitable admonition, was sentenced to six months imprisonment.

James would have been released from prison towards the end of May 1847. Later in the year, he and Barbara Sinclair contracted to marry on 28 August 1847.

James Cooper, residing at parish of Farr and Barbara Sinclair, residing at Corsback, were married on 15 October 1847 in the parish of Dunnet, Caithness. Witnesses were David Banks and David Gunn.

A year later, the Crown Counsel Procedure Books confirm James Cooper and Barbara Sinclair or Cooper as reported to the procurator Fiscal in Thurso, Caithness, on 25 September 1848 for the crime of theft. ³ In Scotland, a procurator fiscal, also known as a fiscal, is a public prosecutor who decides whether to proceed with criminal prosecutions.

The couple appear to have been transferred to the main town of Wick, where the Crown Counsel Procedure Books confirm James Cooper or Couper and Barbara Sinclair or Couper were reported to the procurator Fiscal in Wick, Caithness, on 27 October 1848 for the crime of theft. ⁴ Their trial was held at Inverness the following year.

The Inverness Spring Court of Judiciary began on 19 April 1849. James Cowper, who has no occupation, and Barbara Sinclair or Cowper, from Caithness, were charged with four acts of theft aggravated in the case of the male pannel by previous conviction. The first charge was that the prisoners, on the night of the 7th or morning of the 8th September last, stole a jacket, a vest, a pair of trousers, a pair of boots, a cap, a one pound note and eight shillings in silver from the person of William Mackay, shoemaker, of Thurso, the crime being committed within Mr Bremner's shipyard buildings, Pultneytown. Second, with having, on the night of the 15 September, broken into a barn in Winless, near Wick, and stolen nineteen articles of wearing apparel, besides a chest and an umbrella.

¹ John O'Groat Journal, 13 November 1846, p3.

² Called Dalchlaggy on 1841 census.

³ National Records of Scotland (NRS), AD9/11 p183

⁴ NRS ref: AD9/11 p111

Third, with having on the 16 September, from the dwelling house in Rosstown, Lynegar Watten, occupied by Emily Calder, stolen a pair of leather and a pair of carpet shoes, a pair of stockings, a brush, two handkerchiefs, etc; and fourth, at the same time, and from the dwelling house of Elizabeth Simpson, at Rosstown, a cream-pot, a sugar basin, a glove, a thimble, and six shillings. Both prisoners pleaded guilty to all the charges, with the exception of stealing money. Mr Miller, counsel, observed that the female (who seemed considerably older than her partner and was crying) was the wife of the male prisoner.

Lord Mackenzie then sentenced both prisoners to transportation for seven years.⁵

Banffshire Journal, 24 April 1849, p3 reported: James Couper and Barbara Sinclair or Couper, from Thurso, pled guilty to four charges of theft, each containing numerous articles, three of them aggravated by housebreaking, and in the case of the male prisoner by previous conviction. The crimes were all charged as having been committed in the neighbourhood of Wick in September 1848 and appeared unusually audacious. The prisoners were sentenced to transportation for seven years, Lord Mackenzie remarking that the connection of both prisoners with so large a series of offences prevented him from considering as an alleviation the circumstances that the female panel was the wife of the male prisoner and might be presumed to have acted under his influence.

The Prison Register records James Cooper, 25, married, can read, labourer, arrived at Wakefield Prison on 9 July 1849 from Wick Gaol. He had a previous housebreaking conviction and served 6 months at Wick. James was removed to Portland Prison on 4 April 1850, where he remained until 13 March 1851. He was then transferred to the *Pyrenees* for the voyage to Western Australia.⁶

However, on 11 March 1851, the Governor received orders to be ready to embark on the *Echo* steamer tomorrow. The convicts were to be sent by the Convict Ship *Pyrenees* to Western Australia. Governors Journal, 12 March 1851: The prisoners were not taken out to labour in the morning on account of wet, thick fog. With reference to yesterday's journal, it appearing that a steamer had anchored in the roads during the night, the prisoners for embarkation were got in readiness, but the Officer in Charge of the *Echo* having reported that it was too thick weather to move from the anchorage, the prisoners were not put on board.

13 March 1851: In reference to yesterday's journal, the following 77 convicts for Ticket of Leave men embarked at 7 o'clock am in the *Echo* steamer to be taken to the Convict Ship *Pyrenees* at Spithead for W. Australia. The convicts were listed, including 1236 J. Couper.⁷

The *Pyrenees* departed England on 30 March 1851 and arrived at Fremantle on 28 June.

James Cowper was assigned number 654. He was aged 30, 5'2", with dark brown hair, grey eyes, an oval face, dark complexion, proportionate statue, no marks, shepherd, and married no children.

Note: when his wife Barbara was transferred to Millbank Prison, she said she was married with one child.

James received his Ticket of Leave on arrival and a Condition Pardon on 30 November 1853. No further information has been found.

Note: More information may be found in records held in the National Records of Scotland. The records are not available online.

SC14/45/3 contains a record of Wick Sheriff Court Criminal trials for 15 August 1845-29 November 1851.

SC14/47/1 contains a record of Wick Sheriff Court criminal processes (case papers) for the period 1833-1854.

⁵ Inverness Courier, 26 April 1849, p6.

⁶ TNA, UK, HO23/114

⁷ TNA, UK, PCOM2/355 Governors Journal, p107, 108.

His wife, Barbara Sinclair.

Barbra, or Barbara Sinclair, was born about 1815, probably in Corsback near Dunnet in Caithness.

On the 1841 census, Corsback, Dunnet:

Barbara Sinclair, 25, born Caithness was living with a pauper family.

The Prison Register shows Barbara Sinclair or Couper, 38, married with one child, arrived at Millbank Prison on 21 December 1849 from Wick Gaol. She had been twice convicted. No earlier convictions have been found, and she may have been summarily convicted. Barbara boarded the *Barretto Junior* on 8 April 1850 for the voyage to Tasmania, arriving at Hobart on 25 July 1850.⁸

The Conduct Record in Tasmania shows Barbara was Protestant, could not read or write, and was married with one child. The child is not recorded as being with her. She was 35, 4'11¾", with a fresh complexion, round head, dark brown hair, full face, brown eyebrows, hazel eyes, medium mouth, country servant and from Wick. She was pockmarked with a large hairy mole on her left cheek. Her Ticket of Leave was obtained on 5 April 1853, and a Certificate of Freedom was granted on 18 August 1856.

Barbara Sinclair, 28, widow, married Joseph Smalwood [Smallwood], 21, a blacksmith, on 13 September 1852 at St George's Church, Hobart. Both made their marks.

Both their ages are incorrect. Joseph was about 31, and Barbara was about 38.

Joseph had been married before, and his first wife died while he was in gaol in England.

They had one child, Robert Howard Smallwood, born on 3 June 1854. He died in 1950, aged 95.

Barbara died on 2 October 1860 in the General Hospital of cancer of the uterus, and her age was recorded as 43. According to the death certificate, she was a servant and was born in Inverness.

More information on Barbara Sinclair may be found in the database of the Female Convict Research Centre Inc. in Tasmania.

⁸ TNA, UK, HO24/12