

Baptism	13 June 1800, Kirkwhelpington, Northumberland
Parents	Thomas Walton and Ann Proudlock
Parent's marriage	17 December 1788, Kirkwhelpington
Siblings	Thomas (1789-1792?), <i>Michael (1791-1798)</i> , <i>Lewis (1792)</i> , <i>Roger(1792-1793)</i> , John (1795), Ann (1798), Rachel (1801), Mary (1803)
Wife	Elizabeth Mortimer née Patterson
Married	16 July 1839, St Nicholas, Newcastle upon Tyne, Northumberland
Step-son	Robert (~1829-1849)

This family tree is provisional.

Michael Walton's father was a mason or stone mason.

In 1839, Michael Walton married widow Elizabeth Mortimer.

Her husband, Robert Mortimer, fruiterer, died at Alnwick on 7 April 1837, aged 42. ¹ Elizabeth and Robert had a son Robert, born about 1829, but baptised in 1833.

The Mortimers lived in Fenkle Street, Alnwick.

On the 1841 census, Fenkle Street, Alnwick, Northumberland. ²

Michael Mason, 40, Mason, born in the county.

Elizabeth Mortimer, 40, fruiterer and Robert Mortimer, 13, both born in the county.

Although Michael was a mason, he was working as a fruiterer and poultry dealer. This advertisement appeared in the newspaper in 1845.

Found near Alnwick on 30 July last, a FLEA BITTEN POINTER DOG, with Liver-coloured Head and Legs, a large Spot on the Hind Part of the back. The owner can have him again on paying Expenses incurred, by applying to Michael Walton, Fruiterer, Alnwick. If not claimed within 7 days after this notice, he will be sold to defray Expenses. ³

Elizabeth Walton, 48, wife of Michael Walton, fruiterer, died on 22 September 1848, at Market Place, Morpeth. She died of Febris Typhoides, certified, and Ann Anderson, Chatto's Lane, Morpeth, was present at death. Elizabeth was buried in Morpeth on 24 September 1849.

The following year, in April 1849, Michael Walton, of Morpeth, was apprehended and remanded for further examination on a charge of stealing 11 ducks, 10 hens, and 2 black-and-white turkeys, which were found in his warehouse. ⁴

At his trial in April 1849, Michael Walton, dealer in fruit and poultry at Morpeth, was charged with stealing ten ducks, and also two turkeys mid two hens, the property of William Robinson, of Back Riggs, on the 6 March last; the indictment contained two counts, founded upon recent statute, which enabled the prosecutor to charge the prisoner with either stealing or receiving the property. The jury found him guilty of the latter charge, and he was sentenced to be transported for fourteen years, being seven years for each offence. ⁵

Petition. Received 13 April 1849. ⁶

To the Right Honorable Sir George Grey, Baronet, M.P. Her Majesty's Secretary of State

¹ Newcastle Journal, 15 April 1837, p3

² The National Archives (TNA) UK, HO107/828/2

³ Alnwick, 6 August 1845. Newcastle Courant, 8 August 1845, p1

⁴ Newcastle Courant, 09 March 1849, p7

⁵ Newcastle Journal, 07 April 1849, p2

⁶ TNA UK, HO18/261

The petition of the undersigned Electors of the North Division of the County of Northumberland.
Humbly Sheweth

That Michael Walton, of Morpeth and Alnwick, in the said County, Fruiterer, and dealer in Poultry, was tried at the General Quarter Sessions of the peace for the said County held at Morpeth on the 5th instant and found guilty of having in his possession Ten Ducks belonging to a person in Morpeth; also of having in his possession Two Turkeys belonging to a person in Morpeth North Gate; and received sentence of Seven years transportation in each case.

That your Petitioners humble presume to state their opinion and firm conviction that Walton did not steal those Fowls; but that he has been the victim of his ignorance and want of position in buying them of persons who had not been in honest possession of them.

That viewing the case in all its Bearings your petitioners consider that he has been dealt with great severity. That the letter of the Law may sanction the measure of punishment awarded; they humbly presume to hope that the spirit of the Law would suggest the ends of Justice satisfied in that of much greater leniency.

That they have known Walton during a period of twenty five years as a sober industrious man; and never until the present juncture did they know him charged with any improper or dishonest act. Your Petitioners therefor humbly pray that you will be pleased to recommend to her Majesty such amelioration in the above sentence as to you in your wisdom may seem meet.

And your Petitioners as in humble duty bound will ever pray.

Signed by 21 people.

Cover: Refer to the Chairman.

Reply of the Chairman.

Received 4 June 1849. To the Right Honorable, The Secretary of State, Home Department, London
Newton Hall, 2 June 1849.

I received your Letter of 26th and in accordance with the request continued in it new beg to inclose for your consideration a copy of the Evidence taken on the Trial of Michael Walton before the Justices of Northumberland at their Easter Sessions holden at Morpeth in April last on two Indictments for Stealing Poultry on 5 March last, there being in each Indictment a second Count charging the Prisoner with having received the Poultry knowing it to be stolen. The Prisoner was defended by Counsel. The Defence was that there was not time for the Prisoner to have committed the Larceny between the hours at which Evidence of Brown shewed that the Poultry were not in the Prisoners Warehouse and that at which they were respectively missed, viz 6 o'clock am. As regards the Ducks, see Mrs Robinson's evidence, and "in the morning" as regards the Turkeys, see Susan Barlows Evidence. The Ducks having been Stolen from a House in Morpeth at no great distance from the Prisoners Warehouse, and the Turkeys from a place two miles out of town. And that with respect to the second Count there was no evidence to justify a Conviction having received the Poultry knowing it to be stolen.

No witnesses were called on behalf of Prisoner

I directed the Juries (for there was a separate for each case) that if they concurred with the prisoners Counsel in thinking that therein was not time between the periods named, for the Prisoner himself to have committed the Larceny, they must acquit him on the first Count, and proceed to consider whether there was sufficient Evidence to support the second. That evidence being the false statement made by the Prisoner before the Committing Justice as to the time and manner in which he became possessed of the Poultry, Both Juries returned a Verdict of Guilty and the second Count.

The Justices were induced to attach a severe sentence to both convictions from the great increase in Poultry stealing in the County, a crime which the Justices considered was much fostered by the facility parties such as the prisoner afforded for the disposal of the stolen property. The Justices were informed that upwards of £100 worth of Poultry had been stolen very recently in the Neighbourhood of Alnwick alone.

I have the honor to be, Sir, Your Most Obedient Servant John Creswell Jobling, Chairman of the Quarter Sessions Tynemouth, Northumberland.

First charge

Northumberland Easter Sessions, 4 April 1849.

Copy of Chairman's Notes taken on the trial of Michael Walton Indicted for Stealing two turkeys the property of Matthew Barlow, with a Count for feloniously receiving the same.

Susan Barlow. I am the wife of Matthew Barlow. I live at Marriners House, two miles from Morpeth, on 5 March I had a large quantity of Hens and Turkeys, on 6th I missed two Turkeys and some hens. They were all safe on the Evening of the 5th, I missed them in the morning of 6th. They did not come to me. I next saw them on Thursday 8th. I identified the Turkeys but I could not speak to the Hens. I brought the Turkeys home, and they went to the place where they usually watered, and to the usual place to roost.

Cross examined - i had only two Turkey hens on 5th. They are kept in an open place. I got them back on Thursday, they were in Mr Highams custody. I never had any doubt as to the identity of the Turkeys. I know Prisoner. I have seen him frequently in his passing along the road. I do not know what he dealt in, he had a cart.

Esther. I live at Barlows. I know the Turkeys, when they were brought I recognised them as Mr Barlows.

John Higham. I found the Turkeys produced in Prisoners warehouse on 6 March.

Mrs Barlow recalled. I identify the Turkeys as my Husbands property.

John Brown. on 5 March I was playing at cards with prisoner for a Hare, until two o'clock in the morning, I won and went to Prisoners Warehouse to get a Hare, I got one, there were no Poultry in the Warehouse then. Cross examined. It was in the Hounds Inn I was playing at cards, that is about 300 yards from the Howards Arms. I left Prisoner in his own house about twenty yards from the Warehouse. He said he must be up early to go by first train to Newcastle. I have known him to be a dealer in Poultry going about to different Markets.

Re examined. He locked the Door of the Warehouse when he left it.

Mr William Woodman. I am clerk to the Magistrates. I produce the examination of Prisoner taken before the Justices.

Examined Verified and Read.

Borough of Morpeth in the County of Northumberland (To wit)

Michael Walton of the said Borough Labourer stands charged before the Undersigned one of Her Majesty's Justices of the peace in and for the Borough of Morpeth in the County of Northumberland this nineteenth day of March in the year of Our Lord 1849, for that he, the said Michael Walton on 6 March now instant at the said Borough in the said County two Turkeys and ten hens the property of Matthew Barlow of Marriners house in the said county Farmer did feloniously steal take and carry away and the said charge being read to the said Michael Walton and the Witnesses for the Prosecution being severally examined in his presence the said Michael Walton in now addressed by me as follows: Having heard the Evidence, do you wish to say anything in answer to the charge? You are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in writing, and may be given in Evidence against you upon your Trial", whereupon the said Michael Walton saith as follows: Whatever is here is my property I bought them for full value. I gave one shilling a piece for the Ducks, I bought the Turkeys and Hens in Alnwick Market and the Ducks of George Hannah and another man whom I did not know. I bought the Turkeys and Hens in Alnwick Market on the Saturday before I was taken. Michael Walton

Taken before me at Morpeth in the County of Northumberland, the day and first above mentioned. Wm Trotter.

Second charge

Copy of Chairman's Notes taken on the Trial of Michael Walton Indicted for stealing Eleven Ducks the property of William Robinson, with a Count of feloniously receiving the same. Northumberland Easter Sessions, 4 April 1849.

William Robinson. I am a Gardner in Morpeth, on 5 March I had Eleven Ducks, ten were my own, one William Nobles. I had them six months, on fifth in the Evening, between seven and eight, I saw the Ducks and counted them, they were in the Pig Sty at the end of the house. I locked them into the Pig Sty, on the sixth about six o'clock in the Morning I went there, the lock was taken off and laid on the stone, the Ducks were gone. I saw the Ducks again this morning, and I knew them to be mine.

Cross examined. The Pig Sty is an old one. I took the key into the house, after I had locked up the Ducks there are only my own family living in the House, three children my wife and self. I know by sight the Prisoner he deals in Poultry. He attends markets for that purpose. Tuesday in Newcastle Market. He has a house and warehouse in Morpeth, and a house in Alnwick also.

Ann Robinson. I am Wife to last Witness, on 5 March I feds the Ducks, there were eleven of them, I saw them the next day in Prisoners Warehouse. I knew my Ducks, I knew their voices. I looked through the door of the Warehouse and knew them, about seven o'clock on the Tuesday evening. I saw the Ducks and knew them all.

Re examined. I fed the Ducks. I had been to many places that day. Prisoner was from home when I went to his house but he came home that night.

John Higham. on 6 March I got a search Warrant and searched the Warehouse of Prisoner and found eleven Ducks there, last witness recognised them. I produce the Ducks.

Mrs Robinson. recalled and identifies the Ducks.

Cross examined. The Warehouse I broke open is one in which Prisoner keeps his goods, there were Turkeys in it besides the Ducks. There is a charge against Prisoner for stealing these Turkeys from Marriners House, that is about two and a half miles from Morpeth. Prisoners house is in the Town. There are houses all round it.

John Brown. on 5 March I was playing at Cards with Prisoner for a Hare, until two o'clock in the morning. I won and went to Prisoners Warehouse to get a Hare, I got one, there were no Poultry in the Warehouse then.

Cross examined. It was in the Hounds Inn I was playing at cards, that is about Three hundred yards from the Howards Arms. I left Prisoner in his own house about twenty yards from the Warehouse. He said he must be up early to go by first train to Newcastle. I have known him to be a dealer in Poultry going about to different Markets.

Re examined. He locked the door of the Warehouse when he left it.

The prison records show that Michael Walton, 48, a widower, mason, who could read and write, was convicted of stealing poultry at Morpeth on 4 April 1849 and sentenced to 14 years. He was received at Wakefield Prison from Morpeth Prison on 11 June 1849. He had previously been summarily convicted in 1842 at Morpeth and sentenced to one calendar month. Michael was removed to Portland Prison on 2 May 1850. Here he had good health, and was of very good behaviour during the December 1850 quarter. ⁷

27 December 1850, Governors Journal at Portland Prison

At night the Government Steamer "Echo" arrived in Portland Roads, and the Master reported himself in readiness to take on board in the morning the Convicts for Western Australia to be embarked in the ship *Mermaid* at Spithead.

28 December 1850.

The following 116 convicts embarked at 2 past 8 o'clock in the Government Steamer Echo to be conveyed to the Convict Ship *Mermaid* at Spithead - for passage to Western Australia to be employed on the Public Works in that Colony - these Prisoners being all men of long sentences and

⁷ TNA UK, HO23/14, HO8/106, PCOM2/383

who in ordinary course would be entitled to Ticket of Leave at different periods up to 1854 inclusive, including Michael Walton.⁸

On arrival in Western Australia, on 13 May 1851, Michael was described as:

254. Michael Walton, 48, 5'7½", dark brown hair, grey eyes, long face, fresh complexion, no marks, stone mason, single.⁹

After receiving a Ticket of Leave, Michael worked for Isaac Friend at Perth from 7 September 1852 for one year, at £2 per month. Isaac was convict 261 and arrived on the *Mermaid*.

On 3 September 1852, Isaac, a ticket-of-leave holder, was charged with removing some building stone, the property of James McKenna; to pay 37 yards of stone and costs.¹⁰ Perhaps Isaac was not the ideal employer.

Michael left on 7 December 1852 to work for himself. On 10 January 1853, he employed 227 Wm Burleigh, aged 62, at Perth.

Michael was still working for himself in June 1857.

The only misdemeanour found was at Perth Police Court, Perth, 28 April 1853. Michael Walton, drunk and out after hours, and giving a wrong name; fined 5s and 3s costs.¹¹

It appears Michael was hoping to get a remission of his passage money.

2 August 1858. To 1340 Geo Ladhams.

H.E. The Governor declines (except under special circumstances) to entertain any petition for a remission of passage money except those received from T. of L. H.S. who have wives and families to support, and who are recommended for consideration by the Police or R.M.[Resident Magistrate]

331 Geo Barber, Perth

259, E. McGrath, Perth

3023, Geo Waters, Perth

254, Michl Walton, Perth

2179, C. Mara, Perth.¹²

Dryburgh Street, North Melbourne, Victoria. 9 March 1865

Memo.

Mr Charles Hall is informed in reply to his letter respecting a Convict named Michael Walton (Reg. No. 254) that this man received a Conditional Pardon in December 1858, and is believed to have left this Colony for the Cape of Good Hope very shortly afterwards.

There is no word of him in the Books of this department since December 1858.¹³

No further information has been found.

Step-son

Robert Mortimer, Boltens Yard, Tyne Street, buried 25 August 1849, aged 17 years, died of cholera. There were a large number of deaths from cholera at this time.

Someone placed a notice in the newspaper:

On the 25 August, aged 17, Robert, son Mr Robert Mortimer, mariner.¹⁴

⁸ TNA UK, PCOM2/355

⁹ State Records Office of Western Australia (SROWA), Acc 128/1-32

¹⁰ Inquirer, 22 September 1852, p2

¹¹ The Perth Gazette and Independent Journal of Politics and News, 1 April 1853, p2

¹² SROWA, Cons 1156 C11 To Various Officials 1853 - 1859

¹³ SROWA, Cons 1156 C28 Letterbook 1864-1866, p137

¹⁴ Newcastle Guardian and Tyne Mercury, 01 September 1849, p8