



THE PICK OF THE GREAT NORTH ROAD

Pick Volume 2:2

Owen Devine (1772 – 1824)

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Owen, nicknamed "old" Devine, was tried at Norfolk Gaol Delivery on 4th August 1800 and was transported for life. He was a native of County Westmeath in Ireland, was 5 foot 4 inches high with a dark, ruddy complexion and brown hair.¹ He was probably married when he was transported. Devine arrived in NSW on board the *Minorca* on 14 December 1801. Since the arrival of the Second Fleet in 1790 it was the policy to assign convicts out from Parramatta and the Hawkesbury which had become the breadbasket of the Colony. Devine was soon assigned on the Hawkesbury.

In March 1804, Devine was assigned to James Williamson the Deputy Commissary and Storekeeper at Parramatta. The following month while working in the Hawkesbury District he was robbed of sundry items of wearing apparel taken from the servant's out house by William Collins. Collins was tracked to Richmond and apprehended in the house of Joseph Burrows at Richmond Hill and the items of clothing were recovered. Collins received 500 lashes and was transported to Newcastle where he was probably involved in mining coal.²

On 25 August 1806 Devine and four others were charged with breaking into farmer John Fox's house at Richmond and stealing twenty-five bushels of wheat, twelve bushels of maize and a quantity of wearing apparel, notes and other property.³ This may well have been the sum total of Fox's property.

By the time of the 1806 Muster, Devine was assigned to Edward Luttrell who had a 400 acre grant at Richmond Hill. Some 382 acres of this were left as pasturage for more than 100 sheep. Luttrell had seventeen acres of wheat, maize and barley but only three bushels of maize in his barn. He had one acre of orchard and garden. He had ten goats and eight hogs. He employed five convicts.⁴

Devine was sent to Newcastle by the Governor on 15 September 1811. He was put on board the loop *Sally* which sailed six days later.⁵ Devine was probably employed as a lime-burner on the Stockton Peninsula. He served his time and returned on the *Estramina* on 25 February 1812.⁶ He received his Conditional Pardon four days later. In 1814 he was working for himself as a labourer in Sydney. Three years later he was working as a lime-burner, a trade he probably learned in Newcastle.



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Devine (a widower) sought permission to marry Mary Smith on 6 January 1817.⁷ The couple were married by banns at St Phillip's Church in Sydney on 14 July 1817. He signed the register and Mary signed with a cross. He was aged forty-five and Mary was aged twenty-six. Isaac Elliott, the Coxswain of Government Boats and Mary Sandal were the witnesses. Perhaps unbeknown to Devine, his wife had applied to marry John Ferguson at Windsor the previous year. The banns were called but the marriage didn't go ahead.⁸

Mary Smith (1793 - ?) was working as a servant girl at the time of her arrest and trial in Dublin in May 1815. She was given a seven year sentence of transportation and arrived on the *Alexander* on 4 April 1816.

On 17 August 1816 the sloop *Improvement* was put up for auction at the King's Wharf. Owen Devine purchased it. Edward Riley and George Crossley were still using the vessel in 1817 and came down to Sydney from the Hawkesbury with a cargo of 200 bushels of wheat on board. Devine returned to the Hawkesbury on the 6 August 1817 on the *Improvement* loaded with ballast.

The *Improvement* had been built in Sydney, was of 15 tons weight and was first registered in January 1804. Its first owner was Joseph Smith. Until its purchase by Devine it was generally employed in bringing grain down to Sydney from the Hawkesbury. By 1813 the vessel had been sold to George Crossley and was now skippered by William Patten.

The *Improvement* was advertised for sale by George Crossley on 22 November 1817. Devine had probably fallen behind in his payments. The advertisement stated:⁹

With a small boat belonging to it, with masts, anchors, cables, rigging and tackle complete, the property of the Defendant. (Devine)

Devine paid up and put the vessel to a different use. When he returned to Sydney on the 22 August 1818 the vessel was carrying 600 bushels of lime. Lime had been obtained from Broken Bay between 1803 and 1815, but between 1812 and 1814 much of the lime used in Sydney was coming down from Newcastle. From July 1815 onwards lime was exclusively coming from the Hawkesbury at 1000 to 2000 bushels a time.

Solomon Wiseman was one of the contractors. Devine's first cargo was by comparison, a small one. Devine returned to the Hawkesbury on 16 January 1818 with ballast. His commencement as a Government contractor was triggered off by the upsurge in public works from January 1817. Macquarie, alarmed at the increasing numbers of convicts arriving after the end of the Napoleonic Wars made a list of buildings essential to the colony to employ them.

Once back on the Hawkesbury, Devine loaded another 600 bushels of lime and returned to Sydney on 26 January 1818.¹⁰ While the *improvement* as crossing Broken Bay it was wrecked and Devine lost his cargo and his all-important Conditional Pardon in the disaster.¹¹ Although Devine had lost his vessel he continued to supply the Government with lime. He obtained a Government contract for the supply of lime to the Government works at Parramatta:¹²



<i>14th Feb 1818</i>	<i>347 bushels to Public Works Parramatta paid £14.9.2</i>
<i>14th Feb 1818</i>	<i>147 bushels to Public Works Parramatta paid £6.2.6</i>
<i>6th June 1818</i>	<i>147 lime for Public Works Parramatta paid £40.0.0</i>

During the first half of 1818 a new two storied hospital with outbuildings and new Military Barracks were being erected in Parramatta. These buildings were the first in a systematic building program which was to transform the nature of the town.

Devine's name appeared on a list of September 1818 of people entitled to receive a land grant. He was already resident at the Hawkesbury River and it is likely he was squatting on the land across the river from Solomon Wiseman in order to lay claim to it. He was allowed 50 acres of land at the Lower Branch. He was recommended by the Rev Mr Cowper who had married him. ¹³ Approximately half of Devine's grant consisted of steep stoney hill country which was uncultivable. The grant instead was selected for its location at the junction of the Macdonald River with the Hawkesbury. It was roughly triangular in shape with the long side on the river. As a lime-burner Devine had the choice of three options to work from this locality; Hawkesbury upstream of Wiseman's Ferry, Hawkesbury River downstream of the ferry and the Macdonald River.

After receiving his land grant Devine began to supply lime to Public works at Windsor. In May 1820 Richard Fitzgerald complained to Macquarie that work had not proceeded on the tower of the Church of St Matthew's because Devine the lime burner had not arrived with the lime. ¹⁴ The building of St Matthew's was troubled to say the least. The bricks in the walls were condemned and they were demolished and work started again. The supplier of the lime was accused of dishonest practise;

John Fowkes declared,

In the church yard they put a quantity of sand amongst the lime measured by Government and in measuring the same they measured one for John Bull, as they said and one for Devine and that for fifteen bushels of lime measured Government only received 10 bushels. ¹⁵

Could this be the John Fox who Devine had robbed back in 1806? Fowkes also accused another man of stealing nails from Government Works at Windsor. This offence was reported to Richard Fitzgerald, but the matter of the misappropriated lime never reached his ears. Devine kept his contract.

<i>Apr -Jun 1821</i>	<i>345 bushels lime to Windsor paid £11.10.0</i>
<i>Apr -Jun 1821</i>	<i>332 bushels lime to Windsor paid £11.1.4</i>
<i>Oct- Dec 1821 442 bushels lime to Emu Plains</i>	



paid £/4.14.8

Oct- Dec 1821 787 bushels of lime to Emu Plains
paid £26.4.8

Jan - Mar 1822 /022 bushels to Windsor & Emu Plains
paid £34./.4¹⁰

7th Jan 1822 lime to Government at Windsor
paid £14.14.8

4th Mar 1823 1747 bushels to Government at Windsor
paid £58.4.8

4th Mar 1823 488 bushels to Government at Windsor
paid£ 16.5.4

4th Mar 1823 347 bushels to Government at Windsor
paid £11.11.4

In August 1822 Devine was signatory to a petition claiming that the recent changeover in payments from sterling to Spanish Dollars was detrimental to business.¹⁷ His name appears on the list for Castlereagh and he probably signed the petition while he was passing through with a delivery to Emu Plains. The change in monetary policy may have influenced Devine to get out of the lime dealing business.

Devine must have had need four years later, of his lost Conditional Pardon and he was required to get a replacement. On 4th September 1822 Devine swore before a Justice of the Peace that he had lost his Conditional Pardon in the wreck of his vessel and had not sold it or made away with it in any illegal way.¹⁸ He obtained his second Conditional Pardon on 14 September 1822. By this time his brown hair was greying and he was blind in his left eye. This injury may have been a result of getting lime into it.

In 1822 Devine wrote to Governor Macquarie thanking him for granting him some land. Devine had by now cultivated eleven acres of wheat, cleared another four acres and erected a house and barn. Devine asks for an indulgence as settler. Richard Woodbury the District Constable informed John Brabyn the Justice of the Peace at Windsor of the facts and Brabyn wrote in support of Devine who was told that no indulgence could be given until the deeds of his farm were listed.¹⁹ As Devine's last delivery of lime was in March 1823 it looks likely that he wanted to settle down as a farmer. He had supplied wheat to the Government Store in February 1823.²⁰ In order to encourage the farmers at the Lower Branch, the Government set aside a common on Wallambine Creek upstream of St Albans. It was surveyed on 10 April 1824 and deeds were drawn up. The settlers found a loophole in the deed and asked, a month later, that the common be set aside for the sole use of settlers at the Lower Branch and no others. Devine was a signatory.²¹

Devine died suddenly near Sentry Box Reach at the Lower Branch and was buried on his farm on 19th October 1824 aged 56. The Coroner's verdict stated that he had *died in a natural way*.²² After his death Mary asked that any claims against his estate be presented to her.¹ She apparently continued her husband's business for in November 1824 the Sydney Gazette reported that five bush rangers were interrupted on board a vessel belonging to Mrs Devine.²⁴ In December 1824 Mary tendered to supply wheat to Government at the rate of seven shillings a bushel. The tender was accepted and she delivered 200 bushels to the Sydney store.²⁵



Mary Devine remained on her husband's farm. The 1825 Muster lists her as Smith (the name on her indent) as being employed by Owen Devine at Wilberforce. In the November 1828 Census she is listed as a servant to Thomas Green at Lower Portland Head. In the same document Green is listed as a farmer at Lower Portland Head on 40 acres of land 20 of which were cleared and cultivated. Green who had come out on the *Mariner* in 1816 had four head of cattle. It appears that Green was now living on Owen Devine's old farm. The name of Devine continued to be associated with the farm in official correspondence. In planning a deviation in the Great North Road in January 1829 the words *Devine 's Hill* is first used. The name appeared on the monthly Road Gang Reports thereafter until the road was completed. On the 5 September 1831 as road works were nearing completion Mary Devine and Thomas Green were married.

- 1 Details from Owen Devine's pardon
- 2 *Sydney Gazette*, 20th May 1804, 3c4a
- 3 *Sydney Gazette*, 14th September 1806, 3a
- 4 1806 Muster
- 5 List of Prisoners sent to Newcastle 21st Sep 1811 SR NSW, Reel 6003, 4/3492. p 66
- 6 List of Prisoners returned from Newcastle 25th February 1812. SR NSW, Reel 6066, 4/1804 p 108
- 7 Permission to marry SR NSW, Reel 6005, 4/3495, pp 450-1
- 8 Permission to marry SR NSW, Reel 6005, 4/3495, p 52
- 9 *Sydney Gazette*, 22nd November 1817, p1
- 10 *Cumpston Shipping Index, 1817-1818*
- 11 Affidavit of Owen Devine, 4th Sep 1822, SR NSW, Reel 6028, 4/1690 p14
- 12 SR NSW, Reel 6038, SZ 759, pp 439, 441, 474
- 13 List of people entitled to Land Grants, SR NSW, Fiche 3266, 9/2652, p48
- 14 Fitzgerald to Macquarie 17th May 1820, SR NSW, Reel 6050, 4/1747, pp 16-18
- 15 John Fowkes declaration 14th October 1820, B.T. Box 24, p 5198
- 16 Accounts of the lime furnished, SR NSW, Reel 6016, 4/5781, p 224 (lime for (Government House Emu Plains and the Windsor Courthouse
- 17 Petition, SR NSW, Reel 6017, 4/5783, p 124
- 18 Affidavit of Owen Devine 4th Sept 1822, SR NSW, Reel 6028, 4/1690 p14
- 19 Memorial of Owen Devine 1822, SR NSW, Fiche 3063, 4/1834B No 93, p 555
- 20 *Sydney Gazette*, 27th February 1823
- 21 Petition of Lower Branch Settlers 3rd May 1824, SR NSW, Reel 6061, 4/1779, p 50
- 22 *Sydney Gazette*, 28th October 1824
- 23 *Sydney Gazette*, 4th November 1824
- 24 *Sydney Gazette*, 11th November 1824 p 3 (original not found)
- 25 *Australian*, 23rd December, 1824

