

WHAT ABOUT THE CHILDREN?

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Records in the Supreme Court of Western Australia provide a source for cases involving children either as witnesses or defendants. In "Childhood and Society in Western Australia" edited by Peneiope Hetherington 1988, Phyllis Garrick has written an article titled "Children of the poor and industrious classes in Western Australia 1829-1880." In that article Garrick comments that those children who did appear in Court Records had fathers who were of the industrious classes such as shopkeepers, tradesmen, constables and **ENROLLED PENSIONERS**. It seemed the children of the privileged class were spared from having to appear in court.

Most children of the industrious class were involved in helping in the running of the household, be it farm, dairy, shop or trade or in the caring of the younger members of the family. This left little time for personal pleasure, although Garrick found that children of constables and **ENROLLED PENSIONERS** appeared to have had more leisure time than children working in a family business.

The children of those **ENROLLED PENSIONERS** whose wives sometimes from pure desperation turned to 'working the game' to survive were often neglected and dirty with little chance of education or encouragement to rise above their situation. In some cases the children of the women who worked in the established 'houses of ill repute' lived in the house with their mother (sometimes **EPG** widows) and were subjected to scenes not ever observed by the children of the privileged. It is even sadder to realize that girls in their teens were inducted into the 'game'.

There were cases of **ENROLLED PENSIONERS** leaving their family after becoming disillusioned with life in the new colony. **ANDREW GORMAN** is recorded as having left his wife and children to fend for themselves. Fortunately he was traced to New South Wales and his pension was cut to provide support for his family.

We know of **NORA FITZGERALD**'s children who were sent to the workhouse when Nora was under extreme stress due to her husband's terminal illness. Her five children were frightened and intimidated by her actions and when the authorities had grave doubts about her sanity and committed her to the Lunatic Asylum, her children were left without parents in a city where children of the under class were of little account. Society at the time did not always consider the **ENROLLED PENSIONERS** to be of a much higher class than the convicts they were employed to guard. No record of the children of Nora Fitzgerald has as yet been found.

HENRY WAREHAM of the 1st B.E. Reg. of Bombay Fusiliers was an **ENROLLED PENSIONER** who married the widow of another **ENROLLED PENSIONER**. It was not his children who suffered but his grandsons who were abandoned by their mother, the daughter of the **ENROLLED PENSIONER**. She left two boys aged about 8 and 10 at an orphanage. They were a little more fortunate than children of earliest **PENSIONERS** like the Fitzgerald children, because there was an official Orphanage in their time giving them a chance to survive and not live off the streets. Wareham's grandsons fate is known as the records show their father removed them from the Orphanage and continued to care for them.

The case of **MARY McGEE** is a sad example of how children seemed to be merely chattels to be left to their own devices when the adults abrogated their parental duty. Mary was the daughter of **JAMES McGEE (Joseph?) ENROLLED PENSIONER GUARD** who arrived on the 'Clara' in 1864. At 11 years of age she was sent out to work as a servant girl in Fremantle, her father leaving for work in Pinjarra. Her employer had no further use for her and sent her on to work as a 'nurse girl' to the Police Constable's home. Constable Simmons complained he could do nothing with her and took her to the Magistrate's house in Fremantle. The Constable reported Mary had left the baby and other children in her care and run away. He described Mary as sulky and obstinate.

Mary, no more than a child herself, was removed to the Poor House while legal arguments ensued over the power of the Court to compel her father to remove his child and pay for the cost of her maintenance—one shilling per day.

PENSIONER McGEE'S refusal brought forward more legal argument to the effect that under the Local Ordinance G Vic No.2, because the child was over ten years of age and not 'poor and destitute and not able to work' the law could not compel **McGEE** to support his child. She was considered to be able bodied and capable of working but was 'idle and perhaps vicious'.

We are left wondering about little Mary's fate after the Colonial Secretary asked for some effort to be made to find her employment in private service, and for the Officer Commanding Troops to

investigate whether he would have the power to force the **PENSIONER** to pay maintenance and care for his daughter.

There are scant records of children of **ENROLLED PENSIONER GUARDS** who died while travelling the long sea voyage with their parents to the new Colony. Conditions on board some of the ships were primitive and often unsanitary, not conducive to the survival of sickly or premature babies. In the case of **PENSIONER GUARD ROBERT HELLIWELL** who arrived on the 'William Hammond' in 1856 his baby Emma was sickly during the voyage, but survived just a few months after landing. Helliwell's wife Hannah had already lost at least five children while her husband was serving in India with the EIC. During the long journey from their home in Yorkshire to the Port in southern England and then the torturous sea voyage to Fremantle, Hannah had to watch her little baby weaken and die not long after arrival.

Little Emma's story is not an isolated one, as many of the children of the **ENROLLED PENSIONER GUARDS** were innocent victims of the privations and harsh conditions suffered in the early years of the Colony.

As in all society there would be cases of men who abused their children and Court records show there were a very small number of **PENSIONERS** who were in that category.

In December 1853, **ROBERT FOOT**, swore in Court that he was the son of **JOSEPH FOOT, ENROLLED PENSIONER** (76th Regiment, 'Scindian'). Robert swore on oath he was about 13 years old and he knew what it was to tell a lie, he could read and he had been taught his prayers. He felt that he was capable of giving true evidence. His father **ROBERT FOOT** is recorded as having died in 1852, and apart from the Court Record of Joseph's testament we can only assume he grew to be a responsible citizen of the Colony.

To balance the ledger in favour of our ENROLLED PENSIONER ANCESTORS we can find many more records from all sources of children who grew to become virtual pioneers in the establishment of small businesses and farms and in the process established their own dynasties in Western Australia.