

## Excerpts from the life of Malachy Hardiman

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The 19-year-old Malachy was sentenced to Life and transportation to the colony of New South Wales for his crime of being a Whiteboy at the Galway Spring Assizes of 1832. Twenty-six other men also received the same sentence including his fellow parishioners Patrick and Michael Moran from Ballynakill Civil Parish. Malachy himself being a native of the townland of Barnaboy in Ballynakill<sup>1</sup>, and Thomas Cavanagh, Laurence McDonagh and Edward Naughton from the adjacent civil parish of Tynagh (See map below).

Considering their proximity to each other centred around the market town of Woodford [1], it can be imagined the Whiteboys together on Market Days, known and familiar to each other and co-conspirators. All later sentenced to death for their crime of being Whiteboys but commuted to life sentences and banishment to New South Wales.

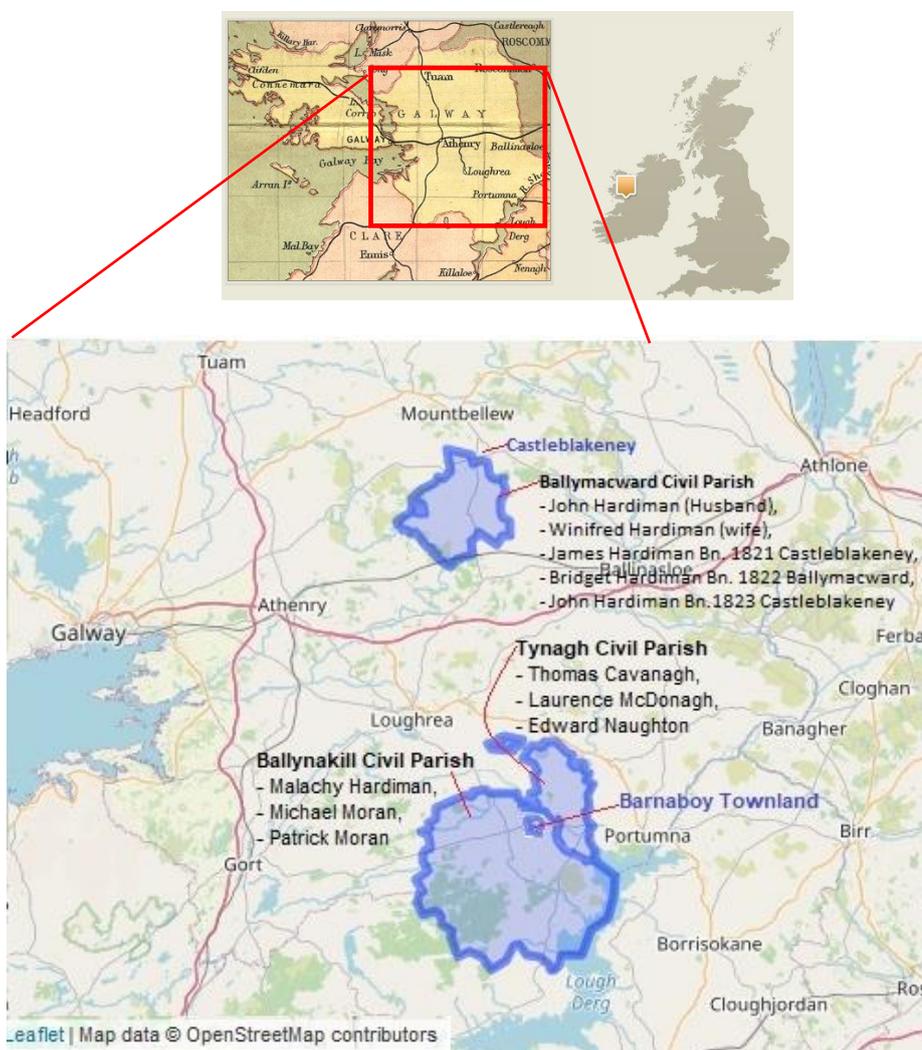


Figure 1: Map showing the location of 6 Whiteboys. Malachy's native place of Barnaboy 'Bhearna Bhuí' and the location of his cousin's northwards in Ballymacward [2]. Map of Galway courtesy of A Vision of Ireland through Time [3]

<sup>1</sup> Malachy's wife states, on her son's birth certificate, that Malachy's native place was 'Barnway'. In Irish, *An Bhearna Bhuí*, now standardised to Barnaboy - one of only 4 Townlands of that name in County Galway and one of which is in Ballynakill Civil Parish the same parish as 2 other Whiteboys, Michael and Patrick Moran.

On Malachy Hardiman's convict indent [4] it notes that an Uncle John Hardiman who had previously been sentenced 4 years earlier in 1827 for Sheep stealing. Leaving his wife Winifred and young family, James 6, Bridget 5, and John 4. These same children, native to the Ballymacward [5] and Castleblakeney [6] [7], area immigrated in 1841, leaving their late mother behind.

### **Convict Indent**

Malachy Hardiman's details are recorded in 1832 firstly in his Irish arrest warrant [8] then on the Eliza's Ship Muster [9] - the ship's official list of convicts. The convict Indent shows that he was convict number 32-1943, described respectively as 19 then 21 years old, fresh complexion on his Irish warrant, then sallow on his convict indent [10], the indent when he arrived worse for the journey. Five Feet 7 inches then 5 foot 6 ¼. Recorded as a labourer and Roman Catholic and illiterate. Having hazel eyes that were judged grey at the end of journey and dark brown hair. He wore a scar over the right side of forehead, and a scar over the left eyebrow.

### **Arrival in Australia**

The Whiteboys arrived in New South Wales on the 6<sup>th</sup> of Sept. 1832 [11]. As Lifers before expecting any degree of freedom, they would be expected to serve 8 years under one master, or 10 years with 2, or 12 years with 3 masters [12]. After which a convict could apply for and receive a Ticket of leave and as a Lifer hopefully one day receive a conditional official pardon, not being eligible for a complete pardon in the form of a Certificate of Freedom [13].

Malachy was sent to work for an Edward Turner. Edward and his wife Anne owned the Stonemason's Arms in Glebe [14] just on the semi-rural outskirts of 1832 Sydney. Edward, Malachy's Master, a Ticket of Leave convict himself since 1827 [15] but not yet having received his pardon.

Edward Turner was 45 years old, English a native of Derbyshire, sentenced to death but commuted to a Life sentence. Edward, a rebel, albeit in England, also being a convicted for life, being part of the Derbyshire Pentrich uprising in June 1817 [16]. Edward Turner's primary vocation was as a 'Builder and Stonemason' [17]. He was still serving his sentence when Malachy was assigned to him, it being another 3 years till Edward was recommended for an absolute pardon in January 1835 [18] and receiving his conditional pardon in April [19] of that year.

Edward Turners other focus was on working as the Publican of the Stonemason's Arms Inn. Malachy's assignment to the Turners was soon after he landed [20] and would continue till the 22<sup>nd</sup> of April 1842 [21], a total of over 9 years.

Mick Robert's, an expert on the history of Sydney Pubs describes what was happening with the Turners at the time Edward Turner's acquired his Publican's license and premises:

Edward was assigned to Dennis Bryan's convict gang where he worked as a stonemason on some of Sydney's early buildings and infrastructure projects, until receiving his ticket of leave in 1827. Despite a wife back in England, Turner was given permission to marry 17-year-old Ann Cawson in 1821.

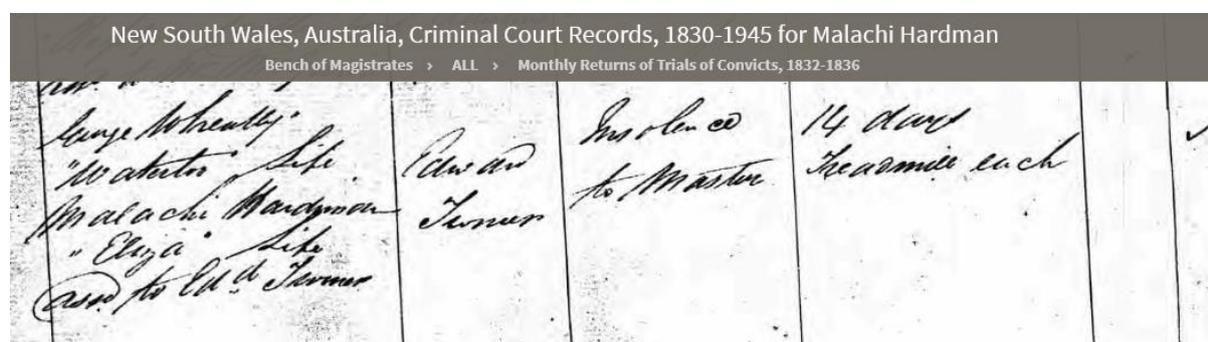
The couple built a home in Upper Kent Street Sydney, where his first attempt at becoming a publican failed. Edward and Ann had been living in the six room house since the late 1820s, and applied for a publican's license for the property in July 1833 under the name of the Stonemasons' Arms. The application was refused, most likely because the premises were unfinished.

Edward and Anne, with their four young children moved in 1834 from Upper Kent Street to what was had become a busy thoroughfare from the out lying rural areas into Sydney Town. Edward, while continuing his trade as a stonemason, built and licensed a two storey sandstone dwelling in Parramatta Street, near Black Wattle Creek, in June 1834. Turner's Stonemasons Arms was one of 216 liquor licenses granted in Sydney that year.

Figure 2: Excerpt from Mick Robert's history of the Stoneman's Arms [14]

So, Edward having applied for a Publican's license in July 1833 – ten months after Malachy's arrival, and being refused Edward then finally established himself as a Publican in June 1834 at the Stonemason's Arms. This being ten months after Malachy's arrival and when he would have already been working for him. Having built the premises himself, with Malachy no doubt as a labourer, at Black Wattle Swamp, on the then rural edge of Sydney at the time. The Pub was positioned astutely along Parramatta Street a busy thoroughfare to and from the outlying population centres of Parramatta, Liverpool and so on. This Pub the home of the Turners, would be the geographical centre for Malachy for many years to come.

The relationship between this convict and Master was to prove not all smooth going. The Sydney Criminal Court records that on Oct the 18th 1836 [22], just over 3 years since Malachy's assignment to Edward as his Master, Edward has both Malachy and a fellow convict named George Wheatley charged with 'Insolence to Master'.



Date of Trial	October 18 <sup>th</sup> 1836
Name of accused	George Wheatly Malachy Hardiman
Ship and Year of Arrival	Waterloo Eliza
Original Sentence	Both Life
And in whose Employment	Assigned to Edward Turner
Name of accuser	Edward Turner
Charge	Insolence to Master
Acquitted, or Punishment ordered	14 days treadmill each

Figure 2: Criminal Court Conviction for Insolence to Master – 14 days on the treadmill, 18<sup>th</sup> Oct 1836.

Fourteen days on the treadmill although onerous, was probably the most lenient sentence Malachy and George Wheatley could have both had. Insolence doesn't sound too bad a charge to modern ears but in 1836 could easily have resulted in 50 lashes or more even for a first offence. Also of note, in the absence of any other charges recorded against his convict record between then and his conditional pardon, he seemed to be well behaved. The next 3 years are silent on any particular event in Malachy's life, but we do know that he was still working under Edward Turner, presumably working in and around Sydney, and learning the trade of building and being a stonemason.

Walking home in the direction of Black Wattle Swamp Malachi was apprehended on Sunday the 17<sup>th</sup> of April 1839 [23] without a pass at 11 O'clock at night. Fortunately for him he was spoken for by Mrs Turner aka Ann Turner (nee Carson) the wife of his Master:

*“Malachi Hardiman, assigned to Mr Turner of Parramatta-street, was apprehended without a pass on Sunday night at 11 O’Clock. His mistress appeared on his behalf, and stated that the prisoner was a very sober man, and had been with her for seven years, and she therefore hoped that he would be excused .. Discharged”.*

Figure 3: Excerpt from the Police News as reported on Wed 17<sup>th</sup> April 1839

The Turner’s were still based at their Inn in Parramatta Street. In this situation noting that the Inn itself would have been legally closed on a Sunday . A positive relationship appears to have existed between Malachy and the Turners. Mrs Turner consented to ‘*appear .. on his behalf*’ and ‘*stated that the prisoner was a very sober man*’ and ‘*hoped he would be excused*’ which indicates that there was by 1839 respect and amicability existed between at least Mrs Turner and Malachy.

Mrs Turner further stated that ‘*Malachi .. had been with her for above seven years*’, (i.e. 1839 minus 7 years = 1832). The year 1832 being when he first arrived via the Eliza confirming that the Turners were his first assignment and that Malachy had been assigned to them the whole time.

### **Ticket of Leave**

By 1839 It appears that Malachy had been working under Edward’s supervision in Wollongong before October 1840 when his new Ticket of Leave was annotated, no. 40/2194, to stay there [24].

Malachy being 29-year-old and 8 years into his sentence was finally granted a Ticket of Leave on the 8<sup>th</sup> of October 1840. The T. of L. stated that he had leave to be “Allowed to remain in the District of Wollongong on recommendation of the Sydney Bench Jun 1840”. This Wollongong based Ticket of Leave was also reported in the NSW Government Gazette and various Newspapers as was the custom, i.e., on the 20<sup>th</sup> [25], 28<sup>th</sup> [26] and the 30<sup>th</sup> [27] of October 1840.

As a T. of L. holder, he was now free to move within ly a certain area but with any restrictions under the terms of the T. of L. but in his case still under supervision, and potentially with permission to apply get married.

It appears while Malachy was assigned to still work in Wollongong for another year under Edward, he then had requested for Malachy to move back to the Parramatta area on the 27<sup>th</sup> of May 1841 [28]. Within 4 months of Malachy’s return, Edward Turner, aged 64, died at the Stonemason’s arms on the 3<sup>rd</sup> of September [14] after an illness of three weeks.

Mick Roberts once again picks up Edward Turner’s story:

Edward Turner died aged 64, at the Stonemasons’ Arms on September 3 1841 after an illness of three weeks. And as often was the case, his wife Ann took the license of her husband’s pub, running it with the help of her young children.

Less than three years after the death of Edward Turner his widow Ann also died at their pub. Ann’s death at 40 on January 31 1843, left five children, aged from two years to 15, without parents. Their parents, however, had left them a large property portfolio. The portfolio included 27 acres of land on the Liverpool road, known as Brighton farm and at least five other houses, including the Stonemasons Arms.

Figure 5: Mick Robert’s describes Edward Turners last days at the Stonemason’s Arms

Edward Turner's influence on Malachy as a mentor and role model although through the unequal lens of convict and Master was undeniable. Malachi besides owing his trade skills of builder and stonemason to Edward was eventually himself to become a Publican of his own but in his case for a different Stonemason's Arms in 1854<sup>2</sup>.

With the passing of Mr Turner, technically Malachy's Ticket of Leave dated the 27<sup>th</sup> of May 1841 assigning him to work for Edward Turner were now null and void. But as we are to find, it was only a year later when the T. of L. came up for renewal that he was to be re-assigned from the Turner family. In the meantime, he still worked under the Turner family but for Mrs Turner. Policy at the time must have allowed him to stay with the widowed Mrs Turner.

Malachy finally left the service of the Turner family to be reassigned to work for one John Greer, a builder, on the 21st of April 1842, annotated 42/4524 [29], We read that Malachy was allowed 'to travel between Liverpool Windsor and Sydney in the Service of John Greer Builder for 12 months on the application of Mr Greer'. John Greer, being an Irish Protestant immigrant from Fermanagh who had previously immigrated to NSW in 1839 [30].

Malachi, under the terms of his, Ticket of Leave, had a weekly obligation to attend church. As is to be seen by his future devotions, Malachy appears to be quite happy with this obligation and of his own volition is shown to be actively involved in the Roman Catholic community. In Dec 1841, the Church raised a subscription for building Saint Patricks in Sydney.

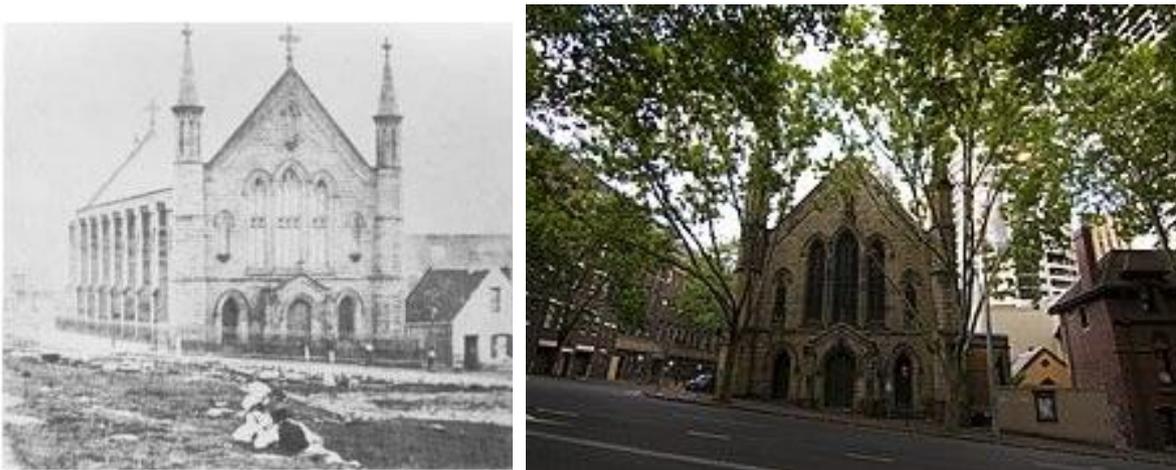


Figure 6: Earliest known photograph of St Patrick's <sup>3</sup>, circa 1868 & St Patricks in 2012 <sup>4</sup>.

On, a 28<sup>th</sup> of December 1841 [31] in a newspaper list of subscribers, Malachi's name appears. In this instance donating 2s. 6d. Malachi's name will appear at least 18 times as a subscriber to building St. Patricks, between 1841 and 1844. Notably this would be the start of Malachi's habit of regularly donating to worthy causes over the years. It also shows that he certainly had a disposable discretionary income by then.

With the start of 1842, Malachy had spent the previous year, 1841 through to May 1842 period still working for the Widow Turner. During this period, on Jan 26<sup>th</sup>, 1842 [32], while working returning one

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<sup>2</sup> As Mick Robert's was to point out, "Hardiman's Stonemasons' Arms is not to be confused with a pub by the same name on Broadway, further towards the city, and [ in January 2013] trading as Essen Restaurant and Beer Cafe (Essen closed for business in 2018)" See [14]

<sup>3</sup> Courtesy of St Patrick's Construction and Opening; Accessed April 2021, see [Link](#)

<sup>4</sup> Courtesy of Wikipedia, St Patrick's Church, The Rocks; Accessed April 2021, see [Link](#)

day from a project in Newtown he happened to witness an assault and as a result ended up as a witness at the Supreme Court testifying on behalf of Mrs Sherwin, who had been horse whipped on her doorstep.

*“Melochi Hardiman examined by the Attorney-General: Was returning from his work at Newtown, on the evening in question, when he saw the row at Sherwin’s door; saw Mrs. Sherwin with her hands endeavour to push defendant’s (Maher) horse away, when the defendant struck at her with his whip; several times before Mrs. Sherwin threw any thing at defendant, he struck at her several times with the whip, abusing her at the same time.*

*Croes-examined by Mr. Foster: There were mutual expressions interchanged between the plaintiff’s wife and Mr. Maher; Mrs. Sherwin had said, “had they come there at that time of night to rob her?” saw defendants on the foot path; believed Maher went on the foot path to flog Mrs. Sherwin; was a stonemason; had been in one employ ten years.”*

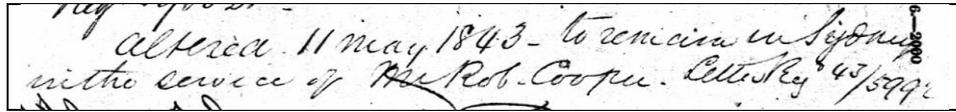
The full story of the case interestingly, including cross examinations that are described in great detail in the full Article. It would appear that “Melochi Hardiman’s” <sic> testimony had an influence on the case, justice was served and that a verdict was returned for the abused party and damages awarded in the sum of Ten pounds. For his troubles Malachy conveniently for his posterity attested to in court some interesting facts about himself. Besides demonstrating a newly acquired predilection for appearing in various court cases in various roles, which he repeats throughout his life, he stated under oath that he was still with the Turner’s at the start of 1842 and that he had in fact only ever worked for them, “had been in one employ for ten years”. Once again 10 years minus 1842 takes it back to 1832 the year he arrived on the Eliza. Also, that by 1842 he was confident enough in his acquired vocational skills to style himself as a stonemason and not just as a labourer anymore.

Malachy from April 1842 onwards was now travelling between Liverpool Windsor and Sydney depending on the requirements of John Greer’s building projects. This area really encompassed the greater part of Sydney and environs giving Malachy a large area in which to move freely albeit ‘in the service of John Greer’. A further note on his Ticket of Leave from 1842 and which must have been before August was that it was ‘*altered to remain in the service of Mr John Greer Sydney Reg No 42/3015*’ [33].

From August 1842, 5 months after starting to work for John Greer, Malachy was to have his Ticket again annotated on the 18 Aug 1842[34] to Sydney to remain in the service of a Mr John Lynch, No. 42/8821. After, his short stint of 5-months work for John Greer, he had been assigned to a Mr Lynch but still within the Sydney district. Staying in Sydney appeared to suite Malachy’s plans well.

As a Ticket of Leave convict, as already noted, Malachy could apply to marry if the opportunity presented itself. With assurances of working in Sydney District locked in in August 1842, in September 1842 [35], Malachy applied to marry a local girl in Black wattle Swamp, Ann Owens. Ann was free born girl, the daughter of two former Irish Convicts: Edward Owens and Johanna Owens (nee Minahan). Edward Owens being a well-known market gardener with acreage at Black Wattle Swamp [36] [37]. With the request to marry approved, On the 3rd of October 1842 Malachy Hardiman and Ann Owens were married at St. Mary’s Catholic Church.

Over 7 months later in 1843, Malachy's would be re-assigned on the 11th of May [33] to work under a Mr Rob Cooper [38].



altera. 11 May 1843 - to remain in Sydney  
in the service of Mr Rob Cooper. Letter No. 45/5473

Figure 7: Malachy's 11<sup>th</sup> May 1843 re-assignment to Mr Rob Cooper added as an alteration to his original 1840 T. Of L.

Mr Robert Cooper, Malachy's new Master, was no ordinary man. Robert Cooper was a former convict himself, who back in England when charged with theft and threatened deportation, managed to defend himself eloquently in court and have the theft charges squashed. He did so by asserting that he couldn't have been guilty of stealing the goods and theft as he had been merely smuggling the goods concerned. The judge was convinced of the verity of this and then sent him to Sydney for smuggling instead [39].

Robert after his sentencing to NSW managed to become very wealthy and:

*".. by 1830 he was one of the most wealthy men in Sydney becoming one of the principal shareholders in the Bank of New South Wales. He also owned large tracts of land in Paddington, Chippendale, Leichardt and Waterloo, Sydney. He stood for the New South Wales Legislative Council in 1843 but ran last."* [40]

Robert Cooper owned the Cooper's Distillery at Black Wattle Swamp Bay where he produced the original "Cooper's Best Colonial Gin" which is still for sale by his descendants under the name of "Robert Cooper's Gin" [39].

In 1844 while still working for Robert Cooper, Malachy was seen to continue to pay subscriptions towards the building of St Patricks he also made two new subscriptions, on the 18<sup>th</sup> of May [41] and on the 22<sup>nd</sup> of May [42] towards the "extensions and repairs of the Catholic School House and chapel".

On the 10<sup>th</sup> of June 1845 Malachy's new Ticket of Leave Passport No. 45/510 "Allowed him to travel between Sydney and Parramatta in the service of Mr Robert Cooper for 12 months on the app[lication] of Mr Cooper dated 9<sup>th</sup> June 45/5473" [43].

The 1845 Ticket of Leave Passport was renewed the following year on the 12<sup>th</sup> of June with the same conditions of still working with Mr Robert Cooper in the area between Sydney and Parramatta [44].

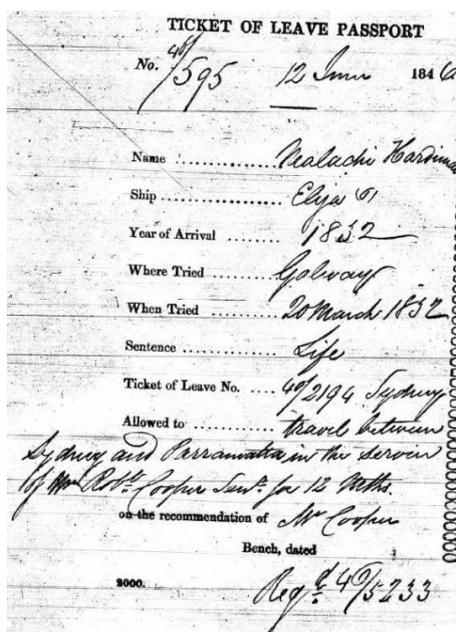


Figure 8: Malachi's 12<sup>th</sup> June 1846 Ticket of Leave Passport renewal showing work for Mr Robert Cooper

Continuing his habit of generosity to worthy causes, on the Sunday Evening of the 9<sup>th</sup> of November 1845 at Mass, Malachy gave a donation of 1 s. towards the erection of St. Benedict's Church, Sydney [45]. He would make at least 27 donations towards the building of St. Benedict's the last recorded donation being on the 29<sup>th</sup> of December 1855 [46].



Figure 9: St Benedict's Church, Parramatta St, Sydney 1856 lithograph by S. T. Gill Image courtesy of the National Library of Australia NLA.PIC-AN7537497

He himself would work on the Church as well - as attested to in 1869, i.e., "I also [did] several works in connection with .. St Benedict's Church" [47]. Malachy's continued connection with St. Benedict's can be traced through for at least another twenty years to at least 1876 when on the 8<sup>th</sup> February he advertised, "Wanted, a RUBBLE MASON. Apply Malachi Hardiman St. Benedict's Church [48].", implying that he was engaged in some work at St. Benedict's that year as well.

Malachy has mail. A General Post Office notice dated the 6<sup>th</sup> of February 1847, and posted in the Government Gazette, a 'Mr. M. Hardiman, Blackwattle Swamp [49]' states that he has an unclaimed letter to pick up at the General Post Office. It's fascinating to speculate who this letter was from but unfortunately, we may never know. Whoever they were perhaps Malachy had commissioned a letter to be written, still being illiterate, and sent it to the unknown party with his return address on it. Hopefully, Malachy, was able to pick up his mail. We like to speculate that Malachi had managed to open communication, and maybe financial support, back to family still in Ireland.

### Conditional Pardon

Finally in 1847 Malachy received his conditional pardon dated the 30<sup>th</sup> of July 1847 [50]. It was published in the Government Gazette on the 12<sup>th</sup> of October, [51] in 'The Australian' on the 19<sup>th</sup> [52] and regionally in Maitland on the 20<sup>th</sup> [53].

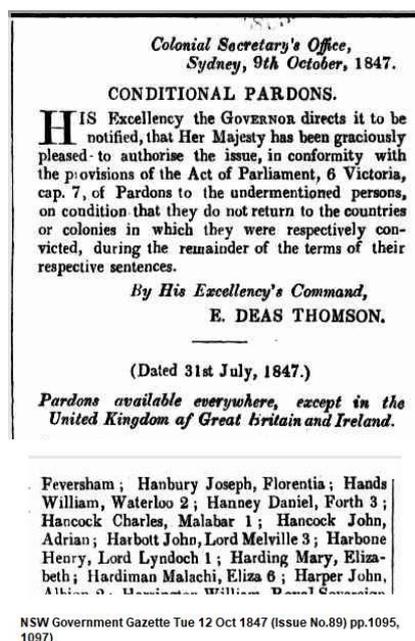


Figure 10: Malachi's Conditional Pardon published in the Government Gazette on the 12<sup>th</sup> of October.

Because the pardon was conditional, the condition was that for the rest of his natural life, he was never to return to the United Kingdom of Great Britain and Ireland.

Besides regularly donating funds to worthy causes, it appears that Malachy also acquired a good watch. Good enough in fact that someone decided to steal it. The month after officially receiving his Conditional Pardon, in the week of the 8<sup>th</sup> to 13<sup>th</sup> of November [54], Malachi Hardiman appeared at the General Quarter Sessions for Sydney. Where it was reported that a one:

*"James Clayland was indicted for stealing a watch on the 12<sup>th</sup> September last, the property of one Malachi Hardiman. Not guilty"*

Presumably, Malachi never saw his watch again and James Clayland whether really guilty or just innocent, managing to avoid a sentence of 3 years that would have been worked out on the roads - the punishment meted out at the same session for another party for the same offence.

### **Malachy Hardiman the Publican**

Malachy as already noted worked for Edward Turner and his wife for almost 10 years. During that time, he had ample opportunity to observe, and no doubt help out occasionally in their Establishment, 'The Stonemason's Arms'. So, it's not surprising that Malachy himself aspired to being a Publican also. No doubt financed from his extensive building activities after his pardon and into the early 1850s, Malachy was able to obtain his own Publican's license.

On the 11<sup>th</sup> of March 1854 Malachi Hardiman was granted a publican's license for the new Stonemason's Arms on Parramatta Road [55]. The licensing for the Stonemason's Arms subsequently being renewed annually in July of 1855 [56], and again in July 1856 [57].

Being a Publican had its challenge. On the 21<sup>st</sup> of September 1855 [58] Malachi Hardiman and his oldest son, who was 13-Year-old at the time appeared as plaintiffs and witnesses at the Central Police Court. The story unfolds as follows:

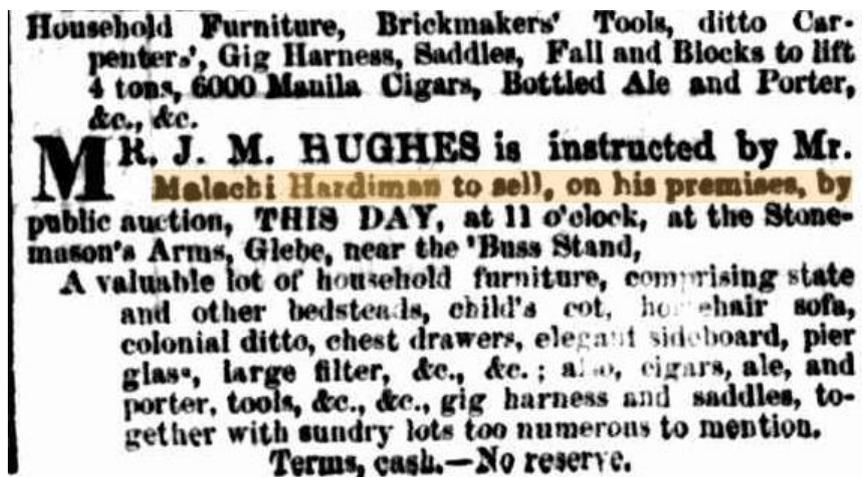
*'William Logan was brought forward by Constable Colbert, who yesterday received him in custody charged with robbing a till, Malachi Hardiman, of Parramatta-road, publican, deposed that on returning home yesterday afternoon he found prisoner detained by several men, for having stolen a 1 Pound note from his till, on which charge he gave him into the care of Constable Colbert, with the note produced. John Hardiman aged thirteen, son of prosecutor deposed that yesterday he was in charge of his father's bar; he left the bar to take into the parlour the change of a note he had just received of a customer there, and returning, saw prisoner take his hand from the till, and a portion of a note was visible; witness called out "give me that note," prisoner denied that he had one, and went to a bench outside the door; somebody present followed with witness, and under the bench found the note now produced, the same he missed from the till; no other person was sitting with the prisoner. Committed for trial at the Quarter Sessions.'*

Besides a fascinating tale of life as publican on the edge of Sydney in 1855 it is also worth noting that the thirteen-year-old John Hardiman was "in charge of his father's bar" and didn't hesitate to pursue the culprit out the door no doubt with loyal regulars in hot pursuit. Times have changed for what a thirteen-year-old would or wouldn't do of course, least of all run a licensed premise, certainly not running down blaggards. No doubt the main reason the young John Hardiman was in charge was that his father was busy elsewhere finishing up a major building contract with the railways and couldn't be in two places at once. Mrs Hardiman no doubt otherwise occupied.

A week later on the 27<sup>th</sup> of Sept. 1855 [59] Malachi unsuccessfully attempted to sell the Stonemasons' arms as "the owner wished to retire from business". This being the day after the completion of a major construction project of viaducts and rail bridges for the railways – more on this later.

*"PUBLIC-HOUSE TO BE SOLD. – To be SOLD, the Goodwill of the Stonemasons' Arms, Parramatta-street, well known to be doing a good business, as the owner wished to retire from business. Apply to MALACHIA HARDIMAN, on the premises."*

Several months later in 1856, possibly related to the intent to sell the Stonemason's Arms, Malachy organised a major cash only clean up sale by public auction at the Stonemason's arms for the 26<sup>th</sup> of April [60] - a large Saturday boot sale albeit circa 1856.



**Household Furniture, Brickmakers' Tools, ditto Carpenters', Gig Harness, Saddles, Fall and Blocks to lift 4 tons, 6000 Manilla Cigars, Bottled Ale and Porter, &c., &c.**  
**M** **MR. J. M. HUGHES** is instructed by Mr. Malachi Hardiman to sell, on his premises, by public auction, **THIS DAY**, at 11 o'clock, at the Stonemason's Arms, Glebe, near the 'Buss Stand,  
A valuable lot of household furniture, comprising state and other bedsteads, child's cot, horsehair sofa, colonial ditto, chest drawers, elegant sideboard, pier glass, large filter, &c., &c.; also, cigars, ale, and porter, tools, &c., &c., gig harness and saddles, together with sundry lots too numerous to mention.  
**Terms, cash.—No reserve.**

Figure 11: Malachy Hardiman clears out excess goods from the Stonemason's Arms. [61]

Later in 1856, Malachy still at the somewhat more roomier Stonemason's Arms after its clean out of 6000 Manilla Cigars etc renewed the Publican's license in July 1856 [62]. Interestingly, Mrs Hardiman had just given birth on the previous Monday the 4<sup>th</sup> of September to their 7<sup>th</sup> child Johanna Hardiman [63], named after her mother.

One the other enterprises Malachy pursued was the keeping of a garden for produce. Emulating the Market Garden expertise of his Father-in-Law. This enterprise no doubt provided another avenue for cash income as well as feeding his growing family and also providing decent produce for feeding customers at the Inn. The challenge being that as Sydney grew outwards toward this rural edge, as Malachy could attest, the poaching of free food particularly by teenage or younger boys was an ever-present danger. In the defence of his plot Malachy was more than happy to drag any young offenders caught in the act, in this case on the 6<sup>th</sup> of March 1857 [64], one Edward Thornton with his sundry stolen cobs of corn on his person was dragged off to the Central Police Court:

*“Edward Thornton, one of the boys who, a week or two ago, were charged with having stolen a gold watch from a house in Sussex-street, and discharged on their parents entering into recognizances for their good behaviour, was this morning brought before the Bench, charged with having stolen sundry cobs of maize, the property of Malachy Hardiman, of the Glebe, who at 11 o'clock last night found Thornton in his garden, having in his possession the corn alleged to be stolen. To give sureties to be of good behaviour for six months, or in default to be imprisoned for fourteen days”.*

Malachy's 1856 Publican's license for the Stonemason's Arms as a matter of course needed application for renewal in May 1857 to cover the coming year. But three months after the successful renewal, the Stonemason's Arms was transferred to one James Wallace, its new owner on the 9<sup>th</sup> of Sept 1856 [65].

Six months after this, Malachy was claiming to hold another license when he applied for a renewal or a transfer of a different Publican's license at the Annual Licensing Meeting held on the 14<sup>th</sup> May 1857. It's states that Malachy was the present holder of “the license”. Which subsequent information leads to the conclusion that had physically acquired the unnamed Hotel at that point without somehow getting the actual Publican's License transferred to him causing a a conundrum:

*“384 and 385, Matthew Hickey and Malachi Hardeman, two applicants for one license, ordered to stand over in the absence, through illness, of the present holder of the license, Hardeman” [66].*

Although it's not stated what establishment the license was for, it appears it was in relation to the Gavan Duffey Hotel, Bay Street Glebe. Mathew Hickey, the previous year's licensee of the Gavan Duffey Hotel, objected to the above entry and wrote a letter to the editor, published on the 18<sup>th</sup> of May, wherein he states that he actually *“was granted a renewal [i.e. he had renewed it the previous year] of my license, and in the consequence of the non-attendance of the other applicant, his (Hardiman's) application was postponed until the last day of the session [67]”*. Mr Hickey stating that he was able to get his case for getting the license renewal approved, i.e., you may own the Hotel Malachy, but I am its licensed Publican.

Noting that during the previous year's Annual Licensing held on the 14<sup>th</sup> of May 1856 [68], Matthew Hickey is indeed listed as applying for a license renewal for the Gavan Duffey Hotel, Bay Street, Glebe. Implying that he must have been granted or acquired the license the previous year to be able to go for renewal. At the same annual licensing period, for the period July 1856 to June 1857, Malachy Hardiman is shown applying for the Stonemason's Arms' renewal, Parramatta which he then sold on in the September but nothing about the Gavan Duffey License.

Six days later after the Licensing body had postponed judgement on the *“two applicants for the same license”*, at the Annual Licensing Meeting the 20<sup>th</sup> of May 1857 [69] Malachi, arisen from his sick bed, attempted to claim the license again for the Gavan Duffey Hotel after failing to on the 14<sup>th</sup> previous. An application was made for rehearing of his motion to apply, was reheard, and again refused. It was still not totally clear at that point why Malachy thought he had a right to the license but regardless the licensing body ruled that it was Hickey's license not Hardimans.

Subsequently in the next year it appears that before end of that 1857 licensing period, which ran from July 1857 through to June 1858 that on the 23<sup>rd</sup> June 1858 it was reported at the Central Police Court that *“ .. Matthews Hickey, publican, [was] proceeded against .. by inspector Quirk – for having abandoned [his] .. licensed house as their usual place of abode, whereby they had forfeited their license.” [70]*. The record shows that Hickey applied, No. 387, for a renewal of the Gavan Duffey Hotel in April 1858 [71] for the next licensing period July 1858 to June 1859 but having failed to occupy the premises he forfeited.

Meantime while Hickey was applying to have his licence renewed in April of 1858, Malachy appeared to be in physical possession of Gavan Duffey Hotel in that March when on the 16<sup>th</sup> [72] and 20<sup>th</sup> [73] of March 1858 he advertised the Hotel for let. Then again in June [74] and then in July 1858. By Hickey forfeiting the license for the Gavan Duffey Hotel in June 1858 not only was Hickey unable to run it as a licensed premise, but anyone else would not be able till the next annual licensing period which was not till May 1859 for the July 1859 to June 1860 period. Malachy had a Hotel where he could not serve liquor – a pub with no beer on his hands. Although he astutely didn't style himself as the Publican of the establishment when he was offering accommodation because as seen earlier Hickey still held the liquor license at that point:

*“TO LET, that well-known established Public-house, the Gavan Duffey Hotel, at the corner of Bay and Ultimo streets, Glebe. For all particulars apply to MALACHI HARDIMAN, No 53, Parramatta street.”*

So somehow Malachy managed to legally get physical possession of a dry Hotel by that March. It was a hollow pyric victory over Hickey. Malachy although physically occupying a, *“well-known established*

*Public-house*”, still didn’t have a license to sell liquor and renting an odd room now hardly being financial compensation for the costs of running it or paying for whatever mortgage and interest he had taken on to buy it. The hotel must have been a financial sink hole for Malachy.

The root cause of Malachy’s troubles seems to be that he managed to buy a hotel sometime before May 1857, thinking that he was getting the Publican’s license with it but instead he was stuck with a building and Hickey holding the license separately refusing to give it up. He should have read or had read the small print but unfortunately, he was illiterate.

In the same period, that Hickey vainly tried to renew his hold onto the Gavan Duffey Hotel license, Malachi had applied for on the 27<sup>th</sup> of April 1858 to be granted a license for another Inn as well, the Red Bull, formerly known as the Horse and Jockey Inn, in Parramatta Street [75]. Which he must have previously purchased before April 1858 in order to have applied for a license over it. Even there he would not be able to sell liquor at the Red Bull till the first of July 1858 when the license would then cover him till the end of June 1859. Malachy now had two Hotels mortgages to maintain from April 1858 with no solid income coming in from either for 3 months. Malachy’s cash flow was in trouble.

Throughout the end of 1858, from June [76] through to August [77], Malachy volunteered as a committee member for the Donegal Relief Fund [78] which was to raise funds for persecuted and poverty-stricken Irish Catholics of Donegal to immigrate to Australia. At least 8 shiploads were assisted to immigrate through the scheme. The stories of the deprivations inflicted on these people because of the actions of their landlords would have struck home its injustice to Malachy a former Whiteboy himself.

Happily, the end of 1858 would be celebrated on the 27<sup>th</sup> of December [79] with Christmas Amusements at the Red Bull Inn:

*“CHRISTMAS AMUSEMENTS, on the 27<sup>th</sup> DECEMBER, by MALACHI HARDIMAN, at the rear of the Red Bull Inn, Parramatta-street  
Climbing the greasy pole for a new hat; sack race for a new hat, pig race with a greasy tale; together with other amusements.”*

As the saying goes it’s all laugh and giggles till someone gets hurt. Whether or not they had any inkling of their cash flow issues, the following year, 1859, was to prove to be rather hurtful to the Hardimans.

## Insolvency

Before any creditors appeared on the scene the bad luck was to start on the 18<sup>th</sup> of January 1859 [80] when Mrs. Hardiman was verbally abused, and Malachy was violently assaulted by one of the Red Bull's patrons:

*“Robert Emms was charged with having assaulted Malachi Hardiman, of Parramatta-street, publican. Complainant stated that last night defendant came to his house and called for a glass of ale, which was supplied to him, but for which he refused to pay, and was by complainant put out of the house; not long after he returned with another person, asked for and was supplied by Mrs. Hardiman with two glassed of ale; witness went out of the bar lest his presence should excite defendant to become noisy; ere long heard defendant making use of bad language towards Mrs. Hardiman, and returned to the bar; defendant had put down a shilling in payment for two glasses of ale, and Mrs. Hardiman had given him 3d. change, taking for the three glasses supplied to defendant's call; as he continued to be noisy and abusive witness again put him as gently as possible out of the house; defendant struck him a violent blow in the mouth – whether with his fist or with the whip he carried, witness could not swear – cutting his upper lip severely, and causing a considerable loss of blood, and tore his (witness') shirt to bits; a constable came up, and witness gave defendant into custody. To pay a penalty of 3 Pounds or to be imprisoned fourteen days. Mr. Shuttleworth, who conducted the complainant's case, asked for costs, and the bench awarded costs 20s., to be paid in addition to the penalty”*

Within two months of the assault incident on the 31<sup>st</sup> of March 1859 [81] Malachy's cash flow issues came to a head and his creditors pounced. His assets were frozen for distribution. His assets being listed at the insolvency Court the following day as [82]:

### *“SURRENDERS*

*Malachi Hardiman, of Parramatta-street, Sydney, licensed victualler. Liabilities, 1780 Pounds, of which 1000 Pounds is secured on mortgage, Assets – 1700 Pounds, which includes the property mortgaged. Deficit, 80 Pounds. F.W. Perry, official assignee.”*

At some point towards the end of 1858 and the beginning of 1859 Malachy's beset by mortgage payments an insufficient cash flow his outgoings had exceeded his incomings and he had been unable to service his debts. His creditors swooped and his assets had been frozen awaiting distribution to his creditors.

In spite of his insolvency, he was able to renew his license again for the Red Bull on the 23<sup>rd</sup> of May 1859 [83] covering its licensing till June 1860. Four months after having his assets frozen and while the Insolvency Court was going through its motions, things got even more complicated. On the 18<sup>th</sup> of July 1859 Malachy landed in the Central Police Court accused of the serious charge of selling liquor without a license, the offence said to have occurred on the 6<sup>th</sup> of July [84]:

*‘Malachi Hardiman, of the Glebe, pleaded guilty to an information charging him with having, on the 6<sup>th</sup> July, suffered to be sold to one John Carroll, “a certain quantity of spirituous liquors, to wit, wine,” he then not being licensed so to do, and was sentenced to pay a penalty of 30 Pounds 3s. 6d. costs, or to be imprisoned seven days. Hardiman is, and was, a licensed publican, bat had removed his*

*business from one house to another, and commenced to sell before the removal had been sanctioned by the bench of magistrates. Their worships intimated their willingness to recommend an application for a remission of the sentence, being, as they believed, an error of judgement rather than a wilful violation of law.'*

Malachy's assets had already been frozen, and he was keen to make money in July as soon as possible hence the oversight on his part. Having thus been fined he would have been on no position to pay the penalty of 30 pounds with 3 pounds 3s. 6d. costs so he would have had to serve the 7 days in prison. In spite of the pleas for a remission of the sentence due to it obviously being an error of judgement. Malachy after being a free man for 12 years would once again be a sentenced prisoner. In this case locked away in Darlinghurst Gaol for 7 days starting on the 18th of July [85]<sup>5</sup> to be released on the 25<sup>th</sup> of July 1859

New South Wales, Australia, Gaol Description and Entrance Books, 1818-1930 for Malachi Hardman  
Description Book > Darlinghurst > 1855-1860

NO.	NAME	CON.	SHIP.	WHERE BORN.	RELIGION.	TRADE.	AGE.	HARR.		MAKE.	COM. PLEXION.	Color of		EDUCATION.
								Feet.	In.			Hair.	Eyes.	
	1859 Malachi Hardman		Eliza	Galway	Cath		43	5	7			Grey	Blue	R&W

NO.	1681	AGE	43
NAME	Malachi Hardiman	HEIGHT	5 Feet 7 In
CON	---	MAKE	---
SHIP	Eliza	COMPLEXION	---
	[18]32	COLOR OR HAIR	Grey
WHERE BORN	Galway	COLOR OF EYES	BLUE
RELIGION	Cath	EDUCATION	R&W
TRADE	---		

Figure 12: Malachi Hardiman's jailed for selling liquor without a license.

A week after being in Darlinghurst Gaol, on the first of August [86] the Insolvency Court passed some judgements concerning Malachy's estate. He was "directed to retain the remainder of his furniture in his possession, and to sell the equity of redemption in the Gavan Duffey Hotel, and four small cottages in Bay-street, Glebe, now mortgaged to William Nash".

Malachi obviously desperate for some kind of income, advertises on the 5<sup>th</sup> of August 1859, "TO LET, a PUBLIC-HOUSE, license, and good will situated in a good locality in Bay-street, Glebe, known as the Red Bull Inn. Malachi Hardiman on the premises [87]". Within a week of this add, on the 12<sup>th</sup> of August 1859 the bulk of his property was advertised to be sold off by public auction, as directed by the Insolvency Court, to cover his debts [88]:

<sup>5</sup> The actual day month of 1859 for his record in the Entrance Book is not shown. But the entries for the previous and subsequent year show a monthly order for entries implying that convicts were record sequentially as they were gaoled. With that assumption, Malachi is Entry Number 1688 of 2724 for 1859 or 61% into the year. Assuming entry was a steady stream of individuals through the year this places him being gaoled about 61% into 1859 in about July. This date estimate was then confirmed by his 18<sup>th</sup> July 1859 sentencing at the Central Police Court [See 85].

**In the Insolvent Estate of Malachi Hardiman.**

**By order of the Official Assignee.**

**EXTENSIVE FREEHOLD PROPERTIES,  
BAY and GLEBE STREETS, GLEBE.**

**R.** P. RICHARDSON has received instructions from F. W. Perry, Esq., to sell by public auction, at the Rooms, Bank-buildings, George-street, on FRIDAY, 19th August, at 11 o'clock,

All that piece of land at Blackwattle Swamp, parish of Petersham, being part of a grant of 3 acres 1 rood and 1 perch of land to one Edward Owens, of date 27th October, 1848, commencing at the north-west corner of the grant, and bounded on the west by the east side of Bay-street, 192 feet, on the south by a line 100 feet, on the east by a line 192 feet, and on the north by a part of the south boundary of the said grant, being the southern side of Glebe-street, 100 feet to the commencing point, on which are erected

**LOT 1.—THE RED BULL**, formerly the Horse and Jockey Inn—most extensive stone-built premises, at the corner of Bay and Glebe streets, containing bar, 8 rooms, cellars, large yard, stabling, &c, presently occupied by Mr. Hardiman.

**LOT 2**—The premises occupied by Mr. Scutts, No. 40, BAY-STREET, consisting of SHOP and stone and brick built COTTAGE of 4 rooms, with yard and extensive stabling, now let for £52 per annum.

**LOT 3.—Two COTTAGES**, Nos. 42 and 44, BAY-STREET, stone-built, containing each 3 rooms and a kitchen; also, a building containing two rooms, being intended for kitchens for two other cottages. The whole being let for £80 12s. per annum.

The above are all most substantially built, and are situated in a populous and improving neighbourhood.

For further information apply at the Rooms; and for particulars of title apply to D. H. DENIEHY, Esq., solicitor, Elizabeth-street.

Figure 13: Malachi Hardiman's estate listed on the 12<sup>th</sup> of Aug 1859.

One of the four cottages mentioned on the 1<sup>st</sup> of August appears to have already been gone before this auction and the Gavan Duffy Hotel not being listed must have already had "its equity of redemption" sold before as instructed. The Red Bull did not sell at the 12<sup>th</sup> of August auction. Still not yet discharged from his debt obligations on the 19<sup>th</sup> of September he once again advertises to let the Red Bull [89].

*"TO LET, a PUBLIC-HOUSE, License, and goodwill, situated in a good locality, known as the Red Bull Inn, Bay-Street, Glebe. Apply at MALACHI HARDIMAN'S, on the premises. Terms, moderate."*

To keep some kind of income coming in on the 21<sup>st</sup> and 22<sup>nd</sup> of September Malachy advertises a bargain priced Baker's Cart to raise money [90].

Finally, after seven long months since March, Malachy on the 4<sup>th</sup> of October 1859 [91], finally received his 'Certificate of Discharge' meaning that although insolvent he was now discharged from any further financial obligations.

Before the expiration of the 1859 Publican's license for the Red Bull in June 1860, Malachy had transferred the license to one Alfred Byrne by the 22<sup>nd</sup> of March 1860 [92], who then took over the Red Bull from that point onwards.

From the sale of the Red Bull in mid-1860 Malachy ceased to be a publican and returned to focus on his bread-and-butter skills of being a builder and stonemason.

## Malachy the Builder and Stonemason

Malachy as a Stonemason and builder would have spent the first years of his pardon in 1847 still working at his trade.

His reputation must have grown to the point where by the year 1848 a significant building project came his way. The appreciation for the work he did on this build would serve Malachy in good stead and help him make acquaintance with and gain the respect of several influential people in Sydney. Referring to this period in 1869 [47], Malachy wrote that,

*“After carrying on a deal of work in the City of Sydney in the year 1846  
I built the Country Residence of John Baley Darvell esq at Ryde”*

Noting that the year of this work, recalled from Malachy’s memory in 1869, more likely occurred in circa 1848 not 1846 as Darvall did not own the land till c1848<sup>6</sup>. Sir John Bayley Darvall was a Queens Counsel, Australian Barrister, politician, and member of the New South Wales Legislative Council. The house that Malachy built for Sir John was most likely ‘Cleves’, a house and estate that was located at Kissing Point in Putney a riverside suburb one of 16 suburbs that now form the city of Ryde in Sydney.

*“Cleves was a fine stone house near the waterfront and was originally built by John Bayley Darvall, the son of Major Edward Darvall who had come to the district in 1840, and acquired the site for Cleves in 1848, later giving it to his son.[93]”*

Charles Blaxland, a pastoralist, becoming the owner of Cleves in 1852 where he lived in his gentleman’s residence till his death in 1888. The house was eventually demolished in 1926 [94].

Malachy states that *“he built the country residence”* in his 1869 [47] letter which statement can be remarkably confirmed back in 1854 when the very same Sir John Bayley Darvall, QC, stood for Malachy’s defence at the Central Criminal Court. Sir John himself then giving personal testimony on behalf of Malachy’s character, *“stated that he had known Hardiman for some years, and .. he had entrusted extensive works to his construction without the intervention of an architect”* [95]. More on this interesting legal saga later. It is interesting to add to Malachy’s statement of building this *“fine stone house”* that Sir John states the Malachy was the actual builder *“without the intervention of an architect”*, Malachy doing the architectural side of the building himself.

Meantime 1850 saw another mystery letter arrive at the General Post Office for a *‘Malrey Hardiman, near Glebe’* [96]. Once again, the senders are unknown.

Sir John was impressed enough with the work that Malachy did in building Cleves that he referred him in pre 1851 to his close associate, Sir Charles Nicholas, another member of the House of Legislature. Malachy’s 1869 [47] letter describes the work that Sir Charles needed a builder for:

*“... John Baley Darvell esq .. then recommended me to So Charles Nicholson  
to build Sir Charles Library that is at present St Vincents Hospital”*

In the way of explanation of the connection to St. Vincent’s Hospital and what this work Malachy entailed its necessary to understand the back story.

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<sup>6</sup> Another source states that the land was purchased by by Sir John Bayley Darvall’s father in 1848 for his son and that Cleves was built c1848. See [Link](#).

Sir Charles Nicholson purchased a property known as ‘Tarmons’ from His Excellency Major General Sir Maurice O’Connell. The house was a two storied verandahed residence made of sandstone and panelled with cedar. There was a reception room to the right of the entrance that led to a ballroom that was 48 feet (14.6 metres) in length. This was a ballroom that Governor Macquarie and his wife frequented and that the hostess of the house, Governor Bligh’s (of the mutiny of the bounty fame) daughter was the host of. Herself being a character of great interest especially how she single handily stopped the Rum Rebellion through the violent application of her broolly to the ringleader’s head. A tale for another time.

Sir Charles wanted to convert the ballroom into a library. Hence Malachy’s statement that he built the library for Sir Charles. Sir Charles being a well-known antiquarian the library being therefore of particularly great personal interest to him.

The story continues, *“The first twelve years of [St. Vincent’s] Hospital’s existence were spent at Tarmons, Potts Point, the former home of Sir Charles Nicholson (q.v.), Speaker of the Legislative Council and one of the founders of the University, before moving to the present site in Darlinghurst”* [97]. Sir Charles, after his Ballroom renovation, had gone back to the United Kingdom in 1855 and his former home that Malachy had renovated was then purchased on the 5<sup>th</sup> of March 1857 with the deed of the property handed over to the Sisters of Charity [98]. The Sisters of Charity opened their new hospital on the site on the 25<sup>th</sup> of August 1857 converting the library Malachy renovated into a chapel for their use. No doubt Malachy would have approved. The first location for St. Vincent’s was to end with the St Vincent’s School opening there also at Tarmons and the need to expand for more rooms. St. Vincent’s Hospital would have to be moved elsewhere. The new hospital was built on land at Darlinghurst and relying solely on financing from Subscriptions, including a donation from Malachy himself on the 19<sup>th</sup> of February 1859 [99]. The new St. Vincent’s Hospital, which is still operating today, was opened in October 1870. The Tarmons, its first home, being eventually demolished in the 1960’s.

Malachy’s 1869 [47] letter continues that after successfully providing Sir Charles with his library he then was referred by him to do another important building project,

*“Sir Charles Nicholson recommended me to the National Board to build the National School in William St which I finished in the year 1851”*

Fortunately, the National School building still stands today, protected by the National Trust, and is now part of the Australian Museum in William Street Sydney [100].



Figure 14: The former National School building in William St built by Malachy in 1851 and now part of the Australian Museum.

Although Malachy was the builder it's reasonable to assume, based on a statement in Malachy's 1869 [47] letter, that James Hume Esquire the architect had a leading hand in its design,

*“the late James Hume esq architect [being] a gentleman I worked under for 20 years”*

No doubt there were other projects as well that the seal of approval from an accredited architect was required for, the “20 years” taking him back to almost his whole independent building career since his conditional pardon in 1847.

Sydney, indeed, the whole of Australia was about to have a sudden shock. On the 12<sup>th</sup> of February 1851 Australia's Gold Rush began with John Lister finding five specks of alluvial gold in Summer Hill Creek district, between Bathurst and Orange in NSW and the city of Sydney emptied of able-bodied men. We know that Malachy was able to resist the lure and stay in Sydney as he overly contractually committed to building work that year. Certainly, as indicated when in May 1851 on the 12<sup>th</sup> [102] he advertised that he had lost a cheque for 30 pounds – a significant amount:

*“TEN SHILLINGS REWARD - Lost, on Saturday last, between Woolloomooloo and George-street, a cheque, on the Bank of Australasia, dated May 9th, for thirty pounds, drawn by Henry Chatto, in favour of Messrs. Hardiman and Clune; payment has been stopped at the Bank, so it can be of no use whatever to the party finding it. MALACHIA HARDIMAN, Builder, Bay-street, Glebe.”*

This was a build that Malachy referred to in his 1869 [47] job application, that he completed after building the National School in William St i.e.:

*“the National School in William St which I finished in the year 1851 I then built the late Henry Chatto esq residence in Pitt Street Redfern”*

The cheque being a down payment for the work knowing from other sources that he was still supervising internal carpentry and joinery work as late as September that year. This is known as all did not run smoothly with the build of Henry Chatto's house at Redfern. Malachi Hardiman had contracted with John Yard and Robert White as carpenters and joiners, Malachy himself no doubt doing or supervising the stonework for the building. As it became evident from charges brought against Yard and White, they had skipped with the money they had been paid in advance and neglected to finish the job as of the 3<sup>rd</sup> of September 1851 [103] when Malachy subsequently had them bought before the Police Magistrate:

*“BREACH OF CONTRACT. – John Yard and Robert White were placed at the bar, charged by Mr. Malachi Hardiman, residing at the Glebe, with neglecting to complete carpenter's and joiner's work, according to written contract between the parties. The prosecutor stated that on the 17<sup>th</sup> June, the prisoners had contracted as carpenters and joiners, to perform certain work in a house situated in Redfern [i.e. Henry Chatto's], for the sum of 36 Pounds. The prisoner had drawn the whole amount of the money, and neglected to finish their job, and he (the prosecutor) had reason to believe that they intended to quit Sydney. The prisoners set up a defence that extra work had been put on, and that they could not work any longer, unless they received more money from Mr. Hardiman, as it was impossible to live long upon air. Mr. Hardiman, at the suggestion of the bench, consented to allow the prisoners, each five shillings per diem, for the term of six days, if they would return and finish the contract, which he stated, they could perform in the that time.*

*The prisoners hesitated as to whether they should accept their employer's offer, or submit to the alternative proposed by the bench, of being committed to prison for three months. Eventually, their worships adjoined the case for one week, in order to afford the prisoner an opportunity of completing the contract, if disposed so to do. The prisoners were then realised from custody."*

From this court case we know that Malachy had been working on the Chatto cottage at Redfern from before May when he lost Chatto's cheque, still on the 17<sup>th</sup> of June when he paid the Carpenter and Joiner and that it had not quite been finished as of the 3<sup>rd</sup> of September, still requiring the fit out. Malachy consented to feed them via 5 shillings a day allowance for 6 days so they wouldn't have to "live long on just air" while fulfilling their contractual obligations.

Finishing under contract the work on the National School and also building a solid cottage in Pitt Street, Redfern would have kept Malachy committed to work in Sydney without being free to seeking his fortunes during the 1851 Gold Rush.

Malachy's active and prominent involvement in local politics is seen to be evident when on the 12<sup>th</sup> of August 1851 we see him proposing [104], which was then seconded, for Mr. Thurlow to be the representative for "the Hamlets". This was at a crowded meeting of the electors of Redfern held at a Mr. Anderson's Inn in Redfern where "Mr Thurlow addressed the meeting at great length in the course of which he was repeatably and loudly applauded". The fact that he had the important role of proposing Mr Thurlow for the role shows at how high a standing amongst his peers that the 30-year-old "Mr Hardiman" had attained to by 1851. Mr. Thurlow was to kindly return the favour in 1854 when he was to defend Malachy in court.

Malachy appears as an ongoing attendee at in similar meetings up and unto at least September through December 1860 [105] when he was party to supporting a William Palmer Moffat's nomination to represent the Glebe and Balmain Hamlet. After his financial troubles between 1859 and 1860 Malachy appears to walk away from local politics as there is no record of him being actively involved after that. Previous to this, Malachy's role as a grass root rebel rouser had made him a valuable asset for those wishing to place their allies in Government from the Ultimo Glebe area. Likewise, to attempt to garner support for a representative in his area not to his liking was perilous to one's political fortunes as will be seen later.

Sometime between 1852 and 1854. Malachy stated that in 1869 [47] that,

*"I then took the contract of the alterations and repairs required to be done in converting the old Building into the present Sugar Factory for the Australian Sugar Refining Company under the superintendence of the late James Hume esq architect a gentleman I worked under for 20 years".*

At this time, Robert Cooper, Malachy's former Master in 1852, had with " ... his partners, sold the distillery complex to the Australasian Sugar Company, later to be renamed the Colonial Sugar Refinery (CSR) for use as their main Sydney sugar refinery" [106].

The Australian Sugar Refining Company operated from 1852 up until 1854 when it went into liquidation. Sir Edward Knox then purchasing it in 1855 to become the iconic Colonial Sugar Refining Co (CSR) [107]. The fact that Malachy states that he did the alterations and repairs work for the Australian Sugar Refining Company implies that this would have had to be between 1852 and 1854 while the company operated and before it folded into liquidation.



Figure 15: Circa 1868: *The rear of Cooper's Distillery after CSR took over, 1868. Originally the Australian Sugar Refining Company buildings at Chippendale.*[108]

Malachy was employed by Edward Knox Esquire, sugar-refiner, and banker (Knighthood in 1898) [109] the owner of the refinery. The same Knox who would state in June 1854 that, “.. he had known .. [Malachy Hardiman] .. for five years, and had employed him on buildings of considerable [size] and he had paid him lately for some work two thousand pounds” [110].

Between March and April 1853, Edward Owens, Malachy's father-in-law advertised to sell 8 allotments off his “celebrated market gardens” the advertisement stating that “They are immediately in the rear of Mr Hardiman's property, and adjoin also that of Mr. Owens.” [111]

Based on the evidence it is likely that Malachy purchased at least one of these allotments. The fact that by 1859 [112], although living at the corner of Bay Street and Glebe Street in the Red Bull Inn, Malachy Hardiman was seen to own 3 cottages in a row also in Bay Street. The properties adjacent to each other at No. 40, 42, and 44. The advertisement in 1853 states that the 8 allotments for sale were “are immediately in the rear” of Malachy's home so it makes sense, based on Owen's advertisement, that Malachy already had his own cottage there in 1853 adjacent to his in-laws. So, from the sale he it is likely that he purchased an allotment off his Father-in-law and built an extra 2 stone-built cottages sited somewhere between the two allotments. The original Hardiman home that they had been in since at least 1849, as stated on his daughter Mary Ann's baptism record [113], being one of the 3 Cottages.

The allotment with 2 Cottages on it, No. 42 and No. 44 would be rented out for 80 pounds 12s. per annum in 1859. We know the 2 cottages were on the same allotment because that's how they were auctioned off as at the time, “Lot 3” not separately. The other cottage for sale in 1859 was on one allotment so was auctioned as Lot 1. It consisted of a Shop and a stone and brick-built cottage of 4 rooms, with yard and extensive stabling which let for 52 Pounds per annum in 1859.

Four months after Edward Owens was selling 8 allotments, in July 1853 [114] Malachy was advertising for sale an allotment of land in Brougham Street, Woolloomooloo along with “a large quantity of excellent loan” and “stone of first-rate quality”. All part of the sale.

The attempted sale of the land was not without its dramas. It appears that on the 15<sup>th</sup> of August that Malachy had called on a Mr. Abraham Polack, Auctioneer and employed him to sell the allotment. Malachy had signed a memorandum of contract stating the terms and conditions of the sale and had signed it with conditions that the reserve price would be 5 Pound per foot. It has also been agreed

that Polack would get 5 % commission. The day of sale had been duly advertised in the daily papers<sup>7</sup>. But after being put to auction could only draw bidding of up to 4 Pounds 15s. So, it was bought in, and Mr. Polack was instructed to try to sell it by private contract for the requested 5 Pounds per foot. Polack found a buyer at 5 Pounds several days later in a Mr. Norton Junior but after approaching Hardiman he at that point wished on taking the property out of his hands altogether. Although agreeing to pay advertising expenses Hardiman refused to pay the commission, the sale having fell through possibly because of the situation. All of this was raised at the Court of Requests, Polack v. Hardiman, on the 7<sup>th</sup> of November 1853 [115] when their respective lawyers debated the merits of either party's position. Malachy found himself without a sale (as an outcome) and still had to pay the commission anyway of 11 Pounds 7s. to Polack. Polack then spending the day in court proceeded with a similar complaint under Polack v Saddling, Polack on a winning run was then awarded 28 Pounds 5s. 4d this time!

Buoyed by his previous experiences in achieving justice against young vagabonds raiding his garden Malachi appeared yet again in the Police Court on the 16<sup>th</sup> of December 1853 [116] with another offender in tow.

*“May it please your Worship” said Malachi Hardiman of Blackwattle Swamp, “I can’t keep a single bit of fruit of no sort in my garden, on account of the young vagabonds of lads as are continually prowling about in our neighbourhood. On Sunday the garden was full of ‘em; so I crept round and pounced down upon ‘em like a hawk, but the only one I could clutch was the young one who stands before you. He had his pockets stuffed full of mulberries, and few people know how many were in his stomach.”*

The Police Magistrate responded:

*“Police Magistrate – What is the value of the stolen fruit?*

*Mr Hardiman – Can’t speak as to that.*

*Police Magistrate – Threepence?*

*Mr Hardiman – Can’t say.*

*Police Magistrate – A penny, a half-penny, a farthing? Were they worth anything?*

*Mr Hardiman – It is not the value so much as the principle.*

*Police Magistrate – What’s your name boy?*

*A Shrill Voice – Mike Hinnisey, plaz; just turned elivin.*

*Police Magistrate – Do you live with your parents?*

*A Shrill Voice – Father’s dead and mother’s bolted.*

*At the conclusion of this confession, little Mike, of the shrill voice, was discharged, with a warning, the fruits of which have to be seen”*

Malachy’s response was not recorded but I suspect, after this public humiliation in the papers that he kept a lower than usual public profile that week.

Another incident, in this case would have serious repercussions for Malachy happened the week before the mulberry theft on the 7<sup>th</sup> of December 1853. Malachy was going about what was probably a fairly standard delivery of worked stone to a building site. Malachi had sold and delivered stone to a certain Patrick Scott [117], a carpenter and free settler from Limerick who was working on building two houses at Newtown. A cheque drawn on the bank of New South Wales had been given in payment.

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<sup>7</sup> The only record of the Advertisements for the sale appear in July in the Sydney Morning Herald, a month before the Polack contract. Polack’s adds may have been in another publication not recorded.

Early in the New Year on the 9<sup>th</sup> of January 1854, Malachy took Scott to court for outstanding payment at the Court of Requests. With Hardiman the plaintiff and Scott the defendant. The suite being in regard to the following:

*“This suite was for stone sold and delivered, and the defendant swore that a Bank Cheque of 7<sup>th</sup> December 1853 (and its proceeds), which he had received from Scott, was for 20 pounds only, and that receipt which he had then signed and delivered was for this sum: whereas, in truth in fact, it was alleged that the payment was one of 40 Pounds, and the defendant had given a receipt for that amount” [110].*

Essentially Malachy had haggled the price of the stone up to 60 Pounds, and it would appear that a cheque down payment of 40 pounds had been paid by Scott on the day as he stated. The 40 Pounds later confirmed by the bank to Malachy’s surprise who had sworn under oath in court that it was just for 20 Pounds. The case that day was dismissed.

On the 29<sup>th</sup> of May late that year Patrick Scott, this time the plaintiff had Malachi before the court alleging that Malachi had, *“on the 9<sup>th</sup> January at the Court of Requests, wherein he was plaintiff and Scott defendant, committed wilful and corrupt perjury” [110].* Perjury is a very serious charge. This was based on fact that the statement Malachy had made under oath regarding the cheque only being for 20 Pounds whereas it had been proven to be in fact for 40 Pounds by the Bank. After three hours of deliberations the court was adjourned to the day after. Two magistrates adjudicating, their Worships Messrs Thornton and Wingate. Mr Graham conducting the prosecution and Mr. Brendan the defence.

As it was, they were not to meet again for another 10 days. In the interim a legal storm had collected around the perjury case. When they were to meet again on the 9<sup>th</sup> of June the legal pawns had been swapped out for knights. His Honour Mr Justice Dickinson now presided. The legal representative of the plaintiff was now to be the Attorney General himself. On his part to counter this formidable attack Malachy had also been able to swap out his defending lawyer, Mr. Brendan, with none other than his old acquaintance, Sir John Bayley Darvall a Queens Counsel, Australian Barrister, politician, and member of the New South Wales Legislative Council. This was going to be a clash of legal titans.

The attorney General opened the case *“with great force, commenting on the dreadful affects that would arise if such a serious offence [as perjury] went unpunished” [110].* He had felt it his duty to intervene in this case, as the two magistrates somehow were unable to pass effective judgement, he was there to see justice done. He even fired a shot against Malachy’s best defence, being his good character admitting that *“up to the present time, when this charge had been brought against him, the defendant had borne an unblemished character” [110]* but turning it into the very reason he should go down for committing perjury as his very character to date was, *“a fact that only rendered the charge more serious” [110].* A classic debating trick turning one’s strongest defence into a liability. But the defence had prepared well for the court battle nevertheless.

The facts of the case were presented. At one point Malachy was asked to read the receipt and it was stated that *“the witness was a very ignorant person who obviously read the receipt put before him with great difficulty” [110].* One suspects that his QC had previously coached him on how to be extra ignorant for the sake of the jury.

Malachy’s main defence besides that he was semi-illiterate and had made an honest mistake reading the receipt was his good character. In his defence besides the opening comments about him as a person by the Attorney General an impressive array of character references lined up, literally, to speak on his behalf.

Mr Darvall in responding to the facts presented made a most eloquent and powerful speech for the defendant and whom:

*“he stated he had known for as a respectable man for many years” [110]*

Not stated in the case was that Malachy had built Mr Darvall a cottage back in 1848, ‘Cleves’, which was overlooking the Parramatta River and Mr Darvall was sufficiently pleased with the result that he had then referred him to Sir Charles Nicholson his associate. The very same Sir Charles that was also now in court for his defence. Mr Darvall called forth said Sir Charles, speaker of the House of Legislature, as Malachy’s first character witness, who stated that:

*“..he had known Hardiman for some years and knew him to be an honest and industrious man, he had entrusted extensive work to his construction without the intervention of an architect, and although he was illiterate and could hardly write his name, and was stupid in many things, he had found him correct in his accounts”[110].*

Sir Charles reference to “extensive works” being the renovation of ‘Tarmon’ House where Malachy had converted the old Ballroom into a library for him. Sir Charles being an antiquarian, was enamoured of his new 14m long library.

Edward Knox Esquire, Sugar Refiner and Banker (knighted in 1898), and future member of the Legislature was the next to speak on his behalf that:

*“..he had known the defendant for five years, and had employed him on buildings of considerable importance, and had paid him lately, for some work, two thousand Pounds, and he had found him to be an honest and correct man in his dealings, although illiterate”[110].*

The back story here was that Malachy had been quite familiar with Mr Knox’s refinery back when he was still a convict assigned to Robert Cooper before 1847, the owner at that time, who then had sold the complex to Edward Know Esquire in 1852. Knox in turn then contracted the job of modernising it to Malachy who was an independent builder in his own right by then. Knox appreciated the quality of the renovations on his refinery which produced such fine Gin.

William Thurlow Esquire, another Member of the Legislative Council, who owed to some degree his election to Malachy’s ability to drum up grass roots support then stated that,

*“he had known[the] defendant for some years, and knew that he was an industrious and honest man, respected and looked up to by all those who lived in the same neighbourhood as himself, and therefore knew him well” [110]*

A Mr Bryan of Parramatta-street, also certified to the same effect at which Mr Darvall about to call even more witnesses forward was stopped by the Jury who *“intimated that they were quite satisfied with the evidence already adduced as to the defendant’s character” [110].*

The judge summed at length, and after only a half an hour consideration returned a verdict of not guilty. The verdict was received with some demonstrations of applause which were promptly suppressed by His Honour. With the case dismissed, the no doubt relieved prisoner was discharged.

Malachy once again seeming to make a habit of misplacing cheques on the 11<sup>th</sup> and 14<sup>th</sup> October 1854 [118] [119], advertised a reward once again for a lost cheque to the value of 25 pounds - the finder to be suitably rewarded but with an undisclosed reward this time, i.e.:

*“NOTICE – Lost, on the 9<sup>th</sup> day of October, in George-street, between Market-street and the Post Office, a Cheque, drawn by Mr. James Robey, for twenty-five pounds,*

*payable to bearer, dated the seventh. Payment has been stopped at the Bank of New South Wales. Anyone finding the same will be rewarded by forwarding it to MALACHI HARDIMAN, Mason's Arms, Parramatta Road."* [120]

Malachy was living with his family at his Inn, the Stonemason's Arms, then in Parramatta Road.

Amusingly, the following year, there was a public demonstrating again his value to local grass roots politics. Malachy himself, who didn't seem to mind standing up and being the centre of attention, had the opportunity to publicly show his crowd rousing oratory skills, cutting wit, all underpinned by his recently legally certified good character. So, at yet another of his frequented local political events, this time electing a representative for Camperdown District on the 19<sup>th</sup> of Feb 1855 [121] Mr. Hardiman spoke forth disapprovingly of a Mr. Donaldson's nomination to the Sydney Hamlets Election, i.e.:

*"Mr. M. HARDIMAN said that Mr. Donaldson was far from being friendly disposed towards the labouring classes, and quoted some instances of too personal a nature to admit of their publication. He believed that when they had heard the promises just made by a gentleman like Mr. Campbell, who was an honourable man in every respect, the meeting was bound to take his word of honour and to give him a fair trial. But he hoped they would pause before electing a man like Mr. Donaldson, who disdained to come forward and solicit their votes. (Hear and cheers). The meeting was separated."*

Later in the same year on the 27<sup>th</sup> of September 1855 [122] Malachy unsuccessfully attempted to sell the Stonemasons' arms as he claimed, *"the owner wished to retire from business"*.

*"PUBLIC-HOUSE TO BE SOLD. – To be SOLD, the Goodwill of the Stonemasons' Arms, Parramatta-street, well known to be doing a good business, as the owner wished to retire from business. Apply to MALACHIA HARDIMAN, on the premises."*

This 27<sup>th</sup> of Sept. 1855 advertisement was literally the day after the completion of his latest building project. On the 26<sup>th</sup> the first passenger railway line in NSW was officially opened, the Main Suburban Line, operating between Sydney to Parramatta [123].

*".. then I agreed [after building Henry Chatto's house in Redfern] with Mr Randle Railway Contractor and Mr Wallace<sup>8</sup> the engineer of Railways to do the stonework of the Bridges and culverts which I did to Newtown"*

Four passenger stations were located along the line one at Newtown, Ashfield, Burwood and at Homebush. Malachy had been contracted to work on the stonework of the bridges and culverts for the first section all the way through to Newtown. This being part of the foundations placed on the per way to lay the ballast and rails over.

Nine months after his railway project, Malachy, advertised to sell building material on the 21<sup>st</sup> of June 1856, as in *"TO BE SOLD, THIS DAY, a quantity of Flagging and Hearthstones, at the corner of Parramatta-street, Newtown Road. Apply to Mr. M. Hardiman"* [125]."

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<sup>8</sup> Wikipedia: *"The original engineer appointed was Francis Webb Shields, an Irishman. He persuaded the New South Wales legislature to pass an Act on 27 July 1852 requiring all railways in the colony to be of 5 ft 3 in (1,600 mm) gauge. This was the gauge in use in Ireland and is now referred to as 1,600 mm gauge. After Shields resigned due to difficulties, a Scot named James Wallace was appointed. Wallace persuaded the legislature to repeal the previous act and replace it, on 4 August 1853, with one requiring a gauge of 4 ft 8+1/2 in (1,435 mm) - the current standard gauge. (Unfortunately for Australia, the legislation requiring the broad gauge had been noted in the colonies of Victoria and South Australia and some rolling stock ordered.)"* See [124]

In April 1857 [126] Herdt and Hardiman by their attorney registered an interest of 396 Pounds 17 s. in the insolvent estate of one Harold Selwyn Smith Esquire, of William Street, Sydney, merchant. A total debt claimed for all the creditors being in the order of Fifty thousand pounds. Although the outcome is uncertain, an insolvency generally would only return pennies on the pound to any creditors, Mr Herdt and Malachy included. This would have hit both of them badly as they would have been out of pocket for sunk wages and building material.

Besides these major works Malachi stated in 1869 [47], with no specific dates, that he had *“also put St Peters church under thorough repair at Newtown for the Rev Dr Steel and several work[s] in connection with St Marys and St Benedicts Churches”*.

### **Post 1860**

In spite of the selloff of the bulk of his Assets in late 1859, Malachy still managed to be living with his family and pregnant wife in Bay-Street in 1860, presumably at the Red Bull Inn which somehow, he managed to still control at that point. His wife gave birth to a baby girl, Bridget Hardiman born at home on the 13<sup>th</sup> of May 1860. As previously noted, the Red Bull Inn was sold to an Alfred Byrne on the 2<sup>nd</sup> of March 1860 to which event they would have had to vacate the Inn.

Malachy would return to his trade but once again fall into insolvency again in July 1861 falling foul to presumable a different set of creditors. After his mothers-in-law’s death in 1857 Edward Owen was to take a trophy bride the same year, Agnes Price, in her early twenties through whom he started a second family. His first daughter Anne now Mrs Hardiman was not to like the arrangement and this was to blow up eventually into a very public row. From the fact that he wiped any reference to a first family on the birth certificates of the children of his second marriage, Edward Owens had sided with his new family and disowned Anne and disavowed ever having a first family at all.

James William Hardiman, their tenth child was born in Bay-Street on the 28<sup>th</sup> of March 1862. The Hardiman’s bankrupt twice would sell up in September 1862, leaving Sydney and in disgust selling what furniture they had left and heading off into the country. Not gone for long they are back living in 42 Bay Street Glebe in 1863. In 1863 he appears to be still living back in one of the cottages in the Sands directory as *“Hardiman, Malachi, stonemason, 42 Bay-St. [Glebe]”*. Then off to Yass, where he had been thinking going for a while having made inquiries in June 1860, where he was to eventually to be given a job as a Gaol Warder in Yass in August 1864. That apparently not working out as a long-term career move, moving back to Sydney by 1865 living in Camperdown. By 1869 they were living back in Glebe in 6 Johnson Street. Malachy continuing to pursue his work as a builder as evident by his application for work with Sydney Council in 1869 [47] wherein he provided a detailed summary of his major work projects for the previous 20 or more years.

When Edward Owen’s, Malachy’s father-in-law finally died on the 31<sup>st</sup> of May 1872 the whole festering antagonism between the factions in the family, ultimately focused on the large land holdings of the late Edward Owen, would blow open in court in 1873 which would not end well for the Hardimans.

Malachy would continue working around the area and notably doing the odd job for local councils it would appear up and through the 1870’s as the occasional Newspaper Tender and Sydney Council minutes attest to. Tragically many of his children would die relatively young and unmarried.

Two of his daughters would marry in Sydney. One of them my GG-Grandmother, Emma Hardiman. Myself fortunately being able to personally Emma’s youngest daughter, my “Great Auntie Vera”, nee Hilda Veronica Hill. Who when speaking of Malachy Hardiman her grandfather, said, *“She knew he used to be a Publican and went bankrupt and that they used to own a cottage and shop where Grace*

*Brothers now stands [now a Hotel]. The family also used to own the Horse and Jockey pub” – which they did renaming it the Red Bull. Confusing it with the well-known establishment of that name in Randwick. But true that some of Malachy’s family did move to Randwick, even having a Hardiman Avenue named after the family in Randwick.*

Malachi Hardiman passed away at his home on the 27<sup>th</sup> of March 1883 in Athlone Place in Glebe. His wife to follow on the 21<sup>st</sup> of December the same year.



Figure 16: Photo of Malachi Hardiman’s gravestone at Rookwood - courtesy of Joy Cummings 26<sup>th</sup> October 1984.

**Malachy and Anne Hardiman (nee Owens) had 11 children and 34 Grandchildren.**

1. John Hardiman was born John married Elizabeth Mc Carthy on the 22<sup>nd</sup> of May 1864 at East Maitland, NSW. They had 8 children, Malachi (1865 – 1920), Margaret (1866 – 1866), Thomas (1868 - 1905), Catherine (1870 – 1919), John Joseph Hardiman (1874 – 1941), Daniel (1880 – 1883), Mary Josephine (1882 – 1941), Joseph Peter (1886 – 1966). John Hardiman died aged 63 years on the 27<sup>th</sup> of October 1907 in Randwick, Sydney, NSW.
2. Edward Hardiman was born on July the 3<sup>rd</sup> 1846. Edward died aged two and a half years on the 21<sup>st</sup> of January 1849 in Glebe, Sydney, NSW.
3. Mary Ann Hardiman was born on the 10<sup>th</sup> February 1849. Mary Ann married William Schrader in 1872. They had two children, Louisa “Lucy” (1874 – 1955), Sarah Ann “Annie” (1875 – 1951). William died in 1876. May Anne remarried to an August Johan Friedrich Hagenow (Hogno) in 1880 at Walcha. They had 6 children, Emma Mary Anne (1880 – 1959), Albert Charles (1882 – 1969), Alice (1884 – 1969), Caroline “Lina” (1885 – 1951), Malachi August (1887 – 1955), August Harry (1889 – 1980). Mary Ann Hogno (nee Hardiman) died on the 10<sup>th</sup> of January 1918 in Walcha, NSW.
4. Eliza Hardiman was born on the 1<sup>st</sup> of March 1851. Eliza died unmarried, aged 32 on the 1<sup>st</sup> of April 1882 in Sydney.
5. Thomas Michael Hardiman was born on the 5<sup>th</sup> of November 1852. Thomas died unmarried, aged 31 in the same year as his father on the 20<sup>th</sup> of August 1883.
6. Sarah born on the 14<sup>th</sup> of September 1854. Sarah married Francis Fagin on the 18<sup>th</sup> of August 1875 at St. Benedict’s Sydney. They had 10 children, Mary Ann (1875 – 1895), William (1877 – 1948), Emma (1878 – 1899), Francis (1881 – 1899), Sarah (1882 –), Theresa Elena (1884 – 1912), Catherine C (Kate) (1884 – 1887), John M (1888 – 1907), Agnes Gertrude (1890 -), Joseph A (1892 – 1910). Sarah Fagan (nee Hardiman) aged 39 died on the 30<sup>th</sup> of June 1893 in Sydney.
7. Johanna Born 1856. Johanna had two children out of wedlock, Thomas Hardiman in 1876 and John Hardiman in 1878. Johanna died unmarried, aged 33 on the 23<sup>rd</sup> of October 1889 in Newtown, Sydney, NSW.
8. Emma (Emily) was born on the 29<sup>th</sup> of June 1858 in Sydney, NSW. Emily married Joshua Hill on the 20<sup>th</sup> of August 1877 in Waterloo, Sydney, NSW. They had 10 children, Ann (1877 – 1878), Mary A “Marian” (1878 – 1957), Florence Elsie (1879 -1897), Arthur Joseph (1881 – 1911), John F (1882 – 1925), Joshua (1884 – 1925), Thomas Harold (1886 – 1887), Emma (1888 – 1953), James Arthur (1890 – 1940), Hilda Veronica (1898 – 1982). Emma Hill (nee Hardiman) aged 62 died on the 19<sup>th</sup> of June 1920 in Marrickville, Sydney, NSW.
9. Bridget was born on the 13<sup>th</sup> of May 1860 in Glebe, Sydney, NSW. Bridget had one child out of wedlock, Emma Hardiman in 1878. Bridget died unmarried in Sydney aged 22 years on the 25<sup>th</sup> of January 1882.
10. James William was born on the 28<sup>th</sup> of March 1862 in Glebe, Sydney, NSW. James married Mary Ellen Service on the 18<sup>th</sup> of June 1884 at St. Benedict’s Church, Sydney, NSW. They had one child John J Hardiman (1885 – 1932). James Hardiman died aged 42 on the 12<sup>th</sup> of February 1908 at Darlinghurst, Sydney, NSW. Mary Ellen Hardiman remarried a John W McCallum in Sydney in 1911.
11. Margaret was born and died on the 29<sup>th</sup> of August 1866 in Glebe, Sydney, NSW.

## Acknowledgement

Thanks, and acknowledgement to Paula Kennedy for contacting myself and offering an opportunity to contribute to the '*Remembering the Whiteboys of Galway – as per the Eliza 1832*' project. As a specialist consultant in Irish Ancestry of several decades based in Perth, Australia I was excited by the challenge this offered as well as the opportunity to fill in some of the blanks for my 3<sup>rd</sup> GG-Grandfather, Malachy Hardiman.

Paula Kennedy has made connections to some of the 24 convicted men's descendants and is in the process of trying to ascertain where in Galway specifically they came from, with the hope of reconnecting with their Irish cousins!

If you believe you could be related to any of these gentlemen, please support Paula Kennedy in this important work by contacting her:

Contact email for Paula Kennedy: [galwayancestors@gmail.com](mailto:galwayancestors@gmail.com)

Facebook page: **The Whiteboys of Galway – that travelled on the Elize Ship 1832** or

Facebook page: **Loughrea workhouse**

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