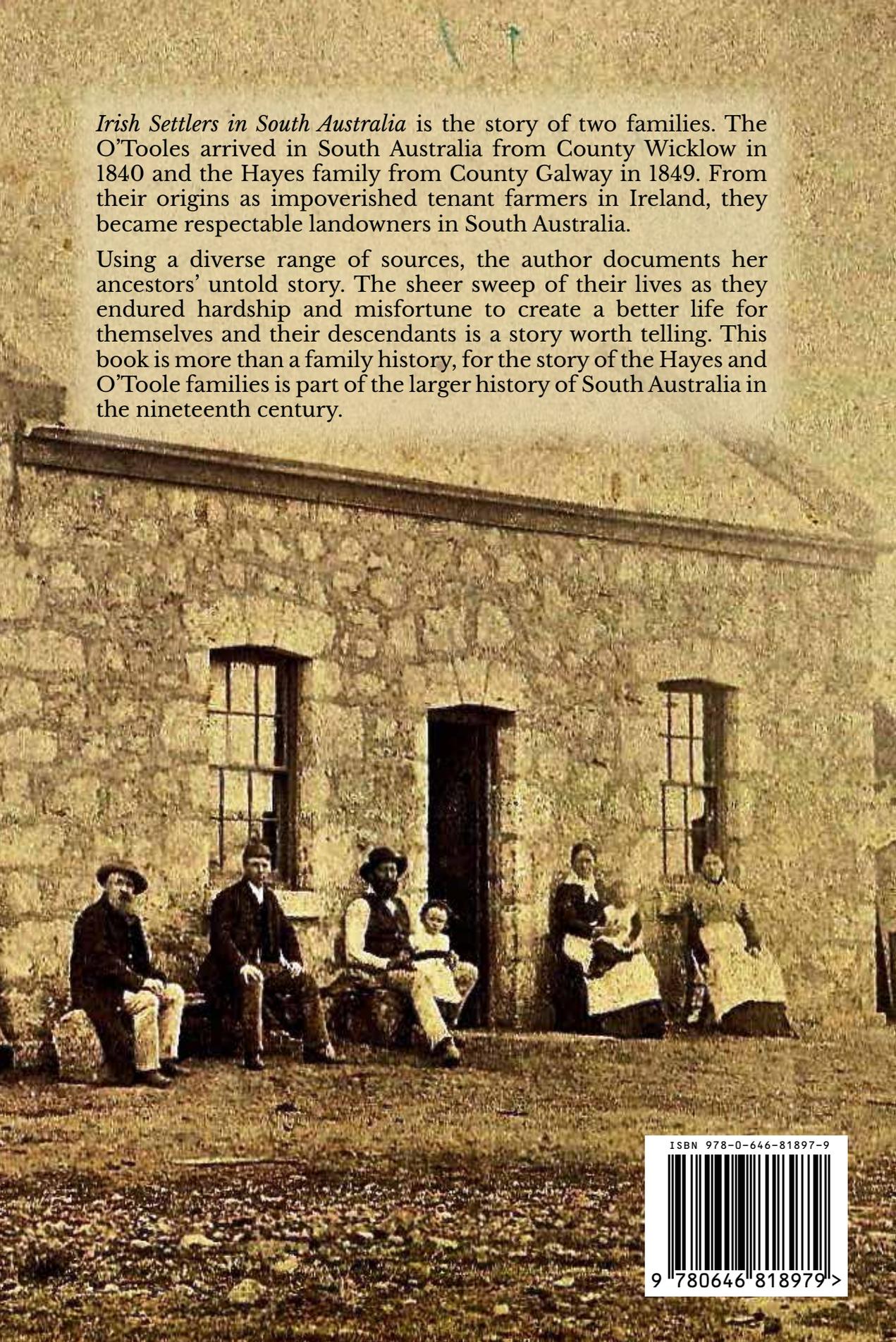
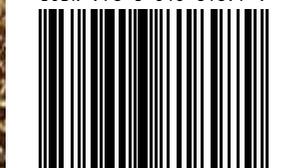


*Irish Settlers in South Australia* is the story of two families. The O'Tooles arrived in South Australia from County Wicklow in 1840 and the Hayes family from County Galway in 1849. From their origins as impoverished tenant farmers in Ireland, they became respectable landowners in South Australia.

Using a diverse range of sources, the author documents her ancestors' untold story. The sheer sweep of their lives as they endured hardship and misfortune to create a better life for themselves and their descendants is a story worth telling. This book is more than a family history, for the story of the Hayes and O'Toole families is part of the larger history of South Australia in the nineteenth century.



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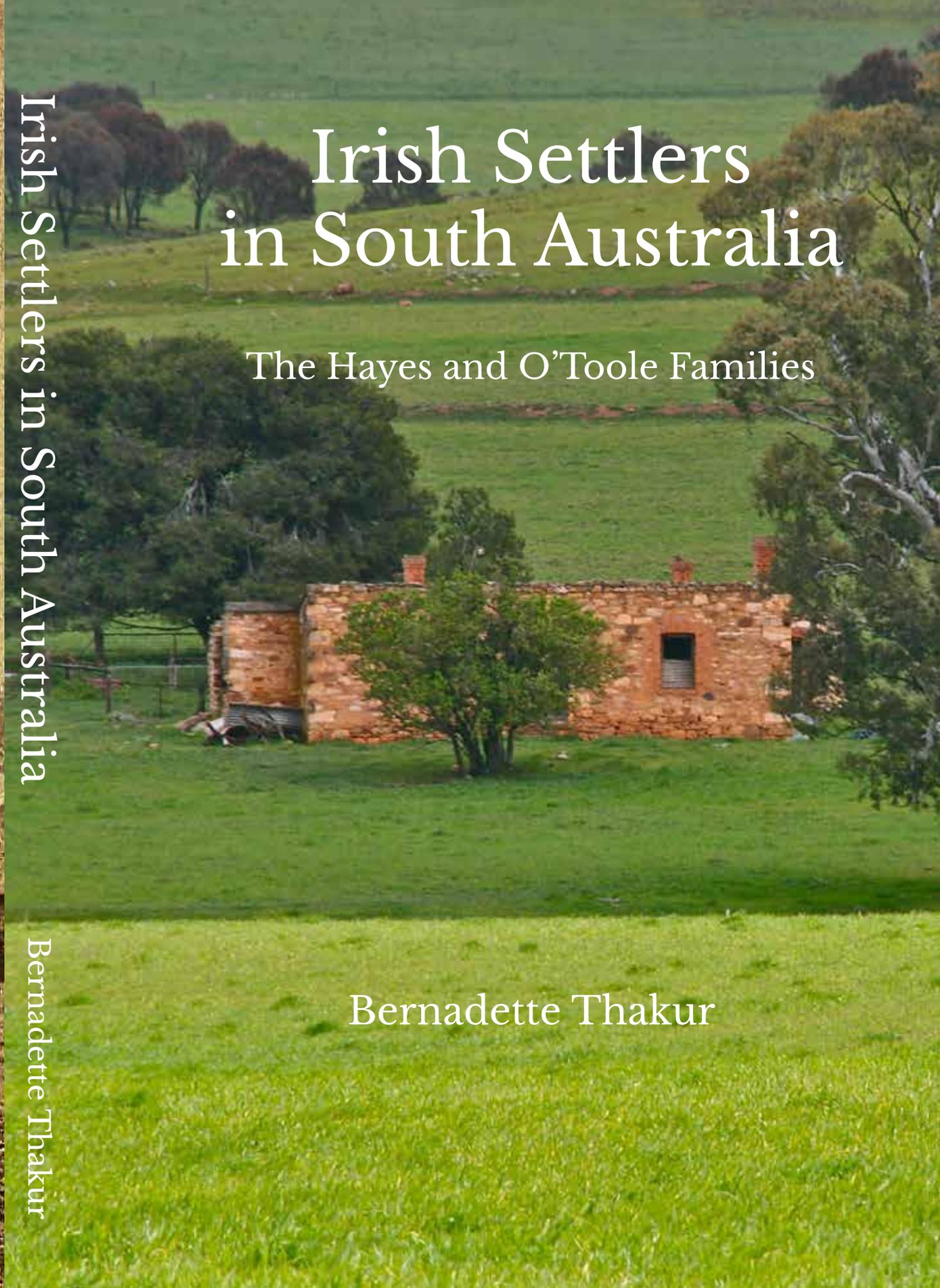
Irish Settlers in South Australia

Bernadette Thakur

# Irish Settlers in South Australia

The Hayes and O'Toole Families

Bernadette Thakur



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## 1

## County Wicklow



*Church and round tower at Glendalough. June 2018.*

The O'Toole family were the first of my Irish ancestors to arrive in South Australia. They arrived in 1840, before the Great Famine. My journey of discovery into the Irish origins of my ancestors began with the O'Toole family from County Wicklow. Along the way I learnt much about Irish history and geography and the challenges and frustrations of attempting Irish family history research.

### The O'Toole surname

The O'Toole surname is an Anglicisation of the Gaelic name *Ó Tuathail*, meaning 'ruler of the people'. The name's origins lie with a tenth century king of Leinster, Tuathail Mac Augaire, who died in 958 AD.

The O'Tooles were one of the great families of the province of Leinster. They ruled over the area which is now County Wicklow and County Kildare. The lineage includes an Archbishop who was also a saint, a heretic who was burned at the stake, and many formidable chiefs.

The original territory of the O'Tooles lay in County Kildare. The fertile and accessible plains of Kildare were taken by the Anglo-Normans following the invasion of 1171–72 AD. The O'Tooles, together with their northern Kildare neighbours the O'Byrnes, sought shelter in the Wicklow mountains and held their own there for 500 years.<sup>1</sup>

### Arrival in South Australia

On 7 July 1840 a small ship, the *William Nicol*, carrying 183 Scottish and Irish immigrants arrived in Adelaide. It was one of approximately 250 ships which arrived in Adelaide that year, bringing in 2,992 emigrants.

The *William Nicol* was the first ship to sail directly from Dublin to South Australia. On board were two generations of the O'Toole family: my great-great-great-grandparents John O'Toole and Catherine Byrne, their sons John and James and daughter Mary, and Dennis O'Toole, who may have been a younger brother or nephew of John O'Toole. Also among the party was my great-great-grandmother Ellen Murphy, wife of John O'Toole Junior.

It is highly likely that the O'Tooles heard about the assisted emigration scheme to South Australia from friends or acquaintances. There was an earlier group of emigrants from County Wicklow who left for South Australia in 1839. They had been sponsored by George Hepenstal, a lawyer and owner of the property 'Altindore' near Newtown Mount Kennedy, County Wicklow. They arrived in Adelaide on the *Prince Regent* on 25 September 1839. Among this group were Patrick Butler and his wife Sarah *nee* Naulty. The Naulty family was linked in later years by marriage to the Hayes and O'Toole families.<sup>2</sup>

The journey appears to have been a relatively comfortable one for the passengers – for a short while after arrival, letters expressing their gratitude to the captain and surgeon were published on the front page of the *South Australian Register*.<sup>3</sup> The letters, signed by upwards of 180 emigrants, assured Captain William Elder that if he ever revisited the New World, 'you will be received amongst us with all the warmth of an Irish welcome.' The letter records that the Scots and Irish passengers had lived in perfect amity and good-feeling. In the second letter the

After Goyder's Line was abandoned by the government, farmers rushed to buy land to the north and east outside the Line. Few realised at the time that an environmental disaster was underway, which would see hundreds of families financially ruined and displaced in the next few years, and thousands more doomed to a miserable existence for decades, tied by their credit agreements to marginal farms on arid land. Many credit purchase agreements were converted to agricultural leases on an annual rental basis; but other farmers simply walked off the land. The abandoned land, stripped of its native vegetation, was left useless for grazing. Even a century later, some of it had not fully recovered.<sup>26</sup>

Unfortunately John, James and Mary O'Toole were among those who bought land to the east of Goyder's Line. On 29 May 1879, John and James purchased adjoining sections numbers 54 and 53 of 194 acres and 451 acres in the Hundred of Parnaroo, County Kimberley.<sup>27</sup> Parnaroo was originally the land of the Ngadjuri people. The name Parnaroo is an Aboriginal word meaning 'rain of little stones.'<sup>28</sup>

On 24 August 1881 John purchased Section 75 of 396 acres nearby.<sup>29</sup> John and James O'Toole may not have heard of Goyder's Line when they bought this land. Fate was against them in another respect also, for they bought their land at the beginning of a severe drought which lasted for years. In 1881 Mary O'Toole followed her brothers to Parnaroo. What happened after that is a sad story of courage and misfortune.

## 6

## Dry Creek to Waterloo



*Approximate location of the land near Kapunda purchased by Thomas Hayes in 1858. September 2016.*

In the 25 years between 1849 and 1873, Thomas Hayes and Honora Hennessy and their family moved from Dry Creek, to Bagot's Well and then to Waterloo. During this time they made their first land purchase, experienced the births of four more children and the marriages of three of their eldest children.

### Finding work at Dry Creek

South Australia was an overwhelmingly English and Protestant colony, but there were a few places where Irish Catholics were clustered in small communities. One of these was Dry Creek on the northern outskirts of Adelaide near where Gepps Cross is today. A number of different events explain how this came about.

In 1840 an Irishman named Daniel Brady from County Cavan arrived on the *Diadem* with his wife and family. He received a land grant in 1845 and settled on 100 acres between Dry Creek and the Little Para

the father or the son. He also said in his testimony ‘They did business in a very domestic manner.’ Both Thomas and Patrick were illiterate and would have been unable to keep written records of their agreement. This may have been a contributing factor to the misunderstanding between them.

The Court was persuaded by the evidence of young Thomas Hayes and the other witnesses who gave evidence for his father. The Bench gave judgment for Thomas for £23 damages, with the reaping machine to be returned to him.

### A family legend

There is a legend in the family that Patrick borrowed money from a notorious money lender named Nobby White when they were living near Kapunda. Nobby White foreclosed on him, forcing the family off their land. My father told us this story 100 years later, so the memory of this family trauma lived on. I set out to verify the story.

The James White from whom Patrick bought Section 105 in 1866 may be Nobby White. I discovered numerous stories about Nobby White on Trove at the National Library, including a court case for blackmail which he lost. He was also a member of the House of Assembly as the member for the electorate of Light.<sup>7</sup> He was a man well known in Kapunda, and also widely disliked and reviled.

A report on his death makes clear that his passing was not lamented.

This winter has been a fatal one for not a few old people in this district. The latest to succumb has been the well-known Mr. White, mostly known as ‘Nobby White.’ Mr. White has been failing for some time. He was stricken with his final illness in Melbourne, where he had gone on a visit, and last Saturday his remains were deposited in the Kapunda cemetery. Mr. White was not a popular man, and bore the unenviable title of a land shark. But there is reason to believe that he was no worse than many colonists who lived among us in the odour of the sweetest sanctity, and who are titled and honoured because they have done well for themselves. Mr. White took advantage of bad land laws, which allowed a man to satiate a vicious land hunger, and many’s the farm he has snapped up at the land sales to sell immediately after

to the industrious settler at a premium of ten per cent. Now he has a well-guarded freehold of six feet by two.<sup>8</sup>

I have not found documentary evidence of Patrick borrowing money from Nobby White – such records may not exist. But the practice of poor immigrants being forced to borrow from money lenders, known as ‘landjobbers’, was very common at the time. There is a book, first published in 1882 entitled *The Three L’s: Lawyers, Landjobbers and Lovers: A Tale of South Australia Twenty Years Ago*<sup>9</sup> about the problems faced by small farmers in the early days of settlement. It is written as an entertaining novel but with an underlying serious purpose, to illustrate the hardships faced by the early settlers at the hands of unscrupulous money lenders and speculators.

The landjobbers bought the land, in most cases without even having seen it, and sold it to poor colonists at a large profit. It was in the interests of the money lenders for the settlers to fail, as they then got the land plus all the improvements the settler had made. They could sell the land again and make a large profit. Patrick Eiffe describes a landjobber recounting his success at forcing a farmer off his land:

He laughed heartily as he told her that he gained more money by the failure of those cockatoos than he would gain if they had not failed, because they had paid part of the money, and had so improved the land by fencing, building, well-sinking etc., that he was able to obtain a higher price from the next purchaser.<sup>10</sup>

As mentioned in an earlier chapter, George Holmes stayed on the property near Kapunda for three years before transferring it to Elizabeth Isabel Goodchild. I discovered that on 22 April 1873 Section 242 was transferred from Elizabeth Isabel Goodchild to ‘Patrick Hayes of Kapunda Farmer’ and he was granted Certificate of Title.<sup>11</sup> A few days later Patrick also purchased Section 100 of 90 acres. It is curious that Patrick kept both these sections for only six months, for on 8 October 1873 both properties were transferred to Traugott Librecht Schwarz.<sup>12</sup>

Six children were born while they were living near Kapunda: Ellen in 1866, John 1867, Mary Ann 1869, Catherine 1870, Patrick 1872 and Edward 1874. The births were recorded as taking place in Bagot’s

provides a further piece of evidence that Catherine’s maiden name was Byrne, and it also tells us where they were living.

James was baptised in the Roman Catholic parish of Rathvilly in County Wicklow. His parents were from the townland of Kelsha in Kiltegan Civil Parish, County Wicklow. Sponsors of the baptism were Darby Kehoe and Mary Case. The Roman Catholic parishes of Dunlavin and Rathvilly are adjacent to one another in West Wicklow on the Kildare and Carlow borders.

I knew that John’s father’s name was James, for when he was admitted to Adelaide Hospital on 4 July 1864 he gave his place of birth as Wicklow, Ireland and his father’s name as James. A search of the Tithe Applotment Books for Dunlavin parish revealed two James Tooles, one living in the townland of Crehelp and the other in the townland of Freynestown Upper.

Freynestown Upper of Dunlavin Civil Parish of the Co. Wicklow		
No.	Name	Value
1	Michael Smith	2 4 14
2	John Smith	2 7
3	John Smith	2 3 2
4	John Smith	2 19 6
5	John Smith	2 4 7
6	John Smith	1 12 11
7	John Smith	6 6
8	John Smith	3 15 3
9	John Smith	3 2
10	John Smith	1 7 5
11	John Smith	5 3 6
12	John Smith	6 13 6
13	John Smith	1 4 1
14	John Smith	1 4 1
15	James Toole	1 4 1
16	John Smith	1 2 3

Extract from the  
Tithe Applotment Books  
1823–37.

Freynestown Upper  
townland,  
Freynestown Civil Parish,  
County Wicklow, 1836.

James Toole is no. 15  
on the list.

Source: National  
Archives of Ireland

The latter was a tenant with 26 acres of land. A tenant named Maurice Whelan also lived in Freynestown Upper. It is possible that there was a connection between Maurice Whelan and the Catherine Whelan who was a sponsor to John’s baptism, but it may be impossible to confirm the relationship. There were numerous other O’Toole families also living in

this townland. They were tenants on the estate of Reverend William Crogan and each had a sizeable acreage of land.<sup>16</sup>

### The Tithe Applotment Books

The Tithe Applotment Books, compiled between 1823 and 1837, are a vital source for finding the townland and parish where people were living in the pre-Famine period. They were a record of the owners and tenants of land, how much land they held and its value. The purpose was to determine the amount of tithes they were required to pay to support the clergy of the Church of Ireland. The vast majority of the tenant population were poor Catholics who resented the imposition of tithes to support the Protestant church.

The period between 1831 and 1838, known as the Tithes War, involved entire communities in complex forms of disobedience and resistance. There is a list of 29,000 names of those who refused to pay the tithes, known as the Tithes Defaulters List. The O’Toole name does not appear among the list of Tithe Defaulters in County Wicklow, who were all from Moyacomb parish.

I also found that there were many Murphys living in Donard parish and Dunlavin parish. Perhaps one of them was the family of my great-great-grandmother Ellen Murphy.

The next important record was for the marriage of John O’Toole Jr. and Ellen Murphy who were married at the Church of St Michael and St John, Lower Exchange Street, Dublin on 29 September 1839.<sup>17</sup>

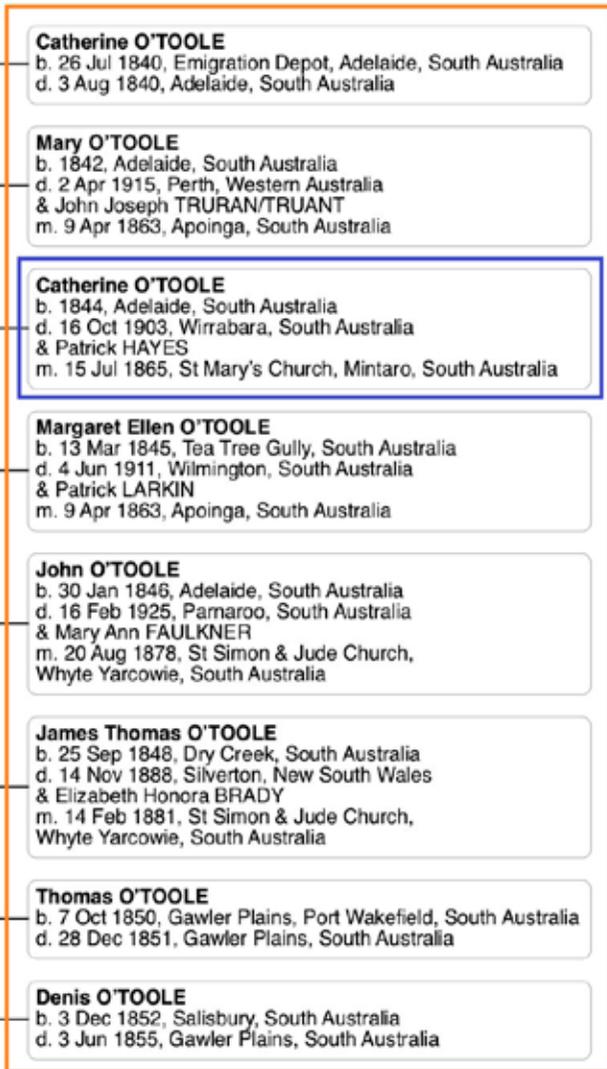
The Church of St Michael and St John closed in 1989. The building has an interesting history. Smock Alley Theatre was opened on this site in 1662. It closed in 1787 after the building fell into disrepair. After lying derelict for some years, it re-opened as the Catholic Church of St Michael and St John in 1811. The Penal Laws were still in force. Catholic churches at the time were not allowed to ring a bell to call the faithful to Mass. The parish priest defied the law and rang the bell atop the church, 18 years before the passage of the *Roman Catholic Relief Act 1829*. It was the first time a Catholic bell had been rung in Ireland for 300 years. ‘This historic act earned the bell the title of Ireland’s Liberty Bell’.<sup>18</sup>

filtered in to South Australia, John and Catherine may have counted their blessings as they looked at their healthy sunburnt grandchildren. Catherine O’Toole, the matriarch, probably helped her daughter Mary and daughter-in-law Ellen with the births of each of their babies.

**John Thomas O’Toole and Ellen Murphy and their children**

**John Thomas O’TOOLE**  
 b. 10 Dec 1816, Dunlavin Parish Co. Wicklow, Ireland  
 d. 17 May 1886, Parnaroo, South Australia  
**& Ellen MURPHY**  
 m. 29 Sep 1839, Parish Church, Saints Michael & John, Dublin, Ireland

Born in South Australia



In the 1840s childbirth was very dangerous and could include prolonged labour, excessive bleeding and infection. Puerperal or childbed fever was both common and much-feared. The only pain relief available was opium, usually sold as a sleeping draught known as laudanum, but this was almost never used. Maternal and infant mortality rates remained high in Australia until the twentieth century. Women approached each birth with trepidation.<sup>6</sup> As previously mentioned, Ellen’s first baby died soon after birth and she was to lose two more children in infancy, but those trials lay ahead of her.

**Victims of circumstance or felons?**

On 20 April 1846 John O’Toole, his sons John Thomas and James, and Benjamin Milton found themselves in the Police Commissioners Court in Adelaide.<sup>7</sup> They were charged with stealing timber from the park lands, near the windmill at North Adelaide. ‘The two first named were loading a horse-cart with gum timber, and the others were cutting wood from another tree; several had been recently felled in the immediate neighbourhood; two more horses and carts were standing by, which prisoners acknowledged to be theirs; they said they had not cut the trees down themselves.’

John O’Toole senior and James were fined five shillings each and costs 20 shillings, ‘his Worship strongly cautioning them, and informing them that they were liable to 12 months’ imprisonment.’ John O’Toole junior and Benjamin Milton were discharged. The case next had an interesting twist. On 8 May John O’Toole was back in court, pleading that he was unable to pay the fine. His Honour said that since the conviction, the principal witness had admitted that he had given evidence in error: the wood had been taken from land which was private property, not the park lands, and the fine would therefore not be enforced. His Worship said that:

He (Toole) might however consider himself very fortunate; he had committed a felonious act, and had the Court been then aware, as it was now, of the extent of the depredation which had been committed, the case would have been sent for trial at the Criminal Sessions.<sup>8</sup>

lives at Narridy. They were unable to have children and adopted a boy named Henry Phillip, known as Harry.



*Mary Ann Hayes 1869–1924*

*Date unknown.  
Author photo collection.*

Mary Ann died on 24 February 1924 in Clare aged 54. She is buried in Sevenhill cemetery.

### **Catherine Hayes 1870–1916**

Catherine was born on 2 November 1870 at Bagot's Flagstaff, the same year as the court case *Hayes vs Hayes* between her father and grandfather was heard in the court at Auburn. Catherine married Thomas Miller on 15 August 1901 at the Church of SS Philip and James, Appila–Yarrowie. He died three weeks later.<sup>7</sup>

#### **DROWNED IN A DAM.**

Gulnare, September 8. On Sunday morning the body of a farmer, Thomas Miller, jun., aged 32, was found in a dam belonging to a Mr Storey. The wife of the deceased stated that he had been up several times during the night. She heard him go out at about five o'clock and as he did not return she communicated with Mr Storey, who is a neighbour. A search was commenced, and Miller's hat was found in the dam, which is about 500 yards from the house. At the inquest held at Yacka this afternoon by Mr R Hay the jury found that the deceased came to his death by drowning while temporarily insane.

Nine months later Catherine gave birth to a son, named Edward, on 18 May 1902. On 8 September 1902, the first anniversary of her husband's death, this poignant poem of Catherine's was published in several newspapers.

*Farewell, dear Tom, thy life is past.  
My love for you till the end will last;  
The trial is hard. I'll not complain.  
But trust in God to meet again.  
Immaculate Heart of Mary,  
Your prayers for him extol:  
May our Lord and Saviour, Jesus Christ,  
Have mercy on his soul.*

*R. I. P. Inserted by his sorrowing wife, Catherine Miller.<sup>8</sup>*



*Catherine Hayes 1870–1916.*

*Date unknown.  
Author photo collection.*

Tragedy was to strike Catherine again, for Edward died aged two years, a month after being kicked by a horse near Mintaro.<sup>9</sup> A notice in the local paper at the time reads

The friends of Mr Patrick Hayes, Wirrabara, will regret to learn of the death of his grandson (Edward Miller) who died as the result of a kick from a horse near Mintaro about a month ago. The little fellow (who was a bright little fellow) was just over two years old. Mrs Miller (the mother) lost her husband at Gulnare nearly three years ago.

**29** I don't know if there were any O'Tooles among those who were shot, but the O'Toole name lives on in this area. A commemoration to honour the 'Dunlavin Green martyrs' was held on 26 May 1998, 200 years after the massacre. The speaker who was to give the main oration at the event was Larry O'Toole, a native of West Wicklow and a member of parliament for Dublin North East constituency. The day before, he and his son were shot as they attended the First Holy Communion Mass of Mr O'Toole's eight-year-old granddaughter. Larry O'Toole was a prominent anti-drugs campaigner. The shooter was later jailed for 15 years for the attempted murder. 'Dunlavin Green martyrs remembered', 21 May 1998 ed., *An Phoblacht* (Irish for The Republic), a republican journal re-launched in 1970. 44 Parnell Square, Dublin 1, Ireland, <https://www.anphoblacht.com/contents/3515>.

**30** Foster, *Modern Ireland 1600–1972*, p. 294.

**31** Foster, *Modern Ireland 1600–1972*, p. 353.

## County Galway

**1** Edward MacLysaght, *Irish Families, Their Names, Arms and Origins* (Dublin: Hodges Figgis & Co.), 1957, p. 176.

**2** 'HAYES Last Name Meaning and Origin', [http://genealogy.about.com/od/surname\\_meaning/fl/hayes.htm](http://genealogy.about.com/od/surname_meaning/fl/hayes.htm).

**3** MacLysaght, *Irish Families, Their Names, Arms and Origins*, p. 179.

**4** Richard E. Reid, *Farewell My Children: Irish Assisted Emigration to Australia 1848–1870* (Spit Junction, NSW: Anchor Books Australia, 2011), pp. 19–21.

**5** 'The Ships List', Eliza, <http://www.theshipslist.com/ships/australia/eliza1849.shtml>.

**6** *Bound for South Australia, Passenger Lists, 1836–1851*, compiled by Diane Cummings, State Library of South Australia <http://www.slsa.sa.gov.au/fh/passengerlists/Adelaide.htm>.

**7** Tithe Applotment Books, National Archives of Ireland. This page shows that the Proprietor of Derrygoolin townland was Lord Clanricarde, it lists the names of the occupants, how much land they occupied, its value per acre, amount of tithe, and the portions allotted to the Bishops, Vicars and Deans. There were a total of 27 families in the townland, including 5 Kildea families, 4 Doogans, 3 Briens, and the 3 Hayes families, [http://titheapplotmentbooks.nationalarchives.ie/reels/tab//004587405/004587405\\_00676.pdf](http://titheapplotmentbooks.nationalarchives.ie/reels/tab//004587405/004587405_00676.pdf).

**8** John Hayes baptism 6 February 1842. Baptism register for Woodford village Co. Galway, December 1841 to February 1842, Catholic Parish Registers, National Library of Ireland, [http://registers.nli.ie/registers/vtls000632968#page/93/mode/1up.Microfilm 02433/01](http://registers.nli.ie/registers/vtls000632968#page/93/mode/1up.Microfilm%202433/01).

**9** James Kildea was born in 1797 in Woodford, Galway. He died 15 August 1878 and is buried in Kapunda. Jill Statton, ed. *Biographical Index of South*

*Australians 1836–1885* (Adelaide: South Australian Genealogy and Heraldry Society, 1986), p. 906.

**10** At the time of the Tithe Applotment Books 1823–37, the Hayes and Hennessy families both appeared as living in Derrygoolin townland. Later the townland must have been split in two, for at the time of Griffith's Valuation in 1856, there were Hayes families (with the same names) living in both Derrygoolin South and Derrygoolin North and Pat Hennessy lived in Toorleitra townland which bordered on Derrygoolin North.

**11** One of the most important functions of the Ordnance Survey of Ireland was to name the geographical features, prominent buildings and landmarks of each townland so that these could be included on the Ordnance Survey Maps when they were eventually published. The final section, entitled 'Observations', provided a valuable description of every townland in Ireland in the 1830s. It was therefore noteworthy that the Survey recorded that it was a large townland only partially cultivated being composed of bog and mountain and that there was nothing remarkable in the townland. Information from O'Donovan's Field Name Books, <http://places.webworld.org/place/45839>.

**12** Correspondence with Siobhan White, East Galway Family History Society, 10 March 2016.

**13** The Clanricarde estate was one of the largest in Co. Galway. Lord Clanricarde was recorded as the direct owner of townlands in many civil parishes in Galway in the 1830s. 'Estate: Burke (Clanricarde)', <http://landedestates.nuigalway.ie/LandedEstates/jsp/estate-show.jsp?id=870>.

**14** *Woodford parish and village – A Brief History*, East Galway Family History Society, Woodford Heritage Centre, Galway, p. 2.

**15** Susan Arthure, *The Occupation of Baker's Flat: A Study of Irishness and Power in Nineteenth Century South Australia*, Unpublished Master of Archeology thesis, Department of Archeology, Flinders University, 2014. Susan Arthure documents in her thesis that the Irish settlers in Baker's Flat near Kapunda adopted a traditional Irish settlement and farming system.

**16** James G Ryan, *Irish Records. Sources for family and local history* (Salt Lake City: Ancestry Publishing, 1988), p. 204.

**17** 'Woodford stood up to the power of Lord Clanricarde', <http://www.advertiser.ie/galway/article/25789/woodford-stood-up-to-the-power-of-lord-clanricarde>.

**18** Trevor McClaughlin, *From Shamrock to Wattle. Digging up Your Irish Ancestors* (Sydney: William Collins, 1985), p. 64.

**19** Kerby A Miller, *Emigrants and Exiles: Ireland and the Irish Exodus to North America* (New York: Oxford University Press, 1985), p. 238.

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