

BDA Source Description Pages

<http://www.bda-online.org.au>**Bench of Magistrate Cases 1788-1820 (New South Wales)**

The Judge Advocate's Bench of Magistrates was established in New South Wales in February 1788 to hear petty civil and criminal matters, impose lesser punishments and refer more serious cases to the higher courts after an initial investigation. The 'Bench' was a judging panel usually comprising the Judge Advocate and one or two Magistrates (also known as Justices of the Peace). They pronounced sentences and made determinations and orders relating to various disputes, complaints, wages, and prices, also issuing publicans' licences and listing female servants and their employers in 1799.

This index to Bench manuscript minutes of proceedings for the period 19 February 1788 to 25 November 1820 was created by State Records New South Wales and is used with permission. During this period the court sat at Sydney and Parramatta (the latter initially known as Rose Hill).

The index records a full name in most cases, the occupation of many individuals and the ship of arrival of a few. It gives the date of the case and in the Remarks field a brief abstract of the subject of the hearing or charge (for example 'Suspicion of having come dishonestly by a certain note of 3 pounds').

Most of the individuals listed are the accused. Some, but by no means all, accusers, witnesses or other persons mentioned in the proceedings are indexed. Punishments ordered are mostly not indexed. The SRNSW index cross referenced many but not all persons mentioned in the remarks column. BDA has cross referenced those that were missed.

The original document digitized by Ancestry.com.au should be consulted to fully understand the proceedings but the handwriting is often very difficult to read. In a number of cases SRNSW indexers were unable to decipher a name. BDA assistant editor Michael Flynn has clarified and corrected most SRNSW queries after checking the original. In the future he will augment the index with additional names and details not indexed by SRNSW based on his own transcripts of the proceedings, linking them to other references to the person on BDA.

The SRNSW index contained 3,726 entries. With additional cross references added by BDA the total has grown to 4,921 entries. In some cases, the mention of an individual may be the only evidence of their presence in the colony, particularly in the 1790s.

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In a 1958 article titled "John Bennett of the *Friendship*" (Royal Australian Historical Society Journal vol 44 pt 6 p 404) A J Gray observed that although the Bench of Magistrates Proceedings held by SRNSW begin with the case of Mary Jackson (tried on 19 February 1788), she was not actually the first case dealt with by the magistrates.

There appear to be several pages missing from the front of the first volume of the proceedings. Proof of this appears in the diaries of John Easty and Ralph Clark, which indicate that two women had been tried by the magistrates on the 14th for stealing from another female convict. At the same sitting a young male convict named John Bennett was also tried for theft. The following day the women received 25 lashes at the cart's tail and Bennett 45 lashes. John Bennett had been convicted of highway robbery in Shropshire in 1786 and was hanged for another theft after being convicted in the Criminal Court in May 1788, aged about 19.

For more information see State Records New South Wales NRS 3397 Judge Advocate's Bench of Magistrates, Proceedings at www.records.nsw.gov.au.

Information Page written by Michael Flynn.

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