

### Stephen Smith and John Hawes<sup>†</sup>

Hanged for murder, Monday 5 April 1830  
Sydney Gaol, George Street

When Stephen Smith and John Hawes were charged with murder in 1830 their crime seemed incomprehensible. They had been working with a fellow convict, James Davis<sup>‡</sup>, whom they were reported to have been “on very good terms” with. Hawes had a minor quarrel with Davis before taking an axe and striking him in the head several times. Smith was said to have just stood by, urging Hawes on until the unfortunate Davis was dead.<sup>37</sup>

Hawes was a Shropshire man, described in the *Sydney Monitor* as being a former soldier who had served in the 39<sup>th</sup> Regiment in Ireland, from which he had deserted after being denied permission to marry. This was allegedly the crime for which he had been transported to New South Wales. His records, however, indicate that he had been given a seven-year sentence in 1826 for stealing a watch. He had been sent to Moreton Bay in 1829 after absconding from a chain gang and committing a robbery.<sup>38</sup> Shortly after his arrival he absconded from the settlement and was out for over a month before returning.

He had arrived in the settlement on the same ship as Smith, who was from Hadlow, Kent, and since 1825 had been serving a life sentence for burglary. The former shepherd was sent to Moreton Bay for seven years after being convicted of robbery in Sydney. The victim, James Davis, had been a stonemason from Gloucestershire before he was given a life sentence for sheep stealing in 1825. He was sent to Moreton Bay for theft in 1828, with a three-year sentence.<sup>39</sup>

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<sup>†</sup> Hawes was reported as having been called ‘John Lloyd’ before he deserted from the British Army.

<sup>‡</sup> Referred to as ‘William Davis’ in some sources.

The men knew what their fate was to be as soon as they were arrested after their attack on Davis. Hawes immediately claimed that he had committed the act because the conditions at Moreton Bay had made him tired of living. Appalled at the prospect of the long sentence still ahead of him, he committed the murder so that he may be hanged. He reportedly chose murder because he knew that he might not be executed just for committing a robbery. Months later, as he stood in the rain upon the Sydney gallows, he gave a speech along these lines:

Take warning by my fate. But I would sooner be hanged here this morning than return to Moreton Bay. Starvation and ill-usage there, have brought me to this untimely end. It is not my natural disposition to commit an inhuman act. I forgive all my oppressors.

*(Sydney Monitor, 17 April 1830)*

Although Hawes always admitted his guilt, Stephen Smith claimed that he himself was innocent, seeing his aiding and abetting in the murder as being a much lesser charge. The court did not take this view, but Smith still hoped for mercy in the eyes of God. A last letter to his relatives, written in the gloom of the condemned cells of the George Street gaol, was accompanied by a note to a debtor:

*Gaol Cells, April 5, 1830*

I now write my last words to you; and I thank my God, that I should have such a friend as you have been to me, and I forever bless you for your kindness, and now hope that my blessed Lord and Saviour will be my friend in heaven. I hope, that you will not forget to send my letter, as I wish to my friends to know that I have departed this life. My time is short, I cannot write any more.

I am your humble servant,

“Stephen Smith, aged 32 years”

*(Sydney Monitor, 17 April 1830)*