

ELI WAY (c1838-1926)

Convict No. 6178.

By Irma Walter, September 2023.

Eli Way was born at Northwood on the Isle of Wight, to parents William Way and his wife Frances (or 'Fanny', née Woodford), in 1838.

At the time of the 1851 Census the family was living at 30 Cross Street, Northwood, recorded as follows —

William Way, 57, farm labourer, born Northwood, Isle of Wight.

Frances Way, 52, wife, born Brook, Isle of Wight.

John Way, 21, son, farm labourer, born Northwood.

Charles Way, 20, son, ditto.

Eli Way, 13, son, errand boy, ditto.

Ann Gapes, 80, widow, lodger, pauper.

It is not known where Eli Way was employed as a young man, though it appears likely that he entered the blacksmith trade. At the age of 21 he was arrested and charged at the Winchester Assizes on two indictments, of maliciously stabbing to do grievous bodily harm. The Court was told that late at night on the 17th June, following the local fair held at West Cowes, the victim Georgina Moth was walking behind two other girls when she was suddenly grabbed and punched in the bosom by Eli Way, who then ran away. Five minutes later he returned and stabbed her in the hip, leaving quite a deep wound. Georgina later gave evidence that she knew Eli, but hadn't seen him for two years and hadn't provoked him in any way. Eli was found guilty of the crime. He was then brought before the Court again, on a second charge of having also stabbed Thomas Simmons, who had attempted to defend Georgina Moth when the first blow was struck. Eli stabbed Simmons in the back, a wound that left him paralysed in the legs. There seemed to have been no reason for the attacks. Eli had no previous convictions and was sentenced to eight years' penal servitude.¹

His conduct while incarcerated in England was very good. Following his conviction on 14 July 1859 he spent time in the Hampshire Gaol at Winchester, before being transferred to Millbank Prison on 27 August. On 15 September he was transferred to Pentonville, where he remained until 28 June 1860. He was described as of sallow complexion, height 5'5½", with dark brown hair, hazel eyes, an oval face, slender build, with scars on his right cheek, under his left eye and under his top lip. His next-of-kin was listed as his mother 'Fanny', of Point West, Cowes, Isle of Wight.²

Eli's next step was to Portland Prison on 29 June 1860, where his conduct on the prison hulks was recorded as exemplary, 1st Class.³ He remained there until 23 September 1861, when he was taken onboard the convict ship *Lincelles*, bound for Western Australia.⁴ Shortly before leaving he was visited on 12 September 1861 by his mother Fanny, his brother and sister, as a final farewell.⁵

The *Lincelles* left Portland on 5 October 1861 and arrived at Fremantle on 28 January 1862.⁶

¹ *Hampshire Advertiser*, 23 July 1859.

² Pentonville Prison Register of Prisoners, Series PCOM2, Piece No. 68.

³ Convict Hulks, Quarterly Returns, Series HO8, Piece Nos. 144-149.

⁴ Portland Prison Record of Prisoners, Series PCOM2, Piece No. 371.

⁵ Portland Prison Record of Prisoners, Series PCOM2, Piece No. 388.

⁶ <https://waconvicts.fhwa.org.au>

On arrival Eli Way was described as a blacksmith, single, aged 24, 5'4½", black hair, hazel eyes, long visage, dark complexion, and was middling stout, with a cut on the first knuckle of right hand.⁷

Eli's good conduct continued. On 7 September 1862 his Ticket of Leave was issued. On one occasion in 1863 a minor misdemeanor was reported – *Thomas Watson, t.l., and Eli Way, t.l., — Out after hours on the 2nd instant; fined 10s each.*⁸

Eli received his Conditional Pardon certificate in Perth on 25 July 1865.⁹ A Conditional Pardon allowed him to leave WA, on the proviso that he didn't return to England until his full term had expired.¹⁰ At the time Eli was self-employed in a partnership with Edwin Moorhouse, another former convict who came out on the *Lincelles*. However, Eli was already planning to leave the Colony —

*Dissolution of Partnership. THE Partnership hitherto existing between the undersigned as Blacksmiths, Farriers, and Smiths in general, is this day dissolved by mutual consent, one of the firm, Eli Way, being about to leave the Colony. The business will be continued by Edwin Moorehouse, as usual, who will receive and pay all debts due to the firm. All persons indebted to the firm are requested to settle their accounts on or before the first of March, 1866. All accounts not settled at the above date will be placed in the hands of a Solicitor for collection. EDWIN MOOREHOUSE. ELI WAY. Witness — James Coffey. November 30, 1865.*¹¹

The unhappy partnership continued for another 18 months —

*NOTICE. I HEREBY give notice that I have withdrawn from the business hitherto conducted under the style of Moorehouse and Way, Blacksmiths, Farriers, &c., of Perth. The business will now be conducted by E. Moorehouse, on whom I have no further claim, and will not be included in any action he may bring against parties indebted to the firm, having no confidence in any way in his proceedings. ELI WAY, Late Partner.*¹²

[Edwin Moorhouse collapsed and died near Wandering in 1870. Between 1863 and 1870 he had employed 34 T/L men occasionally, many of them blacksmiths.¹³]

It wasn't until 1867 that Eli Way finally left WA, along with five other convicts onboard the New Zealand based clipper ship *Jessie Kelly*. Not all were listed on the ship's manifest at the time of departure —

*June 1.—JESSIE KELLY, 145 tons, W. Smyth, master, for New Zealand. Passengers—P. White, S. Ward, wife and child, J. Ward, Margaret Halen, Jas. Ashcroft, wife and 2 children, R. Pearson and wife, Mrs. Debenham and child, Eli Way, John Walker, Jas. Nelson, W. Johnson, and Ellen Clark. Cargo: 5,222 bags sugar, part of original cargo from the Mauritius.*¹⁴

Soon after leaving Fremantle the ship was almost wrecked near Rottneest Island. On arrival at Port Adelaide on 23 June, Captain Smyth, who was suspected of addiction to drink, left the

⁷ Convict Department, Estimates and Convict Lists (128/1-32)

⁸ *Inquirer*, 4 March 1863.

⁹ Convict Department, General Register (R21b)

¹⁰ [Tickets of leave / Certificates of freedom / Pardons | National Library of Australia \(nla.gov.au\)](https://nla.gov.au)

¹¹ *Inquirer*, 6 December 1865.

¹² *Herald, Fremantle*, 1 June 1867.

¹³ Rica Erickson, *Bicentennial Dictionary of Western Australians*, p.2220.

¹⁴ *Herald, Fremantle*, 8 June 1867.

ship for Melbourne with one of the female passengers and her son, telling the chief officer that he would be back in a week. A decision was made by agents for the ship's owners to replace Smyth with a Captain Snadden, and the ship finally left Adelaide for New Zealand on 2 July.¹⁵

When port authorities at Otago harbour became aware of the arrival of a number of WA convicts at their port, they were arrested and questioned about their intentions. They gave their names as Eli Way, James Wilson, James Acraft, Richard Parsons, William Thomas and John Walker

By the *Jessie Kelly*, which arrived on Saturday, 13th July, a number of convicts from Western Australia, were landed on Dunedin Wharf, six of whom were next day arrested and brought before the Resident Magistrate, to whom they explained that they had been informed by the authorities at Fremantle, that they would be welcome to any part of New Zealand. The convicts have done long sentences, 14 and 15 years. Some produced conditional pardons, and others said they were "expirees." They were discharged from custody on undertaking to leave the Province immediately, the Commissioner of Police providing passages. Some intend to proceed to New South Wales.¹⁶

It was reported that some of the men onboard were able to produce Conditional Pardon certificates, telling the Resident Magistrate that they had been advised to travel to New Zealand by WA authorities. They promised to leave Otago and continue their voyage to New South Wales. A newspaper further reported that William Thomas had served a term of 14 years (possibly as Convict No. 109, or Convict No. 4031), while James Acraft reportedly had received a term of eight years after being convicted of stabbing with intent. (No convict of this name has been found.) Richard Parson was most likely Convict No. 5383, serving 20 years for burglary and receiving his Conditional Pardon in 1865. The common names of the other three make them difficult to trace.

The *Jessie Kelly* sailed from Otago for Sydney on 24 August 1867.¹⁷ It is not known whether the WA convicts left with her, or had already departed New Zealand.

The missing part of Eli's story is how he travelled home to England. By 1871 we find him back in Cowes, living with his mother at 34 Mary Street —

Frances Way, head, widow, 68.

John Way, son, unmarried, 40, wood sawyer.

Eli Way, son, unmarried, 32, blacksmith (out of employ)

Eli seems to have kept out of trouble up until 1873, when as a marine dealer, he was arrested and charged with receiving stolen goods and larceny. A newspaper reported that he had been involved in receiving stolen goods and had been under police surveillance for seven years. [Other cases have been found of returning Conditional Pardon men being arrested and sent back to WA to complete their sentences. In other instances where local police found one of

¹⁵ *West Coast Times, New Zealand, Issue 581, 5 August 1867.*

¹⁶ *New Zealand Herald, 26 July 1867.*

¹⁷ *Otago Daily Times, 24 August 1867.*

these men back in their home town, they decided to allow them to remain and kept a close watch over their movements. This appears to have been the case with Eli Way.]

Initially a case brought against two boys for a petty crime of stealing gave police a reason to search Eli's business premises —

ROBBERY BY JUVENILES AT COWES.—Louis Butt and George Watts, both aged 13, were charged with stealing, on the 9th instant, an iron maul, a kind of hammer used by shipwrights, from Mr. Bannister's quay at Cowes, of the value of 9d, the property of William Pinnick, shipwright, who was employed in breaking up an old vessel at Bannister's quay. Watts, who was about to give evidence against the receiver of the tool, was ordered to stand down.—Prosecutor identified the tool now produced as being the one he had missed from the place where he had been breaking up the vessel.—It appeared that Butt, when apprehended and charged with the offence, admitted it, and said he sold it for a penny at Eli Way's marine store, where the prosecutor found it.—Butt, for this offence, was committed to Winchester for fourteen days.

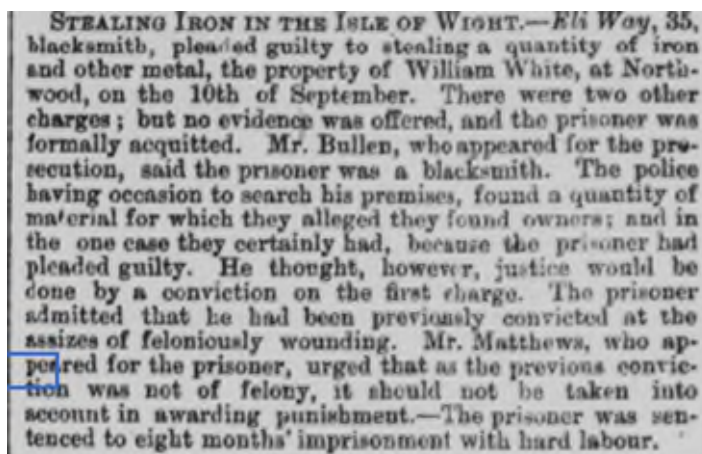
A SECOND CHARGE AGAINST THE BOYS BUTT AND WATTS.—The boys charged in the preceding case were next charged with stealing two iron chain plates of an old vessel, of the value of 2s, the property of Mr. Henry Bannister, rope maker, &c., at Cowes.—The prosecutor and his man, W. Pinnick, identified the plates as being like those they had missed on the 10th instant from the quay where the old vessel was being broken up, and the latter had seen the accused boys on the quay on the 9th instant.—Police-sergeant Elderfield deposed to admissions made by prisoners, when they were locked up, to the effect that they took the plates when they stole the maul, on the 9th instant, and they sold them, together with the maul, to Eli Way, at his marine store, for 5d or 6d.—For this offence they were each committed to Winchester for fourteen days.

FOUND IN POSSESSION OF STOLEN PROPERTY.—Eli Way, dealer in marine stores, at Cowes, was charged with being found in possession of nine brass crutches for yachts' boats, fifteen brass sockets, and an iron fire bar, the property of Messrs. W. White and Sons, brass and iron founders, at Cowes.—Mr. Hooper appeared for the defendant.—Police sergeant Elderfield deposed,—On Thursday, the 11th instant, I apprehended the prisoner on another charge. I then searched his premises, and on a sofa in the front room I found concealed under a piece of carpet these nine brass crutches and eleven brass sockets, and in another place I found these four brass sockets. Prisoner said "They are mine now. Why did you not summon me?" I then went to his shop, and prisoner handed me the key, and at the back of the shop I found this new fire bar of a steamboat, and prisoner said he got it in the way of trade, and he must put up with it.—Mr. Edwin White, one of the firm, identified two of the crutches as their property. The fire bar produced was the one which was missing from their stock.—Mr. William White, senior partner of the firm, and William Plumley, foreman, gave some corroborative evidence, in which it was shown that prisoner was on the premises on Wednesday, the 10th instant.—Prisoner was committed for trial at the next sessions.

FOUND IN POSSESSION ON STOLEN GOODS.—The prisoner, Eli Way, was next charged with being found in possession of a quantity of metal, consisting of copper bolts and a wing-plate of a steam launch, the property of Mr. M. E. Batsy, of Cowes, shipbuilder, who identified the plate, now produced, as one he forged in the month of last July, and threw aside as old metal, it not being found sufficiently malleable.—Police-sergeant Elderfield deposed to finding on prisoner's premises the metal produced, and a large quantity besides, of which prisoner had given no satisfactory account.—Prisoner, who, as dealer in marine stores, had been under police supervision seven years, was committed for trial on this, the third charge brought against him.—Bail for his appearance, if offered, would be accepted, two sureties in £10 each, and himself in £20, in each case.

(Hampshire Advertiser; 24 September 1873.)

On 13 October 1873 Eli was convicted at the Winchester Court with possession of stolen property and was sentenced to serve an eight-month prison term.¹⁸ —



STEALING IRON IN THE ISLE OF WIGHT.—*Eli Way*, 35, blacksmith, pleaded guilty to stealing a quantity of iron and other metal, the property of William White, at Northwood, on the 10th of September. There were two other charges; but no evidence was offered, and the prisoner was formally acquitted. Mr. Bullen, who appeared for the prosecution, said the prisoner was a blacksmith. The police having occasion to search his premises, found a quantity of material for which they alleged they found owners; and in the one case they certainly had, because the prisoner had pleaded guilty. He thought, however, justice would be done by a conviction on the first charge. The prisoner admitted that he had been previously convicted at the assizes of feloniously wounding. Mr. Matthews, who appeared for the prisoner, urged that as the previous conviction was not of felony, it should not be taken into account in awarding punishment.—The prisoner was sentenced to eight months' imprisonment with hard labour.

(*Hampshire Telegraph*, 18 October 1873.)

On receipt at Stafford Gaol Eli was described as a blacksmith, aged 35 (?), height 5'5¾", with dark brown hair, hazel eyes, of slender build, with scars on his right cheek and upper lip.¹⁹ Following his release from prison we find Eli working as a chimney sweep.

In 1880 Eli was the object of a violent assault by a group of drunken men he met in a lane while escorting his sister home in the evening of 24 June. One of them threw a fence post at him and a nail pierced the back of his skull, before the rest of the gang pitched in on him. One held him under water in a ditch. His sister Ann, described as a very respectable looking woman, a domestic servant in Cowes, gave evidence that her brother Eli had done nothing to provoke the attack, and that she had taken him to a neighbouring cottage for treatment before he was escorted home two hours later by the local police. The defendants were sentenced to two months in gaol. In a cross-summons one of the men claimed that Eli had hit him first, but the case against him was dismissed.²⁰

In the December Quarter of 1880 Eli married a girl much younger than himself.²¹ Her name was Emma Lavinia Watts, born 1864.²² She was the daughter of Frederick John Watts and his wife Ann.²³

At the time of the 1881 Census, we find Eli married, living with his wife, mother and brother at Mary Street, Norwood, Hampshire —

Frances Way, 77, widow.

John Way, 48, unmarried, engine driver.

Eli Way, 40, married, chimney sweep.

Emily Way, 18, married.

¹⁸ Home Office, Criminal Registers, Series HO27, Piece No. 166.

¹⁹ Stafford Gaol, National Alphabetical Register on Habitual Criminals in England and Wales, Series PCOM2, Piece No. 404.

²⁰ *Isle of Wight Observer*, 3 July 1880.

²¹ UK Marriage Records, Volume 2b, Page No. 1129.

²² UK Birth Records, Volume 2b, Page No. 535.

²³ FHL Film No. 1470952.

Ten years later the 1891 Census records the family as follows —
Eli Way, chimney sweep, aged 54.
Emma L. Way, wife, aged 27.
Annie E. Way, 9.
William Way, 5.
Charles Way, 3.
John Way, brother, aged 68, sawyer.

Emma had six children before she died at the age of 37 in the December Quarter, 1901.²⁴ Her death was recorded as Emma Lavinia Way, Isle of Wight.

At the time of the 1911 Census, Eli was described as aged 94 (?), widower, a retired chimney sweep, living in Cowes. Two of his sons, Walter (23), and Gladstone (17) were both recorded as chimney sweeps. Also living with them in their six-roomed house at 20 Mary Street, Point West, Cowes, were two daughters — Annie, 29, single, housekeeper, and Dorothy, 15, a general domestic servant.

Eli Way lived on until 1926, when he died on 13 May, aged around 88 years. His death record states his age as 84, with an estimated birth date of 1843.²⁵ He was buried in the Northwood Cemetery —

Eli Way
Occupation: Chimney Sweep
Where Died: Cowes
Age: 83
Ceremony By: Vernon William Allan Rossborough
Date of Burial: 17/5/1926
Plot: 12
Grave: 236
Description: 20 Mary Street, Cowes.²⁶

Probate shows him leaving his effects, to the value of £334 4s. 4d., to a William Jerram, boilermaker.

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²⁴ Death Index, Isle of Wight, Volume 2b, page 372.

²⁵ *England and Wales Death Registration Index, 1837-2007, page 701, Vol. 2B, Affiliated Line Number 27.*

²⁶ Friends of Northwood Cemetery, Cowes, Isle of Wight, <https://www.friends of northwood cemetery.org.uk>