

Biography of Christina (Chrissy), nee BLACK & Ewen (Hugh the elder) McLEAN

The exact text from the
"History of Donald & Christina McLean & Their Descendants"
which was published in 1995
– page 202 to page 206

..ooOoo..

HUGH (EWEN) McLEAN (1814-1876) - the second son of Donald and Christina (nee McPhee) was baptized as Ewen at Kilmallie, Argyllshire, on 10/1/1814.

This record is clear enough as to date and parents, but Hugh himself wrote in his own Gaelic bible - "I, Hugh McLean, was born on February 20, 1814". So someone has blundered.

He was known as "Hugh the Elder" to distinguish him from his youngest brother, also Hugh and who was 22 years his junior.

The elder Hugh was listed on the passenger list of the "Navarino" as "Ewen McLean, shepherd, aged 23 years (in 1837) and this has led to descendants being convinced that Hugh and Ewen were two different persons, and that Hugh McLean who emigrated by the "Tomatin" in 1840 was also a son of Donald and Christina. However, the Kilmallie baptisms and Donald's will of 1846 prove that Hugh and Ewen were one and the same. He came to Strathalbyn in 1841 with the family, although his name does not appear on the census of that year. Those who were not present at the farm that day were omitted.

MARRIAGE: to British migrant, Christina (Christy) Black (b. 1831) on 15/5/1849, at the Church of Scotland, Hindley Street, Adelaide. The Rev. Robert Haining officiated. The witnesses were Hugh's brother-in-law, Adam Abercrombie, of Hindley Street, who had married Hugh's eldest sister, Mary McLean, in 1840 (her 1st husband) and Donald McTadgen and Duncan McKinnon. Hugh gave his age as 32. He was actually 35. Christy was 18, and unable to sign her name, so made her mark "X" on the marriage certificate.

HISTORY: Although then illiterate, Christy, by determination and to help her children, eventually mastered reading and writing. She seems to have done a little practice in Hugh's Bible. Her life must have been very difficult. There is some dispute as to whether she was English, Irish or Scottish. At the time she arrived there were many Irish girls who had been thankful to escape the potato famine, and took advantage of free passage to South Australia to be servants in the 1845-1849 period. Most soon married, and like Christy found a rough new land which had to be cleared, and a dwelling of some kind erected. Usually at first this was two rooms of pise. It has not been possible to trace her ship as steerage passengers were not always individually named.

Her first home was on leased land at Lake Alexandrina near Milang. Occupational licences ended in August, 1851, after which, Hugh's father Donald McLean, and elder brother, Allan, purchased largely of the newly surveyed land beyond Strathalbyn at Angas Plains, to Milang and the Lakes. After this Hugh must have leased from them, as although Donald referred to land "belonging to Hugh the Elder" when he disinherited him by a codicil to his Will, he must have meant occupied by him.

The aborigines were still a trouble to the settlers, but generous hearted Christy (and this is an Irish characteristic) often said "poor people, we have taken their land", and freely shared her provisions with them - as one son told his children!

Her eldest child (Hughie) survived, but Christy appears to have lost two infants before John Archibald arrived in 1853, as Hugh wrote in his Gaelic Bible - "Two births between him (Hughie) and his brother". As they were not named or registered one must presume that they were premature or still births.

Hugh did not do well. The dreaded cattle disease "pleuro" (probably T.B.) struck his herd, and his farm "Coewey", near Milang failed. When his father, Donald, died in 1855 he found himself disinherited. The reason was not stated.

In the original Will of 1846, Donald bequeathed to Hugh, allotment 11, of 32 feet frontage to Hindley Street, Adelaide, of his city acre, No. 57. The codicil "D" dated 2/10/1855 a week before Donald died and signed by him, revoked this town acre share and directed that "the land in the Hundred of Bremer belonging to Hugh the Elder" was to be sold and the proceeds shared amongst all the other children of Donald and Christina. Not even a child of Hugh was to benefit. The sections were those numbered 2819, 2814, 2813 and half section 2818. This was the land at the mouth of the River Bremer, which had been purchased by Donald and his son, Allan, in the mistaken belief that a port would be built there. The Bremer empties into Lake Alexandrina, hence Lake Plains is the name of the district.

FROM THE ADELAIDE "REGISTER" OF 30/11/1853.

"Hugh McLean was indicted for stealing a mare, valued at £60/-/- (\$120) the property of Gottfried Lubasch, at Mount Barker. Messrs. Parker and Fisher defended the prisoner, who pleaded not guilty.

The Crown Solicitor stated the case, from which it appeared that a black mare, the property of the prosecutor, which had been branded with a small L on the shoulder, had been turned out on the run of Mr Christian Jaensch, two and a half years ago. It was not seen again until about 8 weeks ago, when it was found on Hindmarsh Island, the property of Dr (John) Rankine, where the prisoner had permission to depasture horses. It then exhibited a different brand from that described by the prosecutor, being a triangle over, and altering the appearance of the "L" if that mark had ever been there. Mr Jaensch however was positive as to the identity of the mare, having known it from a foal. It was considered on the run the property of the prisoner, and a triangle was his brand.

A colt running with the mare was branded with Dr Rankine's brand for the prisoner, the brand being placed on the shoulder, the doctor's cattle being invariably branded on the neck. It was stated that the colt was branded in that manner to oblige the prisoner, and still keep it distinct from Dr Rankine's stock.

A great number of witnesses were examined, and there was a considerable amount of contradiction as to what the brand really was on the mare. Some said it was a triangle over an L, others an inverted A and others again, that it approached in appearance to a Y. In addition to the evidence of possession, it was stated by Mr J.B. Shepherdson, Clerk of the Bench, Mount Barker, that when asking for a copy of the depositions after the first examination, the prisoner declared that the mare was his property, that he had bred her, and would at the next examination, produce her mother. He made a statement equally as positive, but in different terms to Police-Corporal Searcy of the same place.

Several witnesses were called to character, including Dr Cotter; Mr J Munro, Grenfell Street, and Mr Rogers of Tusmore, all of whom gave the highest testimonials to the prisoner for honesty and general good conduct. Mr Fisher, made a long and earnest speech for the defense, denying that the mare had ever been branded by the prisoner, or that it had been traced to his possession, He also dwelt long, and forcibly on the respectability of the prisoner's family and his own admitted good character.

His Honour, the Judge, in the course of his charge asked the Jury if they were satisfied that the mare they had seen outside the Court, had once been the property of the prosecutor, which had been lost by, or stolen from him.

The next question he would ask them was were they satisfied it had been found in the possession of the prisoner. It was admitted that the animal was found on Dr Rankine's run, and as it was not there as that gentleman's property, on whose account was it there? With regard to the conflicting readings of the brand, he (His Honour) hoped that there were among the Jury, persons sufficiently acquainted with such matters - to assist in forming a correct judgment on that difficult point. The Prosecutor suggested that as his brand was a small L another brand

was placed over or rather surrounding it. To meet that it was attempted to be shown, that the brand be what it might, was not McLean's brand.

He (His Honor) thought it was not likely a man would select his father's brand to disfigure the marks on an animal that might be claimed from him. Then the evidence of the prosecution did not rest on the brand alone; the prosecutor and others swore to the mare from means of identification apart and independently of the brand. Next came the question as to the possession of the mare by the prisoner. He had permission to run horses on Hindmarsh Island, and it was known there as his property, and was claimed and treated as such by the prisoner.

Whatever other contradictions arose he (His Honor) thought that point was fully established by Dr Rankine, whose evidence could be safely relied on, and he distinctly stated that the colt was branded for the prisoner, and the colt belonged to the mare. It was true that it did not appear that the prisoner directly requested that the colt should be branded for him, and it was for the Jury to consider whether such a request could come from any other person. The prosecution also relied upon the statements made voluntarily by the prisoner at Mount Barker. In that respect the evidence of Mr Shepherdson, a most respectable man, was worthy of all credit, as in fact was the statement of the police officer also.

They would, however, take into consideration whether those statements were such rash declarations as men sometimes make, in the hope of escaping from custody or averting a prosecution; or was it a deliberate statement of facts which he hoped and intended to prove? If they put the latter and more obvious construction on the words, they must observe that although he had a second opportunity at Mount Barker, and again there that day, yet no attempt was made to prove an honest possession of the mare! Then, as to stealing, it was not necessary that a person should be seen taking the property.

Were that the case very few robberies could be detected; in fact, ninety nine cases out of a hundred would go unpunished! Were they (the Jury) satisfied that the mare had been the property of the prosecutor, and lost by him? Had the mare been running, and her colt been branded as the property of the prisoner, on Dr Rankine's run? And had the prisoner afterwards stated that the mare was his property, and had been bred by him? If they considered these points, and had any doubt on the matter, they were bound to take into consideration the very excellent character hitherto enjoyed by the prisoner.

The Jury returned a verdict of "Guilty", but recommended the prisoner to mercy on the grounds of his previous good character. His Honor directed that the prisoner be removed, with a view that he might consider duly the recommendation of the Jury with the merits of the case."

Hugh McLean was given a sentence of 18 months, in which he was most unfortunate. The Judge was apparently sympathetic, but the Jury was not. No doubt Hugh found the mare, which had wandered far from home, and not knowing to whom it belonged, put it in with his own.

PETITION: for release to his Excellency Sir Henry Edward Fox Young, the Governor. Received by him 28/8/1854.

J.H. Fisher for Hugh McLean.

The petition was signed by all the well known men of the Strathalbyn district, and by some further afield such as Osmond Gilles (Glen Osmond), Allan McFarlane of Wellington Lodge - locals were George Knight, Francis Grote, (Dr) John Rankine, J.P. William Rankine, John Carruthers, Alexander Hay (Victor Harbor), William Bacon Smith, Edward Stirling, John Paterson, William Coleman, William Bowman (Finniss), James Dawson, John Cheriton, Ben Wylie, Roderick McKenzie, Samuel Stephens and many more.

The Humble Petition of Hugh McLean late of Strathalbyn in the said Province of South Australia, at present Prisoner in Her Majesty's Goal, Adelaide.

SHEWETH: that your Petitioner was in the month of November, 1853, tried for, and found guilty of the offence of horse stealing a horse, the property of Gottfried Lubasch at Mount Barker, and was sentenced by the Court to be imprisoned in Her Majesty's Gaol for a period of 18 calendar months, and that your Petitioner has been confined in such gaol from the time of the said trial.

That the Jury upon the said trial in returning their Verdict recommended your Petitioner to mercy on the proof of his previous good character which had been testified by various witnesses.

That your Petitioner together with his Father and a numerous family have been Colonists of this Province for many years - And - until the event which gave him to the charge against your Petitioner, nothing has occurred to stain, or injuriously affect the character of your Petitioner or any of his family.

That the evidence in the case was of a greatly conflicting nature but the jury doubtless considered that it prepredicated against your Petitioner.

That your Petitioner takes the liberty of annexing an account of the said trial from the Register newspaper of the 30th day of November last.

That your Petitioner has a young family depending upon him for support and his gather is now upward of eighty years old and is suffering much in health from the position of your Petitioner.

That the said Gottfried Lubasch the prosecutor of your Petitioner feeling that so far as he is concerned the ends of Justice have been satisfied by the present imprisonment of your Petitioner is willing and desirous that if it should so please your Excellency, your Petitioner should be restored to liberty and to his family.

Release:

6/9/1854 - Sir, I have the honour to inform you that His Excellency the Governor has been pleased to rescind the remainder of the sentence of Hugh McLean, late of Strathalbyn, now a prisoner in H.M. Gaol and you are accordingly authorized to release the said Hugh McLean, forthwith.

I have, etc. B.J. (Sheriff)

A similar letter was signed by J.H. Fisher, Esquire, (later Sir James Hurtle Fisher, President of the Legislative Council - lawyer and Resident Commissioner).

.....
Hugh returned to his farm at Lake Alexandrina, near Milang.

The Adelaide "Register" of 17/8/1855 - On June 4th Mrs Hugh McLean, of "Coeway" Lake Alexandrina, of a daughter. This was Esther Sibley who died in infancy in 1857, and may have been the infant McLean buried at the then newly opened cemetery (in 1856) at Strathalbyn.

The McLeans had objected strongly to a cemetery so close to the back of the family home "Auchanada's" (shown in the Royal S.A. Almanac and General Directory in error in 1855 as "Achnadale", Strathalbyn farm of Donald McLean). A later newspaper reported that soon after the opening they had buried one of their own there. They had accepted the inevitable.

Esther Sibley was in all probability the maiden name of Christy's mother, as the old Scottish custom was to name the first daughter after her maternal grandmother, and usually the second son was called after his maternal grandfather. Therefore it is possible that Christy's father was John Black.

No more is known of Hugh and Christy except for the record of births in his Gaelic Bible until the Diaries of Ewen McDonald, his brother-in-law until 1864/1865.

Ewen McDonald wrote:-

8/8/1864 - saw Hugh McLean at Milang.

17/8/1864 - paid Hugh McLean £7/- (\$14) for 3 cows.

30/1/1865 » Hugh McLean "fethched" back the read (red) cow.

13/9/1865 - Hugh took his cattle to Lake Albeit Peninsula.

This last mention sounds like the beginning of Hugh's move to Meningie on the far side of the lake from near Milang. It also shows that for at least 10 years after his father's death in 1855 Hugh occupied the Lake Plains sections.

Hugh's ill-fortune seems to have gradually undermined his health.

DEATH: Hugh McLean, the elder, died at his Meningie farm house in his 63rd year on 28/5/1876.

He was taken to Strathalbyn for burial, Div. 1/82 - part of the family plot. Whether he was conveyed over the water to Milang thence to Strathalbyn, or by the then rough track around the lakes, is not known. There was no published obituary in the "Southern Argus", only a brief notice of his death.

Christy was by then aged 45 years, the photograph of her in widow's weeds with black streamers falling from her bonnet, which is at the Strathalbyn Museum collection shows her face to be still round and unlined. The picture together with one of her four daughters was kindly donated by Mrs Glad Gardner, of Meningie (formerly Hughes and a descendant). Christy lost sons in 1869, 1882 and 1888. Eldest son, Hughie, of whom she was particularly proud had gone to Kingston, in the south east of the State at least by 1874, and he was then an exemplary young man.

There are some reminiscences extant of a great grandson, which include that Hugh the elder was defrauded by a Strathalbyn lawyer, who was traced to the W.A. goldfields, apprehended there and gaoled for 7 years. However, as both the Kalgoorlie and Coolgardie mines did not commence to operate until 1893, long after Hugh's death in 1876, this statement cannot be correct.

When Hugh died Christy joined son, Hughie, at Kingston until 1888. In that year she went back to the Meningie district to live with her daughter, Mrs Hughes, at Albert Hill. She was known to her grandchildren as "Grandmalac".

DEATH: of Christy McLean, aged 75 years in February, 1907, at Albert Hill. She was buried at the Meningie Cemetery, and there is a headstone on her grave.

..ooOOoo..