

## **Notes on David Hay and Jane née Kinnear**

(Great-grandparents of Daphne, Laurence, Glenys and Lynette Hay)

**David Hay born:** 2 August 1845, Greenock, Renfrew, Scotland.

**Jane Kinnear born:** 5 December 1840?, Montrose, Angus, Scotland

**David Hay arrived in NZ:** 26 October 1860, Port Chalmers, in Silistria

**Jane Kinnear arrived in NZ:** 2 March? 1871

**Married:** 11 October 1871, Oamaru, Otago, NZ

**Children:** Thomas William, born 18 January 1873, Oamaru.

David, born 12 July 1874, Oamaru.

Jane, born 17 October 1875, Oamaru.

Effie, born 13 April 1877, Oamaru.

\*Francis, born 28 May 1879, Oamaru.

Elizabeth, born 29 September 1881, Oamaru.

Andrew, born 23 November 1882, Oamaru.

**Jane Hay died:** 5 February 1912, Oamaru

**David Hay died:** 1 October 1919, Invercargill, Southland, NZ.

\*Grandfather of Daphne, Laurence, Glenys and Lynette.

### **David Hay's birth, migration and marriage**

David Hay was the sixth child of William Hay, and the first and only child of William's second wife Euphemia Shaw. He was born on 2 August 1845 and christened on 21 September of that year in St John's Episcopal Church, Greenock. Where he was educated is not known.

David arrived in New Zealand as a 15-year-old with his mother and half-brothers William, Joseph and James on the 'Silistria', which anchored in Port Chalmers on 26 October 1860; it is likely that his father William travelled as a member of the crew on the same ship. The Hay family had settled in Oamaru by Christmas of that year.

The communicants' roll of St Paul's Presbyterian Church, Oamaru, records that David was admitted there in March 1867, at the same time as his mother – but five months before his father. However, there is no record of David ever attending the quarterly communion services.

David married Jane Kinnear on 11 October 1871 in the home of his half-brother Joseph, the officiating minister being Rev Alexander B. Todd, Presbyterian. The witnesses were Andrew Mouat, miller (possibly David's employer at the time), and Catharine Richardson, later the second wife of William Hay Jnr, David's half-brother.

### **Jane Kinnear's birth, parentage, employment and migration**

Despite much searching of OPRs, etc, it has not been possible to find any incontrovertible evidence of the birth date or parentage of Jane Kinnear. It would seem that the only extant records of her birth are entries in family Bibles. Ian Hay,

grandson of Thomas William, reports that the Hay/Kinnear Bible, which he now possesses, gives Jane's birth details as 5 December 1840 in Montrose, Scotland. Ian adds: 'The handwriting of the register must be David's because the death entry states: "Jane, my beloved wife, died 5<sup>th</sup> February 1912 at Oamaru, N.Z. aged 71 years and 2 months".' The same birth details for Jane are recorded in the Bible of Francis and Edith Hay. Some degree of confirmation of these details is given by the birth certificate of Francis which states that his mother was born in 'Montrose, Scotland'; however, it gives her age in May 1879 as 34, which equates with a birth year of 1844 or '45.

As for Jane's parentage, her death certificate states that her father was John Anderson, sailor, and that her mother's maiden surname was Black! How Jane acquired the surname Kinnear remains a mystery. *[See endnote for possibilities re her parents.]*

However, some idea of Jane's pre-NZ life can be gleaned from UK census records. A name search of the 1841 census returns does not produce any likely candidate for the 6-month-old Jane. But a search of the 30 March 1851 census finds her as a 10-year-old 'Scholar' living at 3 Queen Street, Montrose, identified as a grand-daughter of the head of the house, Ellen Masterton, widow. (Four unmarried daughters make up the household, one of whom, Elspeth Ingram Masterton, later migrated to New Zealand and on 14 April 1865 married Joseph Hay of Oamaru, David's older half-brother.) This identification of the young Jane Kinnear is gratifying but further complicates matters by adding one more unexplained surname – Masterton – to the mix!

An all-Scotland search of the 1861 census comes up with only two possible Jane Kinnears, the details of one fitting our Jane exactly, ie, aged 20, unmarried and born in Montrose. This Jane Kinnear was, on 6 April 1861, employed as a housemaid in the Star Hotel, 24 Canal Street, Perth, some 40 miles from Montrose. The Star Hotel was possibly not the most salubrious – it had on that night only two guests (both commercial travellers) to occupy its 44 rooms, and to be served by a hotel-keeper, a cook, two housemaids, a barmaid, a laundrymaid, a scullerymaid and a boots.

Concerning Jane's journey to New Zealand, no details have been traced. *[See endnote for further information.]*

The Kinnear/Masterton and Masterton/Hay connections already established would suggest that Jane came to this country by invitation expressly to marry David Hay. This is not an unreasonable assumption as in the last quarter of the 19<sup>th</sup> century single adult women were a rare commodity in New Zealand! Elspeth Hay née Masterton (possibly Jane's aunt) would have been the match-maker.

The first evidence of Jane's presence in NZ is a Notice of Intention to Marry completed by David Hay on 5 October 1871. This provides the information that Jane Kinnear was a spinster, aged 30, who had lived in Oamaru for six months.

The session records of St Paul's Presbyterian Church, Oamaru, include the information that Jane Kinnear was admitted as a communicant on 1 June 1871 'by certificate' on transfer from Arbroath (some 20km south of Montrose), presumably the town in which she last resided in Scotland. The communicants' roll shows that Jane attended the quarterly communion services only sporadically, and that in May 1894 her church membership was transferred to Maheno.

## David Hay's occupation

It is not known what sort of work the 15-year-old David Hay took up after he came to Oamaru with his family in December 1860, but in 1871 he is described on his marriage certificate as 'storeman', and when he appeared in court as a witness in 1877 he identified himself as 'manager for Messrs Anderson and Co., millers, Oamaru'.

[The Oamaru businesses of Spence and Hay (1874) and Hay and Barr (1874-1883) do not involve any members of the William Hay family. In these firms the Hay partner is, in each case, a Robert Hay.]

A brief news item in the *Oamaru Mail* (19 January 1880, p2) marks the launch of David Hay into business on his own behalf. It reads:

We are informed that the large grain store erected in Humber-street last year by Mr. Kerr has recently changed hands, so far as the tenant is concerned. Mr. David Hay, manager for Messrs. Anderson and Co., millers, for many years past, and who has enjoyed the confidence of the farmers and merchants during the whole of his past career here, is about to establish a business of his own in Oamaru, and we heartily wish him every success in his new undertaking.

A few days later the following advertisement appeared in the *Oamaru Mail* and the *North Otago Times* of 27 January 1880:

### TO FARMERS AND OTHERS

DAVID HAY

(Late Manager for Messrs Anderson and Co., Grain Merchants, Oamaru), begs to intimate to his friends and others that he has started business as

GRAIN MERCHANT AND GENERAL COMMISSION AGENT,

In that commodious Stone Store known as "KERR'S STORE."

Cash buyer of all kinds of produce; full weight corn sacks always on hand; storage taken at lowest current rates – room for 30,000 sacks.

DAVID HAY

A commission agent buys goods or commodities from producers, in this case farmers, and sells them to manufacturers or retailers. Almost certainly 'Kerr's store' is the large building that still stands at 14 Humber Street.

David had chosen his moment well. By 1880 the bottom had begun to fall out of the wool market and farmers were turning increasingly to grain-growing, with a developing (though, as it turned out, not long-term) wheat export market in Australia.

**D. and J. Hay.** David also traded as 'D. and J. Hay', the 'J' being his half-brother James. The first mention of this firm was in both local newspapers of 24 February 1880, about a month after the 'David Hay' item above, but not until the *Oamaru Mail*

of 14 July of that year do we get this full advertisement (it never appeared in the *Times*):

**D. AND J. HAY**

beg to intimate to their friends and others that they have started business as

**GRAIN MERCHANTS, PRODUCE DEALERS, AND GENERAL COMMISSION AGENTS.**

Agents for Daniel Forrest, Kakanui Flour and Oatmeal.

Flour, Bran, Pollard, Oatmeal, Oats, Chaff, and Fowls' Wheat always on hand.

The last advertisement for D. and J. Hay as grain and produce buyers appeared in the *Oamaru Mail* of 16 December 1884. In 1885 the firm seems to have concentrated on selling the Howard Twine Binder, until a notice in the *Mail* of 2 March signified a major change, the notice reads: 'D. AND J. HAY have REMOVED to those Offices NEXT UNION BANK OF AUSTRALIA' i.e. the office of David Hay & Co. in Tyne Street.

This move suggests that it was at this time or later in 1885 that David gave up the lease on the 'commodious Stone Store' in Humber Street that he had used since 1880. Certainly this decision must have been made by January 1887 as on 28<sup>th</sup> of that month an advertisement appeared in the *Oamaru Mail* stating that W.R. Darling had begun operating from the Humber Street site 'lately occupied by Messrs D. Hay and Co.'. Where in Oamaru David then stored his grain purchases is not known.

The brothers worked together for almost 6 years, before the following notice appeared in the *Oamaru Mail* of 16 January 1886:

THE Partnership hitherto subsisting between DAVID HAY and JAMES HAY, Millers and Grain Merchants, under the style of D. and J. Hay, has been DISSOLVED as from the 14th December, 1885. All debts due to the firm must be paid to David Hay.

DAVID HAY  
JAMES HAY

Witness: WILLIAM HAY, SEN.

IN reference to the above, we respectfully beg to inform our friends and the public that we intend carrying on the business as usual as Millers and Grain Merchants under the style of DAVID HAY & CO. All orders or communications sent to Maheno will have our prompt attention.

DAVID HAY & CO.  
Kakanui Mills, Maheno

### **The Kakanui flour mill**

In 1884 a chance came for David to add value to his grain-buying activities. Anderson's had leased a flour mill on the Kakanui River at Maheno, just south of Oamaru, from the NZ and Australian Land Co. but in 1880 gave up the lease in favour of Daniel Forrest. Then in 1884 D. and J. Hay took over the lease of the mill (Clark's mill as it is known today, still standing and in working order). A 6 March 1884 advert for D. and J. Hay gives 'Humber Street Grain Stores and Kakanui Mills' as the firm's places of business.

A history of the mill prepared by the Historic Places Trust says:

The Hays confined themselves to milling, and running a grain merchants business in a 'commodious stone store' in Oamaru. The Hays seem to have been astute businessmen.... By 1886 their effective landlord, W.S. Davidson the manager of Totara Estate, was complaining to the directors of the Land Company that...'we are getting only about half the rent we got in 1878 and are glad to get a tenant at all seeing that the mill is old fashioned'.... Hay claimed that he could not make even this rent if he could not produce flour equal in quality to that produced by the new roller mills. In 1892 Davidson added up the profit and loss for the previous 12 years and found a net loss to the company of £490, yet the new roller machinery was installed the following year. Hay must have had some very persuasive arguments.

An advertisement in the *Oamaru Mail* of 16 September 1889 describes David's business at that time as:

Miller, Grain Merchant and General Commission Agent.  
Cash buyer of WHEAT, OATS, BARLEY and POTATOES  
Delivered at Oamaru or Kakanui Mills.

Office: Tyne-street, next Union Bank of Australia.

The Union Bank building still stands at 14 Tyne Street, but no contemporary adjoining buildings remain. By the 1890s David Hay was shipping grains and grain products to Tauranga, Napier, Wellington, Hawea, Wanganui, Auckland and Sydney.

David gave up the lease of the Kakanui mill in 1898. At that point his standard advertisement changed to something short and simple:

**TO FARMERS**

I am a Buyer of WHEAT, OATS, and BARLEY.  
Storage at Lowest Current Rates.

DAVID HAY

Office – Tyne street, next H.B. Crawford, Solicitor.

No doubt he was well-enough known and his reputation well-enough established to need nothing more than this. He was not now, however, buying potatoes.

**Later years**

That he was still in active business is shown by the fact that in November 1899 David made an offer to the Oamaru Harbor Board to buy George Sumpter's grain store in Harbour Street, at that time empty. The board declined to sell the store and decided instead to auction the lease with the reserve set at £70 per annum. It would appear that David did not obtain the lease (according to the newspaper 'he thought a rental of L60 a year would be fair payment').

On 4 October 1902 an advertisement for David Hay's firm was published, in the *North Otago Times*, for the last time, after various adverts had appeared (sporadically) in one or other (or both) local papers since 1880. This would seem to indicate that in October 1902 David (aged 57 by that date) scaled down the grain-dealing side of his business. However, on the marriage certificate of his son Francis (29 October 1902), David still gives his occupation as 'Agent', and the issues of

Stone's directory for 1906 to 1910 list him as 'commission agent' with an office in Tyne Street.

It is possible that the years from about 1902 to 1908 were difficult ones for David. Submissions to the Borough Assessment Court on 27 March 1906 would support this conjecture:

...Grain stores were not the best of properties at present....

...The storage business was not what it had been, for a succession of good years had resulted in farmers having more barns and storage of their own....

...David Hay, commission agent, gave evidence in support of the appeal for a reduction [*in rental*]....

But the Oamaru Chamber of Commerce seems to have come to the rescue (if rescue it was): In December 1908, on the recommendation of that body, David Hay was appointed by the Board of Trade as official produce and grain grader for the port of Oamaru – a signal honour, especially seeing that he was nominated for the position by his local business peers and competitors. This job was no sinecure – in the 1912 growing season David is reported to have graded 53,680 sacks of potatoes!

### **The great flood**

The Kakanui River is prone to flooding, one of the worst occasions being in 1892. Scotter in *Run, Estate and Farm*, his 1948 history of the area, describes what happened:

Again in 1892 after a rainy Sunday – February 11 – streams overflowed. John Marcks says that at the fellmongery the water rose nineteen feet in one and a half hours. Next morning the only ground showing between Maheno and the flourmill was just south of the viaduct and this was crowded with sheep with rabbits on their backs.... A boat was got from Oamaru to rescue the men from the killing works east of the viaduct, and the David Hay and Dixon families.

David, like the captain of a sinking ship, stayed 'aboard' the mill. Scotter's account is confirmed (except for the date) by an advertisement published in the *North Otago Times* of 11 (Thursday) and 12 February 1892:

I BEG to THANK all those who so willingly and ably assisted to RESCUE My Family from their Perilous Position during the Floods in the Kakanui on Monday morning. DAVID HAY

### **Land holdings**

In 1877, David Hay's name appears on the House of Representatives electoral roll for Waitaki, his qualification being given as: 'freehold; section 14, block 1, Oamaru Town' (fronting onto Tees Street). The official *Return of Freeholders* of October 1882 lists David Hay, corn-dealer, as owning land in Oamaru to the value of £400.

When the 7,500-acre Totara Estate was broken up and sold in April 1879, David Hay was amongst the 600 people who gathered for the auction, purchasing sections 17 and 29 in the township of Alma at £42 each. Eventually, in May 1893, he put these up for auction, section 29 including a two-roomed house and an iron shed.

From the records of the Oamaru South and Maheno public schools, it would appear that the Hays lived for periods at Maheno (presumably in the mill manager's house, still standing), as well as in their Tees Street house, during the years 1884-1898.

### **David Hay's community involvement**

**Borough council.** David Hay's involvement in community organisations was quite extensive, though he does not appear to have been directly active in church affairs, and seems to have been reluctant to serve on overtly political bodies. He was, for example, nominated to stand for the Oamaru Borough Council in October 1889, but within a week had withdrawn his name. In September of the next year he was again nominated and this time elected, but 'retired' after 14 months. Judging by the newspaper reports of council meetings, he took little part in the proceedings. It was not a good time to be a borough councillor in Oamaru, with the council 'struggling', as K.C. McDonald says in *White Stone Country*, 'in a morass of debt'. David seems to have felt more comfortable serving on bodies relating to the concerns of church or family.

**Band of Hope.** For example, in February 1872 David Hay was elected to the committee of the Oamaru branch of the Band of Hope, along with a number of other notables. The Band of Hope, founded in England, aimed to instil the principles of sobriety and teetotalism into working-class children. That there was need for such an endeavour in the Oamaru of the 1870s can be gathered from K.C. McDonald's description of juvenile behaviour in what the *Ashburton Mail* called 'that drunken metropolis':

Groups of mere boys, sometimes intoxicated, obstructed the footpaths, shocked the ears of passers-by with obscene language, and crowded peaceful citizens into the gutters. Concerts were constantly interrupted by cat-calling, jeers, and general uproar. Church services were disturbed by banging on windows, shouting and stone-throwing.

**Good Templars.** Then, the *North Otago Times* of 18 November 1873 reports the first meeting of the Oamaru branch of the IOGT (Independent Order of Good Templars), a USA-based association promoting total abstinence, at which David Hay was unanimously elected WCT -- Worthy Chief Templar. Obviously, even at 28 David was a respected citizen of the town.

**School committees.** By 1879 David Hay was a member of the Oamaru Schools Committee, the powerful management body for the high school and the north and south primary schools. The *North Otago Times* of 26 January 1880 reports that in the previous year, out of the eight committee members, David Hay had been the fourth most conscientious, attending 16 of the 21 meetings held. It is unclear how long David served on the schools committee, but certainly he was elected again in 1884.

By 1890 each school had its own management committee, with David Hay on that for the South School where his own children attended. At the April 1890 meeting of the South School Committee, the last before the annual election, the *Times* reports that 'it was unanimously resolved to place on record a hearty vote of thanks to Mr David Hay for his services as hon. secretary, which have been so ably carried out during his term of office'. David was re-elected to the committee in April 1891 for what appears to have been the last time.

**Benevolent society.** David Hay was a member of the North Otago Benevolent Society by December 1881, and in February 1883 was appointed treasurer, however by November 1883 he had been replaced in that role.

K.C. McDonald writes that there was ‘a good deal of destitution’ in Oamaru in the later 1870s, and in response the Benevolent Society was established in September 1876. He describes the work of the society as follows:

At first it gave gifts of food and clothing to needy persons, but it soon became clear that in some cases shelter was required as well. The immigration barracks and cottages were placed at the Society’s disposal when not required for their primary purpose. The cottages were let at low rentals to deserving families, and destitute or orphaned children were housed at the barracks; there too unemployed servant girls, about whose moral welfare there was considerable concern, were offered shelter.

David Hay’s service on this body was long and notable, and in January 1891 the Waitaki County Council appointed him, along with three other local worthies, as the council’s representatives on the Benevolent Society’s board of trustees.

**Licensing committees.** Playing a rather different (though possibly not unconnected) role, in 1885 David was nominated by the licensed victuallers to represent them on the licensing committees for Oamaru (there were four licensing districts in the borough, each with its own committee). The *Times* commented: ‘Both sides [*i.e. the victuallers and the temperance party*] are to be complimented on the choices they have made of candidates.... The interests of all parties might be safely left to a committee formed from the above names.’

It says much about David’s reputation for impartiality and fairness that he who had been, and possibly still was, a leading light in the Band of Hope and in the Good Templars, and whose father was currently an ardent member of the Blue Ribbon Army – all organisations promoting abstinence – should be asked to represent the liquor interest on such crucial bodies for them as the licensing committees. However, David seems to have served as a committee member for only one term, though he did stand again in the election of March 1900. He was not elected that time but polled the highest number of votes out of the five prohibitionist candidates.

**Hospital.** However, of all the community bodies and amenities to which David Hay gave his time, the hospital was the one to which he was most deeply committed. On 30 November 1872, after some five years of local fund-raising and with the help of a substantial grant from the government, a hospital was opened in Oamaru. It is relevant to note that in this era hospitals were established only to serve the poor; the sick in the ‘higher’ classes of society were treated in their own homes.

David Hay would have been an early subscriber to the hospital giving him the right to vote at the annual election of the management committee (from 1886, the trustees). In January 1890 at a rather fraught annual meeting of the hospital trust David Hay was proposed by Rev Mr Todd for election as a trustee, the *North Otago Times* reporting that Mr Todd ‘thought that in the interests of the institution it would be a good thing were a little new blood introduced’; David Hay was elected with 27 votes, topping the poll. When he resigned in 1916, ‘it was decided to place the name of Mr David Hay on the Honorary Life Governors’ Board’.

## Children

- **Thomas William**, born 18 January 1873, Oamaru; married Helen (Nellie) Swallow, 5<sup>th</sup> daughter of Henry Swallow, farmer, Herbert, 11 October 1897 in the manse, Clyde Street, Dunedin, Thomas described as 'Miller, Maheno'. Children (to November 1912): David Henry (birth registered 1899), Margaret Jane, born 13 December 1903, Dora Gladys (birth registered 1907). The family lived in Dalrymple Road, Invercargill. Thomas died 21 February 1935 and is buried with his wife and daughter Margaret in the Eastern Cemetery, Invercargill, Block 24, Plot 176.
- **David**, born 12 July 1874, Oamaru; miller; died 15 July 1947.
- **Jane**, born 17 October 1875, Oamaru; never married; died 28 October 1944, buried in the Hay family grave in the Oamaru Cemetery: Block 6, plots 1 & 2.
- **Effie**, born 13 April 1877, Oamaru; married Rev. Robert Elder, missionary to Argentina; died and buried in Buenos Aires.
- **Francis**, born 28 May 1879, Oamaru; married Edith Baker in 1902; died 21 February 1961, Christchurch, buried in the Timaru Cemetery. [See separate essay.]
- **Elizabeth**, born 29 September 1881, Oamaru; died 12 February 1882, buried in the Hay family grave in the Oamaru Cemetery: Block 6, plots 1 and 2.
- **Andrew**, born 23 November 1882, Oamaru; married Maria (aka May) Lewis in 1909; Maria died in October 1957, and Andrew on 9 July 1959; they are both buried in the Hay family grave in the Oamaru Cemetery: Block 6, plots 1 & 2.

## Jane Hay's death

Jane Hay née Kinnear died in the family home, Tees Street, Oamaru, on 5 February 1912, at the age of 71. Causes of death are given as 'Cancer of stomach' and 'Asthenia'. She was buried by Rev F.G. Buckingham, Baptist.

## David Hay's death

In about 1917 David, a widower for some five years, moved to Invercargill to live with his son Thomas, and died there on 1 October 1919 aged 74. Causes of death are given as 'Carcinoma of prostate – secondary carcinoma' and 'Cachexia'.

The *North Otago Times* printed an obituary, part of which reads:

The deceased gentleman took an active and intelligent interest in public affairs. For some time he served as a Borough Councillor, but he was best known in connection with the administration of the Oamaru Hospital, with which he was for long years associated as a trustee. He was a very old member of the Phoenix Bowling Club [joining in October 1888] and generally played well his part in the social life of the community. He was also closely connected with the business and industrial activities of North Otago, his most prominent association therewith being as a proprietor [actually leasee] of the Kakanui Flour Mills. Personally, Mr Hay was a man to be admired – unassuming, gracious in manner and ready to oblige.

The cemetery register records David as Presbyterian. Jane and David are buried together in the Hay family grave in the Oamaru Cemetery: Block 6, plots 1 and 2.

## Endnote: re Jane Kinnear's parents – and other mysteries

There are three mysteries in Jane Kinnear's life history:

1. The greatest one is her parentage and date of birth.
2. The second is how, where and when she arrived in New Zealand.
3. And the third is her relationship – if any – to William Francis Kinnear, who lived in Oamaru (on and off) from at least 1868 until 1882; Jane resided there from 1871.

### 1. Parentage and date of birth

The David Hay family Bible records that Jane Hay née Kinnear was born in Montrose, Scotland, on 5 December 1840. Her death certificate states that her father was John Anderson, sailor, and that her mother's maiden surname was Black. A search of relevant church and civil records throws doubt on all of these assertions, but also reveals possible solutions to the problems raised.

**Date of birth.** To question the date accepted by Jane's immediate family as that of her birth is to presume that Jane herself was mistaken as to her age. That is not so unlikely in view of the little regard paid to birthday anniversary celebrations by 19<sup>th</sup> century working class people, and the fact that there would be no official birth certificate in the family's possession; such certificates were not obtainable before 1855 when civil registration began in Scotland. Reasons for doubting the accepted date are as follows.

There is only one parish register record of a child called Jane Kinnear being born or baptised in Scotland in the years 1840-41, and this was in Edinburgh on 28 August 1840. Even more to the point, this Edinburgh Jane is the only one to appear in the national census conducted on 6 June 1841. Together, these facts throw into serious doubt the accepted date of our Jane's birth. They suggest that it would not be unreasonable to propose that she was born some time after 1841.

Also, a plausible explanation can be given as to how 1840 came to be accepted as Jane's birth year. The 1851 census record states that Jane was 10 years old by the date of that census, 30 March, which would make 1840 or '41 her birth year. However, Jane was not with her parents on the census day but with a family by the name of Masterton. It is unlikely that the child Jane would have known her birth date, so Mrs Masterton, distantly-related at best, would have been making little more than a guess at Jane's age. Once an age had been set for Jane it is quite possible that this was maintained in ignorance throughout the rest of her life.

Also, various documents relating to Jane allow widely varying estimates of her birth year:

- the 1851 census (taken on 30 March) states her age as 10, **giving a birth year of 1840 or '41**;
- the 1861 census (7 April) – age 20, **birth year 1840-41**;
- the Intention to Marry form completed by David Hay on 5 October 1871 – age 30, **birth year 1840-41**;
- the Marriage Certificate dated 11 October 1871 – age 'Full' ie 21+, **birth year no later than 1851**. (It is unfortunate for us that NZ marriage certificates before 1880 did not include the names of the parents of the marrying parties.)
- the birth certificate of Francis Hay born to David and Jane on 28 May 1879 – mother's age 34, **birth year 1844-45**;

- Jane's death certificate – 'Age at death' (5 February 1912) 70, **birth year possibly 1841 but more likely 1842;**
- Jane's death certificate – 'Age at marriage' (11 October 1871) 28, **birth year 1842-43.**

The informant for the first document listed above would have been Mrs Ellen Masterton who, as already suggested, was probably guessing at Jane's age. The informant for the second, third and fourth documents would have been Jane herself, who was likely to have no definite knowledge of her actual birth date. More interestingly, the informant for the last three items was probably David Hay who, despite the record in the family Bible, was clearly quite uncertain as to the age of his wife. This wide range of possible birth years – 1840 to 1845 – allows dates other than 5 December 1840 to be considered.

**Parentage.** As to Jane's parentage, as noted above, her death certificate states that her father was John Anderson, sailor, and that her mother's maiden surname was Black – despite there being no evidence that Jane Hay née Kinnear was ever known by the surname Anderson or Black.

However, this perplexing information was probably supplied by David Hay, who was in the best possible position to know the facts regarding his wife's birth; it cannot, therefore, be lightly dismissed. Also, that no Christian name is given for the mother provides an air of reliability to the information – if someone was concocting the story they surely would have done so thoroughly!

A further reason for taking this information seriously is the following tantalising entry in a Church of Scotland OPR for Greenock West:

Booked, proclaimed & married 1841.

Anderson – Black. John Anderson ship carpenter Old Parish of Greenock and Elisabeth Black parish of Pt Glasgow, booked 16<sup>th</sup> July married 1 August 1841.

On the face of it this seems highly relevant, though the geography – Greenock on the west coast, not Montrose on the east – makes it less so than it might have been.

However, the records do not show any children born to this marriage. Also, if this couple were the parents of our Jane, and if she was born on the accepted date of 5 December 1840, then she was clearly illegitimate – her parents not marrying until eight months after her birth. If this were the case it would possibly account for there being no record of Jane being baptised, though even 'natural' children usually were. And maybe (if, say, Elizabeth Black was ill or very young) Jane was fostered by a family named Kinnear – though, as shall be seen, it seems more likely that if she was fostered by anyone it was by a family named Masterton!

Bearing in mind that the William Hay family lived in Greenock, it is possible that they knew John Anderson; he would have been about the same age as William Snr and, like him, a sailor. In which case David could have known Jane (assuming she was related to the Anderson/Black couple) as he was in Greenock until age 15, when he left with the family for New Zealand.

So, while the Anderson/Black parentage proposal cannot be discounted, and is probably the strongest contender, there are good reasons for regarding it with suspicion – at best, not proven.

If one does set aside the death certificate identification of Jane's father, another possibility is raised by an entry in the Church of Scotland OPR for Montrose 1820-54 (LSD film no.993498, ref.312/11, p.68):

March 10<sup>th</sup> 1839

John Kinnear, Cabinet Maker, Lower Hall St, and Elizabeth Black, Paton's Lane, daughter of the late William Black, were proclaimed in order to marriage and no objections offered.

This solves the 'Kinnear' problem, has the right surname for the mother, the right city, and the date of the marriage raises no awkward questions. Furthermore, the baptism section of this OPR (ref.312/10) records the births of three daughters to these Kinnears:

- 18 December 1839 – Elizabeth (p.406),
- 23 October 1841 – Margaret (p.439), and
- 23 January 1844 – Susan (p.490).

But no Jane! There would be room for an unrecorded 1840 or 1842 birth, but such a conjecture would be a very weak foundation for any assertion about our Jane's birth year.

If **all** the details of her parentage given in Jane's death certificate are discounted, a further option becomes a possibility. To recapitulate: The fact that our Jane Kinnear is not recorded in the 1841 census, coupled with the absence of any contemporary register entry for her birth in 1840, makes it seem possible that the Hay family Bible is in error in the date given for her birth – 5 December 1840. Some credence can be given to this possibility by the widely varying ages assigned to Jane in various other documents.

The lack of any corroborating evidence for the Anderson-Black parentage, coupled with the range of possible birth years – 1840 to 1845 – make it likely that **any** record of the birth of a Jane Kinnear in Montrose within that period relates, in fact, to our Jane – and the Montrose OPR does contain such a record, the following baptism entry:

John Kinnear, Carter, and Isabel Ross, his spouse, had a daughter born on the 21 Nov 1842 & baptised 1 Jan'y 1843 named Jane.

Furthermore, on 28 December 1850, an Isabel Ross, aged 26, was buried in the Rosehill Cemetery, Montrose. If, as is likely, this Isabel was the mother of the Jane Kinnear baptised as above, and if this Jane was our Jane, her mother's death could account for her being with the Masterton family on census night in 1851.

This option also puts us in the right city and solves the 'Kinnear' mystery, but a number of matters count against it. Firstly, Jane is designated 'grand-daughter' (of Mrs Ellen Masterton) in the 1851 census record, but neither John nor Isabel was a Masterton, so Mrs Masterton could not have been Jane's grandmother (though it could be that she was a grand-aunt, and used the term 'grand-daughter' loosely).

Another argument against this parentage possibility is that Jane named none of her own children John or Isabel, though her husband's father (William) and his mother (Effie) were honoured in this traditional way.

But the strongest count against is the record in the 1851 census that Jane was 10 years old by the date of the census, 30 March. If Jane was born on 21 November

1842 she would have been aged only eight years and four months by this date. However, as noted above, it is most unlikely that the child Jane would have known her birth date and Mrs Masterton could have been simply making a guess at her age.

Should it be correct that John Kinnear and Isabel Ross were Jane's parents, then Jane also had a brother, Robert, born or baptised in Montrose on 14 September 1845. However, Robert died almost exactly a year later.

Each of the three possibilities outlined above solves some parts of the problem but not others or raises new problems. None of them is conclusive.

## **2. How, when and where did Jane arrive in New Zealand?**

The first clue as to when Jane Kinnear arrived in this country is provided by the Notice of Intention to Marry (Archives NZ, Doc. No. BDM 20/16, p.546, no.259) filled out by David a week before the wedding, which tells us that Jane had been resident in the Oamaru registration district for six months, giving an arrival date of March or early April 1871. Secondly, Jane's death certificate (5 February 1912), states that she had lived in New Zealand for 42 years, making 1870 the year of her arrival. However, David's statement is to be preferred.

Searches of extant passenger lists and indexes of voyages to New Zealand from the UK, and from Victoria, Australia, have revealed no likely suspect, despite searching under the surnames Anderson, Black, Masterton and Kinnear.

If, as is likely, Jane embarked in Glasgow or Greenock and disembarked at Port Chalmers, it is probable that she was aboard either the 'Christian McAusland', which arrived in Otago on 23 January 1871, or more probably the 'Agnes Muir', which came in on 2 March. The next migrant ship to arrive from the Clyde was the 'Helenslee' on 28 May – too late to allow for the six months' residence stated in David's 4 October Intention to Marry notice.

Only partial passenger lists exist for these voyages. Of the 123 steerage passengers carried by the 'Christian McAusland' the names of only the 41 who were assisted or guaranteed by the Otago Provincial Council have been preserved, and of the 83 'intermediate and steerage' passengers in the 'Agnes Muir' the names of only the 57 assisted immigrants are known. If Jane was coming to New Zealand to marry David Hay, it is very unlikely that she would have travelled as an assisted immigrant, while at the other end of the scale she was not of the right social class to have travelled as a cabin passenger (all of whom are named for each voyage).

## **3. Was Jane related to William Francis Kinnear?**

The *North Otago Times* of 7 July 1868 carried the following notice:

### **MARRIED**

On the 26<sup>th</sup> May, at Oamaru, by the Rev J.A. Taylor, Jessie Lee, second daughter of the late Charles G. Swift, Esq., of Geelong, Victoria, to Mr Wm. F. Kinnear, second son of the late Hon. Wm. B. Kinnear, Judge of Probates, St. John's, New Brunswick, British North America.

There is no direct evidence that Jane Kinnear and the aforementioned William Francis Kinnear were linked in any way, let alone biologically. However, the circumstances of their lives strongly suggest that they must have at least known each other. For example:

- When Jane arrived in Oamaru in about 1871 the town had a population of only about 1,500 people. Both William Kinnear and his wife Jessie were well-known through their involvement in, respectively, the commercial and the artistic life of the community.
- The surname 'Kinnear' is unusual – there were probably no more than three or four families of that name in New Zealand up to 1871. Could it be simply co-incidence that two people of that name gravitated to such a small place as Oamaru?
- A biological link might explain the choice by David and Jane Hay of the name 'Francis' for their third son – a name not previously found in the Hay line.

From the genealogical information available, it is not possible that William Francis could have been Jane's brother, but the possibility that they were cousins cannot be ruled out. It is plausible to think that Jane was encouraged to emigrate to Oamaru to marry the unknown David Hay by the presence in the town not only of a life-long friend, Elspeth Masterton (married to Joseph Hay), but also by that of a blood relative, William Francis Kinnear.

To round off the story: In 1882, William and Jessie Kinnear moved from Oamaru to Melbourne, where William died of 'consumption' (TB) on 3 November of that year. After her husband's death, Jessie returned to Oamaru, living in Humber Street, and earning her living as a music teacher and performer. She remained in Oamaru until at least 1896. Jessie Lee Kinnear née Swift died in Heidelberg, Victoria, Australia, in September(?) 1907.