

In London's Central Criminal Court on the 19 September 1842, Jane Arnott, a 37 year old woman was tried: first for forgery and larceny, and then for stealing. The prosecutor in both instances was Jacob Davis of Artillery Place Finsbury, which is a district in central London and lies immediately north of the City. Artillery Place was a short road of 24 houses and most residents were merchants. Arnott was a country girl, raised in Bedford. She was a professional cook but had been in Newgate prison since her arrest.

Prosecutor, Davis was called to give evidence and stated, 'I am a fur merchant. The prisoner was my cook. I deal with Thomas Cadd for candles and soap. The prisoner was in the habit of paying my bills. I gave her the money to pay this bill of 2s.8 ½d. to Cadd. I am quite certain that she brought me the bill receipted, and said that it was paid.'

Arnott's response seemed confused. She said, 'Miss Davis always gave me money for bills, and it was considerably short, and not setting the things down, I intended to pay both bills together.'

Next, the clerk called Thomas Cadd, who informed the court, 'I am an oilman, and supply goods to Davis. This receipt is not in my writing. It is my bill, and has "Paid, Thomas Cadd" to it. But I never received the money.'

The court then heard evidence from William Hammond, a servant with Mr Davis. He said, 'I am an errand-boy to Mr Davis. The prisoner asked me to put "Paid" to this bill. I did so, and signed the name, by her request. I am sure of that. She said that the money was paid.'

To this Arnott explained in her defence, 'I asked him to put "Paid" to it, as I did not want to go out just then. I had not got the money. I intended to pay it as soon as Miss Davis settled with me. I had paid away the money which was given to me. I was a shilling or two out of pocket. Miss Davis said that she would reckon it up again, but did not.' This statement is exactly as in the records, but seems confusing and must throw some doubt on Arnott's ability to defend herself.

The magistrate then closed the case and issued a verdict of guilty before proceeding to the next charge against Arnott. The clerk of the court read the new charge: 'Jane Arnott you are indicted for stealing, on the 15 August, 1 fork, value 10s.; and two spoons, value 4s.; the goods of Jacob Davis, her master.'

After the charge was read, the magistrate asked Mr Davis to present his case. He said, 'About the 15 August I missed a fork and two spoons. I had seen them a month or six weeks before. These now before the court are them.'

Responding to this, Arnott stated, 'Miss Davis, some weeks ago said, "I have been to get some forks out. I lent some silver ones a short time ago, and I am afraid they have returned a plated fork instead of a silver one."' She continued, 'Since I have left the prosecutor's employ, they say two forks were lost.'

Next, Morris Davis and Rosanna Harriss were called next to give evidence. Morris Davis stated that he was the prosecutor's son and could identify the two spoons shown in evidence as belonging to his family by the engravings on them. Then Rosanna Harris was questioned and she stated, 'I live with Mr Davis. Some time ago our cook inquired for a fork and spoon to make something for Miss Davis, which I gave her. She said she should want them for some days, and did not wish Miss Davis to know what she was going to make. Then when we had company to dinner, I asked for them. She gave me a fork and told me the spoon was so dirty I could not have it. She gave me the fork, but on counting the plate I found one missing. The plate is under my care. She gave me back a fork which I supposed to be the one I had given her, and an hour after she left.'

The court then heard from Henry Wilson and John Norris, who work for Mr Sowerby, a pawnbroker. Wilson stated that, on 16 August, the prisoner pawned the fork for 4s. The next to give evidence was John Norris and he stated that, on 13 August, he took a spoon in pawn but could not recollect who gave it to him.

In her defence Arnott claimed that, 'I used the old spoons, and when I wanted one I asked for it. I know nothing about it.' But the court did not accept her plea of innocence and, on 19 September 1842, she was found guilty and sentenced to transportation for seven years.

It was not long before Jane Arnott was sent to the *Margaret*, a convict transport moored at Deptford. She was just one of a cargo of 160 women who were to be sent to Van Diemen's Land. McAvoy was the ship's surgeon from 8 November 1842, so it is likely that Jane joined the ship in early November and celebrated Christmas 1842 on board. A report on the *Margaret* appeared in the Hobart *Courier* on 2 June 1843:

The *Margaret*, female convict ship, the arrival of which has been so long eagerly anticipated, was lying off the Royal Arsenal at Woolwich, on 28th December, waiting for sailing orders for Van Diemen's Land. The females, to the number of 160, were supplied on Christmas Day with a large piece of plum-pudding and a gill of wine each, in addition to their usual allowance of fresh beef and good broth. One of the number – a female convict from Liverpool – has been appointed to act as boatswain, and it was pleasing, say the English journal from which we take this account, 'to witness her take her whistle from her bosom and pipe the others to dinner.'

The *Margaret* was built at Chepstow in 1829, and in Lloyd's Register it was rated 'A1'. Naval authorities examined convict transports to ensure a reasonably high standard of seaworthiness – however, both surgeons on this journey (McAvoy and Mould) complained of damp and leaks. Originally the *Margaret* sailed on 5 February 1843, but suffered storm damage, and had to put back to port for repairs.

On board, Jane would have been assigned to a mess of six women, based on similarity of age and criminality. Elizabeth Fry agitated for the employment of suitable ladies as matrons to be in charge of females in prisons and on transports. She believed that women were more competent to judge their own sex than men. There is a record of a matron on the *Margaret* – the surgeon's report on convict, Ann Appleyard, describes her as 'Bad, extremely insolent to the Matron.' It was usual for the women on board to be given chores: some to cook, others to clean. It is likely that Jane's skills meant that she was given cooking duties. This would ensure that she had better access to food than did some of the other women. Therefore, she may have been envied by some.

The *Margaret's* ship's surgeon journal comes in two parts: written by McAvoy and later by Mould – both complained about conditions. An idea of what the atmosphere was like on board can be gained from the surgeon's records. Four women died before the *Margaret* reach the Cape of Good Hope and McAvoy's general remarks at the end of his service show that the voyage was distressing. He wrote:

Indisposition prevented me filling this Journal, but, I have given the most prominent diseases, and it is a cause of regret that in the cases which terminated fatally I was not able to pay them the attention required. They were aggravated if not called into action by the wet and leaky state of the ship. ... The passage to the Cape of Good Hope was long & protracted, the wind unfavourable added to the wet & leaky state of the Ship made it anything but comfortable.

Surgeon John Mould took over for the journey from the Cape. He complained about 'moisture from the Prison Deck and the beds of the Convicts being frequently wetted by leakage.'

The ship arrived in Hobart on 19 July 1843 and the women remained on board until they could be checked for illness and their details recorded. Once officials were satisfied they were sent to a house in Liverpool Street, opposite the hospital, which had formerly been a nursery. That nursery had recently been closed following scandals about levels of care.

The surgeon's report on Jane was 'good'. She was single, childless and a cook, which would make her a relatively attractive employee. On 10 July 1845, she was in the employ of a Mr Bristow and may have been with him for some time. He complained of her being drunk

and she was sentenced to 14 days solitary confinement. This is the only misdemeanour on her record, so life must have been relatively uneventful.

On 5 September 1845, she sought permission to marry John Dunn, a convict from the *Waterloo*, who had arrived in Hobart on 3 March 1835. Although she was recorded as age 37 at her trial in London, at the time of her wedding she stated that she was a spinster and gave her age as 35. John was 34 and his occupation was blacksmith and groom. He came from County Farmanagh in Northern Ireland but, on 3 March 1834, he was court martialled in Waterloo, Lower Canada for desertion. His sentence was 'life'.

At that time, the British were having difficulties with their Canadian colony. There were French speaking areas and those citizens did not take kindly to British rule. Also, many farmers had been subsistence farming and, after 1820, a series of poor harvests caused by soil exhaustion and pests reduced many to near starvation, meanwhile the English continually raised rents. There were threats of uprising and, mindful of the loss of the United States, the British were at pains to ensure control of this part of their empire.

Ireland was no better. In the 1830s, many lived in abject poverty. There was a drift of the labouring classes to the city and machines were taking over some of the labouring jobs. The British army recruited heavily in Ireland and, by 1830, 42 per cent in the army were Irish. How and why John Dunn came to be in Canada and why he deserted is unknown. Did he join the army to escape poverty in Ireland? Was he seeking adventure? Was he press-ganged?

He was a complex character and, though the ship's surgeon described him as 'quiet and orderly', he showed a streak of rebellion. In Hobart as a convict he had charges from 1835 on for drinking and disobeying orders. There were many sentences for hard labour and even one for 24 lashes in February 1836, for 'telling a falsehood to the gatekeeper'. By 1839 there were more charges for absconding, disobedience and disturbing the peace. For most of those years he worked hard and, in the main, kept to his trade as a blacksmith. John's Ticket of Leave was granted on 22 September 1843.

The couple were married on 1 October 1845 at St Georges Church of England in Battery Point. They must have made a striking couple: John was very tall for that time at just over 6 feet (he would have towered over many of Hobart's citizens); Jane was closer to average height for the time, being an inch over 5 feet. While she was pale and slight, he was tall, blue-eyed with dark brown hair, eyebrows and whiskers. Given his trade, he probably also had broad shoulders and muscled arms from working the forge.

By 1847, Jane's fortunes were looking up and on 16 February 1847 she was granted her Ticket of Leave. Later, on 26 October 1849, she was granted her Certificate of Freedom.

Life must have become quite ordinary for nearly twenty years, until the evening in August 1867 when they were living in a small dwelling at Oyster Cove and entertained guests to dinner. John was probably still working as a blacksmith but Jane's occupation may well have become 'housewife'.

On Sunday 5 August, John and Jane had three guests: a married couple, George and Maria Langley (also residents of Oyster Cove), and James Thompson. It was probably cold outside as the night temperature in Hobart in August is around 5 degrees Celsius. Inside, the room was warmed by a fire and there was a small lamp shedding light. The house was small and Langley was later to refer to the home as a 'hut'. Given Jane's profession as a cook, it is likely that the meal was tasty. All five had been drinking, although later George claimed that he and Maria had not. Just how much alcohol had been consumed is uncertain.

As the evening wore on, perhaps overcome by the wine and food, John fell asleep on the floor near the door, while Jane and Maria relaxed on the sofa by the fire. Then, between 9 and 10 o'clock George saw John wake, stand and ask, 'Where is my Jane?'

Jane replied, 'I am here, Dunn dear.'

Next George saw John take a hammer from behind the door and throw it away as he muttered, 'Damned rubbish'. The hammer struck Jane on the forehead and she became insensible. As she collapsed, George heard Jane moan, 'Oh my.'

John exclaimed, 'Have I done it, Janey, Dear?' He rushed over and grabbed her by the legs to pull her off the sofa. As he struggled he said, 'Let me put my wife to bed.'

Although in the room, Thompson did not see John throw the hammer. But when he realised that Jane was injured he left to fetch Constable Dore. George (and probably Maria) stayed with the Dunns.

Dr Smith visited Jane on Monday, but she was insensible. She did not recover consciousness and died on Tuesday morning at around a quarter to 9.

On 12 August 1867 an inquest into her death was held at Mr Scullthorpe's Beach Hotel, Little Oyster Cove. This hotel was probably what was known as the Beach Tavern on Sandy Bay Road, close by the water. It was a solid two-storey Georgian style inn with a central front door and portico. It was well known in the district and the first recorded Australian game of lawn bowls was played there in 1845. The coroner was J.H. Daldy. A small jury were empanelled and John Dunn was in the custody of Mr Scott from Brown's River. James Langley gave evidence and, under cross-examination, agreed that he didn't think John threw the hammer in any particular direction, but towards the sofa where his wife was sitting, which

was about ten or twelve feet away from him. John said that he wondered whether it may have hit the wall and bounced onto Jane. He said that he had never known John and Jane to be anything other than on good terms. His evidence was corroborated by his wife and also by James Thompson. When questioned, Thompson stated that he was at the house for dinner and that the couple appeared on friendly terms – he added that he did not hear them quarrel that day. The first he knew of the incident was when he saw Jane was bleeding. Thompson went on to say that he saw Jane again early on Tuesday morning, around a quarter to seven and that she was still insensible.

When Dr Smith gave evidence he said that he had seen Jane on Monday afternoon about 4 o'clock when she was in a coma. After her death he performed a post mortem and found that there were no external marks of violence on the body with the exception of a deep lacerated wound on the top of her head and on the forehead, extending to the corner of the left eye with swelling and discoloration around it. He found that the brain cavity was congested with blood; that she had long standing disease of the lungs; the heart was enlarged and the liver was greatly congested with blood. Her stomach contained a considerable quantity of fluid and a small quantity of undigested food. He concluded that she met her death from the wound on her forehead and from no other cause. Dr Smith was asked if, in his opinion, the wound could have been caused by the victim falling off the sofa and striking her head on the hob stone. He answered, 'No.'

Constable Dore presented the court with a plan of the room and under cross-examination, contradicted George Langley's evidence that he and his wife were sober when he said, 'They all appeared to be muddled by drink, but they were collected enough to state what had occurred.' He emphasised his point as he said, 'Mrs Langley was not sober.'

Dunn again took the stand and explained that his wife had fallen on a hob-stone and that was how the injury occurred. Then several men came forward as character witnesses for Dunn: Dr Crowther said that he'd known him for ten years and that he was a humane and inoffensive man; William Ward said he'd known him for fourteen years and that he was of good character; Michael Hay also claimed that John was of good character.

After retiring for a time for consideration, the jury returned a verdict of manslaughter against John Dunn. John was then taken to town by police boat, under a coroner's warrant, to await trial.

In the Supreme Court on 9 September 1867, John Dunn was charged with Jane's murder. He pleaded 'not guilty'. However, he was found guilty and was remanded until the

following day for sentencing. *The Tasmanian Times* published a lengthy report of the judge's sentencing.

Supreme Court, 10 September 1867 (Before His Honor Sir Valentine Fleming, Knight, Chief Justice and common juries of twelve). The Attorney General Prosecutor. John Dunn, convicted of the manslaughter of his wife, was brought up for sentence. The prisoner said he was quite innocent. His Honor said that the man had been tried by an impartial and a just jury, of whom, if he had been one, he should have come to the same conclusion. The prisoner had been guilty of a cruel and barbarous act. The favourable point on his behalf was the character had had received as a humane and inoffensive man. So no doubt he was when sober, but when stimulated by drink he became dangerous, and under its influence he deprived his wife of life, as the learned judge believed he would not have done so if he was sober.
Sentence 8 years imprisonment.

References

Convict records

CON40/1/2

CON19/1/2

CON52/1/2

McAvoy, B, 5 November 1842 to 13 May 1843, Ship's Surgeon's journal, *Margaret*

Mould, J, May to August 1843, Ship's Surgeon journal, *Margaret*

Newspapers

The Cornwall Chronicle, 14 August 1867 (p.6)

The Courier, Hobart, 21 April 1843

The Courier, Hobart, 2 June, 1843

Lloyds Illustrated London Newspaper, London, 1 January, 1843

Mercury, Hobart, 12 August 1867 (p.2); 10 September 1867 (p.2); 11 September 1867 (p.2)

The Tasmanian Times, Hobart, 10 September 1867

Online

Hobart Weather. www.australia.com/en/facts/weather/hobart-weather.html

Old Bailey online. <https://www.oldbaileyonline.org> . Trial 19 September 1842

Georgian London: <http://www.georgianindex.net/London/squares/finsburySquare.html>

Other Sources

Bateson, C 1988. *The Convict Ships – 1788-1868*. Sydney: Library of Australian History

- Brett, EM 2005, *The British Auxiliary Legion in the First Carlist War 1835-1838*, Dublin: Four Courts Press
- Dennison, CJ 2008, *Here's Cheers - A Pictorial History of Hotels, Taverns & Inns in Hobart*, Hobart: Hobart City Council
- Fry, EG 1847, *Memoir of the Life of Elizabeth Fry*, Cambridge: Cambridge University Press, Digitally printed version 2011.
- Fry, E, Fry, K & Cresswell, R 1847, *Memoir of the life of Elizabeth Fry, with Extracts from her Journal and Letters. vol. II*. London: Gilpin, [Nabu Public Domain Reprints].
- Greenwood, F. (trans. & ed.) 1980. *Land of a Thousand Sorrows – The Australian Prison Journal, 1840-1842 of the exiled Canadien Patriote, Francois-Maurice Lepailleur*. Melbourne: Melbourne University Press
- Wilkie, D 2015, *The Journal of Madame Callegari*. Historia Incognita.
<http://historiancognita.net>