

JANE MOORHEAD

(*Blackfriar*, 1851)

by

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Jane Moorhead arrived in Van Diemen's Land (VDL) aboard *Blackfriar* on 29 May 1851.¹ She was thirty years old and single. On 25 February 1850, she had been found guilty of arson in Ireland and sentenced to transportation for fifteen years. Although she committed relatively few offences in the colony, the crime for which she was transported as well as her subsequent conduct suggest that she harboured a deep sense of hostility and resentment. During the early years of her servitude, she was gaoled twice for threatening violence against people with whom she worked. Her most serious offence, however, occurred in late 1864 - nine years after she had been granted a conditional pardon – when she was convicted of manslaughter in the Supreme Court at Hobart and sentenced to another six years in prison. After her release, she moved to a quiet country town in the neighbouring colony of Victoria where she passed away at the age of sixty-four in 1885.

This is her story ...

Jane Moorhead was born in County Kildare, Ireland, about 1821.² Nothing is known about her early life. Upon arrival at Hobart, she told the authorities that she had three brothers: John, Joseph and Jacob – and two sisters: Catherine and Johanna. The fact that she did not mention her mother and father at that time might suggest that they had passed away before her conviction.³

On 25 February 1850, Jane stood trial in County Wicklow, Ireland, accused of arson. The court heard that she had burnt down a stack of hay belonging to a Mr. Boyle. As a record of the trial has not been located, it is not known what motivated her to destroy Boyle's property but, found guilty of the charge, she was sentenced to transportation for fifteen years.

Arson was a serious offence. In the first three decades of the nineteenth century, 'setting fire to any stack of corn, grain, pulse, straw, hay or wood' was punishable by death under British law. Although it had been removed from the list of capital crimes by the 1840s, it had still commonly attracted a harsh penalty.⁴ According to Williams (1972), arson was a crime that was particularly

¹ Conduct Record: CON41-1-30, image 179; Description List: CON19-1-9, image 150; Indent: CON15-1-7, images 50, 51; Police No:254; FCRC ID:2863

² Birth year calculated from age at arrival in VDL (CON41-1-30, image 179)

³ Jane's death certificate (1885) reveals that her father's name was John Moorhead but there does not mention her mother.

⁴ <https://phys.org/news/2014-12-short-history-arson.html>

prevalent in Ireland and one which was more frequently committed by women than men. It was a crime that was responsible for the transportation of 242 females to VDL from Ireland, or seven per cent of the total. In comparison, only one percent of British women shipped off to the Australian colonies were arsonists. Williams accounted for this anomaly by asserting that arson was predominantly a rural crime in Ireland, one committed by females whose lives had been disrupted by famine and its aftermath. Forty-six percent of the Irish women transported for the crime gave their occupation as 'country servant'. Ninety-two per cent were single or widowed. These women, Williams argued, were not 'pyromaniacal torch-bearing criminals' but people with a real grievance at a time when rural agitation against evictions of families from their land holdings was at its height.⁵

Did Jane Moorhead have a particular grievance against Mr. Boyle? Had he been responsible for the eviction of her family from their land? Or, in a more general way, was she venting her frustration at unfair taxation or the high price of food? Was she attempting – as others had done before her - to compel lawmakers to take notice of tenants' rights? There are no answers to these questions yet.

After her trial, Jane was held in prison in County Wicklow for three months. A report from the gaol reveals that her behavior there was 'very good' but notes also that she had had a previous conviction and had spent fourteen days in prison for that offence.

On 12 June 1850, she was transferred to the Grangegorman Convict Depot, Dublin, to await the ship that was to take her to VDL.⁶ Eventually, she was put aboard *Blackfriar* which, with 260 other female prisoners, sailed from Dublin on 24 January 1851 and reached Hobart on 29 May that year.⁷

At Hobart, Jane was described as being thirty years old and single, five feet (152.4 cms) tall, with brown hair and hazel eyes. Her complexion was 'dark' and her face 'much freckled'. Her religion was recorded as 'Protestant' and her occupation as 'plain cook and laundress'. She told the authorities that she could both read and write.⁸

Immediately after disembarkation, Jane was sent to the Lunatic Asylum at New Norfolk.⁹ The reason for this is not clear but, as there is nothing in her conduct documents to indicate that she

⁵ Williams, John. (1972). *Irish Convicts and Van Diemen's Land*. (M.A. thesis, Faculty of Arts, University of Tasmania) - online at https://eprints.utas.edu.au/21799/1/whole_WilliamsJohn1972_thesis.pdf.

⁶ Grangegorman Prison Register, p.197, via FCRC d/base.

⁷ <http://members.iinet.net.au/~perthdps/convicts/shipsTAS.html>

⁸ CON41-1-30, image 179. Interestingly, the Grangegorman Prison Register lists her as having a 'sallow' complexion and being 'five feet four and a half inches' (abt 167 cms) tall.

⁹ In the very early days, people in VDL who were suffering from mental conditions had to be sent to NSW for care but in 1827 a building on Humphrey Street, New Norfolk, which had been the Invalid Barracks for Convicts became known as The Lunatic Asylum, New Norfolk. In 1859, the name was changed to the Hospital for the Insane, New Norfolk, and in 1915 to the Mental Diseases Hospital, New Norfolk. In 1937, the name became Lachlan Park

was unfit for assignment, it is believed that she was sent there as a nurse or attendant of some kind. Support for this belief is to be found in the medical journal of Dr. John Moody, the surgeon aboard *Blackfriar* who had treated Jane for a ‘contusion’ while at sea on 23 May 1851. He had made no mention at all of any mental disorder she might have had. In fact, he had described her overall health as ‘very good’.¹⁰

It was while at the Lunatic Asylum that Jane committed her first offence in the colony. On 27 April 1852, she was charged with ‘threatening to injure an insane patient’ and sentenced to four months imprisonment, with hard labour, at the Cascades Female Factory.¹¹

There is some doubt, however, about whether Jane served that full prison term. On 29 April 1852, just two days after she was charged, a former convict by the name of John Clarke (*Somersetshire*, 2, 1842) requested permission to marry her. Approval was granted and they were married at the church of St. Mary the Virgin, Macquarie Street, Hobart, on 1 June 1851. In the marriage record, Jane is described as an ‘adult, spinster’ and her husband as an ‘adult, labourer’. Strangely, the record shows Jane’s name as ‘Jane Moorhead alias Brien’. This is puzzling! No other reference to her as ‘Jane Brien’ has yet been found.¹²

John Clarke’s conduct record is unflattering. On 28 July 1841, he had been convicted at the Plymouth Assizes, Devon, England, of ‘an unnatural act with a mare’ - that is, bestiality – and sentenced to transportation for life. A farm labourer, he was twenty-seven years old and single when he arrived at Hobart on 30 May 1842. He was a Protestant. He could read but not write. Five feet and eleven inches (about 180 cms) tall, he had dark brown whiskers and a sallow complexion. His gaol report revealed that he had had ‘bad connections’ in England and that he had previously been convicted for stealing potatoes.

In VDL, however, his behavior was exemplary. He was not charged with any new offence. By mid-June 1850 he had been granted a ticket of leave and, on 21 June 1853, he received a conditional pardon.¹³

Hospital. From 1968 it was known as The Royal Derwent Hospital but it was closed in late 2000 as more, and smaller, community-sited care institutes began to emerge. See <https://www.femaleconvicts.org.au/convict-institutions/hospitals/new-norfolk-asylum>; <https://www.findandconnect.gov.au/guide/tas/TE00497#tab2>; https://www.utas.edu.au/library/companion_to_tasmanian_history/M/Mental%20Illness.htm and https://www.utas.edu.au/library/companion_to_tasmanian_history/R/Royal%20Derwent%20Hosp.htm

¹⁰ ‘Contusion’ is the medical term for a bruise; see Moody’s medical journal at https://www.femaleconvicts.org.au/docs/ships/Blackfriar1851_SJ_SL.pdf. Note also FCRC d/base for Jane Moorhead (ID 2863): there is a suggestion on her ‘Convict Description’ page that she was ‘unfit’ for assignment and hospitalized on arrival but no evidence has been found for this assertion.

¹¹ CON41-1-30, image 179.

¹² Clarke: CON33-1-121, image 38; permission to marry: CON52/1/3, page 98; marriage: RGD37/1196/1852, New Norfolk; *Somersetshire* (2): <http://members.iinet.net.au/~perthdps/convicts/shipsTAS.html>

¹³ Clarke’s conditional pardon: CON33-1-121, image 38.

Unfortunately, the marriage was not a success. Although nothing is known of the circumstances, the pair had separated within a year.¹⁴

What happened to Clarke after that is a mystery. Did he, like many other men in VDL at the time, simply walk away from the marriage? Desertion of convict wives by their husbands was very common. Newspapers of the day railed frequently against the cruelty of men who, having served their time as convicts, sailed away from VDL leaving their penniless ticket-of-leave wives dependent on the government.¹⁵ That this was prohibited by law did little to deter deserting husbands.¹⁶ The discovery of gold in huge quantities in Victoria gave many former male convicts even more incentive to desert their wives and children.¹⁷ Whether that is what happened in Clarke's case is speculation, of course, but no record of him in VDL has been located after June 1853 when his conditional pardon was issued.

Without a husband to support her, Jane was once again available for assignment as a domestic servant and, by September 1852, she was in the service of a Captain Goldsmith in Davey Street, Hobart. However, on 17 September of that year she was charged with absconding from Goldsmith's residence. When apprehended three weeks later, she was sent to the Female Factory again, this time to serve eight months' imprisonment with hard labour.¹⁸

Shortly after Jane's release from gaol, another former convict, John McLoughlin (*Governor Phillip*, 1845) applied for permission to marry her.¹⁹ The application was dated 20 August 1853 but the marriage never eventuated. The reason for that is difficult to understand but a note in the 'Remarks' column of the application seems to indicate that the marriage could not be approved until some doubts about Jane's offences had been resolved.²⁰

As it happens, Jane might have been fortunate not to have married McLoughlin. His convict documents reveal that, after failing in his application to marry Jane, he married another woman but, in 1856, served six months in prison for assaulting her. Moreover, his conduct record is as unflattering as that of Clarke. Convicted of 'stealing in a dwelling place' in England in 1834, he

14 Clarke had obviously left Jane before August 1853 when another former convict, John McLoughlin, applied for permission to marry her; see Note 19, below.

15 See, for instance, *The Courier* (Hobart), 22 December 1849, p.2; *The Britannia and Trades' Advocate* (Hobart), 9 September 1847, p.2; *Hobarton Guardian, or, True Friend of Tasmania* (Hobart) 22 December 1849, p.3.

16 *The Britannia and Trades' Advocate* (Hobart), 9 September 1847, p.2; *Hobarton Guardian, or, True Friend of Tasmania* (Hobart) 22 December 1849, p.3.

17 See, for instance, *eGold: A Nation's Heritage* @<http://www.egold.net.au/blogs/EG0006b.htm>; Alexander, A. (2014). *Tasmania's Convicts: How Felons Built a Free Society*. Sydney: Allen & Unwin, pp.166-167; https://link.springer.com/referenceworkentry/10.0007%2F978-94-007-6179-7_51-1; see CON33-1-121, image 38.

18 CON41-1-30, image 179; Goldsmith was a ship's captain (*Rattler*) and influential businessman; see, *inter alia*, *The Courier*, 20 February 1850, p.2; *The Britannia and Trades' Advocate* (Hobart), 20 January 1851, p.2.

19 McLoughlin: conduct record – CON33-1-68, image 104; application for permission to marry: CON52/1/6, Image Aug-Oct 1853.

20 This interpretation of the 'Remarks' column is unverified; further research is warranted.

had been sentenced to transportation for life and had arrived in Sydney in 1835. In New South Wales, he had been punished severely for various offences before being shipped off to Norfolk Island in 1839. By 1844 he was back at Sydney but shortly afterwards was convicted of theft once more and sentenced to transportation again, this time to VDL for fifteen years. There, he had served a number of short prison terms for bad conduct. He had eventually been granted a ticket of leave but it had been revoked in 1848 when he was found guilty of ‘unlawfully taking a thirteen year-old girl from the possession of her father’. For that offence, he was gaoled for two years and ordered to spend another two years on probation at Port Arthur after that.²¹

Meanwhile, Jane herself was still having trouble coping with her own propensity for violence. On 9 September 1853, now assigned again, she was charged with ‘threatening to assault her fellow servants’ and ordered back to the Female Factory, this time to serve four months with hard labour.²²

Within weeks of her imprisonment, however, she discovered that she was pregnant and, on 1 June 1854, she gave birth to her child. The birth does not appear to have been registered and the father’s name is not known. Might it have been John McLoughlin’s child? Did it survive? Was it given up for adoption? What became of it? Again, there are no answers?²³

On 23 October 1855, Jane was granted a ticket of leave but shortly afterwards spent another month in gaol when, on 17 April 1856, she was charged with being drunk. Gladly, that was her last offence as a convict. On 13 December 1856, she received a conditional pardon and she was a free woman once again!²⁴

For the next six years, Jane appears to have lived quietly at Bothwell. At some time in those years she met former convict Henry Twin/Tween (*Asia* V, 4, 1841) and they decided to marry.

Twin/Tween had arrived at Hobart on 21 August 1841.²⁵ As Henry Tween, he had been convicted of ‘night poaching with violence’ at the Hereford Quarter Sessions, England, on 3 March 1841 and sentenced to transportation for ten years. ‘Night poaching’ – or the taking or destroying of game on private lands or entering those lands to take or destroy game - was strictly forbidden under the *Night Poaching Act* of 1828. The *Act* deemed ‘game’ to include ‘hares, pheasants, partridges, grouse, heath or moor game, black game and bustards.’ The penalty for breaches of the *Act*, especially when accompanied by any assault or threat of violence to a

²¹ CON33-1-68, image 104.

²² CON41-1-30, image 179.

²³ CON41-1-30, image 179; there is no record of the child at the Queen’s Orphan School.

²⁴ CON41-1-30, image 179.

²⁵ CON33-1-9, image 236; see also <http://members.iinet.net.au/~perthdps/convicts/shipsTAS.html>

gamekeeper, was commonly transportation for at least seven years.²⁶ Although he was rather troublesome as a prisoner in VDL, he had been granted a ticket of leave by 1849 and on 1 April 1851 he was free by servitude.²⁷

Interestingly, Jane and Henry announced their marriage in the newspapers multiple times - *The Mercury* (Hobart), 25 September and 23 October; *The Cornwall Chronicle*, 27 September and the *Launceston Examiner*, 23 October – suggesting that both were delightfully happy to be marrying. Although she was marrying for the second time, her name is shown in the announcements as ‘Miss Jane Moorhead’.²⁸

The ceremony was conducted by the Rev. William Hesketh at the Parish Church, Bothwell, on 23 September 1862.²⁹ There is no mention in the marriage record of this being Jane’s second marriage. Now about forty-one years old, she is described as a ‘spinster, of full age’. Her surname is shown as ‘Moorhead’. It is believed this was Twin’s first marriage. He, too, was in his early forties. He is described as a ‘shepherd, of full age’.³⁰

It is not hard to imagine Jane’s happiness at this time. Her new husband was known as a ‘good’, ‘quiet’ man.³¹ She must have imagined that her awful life as a convict was well and truly behind her!

But another terrible time was still to come!

After the marriage, Jane and Henry found work together on ‘Hunterston’, the big property of Mr. John Maddock at Bagdad, about twenty-five miles (forty kms) south of Bothwell.

It was there that disaster struck again!

On 22 December 1864, a young man named George Manning, the manager of the nearby ‘Lake Station’ property of Mr. William Race Allison, M.H.A., was found in the bush at ‘Hunterston’. He was thought to have been murdered. It was known that he had been involved in a wild brawl that day in which a number of people - including Jane and Henry - had participated. All had been drinking.

²⁶ <http://www.legislation.gov.uk/ukpga/Geo4/9/69/contents> and https://en.wikipedia.org/wiki/Night_Poaching_Act_1828.

²⁷ CON33-1-9, image 236.

²⁸ Newspaper notices: *The Mercury*, 25 September 1862, p.1 and 23 October 1862, p.3; *The Cornwall Chronicle*, 27 September 1862, p.4; *Launceston Examiner*, 23 October 1862. P.5

²⁹ Henry Tween: CON33-1-9, image 236; marriage:RGD37/7/1862, Bothwell (via TPI ‘Digger’).

³⁰ Marriage record; <https://stors.tas.gov.au/RGD37-1-21p4j2k>.

³¹ See Notes 32 and 33, below, for references to Henry Twin’s character in newspaper reports.

Manning, a married man with a wife and four young children, had been a popular figure in the district. At an inquest into his death at the Crown Inn, Bothwell, the next day, the coroner heard that he had died from a heavy blow to the head. The murder weapon was thought to have been a spike or tyne from the remains of any old farm implement – a harrow - that was lying nearby. The coroner’s jury returned a verdict of manslaughter against Henry Twin. His wife, Jane, was found to have aided and abetted him³²

On 23 January 1865, Jane and Henry were put at the bar of the Supreme Court, Hobart, both charged with having ‘feloniously’ killed Manning. His Honor, Sir Francis Smith, presided.³³

Called as a witness to the events that took place on 22 December, John Maddock told the court that there had been a sheep sale at his ‘Hunterston’ property that day. Henry and Jane Twin were both present as his servants. A number of others were also present, including Isaac Avery and George Manning, shepherd and overseer respectively, in the employ of Mr. Allison of ‘Lake Station’.

The trouble had started when Jane accused Isaac Avery of stealing some of Maddock’s sheep. In the argument which followed, she had threatened to ‘knock Avery’s head off’. Although Maddock had tried to calm her down, she would not be silenced and continued to quarrel with Avery, taunting him to fight.

Eventually, Avery had had enough. He said that he would not fight Jane but that he would fight her husband.

Soon Avery and Henry Twin were throwing punches at each other in a vicious fist-fight. After they had been going at it for some time, Jane also got involved, rushing at Avery and hitting him, presumably to help Henry. It was then that George Manning also became involved, getting between the two who were fighting furiously and urging his friend and co-worker Avery to come away. Putting his arms out, he was also attempting to stop Jane from interfering.

A number of other witnesses testified that, in all of this commotion and confusion, they saw Manning drop to the ground. Avery had then taken the opportunity to run off. Henry, however, had walked up to Manning where he lay on the ground and kicked him in the head with the toe of his iron-capped boot. It was then discovered that Manning was dead.

³² Inquest: *Mercury* (Hobart), 28 December 1864, p.2; *Launceston Examiner*, 29 December 1864, p.5.

³³ For this and following paragraphs, see report of the Supreme Court trial: *Mercury* (Hobart), 25 January 1865, p.2; *Launceston Examiner*, 21 January 1865, p.4.

A witness heard Jane say: 'I've killed him. I've broken his nose and knocked his eye in!' Other witnesses claimed that they had also heard Jane say that she had done it and that she had begged them not to accuse Henry of it.

A local doctor confirmed that a heavy blow to Manning's head had caused his death. He thought it was possible that the injury was caused by the toe of a boot but could not be positive about that. Other witnesses described the heap of rusted iron that was on the ground, saying that those involved would have had to pass it as they went towards the brawl. Any one of them could have picked up something heavy to use as a weapon.

In summarizing the case for the benefit of the jury, the Judge commented that it would be unwise to place reliance on Jane's self-accusation because she may have been attempting to protect her husband. The Judge also pointed out that unless the jury was beyond all reasonable doubt as to which of the two had delivered the fatal blow, the safest course would be to acquit both.

After only an hour and a quarter's deliberation, the jury found Jane guilty of manslaughter but recommended her to mercy on the ground that she had not acted out of malice against the deceased. In Henry's case, a 'not guilty' verdict was returned and he was acquitted.

Shortly afterwards, Jane was sentenced to six years imprisonment.³⁴

After her release, Jane left Tasmania and settled at Jamieson in rural Victoria. There, she passed away in 1885. Her death certificate gives her age as fifty-six but it is believed that she was about sixty-four. The cause of death is shown as 'cancer of the womb'. Her occupation is shown as 'matron'.³⁵

The informant to the death certificate was Jane's husband, Henry.³⁶

³⁴ 'AU6103-1865 Tasmania Reports of Crime, 1865'; see 'Jane Twin' in 'Convict, Criminals, Land & Wills' via 'Ancestry.com', accessed 4 May 2020.

³⁵ Death: Victoria BDM - 1885/9011; Jane's occupation as 'matron' is puzzling; had she worked in a hospital since her first year as a convict in VDL? Further research is warranted.

³⁶ Death certificate: Victoria BDM: 1885/9011.