

James Tetlow – Scindian Convict #23

James Tetlow was convicted on 23 March 1848 at the Liverpool Assizes for the manslaughter of James Duckworth, a former co-worker whom he had a grievance against. Tetlow had a wife and 6 children to support when he and several others were dismissed from their employment with farmer Richard Kay in October 1847 due to work being scarce. It was a difficult time of year to be without employment let alone with having a large family to support. According to Tetlow's descendants, he had been caught stealing potatoes and believed it was Duckworth who had dobbed him in. Evidence given at the trial stated that Tetlow had publicly voiced his grievances against Duckworth, an out-worker for Mr Kay, saying "Old Duckworth has been taking undue steps with regard to my labour...I'll lay in wait for him some dark night and knock his brains out with a stick." Two other men were present when Duckworth was violently assaulted, however the jury believed the evidence that Tetlow struck the fatal blow.

The trial was reported by the *Manchester Courier and Lancashire General Advertiser* on Saturday, April 1, 1848:

"Murder At Heywood

James Tetlow (48) was charged with having, at Castleton, near Rochdale, on the 18th of December, assaulted James Duckworth, an old man, with a certain stick, called a cart-leg, on both sides of his head and on the back part of his head, producing wounds, of which he languished until the 19th of December, when he died. – Mr. Sergeant Wilkins and Mr Monk were for the prosecution; Mr James defended the prisoner. Mr Sergeant Wilkins having stated the case for the prosecution, the following witnesses were examined:-

John Kay, examined by Mr. Monk: I live at Captain Fold; I have worked for two years for Mr. Richard Kay; I knew the deceased James Duckworth; he worked for Mr. Richard Kay; he was an out-worker. On the night of the 18th of December I returned from Mr. Kay's house; the deceased slept out of Mr. Kay's house; on returning from Mr. Kay's house about half-past eight on the evening of the 18th of December, I heard a noise on coming down the carriage road; it was like some one striking the grass with the flat part of a spade; I began to run to see who it was; when I got part way I found the deceased; about fifty yards beyond where I found the deceased, I heard a gate slam to, at the bottom of the carriage road; when I came up to the deceased's, he was lying on his face with his hands in his pockets. His coat pockets were rather in front of him, and his hands were under him. His hat was bent under his face and was on his head. There was a mark on the back part of the head, as of some violence. I lifted his head up; he did not seem to breathe at all. I fetched Edward Collinge, my brother-in-law, from my house which is the next to John Leech's, but is about fifty or sixty yards from the door at the bottom of the carriage road. We returned to where the deceased lay; we found part of a cart leg where his head lay, we found the other part of it about a yard and a half distant on the edge of the grass. (The cart stick was produced.) It was a moonlight night. I afterwards saw some foot-marks at the spot. The deceased was carried immediately to the Dog and Partridge public-house, Heywood..."

Jesse Leech, the surgeon who attended Duckworth, also testified:

"I found him in the bar parlour of the Dog and Partridge public house, Captain Fold. He was insensible. I found five wounds on the top of the head, four to the left of the crown of the head, and one to the right. There was a bruise in front, caused by his falling on the ground. The fourth lateral wound penetrated to the bone. He was blooded in the course of the evening. I did everything for him my skill could suggest. He lived until about twenty minutes to eight the following morning, when he died. I made a post mortem examination. There was a fracture on the skull about six inches in extent, in the direction of one ear to the other. This would be done by one blow. That fracture was sufficient of itself to cause death..."

Poor old James Duckworth met a gruesome death and if Tetlow was the one to deal the fatal blow, it is likely he was inebriated, enraged and encouraged by the two other men with him who also held grievances against the old man. The final piece of testimony likely to have sealed Tetlow's fate was that of a prison inmate whom Tetlow purportedly confessed to. The jury were convinced he was guilty of manslaughter and he was sentenced to 15 years' transportation.

James was one of the oldest convicts to come out to Western Australia aboard the first convict ship the *Scindian* in 1850. His court and convict records give his year of birth as 1794 however the family believe he was born in Lancashire in 1788 and that he attained the age of 101 years before dying in Geraldton in 1890. His baptism records date to 1795 so it is possible that the court records were correct. The Portland Prison Register records his age as 52 years in 1849. His physical description on arrival was: height 5' 5", light brown hair, with blue eyes, a thin, sharp visage, fair and a little tanned complexion, and of stout appearance.

James initially worked as a labourer in Fremantle. The Chaplain's notes say that he was anxious to prepare for the arrival of his family. He had made application for them to join him, however, without financial support from the local parish, initially they were unable to proceed. We know that the whole family did eventually arrive in Western Australia aboard the *Palestine*, on 28 April 1853. The details of James Tetlow's family (mistakenly recorded in some of the shipping documents as Tetley) indicate that they departed from Plymouth on 29 November 1852, wife, Elizabeth, 39, and six children: George, 21, Mary Ann, 17, Delila, 12, Elizabeth, 11, John, 9 and Samson 7. They were originally meant to travel aboard the emigrant ship *Travancore* however this plan changed at the last minute when one of the children was ill.

On arrival, the adult Tetlow children wasted no time in marrying and setting up new lives for themselves in the remote colony. It is believed that Tetlow's three daughters all married convict men. Mary Anne married John Smith (possibly *Marion* convict #1264) in Fremantle in 1853; George married Eliza Arnold (a fellow passenger from the *Palestine*) in Fremantle in 1854; and youngest daughter Delilah married *Phoebe Dunbar* convict, #2580, Christopher Huredine, in Fremantle in 1855 when she was about 15 years old. Elizabeth married *Stag* convict # 3433, James Scarsebrook, in Fremantle in 1858.

After all of these events it seems that James was keen to move forward with his own life and had applied to the Governor to be issued with a Conditional Pardon. The correspondence was noted in the Convict Establishment files:

Ref - 1762

"26 August 1859

23 James Tetlow – H.E. has had under his consideration your application for the indulgence of a C. P. H.E. cannot entertain your application as he is determined to sign no pardons for any man who is addicted to drinking.”

This was followed up with a memo, dated 7 September, 1859, care of the Resident Magistrate, Fremantle:

Ref - 1779

“The statement made by 23 James Tetlow to the Comptroller-General that he had not been convicted of drunkenness for the last three or four years is incorrect. On the 8th Sept 1857 he was convicted of drunkenness and fined 5/- and on 27 January 1859 he was fined 10/- for a similar offence. E.Y.H.”

Tetlow was, however, issued with his Conditional Pardon not long after, on 18 January 1860.

On being able to leave Fremantle, James moved to Geraldton and created a good life for himself and his wife Elizabeth and their two youngest children, John and Samson. He worked as a builder and stonemason for several years and employed six ticket-of-leave men between 1863 and 1866. Son John worked with his father building several of the older buildings in the Champion Bay/Geraldton area including, purportedly, the Glengarry Station Homestead. John married Ellen Chapman in Geraldton in 1866. Samson, known as Sammy, was blind and remained in the family home, cared for by his mother. James was appointed to the position of Pound Keeper in 1878 and continued in this role until his death on 11 June 1890. The family descendants believe that James Tetlow was born in October 1788 and much was made in the local papers of his death as having reached the age of 101 years. Elizabeth had passed away five years earlier in 1885 aged 74 years.

Elizabeth Tetlow was a well-known and loved identity of Geraldton as this obituary, placed in the *Victorian Express* following her death on 12 July 1885, reflects:

“We have this week to record the death of the wife of Mr. Jas. Tetlow of this town, which took place at her residence on Sunday afternoon last, at four o'clock, after a brief illness extending over only a few days. "Old Granny," as she was called by all who knew her — and who did not ? — had attained an advanced age, having exceeded the allotted three score and ten by four or five years. She came to Champion Bay with her husband and family some twenty-three years ago, and has continued to reside here since that date. From her long residence and from her many peculiarities she was regarded as about the only " old identity" of whom we could boast. At all births, marriages, or deaths which took place within a radius of a mile of her humble abode, "Granny" would invariably be present, ready at all times "to rejoice with those who did rejoice and to weep with those who wept," while at all tea-meetings, picnics, and public gatherings connected with either of the churches " Granny's" presence was sure to be conspicuous. She was a member of the Wesleyan Church, in which she took a peculiar interest, being a Methodist of the old-fashioned type. She was most regular in her attendance at the services, and also in her attentions to the ordinances of the Church, and almost as jealous of all innovation as the historical "Jennie Geddes" herself. Much sincere sympathy is felt for the poor old man, her bereaved husband, the partner of her joys and sorrows for the past fifty-six years, and who is now in his 95th year ; and also for a blind son who was her constant care, and who, perhaps more than anyone else, will miss her kindly voice and willing

hands, never too tired to do anything for him likely to soften his sad affliction. The sorrowing family desire that we should, on their behalf, express to the public generally their gratitude for all the kindnesses their mother constantly experienced from all classes of townfolk of Geraldton during her residence amongst them."

Samson died in Geraldton in 1896. Known locally as Sammy, he had been blind for years and had been a familiar sight being led around town by his dog. John had continued working as a stonemason after his father retired and was known to have built the imposing, two storey stone-constructed Masonic Hall, which still stands today. John and wife Ellen had nine children. When John died in Geraldton in 1911, he left behind six of his nine children, most having large families of their own. Ellen had died in 1900.

Delilah and Christopher Huredine moved from Fremantle to Dandalup before moving to the Geraldton region. They lived in Geraldton from the mid to late-1860s, with at least 6 of their 12 children being born there. Sadly, several died in infancy. They owned a Geraldton town lot by 1868 and Christopher is recorded as having worked as a carpenter at 'Eastbrook' at Northampton. They later returned to Fremantle as Christopher died there in 1889 and Delilah was living in Sewell Street, East Fremantle, when she died in 1912 aged 78 years.

Elizabeth and James Scaresbrook also moved to Geraldton. They had six children, although 4 died in infancy. James is recorded as doing work for the Geraldton Town Council, placing hoarding around trees, reported in the *Victorian Express* in August 1891. A few years later however James appeared to be in financial distress when the following notice was placed in the Geraldton Advertiser, 1 August 1899:

"SALE BY AUCTION. UNDER A DISTRESS FOR RENT. C. Walch v. J. Scaresbrook.

MONDAY. AUGUST 2nd, at 3 P.M. THE bailiff will cause to be Sold by Public Auction at Messrs Cope and Trigg's Sale Room, TO-MORROW, at 3 p.m., as far as will satisfy the claim, unless the above warrant is satisfied, the following Goods, Chattels and Effects found on the Defendant's rented premises :— Bedsteads, Tables, Mirrors, Chairs, Meat Safe, Cutlery, Poultry, &c, TERMS CASH.

A. T. TURNER, Bailiff for C. Walch."

James died in Geraldton six years later in 1905 and Elizabeth in 1909, 4 years after her husband.

Mary Anne and her husband John Merelie/Meselie Smith possibly moved to Tasmania, a John Merelie Smith (with spouse Mary Anne) died there in 1905 and was buried in the Penguin General Cemetery, Burnie. No other records for the couple have yet been located.

George Tetlow and Eliza Arnold had three children. Their son Alfred George died in Fremantle aged 1 year old in 1860. Their daughter Elizabeth Ellen married Abraham Gardham Dower in Adelaide in 1875. There has been no information found for their daughter Sarah Tetlow, however it is possible the family moved to South Australia. A cemetery record exists for

George Tetlow who died 11 July 1905 and is buried in Cheltenham Cemetery, Charles Sturt City, South Australia.

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Sources:

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Mid-West Convict Database, courtesy Diane Evans and Sue White;

National Library of Australia, Trove Digitised Newspapers:

Victorian Express, 12 July 1885;

The Inquirer and Commercial News, Wednesday 18 June 1890, p 3;

Victorian Express ?? August 1891;

Geraldton Advertiser, 1 August 1899;

State Library of Western Australia, British Library Newspapers Online:

Manchester Courier and Lancashire General Advertiser (Manchester, England), Saturday, April 01, 1848; pg. 5; Issue 1336. *British Library Newspapers, Part III: 1741-1950*;

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