

James Hatton - Scindian Convict #69

James Hatton, a cotton warehouse manager in England's thriving industrial region of Manchester was around 26 years old and married with three children when he was convicted in March 1847 for the callous rape of a beautiful young woman, Sarah Grundy. The crime appears to have been an opportunistic one by a man the court reporters described as being short and unpleasant in appearance. Sarah Grundy was portrayed in the papers as an attractive young woman who conducted herself in a proper manner and had well-respected family connections in Salford. She could possibly have been related to the Grundy family who were prominently involved in printing, arts and engraving in Salford. Sarah was however seeking work as a 'winder'. This occupation was found in weaving where the worker wound the thread onto spindles used for the shuttles used in loom weaving. Sarah was seeking spool winding work. Unfortunately, her quest for work brought her into the path of a rapist.

According to the newspaper reports of the crime and the trial, James protested his innocence of the charge:

Manchester Courier and Lancashire General Advertiser, Wednesday, February 10, 1847:

Yesterday, before Mr. C. J. S. Walker, one of the most daring cases of rape that has come under our knowledge for a lengthened period, was investigated in the Borough Court. The person accused of the crime is a man of small stature, thick set, rather unpleasant in appearance, and apparently about 26 or 27 years of age. He is, moreover, a married man, and has three children. The female, upon whom the outrage was committed, is about 21 years of age, good looking, has always conducted herself in a proper and becoming manner, and is connected with a respected family in Salford. The name of the accused is James Hatton.

The particulars of the case will be gathered from the following evidence:- the complainant who was in great distress, deposed that she lived with her father and mother, in Salford. About eleven o'clock on Monday morning, she was going to ask for work at Mr Charles's, in Sackville-street, and in Sackville-street she saw the prisoner, (whom she had never seen before) on the warehouse step belonging to Mr. Hall. She asked him if he could tell her where Mr. Charles's was, and stated that he kept winders. He said, "Oh, we keep winders." She asked him what kind of winding it was, and he replied that it was for warping. She told him that it was not that sort, but it was spool winding which she wanted. He then said "Go upstairs, and I'll inquire." She went upstairs, and he walked before her, He unlocked a door on the top of the stairs, and they both went into the room. He said to her "Come forward," and he then went up another pair of stairs, and said he would enquire of the winders. In a few minutes he came down again, beckoned her to a window, and said, "I will shew you the way to Mr. Charles's." He then pointed through the window up Major-street, and said when she got there she must inquire for Minshull-street.

She thanked him, and was about leaving, but found that the door was fastened. She tried to open it, but could not; and then she asked him to open it. He said, "Stop a bit," and threw his arms around her neck, and then began to take very great liberties with her. She called out for assistance, on which he put his hand over her mouth, and, after a struggle with her for some time, he got her down upon the floor, and took great liberties with her again. She caught up a brush that was behind the door, and knocked on the door with it as hard as she could, but did

not succeed in making any body hear. She then screamed out, when he said, "If you call no one can hear you". She next knocked the partition with her hands, and in so doing bruised her knuckles. She made as much noise as she could, and screamed out "murder!" The prisoner then put his hand over her mouth again, with his other hand held her hands, and, notwithstanding all her efforts to prevent it, effected his purpose. She told him she would have him taken out up soon as she got out. He answered, she was not gone yet. She asked him to open the door, which he at last did, and she went out. He said "Now, you know the way." She replied "I shall not go now." When she told him that she would have him taken up, he asked her if she wished to do him an injury. She told him that he had done her one. He said "you are frightened without a cause."

She went straight home and told her father and mother what had happened. – Mr Harding, solicitor, appeared for the prisoner, but in the examination, failed to elicit anything to mar the effect of the examination in chief. – The father of the girl, who is an agent in Salford, stated that daughter told him and his wife all that had happened on her reaching home after, an hour and a quarter after she had left, being then in great distress, and crying bitterly. She stated that she would rather have lost her right arm than suffered what she had done. – Mr. Thomas Slack, surgeon, of Salford, stated that he examined the girl about two o'clock on Monday afternoon. He then spoke to the appearances upon her apparel, and to the marks of violence upon her person. The object must have been effected with great violence. The skin was denuded from her left hand, and she appeared distressed and agitated.

Mr. James Sawley, superintendent of the A division, stated that from information given to him on Monday, he sent for the prisoner to his office at the Town Hall, told him what he was charged with, and cautioned him as to what he said, as the case was of a serious nature. The prisoner said, "I never touched her; there was a girl in the place asking for work in the morning, but she was not there more than five minutes." He then sent for the complainant, who was in his other office, and on seeing her the prisoner said, "Yes, that is the girl but I never touched her." She said "that is the man" and tole him (Mr. Sawley) what the prisoner had done to her in his presence. The prisoner again denied it, and said "it is a very hard case." When she was relating the circumstances, and came to the part about knocking the door with the brush the prisoner said:- "there is no brush in that place." He (Mr. Sawley) had been up to the warehouse that morning, and found a brush in the room as described by the complainant.-

A gentleman, whose name we did not learn, stated that he knew the prisoner very well and knew his family; he never heard anything disparaging of his character and he believed he was tolerably esteemed.- Mr. Walker committed the prisoner to take his trial at the ensuing assizes at Liverpool, and yesterday afternoon, shortly after his committal, he was dispatched to Kirkdale gaol.

Manchester Courier and Lancashire General Advertiser, Wednesday, March 31, 1847:

South Lancashire Assizes. Saturday March 27, Crown Court

RAPE.-James Hatton, aged 23, was charged with having violated the person of Sarah Grundy. Mr. Monk for the prosecution, Mr. Pollock for the defence. The prisoner was found guilty, and sentenced to twenty years' transportation.

Following his conviction Hatton was transferred from the Kirkdale gaol in Liverpool to Millbank Prison in London on 24 April 1847. He was held there for around three and a half months before being moved again, this time to Reading Prison in Berkshire on 5 August 1847. The recently completed Reading Prison was designed along the same lines as Pentonville Prison and operated the separate system, a recently adopted penal practice where prisoners were held in isolation and kept from communicating with each other. Hatton's final move was to Portland Prison on 22 December 1848, there to await collection by the *Scindian* in February 1850 for transportation to the Swan River Penal Colony in Western Australia.

Hatton's stance on his innocence of the crime did not change as the Convict Establishment records state that he "disavowed any crime being committed." The chaplain further considered that Hatton would "be a steady man and useful colonist." Hatton was issued with his ticket-of-leave on 10 June 1851 and initially worked for John Smith as a carpenter for the wage of 6 shillings per day. He left this position on 13 October 1851 and began working for himself. A physical description was listed on his record stating that he was 5'5" in height with brown hair, blue eyes, an oval face, and a fair but a little burned complexion. His stature was stout and he had a scar under his right eye. His record stated that he was a widower with two children. He was married at the time of his transportation and applied for his family to join him in the colony however this did not eventuate.

It is possible that the below advertisement was placed by James Hatton, convict #69 and that the Joseph Freeman mentioned is *Pyrenees I* convict #480 who was working as a baker on Dalton's Terrace, Perth as at July 1854.

Inquirer, 23 August 1854:

All persons indebted to Joseph Freeman are requested to settle the same immediately with James Hatton, Perth, Aug. 21, 1854

Freeman had placed an advertisement of his own in the *Inquirer* on 5 July 1854:

£5 REWARD.

WHEREAS some anonymous writer has, within the last few days, sent letters to the several Storekeepers of Perth, setting forth that I, Joseph Freeman, Baker, of Dalton's Terrace, Perth, was about surreptitiously to leave the colony for Melbourne, which slander has had a tendency to do me some degree of harm; I hereby offer the above reward of five pounds to any person who shall render such authentic information as will unmask the cowardly informant, with a view to his prosecution; and I hereby so give notice, that all persons indebted to me, do forthwith settle their accounts; and to request that all persons to whom I may be indebted may furnish to me their accounts on or before the 20th of July next, that they may be examined and liquidated.

JOSEPH FREEMAN, Baker, Perth.

It is possible that James Hatton assumed Freeman's outstanding debtors and creditors in some manner and was seeking recompense for his outlay.

Not much more can be ascertained about the convict James Hatton. He received his conditional pardon on 8 December 1855. Many records attributed to James Hatton convict #69 are actually describing another man of the same name who was living in Albany around the 1840s and had a connection with J. T. Hassell and his property at Kendenup. According to Captain Hassell, at the time that he was purchasing Kendenup from Mr George Cheyne in the late 1830s, James Hatton had come from Sydney with a Mr Norman and was in charge of the sheep at Kendenup until the property was sold to Hassell. Hassell also mentions that James Hatton was the father of Ellen, Mrs Stewart Carnegie Symers. Stewart Symers managed Kendenup for Hassell between 1879 and 1882. Ellen was the first-born daughter of five children born to James Hatton and his wife Johanna Loobey, in and near Albany, between 1855 and 1867. This James Hatton and his family were practising Roman Catholics and the convict Hatton was recorded as being of the Church of England faith.

Many references, including the *Dictionary of Western Australians* have the convict James Hatton identified as being the James Hatton of Albany when on further investigation it is not one and the same man. In February 1844, the *Perth Gazette* reported James Hatton listed as a person in Albany with a licensed dog, obviously well before the arrival of the convicts.

One reference in a newspaper article in 1854 speaks of a man's attempt at suicide in the premises of Hatton's riverside wool-dressing premises. Given Hatton's former experience as a warehouse manager, it is possible that he may have run this similar enterprise.

Perth Gazette, 29 Dec 1854, p 2:

On Thursday last, a ticket-holder named Bast, attempted to commit suicide at Hatton's wool dressing establishment on the Swan, about three miles from Perth.

No further details on the life or death of James Hatton have been able to be verified in the colony later than 1855.

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Sources:

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