

## Charles Lyon, 7473, Lord Dalhousie

Researched by Marcia Watson

Baptism	20 October 1816, Prescott, Lancashire
Parents	William Lyon and Mary Benion
Parent's marriage	10 September 1815, Farnworth, Lancashire
Siblings	Ann (1818), Joseph (1821), Ellen (1823), Elizabeth (1825)
Wife	Jane Rigby
Married	1844, West Derby, Liverpool, Lancashire
Children	William (1844), Joseph (1846)

Parent's marriage: William Lyon, a joiner, married Mary Benion at Farnworth, a chapelry of Prescott, Lancashire. It is within the hundred of West Derby. Both were from the parish; William signed, and Mary made her mark. Witnesses were John Lyon and Peter Shaw.

Charles Lyon was convicted five times and spent time in prison in the 1830s:

Kirkdale Gaol, assault, September 1834, 2 months

Kirkdale Sessions, assault, July 1835, 6 months

Kirkdale Gaol, misdemeanour, February 1836, 2 months

Kirkdale Gaol, assault, January 1837, 2 months

Kirkdale Gaol, assault, June 1838, 1 month <sup>1</sup>

On the 1841 Census, living at Mill Hill, Prescott: <sup>2</sup>

William Lyon, 47, joiner journeyman; Mary, 49; Charles, 25, Watch Maker journeyman; Ann, 23; Ellen, 20; Joseph, 2 (the illegitimate son of Ann Lyon)

Several people called Elizabeth Lyon, 15, in the Prescott area could be her.

Some of the family still lived at Mill Hill on the 1851 census: <sup>3</sup>

Wm Lyon, 57, master joiner; Mary, 60; Elizabeth, 25, dressmaker; Joseph, 10, grandson, scholar.

Charles Lyon married Jane Rigby in the March quarter of 1844 at West Derby (registration district), about 10km from Prescott. They had two children:

William Lyon was baptised on 26 May 1844.

Joseph Lyon was baptised on 12 April 1846.

In 1846, Charles was convicted of assault on 6 January 1846 and sentenced to pay £5 or spend two months in prison. <sup>4</sup>

Three days after their son Joseph was baptised in April 1846, Charles allegedly shot at John Wainwright. The newspapers reported the Trial in August 1846:

Summer Assizes, Northern Circuit, Liverpool, 21 August.

Charles Lyon was indicted for maliciously shooting John Wainwright with intent to do him some grievous bodily harm. Mr Brandt conducted the prosecution; Mr Serjeant Wilkins defended the prisoner.

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<sup>1</sup> TNA, PCOM2/321

<sup>2</sup> TNA, HO107/516/12

<sup>3</sup> TNA, HO107/2194

<sup>4</sup> TNA, PCOM2/321

It appeared from the statement of the prosecutor, who is an assistant-game keeper to the Earl of Derby, that on the night of 15 April last, he, in company with another man, was drinking at public-house in the neighbourhood of Knowsley and about a mile from Prescot. The public-house is known by the name of the Eagle and Child. At about half-past heard several shots fired and went out shortly after by the back door, for the purpose of ascertaining the cause. As soon as he got through the gate, someone fired a shot at a distance of about 16 yards, and he was immediately struck by several shots, one of which penetrated his hand and the other his leg.

The landlord of the Eagle and Child ran out immediately on hearing the shot, and saw a man making off along the Liverpool-road. He pursued the man, but the latter got over the wall into one of Sir Thomas Birch's plantations and escaped. On searching the wood the next day, some footmarks were found, which were said to correspond with the shoes found upon the prisoner when he was taken into custody. Sometime after, a small gun, the stock of which was moveable, was found in the same plantation.

It appeared from the testimony of other witnesses that at an earlier part of the evening, the prisoner was in company with another man at the Rose and Crown public-house, a little distance from the Eagle and Child. He had a gun, which was, by a crack in the stock, identified as that which was afterwards found in the plantation. He produced it in two parts from his pocket. He loaded it. While he was putting the shot in, his companion said, "Put some of the others in, they'll tell a tale." He put in two kinds of shot. He said he would shoot game in spite of any body. When he was leaving the house said, "Let either Birch or Wainwright molest us on the road, and we'll do their job for them."

Another witness, while on his way from Prescot to Huyton, saw the prisoner leaning against the wall of Sir Thomas Birch's plantation and asked him what he was doing there. He said he was looking for hare. The witness told him that Birch, the keeper, was out, and replied that he did not care —he would have a hare, and Birch afterwards. It appeared that in door near which the prosecutor was standing when the shut was fired were found as many as shot, which had apparently formed part of the charge.

Mr Serjeant Wilkins addressed the Jury for the defence, and they retired to consider their verdict. After a consultation of three hours, they returned a verdict of Guilty. To be transported for 14 years. <sup>5</sup>

### **Petitions** <sup>6</sup>

We the undersigned have known Charles Lyon late of Prescot in the County of Lancaster watch maker for several years to have been a sober and industrious man. And do earnestly recommend him to her Majesty's clemency. Dates September 1846.

Signed by 95 men, mostly watch makers, joiners and trades men.

James Wesster

Charles Lyons was his apprentice for seven years and he found him an honest submissive servant. He employed his as a journeyman after his apprenticeship and continued to find him honest and faithful servant, and at different times have left him in trust of scores of pounds in value .....

To the Queens most Excellent Majesty

The Humble Petition of Charles Lyon late of Prescot near Liverpool in the County of Lancaster Watch Maker but now under sentence of Transportation for fourteen years.

Sheweth, That your petitioner was Tried at the August Assizes in Liverpool for having on 15 April last (as was alleged) unlawfully and maliciously shot at one John Wainwright (a Gamekeeper in the service of the Earl of Derby) with intent to do him some grievous Bodily harm.

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<sup>5</sup> Evening Mail, 24 August 1846, p7

<sup>6</sup> TNA, HO18/183

That the said John Wainwright deposed on the Trial that the person who fired the Shot was not more than fourteen or sixteen yards of him

That it was also sworn that the person who fired the shot ran away from the spot along the public Highway for some distance and was pursued by a Witness named Edward Bridge

That neither the said John Wainwright nor the said Edward Bridge could swear to your petitioner being the person who so ran away

That the only Witness who swore on the Trial to your petitioner being near to the place at the time was a hostler named Thomas Sixsmith

That the witness Sixsmith is a very disreputable character having been imprisoned during the last five years several times as a rogue and vagabond, and was also Tried at the Kirkdale Sessions and found Guilty of Felony for which offence he suffered three months imprisonment

That there were various discrepancies in the Evidence as to the sort of clothes the person wore who fired the shot which did not correspond with those worn by your Petitioner

That your Petitioner was formerly a Gamekeeper in the service of the Earl of Derby under the said John Wainwright between whom and your petitioner there was no ill feeling whatever. That if the person who fired the shot at the said John Wainwright had intended to have done him grievous Bodily harm, he could have done so effectually at so short a distance as fourteen or sixteen yards

That the shot in such case would have gone so close together as to have caused the said John Wainwright serious injury, if not loss of life itself

That your Petitioner believes from the fact of four shots having been fired outside the Public House where the said John Wainwright was on the night in question, and the one shot afterwards fired at him, as was supposed, and only two pellets out of the whole charge having struck him, That it was intended as a foolish and dangerous Lark by some person or persons at present unknown

That your Petitioner urges upon the consideration of your Majesty a variance in the statement made before the Magistrates by a Witness named George Spivey soon after the Transaction took place when the facts were fresh upon his Memory, and that which he Afterwards made before the Jury on the Trial

That when before the Committing Magistrates the said George Spivey stated in his examination (which was taken in Writing) that your petitioner states in a public House, on the night in question when in Company with a man named Henry Lloyd "That he met Birch or any one who should Mislest them he (your Petitioner) would do their jobs for them"

That on the Trial of your Petitioner the said George Spivey swore that your petitioner stated upon that occasion in lieu of the above words, "That if he met Birch or Wainwright he would do their jobs for them"

That such variance on the Trial caused a feeling of prejudice against your petitioner as having a Tendency to shew some private Malice on the part of your Petitioner against Wainwright

That on account of some loose words spoken by your petitioner in the said public House it was further sought to prejudice him on the Trial by the prosecutors Counsel accusing him of being a Poacher But when the question was put to the said John Wainwright on his cross examination he replied "That he never knew your Petitioner to be a Poacher"

That for the purpose of establishing the Truth of your Petitioner's statement he begs to refer to the notes of Mr Justice Wightman who presided on the Trial

That the policeman deposed before the Magistrates to finding certain foot marks made with a round toe'd shoe in Sir Thomas Birch's plantation on the Morning after the shot was fired, and into which it was proved the man escaped

That the shoe worn by your petitioner and produced on the Trial was a squared toe'd shoe

That your Petitioner was not apprehended for six days afterwards when the policeman took one of your petitioners shoes and stamped upon one of the old worn out marks and swore that it 'fitted' exactly

That although the policeman searched the plantation on the morning after the shot was fired and found the foot marks he described, no Gun was found for six days afterwards

That your Petitioner could have had no motive whatever for injuring either Birch or Wainwright

That if your Petitioner had had any revenge to gratify upon either of those parties he was well acquainted with their lonely Walks in the Fields both Day and Night and would not have sought it when Wainwright was at a public House on the Turnpike Road and surrounded by his Friends

That your petitioner has a wife and two young children wholly dependent upon him for support

That notwithstanding the prejudice created against your Petitioner by a misrepresentation of some of the Facts on his Trial, the Jury entertained so much doubt that they retired from the Box and were locked up for a long time before they agreed upon their Verdict of Guilty

Your petitioner therefore most humbly prays that your Majesty will be graciously pleased to take his case into your Majesty's consideration and grant him such relief as the circumstances may seem to require

And your Petitioner as in duty bound will ever pray &c

Charles Lyon

The petition was unsuccessful.

Prison Registers show Charles Lyon, 29, married, read and write imperfectly, watchmaker, convicted 15 August 1846 at Liverpool of shooting with intent, sentenced to 14 years, received at Millbank Prison from Kirkdale Goal on 10 September 1846, he had been imprisoned for assaults six times, boarded *Pestonjee Bomanjee* on 5 October 1846 for the voyage to Tasmania. The barque arrived on 17 February 1847, after spending a month at Cape Town in December.<sup>7</sup>

### **Tasmania**

Charles Lyon, was convicted Lancaster Assizes at Liverpool on 15 August 1846 and sentenced to 14 years for shooting at John Wainwright with intent, a previous conviction of 6 weeks for assault, he was 5'8", aged 30, CofE, could read and write, married with two children, watch and chronometer movement maker, from Prescott, wife Jane at native place, father William and mother Mary at native place, sisters Anne, Ellen and Elizabeth.<sup>8</sup>

Apart from numerous charges of idleness, disobeying orders, being out after hours, playing cards in a public house and other misdemeanours, Charles absconded three times, resulting in 3 to 18 months in prison. He received a Ticket of Leave on 7 October 1856. He was recommended for a Conditional Pardon on 17 March 1857, and it was granted on 1 December 1857. His sentence expired in 1860.

### **England**

Charles returned to England by 1861, in time for the 1861 census.<sup>9</sup> Living at Eccleston St, Prescot:

Mary Lyons, 72, widow, shopkeeper, born in Whiston

Charles, 44, son, a watch maker, born in Prescot

Joseph, 20, grandson, watch tool maker, born in Prescot

Later in the year, Charles appeared in Court again, as reported in the newspapers:

A most lamentable case came before Mr. R. Pilkington, one of the Lancashire county magistrates, at St. Helens, yesterday (Friday) week, when a desperate and ferocious-looking fellow of the name of Charles Lyon was charged with attempting to murder his aged mother, a hard-working and respectable old woman, named Mary Lyon, at Prescot. The poor old woman was brought to the court in a cab, and appeared before

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<sup>7</sup> TNA, HO24/3

<sup>8</sup> TAHO, CON14/1

<sup>9</sup> TNA, RG9/2145

the bench with her right arm bandaged. She was evidently in a weak and exhausted state. The prisoner was arraigned with both hands handcuffed and displayed a savage countenance. The mother was accommodated with a seat near the bench and then narrated the circumstances as follows.

My name is Mary Lyon, and I am 74 years of age. I am lodging with Ann Rose, in Browns-square, in Prescot. The prisoner, Charles Lyon, who is about 45 years of age, is my son; he returned from transportation about eight months ago, having been transported 15 years ago to Australia for shooting at one of the Earl Derby's gamekeepers, named Wainwright. I sent him money to bring him back, and since his return he has constantly abused me, and often threatened to take my life. Last night, about seven o'clock, he entered my lodgings with a knife open in his hand, and swore he would have my life, but I ran out and down the street, and took refuge in Mr Atherton's shop, where I fainted and was carried home again. About ten o'clock, when I was sitting by the fire, talking to Elizabeth Rose and Ellen Worsley, he came to the door, which was locked, and burst it open with a kick, and ran at me, using dreadful language. I got up and ran into the pantry. He followed me and got me down, and I put my head into a whislet and held my arms up to my neck to prevent his cutting my throat. I felt a knife cut across my arm, and there was a deep gash, which bled much. [Here the prisoner exclaimed to his mother, "Oh, you old witch."] Thinking he had killed me, from what one of the women said, he went out, and a doctor was sent for. Whilst I was down in the pantry he kicked me very much about the body, besides cutting me with the knife. When he first began, he asked for two watches which he said were his and which I do not have. [The prisoner here said "Ay, and I'll have them too."]

The witness continued: He has run me out with a knife before, and some time ago, I took out a summons from the magistrate for him, and he begged so hard, and cried, that I forgave him. [Here the prisoner said, "Oh, you old fornicator, you will go to — as sure as you are born."] I am afraid of him, and have been a long time and murder me he will. The knife produced with blood on it is his. Elizabeth Rose, a widow, who lived next door, and Ellen Woosey, both corroborated the old woman as to his attempt to cut her throat; and when they got him away by crying out he had killed her, she fainted and was very weak after.

The prisoner, who refused either to question the witnesses or to make any statement in his defence, was then committed to take his Trial at the ensuing assizes at Liverpool for attempting to murder his mother.<sup>10</sup>

At the South Lancashire Assizes, held at Liverpool in December 1861:

Charles Lyons was charged with having, at Prescot, on 28 November last, attempted to murder his mother, an old woman, aged 74. The evidence for the prosecution detailed long course of ill usage to which the old woman had been subjected by her son.

Mrs Lyons, a feeble old woman, with her right arm bandaged, in examination by Mr Pope, said that the prisoner was 46 years age; that had been away for about fourteen years, and returned in March last. Shortly after he came home he commenced to ill-use his mother, threatening that "he would be the death of her." She had occasion to call in the assistance of the police several times in consequence of the prisoner's conduct. On the day in question, he went to her and asked her to give him two watches and some other articles. This she refused to do, telling him that she had neither watch nor money. He said she had and that unless she gave him the articles would "do for her." She still persisted in telling him that she could not comply with his wishes, when rushed at her, gave her blow on the breast, and knocked her down, with her head in wicket, a sort of basket. While down, the prisoner put his hand in his pocket, drew out clasp-knife, and attempted to cut her throat. She, however, held her hands up her face, and cried out "Murder." While her arms were up, she received a severe cut on the right arm. In the meantime, some of

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<sup>10</sup> Leeds Intelligencer, 07 December 1861, p3

the neighbours came in, and the prisoner knocked one of them down and then left the house. The Jury returned a verdict of guilty with intent to murder.

A very few weeks ago, death would have been the penalty for the offence. The Legislature, however, has altered the law, and the offence is no longer one which is attended with capital punishment but it one which must be met with great severity. Considering that you have already been sentenced to 14 years penal servitude and that this is the way you conduct yourself towards your own mother immediately on your return, I feel that I should not be doing that justice which the country has a right to expect if I were not to pass upon you the severest sentence the law provides. The sentence upon you is that you be kept in penal servitude for the term of your natural life.

The prisoner, on leaving the dock, exclaimed, "May the Lord strike a – hump on her." <sup>11</sup>

Charles Lyon, 46, widower, no children, can read and write imperfectly, labourer, convicted 3 December 1861 at Liverpool of wounding with intent to murder after a previous conviction, sentenced to life, received at Leicester Prison from Kirkdale on 18 February 1862, previously sentenced to 14 years penal servitude and seven times summarily convicted and imprisoned, transferred to Chatham Prison on 4 August 1862. <sup>12</sup>

At Chatham Prison, Charles Lyon was described as 46 years old, 5'7¾", with brown hair, blue eyes, fair complexion, labourer, sandy whiskers, long face, scar on the left thumb and right side of neck, and round shoulders. <sup>13</sup>

#### **Western Australia**

When Charles arrived at Fremantle, he was described as aged 49, 5'8", with brown hair, blue eyes, a long face, a fresh complexion, stout, no marks or tattoos, a labourer, and a widower with no children. It is unclear if Jane and the boys had died or if he had lost touch with them. <sup>14</sup>

With a life sentence, there was little incentive for Charles to be a well-behaved prisoner, although his behaviour seems slightly better than when he was in Tasmania. Charles was mainly based at the York Depot, Mt Eliza Depot or Perth Prison before he gained his Conditional Pardon in April 1874. He absconded once and was punished for insolence and refusing to work occasionally. One month in solitary, with the first seven days on bread and water, in 1871 for insolence to a warder and throwing the contents of his cell bucket in his face. <sup>15</sup>

Charles was buried on 26 June 1889 at the East Perth cemetery, Anglican Section. He died at the Perth Invalid Depot, aged 72.

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<sup>11</sup> Wigan Observer and District Advertiser, 28 December 1861, p3; Liverpool Mercury, 23 December 1861, p5

<sup>12</sup> TNA, HO23/6

<sup>13</sup> TNA, PCOM2/2

<sup>14</sup> SROWA Acc 128/1-32

<sup>15</sup> SROWA Acc 1165/R26-R27