

## John Tynen, 152, *Hashemy*

Researched by Marcia Watson

Alternative spelling: Tynan

At the Somerset Lent Assizes, Taunton, 4 April 1848

John Tynen, 30, (an Irishman) was indicted for maliciously stabbing Benjamin Roper at Frome.

Benjamin Roper examined.—I am a spinner and live at Frome, on the night of 23 August I left the Black Swan public-house, at twelve o'clock, and went towards own house; on the way met the prisoner and three other persons; wished them, "good night," and one of the men wished me "good night." The prisoner said, "Halloo, what does thee want? dost want to fight?" I said, "No, I'd rather run than fight." He then struck my hat off; tried to keep him off with my left hand; all at once he turned around, and caught me with his left hand, and with his right hand stabbed me the left breast; he had hold of the handle the same time that the knife was in me. I got it from him and took hold of it myself; the handle came off in the struggle; I drew the blade out, and it dropped the ground. The prisoner tried to get away, but I held him fast and cried out, "Murder." I thought I should not live many minutes; I was taken to Mr Giles's surgery, and that gentleman dressed wounds; I was confined to house five weeks.

Cross-examined —I am not noted for my pugilistic powers, though I have been before the magistrates for fighting; Fanny Viner was with me; I did not strike the prisoner first.

Other witnesses were examined for corroboration.

The Jury found the prisoner guilty of assault with the intent to do the Prosecutor some grievous bodily harm. He was sentenced to be transported for 14 years.<sup>1</sup>

At least four Petitions were sent to the Home Office.<sup>2</sup>

Sir,

I take the liberty of forwarding you the enclosed Petition signed by the Prosecutor and other parties on behalf of a Prisoner named John Tynen now in Taunton Gaol.

I am Sir, Your Obedient Servant,

Thos T Hawke, Frome, Somerset May 20, 1848

Sent to Sir George Grey, Secretary of State for the Home Department, London

The following appears to be a draft letter:

Humbley Sheweth

That Memorialist have ascertained that a young man of the name of John Tynan, a native of the Town of Galway and Hatter by trade has been convicted at the Spring Assizes for Somersetshire, and sentenced to fourteen years transportation.

That said John Tynan always bore a good character, having at all times conducted himself peacefully and inoffensively.

That by reason of his great poverty, said John Tynen was unable to make the necessary preparation for his defence, having no means to enforce he attendance of his Witnesses, feeing Attorney, or Counsel, being as he was a Stranger, in a strange country, without any friendly aid whatsoever.

That from the habitual good conduct of the said convict John Tynan, Memorialist are convinced that it was not premeditated or deliberate malice but a sudden and unforeseen impulse of passion that has involved him in his present sad position.

That having a young and helpless family to bewail their misfortune, it would be an act of the greatest mercy to commute his sentence to same period of imprisonment as he is the only hope and support of his miserable family.

<sup>1</sup> Sherborne Mercury, 08 April 1848, p3

<sup>2</sup> HO18/254

That having a young and helpless family, depending for existence, and support, on said convict, now in Wakefield Prison, it would in the humble opinion of memorialist, he in unison with mercy and Justice, to either mitigate the term of his sentence or commute it into imprisonment in England.

James Martin, D.L.L.J.P., 2 March 1849

Cover: John Tynen, 4th application, Nothing new

Nil H.W.

It is stated that the prisoners character is good- that he acted in self defence & that he has a family.  
Answered 22 March 1849.

The Secretary for Home Affairs, Downing St, London

Humbley Sheweth

That Memorialist have ascertained that a young man of the name of John Tynan, a native of the Town of Galway and Hatter by trade has been convicted at the last Assizes at Taunton in Somersetshire, and sentenced to fourteen years transportation.

That said John Tynan always bore a good character, having at all times conducted himself peacefully and inoffensively.

That from the habitual good conduct of the said convict John Tynan, Memorialist are convinced that it was not premeditated or deliberate malice but a sudden and unforeseen impulse of passion that has involved him in his present sad position.

That having a young and helpless family to bewail their misfortune, it would be an act of the greatest mercy to commute his sentence to same period of imprisonment as he is the only hope and support of his miserable family.

And your Memorialist will ever pray

James F Glynn P.P., Killanine, Outerard [Oughterard], Galway, 11 April 1848

Cover: 254/12 John Tynen, 30, Somerset Lent Assizes, April 1848, Stabbing, 14 years' transportation

Gaol Report: Supposed first offence

Nil G.G.

Mitigation of the prisoners sentence is prayed for an consideration of his good character.

Answered 28 April 1848

Same letter sent and signed by James Martin, Robert Browne, clerk, Richard Martin, James F Glynn P.P.

Sir,

Should you be kind enough to return an answer to this memorial. Please direct to James Martin, Esq, Ross House, Galway.

Wilton Gaol, Somerset, in 1848:

John Tynan, 30, 5'8", fresh complexion, dark hazel eyes, dark brown hair, married, from Galway, Frome (last residence), received on 10 April.<sup>3</sup>

John Tynen, 30, married with one child, could read, a hatter, was sentenced on 1 April 1848 at Taunton for malicious stabbing. He received 14 years transportation; it was his first conviction. John was transferred to Millbank Prison on 23 May 1848. After seven months, he was sent to Wakefield Prison on 19 December 1848. John was transferred again on 8 August 1849 to Portland Prison and boarded the *Hashemy* on 19 July 1850 for the voyage to Western Australia.

His description on arrival at Fremantle in October 1848:

152. John Tynen, 33, 5'4¼", dark brown hair, blue eyes, thin face, dark complexion, no marks, labourer, married with one child.<sup>4</sup> [Note. Height and eye colour differ from Wilton Gaol description]

<sup>3</sup> South West Heritage Trust; Q/AGW/15/5

<sup>4</sup> SROWA Acc 128/1-32

## General Register:

152. John Tynan, 33, married, Hatter, Roman Catholic, went to a private school, can read and write tolerably but very little maths.

His sister Mary Tynan lived in Killeeneen, County Galway, Ireland.

Attended Divine Service? Regular in attendance  
 Received Sacrament? Yes  
 Habits? Usually attentive to his work but seldom indulged in liquor.  
 Intellect? Sound  
 State of Mind? Means to be industrious and sober, and provide a home for his family  
 Knowledge, Secular? Limited  
 Knowledge, Religious?  
 Alleged Cause of Crime? Drink  
 Name of Person referred to for Character, &c. Makes no reference.<sup>5</sup>

Casual sick list at Fremantle.<sup>6</sup>

Tynan Jno	29 November 1850	Constipation and bad cold	Opening medicine
Tynan John 152	26 June 1851	Wants spectacles	

On 10 September 1851, John was issued with a ticket of leave. He celebrated with Anna Stevens by being fined 5s with 3s costs for drunkenness and appearing at the Perth Petty Sessions on 22 September 1851.<sup>7</sup>

John worked for:

12 September 1851: worked for Bishop Serra of Perth

18 February 1852: passed to Toodyay.<sup>8</sup>

Then in April 1853 at York:

On Sunday morning, a ticket man named John Tynan was apprehended, footmarks having been discovered corresponding with his shoes. Another person also a ticket man named Robert Barleymount, who went in the early part of the day to a ticket-man named Price, known as "Taffey," and told him if he would swear that he was in bed with him all night, he would give him a pound at the races. This fellow was only a few days since before the Bench concerning a bareface robbery at Mr R Doncon's, but was discharged.

"Taffey" immediately gave information to the Police, when Price was apprehended. The affair has occupied the Bench for a considerable time today, and the prisoners are remanded, but there is no doubt that they have the right parties. The clothes worn by the late Mr Davey were amongst the articles stolen.<sup>9</sup>

[Robert Barleymount, 1216, arrive per *Marion* in 1852]

York, April 10<sup>th</sup>

Barleymount and Tynan were again brought before the Bench on Thursday last, and there was no evidence against Tynan he was discharged.<sup>10</sup>

At a Coroner's Inquest, in 1886, John was a witness:

An inquest was held on Tuesday afternoon before Mr George W. Leake R.M. and a jury consisting of Messrs G. A. Letch A. L. Jones and C. Weaver on the body of Edward Devine who was drowned in the Swan River on the preceding evening. After the Jury had viewed the body, the following evidence was taken.

<sup>5</sup> SROWA Acc 1156 R21A

<sup>6</sup> SROWA Acc 1156 CS1

<sup>7</sup> Inquirer (Perth, WA : 1840 - 1855), 24 September 1851, p3

<sup>8</sup> Rica Erickson notes on Family Search

<sup>9</sup> The Perth Gazette and Independent Journal of Politics and News (WA : 1848 - 1864), 8 April 1853, p2

<sup>10</sup> The Perth Gazette and Independent Journal of Politics and News (WA : 1848 - 1864), 15 April 1853, p2

William Gilbertson, an assistant orderly at the Mount Eliza Depot, said he recognised the body lying in the deadhouse as that of Edward Devine, who had been an inmate of the Mount Eliza Depot for about two years. Saw deceased alive on the previous day Mr Duiss, the man in charge of the Depot had twice refused deceased permission to go into the town as he had got drunk on several occasions, but at last a man named John Tynan guaranteed to look after him, and although Mr Duiss still refused them permission they went without it. About 7 o'clock on the preceding evening witness heard Tynan shouting and with Mr Duiss and about half a dozen of the paupers went close to the fountain when they found Tynan who was very much excited. Tynan appeared to have been drinking and told witness that he was trying to fetch Devine to the Depot, but he was persuaded that there was a public house in front of him. Devine then made a rush to the river and fell into it off the wall. Witness then saw him dead in the river and came for the Police, leaving him there.

Witness, two Police and a black tracker got the body out. They shouted to Devine, and as they could not make him hear, they thought he was dead. The water was three or four feet in depth at that place. Could not say how long deceased had been in the water when his body was found. Had no reason to suppose any violence or wrong. By the Jury: Am quite certain that the deceased was dead before I came for the Police because I shouted and he did not answer.

A juror: Previous to his death, what sort of hearing did he have? Witness: He was blind.

What situation was he lying in? He was lying on his side.

Was his head covered with water? No, it was not, it was lying under the water.

The Coroner: What means have you of keeping inmates of the Depot from staying away ? Witness: None whatever.

**John Tynan**, an inmate of the Mount Eliza Invalid Depot, deposed: Devine and I left the Depot together about 8 o'clock on Monday morning, Mr Dewis gave us leave. Deceased had asked two or three times for leave to go to see the doctor, and at last, I volunteered to go as I also wanted to see the doctor, and Mr Dewis then said: "Well then go, and you'll be sorry for it." We came straight into town and went to the hospital. Devine got the doctor to look at his eyes and received a bottle of medicine to take home with him and gave me a bottle of medicine as well. We then came away and went to Strickland's hotel, where Devine called for two nobblers of brandy. After we had had these deceased called for two more and we then went away. Where we had got to the Freemason's Hotel, I remembered that I had left my bundle at Strickland's, so I went back for it. Leaving Devine there, I went back and got the bundle. On my return, we went into the Freemason's Hotel and had a nobbler of brandy. We then went to Mrs Molloy's beer shop and had a pint of beer. After that, we returned to the Freemasons and had two nobblers more each. After that, the landlord refused to serve us any more. Deceased then wanted to go back to Stricklands, but I would not, and we went together as far as the Brewery on our way home; Deceased then wanted me to take him to a public house, and I said: There's one just on ahead. We went on again, and between there and the fountain, we both fell down twice. After we got up, we went on arm in arm until we got near the fountain, when he wrenched himself away from my grasp altogether and knocked me down. When I recovered myself, I saw him falling over the wall into the water, I then began to scream as loud as I could, and Gilbertson and some others then came up, in less than 10 minutes, I was then taken into the Depot. I don't know what time it was, but I know it was pretty dark. We had nothing to eat while we were away.

His Worship summed up, shortly detailing the facts of the case and referring to Gilbertson he said. The curious part of the business is that this man, Gilbertson, does not take any means to get him out of the water but that he should have taken the surest means of assuring his death by coming into Perth for the Police. We have seen the body, and you are able to come to a conclusion. There seems to be no suspicion of foul play, and it will really be found that he came to his death by being accidentally drowned, but there is this to be said, that there is an utter want of control over the wretched paupers at the Depot.

The Jury, after a few minutes of retirement found the following verdict: We find that Edward Devine came to his death by being accidentally drowned. At the same time, the Jury thinks that the orderly, Gilbertson, was to be blamed for not going down to see if the man was dead before going to Perth for the Police.<sup>11</sup>

Death in 1887. An inmate of the Mount Eliza Invalid Depot, named John Tynan, died on Thursday last, at the advanced age of sixty-seven, from the effects of senile decay. The deceased was admitted into the institution on the 9th February, 1886.<sup>12</sup> John died on 17 March 1887 and was buried at East Perth Cemetery.

### *Mary Ann*, wife of John Tynan, convict 152

Baptism	
Parents	
Parent's marriage	
Siblings	
Husband	John Tynan (~1818-1887)
Married	
Children	Mary (~1842)

Variation: Tynen

At the Somerset Lent Assizes, Taunton, 4 April 1848:

John Tynen, 30, (an Irishman) was indicted for maliciously stabbing Benjamin Roper at Frome. The altercation occurred on 23 August 1847. Roper was stabbed in the breast, and a surgeon dressed the wound. Roper claimed he was confined to his house for five weeks. The Jury found the prisoner guilty of assault with the intent to cause some grievous bodily harm. He was sentenced to be transported for fourteen years.

Two petitions were received from Galway stating:

John Tynan, a young man, a native of the Town of Galway and Hatter by trade, has been convicted at the Spring Assizes for Somersetshire and sentenced to fourteen years transportation.

John Tynan always bore a good character, having at all times conducted himself peacefully and inoffensively.

Due to great poverty, said John Tynen was unable to make the necessary preparation for his defence

The petitioners are convinced the crime was not premeditated or deliberate malice but a sudden and unforeseen impulse of passion that has involved him in his present sad position.

John has a young and helpless family. He is the only hope and support of his miserable family.

Mary Ann, 25, and Mary, 6, visited John at Portland prison on 30 May 1848. They may have been cared for by John Armstrong, Rector of Dinder, and his family at the time.

No further trace has been found of John's family. They possibly returned to Galway; however, there is no 1851 census for Galway.

<sup>11</sup> The Herald (Fremantle, WA: 1867 - 1886), 12 June 1886, p9

<sup>12</sup> The Daily News (Perth, WA : 1882 - 1950), 18 March 1887, p3