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THE LIFE AND TIMES OF
ELIZA WEBB DORE
1829-1875

INTRODUCTION

Eliza Webb Dore was christened on 15 March 1829 in Atworth, England. Atworth is a small village in Wiltshire about ten miles (16 kms) from the City of Bath, which is in the adjoining County of Somerset.

Eliza was convicted of the crime of wilful murder in 1852, narrowly avoided the death sentence, and was transported for life to Tasmania, then known as Van Diemen’s Land, arriving in April 1853.

She died on the 15 July 1875, aged 47, in Hobart, Tasmania, Australia.

This story tells how her life unfolded.

HER FAMILY

Her parents were Richard Dore and Harriet Webb, both native of Wiltshire. Richard was born in Box and Harriet in Atworth.

The Dore family is recorded in the first nationwide UK Census of 1841 (Appendix 1) living in the Parish of Ditteridge. Population figures for the area in 1841 were 824 having risen from 549 people in 1811.

On the Census record the family comprised Richard aged 44, making his birth year about 1797, together with his wife Harriett, aged 39, and their six children, John 18, Sarah 15, Eliza 12, Mary 9, James 6, and Thomas 2. A seventh child, Harriett Ann was born in 1844.

A decade later in the 1851 Census, (Appendix 2), Richard was living at 'Box Quarries' with his wife Harriet, and four children, Mary 19, James, 16, Thomas, 11 and Harriett Ann 6. John, Sarah and Eliza had moved on. Box is only 1 mile (1.6 kms) from Ditteridge and 3.2 miles (5 kms) from Atworth.
Atworth’s northern boundary follows the course of the Roman road called the Fosse Way that linked Exeter in South West England, through Bath, to Lincoln in the East Midlands. The word Fosse is derived from the Latin fossa, meaning ditch. For the first few decades after the Roman invasion of Britain in AD 43, the Fosse Way marked the western frontier of Roman rule in Iron Age Britain. It is possible that the road began as a defensive ditch that was later filled in and converted into a road, or possibly a defensive ditch ran alongside the road for at least some of its length.

The Roman villa at Atworth is one of six within approximately a three mile radius of nearby Box. Although not accurately dated, most sections were in evidence by the late third century, and a coin found locally was dated AD270-390.

Atworth was originally a tithing (a village that paid a levy to a principal town) of Bradford-on-Avon, and has no entry of its own in the Domesday Book (1088). The ancient parish of Bradford included the towns of Bradford, Trowle, Leigh, Woolley, Cumberwell, Holt, Atworth, South Wraxall, Winsley and Limpley Stoke.
Eliza’s father was working as an agricultural labourer in 1841. Landless farm workers were solely dependent upon offering their labour to their richer neighbours for a cash wage. Early nineteenth century England was virtually unique among major nations in having almost no class of landed smallholding peasantry. The parliamentary enclosure Act of the previous century had eradicated the last rights of poorer country folk to graze their livestock, be it cattle, sheep, chicken or geese, on what had formerly been "common" land.

The area around Atworth had three Medieval Manors, the chief landowners playing an important part in the agricultural development of the village. The land was farmed intensively and the amount of land under cultivation was increasing all the time. The soil in this area lies on a thin layer of limestone over Oxford clay. It is fairly easy to drill through the limestone and tap the water lying on the surface of the clay underneath. Expansion continued until the early 19th century, when the wool trade brought increasing prosperity.

Around the time of Eliza’s birth England’s industrial revolution was about eighty years old. At first, new agricultural techniques freed workers from the land and made it possible to feed a large non-agricultural population. Not everyone would take up the option of finding work in the burgeoning industrial cities where machinery driven by steam engines saw factories opening in the Midlands and elsewhere.
FROM AGRICULTURAL LABOURER TO CARTER

By making the switch from an Agricultural Labourer to a Carter by 1851, Richard would most likely have been in a much stronger position to provide for his family as the nature of labour hire was changing. The family was now resident at Box Quarries. At that time, the quarry was being well worked. Richard was recorded as a ‘Carter’, so he may have worked at the quarry in the transport of the stone by horse and cart. Farmers went from having “live-in” labourers to annual hiring of labour (to reduce the expense of providing accommodation) then to hiring labour just for the peak harvest period, knowing that over the Winter, agricultural labourers could receive sustenance from the parish. The price of threshing machines was coming down quickly making machines accessible to even smaller landholders thus reducing labour costs even further. A select committee enquiring into wages found that a few key workers including carters and shepherds were still on annual hiring.

SWING RIOTS

Around 1830 agricultural workers did not see the introduction of machinery as their savior, but as a curse that was taking away their livelihood by reducing the number workers required on farms. When farm labourers were relatively scarce around the time of the Napoleonic Wars, wages were about 12 shillings per week but from about 1815 onwards wages began to decline, until they were at barely subsistence levels of approx. seven or eight
Widespread protests grew in Wiltshire and the adjoining counties of Hampshire Berkshire and Dorset.

The protests became known as the Swing Riots, and were characterized by the breaking of machinery, particularly threshing machines which were used to separate grain from stalks. For centuries this work was done by hand but even though the machine removed a lot of the drudgery of farm labouring, the agricultural workers saw the growing prevalence of threshing machines as the road to widespread unemployment.

The Swing riots peaked in Wiltshire from 15 – 29 November 1830. Roving bands of farm labourers were demanding a living wage and the preservation of their employment. The protestors often sought food, drink and money. However, in the aftermath, the aristocratic State exacted a terrible retribution. Hundreds were imprisoned and many were transported to Australia.

Richard Dore was probably untouched by the Swing Riots as he worked in the North West area of Wiltshire, bordered by Somerset and Gloucestershire, which was not part of the chalk-land country, such as the Salisbury plains, noted for grain growing and sheep.

HER CHILDHOOD

Formal education in Atworth began in 1701 in a cottage in Church Street. However, there are no records of this period. A school and school-house was generously built by Robert Hale Blagden Hale (an unusual name! He was an MP from Alderley, Gloucestershire) in 1828 but it wasn’t until 1846 that the first known Master was mentioned. He was Joseph Provis who with his family emigrated to Australia in 1853. Joan Cocozza, a local family history researcher, has written a book entitled “The School Masters and Teachers of a Village School”. Joan has researched the family of each Master and it wasn’t until 1885 that the names of any pupils were included in the School Log-Books. It is possible Eliza attended that school, as she had basic reading and writing skills. If any records of pupils were kept, they have not survived. Any child’s education in that period was very rudimentary and usually only lasted one year. By 1851, even though a high percentage of children were attending school, it was only for two years.

It is not known what transpired in Eliza’s life in the period 1841 to 1851 except it is extremely likely that she went into domestic service from an early age, possibly as young as twelve.

LEAVING HOME

By the time of the 1851 UK Census, (Appendix 3), Eliza had left the family, and the Census returns have Eliza Dore, born Atworth, Wiltshire, aged 21, residing at 'The Rocks' Marshfield, in the neighbouring county of Gloucestershire, employed as a 'House Servant' by Thomas Sharp.
‘Victualler’. A victualler is traditionally known as a person who provides food and other provisions, similar to a grocer. There were three cottages listed on that 1851 Census that were presumably part of ‘The Rocks’ estate, each with a head of the household who contributed to the running of the property. ‘The Rocks’, one of two mansions in the area, covered 1,188 acres and belonged to the Taylor family. The other mansion called ‘Ashwicke’ was the ancient seat of the Webb family. Webb is Eliza’s mother’s maiden name. No connection has been established between the mansion owners and Harriett Webb, and whether Harriet still knew people in the area well enough to enable her to find employment for Eliza.

It wasn’t until the 1851 Census that the status of any person other than the head of the house was recorded therefore providing useful information for family history researchers.

It is not known at what point Eliza made the move to nearby Gloucestershire. Marshfield is 6 miles (9kms) from Box Hill where the rest of the family were now living.

Whilst at Marshfield it is assumed that Eliza met or met again with Abel Ovans (sometimes spelt Ovens). It appears that soon after being recorded at Marshfield on 30 March 1851, Eliza moved to Newport, Wales to join him. She had a female child with him, born 1 December 1851, and it was suggested that their relationship lasted 10 months. (Both these points disputed by Ovans at a later date) When charged with the offence of killing the child they were both living in Newport, approx. 38 miles (60 kms) from Marshfield.

ABEL OVANS

Abel Ovans was an ex-native of Seend, Wiltshire. In 1846, his parents enrolled him in the Wiltshire Friendly Society where his birth date was listed as 2 May 1830, and he would be 16 next birthday, already employed as a labourer. The monthly contributions of 2¾ pence would provide health insurance by way of sickness benefit of 5s 3d per month. In the 1851 UK Census, (Appendix 4) he was employed by Moses Scard, a Newport contractor, as an outdoor servant/labourer. Abel Ovans was aged 21 and was in the company of five other young men all born in Seend and of a similar age living at 6 Commercial Road, Newport, the home of Moses Scard. Moses Scard will appear as somewhat of a villain later in this story.

LIFE IN NEWPORT

The details of Eliza’s movements in Newport are taken from the transcript of the court case, which accounts for why she and Abel Ovans are referred to as ‘the prisoners’. Eliza had the child in Newport. A record of where she lived while pregnant is unclear but the court case revealed that she was living at the home of Margaret and Joshua James in Dolphin Street just prior to her confinement. Charlotte Hemmings, residing at King’s Parade,
Newport, testified at the court case “I know the female prisoner. I attended her on the 1st of December last, when she was confined of a female child.” Abel and Eliza with the new baby lodged at a number of establishments around Newport and were known to a number of people who took an interest in the welfare of their unnamed baby girl.

About a month after the birth Eliza dictated a letter which was written for her by Agnes Burman.

By the tone of the letter below it appears that Eliza had lost contact with her family when she left to live with Abel Ovans in Newport in somewhat controversial circumstances.

Newport, January 2, 1852

My Dear Father and Mother, - I dare say you think I have quite forgot you all by being so unkind as not to write to you before to tell you what has become of me. I should have written to you before; but did not like you to know that I was gone to live with Abel. I hope you are quite well and my sisters. I am sorry to tell you that I have a very bad leg. I am quite a cripple; and I caught cold after my confinement. I have got a little girl five weeks old on Monday next. I should be very glad if you or one of my sisters come and see me. You will think me very ungrateful but I hope you will forgive me. My dear Mother, I do not suppose that you will be able to come but if my sister would I should be glad and Abel would meet her at the packet and bring her to me. Abel sends his kind love to all, and hopes you will forgive both him and myself for all that is past. I must now conclude with my kind love to all.

From your affectionate daughter Eliza Dore.

Dear Mother have you had my box from my place. I hope you did. Please to write by return of post and let me know how all is at home. Please direct the letter to Mr. Satchwell, Carpenter's Arms, Dolphin Street, Newport, Monmouthshire. Please let me know how my brother John is. Goodbye. God bless you.

They continued to live in Newport in January 1852, including at the Carpenter’s Arms in Dolphin Street run by Eliza Satchell and her husband. Eliza Satchell stated in court that she had seen the baby frequently. On Sunday, the 11th of January, both the prisoners came and lodged at her house; the baby was with them. The prisoners left her house together on the 13th of January, taking the baby with them; the child was perfectly well, except the inflammation of the left eye, it ate a very hearty supper before it left the house.

They were seen at the New Market beer house, as reported by the proprietor James Jones, not far from Dolphin Street later on the 13 January and left there between 7.00 - 8.00 pm with the child wrapped in a shawl. Eliza was crying.

The crime was committed on 14 January 1852.
EVENTS LEADING TO THEIR ARREST

Abel Ovans arranged accommodation at 26 Charles Street (*pictured right*) above a shop on 14 January according to James Mason. He returned at around 9.00 pm with Eliza. Mason told the court that they did not have a baby with them.

The child’s body was found in the mill pond not far from Dolphin Street on the morning of the 15 January.

The child was not recognized so the Coroner recorded the simple finding of ‘found dead’ and the child was buried in a marked spot on 17 January in the grounds of St Woollos Church on Stow Hill. This was the first inquest into the fate of the child.

A handbill offering a reward of £5 for information which would lead to the apprehension of the persons responsible for the drowning of the child was circulating.

People who knew Eliza frequently saw her without the baby and were told many stories that lead them to suspect foul play. The police were informed.

Eliza and Abel Ovans continued to live at 26 Charles Street until 2nd February when they were questioned and apprehended by the police.

*Left: St Woollos Church, on Stow Hill, Newport, where the child was buried.*
A second inquest was held. On 4 February 1852, the coffin containing the young child’s body was exhumed. The coffin was taken to the Six Bells Hotel opposite the church and the body removed. Several women who were there recognized the child and the coffin. It was the custom for hotels to operate as temporary morgues because they had cellars and cool rooms. Mr Robert Stack, a medical practitioner, was there and examined the body and he concluded that the child had drowned. Eliza’s defence lawyer strongly questioned Mr Stack’s conclusions as you will see in the full transcript of the court case attached as (Appendix 5).

Eliza Dore and Abel Ovans were committed on 6 February 1852 to stand trial for the willful murder of a female infant. They were committed by H J Davies and Thomas Hughes Esquires. Thomas Hughes was the Coroner. (Appendix 6)

**IMPRISONMENT AND TRIAL**

They were transferred from Newport to the Monmouth County Gaol, where they would remain in custody, to await the next sitting of the Monmouth assizes. Monmouth, in Monmouthshire, Wales was on the circuit of the Oxford Assizes (French - assizes “sittings”) that covered several surrounding counties.

After the disappearance of the child on 14 January, when questioned, Eliza offered a number of explanations or excuses, one of which was that she had sent her baby to stay with her mother. It is thought that she was prepared to lie to protect Ovans and that she lived in fear of him.

Prior to their transfer from Newport to Monmouth on about 7 February, Moses Scard went to fetch Harriet Dore, Eliza’s mother, from her home in Box, Wiltshire, and took her to the gaol where her daughter was being held. Harriet Dore must have given her daughter’s letter (dated 2 Jan. 1852) to Scard because he later produced it in court where it was read.
When her mother arrived at Newport she signed a deposition stating that Eliza’s child had not been in her care and that she had not been in Newport at all until the time of making her statement.

Harriet Dore did not live to see her daughter stand trial. She died on the 19 March 1852 after what must have been a harrowing period for any mother to endure. The local doctor signed the death certificate thus; (Appendix 7)

*I hereby certify that Harriett Dore (mother of the Prisoner) died on the 19th of March of Apoplexy brought on by intense grief and excitement*

*J. Nash M.D.*
*The Wilderness*
*Box*
*April 1st 1852*

Joseph Nash M.D. was later to become one of thirty-five signatories to a letter seeking clemency for Eliza. A paragraph from that letter reads;

“we believe that the prisoner up to the time of her unhappy connection with Abel Ovans has always manifested a quiet and humane disposition, and knowing the bad character of the said Abel Ovans, we feel convinced that the prisoner made herself a party to the murder of her child, under the influence of fear from the threats of Ovans”.

This takes us back to Eliza’s letter to her family in which she said “I should have written to you before; but did not like you to know that I was gone to live with Abel”. She also added “Abel sends his kind love to all, and hopes you will forgive both him and myself for all that is past”. It seems that the family knew or knew of Abel and there was some history between them, and perhaps Eliza knew that her family would not approve of her association with him, bearing in mind the thirty-five signatories regarded him as a person of bad character.

The case was heard on the 27 March 1852 (Appendices 8-15) and occupied the whole day. Richard Dore gave evidence barely eight days after the death of his wife. Undoubtedly grief stricken, he had to endure the heartbreak of watching his daughter go through the court ordeal for a capital offence. He had no choice but to inform the court that no child of Eliza’s had been at his house. In actual fact Eliza had said when questioned by police that her father’s name was William, probably in an attempt to avoid the police tracing her family.

The Monmouth Gaol Chaplain, E J Gosling, kept a journal and extracts indicate that he visited Eliza Dore and Abel Ovans first on 7 February 1852. (Appendix 16) These visits appear to have been an almost daily occurrence, where his notations said “prayers were read and preached”. After the court case whilst Eliza and Abel remained in Monmouth Gaol, the Chaplain’s visits continued. On 11 April, Easter Day, the sacraments of the Lord’s
Supper were administered to Eliza and Abel who were both at this point on death row. The Chaplain had begun to include evening visits as well. Presumably these visits continued until Eliza left Monmouth Gaol.

The trial was heard by Justice Sir William Wightman. Mr Skinner and Mr Richards acted for the prosecution while Mr Huddleston defended the prisoners. A number of witnesses were called and cross-examined although no one was witness to the actual crime. The testimony of the various witnesses would piece together the movements of the couple and the sightings of the child. After the 14 January when child was missing a number of explanations or excuses were proffered by Eliza and Abel Ovans.

Moses Scard featured in the case, and was referred to by Mr Huddleston as a “scavenger” because it was suggested that his involvement was motivated by the £5 reward offered to solve the crime. He visited Harriet Dore in Wiltshire and brought her to Newport. Eliza, in the presence of her mother, Scard, and Jane Bath (the wife of PC George Bath) confessed to a sequence of events on the night of the 14 January.

Following is an extract from “The Times” newspaper (Appendix 17) which reported the case and published words attributed to Eliza Dore when in her cell with her mother, Scard and Jane Bath as witnesses. A full transcript of
the case was published in the “Monmouthshire Beacon” on 3 April 1852. The transcript is reproduced as Appendix 5.

“On Wednesday evening the 14\textsuperscript{th} of last month we came from Jones’ to Masons’. We came to Dock St. where he took the bundle from me and left me. He said he would meet me again at Lanark St. at the Sunderland Arms. He took the bundle to the lodgings, he came back and met me, and asked me to come up town with him. We came to Mill St. Bridge. He said with an oath “If you don’t give me that child, you shall not live with me, for I will not keep it”. He took the child from me, wrapped up in a shawl, and I stopped on the bridge, crying. He took the child along the canal side, and came back in about 10 minutes with the clothes wrapped in the shawl. I asked him what he had done with the child and he said “I have done away with it for I’ll not keep it. Thee be’est right, and I too now”. I was crying. He said “Don’t make that noise here. Come to the Lodge”. I kept on crying for I loved my child, and he said if I cried he would beat me. I promised not to say anything about it as he threatened to beat me”

Superintendent Stephen English who investigated the case with Police Constable George Bath, were both interrogated by Mr Huddleston who raised many points of law.

Mr Huddleston delivered an impassioned address to the jury proposing that the evidence was circumstantial and questioned the testimony of the medical man.

At the conclusion of the judge’s summing up the jury retired to reach their verdict. After 20 minutes they returned to announce that they find both defendants “Guilty”, strongly recommending the female to mercy. The judge expressed the view that it was unlikely that there was any hope of mercy but undertook to approach the proper quarter.

The judge performed his solemn duty and delivered the sentence of death by hanging. The judge appeared to be visibly affected throughout. Eliza Dore let out a loud piercing scream whilst Abel Ovans was reported as only slightly affected.

\textbf{UNDER SENTENCE OF DEATH}

Judge William Wightman, a Justice of the Queen’s Bench, practiced law from 15 February 1841 until his death on 10 December 1863. On the 29 March 1852, a few days after the trial he wrote the following letter to the then Home Secretary, Spencer Horatio Walpole, QC LL.D. Walpole, a British Conservative politician served as Home Secretary on three occasions in the administrations of Lord Derby. Walpole (11 Sep 1806 – 22 May 1898) was the second son of Thomas Walpole and Lady Margaret Perceval. He was educated at Eton and Trinity College, Cambridge. He chose law as his profession and was called to the Bar in 1831. He built a successful practice and was made a Queen’s Counsel in 1846. His first period as Home
Secretary 27 Feb 1852 – 19 Dec 1852 coincided with receiving the Petition for Clemency from William Wightman.

The following is a transcript from the Judge’s original handwritten letter. (Appendix 18)

(Judge’s report)

Gloucester March 29 1852

Sir

A young man & a young woman of the names of Abel Ovans and Eliza Dore, were capitally convicted before me at Monmouth, on Saturday last, of the Murder of a child of about the age of 7 weeks, of which the woman was the mother, & the man the supposed father, and the Jury accompanied their Verdict of Guilty against them both, with a recommendation of the woman to mercy.

I entertain no doubt of the propriety of the verdict against them both, but there are circumstances in the case which induce me to think that the recommendation of the woman to mercy was well founded; + that, although she is by no means entitled to a pardon, a commutation of her punishment would not be inconsistent with the due administration of criminal justice.

The circumstances of the case as they appeared before me at the trial were as follows –

The prisoners, who were in very low circumstances, lived together as man & wife, though they were unmarried, & on the 1st of December last, the woman was delivered of the child which was the subject of the charge – they were at that time living in lodgings in Newport, grace and favour, that their landlady & a neighbour partly gave & partly lent the necessary clothing for the infant. They lived in the same lodgings until the 11th of January in this year, when they quitted them, & went to lodge at another house in the immediate neighbourhood, taking the child, which was a very healthy child, with the exception of an inflammatory affection of one of its eyes, with them. They remained at their new lodgings for two days only, leaving them on the 13th of January, & going to a Beer Shop in the neighbourhood, where they slept on the night of the 13th – On the 14th (the next day) the man took fresh lodgings in another part of the town, & the woman & he between 7 & 8 o’clock in the evening of the 14th of January quitted the Beer Shop, the woman carrying the child with them. Up to this time the woman had exhibited no want of care of the child, on the contrary, it was said to have been well nourished & well nursed, & to have been thriving & healthy.

The last time the child was seen alive, was when they quitted the Beer Shop with it, between 7 & 8 o’clock in the evening of the 14th of January – At 9 o’clock in the same evening the prisoners arrived at the new lodgings which the man had taken in the (unclear) of the same day, but without the child. The next morning (the 15th of January.) the body of a child stark naked & dead was found in a large pond called the Mill Pond adjoining a part of the town of Newport –

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no marks of violence were found on the body, & the opinion of the medical man was that it was drowned, though he said it was possible that it might have died in convulsions or might have been suffocated before immersion. – A Coroner’s Inquest was held, & what the witness called an open verdict was returned of “Found Drowned” – On the 4th of February the body of the child was taken up & identified by several witnesses, as being the child of which the woman was delivered on the 1st of December, and which they knew again by very particular marks, they having seen & dressed & washed the child frequently from the time of its birth until it was last seen alive.

The people at the lodgings, to which the prisoners went on the night of 14th of January., & in which they remained until they were apprehended, were wholly (unclear) that they had a child – but in the interval between the 14th of January & the 4th of February, the female prisoner had frequently met the persons whom she knew at her former lodgings, & who enquired for her child, & her answer was, sometimes that it was very well, & at home & asleep, & at other times that her mother had taken it to her home near Bristol on the 14th of January – In consequence of non-payment of rent, the Landlord seized the bundles of the prisoners, & in one, the clothes of the child were found. The male prisoner when apprehended denied that the woman had had a child in Newport but upon being subsequently asked what he had done with his wife’s child, said he did not know what she had done with it.

The woman upon being apprehended, and very anxious to know what her husband (the other prisoner) had said afterwards desired to make a statement, which she did, to this effect –

“That they were changing lodgings the evening that the child was drowned, that the male prisoner took two bundles to the new lodgings & came back & met her & they walked to Mill Street Bridge – that he then said Let me have the young b___r, you are all right & so am I too – that she was crying and did not want to part with it”

I am strongly disposed to think that the woman had of herself no disposition to kill or injure the child, & that whatever part she took in the transaction was under the influence of the man – She had never shown the slightest ill will to it, but had carefully nursed and tended it – but she might have saved it & did not. She must have known, taking her own statement, what the prisoners object was when he took the child, but made no resistance. I make these remarks, supposing her statement to be one which can be wholly relied upon; but it was made to absolve herself from the actual commission of the murder - & I think that to the extent of her being a reluctant party to what was done, & not actually assisting in stripping the infant or throwing it into the water, it may very probably be true – and I apprehend that it was with this view of the case that the Jury recommended her to mercy, though they found her Guilty.

I have directed a copy to be made of my notes of the whole of the evidence & can forward it to you if you wish it – but the summary that I have given in this letter comprehends I believe all that is most material.

I have the honor to be Sir
Your obedient servant William Wightman
On the same day that William Wightman, now back in Gloucester, penned his letter, the following statement was released by George Wilson, the Surgeon of the Monmouth County Gaol. (Appendix 19)

*County Gaol Monmouth March 29th 1852 (transcript from original)*

_In consequence of a statement made by Eliza Dore, now under sentence of Death in this Gaol, to the effect that she believes herself to be pregnant, I have this day most carefully examined her, in order as far as possible, to ascertain the truth of her assertion._

_After giving the utmost consideration in my power, I am of opinion that if she is in that state at all, she cannot possibly be further advanced in her pregnancy than two months. – That we do not possess any means by which we can in so early a stage of gestation, pronounce with absolute certainty whether such be the case or not, but that while I am unable to speak positively on the point, I think that without doubt, there are reasonable grounds for supposing that her statement may be correct._

_George Wilson_  
_Surgeon of County Gaol_
The story of the trial, as previously mentioned, was reported in “The Times” newspaper on Tuesday 30 March 1852 and drew an immediate response from Dr Joseph Gladstone who wrote a long letter from Sharpstone House, Fushford near Bath to the Home Secretary. He signed the letter “Joseph Gladstone. Member, Royal College of Surgeons, England. Formerly medical attendant on the poor at Box and Ditteridge”.

Gladstone knew the family and quickly leapt to Eliza’s defence and drew heavily from the “Times” article, that had reported Eliza’s description of how matters unfolded when Ovans took the child from her grasp and took the child to the canal. She was under extreme duress, Gladstone contended, and there was no possible course other than to cast on the side of mercy. A copy of the letter transcribed from the original is attached. (Appendix 20)

Following is the full transcript of the citizens’ plea referred to on Page 12 that includes the signature of Dr Nash who signed Harriet Dore’s death certificate and where the character of Abel Ovans is referred to. This letter has 35 signatories attached and is reproduced as (Appendix 21).

To the Right Honourable the Secretary of State for the Home Department

We the undersigned inhabitants of the Parishes of Box and Ditteridge in the County of Wilts, have seen with much sorrow a statement in the “Times” newspaper of the 30th inst. the trial of Eliza Dore at the Monmouth Assizes for the murder of her female infant.

The parents of the prisoner have resided in the above Parishes for many years. And have conducted themselves in an honest and respectable manner and, we believe that the prisoner up to the time of her unhappy connection with Abel Ovans has always manifested a quiet and humane disposition, and knowing the bad character of the said Abel Ovans, we feel convinced that the prisoner made herself a party to the murder of her child, under the influence of fear from the threats of Ovans. We therefore unite with the Jury in recommending Eliza Dore to mercy, and we humbly hope you will be pleased to use your influence with Her Majesty to obtain a commutation of the sentence of Death passed upon the said Eliza Dore

Dated this Thirty first day of March 1852

Horlock - Vicar of Box

George Mullinar - Rector of Ditteridge

Geo Ross – Clerk – Box Wiltshire

Joseph Nash M.D. – Box Wiltshire + other signatories
PRISON LIFE

While Eliza was locked away in the Monmouth County Gaol, correspondence flowed freely. The date for her execution had been set. Following the revelation that Eliza believed herself to be pregnant, a letter to the Secretary of State Home Department read as follows; (Appendix 22)

Monmouth County Gaol

March 31st 1852

Sir

Eliza Dore was convicted at the Assizes now just past of the wilful murder of her child aged six weeks, and now lies in this Gaol under sentence of Death. The day fixed for her execution is Friday April 16th.

It is our duty to inform you that she (Eliza Dore) has stated that she is pregnant, and that she exhibits symptoms of being in an early stage of pregnancy.

We have the honor to enclose the Surgeon’s Certificate to that effect.

And remain
Your Humble Obedient Servant.

For Visiting Justices

Samuel. R. Bosanquet  Chairman of Visiting Justices

The letter contained a copy of George Wilson’s letter of the 29 March that indicated that pregnancy was a possibility. Presumably Eliza had been told that the execution date for her and Abel Ovans had been set down for Friday 16 April 1852.

The letter signed by Samuel Bosanquet (31 March) was quickly followed by another letter again addressed to the Secretary of State Home Department alerting the Home Secretary to further information supplied by the Surgeon. (Appendix 23)

County Gaol Monmouth

April 3rd 1852

Sir,

In our letter to you of the 31st, we forwarded to you the Certificate of the Surgeon of this Gaol, that Eliza Dore, lying under sentence of Death for the wilful murder of her own child, exhibited symptoms of pregnancy.
We now feel it our duty to forward to you a copy of the Surgeon’s entry in his journal of the 1st instant respecting the same prisoner

And we have the honor to be Sir
Your Humble Obedient Servant

For Visiting Justices Samuel. R. Bosanquet

The copy of Surgeon George Wilson’s entry in his journal was to the effect that Eliza Dore was in fact not pregnant. (Appendix 24)

County Gaol, Monmouth

Extract from the Surgeon’s Journal

Copy
“April 1st this morning the monthly visitation having made its appearance there is no longer any doubt that Eliza Dore now under sentence of Death is not pregnant.

Signed
George Wilson
Surgeon”

Who knows whether Eliza Dore genuinely thought she was pregnant or believed that to suggest so could buy her some time. The underlining of the word not in the Surgeon’s entry is clearly evident in the original handwritten extract. Could it be an expression that the Surgeon thought she was wasting his time?

At the same time other correspondence was being generated. The previously mentioned letter signed by the thirty-five signatories was dated 31 March 1852.

A letter dated the 6 April 1852 (Appendix 25) was addressed to the Right Honourable Spencer Walpole Secretary of State for the Home Department. The letter was written by Edward F Arney, Vicar of Monmouth. Because religion figured prominently in people’s lives at this time, one could say it was an obligatory letter expressing concern for one of the flock who had strayed.

Vicarage Monmouth April 6th 1852

To the Right Honourable Spencer Walpole
Secretary of State for the Home Department
(on behalf of Eliza Dore, now lying under sentence of Death in the County Jail, Monmouth)
Sir

As Minister of the Parish of Monmouth, I hope I may not be thought too presumptuous in giving expression to my own strong feelings which are to a very great extent shared in common with my Parishioners on behalf of the above-named convict: - and I venture to ask permission through you to prefer my humble petition to her most gracious Majesty, that the sentence of the wretched woman may be commuted in consideration of certain mitigating circumstances which seem to attach to the perpetration of the crime as affects the said Eliza Dore: that is to say that she was a party to the crime in the concealment of the same: and acting under stress of her seducer the principal, and actual perpetrator. Without any desire or intention to extenuate the enormity of the offence, and only desiring judgement in mercy, I do most earnestly entreat that the case of this unhappy creature may meet with that consideration from the Royal Clemency which the circumstances of the Jury who found her guilty expressed at the time of her conviction.
& humbly apologising for any informality or irregularity in this address, which I trust you will excuse, I beg to subscribe myself,

Right honorable Sir,
Your faithful and humble servant
Edward. F. Arney
Vicar of Monmouth

The case had obviously been a talking point in the community after having considerable coverage in the press. A further letter written by Walker (first name indecipherable) was sent to the Home Department on 10 April 1852. (Appendix 26) Walker was appealing to the Home Secretary that Her most gracious Majesty would grant a reprieve. After 1837 the ability to grant a reprieve rested with the Home Secretary who had the power to exercise the Royal prerogative.

To the Secretary of State for the Home Department

My Lord,

In the cause of Christian charity of which Mercy is a chief attribute I beg most earnestly but respectfully to raise my voice and humble appeal on behalf of 2 convicts now awaiting within the Gaol at Monmouth the fulfilment of the sentence of Death recorded against them at the late Assizes for Monmouth. Their names are Abel Ovans and Eliza Dore & they were convicted of the Murder of their infant child. The Jury in returning their verdict were strongly moved to recommend the female prisoner Eliza Dore to mercy and the Judge presiding was understood to say he would forward such recommendation to the proper authority.

May I request your Lordship to peruse the account of the trial reported in the “Monmouthshire Beacon” published on the 3rd instant forwarded by this post to the address of your Lordship.

The day fixed for the execution of the unfortunate convicts is Friday next the 16th instant.
No-one for a moment would pretend to palliate the crime committed or to encourage similar acts of commission. My present appeal is founded on the broad principle of a mercy where the parties as in this case have been brought to a full sense of their guilt and have shewn evidence of a contrite and broken spirit. The Lord has opened their hearts and shewn them, to their great grief & sorrow, the evil of their doings.

The culprits are young & by discipline may yet, if their lives were spared, become creatures of good works. I have been unable to learn either have been before convicted of any crime nor have been charged or made amenable in breach of the laws of their country. On behalf of the female convict it should be remembered she was very much under the control and influence of the male convict. The evidence against both was however wholly circumstantial.

It has pleased Her most gracious Majesty in the exercise of her benign prerogative to grant reprieve & respite in many cases adjudicated during the late Assizes.

May it please Her Majesty in the further exercise of her Mercy to spare the lives of the above convicts, if not both, at least the poor woman, who may fairly be supposed to have acted under the coercion of her paramour.

There does not appear to be anything radically bad in the lives of either convict.

In the fervent hope that something can be done to spare the lives of these poor creatures.

I have the honor to subscribe myself
My Lord
Your Lordship’s most obedient Humble servant.

(unclear) Walker
Monmouth
10th April 1852

The next letter from the High Sherriff (dated 13 April) (Appendix 27) is prefaced very politely “Sir, I beg you will excuse me for troubling you”. He has obviously heard nothing in relation to the plea for mercy and with the execution date set for 16 April, things are getting a bit tight.

13 April 1852
Lanvair Grange
Abergavenny

Sir
I beg you will excuse me for troubling you to state that Friday morning the 16th inst. is fixed for the execution at Monmouth of the convicts Abel Ovans and Eliza Dore for the murder of their infant.
From what was stated at the time after the trial by Mr. Justice Wightman, I have reason to hope that the recommendation of the Jury that the sentence may not be carried into effect as regards at least the female convict will have weight, and that I shall be favoured with a communication from you to that effect (or addressed to the factor at Monmouth Mr Barrett) if not already sent off.

I have the honor to be Sir
Your obedient servant
William Hunter Little, High Sheriff

It appears though that correspondence may have crossed as the next letter addressed to the Home Department, Whitehall, is from the Governor of the Monmouth County Gaol, Mr Barrett. He says he is directed by the High Sherrifff to acknowledge the communication that the sentence of death upon Eliza Dore has been respited. (Appendix 28)

County Gaol Monmouth

April 14th 1852

Sir

I am directed by the High Sheriff of the County of Monmouth to acknowledge the receipt of your communication of the 13th inst. That the execution of the sentence of Death passed upon Eliza Dore now in this Gaol is respited

And remain
Sir
Your Obedient Humble servant.

Samuel Barrett
Governor.

To the Right Honourable
The Secretary of State
Home Department
Whitehall

THE ROLE OF THE PRISON GOVERNOR

The governor of the prison had responsibility for the security of the prisoner between sentence and execution and for preventing their suicide as far as possible by ensuring that there were adequate officers to look after them. It was normally the governor’s painful duty to tell the person that there had not been a reprieve and thus the execution was to take place on such and such a day. The governor appointed the assistant executioner(s) and had to be present at the hanging. Among their other duties they had to record anything of relevance the prisoner said and pass this information to the governor to forward to the Home Secretary.
Eliza had been spared the noose with little more than two days grace. It was apparently commonplace for prisoners who were reprieved to get very close to the fateful day before word came through.

It is fascinating to read all this correspondence that is date stamped only one day apart. This means that letters were getting from Monmouth, Wales to Whitehall in London in a day. Any sort of disruption to the postal service in Eliza’s case would have had disastrous consequences.

But the news that various parties had successfully appealed for clemency on her behalf was not an immediate end to her ordeal. In effect, she was forgotten about and was languishing in solitary confinement in the County Gaol from the day the trial ended. A letter was sent to the Home Secretary asking “what do we do with her now”. The letter was dated 5 June 1852. Eliza had been in her cell alone as though under sentence of death for fully seven weeks. (Appendix 29)

To the Right Honourable the Secretary of State Home Department

Sir

Eliza Dore was convicted of Murder at the last Spring Assizes and sentenced to death.

By your letter of the 13th April addressed to the High Sherriff of the County, you signified the Queens Commands that the execution of the sentence of Death should be respited until further signification of Her Majesty’s pleasure.

She has remained from the period of her sentence to this time in separate confinement in this Gaol as being a person under sentence of Death.

We respectfully request that you will communicate to us Her Majesty’s commands as to the disposal of the above mentioned prisoner, Eliza Dore, as soon as Her Majesty’s pleasure has been signified.

And we have the honour to be Sir
Your Obedient Servants

Samuel Bosanquet
George Cave
Visiting Justices
County Gaol & House of Correction
Monmouth June 5th 1852

MORE ABOUT ABEL OVANS

Two interesting pages from the Monmouth Gaol Book (Appendix 30) have some daily entries that simply read that the prisoners were “Orderly and Obedient”. “The prisoners sentenced to hard labour were employed for ten hours”. The temperature in the day rooms and cells is also recorded.
E.g. Monday, 12 April 1852. 55 4/5 degrees Fahrenheit. (approx. 14 degrees Celsius) Other entries refer to prisoners discharged at the expiration of their sentence.

An intriguing entry dated Wednesday, 14 April 1852, complements last minute correspondence referred to earlier: “Received an order from Secretary of State that the execution of the sentence of death passed upon Eliza Dore at the last assizes be respited until further signification of Her Majesty’s pleasure. Communicated the same to the High Sheriff and the Visiting Justices”.

It is assumed that these records are the work of the Prison Governor, J Barrett. A further entry for 14 April states “At the request of the High Sheriff and under the authority of the Visiting Justices proceeded to London to communicate to the Secretary of State a Statement made by Abel Ovans now under sentence of death”. The following day, Thursday 15 April, it is recorded “returned from London at 9.00 pm and found everything correct”.

At the second attempt, a request to the National Archives UK produced a copy of Abel Ovans Statement, which he made on 14 April 1852, two days before his impending execution. A copy of the Statement is shown below. He inferred that Eliza had told lies about him and that he was innocent. Typically, you would expect someone facing execution to protest their innocence. The court records do show that Eliza had lied to police.

**STATEMENT MADE BY ABEL OVANS**

“I shall die innocent of the murder of the child it would have been done before had I not prevented it for she wanted me to buy poison to kill it and one day she mixed soda and water together and made it so very strong that it caused the child to suffer great agony she undrest the child herself and carried it more than a mile in the same shawl that she now has in the prison and whether it was throwed in the canal or in the pond I cannot tell I did not see it flung in I hope she will seek true repentance for all the lies she has told on me – I forgive her with all my heart” (Appendix 31)

Fortuitously, with the copy of the Statement, came a copy of a letter written the same day at the behest of the High Sherriff, believing it was their duty to advise the Home Office of the existence of such a document.

*County Gaol, Monmouth
April 14th 1852*

*Sir,*

*The High Sherriff having expressed this opinion that the Governor of the Gaol should proceed to London and communicate to you the Statement made by the prisoner*
Abel Ovans lying under sentence of death in this Gaol, I have thought it my duty to authorise the Governor to proceed to London for the abovementioned purpose.

This is not by any suggestion of my own mind, or through any opinion which I have of its propriety, or any opinion which I form of the weight of the prisoner’s Statements, but only because the High Sherriff depends upon the Visiting Justices giving such authority to the Governor, and it being too late to communicate with the High Sherriff again, without causing a critical delay, the execution being fixed for Friday the 16th instant.

I am Sir

Samuel Bosanquet

Chairman of Visiting Justices

To Right Honourable,
The Secretary of State
Home Office

(Appendix 32)

Further correspondence began to flow following the Statement made by Abel Ovans. Edward Gosling, Monmouth Gaol Chaplain, imparted in a letter more information not contained in Ovan’s Statement and that he was impressed by Ovans.

THE ROLE OF THE PRISON CHAPLAIN

Certainly by the 16th century it was normal for the church to play a part in executions. It was the practice, least from the 18th century, that when a person was sentenced to death, the judge would finish the sentence with the words, "May the Lord have mercy upon your soul" to which the chaplain would add "Amen". Whereas the prison doctor looked after the prisoner’s physical health it was for the chaplain to look after their spiritual health and prepare them to meet their Maker. Confession and repentance was seen as vitally important for their spiritual well-being in the next world, as they could still go to Heaven if they genuinely repented. The prison chaplain, or in the case of Newgate, the Ordinary as the chaplain was known, would spend time ministering to the person’s spiritual needs in the condemned cell and trying to extract a confession. Sometimes the chaplain would make persistent efforts to obtain a confession right up to the last moment. The Royal Commission on Capital Punishment confirmed that there was no requirement for the chaplain to divulge any confession he might hear to the Home Office but that he should inform the Home Office of anything the prisoner said to him that might lead to a reprieve.
County Gaol, Monmouth

April 14th 1852

To the Right Honourable the Secretary of State
for the Home Department

Sir,
I am requested by the High Sherriff to make known to you a Statement made by Abel Ovans, a prisoner being under sentence of death in the County Gaol of Monmouth of which I am Chaplain.

He denies that the child destroyed was his and says that if it had it would only have been a seven months child, that being the time during which he cohabited with her. He furthermore denies strongly having taken the child from the mother to destroy it. This Statement was made prior to arrival here of the respite of Eliza Dore. He is quite an altered man, has no hope whatsoever of pardon and I feel quite sure would not tell an untruth on any account, for although I have been so many years Chaplain of the County Gaol yet I have never met with one in his situation who has conducted himself so much to my satisfaction as he has. A brother clergyman of some experience who accompanied me in my visits to Abel Ovans and to whom he also made a like communication has the same opinion of him as I have

I therefore have great pleasure in complying with the request of the High Sherriff.

And I am Sir,
Your most obedient servant

Edward J Gosling M.A.

Chaplain to the County Gaol at Monmouth

Annotated: The chaplain of Monmouth Gaol sends a declaration from the prisoner denying his guilt and expressing a strong opinion that his Statement is true. Samuel Bosanquet 15 April 1852 (Appendix 33)

The High Sherriff also penned a letter in support of his decision to ask the Monmouth Gaol Governor to proceed to London, complementing the letter already sent by Samuel Bosanquet, Chairman of the Visiting Justices.
Lanvair Grange
Abergavenny

14 April 1852

Sir,

I have the honour to receive this morning a respite for the female convict Eliza Dore, and am sorry I should have yesterday troubled you on this subject.

I have thought it my duty to desire the Governor of Monmouth Gaol to proceed to London and wait upon you in consequence of certain statements he has made to me respecting the male convict Abel Ovans and which appear to have convinced the Governor and Chaplain that the male convict is the lesser criminal of the two and that he did not commit the murder or see it done, although accessory to it.

I am sure it will be no less gratifying to you than it will be to me, if you find reason from what shall be stated to you, to obtain for the male convict the same respite that has been granted to the female.

The greatest possible reliance may be placed on the statements of Mr Barrett (the Governor) who is a most invaluable servant of the public.

I am Sir,

Your most obedient servant

W Hunter Little – Sheriff (Appendix 34)

THE ROLE OF THE SHERIFF OF THE COUNTY

Each county had a High Sheriff who was appointed for a year and who had the responsibility, amongst other things of carrying out the punishments ordered by the courts. In capital cases it was the sheriff’s responsibility to organise the execution and appoint the hangman, although this was usually delegated to an Under Sheriff. He had to be present at the execution and also had to pay the hangman and later the assistant(s) and then claim the money back through “sheriff’s cravings” from the Home Office. The sheriff would proceed with the foregoing, irrespective of the fact that there may be a reprieve, even at the last minute.

The Capital Punishment (Amendment) Act of 1868 required that the High Sheriff or the Under Sheriff be present at the execution. From 1891 the sheriff appointed the hangman from the Home Office list. The sheriff had the authority to admit witnesses and newspaper reporters to executions after they became private in 1868. This practice had ceased in most places by the early 1900s and entirely by 1934. After the execution it was the sheriff’s duty to notify the Home Secretary that the execution had taken place.
COMMUNITY SUPPORT

The case was generating a lot of interest in various communities. There was the letter from the Box and Ditteridge citizens with approx. 35 signatures appealing for the commutation of the death sentence on Eliza Dore. There was a letter from the Vicar of Monmouth, Edward Arney. The Rev. E A Brooks from Abel Ovan’s home town of Seend also wrote an impassioned plea on behalf of Abel Ovan’s parents. (Appendix 35)

5 April 1852

Seend
Near Melksham
Wiltshire

Sir

I beg to state that the parents of Abel Ovens who was sentenced by Sir William Wightman at the Monmouth Assizes to suffer death on Monday next for the murder of an infant child, are my parishioners.

The grandmother has already died of a broken heart in consequence of the sentence. The mother of the young man is almost ……….

I have already written to Sir William Wightman to ask if there was any prospect of the sentence being commuted to transportation for life. He has referred me to you. My object in now addressing you is to implore that the young man’s life be spared on account of his youth, his age being only 22.

Hoping this may be a case when you can consent to the Royal mercy.

I am Sir
Your obedient servant

E A Brooks

Rec’d 7 April 1852
Noted that the Rev E A Brooks begs that the prisoners life may be spared in consideration of his youth. Annotated 15 April 1852

Petitions were circulated by the inhabitants of Newport where the crime was committed. One concentrated on the plight of Eliza Dore that included the
knowledge that Eliza’s mother had died as a result of her daughter’s situation.

A second petition although appealing for the sparing of Abel Ovan’s life put a lot of emphasis on its opposition to Capital Punishment. Although there is a perception that Capital Punishment was rife in the United Kingdom, in the period 1837 – 1868, a total of 350 people were hanged in public over that 32 year period. Nevertheless, there was strong community resentment in Newport as the wording of the petition will attest. The petitions were accompanied by a letter from John Darfield, an independent Minister. An interesting point raised in the first petition is that the petitioners believe that Abel Ovans is not the father of the murdered infant. John Darfield’s letter (Appendix 36) enclosing the petitions are dated 12 April. Ovans claim was only revealed to the prison Chaplain around the 13 April, the date of his letter, yet seemed to be common knowledge in the petitions received at the Home Department on 15 April 1852. People were talking, as they do. The second petition contains the signature of the Superintendent of Police.

Newport
Monmouthshire

April 12 1852

Sir

I have the honour to forward to you two petitions to Her Majesty from inhabitants of this town

The 1st petition sets forth extenuating circumstances in the case of Eliza Dore the prisoner condemned to death and prays for the sparing of her life.

The other petition sets forth the same circumstances and embodies the same prayers. It also prays for the life of the other prisoner on the simple grounds of the inexpediency of Capital Punishment.

In consequence of the excitement prevailing lately in this town attention to this subject has been delayed. Had it not been for the shortness of the interval very many more signatures would have been appended. No one to whom the petition for the woman has been presented has refused to sign it.

I regret to say that at one of the places of worship yesterday a mistake was made which led to the affixing of some few signatures to both.
In requesting you to present these petitions to Her Majesty allow me to call your attention to the fact that those persons most connected with the case have prayed for the life of the female prisoner. The Superintendent of Police who prepared the case, the Watch Committee who investigated it, the Mayor and the prosecutor.

I am Sir,
Your obedient humble servant
John Darfield
To the Right Honourable Horace Walpole

The First Newport Petition (Appendix 37)

To the Queen’s Most Excellent Majesty
The Memorial of the undersigned inhabitants of the town of Newport in the county of Monmouth
Humbly sheweth

That at the late jail delivery of the county of Monmouth Abel Ovans and Eliza Dore were convicted for the wilful murder in this town of an infant child and were condemned to death

That the said Eliza Dore was recommended to your Majesty’s mercy by the jury but that no hope was held out by the judge that mercy would be granted

That your memorialists are informed that the murdered infant was not the offspring of the said Abel Ovans, and that the said Eliza Dore was through the influence of fear entirely under the control of the said Abel Ovans to whom the actual deed of the murder is attributed

That the mother of the said Eliza Dore in consequence of her daughter’s degradation has died of a broken heart

Your memorialists therefore pray that your Majesty will be graciously pleased to exercise you Royal Prerogative in sparing the life of the said Eliza Dore

Signed
Henry Wybrow Incumbent St Pauls Newport
William Baxter Curate of St Pauls
Edward Davidson Curate of St Pauls
William Phillips Curate of P
Henry Webber Churchwarden of St Pauls Newport
John Phillips Churchwarden of St Pauls Newport
Frederick Justice Newport
Ebenezer Phillips Newport
Henry John Davidson Mayor
James Salter Prosecutor in the case
The Second Newport Petition (Appendix 38)

To the Queen’s Most Excellent Majesty

The memorial of the undersigned inhabitants of the town of Newport county of Monmouth

Humbly sheweth

That at the late Gaol delivery for the County of Monmouth Abel Ovans and Eliza Dore were convicted for the wilful murder of an infant child in this town and were condemned to death

That the said Eliza Dore was by the jury recommended to your Majesty’s mercy but that no hope was held out by the judge that mercy would be granted

That the said Eliza Dore was through the influence of fear entirely under the control of the said Abel Ovans, with whom she lived

That the actual deed of murder is attributed to the said Abel Ovans alone – and to Eliza Dore is ascribed only the knowledge, the non-prosecution and concealment of it.

That the mother of the said Eliza Dore in consequence of her daughter’s degradation has died of a broken heart

Your memorialists therefore pray,

That the life of the said Eliza Dore may be spared

Your memorialists would further set forth

That they know of no extenuating circumstances in regard to the said Abel Ovans

That in their belief the system of Capital Punishment is quite inefficient to prevent the crime of murder

That they believe that its effect upon spectators to be highly demoralising
That many criminals escape all punishment in consequence of reluctance of jurors to convict when death is the punishment.

And that the probability of escape often leads to the commission of crimes that the certainty of punishment would prevent.

Your memorialists feel most deeply that the execution of criminals removes them prematurely and hopelessly from a state in which they might repent and obtain the divine forgiveness.

Your memorialists therefore pray

That Your Majesty will exercise your Royal Prerogative of Mercy in sparing the life of the said Abel Ovans.

William Townsend  Alderman of Newport
McIntosh  Alderman
Thomas Lewis  Town Councillor
James Davies  Town Councillor
Burton  Merchant and Town Councillor
Edward Thomas  Town Councillor
Thomas Turner  Town Councillor
E Jenkins  Chemist
J Jones  Surgeon
William Christopher  Newspaper Publisher
Thomas Gillman  Independent Minister
William Allen  Baptist Minister
William Thomas  Baptist Minister
John Darfield D.A.  Independent Minister
R Thomas  Architect and Engineer
Henry  Saddler
Henry Burton  Agent

Annotation: from the inhabitants of Newport, a considerable number of signatures are attached

INFANTICIDE

In Abel Ovan’s Statement he inferred that Eliza Dore had asked him to buy poison to kill the child. The concept of “post natal depression” was not recognised at this time. One of the most common capital crimes for which women were actually executed in the 18th century was the “murder of a bastard” as it was called, or infanticide as we would call it now. Looking carefully through the records most cases seem to be genuine murders rather than still births or deaths from natural causes in the first few days of
life. Babies were poisoned, had their throats cut, were battered to death or drowned in streams and rivers.

The offenders were typically young women who had got pregnant outside wedlock and were quickly abandoned by the father. Bear in mind that there was no effective contraception until the middle of the twentieth century. Young women often experienced sheer desperation, often already living in poverty, finding themselves pregnant and then giving birth without any means of support, either financial or moral. There was also the considerable social stigma of single parenthood.

Some seventy nine women were hanged for this crime between 1735 and 1799 and a further nineteen between 1800 and 1834. It is not possible from surviving records to know whether a child murder fell into this category or not. Large numbers of women and girls continued to be sentenced to death between 1840 and 1922 for killing their infant children but were all reprieved.

It wasn’t until the Infanticide Act of 1922 that the killing of a newborn baby by its mother was no longer classed as a capital crime and factors such as the disturbed mental state of a new mother were permitted to provide a partial defence to a murder charge. The Infanticide Act of 1938 removed the death penalty altogether for women who killed their babies in their first year of life, stating "at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child."

In some cases it was possible to show that a baby had not been born alive, and the mother could then be charged with concealment of the birth, but this did not carry the death penalty.

There is no way of knowing whether Abel Ovans’ accusation in his statement was true or whether Eliza may have been suffering from post-natal depression.

**ABEL OVANS EXECUTION**

The Gaol Book records that the sentence of death passed upon Abel Ovans was carried out at 9.00am on Friday 16 April 1852. He was publicly hanged at the Monmouth Gaol. Ovans was visited by the prison chaplain, E J Gosling, just prior to the time set down for the execution. The chaplain also visited Eliza before and after the event but there are no notes as to her demeanour at this time. The chaplain also visited all the male convicts after the execution,

Abel Ovans body was buried within the precincts of the Monmouth Gaol. All that remains now of the Monmouth Gaol is the gatehouse. There was no Death Certificate issued for Abel Ovans. A search of the General Register
Office records returned no result. Hangings were a casual affair with the body left suspended for an hour. It was not until 1868 that a proper process was established. The Capital Punishment (Amendment) Act of 1868 required that the prison doctor be present at the hanging, examine the body of the prisoner after execution to determine death had occurred, and then sign a certificate to that effect. He would look after the prisoner’s physical wellbeing up to the time of execution and could also have a say on the length of drop to be given to a particular prisoner. He could prescribe them a special diet in the condemned cell and also a glass of brandy immediately before the hanging.

**MORE PRISON LIFE FOR ELIZA**

The letter of 5 June 1852, asking what to do with Eliza who was still in Monmouth Gaol, is the last in the stream of correspondence concerning the case. Eliza was to remain in Monmouth Gaol for three more months. There must have been a response from the Home Department because the next stop for Eliza was London.

Correspondence received from The National Archives, Kew, Surrey confirmed that Eliza Dore arrived at Millbank Prison on 22 September 1852. (Appendix 39)

Millbank Prison was situated in Millbank, Pimlico, London. It was used largely as a holding facility for people convicted of a crime who were being transported to Australia, a practice that ended in 1868. It was opened in 1816, designed according to principles laid down by the philosopher, Jeremy Bentham, and closed in 1890.
In the prison's early years, sentences of five to ten years were offered, as an alternative to transportation, to those thought most likely to reform. Later, it ceased to have a penitentiary function, and became a holding centre for those awaiting transportation, or in the case of sick prisoners, removal to one of the "hulks," - ships sitting offshore which were used to house prisoners. Every person sentenced to transportation was sent to Millbank first, where they were held for three months before it was decided where to send them. Around 4,000 people convicted of crimes were being transported annually from the UK in 1850. Prisoners awaiting transportation were kept in solitary confinement, and restricted to silence for the first half of their sentence.

The National Gallery of British Art was built on the prison site in 1897, now called the Tate. A single buttress remains by the river with the inscription, "Near this site stood Millbank Prison which was opened in 1816 and closed in 1890. This buttress stood at the head of the river steps from which, until 1867, prisoners sentenced to transportation embarked on their journey to Australia."

Eliza was destined not to spend three months in Millbank, as previously mentioned, presumably because a ship became available earlier. She had already suffered long periods of isolation, and would have been very relieved not to remain in Millbank any longer than necessary. The ship she was to leave on was the “Duchess of Northumberland”, anchored at Woolwich, a short distance from London and not far from the mouth of the River Thames. She boarded on 16 November 1852 but the vessel did not sail until 28 November. Often male prisoners were housed on “hulks” awaiting their ship but in Eliza’s case she was on board only for the time the ship was being made ready.

TRANSPORTATION

Eliza’s sentence had been commuted to life imprisonment and that meant certain transportation. Eliza was bound for Van Diemen’s Land, a colony established in 1803. Between 1812 and 1853 around 67,000 convicts came to the island. Penal settlements were established to alleviate overcrowding in British gaols. Between 1788 and 1868 approximately 165,000 were sent to Australia. About 20% were women.

What thoughts would be going through her mind at this stage, about to embark on a journey into the unknown? What she did know was that she was barely 22, had had a child who was now dead, had a partner who was now dead, saw her mother briefly while on the murder charge and her mother was now dead, she had completely lost touch with the remainder of her family and had spent the previous ten or eleven months in abject misery living in wretched conditions, much of the time totally alone. There may have been agonising and tearful moments as she contemplated how her short life had so far unfolded.
Eliza would be one of 219 female convicts (Appendix 40) on board the ship, for a journey that would take five months, arriving in Hobart on 21 April 1853.

The “Duchess of Northumberland”, a 541 ton ship (Class A1) was built in 1834 at Sunderland on the East coast of England and made her first trip to Australia with a convict cargo in 1842 leaving from Sheerness on 2 October with 270 all male convicts. That journey took 108 days with the Master Charles Scott at the helm.

The ship made other trips to Adelaide, Sydney (1839) and Hobart carrying emigrants to Australia. She berthed in Port Adelaide in 1847 with 254 new settlers.

The second trip carrying convicts in 1852 under the control of George Mitchell and Surgeon Charles Smith took 144 days, by this time the ship was classified as a barque and was Class AE1. On its second journey it was the penultimate convict vessel to arrive in Hobart Town. Indeed, the very last ship carrying female convicts.

The voyage at times had been very rough and three women and seven of the twenty seven children on board died.

A journal was kept by the Purser of the “Duchess of Northumberland”, Gilbert James Inglis:

**Tuesday 16 November 1852**

_The convicts came on board. They were brought down to the ship by two of the Waterman’s Companies steamboats at about nine o’clock in the morning. Some of the officers and matrons from Millbank penitentiary came down with them and put them into a little order arranging them in their messes and so forth. They were dressed when they came on board in coarse brown serge petticoats or skirts. I suppose that is the proper name for them and a loose jacket of the same material which some of them wore outside the petticoat and others inside and plain straw bonnet without any trimmings at all which they exchanged for black calico caps made very loose behind. They all seemed very well though some seemed rather_
pale which I suppose was occasioned by the excitement for they looked in very good condition.

They were 217 women and some children all arranged in messes of eight and they had an excellent contrivance for the tables and beds which answered both purposes. There were eight beds in the mess four on top and four underneath, the two outside of the upper ones being moveable while the other two were fixtures and served for a table in the daytime while the outside ones served for seats and at night time they had to be fixed up for beds again. They had two-thirds of a pound of meat and bread allowed per day each one and tea night and morning. All through the day they are allowed to walk about the decks with very little restriction. They are not allowed to talk to the sailors nor the sailors to them but it is impossible to prevent that entirely. Several children came to the ship during the day from different workhouses in the kingdom. They are to go out with their mothers and be free when they get out there. Some of them came from a long way; one from Gloucester and another from Lancashire and the parish sends them down to the ship.

The women were very much excited today. They had been kept separate at Millbank and now being altogether they made merry, singing and dancing just for the purpose of making a noise. After they had done their tea they were all sent below and locked up for the night where they kept up the dancing, singing and occasionally fighting till the morning.


Prisoner 4525, Letitia Jukes was also tried in Monmouth and arrived at Millbank on the same day. She was a 44 year old married woman with seven children who was transferred to Brixton prison to serve her 10 year sentence for Larceny.

Prisoner 4528, Mary Dunn was from Manchester. Aged 19. Single. She was sentenced to seven years, convicted for her fourth offence of stealing.

Mary Dunn was to accompany Eliza as one of the 219 women who had come together at Millbank from all over England on the “Duchess of Northumberland”. As reiterated in Purser Inglis’s journal the women were kept separate in Millbank so it must have been exhilarating to have company and swap stories.

A book entitled “The Last Ladies” by Christine Woods provides much detail about the women, including their lives after they arrived in Hobart. The book gives the ships surgeon’s rating of the women, and admissions to the ship’s hospital. Eliza was rated good, but spent from 4 February 1853 until 25 February 1853 in the hospital with dysentery.

To paraphrase more of Gilbert Inglis’s journal: The women settled into a routine as far as eating and sleeping was concerned but there was plenty of squabbling. The weather was showery for a few days and the women complained that there was little
to do. The ship was towed to Gravesend by a steam tug late at night on the 27 November then set sail early on Sunday 28 November 1852. The wind and the tide were against the ship with many women very sea sick. The Captain anchored the ship near Margate and gave the women a glass of wine. Within two days they were abreast of the Isle of Wight in the English Channel. The weather for the first week of sailing was a combination of strong breezes and rain with the occasional fine day giving some respite to the sea sickness that troubled most the women.

By Wednesday 8 December the weather deteriorated with much rain, heavy squalls and gale force winds. In fact it was very rough for eight to ten days which terrified the women who were locked up below listening to the waves crashing on the deck. Saturday 18 December when the weather improved the women had a glass of wine to assist their appetite and had a dinner of pork and plum pudding.

By Christmas Day the ship was off the North West tip of Spain. Women had as good a dinner as circumstances would permit.

Weather continued to be unfavourable and on many occasions it was too rough to risk lighting galley stoves so cold preserved meat was served. Often women who were seasick could only take oatmeal gruel.

Purser Inglis remarked that he was quite used to the women’s squabbles now however they were a novelty at first. In the first month three women spent a night in the brig for fights that resulted in injury.

The ship crossed the Equator on 30 January. The weather was getting quite hot so the women stayed on deck until much later at night. The women had become quite industrious making shirts and knitting now that seasickness was not as prevalent.

The first adult of three to die on the ship was buried at sea on 11 February 1853. By Wednesday 9 March 1853 the ship was at latitude 41° and into the Southern Ocean with the usual mix of heavy seas, rain and squalls.

ARRIVAL IN VAN DIEMEN’S LAND

Inglis ceased his journal entries on 12 March 1853. The ship arrived in Hobart on 21 April 1853.

Disembarkation from the ship by the prisoners was an orderly and thorough process. Information compiled on each prisoner was known as an “indent”. The information recorded included number, name, when and where convicted, sentence, trade, native place, some details on personal appearance (always age and height) but also scars, tattoos or deformities, literacy, religion and number of children. Convicts generally made statements about the offence for which they were transported and of any previous record. The ship’s surgeon gave a report on the convicts behaviour and demeanour on the voyage. Prisoners were also permitted to report on their treatment over the length of the journey. Earlier ship’s captains mistreated prisoners and fed them poorly in order to extract the maximum profit out of the trade.
FEMALE FACTORY

Records indicate that Eliza spent a week at the Cascades Female Factory. (Appendix 42) This prison operated between 1828 and 1856. The Colonial Government bought the site of Lowes Rum Distillery in 1827 and extended the existing buildings to house the increasing numbers of female convicts under sentence in the colony. The colonial architect undertaking this task was the well-known John Lee Archer.

The complex gradually extended to encompass a series of five yards, around which cells, storerooms, workrooms and offices were built. 5041 female prisoners are listed as having spent time there. Eliza had Police No. 851. The Female Factory still operated as a gaol in the traditional sense until 1877. One of the women on the voyage out with Eliza, Ann Fulcher, was an inmate who was then transferred to the Campbell Street Gaol.

<table>
<thead>
<tr>
<th>TRADE</th>
<th>Dairymaid</th>
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</thead>
<tbody>
<tr>
<td>HEIGHT</td>
<td>5 feet 1 inch</td>
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<tr>
<td>AGE</td>
<td>22</td>
</tr>
<tr>
<td>COMPLEXION</td>
<td>Fair</td>
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<td>HAIR</td>
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<td>WHISKERS</td>
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<td>VISAGE</td>
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<td>Dark Blue</td>
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<tr>
<td>NOSE</td>
<td>Roman</td>
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<tr>
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</tr>
<tr>
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<tr>
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</tr>
<tr>
<td>LITERACY</td>
<td>Reads and Writes</td>
</tr>
<tr>
<td>MARITAL STATUS</td>
<td>Single</td>
</tr>
<tr>
<td>NATIVE PLACE</td>
<td>Wiltshire</td>
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</tbody>
</table>

The assignment system was still in place when Eliza arrived in Hobart but not for much longer. Prisoners were placed under the control of private individuals to work for them. Most women became domestic servants. They were provided food, clothing and shelter.
The division of labour between assignment and Government employment depended a lot on the skills or trade of an individual. For example, bricklayers or carpenters were in high demand so would often be retained by the Government to work on numerous public works projects. But many skilled individuals were employed by large landholders.

Within one week of her arrival Eliza was assigned on 28 April 1853 to David Stenhouse of Battery Point as a domestic servant. There are very few records of assignment lists held in the Tasmanian Archives.

According to David Stenhouse’s death registration (RGD35/1/6 reg no. 4085) he was a blacksmith at the time of his death in September 1863. He was aged 48 when he died of consumption (Tuberculosis) and was still living in Battery Point. Scotland was recorded as place of birth. The only other reference found to David Stenhouse was in TROVE (digitised newspapers, National Library of Australia) On 16 June 1843 the following advertisement appeared in the newspaper ‘Hobart Town Courier’:

“The undersigned, in returning his sincere thanks to his numerous employers for their patronage, begs to inform them that owing to his time being fully occupied, he has let his Horse Shoeing Establishment to Mr D. Stenhouse, who has been in his employment for some months and being well acquainted with the system of Horse Shoeing adapted at the Forge, he will conduct it exactly on the same principles as hitherto” (Signed John Murray, Veterinary Surgeon, 17 Melville Street, Hobart)

It appears that David Stenhouse did not marry, as his marriage was not recorded in the Tasmanian Pioneers Index (Index to Births, Deaths and Marriages, 1803 -1899) His name is also not listed in our Index to Tasmanian Convicts, which may indicate that he arrived in VDL as a free settler. Having said this, his name is not in the Free Arrivals Index, however if he travelled to VDL as a steerage passenger his name would not necessarily be recorded.

(App Courtesy: Archives Office of Tasmania April 2011) (Appendix 43)

At this stage, having been assigned to a thirty-eight year old blacksmith, Eliza was almost free, as long she abided by the conditions of her assignment. She was in custody in Newport & Monmouth from 4 February 1852 until her trial in March 1852. She spent about six months altogether in Monmouth Gaol, then a little more than two months at Millbank. The voyage to Australia took nearly five months, arriving in April 1853. That was approximately 14 months in various forms of incarceration.

In this new environment marriage was encouraged by authorities, allowing women to mingle in the general community, and was an opportunity gladly chosen by many.
Even if Eliza felt relieved that the arduous sea voyage was over, and she was not behind bars in solitary confinement anymore, one fact that would have weighed heavily on her mind was that being transported for life left no real possibility that she would ever see her homeland or her family again.

**MARRIAGE TO GEORGE FILES**

Sometime within the next six months Eliza met George Files, a mariner, possibly resident in Hobart. As a convict, she had to apply for permission to marry. In the register their application was dated 27 March 1854 with George Files listed as a free man and Eliza shown as arriving on the “Duchess of Northumberland”. Permission was granted two days later on the 29 March 1854. (Appendix 44) The marriage took place at St Georges Church, Battery Point on 16 May 1854. On the marriage certificate Eliza describes herself as a widow. (Appendix 45)

**A BRIEF HISTORY ST GEORGE’S CHURCH**

A large and beautiful sandstone church, St George’s at Battery Point is one of the earliest Anglican churches in Tasmania. The story of St George's begins in 1834 when the city of Hobart was just 30 years old. That year a petition was presented to the Lieutenant Governor of Van Diemen’s Land that a Church should be built for the residents of Queenborough. The site chosen was the highest part of Battery Point, then known as Kermode’s Hill. The Trustees paid Mr Kermode, who owned most of the land in the area, £250 for the site. The building of St George’s began in 1836 and services commenced 26 May 1838. The church was consecrated on 26 May 1838 by the Rt. Rev. W. G. Broughton, the first and only Bishop of Australia, assisted by the Ven. Archdeacon W. Hutchins, Archdeacon of Van Diemen’s Land, and the Rev. W. Bedford of St. David’s.

St. George’s was designed in the Neo-Classical style then current in London. The Government architect, John Lee Archer, designed the body of the
building; the tower and porch were designed by convict architect, James Blackburn. The church has an unusual layout, with two side aisles instead of a single central aisle. It still has its original cedar box pews.

Having completed the initial work, it was decided in 1841 to proceed with the tower. The Government was asked for assistance, and agreed to grant convict labour, stone and timber, on the basis that the subscribers were to supply cartage, lime, lead and other materials. Work began on building the tower, but it was soon found that the tower basement, which had been put in at the time of the original building, was badly built and insufficient to bear the weight of the tower. It was found necessary to remove this basement, as well as the vestibule and the two vestries on either side of it. For various reasons, one of which was the inability to supply suitably skilled convict labour, the work was frequently interrupted and left for long periods. By 1847 the tower was finally completed, but the porch and the rooms at the basement of the tower were left unfinished. For five years “the Church was more or less exposed to the weather and great inconveniences were occasioned to the congregation” Erected to serve as a mark for shipping, the tower of St George’s has been a landmark for sailors ever since 1847. Back in the nineteenth century when St George’s was built, Battery Point was home to master mariners, shipwrights, seamen, fishermen, shipping agents and many others who worked in the shipbuilders' yards and on the wharves. These connections earned St George’s the name of “The Mariners' Church”.

It is probably not too fanciful a notion to think that George Files met Eliza in the vicinity of the Hobart shipyards. He may have worked at the yards and lived around the Napoleon Street Mariner’s Cottages area. Blacksmiths operated near the wharves and provided many items for ships including anchor chains and stoves. While assigned to David Stenhouse, the blacksmith at Battery Point, Eliza would have come into contact with many people. It is not known how long Eliza stayed in the employ of David Stenhouse, but it couldn’t have been long as she was married to George Files eleven months after arriving in Hobart. However, if Eliza illegally left the employ of Stenhouse sometime after April 1853 to share accommodation with George Files, and had been reported by Stenhouse, it may have impacted on her obtaining permission to marry. This is assumed not to have been the case.

**FAMILY LIFE AND FREEDOM**

George and Eliza’s first child, John, was born on 8 September 1854 meaning that Eliza was approximately five months pregnant when she married.

Their second son, George, was born on 22 March 1856. In July 1856, Eliza was granted her ticket of leave, discussed in a later chapter.

They lost a child stillborn in 1857. Another son, Richard, was added to the family on 12 February 1859. Their first daughter, Sarah Eliza, was born 6 March 1860.
The next child was Thomas born in 1861, followed by William James in 1862, then Esther in June 1863.

The children’s names were following a trend. John after Eliza’s older brother about whom she enquired in her letter home from Newport. Richard was her father’s name. Sarah was her older sister’s name. Thomas was another brother.

**TRAGEDY IN THE DERWENT RIVER**

Tragedy struck the growing family about five months before the birth of Esther, in January 1863. Young Thomas, only nineteen months old, fell into the Derwent River. A number of children were bathing in the river about three o’clock on a Friday afternoon when a local resident heard cries of distress from the children. William Edwards who was working on a ship in the slipyards plunged into the water to rescue the young child whose body was floating in the water. The apparently lifeless child was carried to a nearby residence and placed in a warm bath then wrapped in blankets until Dr. Smart arrived who managed to resuscitate Thomas, and he was conveyed in a cab to the hospital. Thomas had seemingly recovered from his ordeal, and was watched closely by a nurse and Eliza, who maintained an all-night vigil. However Thomas passed away at around midday on Saturday. He had sustained a knock to the temple which resulted in an injury to the brain which caused his death. An Inquest into Thomas’s death (Appendix 46) concluded that his death was consistent with the medical evidence. He died on 24 January 1863.

Eliza continued to have children. Robert Hobart Files was born on 29 April 1865. A second daughter was born in August 1866, named Mary possibly after her own sister Mary. In 1868 Eliza gave birth to another son whom they named Thomas, presumably in fond memory of the child lost in the Derwent River.

Unfortunately, Thomas lived for scarcely less than two months succumbing to dysentery. His body is buried in St David’s Park in central Hobart.

There were three more children to follow, all boys, namely Alfred in 1870, then Charles Tasman in 1872 and Ernest William in 1873.

That makes a grand total of fourteen children between 1854 and 1873. There were eleven boys and three girls. Only five survived into adulthood.

When Eliza arrived in Hobart in 1853 the local economy was still coming to terms with its 1840s downturn and also suffered from a large-scale migration to the Victorian goldfields. Despite the economic and population declines of the early 1850s, the decade proved to be one of social and cultural advancement for the young city. Transportation of convicts to Van Diemen’s Land was abolished in 1853, and calls for responsible self-government were successful, with a new constitution drafted, and Van
Diemen's Land became an independent British Colony in 1856. The new colony immediately changed its name to Tasmania, to disassociate itself with its past as a penal colony.

However, despite being part of a new era in a new land, life would have been pretty tough for George and Eliza.

**TICKET OF LEAVE**

On 28 July 1856, Eliza was granted her “Ticket-of-Leave”. (Appendix 47) Periodically the Governor announced in the Hobart Town Gazette the names of those granted their ticket. The ticket system began in 1853 when prisoners transported from the United Kingdom to Australia and who had served a period of probation and shown by their good behaviour that they could be allowed certain freedoms. Once granted a ticket of leave, a convict was permitted to seek employment within a specified district but could not leave the district without the permission of the government or the district’s resident magistrate. Each change of employer or district was recorded on the ticket.

Originally the “ticket of leave” could be given with no relation to any period of the sentence being served. Starting in 1811 a concept of serving some term in prison first was established and in 1821 specific terms was added to the length of a prisoner’s sentence that must be first served before a ticket was to be allowed. These were 4 years served for a 7 year sentence, 6 years of a 14 year sentence and a life sentence meant that 8 years must be served before the “ticket” could be considered.

Ticket-of-leave men were permitted to marry or to bring their families from Britain, and to acquire property, but they were not permitted to carry firearms or board a ship. They were often required to repay the cost of their passage to the colony.

A convict who observed the conditions of his ticket-of-leave until the completion of one half of his sentence was entitled to a conditional pardon, which removed all restrictions except the right to leave the colony. Convicts who did not observe the conditions of their ticket could be arrested without warrant, tried without recourse to the Supreme Court, and would forfeit their property.

The “ticket of leave” had to be renewed annually, and those with one had to attend muster and church services.

The ticket itself was a highly detailed document listing the place and year the convict was tried, the name of the ship in which he or she was transported, and the length of the sentence. There was also a detailed physical description of the convict, along with year of birth, former occupation and "native place".
In Eliza’s case she had already been married two years which may have clearly counted as good behavior but had served nothing like eight years of a life sentence. Her ticket meant she could earn wages but perhaps that was unlikely because by then she had two young children.

**CONDITIONAL PARDON**

The next step in her path to reform was the granting on 21 March 1863 of her “Conditional Pardon”. (Appendix 48) Conditional Pardons (CP) freed convicts and were granted on the condition that convicts did not return to England or Ireland. Original copies of the pardons were sent to England and duplicates remained in Australia. Copies were also given to convicts as proof of pardon. Conditional Pardon records give date, name, where and when tried, sentence, ship and date of arrival.

The pardon did close a chapter in her life but who knows whether Eliza harboured any thoughts of wanting to return to England at this point in her life having left about ten years earlier, and now that she had a husband and family.

Sadly Eliza did not live long enough to see her youngest child grow up. She died on 15 July 1875 from cancer. She was 47 years old. Her first born John was now 21 years old. She was buried at the Cornelian Bay Cemetery, overlooking the Derwent River in Hobart, with her son Charles Tasman Files.

The records at the Cornelian Bay cemetery revealed an anomaly with regards to Charles Tasman Files, Eliza’s thirteenth child. He was born on 28 May 1872 but died on 22 January 1873. However, his surname in the burial register was later misread as ‘Tibbs’. He was buried in a grave with two people named Patmore. When Eliza was buried in 1875, Charles was dis-interred and re-buried with her.

**FAMILY BACK HOME**

Eliza’s convict indent shows an enquiry from her youngest sister still living in Wiltshire, England received on 22 August 1892. Even after Eliza had passed away this detail of incoming correspondence was meticulously recorded. However, the actual letter was misplaced. News of her passing had obviously not reached her siblings. The letter sent by Harriet, born 1844, fifteen years after Eliza, was signed Harriet Perrett. Harriett married Thomas Perrett and they had four children. Harriet was named Harriet Ann and was often referred to as Ann. The location of Thomas and Harriet can be traced by Census records. In 1881 they were still living in Melksham, Wiltshire and with their four children, the youngest only 1 day old on Census day. By 1891, Thomas was in Eddington, with three of the children but his wife Harriet was hospitalized as a “lunatic” which appeared to be a temporary mental illness because she was of sound enough mind to send
the aforementioned letter to Australia in 1892 trying to trace her long lost sister Eliza.

Regarding Eliza’s other siblings;

John Dore, born 1823, married Mary Ann Ford in Ditteridge in 1845. They had a family of four boys and three girls. John worked as a stone cutter and mason. His first born son Thomas was also recorded at age 14 in the 1861 UK Census as a mason.

Little is known about the two girls born either side of Eliza. Sarah Dore born 1826 was still with the family in the 1841 Census at 15 years of age. Mary Dore was born in 1831. She was still living with her parents, aged 19, at the time of the 1851 Census.

There is a very good trail of James Dore born in 1834 in Ditteridge. He was still at home aged sixteen in the 1851 Census, but by the time of the 1861 Census, some interesting facts emerge. He is married to Martha Thomas, both now 26, and have a one year old child Frederick born in Bath. James is working as a tallow chandler. They have two notable visitors on Census night. Richard, James’s father, 62, is there with his new wife Emma, nee Roles, 60. Remember that Richard’s first wife Harriet died at the height of Eliza’s troubles in 1852. He re-married in 1859, coincidently the same year as James and Martha. Perhaps the topic of conversation when Richard and Emma were staying with James and Martha in 1861 was the plight of Eliza who by then had been away for eight years. James and Martha had a second son in 1866, the same year that Eliza had given birth to her tenth child.

Thomas Dore appears in the 1841 and 1851 Census but no subsequent trace of him has yet been found.

MORE ABOUT GEORGE FILES

It appears that George Files remained in Hobart for nine years after Eliza’s death. He was in residence at Old Wharf, Hobart in 1884 and thereafter went to Victoria presumably taking with him at least his youngest son Ernest who was 11 years old at the time. John, his eldest son, was married in Melbourne in 1880. By 1885, his other three sons, George (then aged 29), William James, 23, (known as James) and Robert, 20, had all gone to Melbourne at some point. Robert moved on to Queensland and married there in 1889.

George Files died in Melbourne in 1902. He was aged 79. The circumstances of his demise became the subject of a Coroner’s Inquest. George was knocked down by a horse and cart (sulky) on the corner of Bourke and Exhibition on Sunday evening the 7th of September. Constable John McGowan was on duty in Bourke Street that evening and saw a small crowd gather around an incident. He ascertained that George Files, aged
79, had been badly injured and arranged for him to be conveyed by cab to the Melbourne Hospital. He was examined by Dr Robertson who stitched wounds over his left eye and thumb. He was also examined an injury to his left side. George was released and went home to 79 Latrobe Street and Constable McGowan left word for his son James, who was working as a cook at Torpey’s Restaurant in Bourke Street, that his father had been knocked down and was injured.

George was admitted to hospital about midday Monday 8 September after complaining of the pain to his left side and chest. He was examined by Dr Henry Gilbert who detected that George had a broken rib and was generally enfeebled.

On Tuesday 9 September, at approximately 3.00 pm, George passed away.

The following day, Dr Crawford Morrison, a Collins Street Surgeon, conducted a post-mortem at the Melbourne Hospital. He found that there were three broken ribs and more extensive internal injuries. He also discovered a number of issues in relation to George’s vital organs consistent with his age but concluded that the injuries caused by being knocked down caused his death.

Constable Michael Kelly had been investigating the case because the two men in the sulky did not stop. Constable Kelly interviewed George whilst he was in hospital but George was unable to describe the men. There were two witnesses to the incident on the night but one proved to be untraceable. The other, Patrick Knowles, was located and was required to attend the inquest. During his inquiries Constable Kelly also learnt that the licensee of the Melbourne Hotel on the corner of Bourke and Exhibition Streets, from the first floor window saw the sulky run over George. Constable Kelly visited numerous livery stables around the city looking for any horse or cart that fitted the description provided to police on the night but without success.

The Coroner, Samuel Curtis Candler, conducted the first inquest on Thursday 11 September with seven jurors in attendance. Dr Crawford Mollison presented his post-mortem report. Patrick Knowles confirmed that the incident happened in Bourke Street and that the sulky was travelling at great pace. The Coroner adjourned the case to allow for ongoing police inquiries and for George to be buried on the next day 12 September in the Melbourne General Cemetery. He was buried in the same grave as his son John and daughter-in-law Sarah, nee Aymer.

The Coroner reconvened the inquest on Wednesday 19 September with James Files, Victor Nelson (the hotel licensee) Patrick Knowles, Drs Gilbert and Mollison in attendance. Constable Kelly informed the Coroner that a criminal offence memo had been circulated to all city and inner suburban police stations and to the Criminal Investigation Branch. Paragraphs had been inserted in newspapers seeking the public’s assistance in identifying the culprits. Constable Kelly in tendering his latest report respectfully
informed the Coroner that there was little hope of apprehending the offenders. Victor Nelson had told Constable Kelly that he could not see the faces of the two men in the sulky as they were driving away from him. He remarked that they were wearing soft black caps. He had nothing further to add but agreed with Patrick Knowles description of events. James Files told the inquest that his father was 79 at his last birthday in March. He had fairly good eyesight, was not deaf and although he carried a stick he could walk well. James had identified his father in hospital after his death.

The final page to the documents surrounding this case is dated 10 November 1902 when the Crown Law Department is advised that the police have not been able to find the offenders.

George Files death certificate revealed that he was taken to the Gipps Ward, Melbourne Hospital, County of Bourke situated on the corner of Swanston and Lonsdale Streets. This hospital was the first substantial hospital in Melbourne albeit with 10 beds that opened in 1848. A substantial number of the medical ward books for the hospital from 1856 – 1905 are held in the Public Record Office in Melbourne but unfortunately the ones relating to George’s admission in 1902 are not included.

Although it has been established from George Files’s marriage and death certificates that he was born in Kent, England, no evidence of his birth or christening has emerged. His death certificate gave his father’s name as George, a farmer and his mother’s name unknown. If his age on his death recorded as 79 is correct it means he was born approx. 1823. He gave his age as 25 when he married Eliza. Because both males and females were notorious for falsifying their ages when marrying, it equates that he was born in 1829 if indeed he was 25 then.

The fact that George was a mariner, and there are several instances where this is borne out, gives potential links to seafaring families from the Deal area of Kent. Finding any evidence of a baptism or birth record for a George Files born around 1820 in Kent has produced three possibilities. However, extending the search to a parish record with parents’ names has proved very difficult. At this stage enquiries are on-going.

THE DESCENDANTS

As mentioned earlier only five of George and Eliza’s children survived into adulthood. All were boys but only two would carry on the Files name. Descendants lists are Appendix 49-50.

John Files appears to have spent some time at sea in Tasmania but it was short-lived. He married a Launceston girl named Sarah Aymer. They were married in Collingwood, Victoria in 1880 but returned to Launceston for the birth of their first child in 1882. They returned Melbourne where John worked as jam boiler. They had a family of three boys and three girls.
Sarah died when the youngest boy was two years old and John died two years later. The surviving three children were placed in orphanages.

George Files Jnr. died in Melbourne in 1917. There is no record of him ever marrying. However, some Tasmania police gazettes have revealed that young George strayed from the straight and narrow. At age seventeen a warrant was issued for his arrest when he was suspected of larceny in Campbelltown. Newspaper transcripts indicate he followed in his father's footsteps and went to sea. However, he ran into trouble and appeared in court in October 1880, charged with deserting from the whaling barque “Othello” at Port Esperance.

He was sentenced to eight weeks prison which he served in Hobart. The police gazette stated his age was twenty three and five feet nine inches tall. There were two other offences for the same thing in 1882 and 1884, involving the whaling ship “Sapphire”. It is assumed that the culprit was young George although no evidence has been uncovered. His father would have been around 55 years of age then.

There is a string of other court cases in the name of George Files spanning 1874 – 1885. They include drunk & disorderly, obscene language, drunkenness, gross misconduct, disturbing the peace and behaving indecently. Most offences attracted a fine with a gaol term in default. However, there are no records for imprisonment other than the shipping offences, which suggests that the fines were paid. Until verified it is assumed that young George Files was the “unruly” one who often fell foul of the law.

William James Files did not marry and died aged 58 in the Royal Park Asylum, Melbourne, in 1919.

Robert Hobart Files left Tasmania and went to Queensland. He married Miriam Crawford in 1889. They had eight children.

Ernest David William Files, who was only two when his mother died, eventually made his way to the mainland just like his brothers. He may very well have left Tasmania for Melbourne with his father. He married Mary Frances Jones in Melbourne in 1897. The only child of that marriage was Ernest, my grandfather. Ernest David William had three children with Miriam Prebble. They remained together for the rest of their lives but no marriage record has been found. They are buried together at Fawkner Cemetery as “Files”.

Four of the boys, George, William James, Robert and Ernest David, were listed on their father’s death certificate when he died in 1902. John predeceased his father by four years.
CONCLUSION

Regarding the Appendices, I recommend that you read Appendix 5 in particular because of the absence of an official copy of the court proceedings. The transcript of the “Monmouthshire Beacon” newspaper article is a complete account of the court’s day long proceedings. The Appendices contain photocopies of many of the original documents gathered in tracing Eliza Dore’s life. Most have been referred to in the story as transcript excerpts, because in many of the papers the handwriting is difficult to decipher. These source documents are the cornerstone in any attempt to trace a family history. They provide the evidence needed to verify information.

Eliza lies in an unmarked grave at the Cornelian Bay Cemetery, Hobart. It is commonplace now to see plaques placed in cemeteries with the words ‘erected by descendants”. It is my wish to erect a plaque as shown below, in honour of my great great grandmother whose sorrowful journey ended prematurely in Hobart. Any family members interested in contributing to the cost of the plaque and its erection should contact me.

![Plaque Image]

Having a convict ancestor is a godsend for anyone embarking on family history research because there is such a wealth of information available, as evidenced by the extensive appendices. Perhaps, you need to be semi-notorious like Eliza to generate the documentation that has been uncovered, but generally records kept regarding convicts transported to Australia are meticulous. The Tasmanian Archives contain a lot of accessible information. Convict history is also the stuff of countless books which greatly assist in gaining a greater understanding of the whole era.

The UK National Archives is also a wonderful repository of documents, once you know what you are looking for. Browsing through their website will help to determine what records to search, then fill in an online request and they will respond with a quote for the research work.

In my research, some material was uncovered in Wales through the Gwent Records Office. Subscribing to one of the many family history sites such as Ancestry.com can be very productive because you can search records held both in Australia and the United Kingdom. You can make contact with
other people who have links to the same family. For instance, I have established communication with a descendant of George and Eliza’s son Robert, by discovering that he had lodged a family tree that included George.

Joining or consulting a family history group can lead to a lot of useful advice being imparted by people who are pursuing the same interests.

Since my interest in Eliza Webb Dore was kindled by Roy and Judy Files, it has probably taken the best part of eight to ten years to put all the pieces together. I think it has been well worth it. I hope you have enjoyed Eliza’s journey as well.

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