

# JANE WOODS

[*Duke of Cornwall*, 1850]

by

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The story of convict Jane Woods (also known as Jane Grove or Groves) is a most depressing one.<sup>1</sup> She led a miserable life. Born in County Derry, Ireland, she was about eighteen when the Great Famine, which caused mass starvation and disease, struck in 1845. In October 1846, she was convicted in Londonderry of stealing money and sentenced to transportation for seven years. After her trial, she was taken to Grangegorman Female Penitentiary, Dublin - overcrowded, at that time - to await a ship to take her to Van Diemen's Land (VDL). She was kept there for three and a half years before being put aboard *Duke of Cornwall* which sailed on 8 July 1850 and reached Hobart in late October that year. Shortly after her arrival, she met former convict James Sexton. By the time she was granted her certificate of freedom in 1853, she was co-habiting with him and had given birth to a daughter. In 1854, she followed Sexton to Ballarat on the Victorian goldfields. Her years there were wretched ones. Physically and emotionally brutalised by Sexton, she turned to alcohol and became a nuisance to herself and the police. In 1874, while heavily intoxicated, she wandered away from the bush hut in which she lived, fell into a deep waterhole and drowned. She was forty-seven years old.

This is her story:

Jane Woods was born at Londonderry, Ireland, in 1827. Nothing is known about her early life except that her father was John, her mother Kitty, her brothers John and Francis, and her sister Fanny.<sup>2</sup>

On 13 October 1846, she was convicted of the theft of five shillings and sixpence from a woman in a shop in Londonderry. It was not her first conviction. She had been convicted of stealing twice previously. Not surprisingly, she was sentenced to transportation for seven years.<sup>3</sup>

After her trial she was imprisoned at Londonderry until 16 February 1847 when she was admitted to Grangegorman Female Penitentiary, Dublin, to await a ship to take her to Van Diemen's Land (VDL). The 'Registry of Female Convicts, Grangegorman Depot,' for 1846, shows her surname as 'Jane Woods or Groves' and notes that she was married. It is unclear, therefore, whether Woods was her family name or her married name. To date, no record of her marriage has been located. She is described in the registry as being five feet and four inches

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<sup>1</sup> Conduct record: CON41-1-28, image 204; Description list CON19-1-9, image 54; Indent; Police No: 875; FCRC ID:3574.

<sup>2</sup> CON15-1-6, image 284/285.

<sup>3</sup> *Derry Journal*, 21 October 1846 and *Londonderry Sentinel*, 17 October 1846, via K. Searson, FCRC researcher at [www.femaleconvict.org.au](http://www.femaleconvict.org.au); the details of Jane's prior convictions have not been located.

(about 162 cms) tall with brown hair and a fair complexion. She was a Catholic. She could read but not write.<sup>4</sup>

Grangegorman, opened in 1836, was the first exclusively female prison in the British Isles. It was built to house a general prison population as well as those who were awaiting transportation. In order to satisfy the ever-increasing demands of the colonial authorities that prisoners be fit to earn their living on arrival, those who were to be transported were provided with training while awaiting embarkation.<sup>5</sup> Since the onset of the Great Famine, the prison population had increased dramatically. With hunger, disease and suffering rampant throughout the land, many women had appealed to the parish workhouses for aid while others had tried to get themselves arrested, believing that food was more plentiful in the prison than elsewhere. In response, the authorities had been forced to cut prison rations to workhouse levels.<sup>6</sup>

While most of the women awaiting transportation were held at Grangegorman for relatively brief periods – sometimes for only two or three weeks - Jane remained there for a depressingly-long three and a half years. The reason for this is not clear. Sometimes it happened that an individual was kept there for a longer than normal time because one or more petitions presented on her behalf were still awaiting final resolution but there is no record of a petition in Jane's case.<sup>7</sup> Another explanation, perhaps, is that she was thought to be too ill or too weak to withstand the rigours of a long and uncomfortable ocean voyage at that time. Supporting this idea is a Grangegorman document which shows a list of women admitted to the prison following their convictions in late 1846 and early 1847 who were embarked on the ship *Waverley* (4) which sailed from Dublin in July 1847. Below that list is Jane's name – without explanation. This seems to suggest that the authorities had intended to transport her on *Waverley* (4) in July 1847 but, for some unknown reason, decided later not to send her.<sup>8</sup>

Eventually, however, it was time for her to go and she was put aboard *Duke of Cornwall* which with 133 other female prisoners sailed from Kingston, Ireland, on 1 July 1850 and reached Hobart on 27 October.<sup>9</sup>

Jane was now twenty-three years old. It had been four years since she had committed the crime which led to her transportation and she had only three more years of her seven-year sentence to serve. In view of that, it would have been sensible for her to obey the rules and keep herself out of trouble. But, like most other women who were transported, she found her years as a prisoner difficult and she committed new offences.

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<sup>4</sup> 'Registry of Female Convicts, Grangegorman Depot', 1846, via findmypast.com.au per Colleen Arulappu, 14 September 2020.

<sup>5</sup> <https://nationalarchives.ie/topics/transportation/transp7.html>

<sup>6</sup> <https://www.findmypast.com.au/articles/world-records/full-list-of-the-irish-family-history-records/institutions-and-organisations/irish-prison-registers-1790-1924>

<sup>7</sup> See, for instance, <https://www.ourfamilypast.com/article/topic/6770/grangegorman-convict-depot-richmond-female-penitentiary-dublin> - convict Sarah McMullen was at Grangegorman for only fifteen days; see also list of convicts for whom petitions were received at <https://www.femaleconvicts.org.au/pre-transportation/petitions>

<sup>8</sup> Copy of Grangegorman Prison Registry page (untitled) held by the author showing list of women transported per *Waverley* (4), July 1847 per FCRC researcher, Colleen Arulappu, 14 Sept 2020.

<sup>9</sup> <http://members.iinet.net.au/~perthdps/convicts/shipsTAS.html>

On 9 December 1850, only six weeks after her arrival, she was charged by Mr. Perryman, to whom she had been assigned as a housemaid, with being out after hours and, when apprehended, with falsely representing herself to be a free woman. She was sentenced to a month's imprisonment, with hard labour, at the Cascades Female Factory. Just a few months later, on 8 March 1851, she absconded from the service of a Mr. Smithson of Bridgewater. When charged with that offence, on 1 May 1851, she was sent back to the Cascades, this time to serve six months with hard labour. Understandably, perhaps, when she applied for a ticket of leave in early December 1851, it was refused. Nevertheless, the two gaol terms seem to have taught her something. She did not offend again.<sup>10</sup>

At some time during her first two years in VDL, Jane met James Sexton. A former convict, he had arrived in the colony on *Barossa* (2) in September 1844, after being convicted in England of the theft of two and a half barrels of herrings. He had been sentenced to transportation for seven years. Described upon arrival as being twenty years old, single and Protestant, he was five feet and two and a quarter inches (about 160 cms) tall. Perhaps the most striking aspect of his appearance were the many tattoos on his torso, arms and legs: a peacock, a man with a gun, a man on horseback, a dog, a tree, a gate, a heart, a diamond, a spade, a club, a crucifix, the name 'Sexton', a man with an axe, a half moon and stars, a mermaid, dots of various colours and sizes, and others.<sup>11</sup>

In VDL, James's conduct had been good. In March 1848, he was granted a ticket of leave and, in early 1850, a conditional pardon.<sup>12</sup> By early 1852, he and Jane were cohabiting. Later that year, Jane gave birth to a daughter whom she named Mary Sexton.<sup>13</sup>

On 22 June 1853, James received his certificate of freedom. He had served his time and he was a free man again. And, just a few months later, on 13 October 1853, Jane's seven-year sentence had been completed and she was free by servitude.<sup>14</sup>

The following year, James left the colony and never returned. On 8 September 1854, he boarded the steamer *Lady Bird* bound for Melbourne at Launceston and sailed away.<sup>15</sup> In all probability, he – like thousands of other 'Vandemonians' – was attracted to Victoria by stories of the fortunes being made on the diggings – especially at Ballarat and Bendigo – since the discovery of gold in mid-1851.

In *Tasmania's Convicts: How Felons Built a Free Society*, Alexander (2014) pointed out that thousands of people – convicts and former convicts among them – had left VDL to go to Victoria ever since that colony had been settled in the 1830s. Some had gone there in search of

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<sup>10</sup> CON41-1-28, image 204; *Hobart Town Gazette*, 18 Mar 1851 via FCRC website at [www.femaleconvicts.org](http://www.femaleconvicts.org).

<sup>11</sup> CON33-1-59, image 264.

<sup>12</sup> CON33-1-59, image 264.

<sup>13</sup> Registration of the birth has not been located but Sexton's death certificate (Vic BDM 428/1895, Ballarat) provides evidence.

<sup>14</sup> James: CON33-1-59, image 264; Jane: CON41-1-28, image 204.

<sup>15</sup> POL220/1/3, p.677, via 'Departures' in Tasmanian Names Index at <https://www.libraries.tas.gov.au/family-history/Pages/default.aspx>

higher wages, others to escape their convict past, but the discovery of gold greatly hastened the exodus.<sup>16</sup>

According to another authoritative source, there were more recorded immigrants to Victoria from VDL in the second half of 1851 than from New South Wales and South Australia combined.<sup>17</sup> In 1852, more than 19,000 men left the colony.<sup>18</sup> Between March 1851 and October 1852, so many men went to the gold fields that the adult male population of VDL dropped by a third. Most of them never returned.<sup>19</sup>

Many of the men who left VDL at this time were so determined to get to the diggings that they simply walked away from their wives and children, making no provision for their support and leaving the responsibility for their maintenance to the government. In the case of ex-convict males who had married women who were still serving sentences, this was a particularly serious problem because, while the men, now free, were able to leave the colony with impunity, their convict wives were not permitted to do so.<sup>20</sup>

By the time James Sexton left VDL in 1854, he was a free man, of course, and Jane, his common-law wife, was free also. Both were now at liberty to go to Victoria or wherever they wished. But it would be interesting to know whether James discussed his intention to go to Victoria with Jane before making his arrangements to leave. Did he ask her to accompany him? Did she wish to go with him? What provision, if any, was he intending to make for her and their infant daughter after he had gone?

It seems likely, therefore, that Jane would have felt that she had little choice but to follow James to Victoria. For her, it might not have been a matter of wifely duty or devotion but of economic necessity. Most nineteenth and early twentieth century women – married or single – were utterly dependent on their husbands, fathers, brothers or other males for their maintenance. They did not manage their own finances. They did not have the right to vote, to sue, to sign contracts or to own property. They could not obtain credit or conduct a business in their own names.<sup>21</sup> What kind of life would Jane have had if she not gone with Sexton to Victoria?

A record of Jane's departure from VDL has not been found but it is likely that she left as soon as was practicable after James. And, like him, she never returned.

For the first few years in Victoria things appear to have gone well for James and Jane. Both were able to avoid trouble with the law.

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<sup>16</sup> Alexander, A. (2014). *Tasmania's Convicts: How Felons Built a Free Society*. Sydney: Allen & Unwin, pp.166-167; [https://link.springer.com/referenceworkentry/10.0007%2F978-94-007-6179-7\\_51-1](https://link.springer.com/referenceworkentry/10.0007%2F978-94-007-6179-7_51-1)

<sup>17</sup> <https://richardjohnbr.wordpress.com/2013/06/16/immigrants-and-diggers/>

<sup>18</sup> See *eGold: A Nation's Heritage* @<http://www.egold.net.au/blogs/EG0006b.htm>

<sup>19</sup> [https://www.utas.edu.au/library/companion\\_to\\_tasmanian\\_history/G/Gold%20rush.htm](https://www.utas.edu.au/library/companion_to_tasmanian_history/G/Gold%20rush.htm)

<sup>20</sup> See, for instance, *Hobart Guardian, or True Friend of Tasmania* (Hobart), 22 December 1849, p3 and *The Courier* (Hobart), 22 December 1849, p.2.

<sup>21</sup> [https://www.library.hbs.edu/hc/wes/collections/women\\_finance\\_investment/](https://www.library.hbs.edu/hc/wes/collections/women_finance_investment/); and [https://en.wikipedia.org/wiki/Women\\_in\\_the\\_Victorian\\_era](https://en.wikipedia.org/wiki/Women_in_the_Victorian_era)

In 1856, Jane gave birth to her second child, a daughter, Sarah Sexton.<sup>22</sup> In 1859, a third daughter, Jane Sexton, was born but by now there was trouble in the marriage.<sup>23</sup> Newspaper accounts of their frequent brushes with the law after this time indicate that both Jane and James were drinking heavily.

In late April 1860, James was charged at the Eastern Police Court, Ballarat, with assaulting Jane. An account of the incident published in *The Star* (Ballarat), revealed that Jane had a black eye and was too unwell to attend court. James was remanded to appear again at a later date. Unfortunately, a report of the later hearing has not been found.<sup>24</sup>

On 17 October 1860, the Ballarat Circuit Court was told that James and an associate had assaulted a man outside a local hotel and robbed him of £19. Both prisoners denied the accusation, Sexton claiming that he was home in bed at the time of the incident and that he was the innocent victim of perjured detectives. The magistrate did not believe him and sentenced him to five years' gaol with hard labour. A report of the trial in *The Star* (Ballarat) added that:

*... the audience in the Court uttered inarticulate expressions of surprise at the sentence. As soon as the sentence was known outside, the air was rent with the long, sustained shrieks of the wife of one of the prisoners. She and her little children, all tidily attired, paced to and fro moaning and crying, 'We are martyrs, what shall we do?' In reply to the observations of the prisoners, his Honor said [that both men] should have thought of their wives and families before they got into trouble.<sup>25</sup>*

There can be little doubt that that the wife who cried out at the severity of the sentence was Jane. While it seems clear that James was becoming less predictable and more violent, Jane, with three daughters (Mary eight, Sarah four and Jane one) to support, would not have been pleased to know that he was being sent to gaol for five years. She would have understood how difficult her life was to become without his financial support.

Just a few months later, the difficulties Jane faced had become starkly evident. On 16 March 1861, she was charged with threatening to take her own life and the lives of her children. A police sergeant told the court that after her husband had been sentenced to imprisonment for five years, Jane had made application to the government to support the children, or pay for their support in the Benevolent Asylum, but the government had declined to do so. When told of the government's decision, Jane had said that, as sure as God was in heaven, she would kill the children. The policeman had thought she was not right in her mind. Bursting into tears, Jane admitted that she had threatened to take her own life but never the lives of her children, adding that she had no means of supporting them and had been forced to sleep out for several nights. She stated that she had been offered rations by the Benevolent Society but had refused them because the offer had been for only three loaves a bread per week and that was not sufficient.

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<sup>22</sup> Birth, Sarah Sexton: Vic BDM 1379/1856, Ballarat.

<sup>23</sup> Birth, Jane Sexton: Vic BDM 13183/1859, Ballarat.

<sup>24</sup> *The Star* (Ballarat), 25 April 1860, p.2.

<sup>25</sup> *The Star* (Ballarat), 17 October 1860, p.2 and 19 October 1860, p.2.

She added that she was alone in the colony and had no friends here. The magistrate was unsympathetic. Telling Jane that ‘half a loaf was better than no loaf’, he advised her to go back to where she had come from if she had no friends in Ballarat. She was remanded for medical inspection but later cautioned and discharged.<sup>26</sup>

How Jane managed in the months which followed is unclear. What is certain, however, is that in 1862 she gave birth to another daughter, Fanny Sexton. Curiously, the birth registration shows the father’s name as James Sexton – which seems improbable if not impossible. Even more curious is the fact that Jane’s maiden name is shown on the birth record as ‘Burnside’.<sup>27</sup> Regrettably, no satisfactory explanation of this can yet be offered.

But whatever the circumstances in which Jane conceived her fourth child might have been, her living conditions had not changed materially and her behaviour was becoming even more erratic. Still only thirty-five years old, she was now well known to the police as a ‘vagrant’ and a ‘disreputable woman’. On 9 September 1862, *The Star* (Ballarat) carried a report of yet another of Jane’s court appearances:

*Vagrant: Jane Sexton, a disreputable woman, was charged with having no visible lawful means of support. Constable Lynch deposed that on the previous day the prisoner had behaved most outrageously to a child she carried in her arms. She disturbed the congregation worshipping in the Eastern Fire Brigade Hall, and in the police court. The bench remanded the accused.*<sup>28</sup>

In December 1863, James Sexton was released from gaol. He had served only three years and one month of his five-year sentence for assault and robbery, the remainder having been remitted.<sup>29</sup> Although Jane and James appear to have resumed a relationship of some kind, the details of how they lived after this time are vague.

Just six weeks after his release from prison, however, James was back in court, this time charged with child desertion. He had refused to obey an earlier order by the court to take charge of one of his children who had been in the Benevolent Asylum for the past three years. In his defence, James said that he was quite willing to support the child but that, as he had been moving around looking for work, he had been unable to have the child with him. After being told by the police that they had doubts about the truth of James’s statements, the magistrate ordered him to pay seven shillings and sixpence per week for the upkeep of the child. According to a newspaper report the following day, he was then ‘removed grumbling from the court’.<sup>30</sup>

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<sup>26</sup> *The Star* (Ballarat), 18 March 1861, p.4 and 22 March 1861, p.2.

<sup>27</sup> Fanny Sexton, Vic BDM registration 18877/1862.

<sup>28</sup> *The Star* (Ballarat), 9 September 1862, p.4.

<sup>29</sup> James Sexton, No: 5353, 1860; Central Register of Male Prisoners, Series: VPRS 515 p.1, item 8, record page 251 – via FCRC d/base); see also *The Star* (Ballarat), 28 December 1863, p.2.

<sup>30</sup> *The Star* (Ballarat), 15 February 1864, p.4 and 17 February 1864, p.4.

How hard James was trying to help Jane and the children at this time is unclear. It is interesting to note, however, that in September 1864, he was charged with stealing a pair of children's boots from a store in the main street of Ballarat. Did he steal the boots because one of his own children badly needed a new pair – or was it just an opportunistic theft by which he himself hoped to profit? The answer to that question is unknown. A detective told the court that he had seen James and an associate named Robert Cato – described in newspaper reports as 'old offenders' and 'a notorious pair' – take the boots from a display stand inside the store and leave hurriedly. Outside, the two separated, Sexton crossing the road to take a seat in the law courts and Cato darting up a side lane. Both were soon arrested. At the police station, nothing was found in the possession of either man but when a search was made of the law courts across the road from the shoe store, the stolen boots were found in the place where Sexton had been sitting when arrested. As it happened, however, both men were released without charge when the magistrate ruled that it was impossible to say whether the boots found in the law courts had been left there by Sexton or by some other person.<sup>31</sup>

By this time, Jane's life was a misery. On 5 June 1865, she was charged with drunkenness and fined five shillings.<sup>32</sup> In early April 1867, James was charged with threatening her life:

*James Sexton, a well-known thief, was charged with having threatened the life of his wife on the night of the 3rd instant. [Jane Sexton] stated that when the accused came home on the night in question, he threatened that if she gave evidence against his mate, Pilkington, he would cut her in two. The accused denied ever having used threatening language towards his wife, and alleged that her object was to break up his home, which he said he had worked hard to provide. The wife maintained that he had never earned an honest penny for many months, and was out prowling about the streets at all hours of the night. The bench ordered the accused to find two sureties in the sum of £25 each to keep the peace towards his wife for six months.<sup>33</sup>*

In July 1867 Jane was again charged with drunkenness and disorderly behaviour, *The Ballarat Star* reporting the case in this way:

*Jane Sexton, a woman about 30 years of age, was brought up as a vagrant. She had been found using violent language in a bad house in Esmond Street, kept by a woman named Nash. This she emphatically denied, and begged to be let off, as she had three small children. Her husband was in gaol pending bail, having been bound to the peace for assaulting his wife. She now said she could not consent to let him out, as he beat her and did not get her an honest living when at liberty. [A*

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<sup>31</sup> *The Argus (Melbourne)*, 5 October 1864, p.4; *The Star (Ballarat)*, 5 October 1864, p.5 and 21 November 1864, p. 2.

<sup>32</sup> *The Ballarat Star*, 8 June 1865, p. 4.)

<sup>33</sup> *The Ballarat Star*, 6 April 1867, p.4.

*police sergeant] said she lived in a hut in the bush with her children, and was violent, but otherwise 'harmless'. She was let off 'the children's sake'.*<sup>34</sup>

In the years which followed, Jane's heavy drinking continued and her behaviour deteriorated. In August 1868 and again in November 1870, she was charged with drunkenness.<sup>35</sup> On three separate occasions in 1873 she was charged with using indecent, abusive or obscene language. On the first two occasions, she was fined five shillings. On the next occasion, she was fined twenty shillings. On the third occasion she was sent to prison for two months.<sup>36</sup>

In early 1874, Jane's health and mental state, both obviously fragile, were dealt a further blow when John Sexton, the son of her eldest daughter, Mary, died in infancy.<sup>37</sup>

A few months later, Jane herself passed away.<sup>38</sup>

On 31 October 1874, *The Age* (Melbourne) carried this story:

*The 'Ballarat Post' states that it was reported to police at the Eastern station on Saturday that the dead body of a woman named Jane Sexton, the wife of James Sexton, carpenter, of Sawpit Gully, had been found in a waterhole on the ranges. Constable Allen was at once dispatched to recover the body and convey it to the Windsor Hotel to await the inquest. Mrs. Sexton had been a woman of very intemperate habits and it is supposed that, while in a state of intoxication, she stumbled into the hole and was unable to get out again.*<sup>39</sup>

Jane's death certificate shows her age as forty-one but that cannot be correct. She was about forty-seven. Her husband, James Sexton, lived on for another twenty-one years. He died at Ballarat at the age of seventy-five in 1895. The cause of death was shown as senile decay.<sup>40</sup>

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<sup>34</sup> *The Ballarat Star*, 4 July 1867, p.4.

<sup>35</sup> *The Ballarat Star*, 1 August 1868, p.3; 16 November 1870, p.3

<sup>36</sup> *The Ballarat Star*, 15 March 1873, p.3, 15 July 1873, p3, and 1 October 1873, p2.

<sup>37</sup> John Sexton: death - Vic BDM 3812/1874.

<sup>38</sup> Jane - death: Vic BDM - 5901/1874.

<sup>39</sup> *The Age* (Melbourne), 31 October 1874, p.6.

<sup>40</sup> James Sexton - death: Vic BDM 428/1895.