

James Brown, 95, Hashemy

Researched by Marcia Watson

| | |
|-------------------|---|
| Baptism | ~1808, Somerset |
| Parents | |
| Parent's marriage | |
| Siblings | |
| Wife | Jane Newbery/Newberry |
| Married | 29 June 1830, Chard, Somerset |
| Children | Elizabeth Newberry (1832) George William (~1838) Ann Newberry (1840) Thomas Joseph (1843) John Newbery (1844) |

According to gaol records, James Brown was born in Ilton, Somerset, about 1808. The parish register is in poor condition with pages missing, and no records exist for this year.

James Brown married Jane Newbery on 29 June 1830 at Chard, Somerset. Banns were read on 23 May, 30 May and 6 June.¹

In 1841, living at Froome St Quintin, Dorset were:²

James Brown, 30, Ag lab; Jane, 30; Elizabeth, 6; George 3; Ann, 15 months. Baby Ann was the only one born in the county.

Committed to Wilton Gaol, between 7 February to 13 February 1849, were:

George Brown and James Brown, arson assizes.³

On Monday evening last week, the turnpike gatehouse, Kingsdon Hill, Somerton, was set on fire, and the roof and the whole of the wood-work were totally destroyed. On Thursday, James Brown and George Brown were apprehended and taken before F. H. Dickinson, Esq., who committed them for trial the next assizes, charged with the above-named offence.⁴

At the Western Circuit, Taunton, on 6 April 1849:

James Brown 41 and George, his son, a child of 11, were indicted for setting fire to a dwelling-house, the property of the trustees of the Langport Turnpike Roads. It seemed that the elder prisoner was the keeper of the Kingsdon turnpike-gate, in which employment the prosecutrix Ellen Hurford, succeeded him. On 5 February, the prisoner went to the toll-house and asked the prosecutrix how the gate was going on the month? She replied, "Pretty well", on which the prisoner said it should not go on well for another month. Shortly after this, the prosecutrix saw the prisoner with his boy and heard him say, "We had better go on; it will break out soon". A few minutes later, the house was in flames and gutted within an hour. The house was situated at some distance from any others, and it was a considerable period before assistance could be obtained. Among those who came first was Brown, who, addressing the prosecutrix, said, "This was wilfully done – thee'st done a pretty thing for thyself now, thee hast set fire to thee house". She replied, "Oh Brown, you have done it yourself".

Some witnesses proved that Brown had been heard to say that he would be revenged for being turned out of his house. There were children in the house at the time.

Both prisoners were found guilty, and a sentence of death was recorded against them.⁵

Another newspaper reported: Somerset Lent Assizes.

James Brown, 41, and George Brown, 11, were indicted for maliciously setting fire to dwelling-house, the property of the trustees of the Langport turnpike roads, Ellen Henford being at the same time the said dwelling, house.

¹ Somerset Heritage Service; Taunton, Somerset, D\P\chard/2/1/7

² HO107/284/14, p4

³ Taunton Courier, and Western Advertiser, 14 February 1849, p7

⁴ Bath Chronicle and Weekly Gazette, 22 February 1849, p4

⁵ Daily News, 7 April 1849

Mr. Moody conducted the prosecution; the prisoners were undefended.

Prosecutrix kept Kingsdon turnpike, in January last, for the trustees, having succeeded the elder prisoner 5 February. James Brown came to the house about half-past 7 in the evening, and while he engaged the prosecutrix and her son in conversation, the younger prisoner was said to have been sent to the back of the premises and set fire to them; there were some children the house the time; the house was burnt down in about an hour. The Jury found both prisoners guilty, accompanying their verdict with a recommendation of mercy on behalf of the younger prisoner. Judgment of death was then recorded against them.⁶

Note: The newspapers call the Prosecutor Ellen, either Hurford, Harford for Henford.

Wilton Gaol Register

James Brown, 41, 5'6", dark brown hair, blue eyes, fresh complexion, married, scar on the back of the left hand, born Ilton, last residence Kingsdon, labourer, received 9 February 1849.

George Brown, 11, 3'11", brown hair, grey eyes, fresh complexion, single, mole on right cheek and mole on nose, born Kingsdon, last residence Kingsdon, labourer, received 9 February 1849.⁷

Death sentences commuted to transportation.

The Judges of the Western Circuit, Wh^L 19 April 1849

My Lord & Sir,

You have certified to the Queen that the following persons were conv^d before you at a Gaol Delivery holden for the Western Circuit of the crimes hereafter mentioned and severally received Judgement of Death for the same, and having humbly recommended them to Her Majesty as fit Objects of the Royal mercy on the condition expressed against their respective names as follows vizt:

(other prisoners mentioned)

Somerset

At Taunton on Saturday 31st day of March last, of Maliciously setting Fire to a dwelling House persons being therein - James Brown - To be transported beyond the Seas for the term of 14 years.

At Taunton on Saturday 31st day of March last, of Maliciously setting Fire to a dwelling House persons being therein - George Brown - To be impris^d & kept to hard labour for 6 Cal Ms in the House of Correction at Taunton

Her Majesty has thereupon been Graciously pleased to extend the Royal Mercy to the s^d several persons in the s^d conditions, and has commanded me to signify the same to you that you may give the necessary directions accordingly

I have &c

G Grey ⁸

George Brown, 12, died in Wilton Gaol and was buried at Wilton on 28 April 1849.⁹

Petitions by James Brown.

1. Received 24 September 1849

17579, James Brown, aged 41

Convicted 31 March 1849, Taunton, of maliciously setting fire to a dwelling house persons being therein, 14 years, received at Millbank prison on 7 June 1849.

To the Right Honorable Sir, George grey, Baronet Her Majesty's principal Secretary of State for the Home Department.

Prayer of Petition for consideration of law. Plea of innocence.

The petition of James Brown a prisoner in Shorncliffe Convict Station, humbly sheweth that on the 8 February last I was apprehended and committed to prison on a charge of Arson and on 4 April following I received the heavy sentence of 14 years transportation - Being entirely innocent of the crime for which I am convicted I have ventured to bring my case before your most merciful consideration -

I beg to say I have for these last 14 years been a Turnpike gate toll collector, and through the course of business, and occasion on 5 February last to go to Langford in Somerset which is distance about 7 miles from Kingsdon the village in which I have resided for some years.

⁶ Bristol Times and Mirror, 07 April 1849, p4

⁷ South West Heritage Trust; Taunton, Somerset; Reference Number: Q/AGW/15/5

⁸ HO13/96, p370-1

⁹ Somerset Archive reference D/P/WILT 2/1/6

The House I am charged with setting fire to being situated between these two places, I had occasion both to pass and repass it, on the day in question - and altho sworn to by the prosecution at my commitment, that the fire broke out half an hour after I passed, and subsequently at my trial immediately after I passed. - It can be proved by witnesses of the utmost respectability that it was not discovered for at least an hour after I reached home.

My son a boy of 11 years of age being with me, was apprehended and taken before the magistrates on 5 February but the evidence given was of such a nature that the above authority discharged him. Nothing more was done till the 8th when we were both taken, and in consequence of the evidence then got up committed to prison on the charge, and on the following assizes, my son was sentenced to 6 months imprisonment which so affected him, that he died in two days - and myself to the long sentenced mentioned in the earlier part of this petition. Thus have I been convicted for a crime on evidence wholly at variance with itself, and simply because as it was supposed no one else could do it.

I buried my wife and child in Nov last, and have left 4 other children who are now in the Chard Union, unprotected and unprovided for in this world. Under these distressing circumstances, I have ventured to bring myself before your attention, hoping you may take a merciful view of my case, and your petitioner will ever pray &c &c

James Brown

To the Sec^y of State.

Cover: 255/42 James Brown 41, Somerset Lent Ass, March 1849, Arson

Death recorded - commuted to 14 years transportation

Gaol report - Considered an honest hard working man

Nil H.W.

The prisoner declared his innocence & prays for a merciful consideration of his case on Account of his family

2. Received 20 April 1850

Supper Harlegh (??)

19 April, 1850

My dear Sir George

I committed a man named James Brown & his son for arson & they were found guilty & transported at the Spring Assizes of 1849 at Taunton. I thought the case when I committed only just strong enough to warrant me in doing so, and am now persuaded of their innocence & hope that you may be induced to investigate the case & advise Her Majesty to pardon the man.

Brown had occupied a turnpike house at Kingsdon he had been turned out of it, & it was burned down shortly after, just after he & his son passed through, the only evidence was his successor in the gate with whom he had a conversation as he went by. Before the case was brought before me it was discovered by another magistrate, & I am informed that the witness gave much stronger evidence at the trial than she did before us. May I beg of you to procure the depositions I sent in, & to lay them then before L^d Denman who tried the case that he may compare them with his notes for it seems to me that where much depends on one witness, & on the probability of spite existing on one side or the other, as there was in this case, the statement of facts at the trial which were not mentioned at a very patient examination that I gave to the case, very strongly affects the credibility of the evidence.

The other ground on which I would urge a pardon for brown is the dying declaration of the boy, who died in prison. I have enquired of the Gaoler W Gane, in whom every Somersetshire Magistrate would tell you that we have the utmost confidence; & he tells me that the "child was not for a moment under the influence of his father, I told the boy that he had but a few hours to live, that if he sincerely repented of his sins & told the truth God would most likely pardon and forgive him, but that if he lied there was no hope for him here or hereafter, I asked him if he had set fire to the place (the case supposed that the boy had done it by his father's direction) he held up his hands, declared he had not, & that neither himself or father were guilty of the offence, he died a few hours after" it is perhaps of little importance to add that Brown has uniformly denied his guilt that he behaved before me as an innocent man would, that W Gane, who heard the trial was satisfied of his innocence, considered L^d Denmans summing up (in which he mentioned the discrepancy between the depositions & evidence) could in the cause direction or that he says there was general surprise at the verdict.

It is fair that I should mention that Mr Moody our Chairman of Q^r Sessions & member for the county does not agree with me that he stated him to have borne a bad character in thinking the man innocent, & that he says the feeling of the neighbourhood is against him. I am induced to think this latter circumstance may be owing to horror of the crime & perhaps an undue confidence in a jury, & I may perhaps also be permitted to remind you that arson has not been so prevalent of late in Somersetshire as it has unfortunately been in other parts of the kingdom.

If I can give or obtain any further information I shall be glad to do so, for I cannot but feel that I may through error of judgement have been instrumental in subjecting an innocent man to a heavy punishment.

I remain my dear Sir George

Your

P H Jenkinson (?)

Cover: James Brown, 2nd Applⁿ

... Lord Denman, GG

The Com^{rs} Magistrate expresses great doubt as to pris^{ts} guilt, & begs that the case may be investigated.

The principal witness is said to have given much stronger evidence at the trial than in the original deposition & Brown & his son, who was convicted with him & is since dead, always maintained their innocence, the latter declaring solemnly while on his death bed.

Answered 25 June 1850. ¹⁰

3. Received 1 May 1850

Parsloes, Dagenham, April 30th

My dear Sir George,

I have perused Mr Dickinsons letter and the petition of James Brown convicted before me of Arson at the Taunton Assizes, Spring 1849. The depositions I have not seen since the trial and my notes are not at present with me.

I have a full recollection however I believe of the trial and the proof was very simple:-There was some difficulty arising from the difference between the evidence on the trial and that before the Magistrate but not more than very often exists where no fair doubt can be stated. The prisoner had the full benefit of all such observations, and the Jury in the Criminal Court were remarkably careful and discriminating. The grudge between the Prosecutor and the prisoner might possibly be thought to make his crime more probable, and the imputation against the Prosecutor arising from it is too grave to be lightly entertained. There was an apparent impossibility of the fire, certainly a wilful one, being raised by any other hand. The opinion of Mr Moody and the neighbourhood appears to now entitled to considerable weight and I have but little faith in such declaration as have been made in this case.

If however you feel that a real doubt is raised, and will have the goodness to send me the depositions, I will carefully examine them with my notes and report to you whatever may occur to me.

Yours very faithfully

Denman

To the Right Hon^{ble} Sir George Grey, Bart M.P. &c &c

P.S. I return the petition and the letter

Cover: Report on the case of James Brown

Lord Denman

Will compare the deposition with his notes of the trial, if Sir G Grey wishes it.

Unreadable comments from Grey.

Depositions sent to Denman, 13 May 1850

4. Received 17 June 1850.

Portland Place, 15 June

My dear Waddington

I think it best to explain to you the fix I am in with Sir George Grey respecting the Browns.

I promised to compare the depositions with my notes, if any doubt was raised in his mind respecting the application, not conceiving that there was the least ground for a doubt. I have however received the depositions and now unfortunately after a very great labour in the search, I am not able to find my notes.

¹⁰ HO18/225

The book containing them was sent into the country for some other case, and we are now not able to find it anywhere. I may however add that the careful perusal of the depositions, leave me perfectly convinced that the verdict of conviction was right, notwithstanding the strange scruples of the committing Magistrate, and the opinion expressed by Gaoler respecting the dying statement of the surviving prisoners son &c.

Yours faithfully

Denman

H Waddington Esq

Cover: Report on the case of James Brown

Lord Denman. Has no doubt of the prisoner's guilt.

Nil G.G. [Result is no change to sentence]

Answered 25 June 1850 & Depositions returned to Mr Gurney same date.

Result of petitions.

F.H. Dickenson Esq

8 Upper Harley St

Wh^l 25 June 1810

Sir,

Sec^y Sir Geo Grey has had under Considⁿ y^r Communicatⁿ, of the 19 April last relative to James brown, who was Conv^d of Arson at the Somerset Lent Ass^s 1849, I am now dir^d to req^t you that after a Careful review of the Evidence adduced at the prisoners trial, and a full Report from the learned Judge who presided on that occasion Sir Geo Grey regrets that he can discover no suff^t grounds to warrant him in concluding that the Verdict of the Jury in this case was other than correct.

I am &c

H Waddington ¹¹

James Brown was received at Millbank Prison on 7 June 1849 from Taunton Gaol. He was 41 years old, widower, could read, labourer, convicted 31 March 1849 of arson and sentenced to 14 years. It was his first conviction.¹² From Millbank, he was transferred to Portland Prison on 1 May 1850. He boarded the *Hashemy* on 19 July 1850 for the voyage to Western Australia.¹³

His description on arrival in Western Australia in October 1850 was:

95. James Brown, 37, 5'5", brown hair, blue eyes, oval face, fair complexion, stout build, scar on left arm, labourer, a widower with 4 children.¹⁴

General Register:

95. James Brown, about 47, widower, labourer and Church of England. He could read, write and accounts a little, and his only schooling was at Sunday School. His children, Elizabeth, Ann, Joseph and John, were in Chard Union, Somerset. He received Saturday magazines while in prison.

| | |
|--------------------------|--------------------------------|
| Attended Divine Service? | Usually once each Sunday |
| Received Sacrament? | Never |
| Habits? | Rather fond of a drop of drink |
| Intellect? | Sound |
| State of Mind? | Hopeful |
| Knowledge, Secular? | Limited |
| Knowledge, Religious? | Very limited |
| Alleged Cause of Crime? | Alleges his innocence |

Name of Person referred to for Character, &c. C.M. Moody Esq, Kingsdon, Somerset. ¹⁵

James was on the sick list and in hospital several times before being discharged to Ticket of Leave.¹⁶

| | Date | Condition | Treatment |
|-----------------|-------------|------------|-----------|
| Brown, James 95 | 14 May 1851 | Bad finger | Dressing |

¹¹ HO13/99, p233-4

¹² HO24/4

¹³ HO8/105, p26; PCOM2/383

¹⁴ SROWA Acc 128/40 – 43

¹⁵ SROWA Acc 1156 R21A

¹⁶ SROWA Acc 1156 CS1

| | | | |
|-------------------|-------------|-----------|------------------------|
| Brown, James 95 | 15 May 1851 | Rheumatic | Continue ... |
| Brown, James 95 | 16 May 1851 | Rheumatic | Dover powder |
| Brown, James 95 | 17 May 1851 | Rheumatic | Continue Dover powders |
| Brown, James 95 H | 19 May 1851 | Rheumatic | Continue colchier |
| Brown, James 95 H | 20 May 1851 | Rheumatic | Continue colchier |
| Brown, James H | 21 May 1851 | Rheumatic | Discharged |
| Brown, James | 25 May 1851 | Rheumatic | Liniment |
| Brown, James 95 | 26 May 1851 | Rheumatic | Continue medicine |
| Brown, James 95 | 27 May 1851 | Rheumatic | Continue |
| Brown, James 95 | 28 May 1851 | Rheumatic | Powder |

(H=in hospital)

James was issued with a ticket of leave, for the Fremantle district, on 12 April 1852.¹⁷ He was working for himself on 20 April 1852.¹⁸

James may worked in the Murray District as a ticket of leave. (see pp 247, 266, 462 – may be him)¹⁹ The W.A Biographical Index indicates it may have been him:

BROWN James 1813 - (expiree). arr. 'Hashemy' 25.10.1850 applied for his 4 children to follow in 1851. (widower). chn (over). Labourer PERTH then to MURRAY District where he had a little land. Employed T/L man 1852 - . SemiLit. Prot. Back of card – Elizabeth, Ann, Joseph, John

A Conditional Pardon was granted on 5 December 1859.²⁰

At the Mt. Eliza Invalid Depot yesterday an inmate, named James Brown, better known as *Knicknack*, passed over to the great majority, at the advanced age of 81 years.²¹ James died on 14 January 1886 at the Invalid Depot and buried the following day at East Perth Cemetery, Anglican section.

William Chamberlain, an aged, decrepit man, an inmate of the Invalid Depot, was charged with stealing £1 9s 8d from another invalid named **James Brown**, who was now dead. Mr. William Dale, the Superintendent of the Depot, said that on Saturday evening, on going to the Depot, he was informed by several of the inmates that the prisoner had taken 7s 6d from the hand of James Brown, when he was dying, and had also taken a bag from Brown's neck. He called the prisoner to the office and told him what he had beard, and after some hesitation he produced three half-crowns, remarking, "These are mine; Brown gave them to me." He also had in his possession a small bag containing 22s 8d in small silver, and a large bag.

An inmate named Atkinson said that he was present when Brown was dying. When Brown was just upon the point of death, the prisoner took hold of the string of the bag that hung from his neck and pulled it over the dying man's head. He then put the bag into his pocket. Brown said nothing to the prisoner as to taking the bag; he was too far gone to speak. He did not see the prisoner take anything from Brown's hand. In reply to the prisoner the witness said he did not hear Brown tell him (the prisoner) to turn his box over. The prisoner, in his defence, said that the money was given to him by Brown "before he died." He said, "Take care of that money for me, Bill; I know I am dying."

The case was just the result of spite and malice on the part of other people, because they had not got the money of the dead man. At this point a young man named Joseph Moore asked to say a few words. He was, he said, related by marriage to the son of the deceased man Brown. He saw Brown a fortnight ago at the Depot, and asked him if he had any message to send to his son, as he was dying. He replied that he had not, as he intended to give all the money he had to Chamberlain. The magistrate said that no jury would convict in such a case and dismissed the prisoner.²²

¹⁷ SROWA Acc 1156 RD1 - RD2

¹⁸ PD Vol 1 from Rica Erickson's notes.

¹⁹ Richards, R. The Murray District of Western Australia: A history. Sire of Murray, 1978 WAGS 994.12 MUR

²⁰ SROWA Acc 1156 R21B

²¹ The Daily News (Perth, WA : 1882 - 1950), 15 Jan 1886, p3

²² The West Australian (Perth, WA : 1879 - 1954), 21 Jan 1886, p3

Jane Newbery, wife of James Brown, convict 95

| | |
|-------------------|--|
| Baptism | 15 August 1813, Haslebury Plucknett, Somerset |
| Parents | Thomas Newbery (~1770-1856) and Anne Gardener (~1777-1829) |
| Parent's marriage | 7 July 1801, Haslebury Plucknett, Somerset, by banns |
| Siblings | Emma (1803), James (1807), Elizabeth (1808), Ann (1811), Martha (1816), and possibly Mary Harriett (1819), Harriett (1822) |
| Husband | James Brown (~1808-1886) |
| Marriage | 29 June 1830, Chard, Somerset. |
| Children | Elizabeth Newbery Brown (1832-1835) Elizabeth Newberry Brown (1835-1885) George William Brown (~1838-1849) Ann Newberry Brown (1840-1923) Thomas <u>Joseph</u> Brown (1843-1853) John Newbery Brown (1844-1889) |

Name variations: Nubery, Newbury

Thomas Newbery, Jane's father, was a labourer at Haselbury Pluncnett in Somerset when she was born.

Jane married James Brown at Chard, about 18km away, in June 1830. He was an agricultural labourer.

The family moved around the area during their marriage. They had six children:

Elizabeth Newbery Brown, born in 1832 at Chard. She died in April 1835 at Ilminster, aged 2.

Elizabeth Newberry Brown, born about 1835, baptised in 1840 at Froome St Quintin, Dorset

George William Brown, born about 1838, baptised in 1840 in Dorset

Ann Newberry Brown, born 1840, baptised in 1840 in Dorset

Thomas Joseph Brown, born in 1843 at Chard

John Newbery Browne, born in 1844 at Chard

Jane Brown, 35, was buried on 18 November 1848 at Kingsdon, Somerset.

In February 1849, James Brown, 41 and his 11-year-old son George were charged with arson. At their trial in April, James Brown and George were indicted for setting fire to a dwelling-house, the property of the trustees of the Langport Turnpike Roads. Both were found guilty and sentenced to death. Their sentences were respited. James was sentenced to be transported for fourteen years, and George received six months of hard labour in the House of Correction at Taunton.

James petitioned for mercy and a reduction in his sentence when he was in Shorncliffe Convict Station: He said that on 8 February, I was apprehended and committed to prison on a charge of arson and on 4 April, I received the heavy sentence of 14 years transportation - Being entirely innocent of the crime for which I am convicted, I have ventured to bring my case before your most merciful consideration. I beg to say I have for these last 14 years been a Turnpike gate toll collector, and through the course of business, and had occasion on 5 February last to go to Langford in Somerset, about 7 miles from Kingsdon, the village in which I have resided for some years. The House I am charged with setting fire to being situated between these two places, I had occasion both to pass and repass it, on the day in question - and altho sworn to by the prosecution at my commitment, that the fire broke out half an hour after I passed, and subsequently at my trial immediately after I passed. - It can be proved by witnesses of the utmost respectability that it was not discovered for at least an hour after I reached home. My son, a boy of 11 years of age, being with me, was apprehended and taken before the magistrates on 5 February but the evidence given was of such a nature that the above authority discharged him. Nothing more was done till the 8th when we were both taken, and in consequence of the evidence then got up committed to prison on the charge, and on the

following assizes, my son was sentenced to 6 months imprisonment which so affected him, that he died in two days - and myself to the long sentence mentioned in the earlier part of this petition. Thus have I been convicted for a crime on evidence wholly at variance with itself, and simply because as it was supposed, no one else could do it. I buried my wife and child in November last and have left 4 other children who are now in the Chard Union, unprotected and unprovided for in this world. Under these distressing circumstances, I have ventured to bring myself before your attention, hoping you may take a merciful view of my case, and your petitioner will ever pray &c &c, James Brown.

The case was reviewed, but no change was made to the sentence.

In 1849, when James was in Millbank Prison, he said his daughter Elizabeth was at Joseph Newbury's, Chard. He is possibly the Joseph Newbery, 50, a tailor living at Winsham about 4 miles from Chard.

On the 1851 census, Ann Brown 11, John Brown 9 and Joseph Brown 7 were in the Chard workhouse. [The ages of the boys are mixed up, Joseph is older than John] There is an Elizabeth Brown, 20, born Chard, living in Cheltenham, Gloucestershire. She lived with a Laceman and Milliner, his family and employees, and was an apprentice shop woman.

In 1861, living at 62 High St, Birmingham were:

Edward Arthurs, unmarried 54, woollen and linen draper born in Staffordshire.

Elizabeth N Brown, servant, 26, cook, born Ilminster, Somerset

Ann N Brown, servant, 21, housemaid, born Framlington, Dorset

Also at the same address were six assistants, a cashier, porter, apprentice, and a housekeeper.

John Brown, 16, a mason labourer, born Chard, was at Winsham, Somerset (about 4 miles from Chard), living with Hannah Warren, widow, 76.

Children

Elizabeth Newbery Brown married widower Thomas James Smith in 1869 in Birmingham.

They had five children; three had a second name of Newberry. Thomas was a plumber. Elizabeth was buried on 26 November 1885 in Birmingham. An inquest was held, resulting in her daughter being charged with manslaughter.

The Tamworth Herald reported the trial, held at Birmingham on 22 February 1886:

Annie Newberry Smith (14), Morville Street, on bail, was indicted for the manslaughter of her mother, Elizabeth Newberry Smith, on 21 November 1885. Prisoner pleaded guilty.—Mr. Daly, who prosecuted, said that the conditions under which prisoner lived were very bad. The members of her family were constantly quarrelling. The deceased woman called the prisoner to help her to prepare dinner. The prisoner retorted that she would not do so, and then the mother took up the poker to enforce obedience. The prisoner threw a saltcellar at her mother. It struck her behind the ear, and meningitis ensued, from which a few days later she died. The maternal relatives of the prisoner were anxious to have her sent to a place where she would be under proper control and under better teaching than she was under at home. He understood that the prisoner's home was a very improper place for her to remain in, her father being addicted to drink and having a very violent temper. In her defence, Annie said she said that she was very sorry; the act was done in a fit of passion.—His Lordship said that if any of the prisoner's family had been willing to give bail for her future good conduct, he would not send her to prison. No member of her family was willing to do this. The Judge had heard a very unsatisfactory account of her temper and her conduct. He must punish her in the hope that she would be induced to control her temper in future. The offence with which she was charged was a cruel attack upon her own mother. Annie Smith was sentenced to three months of hard labour.

Ann Newbery Brown died in 1923 in Birmingham. She spent her last years in Lenches Trust Almshouses in Five Ways, Edgbaston.

Joseph Brown died in the Chard Workhouse, buried on 20 April 1853.

John Newberry Brown went to Western Australia before 1873. He is possibly the John Brown who arrived on the *Tartar* from London on 26 October 1862. Twenty-five immigrants arrived, all of them sent for by relatives already settled in Western Australia. John entered Police Force in WA on 1 December 1873 and left on 31 August 1878.

He married:

m1. Elizabeth Moore in 1870, and had two children. Elizabeth died of consumption on 24 May 1874, and her three-week-old daughter, Ann, died in June 1874.

m2. Sarah Elizabeth Godfrey, on 29 August 1878. They had three or four children. The family moved to South Australia. John Newberry Brown died there in 1889, aged 44.