

*Charlotte Dundas**

(uxor Charlotte Smith)

POLICE NUMBER 303 ¹	LITERACY read only
TRIAL DATE 20 ² July 1840	AGE ON EMBARKATION 25
TRIAL PLACE Edinburgh Court of Justiciary	AGE ON ARRIVAL 25
OFFENCE stealing £21 from the person and previous conviction	HEIGHT 5' 6¼"
SENTENCE 7 years	COMPLEXION fair
GAOL REPORT indifferent, imprisoned before, single	HEAD oval
PREVIOUS CONVICTIONS once 60 days for breaking in to fast lock places, again 12 months for assault	HAIR red
SURGEON'S REPORT	VISAGE long
ON THE TOWN no	FOREHEAD high
MARITAL STATUS single	EYEBROWS light brown
CHILDREN 0	EYES blue
FAMILY sisters shipmate Ellen Graham (<i>qv</i>), Elizabeth Dundas	NOSE medium
NATIVE PLACE Faulkirk, Edinburgh, Scotland	MOUTH medium
TRADE ON EMBARKATION dressmaker	CHIN round
TRADE ON ARRIVAL housemaid	MARKS none

- c1816 **Born** at Falkirk,³ Edinburgh, Midlothian, Scotland.⁴
- c1818 Sister Ellen Graham (nee Dundas) born at Glasgow, Lanarkshire, Scotland.⁵
- c1821 Sister Elizabeth Dundas born in Scotland.⁶
- 5–12 September 1836 Prisoner in the tollbooth at Edinburgh, Midlothian, Scotland awaiting trial.⁷
- 12 September 1836 Tried at the Burgh Court, Edinburgh, Midlothian, Scotland with sister Elizabeth Dundas, Georgina Harper and Elizabeth Lawson indicted for theft in stealing on 5 September 1836 2 cotton shirts, 1 silk shawl, 1 yellow vest, and 1 silver buckle from the house or shop of spirit dealer George Clark, High Street, Edinburgh; verdict guilty; sentence 60 days imprisonment in the Bridewell, Edinburgh.⁷
- 26 February 1838 Sister Elizabeth Dundas tried at the Court of Justiciary, Edinburgh, Midlothian, Scotland with with Ann McIntosh⁸ indicted for theft and previous conviction; sentence 12 months imprisonment with hard labour; inmate of the Royal Infirmary, Edinburgh; aged 17, resident of Lyon's Close, High Street, Edinburgh.⁶
- 9 November 1838 Tried at the Court of Justiciary, Edinburgh, Midlothian, Scotland with sister and shipmate Ellen Graham (*qv*) indicted for assault and robbery on 28 September 1838 in assaulting builder William Gordon, St Anthony's Place, Edinburgh, in a house in Burt's Close, Grassmarket, Edinburgh and stealing from him 2 £1 notes, 2 half crowns, 3 shillings, 5 pence and a foot rule; verdict guilty for assault, robbery not proven; sentence 12 months imprisonment with hard labour.⁹

Statement of defendant Charlotte Dundas:

Charlotte Dundas presently in custody being brought for examination Declares. That she is twenty three years of age and resides in Burts close Grassmarket Declares. That upon the

¹ TAHO, CON40/1/4 p.36 No.303 [image 40] (Charlotte Dundas); TAHO, CON19/1/1 p.195 [image 101] (Charlotte Dundas); ML, CY 1282 p. 147 (Charlotte Dundas); ML, CY 1197 p.157(Charlotte Dundas); ML, CY 958 p.443 (Charlotte Dundas)

² Trial date given as 15 July 1840 on conduct record (TAHO, CON40/1/4 p.36 No.303 [image 40] (Charlotte Dundas)), but as 20 July 1840 on Assignment List (ML, CY 958 p.443 (Charlotte Dundas)) and Embarkation List (ML, CY 1197 p.157 (Charlotte Dundas)).

³ This may refer to Falkirk in Stirlingshire, Scotland, but the description list states Falkirk, Edinburgh.

⁴ TAHO, CON19/1/1 p.195 [image 101] (Charlotte Dundas)

⁵ TAHO, CON19/1/1 p.204 [image 105] (Ellen Graham)

⁶ NAS, JC26/1838/460 (Elizabeth Dundas); NAS, AD14/38/449 (Elizabeth Dundas)).

⁷ NAS, JC26/1840/450 (Charlotte Dundas)

⁸ Ann was transported for 7 years on the *Nautilus*.

⁹ NAS, JC26/1838/595 (Charlotte Dundas & Helen Graham)

This biography supplements our book *Patchwork Prisoners* available from www.researchtasmania.com.au.

night of Friday last the twenty eighth of September between Ten and Eleven o'clock, the Declarant on going home found in her house the prisoners Helen Dundas and Mary Anderson¹⁰ along with William Gordon Builder. That there was a light in the room and Gordon was standing with his clothes hanging about him. That he attacked the Declarant immediately upon her coming in and knocked her down and hurt her severely and bled her nose, and tore her cap. That the light was put out, she thinks by him in the scuffle. That the Declarant called out to the others to go for the Police and upon a Policeman entering with a lantern she saw Gordon bleeding about the head and face. That Gordon then stated "that he had been robbed of his siller," and she and the other prisoners were taken to the Police Office. That Gordon wanted away and nothing more to be said about it, but the Declarant said she would not let him, as she wanted to know why he had struck her. Declares That she did not attack or assault Gordon, nor did she rob him off or steal from him any money, or other articles, nor did she see the other prisoners do so. And being shown Two one pound notes, two half crowns, three shilling pieces & five pence half penny of coppers, and a foot rule she declares that she knows nothing about them. And being shown an arm of a chair she declares that it is her property, and was in her house on said Evening. And being shown a cap torn in two, and stained with blood, she declares, that it is the cap she had on on said occasion. That the money and other articles before mentioned are labelled as relative hereto. All which she declares to be truth, and declares she cannot write.⁹

Medical report of Dr Alexander Black:

I hereby certify that I examined Mr William Gordon on the night of Friday the 28th Sept last, and found three severe wounds on his head, they were not dangerous, but were attended with considerable loss of blood appeared to have been inflicted by a blunt instrument, such as the arm of the chair produced by the Officers at the time, upon which I observed fresh marks of blood.⁹

20 July 1840

Tried at the Court of Justiciary, Edinburgh, Midlothian, Scotland with Agnes Lees and Mary Lees indicted for theft, habit and repute in stealing from Thomas Meldrum junior of Deanfoot, West Linton, Peebles in a house at North Foulis Close, High Street, Edinburgh 13 £1 notes and a £10 note; verdict guilty; sentence¹¹ 7 years transportation; resident of High Street, Edinburgh.¹²

Statement of witness Thomas Meldrum:

Thomas Meldrum Junior [aged 21], Son of and lately residing with Thomas Meldrum Farmer, Deanfoot. Parish of West Linton and County of Peebles. Declares, That he was in Edinburgh on Wednesday the 29th April 1840. and when going down the High Street about nine o'clock evening he met the p[risoner] Charlotte Dundas who asked him [to buy] her a bottle of Porter. He said he had no objection, and she took him to the house of the prisoner Agnes Lees in North Fouliss close High Street. That they went into a room by themselves, and the prisoner Barbara Wallace came in to see what they would have. the Declarant asked for Porter, when she said there was no Porter in the house, but plenty of whisky. the Declarant desired her to bring in some whisky, and she brought in a quantity in a bottle for which she asked sixpence, and the Declarant having paid her, and also given her a glass of the whisky she left the room. That the rest of the whisky was drank by Dundas the Declarant having refused to take any of it, as he had got plenty during the day. That after the whisky was finished, Dundas asked him [to go] to bed with her and he went [...th] of them having on their clothes. That while in bed he felt something at his watch fob. in which he had his watch, and Twenty three pounds sterling, consisting of a Ten pound note of the Bank of Scotland, and thirteen one pound notes of various Banks. and upon putting his hand to his fob he found that the prisoner had stolen his money. That he immediately said to her. "you have robbed me of Twenty four pounds." She answered "you never had Twenty four pounds when you came in here." and she cried out murder. That the Declarant got out of bed, and just as he had done so, the prisoner Wallace came into the room, followed by the prisoner Lees, and a daughter of

¹⁰ This may be the Mary Anderson who was transported for 7 years on the *Emma Eugenia* arriving in 1851 having been tried at Edinburgh Court of Justiciary on 11 February 1850 for theft, habite and repute (TAHO, CON41/1/29 No.263 [image 9] (Mary Anderson)).

¹¹ Agnes and Mary were found guilty and sentenced to 12 months imprisonment with hard labour; residents of North and South Foulis Close, High Street, Edinburgh, respectively.

¹² NAS, AD14/40/369 (Charlotte Dundas); NAS, JC26/1840/450 (Charlotte Dundas)

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Lees, a little girl being the witness Mary Lees that Wallace asked him what he was doing to the woman was he going to murder her. He answered that he was not meddling with her but that she had robbed him of Twenty four pounds. upon that Wallace remarked that if she had done so, she ought to give it up again, and the Declarant said that if she would give it up, he would give her five shillings and say no more about it. That Wallace said, if he gave her more whisky she would perhaps give it up, and he offered to give her any quantity she wanted. That Wallace then called to Lees' daughter who had left the room, to bring some whisky, and she brought in a bottle with whisky, which was drank by the prisoners. That the Declarant seeing that he was not likely to recover his money held the door inside and called for the Police. but getting no answer, and there being no appearance of any one coming to his assistance, he opened the room door and went out, but before he could reach the outer door, the prisoner Wallace bolted out before him, and ran off. That he got a Policeman at the head of the close, and as they were going to the house they say the prisoner Lees come out and go down the close, and the Policeman apprehended her and took her into the house. That the Declarant then went for more assistance, and returned with several watch-men, who searched the house, but without finding his money. The prisoner Dundas was still in the room, and she and Lees were taken into custody. Declares, that he cannot identify the part of a Ten pound note now shown him, but it is like the Ten pound note which was stolen from him Declares, That a day or two after the theft he went to New Castle, where he got employment with John Arthur, Farmer, Newburn, Hillhead by Newcastle-upon-Tyne, Northumberland and he intends to return there. He resides with Mr Arthur. All which he declares to be truth.

The money he had was a Ten Pound note he had got the same evening from the witness James Miller. He got two Ten Pound notes from him but had changed one of them.

Thomas Meldrum – Junior, Declares upon ReExamination, and having heard his former Declaration read over to him that he adheres thereto, with the following explanations. First, It was the Witness Jean Anderson whom he saw yesterday who first brought in the spirits, and when Dundas called Murder, it was she, Barbara Wallace, and Mary Lees who came into the room. – Barbara Wallace acting apparently as Mistress, and Mary Lees holding a lighted candle, the one in the room having been put out. – Second – the Declarant let out Mary Lees from the room, as she wanted out, and he had no suspicion of her – after she was out, she wanted in again, but he would not allow her, upon which she made her appearance at a broken window looking into an adjoining room, and when he saw her he told her to be off. – it was not a place for her – Third – Mrs Lees he is now satisfied was not in the room at all. He saw her about the house before going out and he also saw her apprehended in the close – Fourth – Being now shown the other part of the Ten pound note, that the whole note when said two parts are put together, is such a note as he had, but there is no particular mark upon it that he can identify by. All which he declares to be truth.¹³

Statement of witness James Miller:

James Miller [aged 18] Clerk to James Virtue Commission Agent South Bridge Street residing in Cameron House Parish of Libberton and Shire of Edinburgh with Mr. Virtue declares that on the afternoon of the 29th April 1840 about six o'clock the Declarant made a payment to the Witness Thomas Meldrum Junior in Mr. Virtues Ware house of Twenty four Pounds 6/4. The notes consisted of two Ten Pound notes of the Bank of Scotland and the small notes were either of the Clydesdale or Edinburgh and Leith Banks. He is certain the Ten Pound notes were of the Bank of Scotland. All which is Truth.¹³

Statement of witness Mary Lees:

Mary Lees [aged 12] – Daughter of the prisoner Agnes Lees. and residing with her in North Foulis's close High Street. Declares, that she was not in the house when Meldrum and Charlotte Dundas came in but she went home while they were there in a room by themselves. That Jean Anderson, then a lodger in the house was sitting in the kitchen, and the prisoner Wallace was there also, and her mother was in bed in an adjoining room. That Jean Anderson went in with drink to Dundas and Meldrum, but she does not know that Barbara Wallace was also in the room with drink. That the Declarant heard no disturbance in the room where Meldrum was, neither was she in the room herself. That in a short time the man Meldrum called out that he had lost some money, and that he wanted the Police. That the Declarant

¹³ NAS, AD14/40/369 (Charlotte Dundas)

went out to the head of the close and sent a girl whom she does not know for a Policeman, and then returned to the house. That the Police came in immediately after her, and Charlotte Dundas and Barbara Wallace, and her mother who was wakened out of her sleep, were taken away to the Office. That the Declarant was not taken to the Office. That her sister Janet Lees was out of the house the whole time. That she did not hear Meldrum say how much he had lost. All which she declares to be truth.¹³

Statement of witness Janet Lees:

Janet Lees [aged 6] – Daughter of the prisoner Agnes Lees. Declares that she saw Meldrum and Charlotte Dundas go into a room by themselves, in her mothers house, but she went out immediately afterwards, and can give no account of what took place.¹³

Statement of witness Anthony Vinderlindy:

Anthony vinderlindy – Day Patrole of Police. residing in Arthur Street, in or near Edinburgh, Declares, that on the evening of Wednesday aforesaid the Declarant was on the High street, near to North Foulis's close, when he heard cries of Police proceeding from the close. That on going there he found a crowd at the mouth of it, but he did not see the person who was calling. The crowd was great, That he proceeded to the house of the prisoner Lees, and as he was going down the close he saw her before him running, and she appeared to have newly left her own house. That he apprehended her and took her into her own house, and he found there the witness Thomas Meldrum standing in the passage and the prisoner Dundas beside him. That he asked Meldrum what was the matter when he stated, that Dundas had robbed him of Twenty three pounds, in a room in the house which he showed the Declarant. That Dundas denied the theft, and stated she had never got any thing but Eighteen pence from him. Meldrum further stated that after Dundas had taken the money from him, she cried out murder and that the people in the house had come to her assistance, and one of them had left the room in a great hurry, and had ran off. That the Declarant searched the house but found no money. That having to assistance the prisoner Dundas was secured and the Declarant on going to take Lees into custody found her in bed, and she stated that she was very unwell, and had not been out of bed since four o'clock. He asked her what she was doing in the close when he apprehended her there. She denied that she had been out of the house. He found the prisoner Barbara Wallace in the kitchen he thinks and she too was taken into custody, but he did not hear Meldrum make any statement as to her or Lees. Meldrum seemed very confused & much put about at the loss of his money and he told the Declarant, that if he did not recover it, he would put an end to himself. Both Wallace and Lees, said they knew nothing about the theft – Lees was running down the close, when he first apprehended her all which is truth.¹³

Statement of witness John Thomson:

John Thomson [in margin 'aged 38'], Cabinet maker & chair maker, residing in South Foulis's close High Street. Edinburgh, Declares, that on Saturday the 2^d May 1840 about ten o'clock forenoon, he was sent for by the prisoner Dundas, to come to her own house in High Street, and he went and found her there along with a man named Allan or Erskine who lives with her, and her sister Elizabeth Dundas. Both Allan or Erskine & Elizth. Dundas are notorious blackguards. That Charlotte Dundas told him, she had a Ten pound note which had been partially destroyed and she asked him if he thought he could get cash for what remained of it. That the Declarant told her that if the note was genuine and had the number and date upon it he had no doubt of getting it discounted. He then asked to see the note, when she told him if he would meet her in the prisoner Lees' at twelve o'clock, he would see it there. That he went to Lees' at twelve and found there the three prisoners together. That Mrs Lees left the room and returned immediately with the part of a Ten pound note now shown him, which Wallace took out of her hand and gave to the Declarant. That the prisoners Wallace and Dundas and the Declarant left the house together, and they met the said Allan or Erskine at the head of the close who went with them to a public house in High Street to get a dram. That the Declarant did not go in to the Public house at that time, but went to Leith, and presented the note at the Office of the Bank of Scotland's Branch there. that he was informed by the person to whom he presented it, that he would require to take it to the Bank in Edinburgh, as he could do nothing with it a the branch, and the Declarant returned to Edinburgh and went and showed the note to his Employer Matthew Thomson. That he advised the Declarant to have nothing to do with it, as he said no good would come out of it, and the Declarant having met the prisoners Dundas and Wallace and the said Allan or Erskine he went with them into a

public house for the purpose of giving them back the note. That he was hardly in when Alexander Colquhoun, Criminal Officer, came and called him to the door and asked him for the note, and he at once delivered it to him and told him he had got it from the prisoners. Declares that the prisoners did not tell him where they had got the note, or say any thing about it, further than that it had been destroyed, but they didn't say how, and he did not see any of them have any other money. All which is truth.

Declares further that the prisoner Agnes Lees gave him the purse now shown him, for the purpose of putting into it. the said piece of note, and she knew perfectly well that it was part of a Ten pound note, and spoke of it as such. That he delivered the purse, along with the note to the Police, and this is also truth.¹³

Statement of witness Thomas Armstrong:

Thomas Armstong – Accountant in the Bank of Scotland, residing in Rankeillor Street, with his father Robert Armstrong residing there. Declares, that the part of a note now shown him, is part of a Ten pound note of the Bank of Scotland. All which is truth.¹³

Statement of witness George Wight:

George Wight [in margin 'aged 16.] a cabinet maker Son of and residing with Mary Straton or Wight a Widow, in No.26 Pleasance in or near Edinburgh, Declares, That on the morning of Thursday the 30th April 1840 about ten o'clock, the Declarant had occasion to go into North Foulis' close, to make water, and while there he found lying in the gutter, a short way down the close the part of a Ten pound note of the Bank of Scotland now shown him. It was wet, and he put it into his pocket and kept it till the dinner hour two o'clock, when he took it home and showed it to his mother. and she said she would take it to the Bank. All which is truth.¹³

Statement of witness Mrs Straton:

Mary Thomson, or Wight or Straton, a Widow [aged 54] residing in Pleasance aforesaid. Declares, that time aforesaid she got the part of the note now shown her from her Son. and the same day she took it to the Bank of Scotland, and gave it to Mr McCallum the Cashier, and told him, that if any owner appeared for it, to let it be given up, but if not, that she thought she was entitled to the value of it. Mr McCallum took her address and kept the note. All which is truth.¹³

Statement of witness Hugh McCallum:

Hugh McCallum – Cashier of the Bank of Scotland, residing in the Bank of Scotland, North Bank Street, Edinburgh. Declares, that upon Thursday the 30 April 1840 about two or three o'clock, a man called and presented the part of a Ten pound note, now shown him No. 9 of Inventory being the left part of the note, and wanted something for it. The Declarant understood him to mean Ten pounds. That the Declarant asked him who he was, and where he was working. He said he was a Gardener, and that he was working to the Manager of the silk mills at the Canal, naming him, but he does not recollect the name. That the Declarant asked him how the note came to be torn, and at the same time stated that it was a large sum for a person having his appearance. He said that he had a great deal more money than that in Friendly Societies, and that the cause of its being torn was that he had got drunk the night before, and having got up confused at three in the morning he had torn it and did not know what had come over the remainder. That the Declarant told him that he could say nothing to him about it, but that the usual course in such cases was to make oath to the circumstances before a Justice of the Peace in the first place, and that he would also require a certificate of character from his master. He then said his master was in London, and upon the Declarant saying he might wait, he said he would not be back for some weeks, and that he could not wait. The Declarant then said if you can't wait, go and get some other person known to the Bank, and after some further conversation he went away carrying the piece of note with him. That he had hardly been out when the Witness Mrs Straiton or Wright came in with the other half of the same note saying her Son had found it that forenoon about the High Street above the Iron Church and that she had brought it to the Bank in order that the owner might get it if he should appear. That she made no claim, but the Declarant told her that he thought the boy was entitled to something from the owner for his honesty if he should appear. And the Declarant retained the note with the view of eliciting the truth from the man should he return, and took

her address. Declares upon being shown James Duffus that he has no doubt that he is the man who presented the ...¹³

Statement of witness Alexander Colquhoun:

Alexr Colquhoun – Criminal Officer of Police in Edinburgh. Declares, that she[sic] was present when the Witness Vinderlindy brought in the prisoners Dundas, Wallace and Lees. That the Witness Meldrum was also there, and stated in their hearing that it was Dundas who had taken the money, that Wallace brought in the drink, and that Lees had also been in the room; And it was stated distinctly in the hearing of Lees and the rest that the money stolen, amounted to Twenty three pounds & that it consisted of a Ten pound Bank of Scotland note and of Small notes. That said prisoners were searched and detained all night, but no part of the property having been got, and there not being then sufficient evidence they were liberated on Thursday morning betwixt ten & eleven. Declares, that on the Saturday following he got information that Dundas and Wallace and the Witness John Thomson had been trying to get part of a Ten pound note disposed of. That he went out in search of them, and saw Wallace & Thomson go together into the Public house of John Baillie High Street followed by a man named Allan, and the prisoner Dundas. – Allan is a great blackguard. That he followed and called out Thomson to the door and asked him for the half of a Ten pound note which he had, and he gave it up at once along with a purse in which it was, being that now shown him. That Thomson said he had got the purse and the part of the note from the prisoner Lees that day in Lees' house while Dundas and Wallace were present – this he said, in the Police Office in presence of all the prisoners – Dundas and Wallace having been immediately taken there by the Declarant and Lees having immediately thereafter, been brought up. That Dundas and Wallace denied all knowledge of the piece of note, but Lees stated in the Office, that she had got it from Wallace in Dundas presence a day or two before, to be kept for their joint behoof, and not to be given up to either alone. That she admitted having given it that day to Thomson along with the purse, and that she knew it was part of a Ten pound note. That she denied knowing it was part of Meldrum's money. Declares, that a girl named Jean Anderson who was supposed to be concerned in the theft, absconded and has not been heard of since Declares and concurs with McLevie as to the character of the prisoners with this exception, that he has only known Lees for four years and a half. All which is truth.¹³

Statement of witness James McLevie:

James McLevie – Criminal Officer in the Edinburgh Police Establishment, Declares, that he has known the prisoners Dundas and Wallace for the last five years, and for four years of that period they have been habite and repute thieves. That he has known the prisoner Agnes Lees for Six years. He considers her worse than the other two, she has never been convicted, but her house is the worst in Town and is notorious for thefts she supporting herself and family by means of them, although she is not the actual perpetrator. She has been frequently in the Police Office on charges of theft, sometimes three or four times in a week, so that he considers her a notorious thief, and that she has been habite and repute so since ever he knew her. All which he declares to be Truth.¹³

Statement of witness Barbara Wallace:

Barbara Wallace, presently in custody being examined as a Witness. Declares, that she was in Lees' on the night of the theft. She was out when Meldrum and Dundas came in – but went there shortly after. That she went to the Kitchen where were Mary Simpson, Mary Lees, and Janet Lees. Mrs Lees was in bed in the room adjoining, and Meldrum and Dundas were in a room along the passage. That Meldrum called out murder &, Mary Lees immediately ran to the room along with a woman named Jean Anderson, who was in the passage. The place was dark, and Meldrum called for a light. The Declarant went with one. At this time Jean Anderson, Mary Lees, and Dundas were in the room. Meldrum shut the door, and put his back to it, and said to the Declarant supposing her to be the mistress – Mistress I'm robbed. The Declarant said who robbed you. He pointed to Dundas and said this girl, and he said it was £23 which had been taken from him. At this time she saw Dundas give a bundle of papers like notes to Mary Lees. This she did shyly. Meldrum remarked that Mary Lees was too young to be in such a place, and he turned her out, and at that time she had the money under her arm. That Meldrum commenced crying and said to the Declarant, that the money was not his own, and that he would cut his throat. That the Declarant told him to speak to the girl by himself, and perhaps if she had the money, she would give it. So he desired the Declarant to go

and get another dram, and he would give her 5/ and he put down two half crowns. That she went and brought the dram, and when she was getting it she saw Mary Lees give the money to her mother who was in bed. That when she returned with the dram she found Jean Anderson trying to push past Meldrum in the room, and she succeeded, and Meldrum thinking she had the money ran after her up the close calling out Police. That Mrs Lees instantly got up, and went out of the house with the money in her hand, but she had not been out above a minute or two when she was brought back by the Police. The doors were shut and the house was searched, and when this was doing Mrs Lees told the Declarant, and Mary Lees, that she had thrown the money below the Scavengers barrow, in the close, which usually stands a few steps farther down, and that if she, Mary was not taken up, she would find it there. That they were all taken up to the Office except Mary Lees and searched and next day they were liberated. That immediately on getting out they went to Lees' and Mrs Lees gave them drink. That Mrs Lees, Dundas & Mary Lees went into a room by themselves, and Dundas on coming into the room where the Declarant was, said that they had divided £13 among the three, Mrs Lees and her daughter getting each a third, and Dundas at that time had at least Two pound notes in her hand. She also said that they the Lees' had kept a torn ten pound note to get it changed, and she understood in the course of that forenoon from James Duffus, who frequents Mrs Lees', that he had got a part of said note from Mrs Lees or Mary Lees. She does not recollect which, That she was in Mrs Lees' the same day, when Duffus returned with said note saying he could not get it changed, and he delivered it up to Mrs Lees. That Charlotte Dundas was also present and wanted the note, but Duffus refused to give it to her saying he would give it to those he got it from. Declares, that the Declarant never insisted upon Mrs Lees keeping it for her. Declares, That she knows that John Thomson got the said piece of note on the Saturday. She was in the house at the time, but not in the room she things. She was apprehended shortly after this in Thomson's company. Declares, that she knows there is a broken pane between the room where Meldrum was with Dundas, and the room adjoining, and that said pane is used for handing out stolen property. She also knows that Mrs Lees gets one half of all money and other property stolen in the house, and her daughter Mary, if there gets a share too – many a good pound she has seen them get. That Mary Lees was at said broken pane during the time Meldrum was in the room and he ordered her away from it, but the money was not handed through the pane to Mary Lees, it was given to her in the room by Dundas as above declared to. All which she declares to be truth.¹³

Statement of witness James Duffus:

James Duffus [aged 40] – a Gardener – residing in Covenant close, High Street. Declares, That he has been in the habit of frequenting the prisoner Lees' house. That he went there on a Thursday or Friday some weeks ago. He heard next day Saturday that Mrs Lees had been taken into custody. Declares that on that occasion Mary Lees gave him the part of a Ten pound note now shown him, being No. 9 of Inventory and asked him to go and get it changed or value for it. That there was no one present at the time but the Declarant, Mary Lees and a little girl whom he does not know. That he went to the Bank of Scotland and presented it to Mr McCallum, by whom he was asked a number of questions. That he told Mr McCallum it was his own and that he had torn it by mistake. The reason he did so, was that he did not know to whom it belonged, and he did not think it was Mary Lees' own. That he also told Mr McCallum he was working at the silk mills at the West side of Town, and this was true. That Mr McCallum said, an affidavit would require to be made, and security given, in consequence of which the Declarant left him taking the part of the note with him. That he returned with it to Lees' house, when he delivered it up to the prisoner Barbara Wallace, in presence of Mrs Lees, - He does not recollect if Charlotte Dundas was also there but Mary Lees was not. That when he gave back the note, he told them it would require to go before the Directors of the Bank, but if he does not recollect if he proposed to keep the note till the meeting. That the Declarant had been drunk the night before, otherwise he thinks he would not have interfered. All which he declares to be truth.¹³

Statement of witness Jean Anderson:

Jean Anderson – residing in North Foulis's close High Street, with Catherine Ainslie a Widow, Declares. That she was in Lees' house at the time of the theft. and she was in the room where Dundas and Meldrum were before it was committed taking in whisky to them. That she was in the kitchen after she had taken in the whisky, when she heard Meldrum cry out

Murder, and she went to the room along with Barbara Wallace, who acted as mistress. That Meldrum and Dundas were wrestling, when she went into the room, and Meldrum said that Dundas had robbed him of Twenty three pounds. That he took two half crowns out of his pocket, and offered to give them to Dundas, if she would return him his money. She lifted them, and was going away when Meldrum said will you take that too, and the Declarant desired her to lay down the money, and she returned the two half crowns. That during this period Mary Lees was looking through a broken window, which communicates with the next room, and which window the Declarant has heard is used by the Lees', in getting out money after it is stolen. That Meldrum seeing her at the window, said this is not a place for you, and desired her to go away and she went, but whether she had got the money by this time or not she does not know. That Barbara Wallace went out or more drink, saying they would perhaps make up matters. That she brought the drink, and the man implored Dundas to give him up his money, and he said he would but his throat or hang himself if he did not get it. That Meldrum went away towards the kitchen to get a knife as he said to cut his throat, and while he was away, the Declarant left the house, and she did not return. She then lived in Lees' but since she has been living with the said Catherine Ainslie not wishing to return there after she heard that Mrs Lees and the rest had been taken up. All which she declares to be truth. Can't write.¹³

Statement of witness Mary Simpson:

Mary Simpson [aged 25] – residing in New Street, Canongate, with Rebecca Bowers, a Widow Declares. That she has known the prisoner Mrs Lees for several years. That she was in her house on the night of Wednesday 29th April, 1840. She was in the kitchen sewing, and the prisoner Mary Lees, and a girl named Joanna Paterson were along with her. That Mrs Lees was in her own room in bed. That Charlotte Dundas, and Thomas Meldrum were in a room by themselves and Barbara Wallace was acting as Mistress of the house, and took in drink to them, as did also Jean Anderson who was somewhere about the house, if not in the room with Dundas. That shortly the man Meldrum came to the kitchen door and said he was robbed, and accused Charlotte Dundas with being the thief. That the Declarant knows nothing of the theft. She and the others were taken that night to the Police Office, and liberated next day. That she knows nothing of Mary Lees getting the money, and giving it to her mother, but she knows that Mary Lees awoke her mother before the Police came, and her mother got up, and left the house but was immediately brought back by a Policeman. That after they were liberated Mrs Lees said to Dundas and Wallace that the Declarant was entitled to something seeing she had been kept a night in confinement when she had nothing to do with it, but Duns said she would see her damned first. That she did not hear Mrs Lees or Mary Lees talk off any money. All which is truth.¹³

Statement of witness Johan Paterson:¹⁴

Johan Paterson [aged 13], Daughter of and residing with Johan Terrace or Paterson, a Widow in North Foulis's close High Street. Declares, That she was not in Lees' house at the time of the theft, but after she heard of it. She went down and saw Mary Lees. Declares that she knows nothing of any money being got in the close, nor did she quarrel with Mary Lees about money there, nor does she know of any large note being torn in the close, either by Mary Lees or any other person. The Declarant had nothing to do with it her-self. All which she declares to be truth. Can't write.¹³

Statement of defendant Barbara Wallace:

Barbara Wallace presently in custody being brought for Examination Declares, that she is Twenty five years of age, and resides in the house of Agnes Lees in North Foulis' close High Street. Declares, that on the night of Wednesday last the twenty ninth of April she was in the house of the said Agnes Lees at the same time that the prisoner Charlotte Dundas and a man were there together, in a room by themselves that she was not in the house when they came in and she did not take in any spirits to them, nor was she in the room at all. That the Declarant had not been seated above a minute or two, when the man came running out crying that he was robbed, and he went out and brought in the Police and the Declarant, Charlotte Dundas, and Agnes Lees were taken to the Office And being shown part of a Ten pound note, and a

¹⁴ Johan is the sister of shipmate Janet Paterson (*qv*). Johan was transported to Tasmania on the *Margaret* in 1843. Charlotte, Johan and Janet all lived in North Foulis' Close, High Street, Edinburgh prior to transportation.

purse labelled as relative hereto, she Declares that she knows nothing about any of them. All which she declares to be truth.¹³

Statement of defendant Charlotte Dundas:

Charlotte Dundas presently in custody being brought for examination – Declares that she is twenty give years of age and resides in High Street – Declares that upon the evening of Wednesday last the 29th of April the declarant met a man on the High Street who accosted her and the declarant took him to the house of Agnes Lees in North Foulis close High Street – That they were shown into a room together and had some drink which was brought into them by the prisoner Barbara Wallace – That he paid the declarant eighteen pence and after a while he called for the Police and charged the declarant with stealing from him £23, or £24 of money – That the declarant did not do so – That the man appeared against her next day in the Police office but she did not know his name and being shown part of a £10 note and a purse labelled as relative hereto she declares that she knows nothing about them – All which she declares to be truth, and declared she cannot write.¹³

Statement of defendant Agnes Lees:¹⁵

Agnes Lees presently in custody being brought for examination Declares that she is forty two years of age and resides in North Foulis close High Street and supports herself and family by letting lodgings – and being shown a purse, and part of a £1- notes, labelled as relative hereto she declares that on the night of Friday last the 1st current [in margin 'Friday 1st was 30th'] the two prisoners Charlotte Dundas and Barbara Wallace came to her house together and asked her to get them a Gill of whisky and she brought them one – That they quarrelled over it and Dundas asked Wallace if she was going to give her that and Wallace said “no” as she was too tipsy – That Dundas then said “I will have it for you have nothing to do with it” – and at last the thing they were quarrelling about was delivered up to the declarant to keep till the morning on condition that she would give it neither to the one nor to the other – That the thing she got she never examined particularly but it was such like as the part of the £10 note before mentioned – That she kept it till next morning between ten and eleven when Dundas and Wallace called bringing with them a man named John Thomson a chair maker – That the declarant delivered up the paper she had got either to Wallace or Dundas and thereafter she saw Dundas give it to Thomson at the window and then the three went out together and she did not see them again till she was taken to the office – That the declarant gave the said purse to Thomson to put it into – and being Interrogated declares that she was taken to the Police Office on the evening of the Wednesday before said Friday and searched, but she was not told what it was for but she knew that Wallace and Dundas were taken up along with her – Interrogated if she was not told in the Police office on the Wednesday night or Thursday morning that a man had been robbed or had had money in notes taken from him in her house on said Wednesday night – Declares that she was not – Interrogated if any time between Wednesday night and Friday night she had learned in any way, or from any person that a man had been robbed or had had money taken from him in her house on the Wednesday night – Declares “I was told but who told me I don't know” – the Gentleman himself pointed out Charlotte Dundas as the thief in the Police office, the words he said were “that's the Girl who took the money from me,” but he never said whether it was notes or Gold or Silver or Copper nor how much – Declares that she was in bed on the Wednesday night when she was apprehended and she did not know there had been a man in the house that night till she was taken up – Declares that the purse is her own, and she has had it for a long time – all which she declares to be truth.¹³

Statement of defendant Mary Lees:¹⁶

Mary Lees presently in custody being brought for examination – Declares that she is thirteen years of age and resides with her mother Agnes Lees in South Foulis close High Street – Declares that she was in her mothers house on the night of the 29th of April last when Thomas Meldrum Junior and Charlotte Dundas were in a room by themselves – That she was out when they came in but she heard they were there on her going home – That Meldrum did not call out murder nor make any particular disturbance but he called for the Police, and the Police came to him – Declares that she was not in the room when Meldrum and Dundas were

¹⁵ There is no record of Agnes Lees ever being transported to Tasmania.

¹⁶ There is no record of Mary Lees ever being transported to Tasmania.

either before or after the Police came nor did she know that either Jean Anderson or Barbara Wallace were there as she was not there herself to see. – That she heard Meldrum say when the Police came that money had been taken from him but she did not hear say so before that, and he did not mention how much nor whether it was notes or Silver – That her mother, Charlotte Dundas, Barbara Wallace and Mary Simpson were all taken to the Police office – That her mother did not tell her before being taken to the Police office that she had thrown the money below a barrow in the close – Declares upon being shown part of a £10 notes being the left hand side part, labelled as relative hereto, that she knows nothing about it – She never saw it before and she never gave it or any other part of a note to James Duffus Gardener or to any other person to get changed or value for [in margin 'false']– and being shown a purse labelled as relative hereto she declares that her mother may have had twenty purses for any thing she knows – She knows nothing about it – all which she declares to be truth, and declares she can write, but refused to sign this declaration.¹³

- 22 July 1840 Sister Ellen Graham tried at the Court of Justiciary, Edinburgh, Midlothian, Scotland with Sophia McLean indicted for theft, habit and repute in stealing on 29 June 1840 Glasgow 2 £5 notes, 4 £1 notes, 9 shillings, 6 pence at Low Terrace, Leith Street, Edinburgh from Duncan McGowan of Bath Street; verdict guilty; sentence¹⁷ 7 years transportation, resident of Carrubbers Close, High Street, Edinburgh.¹⁸
- 5 April 1841 Departed Woolwich, England on the *Rajah*.¹⁹
- 19 July 1841 Arrived at Hobart on the *Rajah*.¹⁹
- c24 July 1841 Upon arrival at Hobart, sent to Launceston for assignment.²⁰
- 31 December 1841 Mustered in the service of Mr Bateman, Launceston.²¹
- 11 February 1842 Charged with being out after hours last night from the service of Bateman; reprimanded.²²
- 4 May 1842 Charged with neglect of duty and being absent without leave from the service of Bateman; sentence 6 days in solitary confinement at Launceston Female Factory.²²
- 17 June 1842 At Launceston.²²
- 21 August 1842 Application for permission to marry William Williams²³ (*Elphinstone*) sent to the Muster Master.²⁴
- 27 September 1842 Charged with being absent without leave from the service of Mr Waldron; sentence 2 months hard labour in the Crime Class at Launceston Female Factory.²²
- 1 October 1842 Application for permission to marry William Williams (*Elphinstone*) sent to the Secretary; not approved, female must give proof of better conduct.²⁴
- 8 February 1843 Application for permission to marry George Kerton (free) sent to the Muster Master.²⁵
- 5 April 1843 Application for permission to marry George Kerton (free) sent to the Secretary; approved when she has been 12 months here ... without offence.²⁵
- 23 May 1843 Notice given of approval for permission to marry George Kerton; Charlotte in assigned service at Launceston; George free.²⁶
- 25 May 1843 Charged at the Police Court, Evandale with gross disorderly conduct in absenting herself without leave from the service of Mr J Glover; plea guilty; verdict guilty;

¹⁷ Sophia was found guilty and sentenced to 9 months imprisonment with hard labour; she had a previous conviction of theft at Edinburgh Police Court on 19 July 1834; resident of Carrubbers Close, High Street, Edinburgh.

¹⁸ NAS, JC26/1840/459 (Helen Graham); NAS, AD14/40/364 (Helen Graham)

¹⁹ AJCP, ADM 101/63 *Rajah*

²⁰ ML, CY 1282 p.141 (Charlotte Dundas); ML, CY 1274 p.256 (Charlotte Dundas)

²¹ AJCP, HO 10/51 p.358 No.303 (Charlotte Dundas)

²² TAHO, CON40/1/4 p.36 No.303 [image 40] (Charlotte Dundas)

²³ William Williams was transported for 7 years on the *Elphinstone* arriving in 1837; tried at York West Riding Quarter Sessions on 6 July 1836 for stealing from the person; aged 27, single, native of Bristol, labourer (TAHO, CON31/1/48 p.18 No.2296 [image 18] (William Williams)).

²⁴ TAHO, CON52/1/2 p.223 (Charlotte Dundas & Wm Williams)

²⁵ TAHO, CON52/1/2 p.96 (Geo Kerton & Charlotte Dundas)

²⁶ *Hobart Town Gazette*, 26 May 1843 p.604; 2 June 1843 p.627; 9 June 1843 p.659 (George Kerton & Charlotte Dundas)

- sentence 6 months hard labour at Launceston Female Factory, then returned to Government.²⁷
- 1 February 1845 Notice given of approval for permission to marry John Learoyde (*Asia*); Charlotte holding a Ticket of Leave, resident of Port Sorell; John a police constable, resident of Port Sorell.²⁸
- 3 February 1845 Application for permission to marry John Learoyde (*Asia*) sent to the Secretary; approved.²⁹
- 11 April 1844 Classified as a 1st class probation pass-holder gazetted 12 April.³⁰
- 16 April 1844 Classified as a 3rd class probation pass-holder; gazetted 19 April.³¹
- 7 May 1844 Application for permission to marry Hugh Gorman (free) sent to the Secretary; approved.³²
- 30 May 1844 Notice given of approval for permission to marry Hugh Gorman; Charlotte resident of Westbury, Hugh free.³³
- 12 July 1844 At Launceston.²²
- 16 November 1844 Ticket of Leave granted; gazetted 19 November.³⁴
- 3 January 1845 At Port Sorell.²²
- 14 August 1845 At Burgess.²²
- 4 September 1845 Recommended to Her Majesty the Queen for a Conditional Pardon available within the limits of the Australian Colonies and New Zealand; gazetted 9 September.³⁵
- 11 February 1846 Charged with feloniously stealing a promissory note for £1, the property of Nash Camp; fully committed for trial^{36, 22}
- 15 May 1846 **Married** William Smith at York Street Chapel, Launceston; Charlotte aged 27, spinster, illiterate; William aged 31, farmer, bachelor; witnesses H Rebecca Dowling and Elizabeth Dowling.³⁷
- 22 February 1847 Conditional Pardon granted on condition she shall not return to or be found within the United Kingdom of Great Britain and Ireland; gazetted 23 February.³⁸
- 20 July 1847 Free by servitude.²²
- 25 January 1848 Certificate of Freedom issued; gazetted 1 January.³⁹
- 16 November 1852 **Died** of liver complaint at Launceston; aged 33, labourer's wife; informant husband William Smith, resident of Wellington Street, Launceston.⁴⁰
- November 1852 Buried in the Scotch Presbyterian Cemetery, Launceston.⁴¹

²⁷ TAHO, LC137/1/1 (Charlotte Dundas)

²⁸ *Hobart Town Gazette*, 4 February 1845 p.144; 11 February 1845 p.170; 18 February 1845 p.197 (John Learoyde & Charlotte Dundas)

²⁹ TAHO, CON52/1/2 p.111 (Charlotte Dundas & John Learoyde)

³⁰ *Hobart Town Gazette*, 12 April 1844 p.427 (Charlotte Dundas)

³¹ *Hobart Town Gazette*, 19 April 1844 p.454 (Charlotte Dundas)

³² TAHO, CON52/1/2 p.71 (Charlotte Dundas & Hugh Gorman)

³³ *Hobart Town Gazette*, 7 June 1844 p.616; 14 June 1844 p.643; 21 June 1844 p.685 (Hugh Gorman & Charlotte Dundas)

³⁴ *Hobart Town Gazette*, 19 November 1844 p.1444 (Charlotte Dundas)

³⁵ *Hobart Town Gazette*, 9 September 1845 p.1124 (Charlotte Dundas)

³⁶ No trial record has been found.

³⁷ TAHO, RGD37/1/5 1846/430 Launceston (Charlotte Dundas & William Smith)

³⁸ *Hobart Town Gazette*, 23 February 1847 p.212 (Charlotte Dundas); *Colonial Times*, 2 March 1847 p.2 (Charlotte Dundas)

³⁹ *Hobart Town Gazette*, 1 February 1848 p.129 (Charlotte Dundas)

⁴⁰ TAHO, RGD35/1/17 1852/691 Launceston (Charlotte Smith)

⁴¹ personal communication, Dianne Cassidy, 18 August 2012 (Charlotte Dundas/Smith)