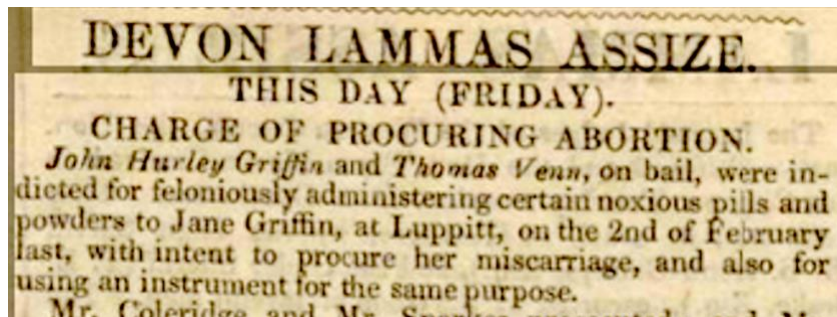


Used and Abused

Jane Griffin (1834-1863)
and
John Hurley Griffin (1825-1916)

Charges of procuring an abortion

On Tuesday July 19th 1853, at the Devon and Exeter Lammas Assize held in the Castle of Exeter, John Hurley Griffin, a farmer, and Thomas Venn, a surgeon, both 28 years old, were charged with 'feloniously administering noxious pills and powders at Luppitt to Jane Griffin (now aged 19) with intent to procure her miscarriageand also for using an instrument for the same purpose'. This offence occurred the previous February. Both men had been granted bail. A Grand Jury consisting of 22 men (7 being Lords or Baronets) was required for the trial which began on the following Friday before the Hon. Mr. Baron Martin.



From the *Exeter and Plymouth Gazette* July 23rd 1853. Source: The British Newspaper Archive



View of Luppitt in the Blackdown Hills of Devon.
Photo: Euan McGillivray
2007

Griffins in Luppitt

The village of Luppitt, a small, mostly dairy farming community, is situated on the rolling Blackdown Hills of East Devon. The nearest market town was Honiton¹ about 7.5 kms away. The Griffin families had been farmers in Luppitt for hundreds of years, and were related by marriage to many other local families including Hurleys, Piles

and Bradleys. Jane Griffin's parents were James Griffin (1806-1888) and Mary Warren (1806-1849) who ran the property known as *Overday*. About half a mile away, John Hurley Griffin farmed at *Calhays* (aka *Calways*) on 64 acres. John was the son of Clement Griffin (1801-1847) and Jane Hurley (b.1801). He had been married to Elizabeth Doble in 1848 but she had died by the following year. He lived with his widowed mother, unmarried sister Jane Hurley Griffin and three farm workers.



Overday Farm, Luppitt c1910, where Jane Griffin lived with her father James and family c1850. Source: English Heritage

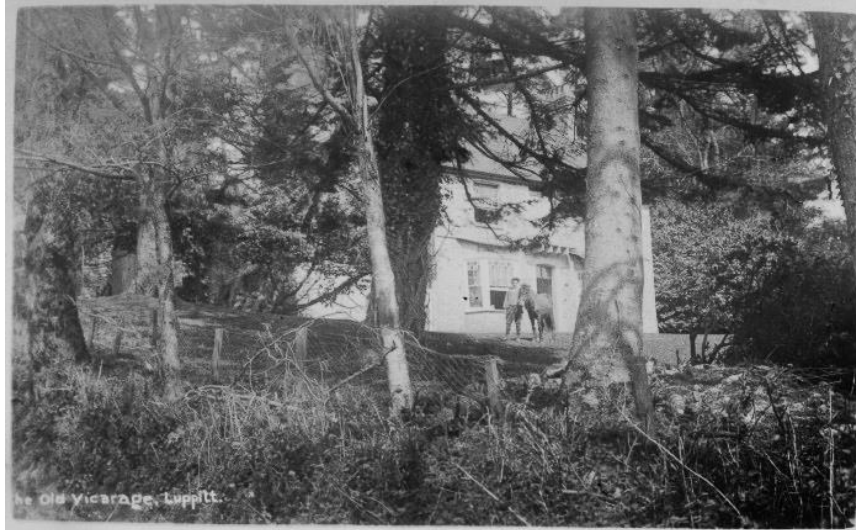


Calways Farm, Luppitt c1910 (also called *Calhays*) where John Hurley Griffin lived c1850 with his mother and sister. Source: English Heritage

In 1851 Jane's father was running 90 acres at *Overday* with his eldest sons Josiah and Thomas Griffin. As their mother had died the previous year, Jane and her elder sister Mary Griffin were responsible for running the household and looking after the younger siblings - James 8 and Susan 4. They also had the help of two farm workers.

Left alone with John

John and Jane were related, either as first or second cousins and John had often visited *Overday* farm and was friends with her elder brothers. In August 1850, 25-year-old John began having a sexual relationship with 16-year-old Jane. Jane gave testimony in court describing that the relationship began one day when she had been to the vicarage to be examined for her church confirmation by Rev. John Cooke Venn the local curate of St. Mary's church, and brother of the co-accused Thomas Venn.



The Old Vicarage, Luppitt, where Jane went to be examined for her confirmation. Source: Luppitt.net



Left: View from St Mary's churchyard looking towards the Red Lion Inn on the far right. Source: Luppitt.net

Below: The Red Lion Inn Luppitt. Photo; inews.co.uk 2009

After seeing the Reverend, Jane wanted to visit her friends, the inn-keeper's daughters, and so went with her brothers to the *Red Lion Inn*. Around 9pm or 10pm Jane left with one of her brothers and John. On the way home this brother went back to the inn to get the other brother, and John, now alone with Jane, had sex with her for the first time. Jane stated in court that John had sex with her many times after that, telling her it would do her no harm!





The road from the Vicarage to the Luppitt Inn. Source: Google Maps

In the 'family way'

But in October 1852 Jane suspected she was pregnant, and on informing John, he said she must see Thomas Venn, the 27-year-old surgeon who had recently come to stay with his brother at the vicarage. In December, due to having a cold, Jane went to the vicarage where Thomas used a stethoscope to confirm Jane's pregnancy. John said Thomas could give her some pills to bring on a miscarriage, and if that failed, he had instruments that would complete the operation.

The next month at the insistence of John, Jane returned to the vicarage to have the termination carried out. Thomas used a speculum to assess the condition of the pregnancy but did not apply any instrument to cause a miscarriage, warning her she could become very ill or bleed to death on her way home.

Thomas was also reluctant to perform the operation at his brother's house, the vicarage. So, John and he arranged for Jane to meet them on February 2nd in a small wood, a coppice near Luppitt Hill about a quarter of a mile from *Overday* farmhouse. John arrived with his dog and gun to keep watch while Thomas attempted to perform the operation on Jane. However, Thomas again decided he could not safely perform the termination at this time so another place was selected for them to meet again in a fortnight's time - an isolated and deserted church-house. There and later, in a field behind a hedge, Thomas tried again but



A hedged laneway in Luppitt.
Source: Devon Hedge Group,
photo: Rob Wolton 2010

could not or would not, induce a termination. Jane was about 4 to 5 months pregnant at this time, so it would have been a dangerous late-term abortion. In between these ordeals John had frequent sex with Jane, telling her it would help achieve the miscarriage!

Given pills and powders

After what must have been, at best extremely physically and mentally uncomfortable, and at worst, traumatic for Jane, John gave her some pills apparently supplied by Thomas, that were supposed to bring on the required miscarriage. Jane took six pills which not only made her very sick, but also did not achieve the desired result. John then said he could give her stronger ones but she would first have to sign a letter he had written for her. In this letter, in his own handwriting, John wanted Jane to declare that another cousin of hers named Davey, was the father of the unborn child. Jane refused to sign and showed the letter to her sister and father who, with Jane, immediately went to an attorney, Mr Townsend in Honiton, to begin proceedings against John for damages.



View in Honiton, Devon c 1900 by Alfred Leyman (1856-1933) watercolour. Shows the High Street Honiton, where Jane and her father went to see their attorney Mr Townsend in 1853. Source: The Swan Gallery

The birth

On June 16th 1853 Jane gave birth to a healthy baby boy she named John! In court, her attending surgeon Henry James Shirley gave testament that the birth was 'a very severe confinement, from rigidity of the parts and natural causes', making it clear that the attempted abortion did not contribute to the difficult delivery. On July 4th Jane had the baby baptised at St Mary's church in Luppitt, but no father's name was entered into the register.

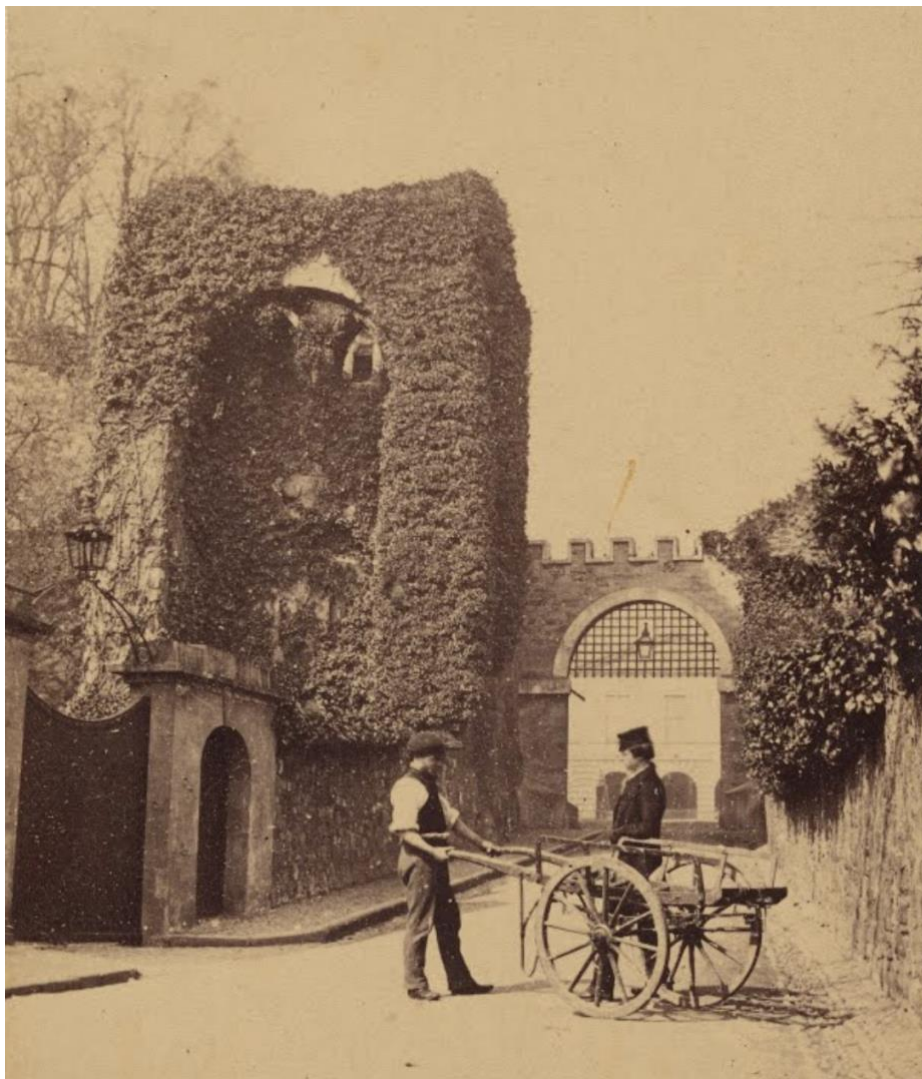
Pursuing a case

Townsend stated in court that initially he was going to prosecute for seduction but then under counsel's advice, changed his mind to focus on the attempted abortion charges, probably realising the difficulty of proving a young woman's word against a local farmer as to the seduction. Given the details of Jane's testimony - the specific

times, dates, locations and methods - hers may have seemed like a good case to prove the attempted abortion.

The first trial

Only five weeks after this difficult birth, Jane had to endure travelling to Exeter Castle for the trial, about 40 kms (in those days it probably took about 3 or 4 hours of being bumped and tossed about in a carriage unless a railway² ticket was afforded) and having to explain what had happened to her in detail, in a courtroom full of men: the 22 members of the Grand Jury, plus four barristers and the judge. I am sure she would not have been to Exeter previously and would not have travelled that distance before, and certainly not been in a courtroom before. During the first session she was so unwell she was unable to stand up in the witness box and appeared so weak that the defence requested an adjournment, probably seeing that her condition would not help their defence. This was initially refused by the judge, but when Jane's barristers Mr Coleridge and Mr Sparkes could see she was too fragile to give her testimony even sitting down, and not being allowed any respite, a deal was done with the judge and defence counsel to acquit John and Thomas on the charges of administering pills and powders, and seek trial at the next Assizes on the second charge of using an instrument to achieve an abortion. John and Thomas were granted bail until the next session scheduled for March 1854.



Entrance to Exeter Castle (also called *Rougemont*), 1865. Jane would have entered through here to attend court. The Assize Court can be seen through the archway at the end of the road. Photo: William Spreat Source: Google Arts and Culture

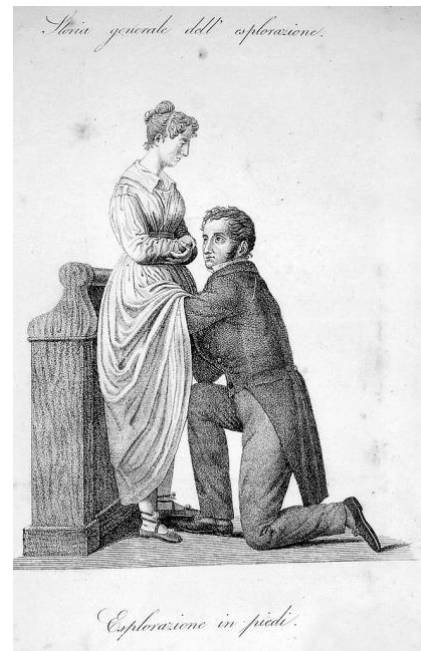


The Assize Court, Exeter Castle, 1800s where the court case was conducted. Source: exetermemories.co.uk

The second trial

At this second trial of John and Thomas on the indictment of attempting to procure an abortion with an instrument, Jane had to once more travel to Exeter to give her evidence and face cross-examination in a courtroom full of men. Proof of the charge rested solely on Jane's testimony. She had to describe not only her sexual relationship with John but also the manner in which the attempted abortions were carried out - the places where they were conducted, descriptions of the instruments used, and how she was physically positioned for each operation.

Internal examination of a woman c1800. Jane described this as one of the ways Thomas examined her - standing up!
Source: janeaustensworld.com



Thomas is the 'victim'

The defence counsel for Thomas, Mr Phinn, brought in three surgeons to testify that the instruments described by Jane were not what would be chosen to procure a miscarriage, and that it would have been easy for Thomas to procure an abortion if he wanted to, therefore it was 'absurd to suppose that he had ever attempted to do so'³. It was also stated that when Thomas had heard of the charges against him, he voluntarily came to Exeter (he was in Leicestershire) to stand trial. Phinn, said Thomas 'was the victim of the girl Jane Griffin's animosity'⁴ and pointed out that 'his client had been educated for a liberal profession, and was now arraigned on such a serious charge that if he were to be found guilty, he would be subject to transportation, and all his prospects that he had contemplated in his studies would be blighted'. No such consideration for Jane's prospects.

'Irreproachable character'

Defence stated that both prisoners had 'borne an irreproachable character' and that the evidence given by Jane could not be corroborated by anyone else. John and Thomas must have denied all the details of her testimony. She was not to be believed. The letter John had tried to get Jane to sign to implicate her cousin Davey, had been read out and shown to the court but seemed to leave no ill-impression on the jury as to John's character - he was believed that he was not the father! Any benefit of doubt did not favour Jane.

The media

There was little or no detail in any of the news reports of John or Thomas's evidence or cross-examinations. The reporters focussed solely on what would have been seen as the titillating details of Jane's testimony. Two papers, however, said the details were 'unfit for publication'⁵.

A 'revengeful woman'

During the trial a letter from Jane to Thomas dated March 12th was shown and read in court, in which she declared she had been very unhappy, driven to despair, and 'if the Lord had not been near she should have destroyed herself'⁶. But this did not elicit any sympathy or consideration - again she must be lying.

Instead, the defence demonised her. In his summing up, Griffin's barrister, Mr Stone, said that Jane's story 'was entirely untrue, and was only the invention of a revengeful woman, who had felt herself injured by a man who seduced her, and then sought to shift the burden of maintaining her child from his own shoulders...It was clear that no injury had been done to her...' ⁷ so it was her idea to abort a child he (or another 'seducer') was willing to support!

Other comments from the defence concluded: Jane was 'a participator in the crime she alleged had been committed.'⁸ She was 'a participator in all the guilt she had brought forward and therefore the jury would look with great care at her unconfirmed evidence'⁹.

The jury took ten minutes to return a verdict of 'Not Guilty' for both John and Thomas.

No responsibility

Clearly John did not want to acknowledge Jane's child was his. This would have meant marrying Jane or contributing to paying for the child's care and maintenance. He had tried his hardest to avoid all responsibility for his own actions - the sexual relationship he initiated with Jane when she was only 16 and he 25, the subsequent pregnancy, and his role in the attempted abortions. He had also spread denials of his paternity amongst the local community which would have included maligning Jane - she was 'not very well pleased with him about that'¹⁰.

Thomas on the other hand can be seen as weak rather than despicable. He had no compunction about attempting to perform his examinations of Jane under clandestine circumstances, in unsafe environments. But it seems in consideration of Jane's health (or maybe the consequences for him should Jane suffer illness or death) that he was reluctant to perform the abortion, and had at least on one occasion warned Jane of the potential risks she could face. But it is clear he denied everything else Jane had said about the various meetings between her, John and himself.

After the case

Not long after the court case, both John and Thomas left Luppitt. Thomas was only temporarily in Luppitt, staying with his brother. The Medical Directories from 1855 and 1860 state he had recently been employed as a surgeon in the Royal Mail Steam Packet Service. Sometime during the next 10 years he was an assistant surgeon in the militia volunteers, and a medical officer in New Zealand, which is stated in the Medical Directory of 1870. But as the directories of 1860 and 1870 note, he had not sought registration under the new Medical Act (1858). Perhaps because he was overseas. The 1871 census shows him listed as a surgeon, and living as a lodger in Pimlico, London and the directories of 1875 and 1880 show he now had his medical registration. In 1881 he was a lodger in Hackney, London, but the census shows he was no longer a practising surgeon. Thomas never married. He died in 1886, age 61, at *Barnwood House* Gloucester, a psychiatric institution for the middle and upper classes. It seems that events did not turn out all that well for Thomas.

John, on the other hand, lived a long and fulfilling life. In the few years following the court case, he moved with his mother and sister to *Parsonage Farm* in Kittisforde, Wellington, Somerset, about 25 kms north of Luppitt. In 1866 he married Elizabeth White and they had three children. He farmed on various properties in that area for the rest of his life, dying at the age of 91 in 1916.

Jane's short life

Jane was not cast out from her family or her village. In January 1855 she married a Luppitt carpenter, William Coles and their first two children were baptised there: Mary in 1855 and James in 1856¹¹. By about 1858 they moved to Uffculme, about 12.5 kms from Luppitt, to a cottage *Goodleigh* and here William earned a living as a dairyman. The 1861 census shows Jane and William with two daughters Susan age 2, Mary age 5 and a son James age 4, but also listed is her first son John, now age 7 and bearing his step-father's surname Coles¹². Later that year Jane and William had another son, Thomas, who was baptised at Uffculme.



Church of St Mary the Virgin, Uffculme, where Jane and William's son Thomas was baptised.
Photo: Euan McGillivray 2014



St. Mary's Luppitt, where Jane, and many other Griffins, are buried. Photo: Euan McGillivray 2014

Jane died at Uffculme early in 1863. She was only 28 years old. Interestingly, she was not buried at Uffculme, but at St Mary's churchyard in Luppitt on Feb 20th 1863. Also buried there the same year but on April 29th is a 3-year-old recorded as William Coles¹³ (and also as James William Coles 'of Uffculme'¹⁴). Another burial in the same year at Luppitt is Ann Coles age 81 buried on April 3rd, a relative of William's¹⁵. Why Jane and little William were buried at Luppitt and not Uffculme I don't know. Was it at Jane's request? Certainly, Luppitt was her family home and very much Griffin territory. After her death William Coles remarried, eventually became a farmer and moved to nearby Culmstock, where he died at the age of 80.

What happened to John Griffin/Coles?

It is uncertain what became of Jane's first son. He is not listed with the Coles family in 1871 or any census with them after that. I have found an 1861 news report of a John Coles age 8 with another boy, Joseph Fowler age 10 appearing in court charged with stealing wood worth 6^d from an unoccupied house at Uffculme. Both boys' parents were fined 15 shillings each. This is likely to be Jane's son given his name, age and the place of the crime. There is also an 1871 census record of a John Griffin age 17, born at Luppitt, as a butcher's assistant with the Mortimer family in nearby Hemyock, that could be him. Further searches under both names, Coles and Griffin, have brought up several possibilities but none can be confirmed.

Ann Hurley
2021

hurleyskidmorehistory.com.au

Notes and resources:

1 From White's *Devonshire Directory of 1850*: HONITON, an *ancient borough and market town*, which has long been celebrated for the manufacture of beautiful *lace*, is picturesquely situated on rising ground, on the south-eastern side of the river Otter, 16 miles E.N.E. of Exeter, 9 miles W. by N. of Axminster, 16 miles E.S.E. of Tiverton, 152 W.S.W. of London

2 From White's *Devonshire Directory of 1850*: Honiton (Luppitt's nearest town) is nearly 10 miles E.S.E. of Collumpton Station on the Bristol and Exeter Railway.

3 *The Morning Post* March 17th 1854 (British Newspaper Archive)

4 *The Morning Post* March 17th 1854 (British Newspaper Archive)

5 *North Devon Journal* March 23rd 1854 and the *Shipping and Mercantile Gazette* March 17th 1854 (British Newspaper Archive)

6 *The Western Courier* March 22nd 1854 (British Newspaper Archive)

7 *The Globe* March 17th 1854 (British Newspaper Archive)

8 *The Morning Post* March 17th 1854 (British Newspaper Archive)

9 *Reynold's Newspaper* March 19th 1854 (British Newspaper Archive)

10 *The Western Times Exeter* March 18th 1854 (British Newspaper Archive)

11 These are the only two children recorded as being baptised at Luppitt, although the 1861 census says all the children on this census were baptised there.

12 Also, on this census there is a 'son William 11 born at Luppitt' who may have been child of William's from an earlier marriage, or another relative.

13 List of Burials at St. Mary's churchyard (Luppitt.net)

14 Coles Family Tree - added as a note, not linked to a family. (Luppitt.net)

15 Ann Coles age 73 appears with William and his parents in the 1851 census at Luppitt (Ancestry.com)