

## **A Story from the Adelaide Gaol**

### **John Seaver - Murder at Government House,**

#### **Adelaide, South Australia 1862**

Late one February afternoon John Seaver, an ex-policeman, strode towards the front gateway entrance to Government House where a sale of the property of Governor Sir Richard Graves MacDonnell was underway.

It was 4.10pm. Admittance to the sale of effects was by ticket. Inside, a crowd were bidding for goods in the auction.

As Seaver walked through the gateway, a constable on duty stopped him. The constable knew that Seaver was an employee at Government House and jokingly asked Seaver what was he carrying in his hand. The object was wrapped in black cloth. Seaver replied that it was a pistol as he wanted to shoot some cats on the property. The constable allowed Seaver to continue.

The guard at the house door, a Private in the 40th Regiment, did not challenge Seaver as it was not his duty to collect tickets.

Seaver mingled with the crowd. His wife who was present saw him following Police Inspector Pettinger around various rooms. Seaver entered a room and sat down. His wife came in and sat beside him. Police Constable Badman heard her say "Take him out! Take him out!"

Seaver and his wife both stood up as the crowd followed the Auctioneer to go to the next room. The last persons to leave the room were Seaver and Inspector Pettinger.

Suddenly a gun shot echoed through the house.

Several of the crowd who had just left the room rushed back in. The Inspector was lying on the floor in a pool of blood. The duty constables came into the room to find John Seaver was already there. A gun was lying on the floor next to the body of the Inspector.

On first examining the scene the police thought that it may have been a suicide, but this first thought was quickly discarded. The police were unable to find anyone who had actually seen the shooting and Seaver did not volunteer any information. It was noted that Seaver had powder marks on his hand and blood on his clothes.

Acting on advice from Sergeant Willis, Police Constable George Badman charged Seaver with suspicion of committing the shooting and arrested him. Seaver was cautioned by the Officer.

A Coroners Inquest was held that day at 8.00pm at Government House. Constable Badman gave evidence that he arrested Seaver on the Sergeant's order as Seaver at the time had blood on his shirt sleeve cuffs, and powder burn marks on the front of his hat and hand. Also that the piece of cloth on the floor had been identified as the cloth Seaver had a gun wrapped in when he had entered the grounds and house.

John Cave of Mile End stated that he was only several feet in front of the

## **A Story from the Adelaide Gaol**

victim, but in the passage, when he heard the report of a gun.

He turned and saw smoke that had come from a discharged firearm. He then saw Seaver step over the body and as he did, he, Seaver, kicked a piece of rag into the pool of blood that began to flow onto the floor. He had not seen the face of the person who had fired the gun as he only had a partial view into the room.

Constable Featherstone told the Coroner that on the day of the shooting he had been standing outside Government House when Seaver walked by and remarked "It will be a better day for you today than yesterday".

Other statements were given to the Coroner that Seaver had made; "It's a pity that puppy Pettinger was ever put over me and there will be two wives tonight to care for."

The Inquest was adjourned until the next day to be held at the Gresham Hotel.

George Tallis stated that he was Assistant Colonial Surgeon. He stated that the gun had been fired about 12 inches from the back of the victim's head, and that it would not have been possible for the Inspector to hold the gun and fire it into the back of his head if he wanted to commit suicide.

Constable Badman stated that when the woman in the room had said "take him out" he saw no reason to do so as he did not know what was meant by the remark.

One witness stated that whilst in the crowd he looked back towards the door and saw an outstretched arm holding a pistol; he heard it fire but could not see who was holding the pistol.

The Coroner found there was a case against John Seaver. Seaver was committed for trial.

At an early stage Mrs Seaver was committed to stand trial with her husband. The trial opened with both in the dock. The indictment was read and, on asking how did they plead, both pleaded not guilty. Seaver advised the Judge he had no money or anyone to represent him.

The Judge, seeing Mr Cooper, a solicitor, in the court, asked if he would represent Seaver. Mr Cooper agreed and Mr Andrews, another solicitor, represented Mrs Seaver.

The Crown Solicitor opened the trial, calling witnesses. Constable Badman repeated his account of Seaver and his wife sitting together in the room and that Seaver's wife had said to him "take him out" and that the wife had then got up and left the room.

Evidence was given that the deceased had no powder burn marks on his hands, ruling out suicide, and where the bullet had entered the deceased's head ruled out the possibility of the deceased shooting himself.

The Crown Solicitor brought forward 22 witnesses, several repeating remarks Seaver had made to them about Pettinger days before the shooting. After

## **A Story from the Adelaide Gaol**

further evidence had been given the Judge instructed the Jury to either convict the woman of being an accessory to murder or acquit her. He could find no evidence against her.

The jury found accordingly and Mrs Seaver was discharged. John Seaver had a case to answer to.

In his address to the jury Mr Cooper said there was no motive proven or that there was malice against the victim by Seaver, nor was there anything in the prisoner's conduct from the beginning to the end, and that he was not guilty of the crime, that the evidence was circumstantial, and that a woman present had stated that the victim had shot himself. Why was she not brought forward to give her story? And the prisoner had not tried to escape after the shooting.

It was also stated by one person, that at the time the pistol was fired, he (Seaver) was in the cellar sorting bottles. No one had seen the face of the person who actually shot the Inspector, it was all circumstantial.

Seaver made no statement, and no confession was given by him. Witnesses were called for the defence, but the case against Seaver built up rapidly. There was no escaping the circumstances of the shooting.

The Judge then summed up and advised the jury that it was their duty to return a verdict on the conclusions they might arrive at, without allowing any feelings of mistaken compassion to influence them. The jury retired.

Ten minutes later they returned with a verdict of guilty. Seaver was sentenced to death. Seaver was removed from the dock and returned to Adelaide Gaol.

John Seaver was born in England in 1810 and at 16 he enlisted in H.M. 36th Foot Regiment. He served in the West Indies and Canada, and by all accounts he served well.

At a later date he came to Adelaide and joined the Police Force. Eventually, after several warnings, he was asked to resign due to drinking on duty.

Inspector Pettinger was promoted above him. This hit John Seaver hard.

At 52 his career was gone. He found employment at Government House. He had often remarked to various persons that it was a sad day that the puppy Pettinger had been placed over him.

Inspector Pettinger's funeral left the Police Barracks adjacent to North Terrace and proceeded along the Terrace to King William Street then into Rundle Street and through the parklands to St Matthews Church and Cemetery at Kensington for burial. The service was given by Mr Hayfield and The Very Reverend Dean assisted by Reverend Jenkins. The cortege was flanked by the Reedbeds Volunteer Cavalry and other Volunteer groups, including the Governor.

On the morning of March 11th the Sheriff read the warrant for John Seaver's execution to the assembled officials. The execution was to be the second private execution in the Colony, away from the public eye, The first private one had been inside the Gaol in 1861 when 4 aboriginals known as the

## **A Story from the Adelaide Gaol**

Rainbird Murderers had been executed.

Prior to 1861 executions had been done under the public's gaze outside the front gate of the Gaol.

At 8.00am John Seaver's cell door was opened and he emerged dressed in white. Pinned to his breast was a black cloth crucifix. The Sheriff, officials and Seaver commenced walking along the laneway towards the western laneway of the gaol. The party turned from the western lane into the lane heading north and on reaching the junction of both lanes the gallows was reached.

The gallows, a portable piece of equipment standing over 20 feet in height, was assembled before an execution, then disassembled after use. It had black cloth draped about it. (This gallows was in use until 1883 then in 1894 an indoor gallows was used. It was situated on the first floor of the Gaol's southern block wing.)

Seaver was carrying a rosary and a small cross, accompanied by Fathers Maurice and Russell. Seaver stopped at the gallows steps, looked up at the gallows platform, then ascended the steps steadily. On the platform Father Russell repeated the prayers they had been repeating since leaving the condemned cell.

The executioner strapped Seaver's ankles together, pulled the hood over his head, adjusted the rope and, on the signal from the Sheriff pulled the lever.

Seaver's body dropped the pre-planned distance. A slight shudder was seen on the body. One hour later the body was taken down and the Coroner held an inquest.

John Seaver's body was later buried in a grave further along the laneway.

His name and execution date were marked on the Gaol wall. Curiously his was marked as number one, although he was actually the 30th person to be executed in the Colony (this figure includes country executions). Prior to this, the initials and dates of executed persons were not marked on the wall.

(Newspaper reports say his body was buried next to William Wright who was executed in 1853.)

It was later reported that after the execution Mrs Seaver went to live in Tasmania.

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