

*Eliza Deans* \*  
(*uxor Eliza Cox, Eliza Follard*)

POLICE NUMBER 302 <sup>1</sup>	LITERACY read and write
TRIAL DATE 15 June <sup>2</sup> 1840	AGE ON EMBARKATION 21
TRIAL PLACE Edinburgh Court of Justiciary	AGE ON ARRIVAL 22
OFFENCE stealing a pair of books and previous conviction	HEIGHT 5' 2½"
SENTENCE 7 years	COMPLEXION black
GAOL REPORT imprisoned and convicted before, single	HEAD oval
PREVIOUS CONVICTIONS once 4 months for stealing a shawl	HAIR black
SURGEON'S REPORT good	VISAGE oval
ON THE TOWN no	FOREHEAD broad
MARITAL STATUS single	EYEBROWS black
CHILDREN 0	EYES brown
FAMILY father __ Dean, a West Indian planter	NOSE medium
NATIVE PLACE Long Island, America	MOUTH medium, lips thick
TRADE ON EMBARKATION straw hat maker	CHIN round
TRADE ON ARRIVAL nurse, needlewoman	MARKS woman of colour

c1819                    **Born** at Long Island, New York State, United States of America;<sup>3</sup> father Dean, West Indian planter.<sup>4</sup>

26 January 1836      Tried at Edinburgh, Midlothian, Scotland as Elizabeth Deans indicted for theft in stealing 1 psalm book, the property of Janet Tweedie or Inglis of 51 Clerk Street, Edinburgh; 1 bible, the property of Margaret Hall of 36 Clerk Street, Edinburgh; 1 bible, the property of William Thomson, sadler, of 18 South Hanover Street, Edinburgh from the Chapel in Clerk Street, Edinburgh on 17 January 1836; and within the last 2 months, stealing from the English Chapel, Carrubbers Close, Edinburgh, 1 cotton umbrella, the property of Margaret Bulle of 9 Rutland Street, Edinburgh, the articles not exceeding £10 in value; plea not guilty; verdict guilty; sentence 60 days imprisonment in the Bridewell, Edinburgh.<sup>5</sup>

23 August 1836      Tried at Edinburgh, Midlothian, Scotland indicted for theft in stealing within the last 3 weeks from the House of Refuge, Canongate, Edinburgh 3 women's caps, 1 pair of scissors, and 2 pairs of women's stockings, the articles not exceeding £10 in value; plea guilty; sentence 60 days imprisonment with solitary confinement in the Bridewell, Edinburgh; resident of the House of Refuge, Edinburgh.<sup>5</sup>

27 March 1839      Tried at Edinburgh, Midlothian, Scotland as Elizabeth Deans indicted for theft in stealing a red and green striped cotton shawl not exceeding £10 from Thomas Heriot, draper, at Lawnmarket, Edinburgh on 26 March 1839; plea not guilty; verdict guilty; sentence 60 days imprisonment in the Bridewell, Edinburgh.<sup>5</sup>

5 October 1839      Charged at the Sheriff Court, Edinburgh, Midlothian, Scotland with theft and previous convictions in stealing a red cashmere shawl, a gold finger ring, a black silk shawl; verdict guilty; sentence 4 months imprisonment in the Bridewell, Edinburgh.<sup>5,6</sup>

15 June 1840        Tried at the Court of Justiciary, Edinburgh, Midlothian, Scotland indicted for theft and previous convictions in stealing on 1 April 1840 from William Cownie, clothier,

<sup>1</sup> TAHO, CON40/1/4 p.35 No.302 [image 39] (Eliza Deans); TAHO, CON19/1/1 p.194 [image 100] (Eliza Deans); ML, CY 1282 p.147 (Eliza Deans); ML, CY 1197 p.157 (Eliza Deans); ML, CY 958 p.443 (Eliza Deans)

<sup>2</sup> Trial month given as January on conduct record (TAHO, CON40/1/4 p.35 No.302 [image 39] (Eliza Deans)), but June on Embarkation List (ML, CY 1197 p.157 (Eliza Deans)) and Assignment List (ML, CY 958 p.443 (Eliza Deans)).

<sup>3</sup> Native place given as West Indies on marriage certificate to John Follard.

<sup>4</sup> TAHO, CON19/1/1 p.194 [image 100] (Eliza Deans)

<sup>5</sup> NAS, AD14/40/456 (Eliza Deans)

<sup>6</sup> NAS, JC26/1840/426 (Eliza Deans)

This biography supplements our book *Patchwork Prisoners* available from [www.researchtasmania.com.au](http://www.researchtasmania.com.au).

of South College Street, Edinburgh 4½ yards of cloth, and on 21 April 1840 from the shop of John Thomson, shoemaker, in Davie Street, Edinburgh 1 pair of boots; verdict guilty in terms of own confession, no declaration in precognition; sentence 7 years transportation; lately resident of Pleasance of Edinburgh, cannot write.<sup>8</sup>

Statement of defendant Eliza Deans:

*Eliza Deans, at present in custody Declares I am Twenty one years of age, and I was born at Long Island, and I last lived at the Pleasance, Edinburgh, with a Miss Fraser, a dressmaker; and I have been four times punished for stealing. One day about four weeks ago Mrs. Temple the wife of a plane maker at the foot of Leith Wynd with whom I then lived, accompanied me to College Street, and she had some business there with an individual who keeps a wareroom, and whose name I am informed is Cownie, and I Carried away from the wareroom a piece of black and red Cloth containing about five Yards, and took it to Temples house and on the following morning Cownie called and made Enquiry about it and I gave it to Mrs. Temple who gave it up to him. Mrs. Temple did not know I had stolen it. Declares On Tuesday the twenty eighth day of April last, I went into a shoemakers shop in Davie Street in order to purchase a pair of boots, but I did not see a pair to please me and I stole a pair from a shelf and pledged them with the South Bridge pawnbroking Company for three shillings in name of Robertson, Catharine Street on the following Friday, and I lost the pawn ticket; I now see the same boots and a Label is attached to them, and they are made of prunelea and leather; and this is truth.<sup>5</sup>*

- 5 April 1841 Departed Woolwich, England on the *Rajah*.<sup>9</sup>
- 19 July 1841 Arrived at Hobart on the *Rajah*.<sup>9</sup>
- c24 July 1841 Upon arrival at Hobart, assigned to the Reverend Mr Lillie, Hobart.<sup>10</sup>
- 2 November 1841 Charged with larceny under the value of £5; in the service of Sharland; existing sentence of transportation extended 12 months and 6 months probation at Cascades Female Factory, Hobart.<sup>11</sup>
- 31 December 1841 Mustered at Cascades Female Factory, Hobart.<sup>12</sup>
- 31 August 1842 Charged at the Police Court, Hobart by her master Mr Louis Nathan with larceny under £5 in stealing from him on 29 August 1 golden coin commonly called a doubloon value £3 and 1 other gold coin value 15 shillings; plea guilty; existing sentence of transportation extended 2 years and recommended to be detained 12 months on probation at Cascades Female Factory, Hobart.<sup>13</sup>
- 12 January 1844 At Launceston.<sup>11</sup>
- 21 February 1844 Classified as a 1<sup>st</sup> class probation pass-holder; gazetted 23 February.<sup>14</sup>
- 30 May 1844 Charged with being absent without leave from the service of Grant and insolence; sentence 2 months hard labour at Launceston Female Factory.<sup>11</sup>
- 12 July 1844 At Launceston.<sup>11</sup>
- 31 August 1844 Promoted from a 1<sup>st</sup> class to a 2<sup>nd</sup> class probation pass-holder; gazetted 6 September.<sup>15</sup>
- 23 September 1844 Hired in private service for 1 month as a probation pass-holder to John Sprout, Hadspen.<sup>16</sup>
- 26 November 1844 Hired in private service for 3 months as a probation pass-holder to Henry Jennings, Launceston.<sup>17</sup>
- 31 January 1845 Promoted from a 2<sup>nd</sup> class to a 3<sup>rd</sup> class probation pass-holder; gazetted 4 February.<sup>18</sup>

<sup>7</sup> Sentence given as 14 years transportation in newspaper article.

<sup>8</sup> *Caledonian Mercury*, 18 June 1840 Issue 18791 (Eliza Deans); NAS, AD14/40/456 (Eliza Deans); NAS, JC26/1840/426 (Eliza Deans)

<sup>9</sup> AJCP, ADM 101/63 *Rajah*

<sup>10</sup> ML, CY 1282 p.147 (Eliza Deans); ML, CY 1274 p.256 (Eliza Deans)

<sup>11</sup> TAHO, CON40/1/4 p.35 No.302 [image 39] (Eliza Deans)

<sup>12</sup> AJCP, HO 10/51 p.358 No.302 (Eliza Deans)

<sup>13</sup> TAHO, LC247/1/11 p.414 (Elizabeth Dean)

<sup>14</sup> *Hobart Town Gazette*, 23 February 1844 p.246 (Eliza Dean)

<sup>15</sup> *Hobart Town Gazette*, 6 September 1844 p.1075 (Eliza Dean)

<sup>16</sup> *Hobart Town Gazette*, 22 October 1844 p.1352 (Eliza Dean)

<sup>17</sup> *Hobart Town Gazette*, 24 December 1844 p.1533 (Eliza Deans)

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3 July 1845	Hired in private service for 1 month as a probation pass-holder to William Griffiths, West Tamar. <sup>19</sup>
29 July 1845	Hired in private service for 3 months as a probation pass-holder to George Collins, Evandale. <sup>20</sup>
22 September 1845	Hired in private service for 1 month as a probation pass-holder to Henry Glover, <i>Patterdale</i> , near Evandale. <sup>21</sup>
29 January 1846	Contract for hiring as a probation pass-holder to Henry Glover, Evandale ordered to be cancelled by the Lieutenant Governor. <sup>22</sup>
1846	In the service of Mr Walker, <i>Rhodes</i> . <sup>23</sup>
23 February 1847	At Longford. <sup>11</sup>
13 April 1847	Ticket of Leave granted, issued at Longford. <sup>11</sup>
27 March 1849	Application for permission to marry Thomas Cox <sup>24</sup> ( <i>London</i> ); refused. <sup>25</sup>
8 May 1849	Application for permission to marry Thomas Cox ( <i>London</i> ); refused. <sup>25</sup>
29 May 1849	Application for permission to marry Thomas Cox ( <i>London</i> ); approved. <sup>25</sup>
18 June 1849	<b>Married</b> Thomas Cox at Christ Church, Longford; Eliza aged 28, ticket-of-leave holder; Thomas aged 26, probation pass-holder, illiterate; witnesses Robert Appleby (illiterate) and Maria Jordan. <sup>26</sup>
19 July 1849	Husband Thomas Cox hired to Edward Walker, <i>Crickton</i> . <sup>27</sup>
4 October 1849	Charged with a breach of the Hired Servants Act; sentence 7 days hard labour and to forfeit all wages. <sup>11</sup>
9 April 1850	Husband Thomas Cox granted a Ticket of Leave. <sup>27</sup>
15 June 1850	Free by servitude. <sup>11</sup>
9 July 1850	Letters of claim for unpaid wages received by the Comptroller General: £1.2.6 from James Grant Esq., Fingal, and 10 shillings from Mr J Sprent, Hadspen. <sup>28</sup>
23 July 1850	Certificate of Freedom issued. <sup>11</sup>
13 September 1850	Letters of claim for unpaid wages received by the Comptroller General for £1.2.6 from James Grant Esq., Fingal, 2 <sup>nd</sup> application. <sup>28</sup>
19 September 1850	Letters of claim for unpaid wages received by the Comptroller General for 10 shillings from Mr J Spent, Hadspen, 2 <sup>nd</sup> application. <sup>28</sup>
10 December 1850	Husband Thomas Cox at Longford. <sup>27</sup>
3 February 1852	Husband Thomas Cox approved for a Conditional Pardon. <sup>27</sup>
3 April 1852	Husband Thomas Cox departed Launceston for Melbourne as a steerage passenger on the schooner <i>Sea Witch</i> ; holding a Conditional Pardon, ship to colony <i>London</i> . <sup>29</sup>
c1852	Moved from Tasmania to Victoria.
27 December 1854	Husband Thomas Cox died. <sup>30</sup>
11 September 1855	<b>Married</b> John Follard <sup>31</sup> in the house of the bridegroom Mr John Follard at Wellington Street, Windsor, Prahran, VIC (Wesleyan Methodist service); Eliza aged

<sup>18</sup> *Hobart Town Gazette*, 4 February 1845 p.137 (Eliza Dean)

<sup>19</sup> *Hobart Town Gazette*, 22 July 1845 p.912 (Eliza Deans)

<sup>20</sup> *Hobart Town Gazette*, 26 August 1845 p.1040 (Elijah Dean)

<sup>21</sup> *Hobart Town Gazette*, 18 November 1845 p.1433 (Eliza Deans)

<sup>22</sup> *Hobart Town Gazette*, 3 February 1846 p.115 (Eliza Deans)

<sup>23</sup> AJCP, HO 10/39 p.358 (Eliza Deans)

<sup>24</sup> Thomas Cox was transported for 10 years on the *London* in 1844, tried at Salop (Shrewsbury) Quarter Sessions on 16 October 1843 for housebreaking and stealing therein (bread and meat); single, sailor, aged 20, native place Wantidge; Ticket of Leave 9 April 1850, Conditional Pardon 3 February 1852 (TAHO, CON33/1/56 No.13159 [image 45] (Thomas Cox)).

<sup>25</sup> TAHO, CON52/1/3 p.70 (Eliza Deans & Thomas Cox)

<sup>26</sup> TAHO, RGD37/1/8 1849/651 Longford (Eliza Deans & Thomas Cox)

<sup>27</sup> TAHO, CON33/1/56 No.13159 [image 45] (Thomas Cox)

<sup>28</sup> TAHO, CON7/1/1 pp.164 & 402 (Eliza Deans)

<sup>29</sup> TAHO, POL220/1/1 p.640 (Thomas Cox)

<sup>30</sup> VIC Marriage Certificate 1855/2771 (John Follard & Eliza Cox)

35, widow, no children, housekeeper, resident of Wellington Street, Windsor, Prahran, born West Indies, father (unknown) Dean, a West Indian planter; mother's name not remembered; John aged 42, widower,<sup>32</sup> house agent and collector, resident of Wellington Street, Windsor, Prahran, 4 living and 4 dead children, born London, England; father Peter Follard, warehouse keeper; mother Anne Hutton or Dutton; witnesses Charles C Cannam and Mary Cannam.<sup>33</sup>

16 June 1859

Husband John Follard plaintiff in a case against Reverend Mr Middleton<sup>34</sup> at Bourke County Court, Melbourne; awarded £62 and costs; debt collector and trustee of the Peel Street Methodist Chapel, Windsor, VIC.<sup>35</sup>

Son John Follard witness in a case against Reverend Mr Middleton at Bourke County Court, Melbourne.<sup>35</sup>

Extracts from newspaper report:

...

*John Follard, the son of the last witness, stated that during a period of 13 months he went occasionally to the defendant's premises to chop wood for him. His father sometimes sent him, but on other occasions he was sent for by defendant. He remembered taking a note from his father to Mr. Middleton, requesting the return of some furniture. As Mr. Middleton held the note in his hand, Mrs. Middleton said they would do no such thing, adding, "He shall not play any of his games on us." Witness never made any claim for his services in chopping wood during the 13 months.*

*This was the plaintiff's case.*

*...The present case was a vindictive one on the part of the plaintiff, in consequence of his having been expelled the church for maligning Mr. Middleton. ...<sup>35</sup>*

16 August 1859

Husband John Follard complainant at the County Court, Melbourne, VIC for the 2<sup>nd</sup> time in a case against Reverend Mr Middleton; verdict for the defendant.<sup>36</sup>

Newspaper report:

*The action of Follard v. the Rev. Wm. Middleton came off yesterday, for the second time, in the County Court. Both the plaintiff and defendant belong to a branch of the Methodist Church, and it appeared that shortly after the Rev. Mr. Middleton's arrival Mr. Follard lent certain money and furniture to him, which had not been returned. The plaintiff contended that the lending was to the Rev. Mr. Middleton personally, whereas the defendant urged that it was the church, and not the individual, that was benefited. There was a good deal of contradictory evidence, but finally the assessors found a verdict for the defendant, which was contrary to that given at the last trial. The court was thronged during the hearing of the case, and considerable amusement was occasioned by certain passages in the evidence.<sup>36</sup>*

5 November 1859

Husband John Follard a witness at the Supreme Court, Melbourne in a defamation case, Bryant versus Townend.<sup>37</sup>

Extracts from newspaper report:

...

*Subsequently, however, a further dispute arose between Mr. Follard and another shepherd of the flock, the Rev. Mr. Middleton, with regard to a certain pie-dish, terrier dog, pudding-basin, and other articles sold or lent to the rev. gentleman, which resulted in an action being brought in the County Court between the parties, and it ended in a verdict for the plaintiff [John Follard]; but a new trial being obtained, the verdict was upset.*

*... that the money was paid over by plaintiff to Follard, who was the treasurer of the church, and was appropriated by him as desired ... Previous to the bringing of the above action, Follard had applied for the articles he had lent to the Rev. Mr. Middleton, and upon being refused, had ventured to suggest that the rev. gentleman's conduct verged upon the*

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<sup>31</sup> John Follard was the husband of shipmate Maria Feans (*qv*) who died on 8 June 1855.

<sup>32</sup> Former wife, shipmate Maria Feans (*qv*), died on 7 June 1855 (VIC Marriage Certificate 1855/2771 (John Follard & Eliza Cox)).

<sup>33</sup> VIC Marriage Certificate 1855/2771 (John Follard & Eliza Cox)

<sup>34</sup> The Reverend Mr Middleton was a minister of the United Free Methodist Church, officiating at Peel Street Chapel, Windsor, VIC (*Argus*, 17 June 1859 p.6 (Rev. Mr. Middleton)).

<sup>35</sup> *Argus*, June 1859 p.6 (Mr. Follard and John Follard)

<sup>36</sup> *Argus*, 17 August 1859 p.5 (Mr. Follard)

<sup>37</sup> *Argus*, 7 November 1859 p.6 (John Follard)

improper, and, therefore, was cited before the “leaders of the church” for “lying and slandering,” and by these gentlemen was ignominiously expelled from the congregation. Out of this trial arose the present one ...a

... Considerable amusement was occasioned in Court at certain passages in his [Townend’s] evidence. Amongst others, when alluding to a certain occasion when he had met a Mr. Fisk and Mr. Follard at the shop of the former gentleman, in Swanston-street, he stated, that having spoken of Mr. Bryant as an individual who, if he had taken a false oath, was a perjured man, Mr. Follard was pretty “stout” about it, and thrust his finger within a couple of inches of his nose, using some not very complimentary language towards him. The witness was asked to explain the meaning of the word by Mr. Michie, but his answer was by no means explicit. It appeared that when Mr. Bryant was summoned to appear at the leaders’ meeting in George-street on the 9<sup>th</sup> September, and the name of each member was called over, according to rule, when Mr. Bryant’s name was mentioned, a man named Stocks got up, and said, “Bryant, I’ve a down upon you. I don’t like to look at you. Your conduct in the County Court was unbearable. I heard you say, when Mr. Townend was giving evidence, ‘That’s a lie.’ Your conduct was most indecent – allying yourself with that bad man Follard.” (Roars of laughter.)<sup>37</sup>

15 November 1859 Husband John Follard complainant at the District Court, Melbourne, VIC in a case against Mr. Wilkie for illegally detaining a piano.<sup>38</sup>

Newspaper report:

*In the District Court yesterday Mr. Wilkie., one of the members for West Bourke, was summoned for illegally detaining a pianoforte, of which he had violently possessed himself, by forcibly removing it from the premises of Mr. Follard, at Windsor. It appeared that some time since Mrs. Dell, a schoolmistress, at St. Kilda, who had sold pianofortes on commission for Mr. Wilkie, purchased one, which she subsequently sold to Mr. Follard for £28 10s. On the 3<sup>rd</sup> instant, Mr. Wilkie, not having been paid for the instrument by Mrs. Dell, ascertaining that it was in Mr. Follard’s possession, proceeded to his house with three men, and, notwithstanding that Mrs. Follard positively refused him permission to remove it, forcibly entered the parlour and carried off the pianoforte. In doing so, Mrs. Follard, who endeavoured to prevent the illegal act, was severely injured by being jammed between the door and the wall, while the men were roughly obeying Mr. Wilkie’s instructions. Mr. Wilkie’s triumph was, however, short-lived, as yesterday he was made to pay the penalty of his conduct, – being ordered by the magistrate to restore the instrument, and pay £2 2s. costs. Mr. Hackett, at the same time, commented with much severity on Mr. Wilkie’s conduct, and expressed an opinion that the latter might have been given into custody and taken to the watch-house, for an act worthy only of a country where lynch-law was practised.*<sup>38</sup>

19 November 1859 Husband John Follard character witness in a case at the Old Court House, Melbourne, VIC against Mary Dell for forgery.<sup>39</sup>

Extracts from newspaper report:

*Mary Dell, an interesting-looking young woman, of about 25 years of age, with a child in her arms, pleaded “Not Guilty” to a charge of forging the name of John Purcell to a cheque for £10 odd, on the 25<sup>th</sup> October last. There was a second count for uttering. ...*

*Mr. John Follard had known the prisoner at St. Kilda. She left there about March last. His children had been under her tuition. He had a high opinion of her.*<sup>39</sup>

12 March 1860 Husband John Follard brought an action in the Old Court House, Melbourne, VIC against Mr Wilkie for assaulting his wife Eliza Follard, a woman of colour.<sup>40</sup>

Newspaper reports:

*Mr. Wilkie, M.L.A., was defendant yesterday in an action brought by Mr. Follard, commission agent, St. Kilda, to recover damages for an assault committed on his wife by Mr. Elvey, the defendant’s agent. The assault complained of was the forcible entry into plaintiff’s house, and the carrying away of a piano, which, it was alleged, had been lent to a Miss Dell on hire, but which plaintiff said he had purchased from that person. Mrs. Follard was “jammed”*

<sup>38</sup> *Argus*, 16 November 1859 p.5 (Mr. Follard and Mrs. Follard)

<sup>39</sup> *Argus*, 21 November 1859 p.6 (John Follard)

<sup>40</sup> *Argus*, 13 March 1860 p.5 (John Follard)

behind the door, and had her arm hurt, while resisting the removal. The jury returned a verdict for the plaintiff, with 1s. damages.<sup>41</sup>

FOLLARD AND ANOTHER V. WILKIE.

This was an action brought by Mr. John Follard, commission agent, St. Kilda, against Mr. Wilkie, music-seller, of Collins-street, to recover damages for an assault committed on his wife, on the 23<sup>rd</sup> of November last.

The circumstances under which the assault was committed were the forcible seizure by Mr. Elvey, the agent of the defendant, of a piano, which the plaintiff alleged he had purchased from a Miss Dell. Mr. Dawson and Mr. Fellows appeared for the plaintiffs; Mr. Michie and Mr. Billing for the defendant.

The case having been opened to the jury, the following evidence was called:—

Eliza Follard, a lady of colour, sworn, deposed that she was the wife of the plaintiff, John Follard; and on the 27<sup>th</sup> October a gentleman (Mr. Elvey) called at her house, and asked if the piano in her possession had been purchased from Miss Dell. He asked to be allowed to see it, and she gave him permission to do so. He then asked where Mr. Follard was to be found, and went away. Some days after Mr. Elvey again called, and asked to see Mr. Follard. Her daughter said he was not at home, and Elvey then said he had come to make a seizure of the piano. She objected to his doing so in her husband's absence. Elvey said "Oh, never mind; Follard ought to have come and seen me." He then ordered the men with him to seize the piano, which he pointed out to them. She said he should have some "trouble first," and locked the door of the room in which they were, shutting them all in. Elvey said, if she obstructed him in the execution of his duty he would give her in custody. She cautioned the men on taking the piano as to the consequences they were incurring. Elvey again threatened to send for a policeman if she did not permit them to take away the instrument. After keeping them shut up in the room for about an hour, Elvey "morosely and violently" pushed her aside, jamming her against the wall. Her elbow was hurt. The piano was taken away in a van.

Cross-examined by Mr. BILLING.—The piano had been in her house for eight or nine months. Had not seen Miss Dell during that period. The instrument was brought to her house by a furniture broker. She knew that her husband purchased the piano from Miss Dell, and was present when a part of the purchase-money was paid. Her little girl opened the door and let in the men.

John Follard, sworn and examined.—Was plaintiff in this action. He purchased a piano from Miss Dell for £28 10s. He paid £23 10s. at the time of purchase, and obtained a receipt for the amount. He had since paid the remaining £5. ON the 27<sup>th</sup> October last, Mr. Elvey came to his office and asked him if he had purchased a piano from Miss Dell, and said one had been stolen from the shop of Mr. Wilkie, or rather, it had been taken away and not paid for. Elvey afterwards produced a book, in which the instrument was entered as being out on hire. Witness refused to deliver up the piano in his possession, unless the law compelled him to do so. Mr. Wilkie sent him notice that he intended to seize the property, and that he would summon him for having it illegally in his possession. The piano was forcibly taken from his house on the 23<sup>rd</sup> November by Mr. Wilkie's men. A receipt was left for it. He had summoned MR. Wilkie to the Police Court, and the magistrate gave an order for the restitution of the property. Mr. Wilkie said that the report of the proceedings in *The Argus* was scandalous, and he would give up the piano if he (witness) would sign two documents, which he said would remove the unfavourable impression created by the report in *The Argus*. He refused to do so. Had still the piano in his possession.

Cross-examined by Mr. BILLING.—Gad the piano in his possession from March till November last. When he got the piano the maker's name was upon it. It was made by Metzler. Did not see Mr. Wilkie's name. He looked inside the piano the night after he received the note from Mr. Wilkie. He was told by a lady that she had bought a piano, and Mr. Wilkie claimed it. She pulled up the lid and showed him Mr. Wilkie's name. He did not know before that that a piano had a lid (laughter). On going home he took the clock from off the lid of his own piano, and saw—

Counsel.—Well, what?

Witness.—I saw nothing. (Laughter.)

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<sup>41</sup> *Argus*, 13 March 1860 p.5 (Mr. Follard & Mrs. Follard)

*Mary Dell, sworn. – Knew Mr. Wilkie. Knew Mr. Elvey, whom she supposed to be Mr. Wilkie. She purchased a piano from him in the latter part of 1858, and was to pay £30 for it, by instalments, as she could. She paid £6 10s., and was to be allowed £3 as commission on a piano previously sold by her to Dr. Pugh. She had been known to Mr. Elvey as a teacher of music. The piano was delivered at her residence, in Windsor, in November, 1858. In the following March she sold it to Mr. Follard. She had been paid the price of it – first £23 10s., before the piano left her own house, and £5 afterwards.*

*By Mr. MICHIE. – Went to Mr. Wilkie's on the 24<sup>th</sup> November to purchase the piano. She was to pay for it as she could. Knew her own handwriting and signature. Had been tried for forgery and acquitted. Would not tell whether or not she was married, or had had a child. The signature to the paper produced was her own handwriting. [The paper referred to was a receipt for a piano on hire, and contained an undertaking to pay 30s. per month for the use of it, or purchase it within three months.] She did put her signature to a paper, being a receipt for its safe delivery. It was not to be bought within three months, but was bought at first. She paid an instalment of £1 one month, and £2 some odd shillings two months afterwards. She had paid £9 altogether. When she sold the piano she expected money from England, and was then keeping a school in Vine-street, Windsor. Sold the piano on the 23<sup>rd</sup> March. The price of the piano was paid in cash. She supposed the reason that the £5 balance of the price of the piano was not paid at the time of the purchase was because it was inconvenient. Never stayed at Follard's own house.*

*By Mr. DAWSON. – The explanation of the charge of forgery against her was that she changed a note obtained from a pupil of hers. The signature was proved not to be hers, and she was acquitted. She did not give her signature until the piano was brought to her house. Nothing was said about paying £1 5s. per week for hire of the piano.*

*By a JUROR. – Mr. Wilkie never applied to her for the rent of the piano.*

*This was the plaintiff's case.*

*Mr. MICHIE addressed the jury for the defence, contending that the piano had merely been hired, and that the defendant was justified in following and obtaining possession of it wherever it might be. He called*

*Mr. Robert Elvoy, who, sworn, said he was manager for Mr. Wilkie. Remembered Miss Dell coming to Mr. Wilkie's shop in August, 1858. She introduced herself as being commissioned by Dr. Pugh to purchase a piano. She came again on the 24<sup>th</sup> December, 1858, and selected an instrument for hire, at the rate of 30s. per month. She paid one month's hire and the carriage. The piano was sent the same day, and the carter was given the usual "hire receipt," which he brought back signed. Consented to put £3 commission, on sale of the piano to Dr. Pugh, to her credit as two months' hire. She then said, "If I were to purchase the instrument within three months, what would be the price?" He replied, "£39." Made a memorandum to that effect. Never saw Miss Dell from that period until he saw her in the police-court. In September instructed one of the tuners to call, and get the sum due for hire for the piano. He found that she had gone "no one knew where." He then traced the matter himself, and found the piano in Mr. Follard's house. He asked a lady he saw if that piano was purchased from Miss Dell. She replied that it was. He then left. He got Mr. Follard's address, and called upon him, and asked for the instrument which Miss Dell had left in his house. Follard then became very excited, and he said, "You are her brother, are you? You want the piano, do you? Then you shan't have it." He (witness) said "No, he came from Wilkie's." Follard replied, "I purchased the piano for £35, and the Rev. Mr. Middleton saw me pay for it." They went over to Mr. Wilkie's shop, and on the way he (Follard) said "The fat is the piano was mortgaged to me, and I took it up, but I'll bet you £5 it is not in my house six hours longer." Witness declined to bet. (Laughter.) He went down to Mr. Folloard's house, accompanied by a tuner, some men, and a cart, to remove the piano. Saw Mrs. Follard, who invited him in, and the carter followed him. He said he had a very unpleasant duty to perform; he must take away the piano. She rejoined it was very strange he had come when Mr. Follard was not at home, but if it must go it must, and also that the things must be removed from of it very carefully. The things were removed, and she stood quietly by until Miss Follard, who had been looking through the chinks of the door, came in, and said, "Mama, don't let them take away the piano when papa is away." As the instrument was passing through the door Mrs. Follard got behind it, and attempted to stop its passage. She, of course, could not shut the door, and the piano went out, Mrs. Follard having quite an agreeable smile on her face.*

(Laughter.) The import card and private marks of the firm were on the piano when it was removed.

A witness named Jacobs was called, and gave corroborative testimony to that of Mr. Elvoy. He was present at the seizure of the instrument, and there was no violence.

The judge having summed up the evidence, the jury retired, and shortly afterwards returned into court with a verdict for the plaintiff, with 1s. damages, with £30, the value of the piano, to be reduced to 1s. on its restoration.<sup>40</sup>

- 22 March 1860 Step-daughter Sarah Elizabeth Follard died of phthisis pulmonalis at St Kilda, VIC, aged 17, born Launceston, 5½ years in Victoria; mother Maria Park; informant father John Follard, agent, resident of St Kilda.<sup>42</sup>
- 24 March 1860 Step-daughter Sarah Elizabeth Follard buried at St Kilda Cemetery, VIC.<sup>42</sup>
- 18 September 1862 Husband or step-son John Follard charged at Prahran Police Court, Melbourne, VIC with indulging in equestrian exercise on the footpath; fined 7 shillings and costs 2/6.<sup>43</sup>
- 1 June 1864 Husband John Follard witness at the New Court House, Melbourne, VIC in the case of Murphy versus John Cameron; John general agent for collecting rents for John Cameron.<sup>44</sup>
- 4 September 1864 Step-son John Follard died in Victoria; aged 20, born Launceston, mother Maria Fearn.<sup>45</sup>
- Death notice:  
*FOLLARD. – on the 4<sup>th</sup> inst., at his father's residence, Wellington-street, St. Kilda, John Follard, aged twenty years.*<sup>46</sup>
- 6 September 1864 Step-son John Follard buried at St Kilda General Cemetery, VIC.<sup>47</sup>
- Funeral notice:  
*THE Friends of Mr. JOHN FOLLARD are respectfully invited to follow the remains of his son JOHN to the place of interment, the St. Kilda General Cemetery. The funeral to move from his residence, Wellington-street, St. Kilda, THIS DAY, Tuesday, 6<sup>th</sup> inst., at 3 o'clock p.m.*<sup>47</sup>
- 1865 Husband John Follard occupier of a house at No.16 Wellington Street, at the junction of Dandenong Road, south side, St Kilda, VIC; house and land/estate agent.<sup>48</sup>
- 18 August 1865 Husband John Follard plaintiff at the Supreme Court, Melbourne, VIC in a case against Francis Spence to recover the amount of a bill of exchange for £80, drawn by Philemon Sohier, proprietor of the waxworks in Bourke Street, Melbourne; verdict for the defendant.<sup>49</sup>
- 1866 Step-daughter Martha Follard married Frederick Hughes in Victoria; Martha born Tasmania; Frederick born London, England.<sup>50</sup>
- 16 April 1866 Husband John Follard plaintiff as agent at Prahran Police Court, Melbourne, VIC for a warrant of ejectment against Miss Teresa Spaight; warrant granted.<sup>51</sup>
- Newspaper report:  
*In the adjourned application of Follard (agent) v. Spaight, for warrant of ejectment, Mr. Wellis appeared for applicant, and stated the case, when Mr. Templeton objected that the complaint should have been made on the ay stated in the summons, but after consideration decided to hear the case. John Follard stated that he was agent for – Solomon, and had let the premises in question to defendant as a weekly tenant. The property had been sold, and*

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<sup>42</sup> VIC Death Certificate 1860/1028 (Sarah Follard, mother Maria Park)

<sup>43</sup> *Argus*, 19 September 1862 p.5 (John Follard)

<sup>44</sup> *Argus*, 2 June 1864 p.6 (John Follard)

<sup>45</sup> VIC Death Record 1865/6889 (John Follard)

<sup>46</sup> *Argus*, 6 September 1864 p.4 (John Follard)

<sup>47</sup> *Argus*, 6 September 1864 p.8 (John Follard)

<sup>48</sup> *Sands & McDougalls Melbourne and Suburban Directory 1865* pp.168 & 264 (J. Follard)

<sup>49</sup> *Argus*, 19 August 1865 p.6 (John Follard)

<sup>50</sup> VIC Marriage Record 1866/3092 (Frederick Hughes & Martha Follard)

<sup>51</sup> *Argus*, 17 April 1866 p.6 (John Follard)

possession being required, he had served Miss Spaight with the usual notice to quit. The police magistrate now objected that the Christian name of defendant (Teresa) had not been inserted in the notice served, and this ought to have been done. After some consideration, the warrant was granted at risk of applicant, to issue within seven days.<sup>51</sup>

4 September 1866

Husband John Follard summoned to appear at St Kilda Police Court, Melbourne, VIC.<sup>52</sup>

Newspaper report:

ST. KILDA. – Messres. Ford (mayor), J. Patterson, Wilson, and Sydes were on the bench at the St. Kilda Police Court on Tuesday. The inspector of nuisances summoned John Follard, as agent for property off Fitzroy-street through which offensive matter flowed. Dr. Van Hemert stated he had recently attended a patient in the locality, who had died from typhoid fever, as he believed caused by the offensive condition of the premises, adding that the filthy overflow did not come from the cottages let my Mr. Follard, but down the right-of-way in the rear of Dalgety-street. The Town Clerk stated that Mr. Follard having cleared the channels and complied with the notice, the case would be withdrawn; stating, however, that proceedings under the provisions of the Health Act would be taken against the several owners from whose premises this nuisance escaped, and that proper drainage would be enforced.<sup>52</sup>

30 April 1867

Husband John Follard at St Kilda Police Court, Melbourne, VIC as complainant against Emily Knox for using obscene and threatening language and charged by Emily Knox with using abusive and threatening language; both cases dismissed.<sup>53</sup>

Newspaper report:

John Follard summoned Emily Knox, for obscene and threatening language; and Knox took out a cross-summons, for abusive and threatening language. The cases arose out of the same matter – the application of Follard, as agent, for payment of a small amount due by defendant's servant to a client of his. In the cross-summons Mrs. Knox swore that defendant had rudely taken her by the shoulders on demanding payment. Both parties appeared to have lost tempers, and the compliments passed were in some degree reciprocal. Both cases were dismissed.<sup>53</sup>

1868

Step-daughter Charlotte Sophia Follard married George Hughes in Victoria; Charlotte born Launceston, TAS; George born London, England.<sup>54</sup>

20 January 1868

Husband John Follard advertised for a lodger in his residence at Wellington Street, St Kilda, VIC.<sup>55</sup>

Newspaper advertisement:

TO LET, well-furnished PARLOUR, Bedroom, with bath, piano and library, with Board, in private family; no other lodgers. J. Follard, Wellington-street, St. Kilda.<sup>55</sup>

13 March 1868

Husband John Follard at St Kilda Police Court, Melbourne, VIC as complainant against Joseph Tayleur for being illegally on premises and charged by Joseph Tayleur with using threatening language; both discharged.<sup>56</sup>

Newspaper report:

ST. KILDA. – On Friday, before the mayor (Dr. Patterson), and Messrs. Baillie, Tullett, and Ford, the cause-list contained little deserving record, beyond a complaint by John Follard against Joseph Tayleur for being illegally on premises, and a cross-summons by Tayleur against Follard for threatening language. Both complaints were entered as “to bind o the peace;” and the evidence so far showed that on Follard going into a public-house he encountered Tayleur, who at once showed fight, but the witnesses were not clear as to which of the two did so first; Follard stating that he at once charged Tayleur with having haunted and with having been in his house during his and his wife's absence at church, and for a sinister purpose; adding that had he caught him there he would have taken all his fight out of him, for he would have shot him. It was here intimated that the counsel's opinion would be had on Tayleur's conduct prior to the accidental meeting of the parties, and that he would in all probability

<sup>52</sup> *Argus*, 5 September 1866 p.6 (John Follard)

<sup>53</sup> *Argus*, 1 May 1867 p.7 (John Follard)

<sup>54</sup> VIC Marriage Certificate 1868/3447 (George Hughes & Charlotte Sophia Follard)

<sup>55</sup> *Argus*, 20 January 1868 p.8 (J. Follard)

<sup>56</sup> *Argus*, 16 March 1868 p.6 (John Follard)

have to stand before a jury. Whether or no this may be the case, so far as the investigation went to the Bench evidently considered that even-handed justice would be done by dismissing both complaints, and they were dismissed accordingly.<sup>56</sup>

18 December 1868 Husband John Follard complainant at St Kilda Police Court, VIC against Captain Weekes for assault; defendant fined 1 shilling and 5 shillings costs.<sup>57</sup>

Newspaper report:

ST. KILDA. – On Friday, before the mayor, and Messrs. Moore, Balcombe, and Wilson, Captain Weekes was summoned by John Follard for an assault. It was stated that complainant had called at the house of the defendant to deliver a summons, and, as the latter alleged, performed his duty obtrusively, forcing his way in and refusing to leave, notwithstanding repeated invitations, or rather commands. In this the parties were at issue, for whilst the gallant captain said he only pushed with his hand, the complainant accused him of having acted with much greater energy than consideration. The defendant was fined 1s., with 5s. costs.<sup>57</sup>

23 December 1868 Husband John Follard complainant at Emerald Hill Police Court, VIC against Leahey for obtaining money or goods by false pretences; case dismissed.<sup>58</sup>

Newspaper report:

A somewhat peculiar case was heard by the magistrates yesterday at Emerald-hill Police court, in which Mr. John Follard, of St. Kilda, summoned one of the gardeners of Albert-park, named Leahey, for an alleged attempt to obtain a watch or sum of money by fraudulent means. Considerable interest was manifested in the proceedings. It appeared that on the 7<sup>th</sup> of December last Mr. Follard had, on his way from Emerald-hill to St. Kilda, entered one of the enclosures of the park, where he was accosted by a woman who sought from him some information relative to the route to Emerald-hill. While in conversation with her the defendant Leahy came up, and from what he regarded as the result of his observations he charged Mr. Follard with an act of indecency as well as trespass. Some altercation arose, which ended in both calling at the St. Kilda Police-station, each under the impression that he was bringing the other there a prisoner. There Mr. Follard was charged with trespass and indecent exposure; a counter-charge being preferred by Mr. Follard against Leahey of seeking to obtain his watch from him by a species of intimidation. The case of trespass was subsequently brought by Leahey, and decided against Mr. Follard. Mr. Aspinall, who appeared for the plaintiff in this case, characterised the conduct of the defendant Leahey as an attempt to extort hush money by the threat of exposing a suspicious offence. Mr. Follard gave his version of the occurrence, and, in the most solemn manner, denied the accusation made by Leahey as regards the woman. Having given the case a very patient hearing, the Bench decided upon dismissing it, with £3 3s. costs to the defendant.<sup>58</sup>

4 March 1870 Husband John Follard plaintiff at the Old Court House, Melbourne, VIC in the case against Brearley for the recovery of £100; verdict for the plaintiff.<sup>59</sup>

Extracts from newspaper report:

This was an action to recover £100, the amount of a bill of exchange accepted by defendant, drawn by Martha Patterson and endorsed to plaintiff. The pleas denied the acceptance and endorsement to the plaintiff. Follard was a commission agent at Prahran, and in 1867 Brearley applied to him for the purpose of obtaining a loan of £100, which plaintiff ultimately obtained for him from Mrs. Martha Patterson, and for which a bill was given. The acceptance was several times renewed, plaintiff receiving a commission each time; and the last renewal was endorsed over by Mrs. Patterson to Follard, who, however, paid her nothing for it. ...

Verdict for plaintiff – damages £100.<sup>59</sup>

1 February 1879 Step-daughter Charlotte Sophia Follard died of phthisis at the Melbourne Hospital, VIC; aged 24, born Tasmania, 5 years in Victoria, single, parents unknown; informant the hall porter of Melbourne Hospital; buried at Melbourne Cemetery.<sup>60</sup>

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<sup>57</sup> *Argus*, Sunday 19 December 1868 p.1S (John Follard)

<sup>58</sup> *Argus*, Thursday 24 December 1868 p.5 (Mr. John Follard)

<sup>59</sup> *Argus*, Saturday 5 March 1870 p.6 (John Follard)

<sup>60</sup> VIC Death Certificate 1879/2130 (Charlotte Follard)

*Eliza Deans*

- 10 March 1879 Admitted to Yarra Bend Lunatic Asylum, Melbourne, VIC; relative husband John Follard, resident of Wellington Street, St Kilda, VIC.<sup>61</sup>
- 16 March 1879 **Died** of disease of the brain and pulmonary consumption at Yarra Bend Lunatic Asylum, Melbourne, VIC; aged 60, married, particulars unknown; informant D Macks, senior constable, Northcote Police Station, present at inquest.<sup>62</sup>
- 18 March 1879 Buried at Melbourne General Cemetery, VIC.<sup>62</sup>
- 20 April 1880 Husband John Follard died of uranic<sup>63</sup> poisoning, duration 4 months, at Battle Cottage, Acland Street, St Kilda, VIC; aged 67, estate agent, 26 years in Victoria, married, 1 child living: Martha aged 33; 3 children deceased: Sarah, John, Charlotte; born London, father Peter Follard, warehouse keeper, mother unknown; informant George R de Blazun, authorised agent of Barkly Street, St Kilda, VIC.<sup>64</sup>
- 22 April 1880 Husband John Follard buried in the Wesleyan section of the General Cemetery, St Kilda, VIC.<sup>64</sup>

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<sup>61</sup> PROV, VPRS 7446/P1 Unit 1 (Yarra Bend), 26 Oct 1848–11 Nov 1912 (Eliza Follard)

<sup>62</sup> VIC Death Certificate 1879/2492 (Eliza Follard); PROV, VPRS 24 1879/98 (Eliza Follard)

<sup>63</sup> This word may not be uranic, it is difficult to read. It may be uranii – uranii nitratis (uranium nitrate) was used to treat diabetes mellitus.

<sup>64</sup> VIC Death Certificate 1880/5636 (John Follard)