

Agnes Dogherty

(*uxor Agnes Neilson; alias Jane Dogherty, Nancy Dogherty, Agnes Coyle*)

POLICE NUMBER 304 ¹	LITERACY read only
TRIAL DATE 9 September 1840	AGE ON EMBARKATION 59
TRIAL PLACE Glasgow Court of Justiciary	AGE ON ARRIVAL 60
OFFENCE stealing a silk handkerchief and former conviction	HEIGHT 5' 2"
SENTENCE 7 years	COMPLEXION fair
GAOL REPORT convicted and imprisoned before, bad, married	HEAD oval
PREVIOUS CONVICTIONS once 12 months for stealing a weight	HAIR brown to grey
SURGEON'S REPORT quiet	VISAGE full
ON THE TOWN no	FOREHEAD medium
MARITAL STATUS married	EYEBROWS brown
CHILDREN 3	EYES hazel
FAMILY	NOSE medium
NATIVE PLACE Tyrone, Ireland	MOUTH wide
TRADE ON EMBARKATION weaver	CHIN round
TRADE ON ARRIVAL house servant	MARKS none

- c1781 **Born** in County Tyrone, Ireland.²
- 10 November 1831 Charged at Glasgow, Lanarkshire, Scotland with stealing a parcel containing wrights tools from John and Peter Cameron, carriers of Blackfriars Street, Glasgow; sentence 60 days imprisonment in the Bridewell, Glasgow.³
- 22 December 1837 Charged at the Police Court, Glasgow, Lanarkshire, Scotland with stealing on 19 December a jacket and a pair of trousers from the shop of Michael Mulwell, a broker of Goosedubs Street, Glasgow; sentence 60 days imprisonment in the Bridewell, Glasgow.⁴
- 14 May 1839 Prisoner in the Tolbooth, Glasgow, Lanarkshire, Scotland.⁵
Tried at the Criminal Court, Glasgow, Lanarkshire, Scotland indicted for larceny in stealing a 14 lb cast metal weight; plea guilty; sentence 12 months hard labour in the Bridewell, Glasgow.⁵
- 9 September 1840 Tried at the Court of Justiciary, Glasgow, Lanarkshire, Scotland indicted for theft, habit and repute in stealing 2 silk handkerchiefs from the shop of John McNamara, a broker, Market Street, Glasgow; plea guilty; sentence 7 years transportation; estranged wife of John Neilson, weaver, maiden name Dougherty, aged 60, cleaner, resident of Old Wynd, Glasgow, cannot write.⁶

Statement of witness John McNamara:

Appeared John Mc.Namara Broker in Market Street Glasgow and residing there who Declares That his Shop is on the East side of Market Street near Jail Square & that about half past 11 o'Clock of the night of Saturday the 11 July 1840 the Declarant left his shop for a few Minutes to speak to his next door neighbour Michael Michael Mc.Manus who is also a Broker and while talking with him at his, Mc.Manus' Shop door, the Declarant saw a woman who is the prisoner Nancy Docherty go into his the declarants shop. That the declarant supposed that she wished to purchase something but he allowed her to remain a little before going to his shop to serve her, and before he had left Mc.Manus door to go to his own shop the prisoner came out and was going away. That there was no person in the shop at the time and as the declarant

¹ TAHO, CON40/1/4 p.36 No.304 [image 40] (Agnes Dogherty); TAHO, CON19/1/1 p.195 [image 101] (Agnes Dogherty); ML, CY 1282 p. 147 (Agnes Dogherty); ML, CY 1197 p.158 (Agnes Dougherty or Neilson); ML, CY 958 p.444 (Agnes Dogherty alias Neilson)

² TAHO, CON19/1/1 p.195 [image 101] (Agnes Dogherty)

³ NAS, JC26/1840/333 (Agnes Dougherty or Coyle)

⁴ NAS, JC26/1840/333 (Agnes Docherty or Kyle)

⁵ NAS, JC26/1840/333 (Nancy Docherty or Coyle)

⁶ NAS, AD14/40/406 (Agnes Neilson); NAS, JC26/1840/333 (Agnes Neilson)

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saw in her hand when she came out some napkins – Silk handkerchiefs, which she put under her arm the declarant concluded she had stolen them from his shop window where there were some handkerchiefs lying, and went after her and seized her before she had gone above two yards from the door, and took two handkerchiefs from under her arm which he at once identified as his property. That she said nothing for herself when seized, but that she had got a dram and wished to get away. That a man whose name the declarant does not know was standing by at the time came to the Declarants assistance and took her away toward the Police Office and returned immediately after saying he had handed over to a Police Officer which he did and a sealed Label was appended to one of them on which the declarant wrote his name and the other Handkerchief – there being only two – was delivered back to the declarant by the Lieutenant on duty – That the two stolen handkerchiefs along with some others were in the window of Declarants shop when he went out to speak with Mc.Manus and on counting the handkerchiefs which were in the window afterwards he found that there were just two wanting – the two stolen by the prisoner. That the prisoner when taken into custody was the worse of liquor but not so much so as not to know what she was doing. All which is truth.⁷

Statement of witness Michael McManus:

Michael Mc.Manus, Broker ... in Market Street and residing in Margarets Place Glasgow Declares That his shop is net to that of John Mc.Namara. That on the night of Saturday the 11 July 1840 John Mc.Namara came into the declarants shop and declarant went to the door and was conversing with him when the prisoner Nancy Docherty whom the declarant knew before came along the street and went into Mc.Namaras shop. That on seeing this and knowing the prisoner Docherty to be a Thief, the declarant and Mc.Namara went into the Street off the pavement to see what she was to be about and after being in the shop for a short time the declarant observed her put her hand over the Counter and lift something and put it over again and lift something more and then came out of the shop and was going away with what she had taken when Mr. Mc.Namara stepped forward & seized her; and took two silk Handkerchiefs from under her am which he identified as his property. That there was another man on the street watching her at the time who came to Mc.Namaras assistance and insisted on the prisoner being sent to the Police Office, Mc.Namara having rather[?] wished her to go, and she was accordingly given over to the Police at the foot of King Street at least the declarant was told so. That the declarant did not go to the Police Office with the prisoner and did not put any mark on the Handkerchief by which he could identify them – and having paid little attention to it. That Mc.Namara had taken the handkerchiefs from the prisoner before declarant saw them and he thinks he took them from her Apron. That the prisoner was the worse of Liquor at the time and said nothing for herself but wished to be allowed to go, which the man who was watching would not allow as he said he knew her to be a common Thief. All which is Truth and declares he cannot write.⁷

Statement of witness John Meiklejohn:

John Meiklejohn Shoemaker residing in Gallowgate Street Glasgow (441.) Declares that he happened to be in market street about ½ past Eleven O'clock of Saturday the 11 July 1840 and saw the prisoner Nancy Docherty whom he knew to be a Thief go into the shop of John Mc.Namara Broker in that Street and lift two handkerchiefs from the shop window put them beneath her left arm and walk out with them. That the declarant was within a few yards of the Shop at the time and seeing that there was no person in the Shop he suspected the prisoner would steal something and watched her and saw her carry off the handkerchiefs as before stated That the window from which she stole the handkerchiefs is inside the Counter and she had to stretch over the Counter to get hold of them. That Mc.Namara was standing near the middle of the Street at the time opposite the next shop door and when the prisoner came out with the handkerchiefs Mc.Namara and the declarant stepped forward together and seized her – And the declarant saw Mc.Namara take the two Handkerchiefs from under her arm and at once identified them as his property. That on being seized the prisoner entreated to be allowed to go promising not to do the like again but the declarant handed her over. the Watchman on the Station who took her to the police Office and the declarant & Mc.Namara went thither with the Handkerchiefs where a sealed Label was appended to one of the handkerchiefs and the other was delivered to Mc.Namara by the Lieutenant on duty, as before stated. That Mc.Namara and some persons who had assembled wished the declarant to allow the prisoner to go as she was the worse of liquor but as the Declarant knew her to be a

*Common thief he refused to do so & handed her to the Watchman as before stated. All which is truth.*⁷

Statement of witness Edward Buchanan:

*Edward Buchanan Police Substitute residing at Westmuir near Glasgow Declares That he was on duty as a Watchman in place of the regular Watchman on King Street and Bridgegate Street Station on the night of Saturday the 11 July 1840. That about ½ 11 o.Clock a man whose name the declarant does not know handed over the prisoner Docherty to the Declarant to be by him taken to the Police Office on the charge of having stolen two Silk handkerchiefs from John Mc.Namaras Shop in Market Street. That the declarant accordingly took her to the Office but put no questions to her regarding the charge. and she neither admitted nor denied the charge – And indeed said nothing at all about it. That Mc.Namara and the man who delivered the prisoner into the Declarants Custody followed the declarant to the office taking with them the handkerchiefs which they said the prisoner had stolen but the declarant did not look at the handkerchiefs particularly and cannot identify them.*⁷

Statement of witness John Christie:

*John Christie, Police Criminal Officer residing in High Street Glasgow Declares That he knows the Prisoner Agnes Dougherty or Coyle who is habite and repute a thief and has been such for the last three years. That the convictions and sentences in the Police court of Glasgow dated 10 November 1831 and 22 December 1837 both apply to the Prisoner And this is truth.*⁷

Statement of witness George Horn:

*George Horn Police Officer residing in Hunter Street Glasgow Declares that he knows the Prisoner and that the conviction dated 10 November 1831 applies to her. And there is another.*⁷

Statement of witness William Campbell:

*William Campbell Police Criminal Officer residing in Gallowgate Street Glasgow Declares conform to John Christie regarding the character of the Prisoner during the last three years and as to the application of the sentence in the Police Court dated 22d. December 1837 Declares farther that he can prove the application to the Prisoner of the Sentence in the Sheriff Court dated 14 May 1839 And this is truth.*⁷

Statement of witness Hugh McKay:

*Hugh Mc.Kay Police Criminal Officer residing in High Street Glasgow Declares conform to William Campbell regarding the application of the Convictions dated 22 December 1837 and 14 May 1839 and also regarding the character of the Prisoner, as habite and repute a thief.*⁷

Statement of defendant Agnes Dougherty:

Copy Declaration of Agnes Dougherty

At Glasgow the 16th day of July 1840

In Presence of William Robertson Esquire one of the Magistrates of Glasgow.

*Appeared Agnes Dougherty who being admonished and examined Declares that she was born in Ireland, is about 60 years of age, is Wife of John Neilson Weaver, but does not live with him, is employed in cleaning houses and resides in the Old Wynd of Glasgow. Declares that on Saturday last she went into a Brokers Shop in Market Lane to purchase a frock and a napkin for her girl and while in the Shop she took up a silk Handkerchief to look at it and the Shopkeeper suspecting she intended to steal it charged her to the Police. That the Declarant however is innocent of the charge. That she cannot say whether the Handkerchief now shewn to her with a sealed Label is the one referred to farther than that it is like it. That if there were two Handkerchiefs they must have been put up as one for she observed only one when she had the article in her hand. Admits that she has been convicted of Theft but not often and not four times as has been stated. All which she Declares to be truth, and Declares she cannot write.*⁷

5 April 1841 Departed Woolwich, England on the *Rajah*.⁸
19 July 1841 Arrived at Hobart on the *Rajah*.⁸

⁷ NAS, AD14/40/406 (Agnes Daucherty or Coyle)

⁸ AJCP, ADM 101/63 *Rajah*

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c24 July 1841	Upon arrival at Hobart, sent to Cascades Female Factory; not immediately assigned, sent to nursery. ⁹
31 December 1841	Mustered at Cascades Female Factory, Hobart. ¹⁰
1 April 1842	Returned to the Crown at the Police Office, Hobart as useless from the service of Mr Stewart, Davey Street, Hobart; to be received on probation. ¹¹
26 May 1842	Charged at the Police Court, Hobart on the complaint of her mistress Mrs Anderson with misconduct in being absent all night without leave; sentence 1 month hard labour at Cascades Female Factory, Hobart. ¹²
30 ¹³ August 1842	Charged at the Police Court, Hobart on the complaint of her mistress with being drunk in the streets yesterday; in the service of Mrs Chaffey, Sandy Bay; plea guilty; reprimanded and discharged. ¹⁴
9 November 1842	Charged at the Police Court, Hobart on the complaint of her mistress with misconduct in absenting herself a day and a night without leave and in making away with her clothes; in the service of Mrs Chaffey, Sandy Bay; plea guilty; sentence 6 months hard labour at Cascades Female Factory, Hobart. ¹⁵
18 December 1843	Application for permission to marry Simon Phylar (free) sent to the Muster Master; ecclesiastical objection. ¹⁶
11 April 1844	Classified as a 2 nd class probation pass-holder; gazetted 12 April. ¹⁷
10 June 1844	Charged at the Police Court, Hobart by Serjeant Beckley with being drunk and out after hours last night; in the service of Dr Richards, Sackville Street, Hobart; plea guilty; sentence 4 months hard labour at Cascades Female Factory, Hobart. ¹⁸
16 November 1844	Hired in private service for 3 months as a probation pass-holder to Thomas Richards, Hobart. ¹⁹
c1845	Common-law relationship formed with Edward Wilson. ³⁰
18 April 1845	Ticket of Leave granted; gazetted 22 April. ²⁰
12 May 1845	Charged with being out after hours; sentence 1 month hard labour at Cascades Female Factory, Hobart. ²¹ Newspaper report: <i>Agnes Dogherty, ticket-of-leave, one month to the house of correction for being out after hours.</i> ²²
25 October 1845	Charged with being out after hours; sentence 1 month hard labour at Cascades Female Factory, Hobart. ²¹
1 December 1845	Charged with being drunk; fined 5 shillings. ²¹
27 May 1846	Charged with being drunk and out after hours; sentence 1 month hard labour at Cascades Female Factory, Hobart. ²¹
31 December 1846	Witness at the inquest of shipmate Sarah Dennerly (<i>qv</i>), stated she had known Sarah for 6 years. ²³
13 May 1847	Charged with feloniously stealing a tumbler; sentence 6 months hard labour at Cascades Female Factory, Hobart. ²¹

⁹ ML, CY 1282 p.143 (Agnes Docherty); ML, CY 1274 p.256 (Agnes Dogherty)

¹⁰ AJCP, HO 10/51 p.358 No.304 (Agnes Dogherty)

¹¹ TAHO, AC480/1/1, 1 April 1842 (Agnes Dogherty)

¹² TAHO, AC480/1/1, 26 May 1842 (Agnes Dockerty)

¹³ Date given as 29 August 1842 on conduct record.

¹⁴ TAHO, AC480/1/1, 30 August 1842 (Ann Dockerty)

¹⁵ TAHO, AC480/1/1, 9 November 1842 (Agnes Dogherty)

¹⁶ TAHO, CON52/1/2 p.154 (Agnes Dogherty & Simon Phylar)

¹⁷ *Hobart Town Gazette*, 12 April 1844 p.426 (Agnes Dogherty)

¹⁸ TAHO, AC480/1/1, 10 June 1844 (Agnes Dogherty)

¹⁹ *Hobart Town Gazette*, 3 December 1844 p.1471 (Agnes Dogherty)

²⁰ *Hobart Town Gazette*, 22 April 1845 p.516 (Agnes Dogherty)

²¹ TAHO, CON40/1/4 p.36 No.304 [image 40] (Agnes Dogherty)

²² *Hobart Town Courier*, 15 May 1845 p.2 (Agnes Dogherty)

²³ TAHO, SC195/1/19 No.1598 (Agnes Dogherty)

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- 5 June 1847 Ticket of Leave revoked for misconduct; gazetted 8 June.²⁴
- 9 September 1847 Free by servitude.²¹
- 13 November 1847 Certificate of Freedom issued; gazetted 16 November.²⁵
- 6 September 1848 Charged at the Police Court, Hobart by Detective Constable Perkins with larceny; remanded.²⁶
- Mary Paine²⁷ charged with the same offence; remanded²⁸.²⁶
- Newspaper report:
*Mary Paine and Agnes Dogherty were charged by Detective Constable Perkins with stealing, on Saturday last, from Mr. McGrath's tavern, the Victoria, in Murray-street, one cut glass decanter and a silver plated stand. About two years ago, the prisoner Paine was convicted of the very same offence, occurring under precisely similar circumstances, namely, sneaking upstairs, and escaping unperceived with the same articles. It was entirely owing to the vigilance of the constable that the robbery was detected, as neither Mr. nor Mrs. McGrath had missed the property until it was produced by Perkins. The prisoners were remanded for further examination until the next day (yesterday).*²⁶
- 15 October 1849 **Died** by the visitation of God at Hobart; aged 50, labouring woman; informant AB Jones, coroner.²⁹
- 16 October 1849 Inquest held at the *Golden Cross Hotel*, Murray Street, Hobart before Algernon Burdett Jones Esquire, coroner.
Verdict: died by the visitation of God in a natural way, to wit from inflammation of the peritoneum.³⁰
- Statement of witness Edward Wilson:
*The Information on oath of Edward Wilson who saith. I get my living as well as I can, and I live at Mrs Montgomery's in Melville Street. I have this day seen the body of a woman lying dead in Mrs Montgomery's house in Melville Street. It was the body of Agnes Dogherty who lived with me as my wife, she was a free woman and was fifty year of age. I came out of the House of Correction for Males where I had been undergoing a sentence of imprisonment with hard labor on Wednesday last and I found the deceased at Mrs Montgomery's, she was then ill and confined to her bed. She was ill with the change of life, and complained of her bowels, I got some castor oil for her. On Sunday night last I gave her two teaspoons of an egg but she threw them up. She died about one o'clock on the morning of Monday last, I was not in the room when she died, I was in the next room, I wakened at twelve o'clock and she was alive then for I heard her groaning. I got the deceased what she fancied as far as my means went since I came out of the House of Correction. I could not get her to eat any bread or meat. The deceased complained of pain in her bowels. I got her some castor oil on Friday last. I did not get her into the Hospital because I had not time. The deceased used to drink very heavily.*³⁰
- Statement of witness Catharine Montgomery:
The Information on oath of Catharine Montgomery who saith I am the wife of William Montgomery a sawyer and I reside at my mother in laws Mrs Montgomery's in Melville Street. I have seen the body of a woman lying dead in my mother in law's house today, I do not know who she is she is a stranger to me, I only went to live at my mother's in law on Saturday last, the deceased was there then, she never got out of her bed while I was there. I saw her husband Edward Wilson waiting on her the last thing on Sunday night last, and when I got up in the morning she was dead, I slept in the next room to her. My mother in law is bedridden, she keeps lodgings for poor people. When I went to my mother in laws I was told that the deceased had been lying there three days. There was another woman, a scotch woman

²⁴ *Hobart Town Gazette*, 8 June 1847 p.512 (Agnes Dogherty)

²⁵ *Hobart Town Gazette*, 16 November 1847 p.1121 (Agnes Dogherty)

²⁶ *Colonial Times*, 8 September 1848 pp.2-3 (Mary Paine & Agnes Dogherty)

²⁷ Mary Paine may have been shipmate Mary Smith 2nd (*qv*) who married Edward Paine.

²⁸ The outcome of this charge is unknown, but according to Agnes' inquest, she was discharged from Cascades Female Factory about 4 weeks prior to her death, so it is likely she received a sentence of 12 months hard labour.

²⁹ TAHO, RGD35/1/2 1849/2685 Hobart (Agnes Dogherty)

³⁰ TAHO, SC195/1/25 No.2160 (Agnes Dogherty)

lodging at my mother in law's but she left on Monday morning last, she used as I was told to wait on the deceased.³⁰

Statement of witness Julia Gibney:

*The Information on oath of Julia Gibney who saith, I am a servant and I live at Mrs Montgomery's in Melville Street. I have this day seen the body of a woman lying dead in Mrs Montgomery's house, it is the body of Agnes or Nancy Dogherty. I know that she lived with the first witness Edward Wilson as his wife, I have known them to live together four years as man and wife. I have been living at Mrs Montgomery's three months. The deceased came to Mrs Montgomery's about four weeks ago. She was then ill but did not take to her bed till Tuesday last, she has lived since then on what was given to her by a former mistress of hers (Mrs Richards) and by Mrs Officer, no doctor ever came to see her, she was suffering from change of life, and could not stand up. She never took anything out of her bed since she went into it. She has never got out of her bed since she took to it on Tuesday last. On Sunday night last Edward Wilson got her some wine & gave it to her, but she could not drink any, and she died about one o'clock on Monday morning last. She was a drunkard when she could get drink. She only came out of the House of Correction for Females about four weeks ago. Wilson only came out of the House of Correction for Males on Wednesday last. Mrs Montgomery the deceased and I slept in the first or outer room. Mrs Montgomery's son & his wife slept in the inner room and so has Wilson since he came out of the House of Correction.*³⁰

Statement of witness Dr Charles McCarthy:

*The Information on oath of Eugene Charles McCarthy who saith I am a legally qualified Medical Practitioner and reside in Murray Street. I have this day seen the body of a woman lying dead in a house in Melville Street, I was present today when the Jury and the former witnesses Edward Wilson, Julia Gibney & Catharine Montgomery saw the same body today. Yesterday morning I was informed that a woman named Jane Dogherty was lying dead in a house in Melville Street, and that I was requested to go and see her, I went immediately to the house where the deceased now lies and I saw there the old bedridden woman whom the Jury have seen today in the house lying in bed in the room where the corpse now lies and the last witness Catharine Montgomery going in and out of the room. I inquired for Jane Dogherty, and the two women did not seem to know anything about her, I then looked round & saw her body lying in the corner of the room where it lay when the Jury saw it. I was told then that she had died at tow o'clock the previous night but I could get no information as to how long she had been ill or how she had been ailing. I have this day examined her body, I found no marks of violence on it. On opening the brain I found traces of old standing disease and a great deal of serosity in the ventricles. In the chest every thing was healthy. On opening the abdomen I found all the signs of recent inflammation in the Peritoneum or membrane covering the intestines. The stomach was healthy but quite empty and contracted as if deceased had had no food for some days, some portions of the intestines were slightly inflamed. The cause of her death was inflammation of the Peritoneum, I see no reason to believe that this inflammation was caused by any other than natural causes, the emptiness of the stomach arose in my opinion from disinclination to take food. Had she been taken to the Hospital I think she would have recovered. The inflammation was not caused by want of nourishment. The body was much emaciated. The inflammation of the Peritoneum could not have caused the emaciation in so short a time as that I believe she was labouring under it. It must have arisen from her being of sickly habit. In my opinion she could not have been labouring under the inflammation for more than a week. I certainly think that she had been neglected as far as not procuring medical aid for her went.*³⁰

Notes

- Agnes may be the Jane Dogherty³¹ charged with shipmate Mary Donovan 1st (qv) on 21 October 1844 with misconduct and sentenced to 2 months hard labour at Cascades Female Factory, Hobart.

Newspaper report:

Jane Dogherty, and Mary Donovan, both T.L., and both representing themselves to be free, while at "high jinks" in a public-house, were each sent to the washtub at the Factory for two

³¹ There is no convict named Jane Dogherty or similar.

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*months; and Agnes Mosely, making up a nice little trio, in the same party, was sent to the same domicile for one month.*³²

³² *Colonial Times*, 22 October 1844 p.3 (Mary Donovan)

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