

# Mary Girdwood

(*alias Mary McFarlane; uxor Mary Milner*)

POLICE NUMBER 258 <sup>1</sup>	LITERACY read only
TRIAL DATE 8 September 1840	AGE ON EMBARKATION 22
TRIAL PLACE Glasgow Court of Justiciary	AGE ON ARRIVAL 24
OFFENCE stealing a bottle of beer and a measure, and former conviction	HEIGHT 5' 2½"
SENTENCE 7 years	COMPLEXION pale
GAOL REPORT imprisoned and convicted before, bad, single	HEAD oval
PREVIOUS CONVICTIONS once 2 months for stealing £6, once acquitted for stealing a watch, again 6 months for stealing money	HAIR brown
SURGEON'S REPORT quiet	VISAGE oval
ON THE TOWN 6 months	FOREHEAD medium
MARITAL STATUS single	EYEBROWS brown
CHILDREN 0	EYES hazel
FAMILY	NOSE medium
NATIVE PLACE Liverpool, England (brought up in Glasgow, Scotland)	MOUTH medium
TRADE ON EMBARKATION piecer in cotton mill	CHIN round
TRADE ON ARRIVAL housemaid	MARKS pockpitted

c1818 **Born** at Liverpool, Lancashire, England.<sup>2</sup>

27 December 1837 Charged at the Police Court, Glasgow, Scotland with theft.<sup>4</sup>

9 November 1838 Charged at the Police Court, Glasgow, Scotland with theft.<sup>4</sup>

17 December 1839 Charged at the Police Court, Glasgow, Scotland with theft.<sup>4</sup>

8 September 1840 Tried at the Court of Justiciary, Glasgow, Lanarkshire, Scotland indicted for theft, habit and repute and previous conviction of theft in stealing a bottle of ginger beer and a copper liquor measure; verdict guilty; sentence 7 years transportation; aged 22, mill worker, resident of Saltmarket Street, Glasgow.<sup>3</sup>

#### Statement of witness Mary McKechnie:

*Appeared Mary McKechnie wife of Andrew Robertson, Publican, & residing in Saltmarket Street Glasgow who Declares that she and her husband Andrew Robertson occupy premises in Saltmarket Street Glasgow; which premises consist of a front shop and several back apartments, for entertaining Company and a Kitchen that the premises are rented by, and the business carried on in them, is carried on in the name of the Declarant's mother Helen Bain or McKechnie, widow of John McKechnie, merchant at Oban, in Argyleshire; & the whole stock & furniture also belong to her said Mother, but the Declarant and her husband manage the business. That the Declarant opened the shop, as usual, about half past six o'clock on the morning of Tuesday the 26 May 1840; and immediately afterwards, a man & a woman – the latter of whom is the Prisoner Mary Girdwood – came in; and the man having asked for a gill of spirits, the Declarant shewed him & the Prisoner into one of the back apartments, served the liquor & left the two there. That the Declarant had then occasion to go into the Kitchen, where her husband was still in bed, and asleep; and on her return to the front, shop in about eight or ten minutes afterwards, she was surprised to find that the crane for one of the spirit Casks there had been turned, & the liquor was running from it and streaming on the floor. That she went to the apartment into which the Prisoner and the man had been shewn, as before stated, and found they had both left. That hastening to the back door, which was half open, & hearing like the sound of a foot on a stair in an adjoining Close,*

<sup>1</sup> TAHO, CON40/1/4 p.265 No.258 [image 192] (Mary Girdwood); TAHO, CON19/1/1 p.205 [image 106] (Mary Girdwood); ML, CY 1282 p.148 (Mary Girdwood); ML, CY 1197 p.158 (Mary Girdwood); ML, CY 958 p.444 (Mary Girdwood)

<sup>2</sup> TAHO, CON19/1/1 p.205 [image 106] (Mary Girdwood)

<sup>3</sup> NAS, AD14/40/98 (Mary Girdwood); NAS, JC26/1840/308 (Mary Girdwood)

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*the Declarant ran up the stair, & there found the Prisoner with her lap full of something. That she seized her, and asked her what she had in her lap; and the Prisoner answered "It's some things belonging to you, but here they are to you." That she took her down the stair, & back to the shop, at the door of which the Prisoner laid down 3 bottles of Lemonade and 1 bottle of Soda Water being part of what she had in her lap, and the rest of what she had, she took into the shop. That the Declarant, on getting her within, locked the door & aroused her husband, who rose from bed & took from the Prisoner a Bottle of Ginger Beer and a Copper measure for liquor. That these were the other Articles she had in her lap. That on examining the Apartment in which the Prisoner & the man had been, the Declarant discovered that a small frame picture & two earthenware jugs had been stolen. That these Articles must have been stolen either by the Prisoner or the man – the Declarant having seen these said last mentioned articles immediately before the Prisoner & the man came in. That the Police were sent for, & the Prisoner taken to the Police Office, to which the Copper measure & the Bottle of Ginger Beer were also taken. Identifies the said measure now in Court with a sealed Label that it is a mutchkin measure; & the Declarant knows it from its old-fashioned shape, & otherwise that the bottle containing ginger beer, also produced, & with a sealed label appended, appears to be the one before mentioned. That the whole of the Articles mentioned as stolen are the property of the Declarts. mother the said Helen Bain or McKechnie. Declares that the liquor served to the Prisoner & the man was paid for by the latter. That either he or the Prisoner must have turned the crane of the Cask & allowed the whisky to run. That upwards of a pint of the liquor had run before the Declart. observed it running as formerly stated. All which is truth.<sup>4</sup>*

*The said Mary McKechnie being again examined Declares further that the Bottle of Ginger Beer, Bottle of Lemonade, Bottle of Soda Water, and Copper liquor measure, before mentioned, was taken off a shelf within the Counter, and the two jugs from off the Counter. That the prisoner did not say any thing in allusion to a Cork Screw. That she had not been served with any beer and did not require a Cork screw. And this is also truth.<sup>4</sup>*

Statement of witness Andrew Robertson:

*Andrew Robertson, Cabinet Maker and publican residing in Saltmarket Street Glasgow Declares that he resides in Saltmarket Street in the house of his mother in law Mrs. Helen McKechnie who rents the house and also a spirit shop, connected therewith, in her own name; and the stock and furniture in the premises belong to his Mother in Law. That while asleep in bed he was roused at an early hour on the morning before mentioned by his Wife, who called to him from the shop – he being in the Kitchen; and on rising and going into the Shop he found there a woman, who is the prisoner and who was standing on the outside of the Counter. That his wife accused her of having stolen a number of bottles from the premises and stated that part of what she had stolen were still in her lap; upon which the declarant, observing she had something in her lap, examined this, & found there a bottle of ginger beer and a copper liquor measure both of which he took from her. That the prisoner denied having taken any articles besides these, and she told the declarant that if he would allow her to go she would spend Eighteen pence in the shop. That he went, however, for the Police, and sent her, together with the bottle of beer, & liquor measure, to the Police Office. Declares that the Kitchen is apart from the Shop, and from several back apartments immediately connected with the Shop; and neither these apartments, nor the shop, can be seen from the Kitchen. That from one of these apartments, in which it was said the prisoner had been along with a man, the Declarant missed a small framed picture which he had seen there the night preceeding. That on the Table in this apartment there was a Gill measure and a dram Glass, but not a Tumbler. That the prisoner said nothing about a cork screw, or of his having been wanting to draw a Cork. That the declarant, on coming from the Kitchen into the Shop, saw lying on the floor, near the shop door, 3 Bottles of Lemonade and a Bottle of Soda Water and which much have been removed from a shelf, with the Counter on which such goods are kept; but he does not know, except from hearsay, how they came to be on the floor. That some whisky was flowing on the floor, and which appeared to have come from a Cask within the Counter. That the quantity of Spirits so lost might be about two half mutchkins, or a pint. That the declarant did not miss any jugs, he not being so conversant with the articles in the premises as his wife and mother in law. Identifies the Copper measure, which is a Mutchkin measure, and also the bottle in Court, as those before mentioned. All which he declares to be truth.<sup>4</sup>*

Statement of witness John Newton:

*John Newton, Police Watchman in the Glasgow Police Establishment residing in Saltmarket Street Glasgow Declares that he is a Police Watchman and his beat is in Saltmarket Street but he has been disabled for duty for some time in consequence of an injury he received in his leg several weeks ago vizt. in the beginning of June. That while on duty about six o'clock on the morning of Tuesday the 26<sup>th</sup> May 1840 he was called to the Spirit Shop in Saltmarket Street of a woman named McKechnie, by a man whose name is Robertson. That he found in the shop a woman, who is the Prisoner Mary Robertson, who was standing at the Counter – on the outside of it; and upon the Counter were a copper liquor measure and a bottle of Ginger beer. That the Prisoner was charged with having stolen these, and also some bottles of Lemonade and Soda Water, and other articles from the premises; and Mrs Robertson state, in the Prisoner's hearing, that she had seized the Prisoner on a stair in the said street, and near the shop, with part of the stolen articles in her possession. That the Prisoner admitted having taken the bottle of ginger beer out of the premises, but denied having taken the liquor measure or any other Bottles or articles. That in admitting having taken the bottle of beer, she did not say she had bought, or been served with, it, or that she had been in guest of a cork-screw for the purpose of drawing a bottle; but she entreated to be allowed to go, promising not to do the like again. That she was taken to the Police Office as were also the said Bottle of Beer and copper measure, where sealed labels were appended to these articles. Identifies the articles in Court. All which he declares to be truth.<sup>4</sup>*

Statement of witness William Campbell:

*William Campbell, Police Criminal Officer in the Glasgow Police Establishment residing in Gallowgate Street Glasgow Declares that he knows the Prisoner Mary Girdwood. That the Prisoner has been habite and repute a thief during the last two years. That the several convictions and sentences for theft in the Police Court of Glasgow of dates 27 December 1837, 9 November 1838 and 17 December 1839 and whereof Certified copies are now produced all apply to the Prisoner. And this is truth.<sup>4</sup>*

Precognition statement:

*Appeared Mary Girdwood who being admonished and examined – Declares she is a native of Liverpool but has been in Glasgow since she was a child – and twenty two years of age – wrought in a Mill but has been sometime out of employment and resides in Saltmarket. That she is innocent of the charge of stealing Bottles from the house of Mrs McKechnie in Saltmarket or stealing a copper measure therefrom on Tuesday morning. That she was in McKechnies house that morning but was not in any way concerned in stealing any articles from it. That she knows nothing regarding the copper measure now on the court table and with regard to the bottle produced and said to contain Ginger beer Declares that Mrs McKechnie served a bottle of Ginger beer to the declarant and a man who was with her but did not draw the cork and the declarant took the bottle off the table and went with it into the shop where Mrs McKechnie was asleep on the counter. And when the declarant was awaking her to get the cork drawn Mrs McKechnie started up and said she was going to steal the bottle – all which she declares to be truth, and declares she cannot write.<sup>4</sup>*

5 April 1841	Departed Woolwich, England on the <i>Rajah</i> . <sup>5</sup>
19 July 1841	Arrived at Hobart on the <i>Rajah</i> . <sup>5</sup>
c24 July 1841	Upon arrival at Hobart, sent to Launceston for assignment; assigned to J Crear Esquire, <i>Clynevale</i> . <sup>6</sup>
19 October 1841	Returned to the Crown from the service of James Crear, Campbell Town. <sup>7</sup>
4 December 1841	Returned to the Crown from the service of C Dewhurst, Campbell Town. <sup>8</sup>
31 December 1841	Mustered in the service of Mr J Fawthrop, Launceston. <sup>9</sup>

<sup>4</sup> NAS, AD14/40/98 (Mary Girdwood)

<sup>5</sup> AJCP, ADM 101/63 *Rajah*

<sup>6</sup> ML, CY 1282 p.141 (Mary Girdwood); ML, CY 1274 p.257 (Mary Girdwood)

<sup>7</sup> TAHO, LC83/1/6 p.2 (Mary Girdwood)

<sup>8</sup> TAHO, LC83/1/6 p.23 (Mary Girdwood)

<sup>9</sup> AJCP, HO 10/51 p.366 No.258 (Mary Girdwood)

- 7 January 1842 Charged with being out after hours and absent without leave from the service of Thompson; sentence 2 months hard labour at Launceston Female Factory.<sup>10</sup>
- 11 April 1842 Charged with being absent without leave yesterday from the service of Fairwright; sentence 14 days in solitary confinement at Launceston Female Factory.<sup>10</sup>
- 20 June 1842 Charged with being drunk; in the service of Fairthorpe;<sup>11</sup> sentence 10 days in solitary confinement at Launceston Female Factory.<sup>10</sup>
- 25 July 1842 Charged with being out after hours and in a public house; in the service of Sandford; sentence 10 days in solitary confinement at Launceston Female Factory.<sup>10</sup>
- 8 November 1842 Charged with being absent without leave from the service of Sice; sentence 14 days in solitary confinement at Launceston Female Factory.<sup>10</sup>
- 20 May 1843 At Launceston.<sup>10</sup>
- 23 February 1844 At Westbury.<sup>10</sup>
- 16 March 1844 Application for permission to marry Henry Milner<sup>12</sup> (*Southworth*) sent to the Muster Master.<sup>13</sup>
- 29 March 1844 Application for permission to marry Henry Milner sent to the Secretary; approved.<sup>13</sup>
- 3 April 1844 Notice given of approval for permission to marry Henry Milner; Mary in assigned service at Westbury; Henry a ticket-of-leave holder.<sup>14</sup>
- 11 April 1844 Classified as a 2<sup>nd</sup> class probation pass-holder; gazetted 12 April.<sup>15</sup>
- 24 April 1844 **Married** Henry Milner at St Andrew's Anglican Church, Westbury; Mary aged 21, assigned servant, illiterate; Henry aged 21, servant, illiterate; witnesses William Durston and Sarah Durston.<sup>16</sup>
- 31 August 1844 Promoted from a 2<sup>nd</sup> class to a 3<sup>rd</sup> class probation pass-holder; gazetted 6 September.<sup>17</sup>
- 1 November 1844 Husband Henry Milner charged with robbery; discharged; Henry a ticket-of-leave holder.<sup>18</sup>
- 1 November 1845 Ticket of Leave granted; gazetted 4 November.<sup>19</sup>
- 26 April 1847 Husband Henry Milner issued a Certificate of Freedom.<sup>18</sup>
- 8 September 1847 Free by servitude; Certificate of Freedom available for collection.<sup>20</sup>
- 24 September 1847 Certificate of Freedom issued.<sup>10</sup>
- 13 December 1847 **Died** of excessive drinking at Launceston; aged 32, labourer's wife; informant D Wentworth, coroner.<sup>21</sup>

Newspaper report:

*SUDDEN DEATH. – A female, named Mary Milner, residing at the lower end of Brisbane-street, dropped dead suddenly on Monday morning. An inquest was held on the following day at the "Hibernia," when a verdict was returned that death was occasioned by disease of the brain, induced by excessive drinking.*<sup>22</sup>

<sup>10</sup> TAHO, CON40/1/4 p.265 No.258 [image 192] (Mary Girdwood)

<sup>11</sup> This may have been the same master as Mr J Fawthrop and Fairwright in the above entries.

<sup>12</sup> Henry Milner was transported for 14 years on the *Southworth* in 1834, tried at York (West Riding) Quarter Sessions on 8 April 1833 for stealing wearing apparel; single, labouring boy, aged 18, 4' 8", Protestant, illiterate, native place Sheffield; Ticket of Leave 2 February 1844; term of transportation expired 8 April 1847; Certificate of Freedom 26 April 1847 (TAHO, CON31/1/31 p.11 No.1181 [image 13] (Henry Milner), TAHO, CON18/1/20 [image 109] (Hy Milner); TAHO, MM33/1/2 No.1181 (Henry Milner)).

<sup>13</sup> TAHO, CON52/1/2 p.122 (Mary Girdwood & Hy Miller)

<sup>14</sup> *Hobart Town Gazette*, 5 April 1844 p.389; 12 April 1844 p.413 (Henry Millner & Mary Girdwood)

<sup>15</sup> *Hobart Town Gazette*, 12 April 1844 p.426 (Mary Gridwood)

<sup>16</sup> TAHO, RGD37/1/3 1844/825 Launceston (Mary Girdwood & Henry Milner)

<sup>17</sup> *Hobart Town Gazette*, 6 September 1844 p.1073 (Mary Girdwood)

<sup>18</sup> TAHO, CON31/1/31 p.11 No.1181 [image 13] (Henry Milner)

<sup>19</sup> *Hobart Town Gazette*, 4 November 1845 p.1386 (Mary Girdwood)

<sup>20</sup> *Hobart Town Gazette*, 7 September 1847 p.894 (Mary Geedwood)

<sup>21</sup> TAHO, RGD35/1/16 1847/893 Launceston (Mary Milner)

<sup>22</sup> *Examiner*, 15 December 1847 p.3 (Mary Milner)

*Mary Girdwood*

- 14 December 1847 Inquest into death held at *Hibernia* public house, Launceston.  
Verdict: died from excessive drinking.<sup>23</sup>
- 8 October 1852 Husband Henry Milner departed Launceston for Melbourne as a crew member on the *Yarra Yarra*; Henry free by servitude, ship to colony *Southworth*.<sup>24</sup>

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<sup>23</sup> TAHO, SC195/1/22 No.1804 (Mary Milner)

<sup>24</sup> TAHO, POL220/1/2 p.187 (Henry Milder)

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