

Mary Joy
(uxor Mary Pollard)

| | |
|---|---|
| POLICE NUMBER 194 ¹ | LITERACY neither read nor write |
| TRIAL DATE 23 November 1840 | AGE ON EMBARKATION 17 |
| TRIAL PLACE Central Criminal Court (Old Bailey), London | AGE ON ARRIVAL 18 |
| OFFENCE larceny from the person—stripping children, taking 2 pair of boots and a shawl, prosecutor at Chelsea | HEIGHT 5' ¾" |
| SENTENCE 10 years | COMPLEXION florid |
| GAOL REPORT poor, single | HEAD oval |
| PREVIOUS CONVICTIONS none | HAIR brown |
| SURGEON'S REPORT very bad | VISAGE full |
| ON THE TOWN no | FOREHEAD flat |
| MARITAL STATUS single | EYEBROWS light brown |
| CHILDREN 0 | EYES grey |
| FAMILY | NOSE medium |
| NATIVE PLACE Tipperary, Ireland (brought up in London) | MOUTH medium |
| TRADE ON EMBARKATION | CHIN round |
| TRADE ON ARRIVAL house servant, nurse girl | MARKS slight impediment in speech, pockpitted |

c1823

Born in County Tipperary, Ireland.²

23 November 1840

Tried at the Central Criminal Court (Old Bailey), London, England indicted for larceny from the person in stealing on 8 August 1840 1 half crown and 1 sixpence, the monies of Thomas Challis, from his person; 1st of 2 indictments and 8 other charges; found not guilty.³

Statement of witness Henry Challis:

I live in Chelsea-market, with my father, Thomas Challis. On a Saturday in August, I met the prisoner in Grosvenor-row – she said, "How do you do, my dear?" – I said, "Very well, thank you" – she said, "You have been out with your father's goods?" – I said, "Yes" – she said, "Have you got any money?" – I said, "Yes" – I took out of my pocket a half-crown and a sixpence – she said, "Give it to me, you should never put it in your pocket, you should always put it in your bosom," and she pretended to put it in my bosom – she said she was going to my mother's – she took me down Ranelagh-row, and then she said, "Never mind, as I have seen you, I will come down to your mother and aunt in the afternoon, and here is a penny for you" – I went home and found I had no money – my waistcoat was buttoned up, so that it could not have fallen out if she had put it in – I had seen her once before – I am sure she is the person.

Prisoner. I never saw the boy.³

Tried again at the Central Criminal Court (Old Bailey), London, England indicted for larceny from the person in stealing on 2 November 1840 1 pair of boots value 2/6, the goods of Jonas Proctor from the person of Elizabeth Proctor; 2nd of 2 indictments and 8 other charges; found guilty; sentence 10 years transportation; aged 17.⁴

Statement of witness Elizabeth Proctor:

I am seven years old – I go to school, and have been taught the Lord's Prayer – I know it is wicked to tell a lie – I live with my parents, in White Lion-street, Chelsea – I met the prisoner at the top of George-street, in Sloane-street, three weeks ago last Monday – she asked me how my father and mother, and sister were, and said she would give me some apples and pears, and a pair of green boots – she said her mother was just round the corner – I went a little way with

¹ TAHO, CON40/1/6 p.160 No.194 [image 134] (Mary Joy); TAHO, CON19/1/1 p.216 [image 111] (Mary Joy); ML, CY 1282 p.149 (Mary Joy); ML, CY 1197 p.152 (Mary Joy); ML, CY 958 p.441 (Mary Joy)

² TAHO, CON19/1/1 p.216 [image 111] (Mary Joy)

³ *Old Bailey Proceedings Online*, t18401123-185 (Mary Joy)

⁴ *Old Bailey Proceedings Online*, t18401123-186 (Mary Joy)

This biography supplements our book *Patchwork Prisoners* available from www.researchtasmania.com.au.

her, and she gave me a farthing cake – she took me up and carried me – when we were next door but one to the Dispensary in Sloane-street, she unlaced my boots and took them off – she then went away, and said she would be back in a minute, and bring me a pair of green boots – I went home without any boots – while she was with me I met Maria Smith, and she asked the prisoner if she would let me go home with her – the prisoner said as she had brought me out she would take me home.

Prisoner. I do not know any thing about the child.⁴

Statement of witness Maria Smith:

I am single, and live in Three Crown-court. I met the prisoner leading this child three weeks ago last Monday – I asked her if she would let me take her home – she said no, she had brought her out, and would take her home – the child was then walking, and the prisoner had hold of her hand – I am quite sure the prisoner is the person – I knew her before – I spoke to her, and she to me – she went to school where I did.⁴

Statement of witness Jonas Proctor:

I live in White Lion-street, Chelsea. On that Monday I sent out my daughter to Sloane-street, on an errand – she had a pair of boots on – she returned crying without them, and said a woman took her boots off – I asked her if she saw any one she knew – she said yes, she saw Maria Smith, and that led to the prisoner being apprehended.⁴

Statement of witness Margaret Daley:

Margaret Daley of Exeter-buildings, gave the prisoner a good character.⁴

Newspaper report of crimes:

QUEEN-SQUARE. – WHOLESALE ROBBERIES OF CHILDREN. – THE EVIDENCE OF INFANTS. – Mary Joy, a woman about twenty years of age, was yesterday charged with numerous acts of felony of the most aggravated description.

The old system of decoying infant children for the purpose of depriving them of their clothing has recently been much resorted to in the neighbourhood of Chelsea, Brompton, Pimlico, and their vicinity. Formerly a great difficulty existed as to the mode of procuring a conviction in cases of this description, it being held that, on a charge of stealing a child, a conviction for the appropriation of the clothes could not take place. This was in a great measure obviated by the passing of the 31st of the 9th of George IV., which made it a specific offence to decoy a child away for the purpose of depriving it of the whole or any part of its apparel. Another difficulty, however, still exists namely, as to the precise age at which the evidence on oath of an infant so robbed is admissible in a Court of Justice, the depredator in these cases uniformly selecting such children as from their tender age are incapable of stating on oath the injuries inflicted upon them in such cases as to secure a conviction.

The office was yesterday thronged by a number of respectable females, who had in their arms, or were accompanied by, their children, all of whom had, in one way or other been despoiled of their shoes, coats, frocks, and other portions of their clothing, by the prisoner.

Mr. Barefoot, an inspector of the B division, informed the magistrate that there were no less than seven distinct charges against the prisoner.

Mr. Burrell requested that the children might stand forward; and, on their doing so, the magistrate inquired the age of the oldest?

Mr. Barefoot replied, "Seven years."

Mr. Burrell expressed great unwillingness to administer the oath to children of such tender years.

Mr. Taylor, the clerk, submitted to the magistrate some important legal opinions on the subject.

Several questions were then put by the magistrate to the different infants, and a boy and a girl having been found who exhibited more than ordinary precocity, they were sworn, and their statements on oath reduced to writing, from which it appeared that the prisoner had decoyed them away, and, under pretence of giving them sweetmeats, apples, &c., had stolen their clothing.

A respectable man and woman confirmed the evidence of the children in some measure by speaking positively to the prisoner's identity, having seen her with the children.

Mr. Burrell felt satisfied with this evidence, and said he should commit the prisoner for trial on two charges; but on the statement of the inspector that there were numerous other

Mary Joy

charges, the parties were bound over to prosecute in the cases that had been taken, and the prisoner was ordered to be again brought up on next Wednesday.⁵

Newspaper report of trial:

Mary Joy, 17, was charged on three different indictments with robbing children.

The first was for stealing money from a little boy, but the jury not considering the case sufficiently proved acquitted the prisoner.

The second indictment charged her with stealing a pair of boots from a little girl named Elizabeth Proctor, on the 21st[?] of November last. The case has very lately been reported at length in the police intelligence.

The prisoner was found Guilty.

The Recorder, in passing sentence, said, this was a most serious and cruel offence, and one that must be severely punished. The sentence was, that she be transported for 10 years.

The Recorder then observed to the jury, that eight distinct charges were made before the magistrate against the prisoner, which proved her an old offender in this way.⁶

- 5 April 1841 Departed Woolwich, England on the *Rajah*.⁷
- 19 July 1841 Arrived at Hobart on the *Rajah*.⁷
- c24 July 1841 Upon arrival at Hobart, sent to Launceston for assignment.⁸
- 19 October 1841 Charged with insolence in the service of Chitty; sentence 10 days in solitary confinement.⁹
- 31 December 1841 Mustered in the service of Mr Taylor, Macquarie River.¹⁰
- 14 March 1842 Charged at the Police Court, Campbell Town with disobedience of orders last night; in the service of Jean Taylor; plea guilty; verdict guilty; sentence 3 days in solitary confinement.¹¹
- 4 June 1842 Charged at the Police Court, Campbell Town with misconduct in being found in the men's hut of her master J Taylor at 11 o'clock last night; plea guilty; verdict guilty; sentence 3 days in solitary confinement.¹²
- 30 July 1842 Charged at the Police Court, Campbell Town with insolence and disobedience of orders on Thursday and Friday last in the service of Jean Taylor; plea not guilty; remanded till Tuesday.¹³
- 2 August 1842 Brought up at the Police Court, Campbell Town charged as before; plea not guilty; verdict guilty; sentence 3 months imprisonment and hard labour at Launceston Female Factory.¹⁴

Statement of witness Jean Taylor:

The prisoner was in my assigned service. On Thursday last I told her to take off a gown which I had given her to go to church with & for her then to churn. I went to the dairy room after & found her churning but her gown not off. I told her again to take it off when she said she would neither take it off nor churn. Soon after she went to the kitchen & I asked Mr Taylor to order her to her room. She went & I locked the door. On Friday morning I unlocked the door & she went down to breakfast after which she asked me what she was to do. I told her she was to do no work till she had churned & for her to put on a working gown. On going to the dairy I found her there with the same gown that she had on the previous day & I told her to take it off which she did. She then churned & about half an hour after she came to me in the dining room & said in an impertinent manner if I did not send her to Campbelltown she would go her self. Soon after she went into her room & I locked the door of it & kept it locked till the Constable came which might have been about half an hour.¹⁴

⁵ *Standard*, 14 November 1840 Issue 5119 Article 14 (Mary Joy); *Morning Post*, 14 November 1840 Issue 21780 Article 13 (Mary Joy)

⁶ *Standard*, 30 November 1840 Issue 5132 Article 15 (Mary Joy)

⁷ AJCP, ADM 101/63 *Rajah*

⁸ ML, CY 1282 p.142 (Mary Joy); ML, CY 1274 p.258 (Mary Joy)

⁹ TAHO, CON40/1/6 p.160 No.194 [image 134] (Mary Joy)

¹⁰ AJCP, HO 10/51 p.373 No.194 (Mary Joy)

¹¹ TAHO, LC83/1/6 p.66 (Mary Joy)

¹² TAHO, LC83/1/6 p.110 (Mary Joy)

¹³ TAHO, LC83/1/6 p.131 (Mary Joy)

¹⁴ TAHO, LC83/1/6 p.132 (Mary Joy)

This biography supplements our book *Patchwork Prisoners* available from www.researchtasmania.com.au.

Mary Joy

- 21 December 1842 Application for permission to marry David Phillips (free) sent to the Muster Master.¹⁵
- 30 December 1842 Application for permission to marry David Phillips sent to the Secretary; not approved on account of woman's bad conduct.¹⁵
- 31 April 1843 At Launceston.⁹
- 7¹⁶ November 1843 **Son** (unnamed) Joy, illegitimate, born at Launceston Female Factory; mother Mary Joy, convict; informant Robert Pearson, Keeper, Female House of Correction, Launceston.¹⁷
- 14 December 1844 Ticket of Leave granted; gazetted 17 December.¹⁸
- 23 June 1845 Charged with being absent from her authorised residence; sentence 14 days hard labour at Launceston Female Factory.¹⁹
- 12 August 1845 Charged at the Police Court, Launceston upon complaint of District Constable Davis with misconduct in being in a house of ill fame though ordered to change her residence; plea guilty; verdict guilty; admonished.²⁰
- Newspaper report:
*Mary Joy listened with a countenance in which grief was strongly depicted to a charge preferred against her of frequenting a disorderly house; not being a common offender she escaped with an admonition.*²¹
- 18 August 1845 Application for permission to marry William Atkinson²² (*Henry Porcher*, Ticket of Leave) sent to the Secretary; approved.²³
- Notice given of approval for permission to marry William Atkinson; Mary a ticket-of-leave holder, resident of Launceston; William a ticket-of-leave holder, resident of Launceston.²⁴
- 5 January 1846 Application for permission to marry John Pollard²⁵ (free) sent to Secretary; approved.²⁶
- Notice given of approval for permission to marry²⁷ John Pollard; Mary a ticket-of-leave holder, resident of Launceston; John free, resident of Launceston.²⁸
- 3 February 1846 Charged at the Police Court, Launceston with disturbing the peace; fined 5 shillings.²⁹
- c1846 **Married** John Pollard.²⁶
- 7 January 1847 Charged³⁰ at the Police Court, Longford with misconduct in disturbing the peace; admonished and discharged.³¹

¹⁵ TAHO, CON52/1/2 p.151 (Mary Joy & David Phillips)

¹⁶ Date given as 17 November on birth registration.

¹⁷ TAHO, RGD33/1/23 1843/1777 Launceston (male Joy)

¹⁸ *Hobart Town Gazette*, 17 December 1844 p.1514 (Mary Joy)

¹⁹ TAHO, CON78/1/2 p.229 (Mary Joy)

²⁰ TAHO, LC346/1/14 (Mary Joy); TAHO, CON78/1/2 p.229 (Mary Joy)

²¹ *Cornwall Chronicle*, Saturday 16 August 1845 p.76 (Mary Joy)

²² William Atkinson was transported for life on the *Henry Porcher* in 1836, tried at the Central Criminal Court (Old Bailey), London on 9 Mary 1836 for larceny in a dwelling house; single; Ticket of Leave 3 December 1844; at Launceston in August 1847 (TAHO, CON31/1/2 p.150 No.752 [image 153] (William Atkinson)).

²³ TAHO, CON52/1/2 p.7 (Mary Joy & Wm Atkinson)

²⁴ *Hobart Town Gazette*, 19 August 1845 p.1022 (William Atkinson & Mary Joy); *Hobart Town Gazette*, 26 August 1845 p.1039 (William Atkinson & Mary Joy); *Hobart Town Gazette*, 2 September 1845 p.1072 & 9 September 1845 p.1118 (William Atkinson & Mary Joy)

²⁵ There were six convicts named John Pollard transported to Van Diemen's Land – He is NOT John Pollard transported on the *Isabella Watson* in 1842, John Pollard transported on the *Augusta Jessie* in 1838, nor John Pollard transported on the *Blundell* in 1844. He may be John Pollard transported for 14 years on the *Isabella* in 1833; tried at Devon on 2 August 1830 for stealing various articles from shops; single, boy; Ticket of Leave 27 May 1840; Certificate of Freedom No.853 1846; at Campbell Town 24 May 1842 (TAHO, CON31/1/35 p.148 No.971 [image 150] (Jno Pollard); TAHO, CON27/1/6 No.971 [image 93] (John Pollard); or John Pollard transported for 14 years on the *Fortune and Pilot* in 1817; tried on 30 October 1811 (TAHO, CON31/1/34 p.70 No.210 [image 78] (Jno Pollard)). John Pollard transported on the *Isabella* is likely to be the John Pollard who married Jane Smith in 1854 and who was murdered in 1856.

²⁶ TAHO, CON52/1/2 p.159 (Mary Joy & Jno Pollard)

²⁷ No record of this marriage has been found.

²⁸ *Hobart Town Gazette*, 6 January 1846 p.22; 13 January 1846 p.39; 20 January 1846 p.54 (John Pollard & Mary Joy)

²⁹ TAHO, CON78/1/2 p.229 (Mary Joy)

³⁰ Husband's name given as Bollam (not Pollard).

³¹ TAHO, LC362/1/6 (Mary Joy *uxor* Bollam)

This biography supplements our book *Patchwork Prisoners* available from www.researchtasmania.com.au.

Mary Joy

| | |
|------------------|---|
| 16 January 1847 | Charged with misconduct in being drunk and using obscene language; fined 5 shillings for each offence, or in default of payment 14 days at Longford Gaol (warrant 5 shillings). ³² |
| 5 March 1847 | At Launceston. ⁹ |
| 13 February 1849 | Charged ³³ with being drunk; fined 5 shillings. |
| March 1849 | Residing at Eagleberts Cottar in the district of Campbell Town. ³⁴ |
| April 1849 | Resident at Stoney Creek in the Campbell Town district to June 1849. ³⁴ |
| 23 November 1850 | Free by servitude. ⁹ |
| 8 January 1851 | Certificate of Freedom issued. ⁹ |

Notes

- Mary may be the Mary Joy who married John Pohl at St Joseph's Catholic Church, Hobart on 6 February 1854; Mary aged 26, servant, spinster, illiterate; John aged 28, biscuit baker, bachelor; witnesses Patrick Hilliard and Mary Gaynor (illiterate).³⁵
- If so, Mary is the Mary Joy who gave birth to a son Thomas Powell on 21 May 1854 at Hobart; father John Powell, baker; informant mother Mary Powell, illiterate, resident of Barrack Street, Hobart.³⁶
- Mary may be the Mary Pollard who died in Victoria in 1875; aged 40, parents unknown, native place unknown.³⁷

³² TAHO, LC362/1/6 (Mary Joy *uxor* Pollard)

³³ Noted as being in the service of Holland, but this was probably her husband Pollard.

³⁴ TAHO, POL47/1/4 (Mary Joy *ux* Pollard)

³⁵ TAHO, RGD37/1/13 1854/635 Hobart (Mary Joy & John Pohl)

³⁶ TAHO, RGD33/1/5 1854/952 Hobart (Thomas Powell, mother Mary Joy)

³⁷ VIC Death Record 1875/14927 (Mary Pollard)