

Elizabeth McClewer

POLICE NUMBER 437 ¹	LITERACY read and write imperfectly
TRIAL DATE 23 November 1840	AGE ON EMBARKATION 38
TRIAL PLACE Central Criminal Court (Old Bailey), London	AGE ON ARRIVAL 38
OFFENCE housebreaking and stealing £10 from W Blackburn	HEIGHT 5' 1¼"
SENTENCE 10 years	COMPLEXION fresh
GAOL REPORT poor, widow 3 children	HEAD oval
PREVIOUS CONVICTIONS none	HAIR black
SURGEON'S REPORT quiet	VISAGE oval
ON THE TOWN no	FOREHEAD medium
MARITAL STATUS widow	EYEBROWS brown
CHILDREN 3	EYES
FAMILY	NOSE rather long
NATIVE PLACE Tipperary, Ireland	MOUTH medium
TRADE ON EMBARKATION	CHIN round
TRADE ON ARRIVAL farm servant, laundry maid, milk, butter, bake	MARKS none

c1803

Born in County Tipperary, Ireland.²

23 November 1840

Tried at the Central Criminal Court (Old Bailey), London, England with Ellen Halen³ indicted for burglariously breaking and entering the dwelling house of John Blackburn about 5pm on 9 November at St Giles-in-the-Fields with intent to steal and stealing therein 1 box value 1 shilling, 2 half-crowns, 29 shillings, 25 sixpences, 170 pence, 1,957 half-pence and 1 farthing, his property; found guilty; sentence 10 years transportation; aged 38.⁴

Statement of witness William Blackburn:

I am fourteen years old, and live with my father, John Blackburn, a milkman, at No. 22, Short's-gardens, Drury-lane He only occupies the bottom of the house – the landlord does not live on the premises – there is no internal communication between my father's rooms and the other lodgers' rooms – the prisoners lived in a passage which joins the house, just as you go out into the yard – on Tuesday the 10th of November, I and my father got up about four o'clock in the morning – I noticed a box lying under the bed in the parlour – we fast-end the door by a padlock and a stock-lock – we then went to the cow-house at the bottom of the street – the street-door was left open, as it usually is – there is a passage through the house – I returned in half an hour, before my father, to get a light, and found the street-door half shut, and the prisoners in the passage carrying the box which had been under the bed, between them down the passage – they were coming out with it – I saw them come out of the bed-room, which is the parlour, and they were coming through the shop with it – there was a ring on one side of the box – one of them held it at each corner, and the other held the other end – they went down the passage with it, and attempted to put it over the wall which is between our yard and theirs – they lived next door – they had got a step-ladder on the other side of the wall – I saw that – when they saw me they put the box down – only one of them tried to put it over – she lifted it up to the other – I called to my father in the street, and then Halen got over the wall into her own premises – M'Clewer stopped in the passage, and put her shawl over her head to conceal her face – I pulled it off her face – I saw Ann Page, she stopped at the door while I went to get a policeman, and M'Clewer rushed out while I was gone – she pushed by me, and then she went back again, and stopped till I was gone – I fetched Taylor – I do not know what was in the box.

¹ TAHO, CON40/1/2 p.203 No.437 [image 201] (Elizabeth McClewer); TAHO, CON19/1/1 p.186 [image 96] (Eliza McClewer); ML, CY 1282 p. 146 (Eliza McClewer); ML, CY 1197 p.152 (Eliza McClewer); ML, CY 958 p.441 (Eliza McClewer)

² TAHO, CON19/1/1 p.186 [image 96] (Eliza McClewer)

³ Ellen was found not guilty.

⁴ *Old Bailey Proceedings Online*, t18401123-115 (Ellen Halen & Eliza McClewen)

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Cross-examined by Mr. Payne. Q. Where were you when they were carrying the box in the passage? A. Just coming in at the door, about a yard from them – I did not like to lay hold of them – I stopped and hallooed out for my father – I was at the door when Halen was getting over the wall – it was dark – their backs were towards me – the ladder is always there – it is fixed to go up into a loft – I have not been in trouble lately – I was charged last Tuesday, it was not with breaking a window and taking 6 lbs. of sugar – they said I was picking the sugar – I did not break a window – they said I did – I was taken.

Q. Did not your father beg you off because you was to be a witness in this case? A. Yes – the policeman said I could not go before the Grand Jury till I was brought away from the office – I was never charged with any thing before – the grocer lives in Broad-street – I do not know his name – I was only taken to the station, not before a Magistrate – the grocer went to the station, nobody else – I was coming down Drury-lane when the policeman took me – I had no sugar then – the grocer ran after me and gave me in charge – I told the Magistrate that I moved the shawl from M'Clewer's face – it was M'Clewer who tried to get the box on the wall.

Court: Q. You are not bound to answer any questions about the window, but you can give any explanation, if you wish. A. I did not break any window; I had nothing to do it.

Jury: Q. Was the window broken before you put your hand in? A. Yes – there was a little bit of sugar just outside, and I took it – it was just on the ledge where they put up the shutter – I did not take any more – I knew Halen because she lodged along with M'Clewer.⁴

Statement of witness Mary Blackburn:

I am the wife of John Blackburn. On the morning of the 10th of November I went out between four and five o'clock – my husband and son went out before me – I locked the door with the keys, and took the keys with me – my son did not see me do it – I did not look at it till he was gone – I gave him the keys at the cow-house to go home.⁴

Statement of witness John Blackburn:

I am a milkman, and live in Shorts-gardens, Drury-lane. On Tuesday morning, the 10th of November, I left home with my son, to go to the cow-house – I left my wife behind, dressing herself – I had a box under my bed containing Bank of England receipts for 500l., 2l. 6s. 6d. in silver, and a great quantity of pence and halfpence, I cannot say how many – my son afterwards came and said I was robbed – I went back directly – I found the parlour-door quite open, the stock-lock was forced in, and the padlock wrenched from the door – I misted my box from under the bed – I directly ran out into the back yard, and just at the extremity of the passage, just at the back-door, I fell over the box – it was quite dark, being twenty minutes past six – I called the policeman in, and he took possession of it – I then went with the policeman next door, up into the prisoners' room, and took them into custody – I occupy the shop and parlour of the house – you go out of the shop into the parlour – the landlord does not live in the house – no one has any communication with the part I rent, but myself and family – when we went to the prisoners' room the door was locked – Halen got up and opened it – she seemed to have just got out of bed – she was partly undressed, and seemed to have put her petticoat or something round her to come and open the door – M'Clewer was in a bed by herself, just inside the door.

Cross-examined. Q. How many people were in the room altogether? A. Three women and a blind man – I did not see a child – I cannot tell which was Halen's bed, nor how many beds there were in the room – I had something else to trouble me – my money was all safe, the box had not been unlocked – it had been moved about twenty yards from where I left it – I do not know the name of the third woman who was in the prisoner's room – she is now outside the court – I did not padlock my door that day.⁴

Statement of witness Ann Page:

I am the wife of William Page, and live in Short's Gardens, Drury-lane. On the morning of the 10th of November, I heard some one calling out, "Father, father" – I threw up my window, and saw William Blackburn at his door – he begged me to come down, as his father was robbed – I came down directly – I saw no one but him there – he went after a policeman, and I stood at the street-door – M'Clewer then rushed out, and shoved me right off the curb – I caught hold of her and held her – she said if I did not let her go she would jump my inside out – she then forced herself out of my arms into the next passage, where she resided, and went straight up stairs – I have seen her there several times as a lodger, along with Halen – she had a little shawl on, which she put over her face to cover it – I did not pull her shawl at mil –

she said nothing more than I have stated – she did not call me any offensive name – the policeman came up immediately, and I gave him information where she was gone – I saw her face – the shawl was not quite over her face.

Cross-examined. Q. Was what you said before the Magistrate read over to you? A. Yes, I did not hear them read, “I caught hold of her and pulled the shawl from her face, which I distinctly saw” – I cannot say it was not read – I never did say so, it must be a mistake – I did not go further than the door.⁴

Statement of witness John Russell Taylor, Police Constable F 23:

I was on duty in Drury-lane on the morning of the 10th of November, and about twenty minutes past six o'clock I heard the cry of “Police” in Short’s Gardens – I ran to the spot and saw William Blackburn, who told me something – I saw Mrs. Page there – I waited till the prosecutor came and found the box four or five yards inside the back-door – he and I then went to the first-floor front-room next door, and found the prisoners there – M’Clewer was in bed, and Halen had her clothes off – I told them Mr. Blackburn had given them in charge – they asked what for – I said, for robbing his house – they both denied it – I received some keys from the prosecutor – the box contained the money stated – the copper money was loose in the box, and the silver was in a small gallipot – there was a male, a female, and a child in the prisoner’s room, besides them – there were three beds in the room.

Cross-examined. Q. Had Blackburn the same opportunity of seeing what was in the room as you had? A. He went into the room with me, but did not stay so long – he was there about five minutes – Halen opened the door – I told her I was a policeman, and she opened it directly – Halen occupied a bed opposite the door – I did not notice the wall it is stated Halen got over – I had to wait for William Blackburn at Bow-street before he could come here as a witness – he was charged with having committed an offence, but the prosecutor did not appear against him – I cannot say whether he attended at the station, as I was not there.

Jury: Q. How long was it from the time you were first called till you went to the prisoners’ room? A. A quarter of an hour – there was time for them to shift their clothes – I had admission about a minute or two after knocking at the door.⁴

Statement of witness John Blackburn:

John Blackburn re-examined. When I fell over the box it was between four and five yards from the wall – the wall is not more than five feet high – there is a water-butt on my side, which forms a step, and there is a place in the brick-work where a foot can be placed – I called the policeman – he took the box into the shop.

Mr Payne: Q. Will you swear the wall is not more than five feet high? A. No, I never measured it – it is not six feet high.

M’Clewer. I was going to a Magistrate to charge him for three weeks’ wages, he heard of it, and laid this charge against me. Witness. I never had any quarrel with her about wages – she lived about a fortnight with me, as I had a girl ill, who went to the hospital, but I never heard talk of any wages at all – she never demanded a halfpenny of wages – what might pass between my wife and her I do not know – she never asked me for wages, nor ever threatened to summons me.⁴

Statement of witness Mary Blackburn:

Mary Blackburn re-examined. M’Clewer was in our service a fort-night – I paid her 1s., but I dare say she paid herself double – there was another 1s. coming to her, but she did not give me time to pay her, for after the Monday we buried the girl who had been ill, she got at my box and took 16s. 6d. out – my boy saw her do it – I put him up to it – (she was taken to Bow-street, and then my husband would not prosecute her) she ran up into the room – my husband went after her and said, “Give me the money you took out of my box, or I will send for a policeman” – two policemen came, and then he did not give charge of her – she came down afterwards and abused him, she ran up to Halen’s room, and rubbed the cinders and ashes, and he thought she was throwing his money there – he found in her room a skeleton key, which locked his box better than his own – I considered she paid herself – they did not find the money on her – they did not search her, but there was nobody else in the place while I went to bury my niece.⁴

Statement of defendant Eliza McClewer:

They came home from the funeral, and while we were at tea the boy went to the birdcage – something fell down – the company went out, found the box open, and they laid it to me, but the boy had a purse full of money afterwards.⁴

5 April 1841	Departed Woolwich, England on the <i>Rajah</i> . ⁵
19 July 1841	Arrived at Hobart on the <i>Rajah</i> . ⁵
c24 July 1841	Upon arrival at Hobart, detained on board for assignment; assigned to Mrs Chilton, High Plains. ⁶
1 October 1841	Charged at the Police Court, Hamilton by her mistress Mrs Chilton with misconduct in neglecting her duty; reprimanded, afterwards returned to her service. ⁷
29 October 1841	Charged at the Police Court, Hamilton by her mistress Mrs Chilton with disobedience of orders; plea guilty; verdict guilty; sentence 2 months hard labour at Cascades Female Factory, Hobart. ⁸
31 December 1841	Mustered in the service of Mr Warrender, Hamilton. ⁹
21 July 1843	Charged with refusing to work in the service of Tabart; sentence 14 days in solitary confinement at Cascades Female Factory, Hobart. ¹⁰
30 January 1844	Classified as a 2 nd class probation pass-holder; gazetted 2 February. ¹¹
5 March 1844	Charged at the Police Court, Hobart with an unknown offence; in the service of Captain Forth, Campbell Street, Hobart; returned to the Crown, no prosecutor appearing. ¹²
31 August 1844	Promoted from a 2 nd class to a 3 rd class probation pass-holder; gazetted 6 September. ¹³
17 September 1844	Ticket of Leave granted; gazetted 19 September. ¹⁴
27 June 1846	Charged at the Police Court, Brighton by CDC Mr Pagett with misconduct in being in the district since 21 May last without reporting herself to the police and being under a pass to Hobart at the time; out of employment; plea not guilty; admonished. ¹⁵
14 April 1847	Charged with being drunk and disorderly; sentence 2 months hard labour at Cascades Female Factory, Hobart. ¹⁰
18 March 1849	Charged with abusing the constables while in the execution of their duty; sentence 1 month imprisonment at Cascades Female Factory, Hobart. ¹⁰
4 April 1850	Charged with being drunk; sentence 1 month hard labour at Cascades Female Factory, Hobart. ¹⁰
23 November 1850	Free by servitude. ¹⁰
4 December 1850	Certificate of Freedom issued. ¹⁰

Notes

- Elizabeth may be the Elizabeth Speed who departed Launceston on 13 September 1852 bound for Melbourne with William Speed as steerage passengers on the schooner *Sea Witch*.; Elizabeth free by servitude, ship to colony *Rajah*; William free, ship to colony *Shamrock*.¹⁶

⁵ AJCP, ADM 101/63 *Rajah*

⁶ ML, CY 1282 p.140 (Eliza McCluer); ML, CY 1274 p.255 (Eliza McClewer)

⁷ TAHO, LC208/1/3 p.207 (Eliza McLures)

⁸ TAHO, LC208/1/3 p.219 (Eliza McLures)

⁹ AJCP, HO 10/51 p.354 No.437 (Eliza McClewer)

¹⁰ TAHO, CON40/1/2 p.203 No.437 [image 201] (Elizabeth McClewer)

¹¹ *Hobart Town Gazette*, 2 February 1844 p.169 (Eliza McChiver)

¹² TAHO, AC480/1/1, 5 March 1844 (Eliza McClure)

¹³ *Hobart Town Gazette*, 6 September 1844 p.1072 (Eliza McChiver)

¹⁴ *Hobart Town Gazette*, 19 September 1844 p.1143 (Elizabeth McClewer)

¹⁵ TAHO, LC53/1/3 p.353 (Eliza McClue)

¹⁶ TAHO, POL220/1/2 pp.142-143 (Elizabeth Speed & William Speed)

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- Elizabeth may have been the Elizabeth McClure who died on 21 March 1849 of fever in the Brighton district; aged 48 years, housekeeper; informant Joseph Smith, illiterate, labourer, resident of Tea Tree Brush.¹⁷ If so, the charge on 4 April 1850 must relate to another person.

¹⁷ TAHO, RGD35/1/18 1849/4 Brighton (Elizabeth McClure)