

*Eleanor Murphy*  
(aka *Ellinor Pendergrass*; ux<sup>or</sup> *Ellen Foster*)

POLICE NUMBER 338 <sup>1</sup>	LITERACY neither read nor write
TRIAL DATE 14 September 1840	AGE ON EMBARKATION 32
TRIAL PLACE Central Criminal Court (Old Bailey), London	AGE ON ARRIVAL 34
OFFENCE stealing a gown	HEIGHT 4' 11½"
SENTENCE 7 years	COMPLEXION fresh
GAOL REPORT convicted before, poor	HEAD oval
PREVIOUS CONVICTIONS once 3 months for stealing a pair of boots	HAIR light brown
SURGEON'S REPORT quiet	VISAGE oval
ON THE TOWN no	FOREHEAD medium
MARITAL STATUS widow	EYEBROWS light brown
CHILDREN 6, 2 <sup>2</sup> girls on board – Ellen aged 10 and Maria aged 6	EYES grey
FAMILY	NOSE medium
NATIVE PLACE County Mayo, Ireland	MOUTH medium
TRADE ON EMBARKATION	CHIN round
TRADE ON ARRIVAL house servant	MARKS small scar on forehead

c1808 **Born** in County Mayo, Ireland.<sup>3</sup>

14 September 1840 Tried at the Central Criminal Court (Old Bailey), London, England indicted for larceny in stealing on 2 September 1840 a gown value 2 shillings from the shop of William Ward, pawnbroker; sentence 7 years transportation.<sup>4</sup>

5 April 1841 Departed Woolwich, England on the *Rajah*.<sup>5</sup>

19 July 1841 Arrived at Hobart on the *Rajah*.<sup>5</sup>

c24 July 1841 Upon arrival at Hobart, sent to Cascades Female Factory, Hobart; not immediately assigned.<sup>6</sup>

5 August 1841 Daughters Ellen and Maria admitted to the Queen's Orphan Schools, New Town; Ellen aged 11, Maria aged 6, both Catholic; mother Ellen Murphy.<sup>7</sup>

5 October 1841 Charged with being drunk; in the service of Smith; sentence 6 days in solitary confinement at Cascades Female Factory, Hobart.<sup>8</sup>

13 November 1841 Charged with being found drunk and obtaining porter in the name of her master Mr Johnson; sentence 1 month hard labour in the separate working cells at Cascades Female Factory, Hobart.<sup>8</sup>

31 December 1841 Mustered at Cascades Female Factory, Hobart.<sup>9</sup>

28 February 1842 Charged with disorderly conduct in the service of Mr Meikle; reprimanded and discharged.<sup>8</sup>

23 March 1842 Charged at the Police Court, Hobart on complaint of Constable Perrin with disorderly conduct in assaulting a constable in the execution of his duty; in the service of Mr Meikle, Murray Street, Hobart; plea not guilty; sentence 6 days in solitary confinement at Cascades Female Factory, Hobart.<sup>10</sup>

<sup>1</sup> TAHO, CON40/1/8 p.37 No.338 [image 39] (Eleanor Murphy); TAHO, CON19/1/1 p.232 [image 119] (Eleanor Murphy); ML, CY 1197 p.151 (Eleanor Murphy); ML, CY 958 p.440 (Eleanor Murphy)

<sup>2</sup> Conduct record states 6 children, 3 on board, but only 2 are mentioned as being on board in other records.

<sup>3</sup> TAHO, CON19/1/1 p.232 [image 119] (Eleanor Murphy)

<sup>4</sup> *Old Bailey Proceedings Online*, t18400914-2313 (Eleanor Murphy)

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

<sup>6</sup> ML, CY 1282 p.143 (Eleanor Murphy); ML, CY 1274 p.260 (Eleanor Murphy)

<sup>7</sup> Purtscher, *Children in Queen's Orphanage Hobart Town 1828–1863* (Ellen & Maria Murphy); TAHO, SWD28/1/1 p.16 (Ellen Murphy & Maria Murphy)

<sup>8</sup> TAHO, CON40/1/8 p.37 No.338 [image 39] (Eleanor Murphy)

<sup>9</sup> AJCP, HO 10/51 p.381 No.338 (Eleanor Murphy)

<sup>10</sup> TAHO, AC480/1/1, 23 March 1842 (Ellen Murphy)

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

Statement of witness Constable Peter Perrin:

*I am a Constable and yesterday I saw a man very drunk being conveyed to the Watch House. The prisoner was there with her mistress' child, she said you B\_\_ & why don't you let the man alone.*<sup>10</sup>

- 11 April 1842 Charged at the Police Court, Hobart on complaint of Constable Cook with being drunk and out after hours at 9 o'clock last night in the streets; in the service of Miss Blackmore,<sup>11</sup> Elizabeth Street, Hobart; plea guilty; sentence 6 days in solitary confinement at Cascades Female Factory, Hobart.<sup>12</sup>
- 2 May 1842 Charged at the Police Court, Hobart on complaint of Constable Innis with being drunk and absent without leave yesterday morning from the service of Miss Short, Argyle Street, Hobart; plea guilty; sentence 2 months hard labour at the wash tub at Cascades Female Factory, Hobart.<sup>13</sup>
- 29 August 1842 Charged at the Police Court, Hobart on complaint of District Constable Easdale with being drunk and out after hours at 10 o'clock last night from the service of Mr Carter, New Town; sentence 3 months hard labour at the wash tub at Cascades Female Factory, Hobart.<sup>14</sup>
- 13 February 1843 Charged at the Police Court, Hobart on the complaint of District Constable Goodwin with being drunk and in a disorderly house yesterday morning, also absent all Saturday night, 11 February, from the service of Mr Carter, New Town; plea guilty; sentence 3 months hard labour at Cascades Female Factory, Hobart.<sup>15</sup>
- 11 July 1843 Charged at the Police Court, Hobart on the complaint of Constable Nowlan<sup>16</sup> with being drunk last night in the streets; in the service of Mr Wilson, Liverpool Street, Hobart; plea guilty; sentence 3 months hard labour at the wash tub at Cascades Female Factory, Hobart.<sup>17</sup>
- 21 November 1843 Charged at the Police Court, Hobart by Constable Carr with misconduct in being in the Paddock under the influence of liquor yesterday; in the service of Mr Smith, Macquarie Street, Hobart; plea guilty; reprimanded and discharged.<sup>18</sup>
- 28 November 1843 Charged at the Police Court, Hobart by Constable Spicer with misconduct in being out after hours last night from the service of Mr Smith, Macquarie Street, Hobart; sentence 2 months hard labour at the wash tub at Cascades Female Factory, Hobart.<sup>19</sup>
- 7 February 1844 Classified as a 2<sup>nd</sup> class probation pass-holder; gazetted 9 February.<sup>20</sup>
- 12 February 1844 Charged at the Police Court, Hobart by Constable Anderson with being drunk on Saturday last; in the service of Mr Kentish, Collins Street, Hobart; reprimanded and discharged.<sup>21</sup>
- 19 March 1844 Charged at the Police Court, Hobart by Dr Officer with being drunk last night; in the service of Mr Kentish, Collins Street, Hobart; plea guilty; sentence 2 months hard labour at Cascades Female Factory, Hobart.<sup>22</sup>
- 7 October 1844 Charged at the Police Court, Hobart by her master with insolence and being absent without leave; in the service of Mr McShane; plea guilty; sentence 3 months hard labour at Cascades Female Factory, Hobart.<sup>23</sup>
- 17 October 1845 Hired in private service for 1 month as a probation pass-holder to Jane Neilson, Liverpool Street, Hobart.<sup>24</sup>

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<sup>11</sup> Name given as Blackmore on conduct record, but Blinkmore on lower court record.

<sup>12</sup> TAHO, AC480/1/1, 11 April 1842 (Ellen Murphy)

<sup>13</sup> TAHO, AC480/1/1, 2 May 1842 (Ellen Murphy)

<sup>14</sup> TAHO, AC480/1/1, 29 August 1842 (Ellen Murphy)

<sup>15</sup> TAHO, AC480/1/1, 13 February 1843 (Ellen Murphy)

<sup>16</sup> This name may not be Nowlan as it is difficult to read.

<sup>17</sup> TAHO, AC480/1/1, 11 July 1843 (Ellen Murphy)

<sup>18</sup> TAHO, AC480/1/1, 21 November 1843 (Ellen Murphy)

<sup>19</sup> TAHO, AC480/1/1, 28 November 1843 (Ellen Murphy)

<sup>20</sup> *Hobart Town Gazette*, 9 February 1844 p.204 (Ellen Murphy)

<sup>21</sup> TAHO, AC480/1/1, 12 February 1844 (Ellen Murphy)

<sup>22</sup> TAHO, AC480/1/1, 19 March 1844 (Eleanor Murphy)

<sup>23</sup> TAHO, AC480/1/1, 7 October 1844 (Eleanor Murphy)

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- 1 November 1845 Promoted from a 2<sup>nd</sup> class to a 3<sup>rd</sup> class probation pass-holder; gazetted 4 November.<sup>25</sup>
- 24 November 1845 Charged at the Police Court, Hobart by Constable Cochrane with being out after hours in an out house with 3 men for an improper purpose last night; in the service of Mr Neilson; plea guilty; sentence 4 months hard labour at Cascades Female Factory, Hobart.<sup>26</sup>
- 3 June 1846 Charged at the Police Court, Hobart upon complaint of her mistress with insolence and disobedience of orders on 1 June; in the service of Mrs Ann McGregor, Elizabeth Street, Hobart; sentence 3 months imprisonment with hard labour at Cascades Female Factory, Hobart; 3<sup>rd</sup> class probation pass-holder.<sup>27</sup>  
Statement of witness Mrs Ann McGregor:  
*On Monday ... to go to the Orphan School ...*<sup>27</sup>
- 27 June 1846 Daughter Ellen Murphy discharged from the Queen's Orphan Schools, New Town; apprenticed to J Wells, Campbell Town.<sup>28</sup>
- 18 November 1846 Daughter Maria Murphy discharged from the Queen's Orphan Schools, New Town; apprenticed by agreement to Julia Reily, Port Phillip, VIC.<sup>29</sup>
- 26 December 1846 Absconded from the service of Reverend Mr Buckland.<sup>30</sup>
- 28 December 1846 Charged at the Police Court, Hobart upon complaint of Constable Haley with absence without leave from the service of Mr Buckland, Macquarie Street, Hobart; sentence 2 months hard labour at Cascades Female Factory, Hobart; 3<sup>rd</sup> class probation pass-holder.<sup>31</sup>
- 1846 At Brickfields Hiring Depot, Hobart.<sup>32</sup>
- 24 March 1847 Charged at the Police Court, Hobart upon complaint of Constable Haley with being absent without leave from her service on 2 March and remaining absent until 23 March; in the service of Mr Oliver, Davey Street, Hobart; sentence 2 months hard labour at Cascades Female Factory, Hobart; 3<sup>rd</sup> class probation pass-holder.<sup>33</sup>
- 10 August 1847 Charged at the Police Court, Hobart upon complaint of her master with being drunk on 9 August and using abusive language to her mistress; in the service of Mr Edwards, Argyle Street, Hobart; plea not guilty; remanded.<sup>34</sup>
- 11 August 1847 Brought up at the Police Court, Hobart charged as before; sentence 7 days in solitary confinement at Cascades Female Factory, Hobart.<sup>34</sup>  
Statement of witness Miss Elizabeth Edwards:  
*At about six o'clock on Monday last the prisoner came home drunk and she was grumbling to herself in the kitchen when my sister told her if she had anything to say to come in where we were as she did not wish the neighbours to be annoyed by her. She then came in and abused both of us using indecent expressions she called myself and my sister Bloody Faggots.*<sup>34</sup>
- 14 September 1847 Free by servitude; Certificate of Freedom available for collection; gazetted 7 September.<sup>35</sup>
- 12 November 1847 **Married** James Thomas Foster<sup>36</sup> at St Matthew's Church of England, Clarence Plains; Eleanor aged 36, servant, free, illiterate; Thomas aged 42, chair maker, free; witnesses William Nichol (illiterate) and Margaret Smith Nichol (illiterate).<sup>37</sup>

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<sup>24</sup> *Hobart Town Gazette*, 25 November 1845 p.1459 (Eleanor Murphy)

<sup>25</sup> *Hobart Town Gazette*, 4 November 1845 p.1385 (Eleanor Murphy)

<sup>26</sup> TAHO, AC480/1/1, 24 November 1845 (Eleanor Murphy)

<sup>27</sup> TAHO, LC251/1/1 (Eleanor Murphy)

<sup>28</sup> Purtscher, *Children in Queen's Orphanage Hobart Town 1828-1863* (Ellen Murphy); TAHO, SWD28/1/1 p.16 (Ellen Murphy)

<sup>29</sup> Purtscher, *Children in Queen's Orphanage Hobart Town 1828-1863* (Maria Murphy); TAHO, SWD28/1/1 p.16 (Maria Murphy)

<sup>30</sup> *Hobart Town Gazette*, 12 January 1847 p.92 (Ellen Murphy)

<sup>31</sup> TAHO, LC251/1/1 (Ellen Murphy)

<sup>32</sup> AJCP, HO 10/39 p.495 (Eleanor Murphy)

<sup>33</sup> TAHO, LC251/1/1 (Eleanor Murphy)

<sup>34</sup> TAHO, LC251/1/1 (Eleanor Murphy)

<sup>35</sup> *Hobart Town Gazette*, 7 September 1847 p.894 (Eleanor Murphy)

- 13 July 1848 Charged at Clarence Police Court, Bellerive by Constable Hawes<sup>38</sup> with being drunk at Kangaroo Point on 12 July; plea not guilty; discharged upon payment of costs; free by servitude.<sup>39</sup>  
Statement of witness Henry Hawes:  
*I am a Constable stationed at Kangaroo Point, on the evening of the 12<sup>th</sup> July last I was outside Mr Dawsons Inn, I heard a disturbance in the direction of the Blacksmiths shop, I went there and heard the prisoner say to her husband "You bloody old bugger, what did you do with my pocket". She was drunk and disorderly, I then took her in charge, she could walk.*<sup>39</sup>  
Husband James Thomas Foster charged at Clarence Police Court, Bellerive by Constable Hawes<sup>38</sup> with being drunk at Kangaroo Point and assaulting him in the execution of his duty on 12 July; plea not guilty; fined 5 shillings for each offence; free by servitude.<sup>40</sup>
- 25 August 1848 Charged at Clarence Police Court, Bellerive by Constable Young with being drunk on 24 August at Kangaroo Point; plea guilty; fined 5 shillings.<sup>41</sup>  
Husband James Thomas Foster charged at Clarence Police Court, Bellerive by Constable Warmun<sup>42</sup> with assaulting Constable G Young in the execution of his duty at Kangaroo Point on 24 August; plea guilty; fined 10 shillings for assault and 4 shillings for damages to Constable Young's clothing; free by servitude.<sup>43</sup>
- 31 December 1850 Charged at Clarence Police Court, Bellerive by Constable McDonald with being drunk at Bellerive on 26 December; plea not guilty; fined 5 shillings and costs, allowed 2 days to pay, or in default of payment 10 days imprisonment at the House of Correction.  
Description: free by servitude, aged 47, illiterate.<sup>44</sup>  
Statement of witness Daniel McArthur:  
*I am District Constable, on the 26 inst. I observed Constable Macdonald called off his beat to the public house – Mr Luttrell's – in a few minutes I observed the defendant staggering round the corner – Constable McDonald had her in charge, she was drunk when he got her.*<sup>44</sup>
- 6 February 1851 Charged at Clarence Police Court, Bellerive by District Constable McArthur with feloniously stealing on 4 February 2 plates value 2 shillings and other articles the property of John Henry Dawson; witnesses John Williams, William Tidy, JH Dawson and DA Marthers;<sup>45</sup> committed for trial.  
Description: free by servitude; aged 42, illiterate.<sup>46</sup>
- 7 February 1851 Admitted to Hobart Gaol from Kangaroo Point; free by servitude.<sup>47</sup>
- 24 February 1851 In Hobart Gaol.<sup>8</sup>
- 26 February 1851 Tried at the Quarter Sessions, Hobart charged with stealing on 4 February 6 plates value 2 shillings, 1 tin dish value 1 shilling, and 1 lb weight of fat value 6 pence, the property of John Henry Dawson; acquitted.<sup>48</sup>
- 19 February 1853 Charged at Clarence Police Court, Bellerive by Constable Rodgers with being drunk at Bellerive on 15 February; plea guilty; fined 5 shillings.<sup>49</sup>

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<sup>36</sup> Thomas Foster came free to the colony on the *Mary Ann* in 1829. He was tried at the Quarter Sessions, Hobart on 25 August 1835 for stealing a bag, prosecutor D Price; sentence 2 years' imprisonment; widower, 2 children, Protestant, literate, native place Morpeth, Northumberland, chair maker and turner, aged 36; father John Todd a carpenter, 2 brothers James and John, 1 sister Mary at native place (TAHO, CON31/1/14 p.125 No.730 [image 129] (Thomas Foster); TAHO, CON16/1/1 pp.12–13 [images 16–17] (Thomas Foster)).

<sup>37</sup> TAHO, RGD37/1/6 1847/644 Clarence (Thomas Foster & Ellinor Pendergrass)

<sup>38</sup> This name could be Howe, it is difficult to decipher.

<sup>39</sup> TAHO, LC104/1/1, 13 July 1848 (Ellen Forster)

<sup>40</sup> TAHO, LC104/1/1, 13 July 1848 (James Forster)

<sup>41</sup> TAHO, LC104/1/1, 25 August 1848 (Ellen Foster)

<sup>42</sup> This name may not be Warmun, it is difficult to read.

<sup>43</sup> TAHO, LC104/1/1, 25 August 1848 (James Thomas Foster)

<sup>44</sup> TAHO, LC104/1/1, 31 December 1850 (Ellen Foster)

<sup>45</sup> This name may not be Marthers, it is difficult to read.

<sup>46</sup> TAHO, LC104/1/1, 6 February 1851 (Ellen Foster)

<sup>47</sup> TAHO, GD31/1/2 (Ellen Forster)

<sup>48</sup> *Hobart Town Courier*, 5 March 1851 p.3 (Ellen Forster); *Colonial Times*, 28 February 1851 p.2 (Ellen Forster); TAHO, LC218/1/2 p.78 No.3 (Ellen Forster)

- 28 February 1853 Husband James Thomas Foster charged at Clarence Police Court, Bellerive by Constable Singer with being drunk and disturbing the public peace at Bellerive on 27 February; plea not guilty; fined 5 shillings for each offence with costs, allowed 1 week to pay, or in default 2 or 10 days imprisonment.<sup>50</sup>  
Statement of witness William Rodgers:  
*I am a Constable, I know the defendant, yesterday afternoon he was staggering drunk in the public road adjoining the constables hut, hooting and a ... – disturbing the peace – shouting and making.*<sup>50</sup>
- 1858 Husband James Thomas Foster occupier of a cottage and garden near Kangaroo Point, less than 1 acre, value £5; owner James Nicholson, Hobart.<sup>51</sup>
- 1 December 1870 Provided with aid of 2/6 per week from public funds due to infirmity; recommended by the Warden; aged 65; husband Thomas Foster sexton at Kangaroo Point but he cannot earn sufficient to support himself and wife.<sup>52</sup>
- 8 February 1874 **Died** of ascites<sup>53</sup> at Kangaroo Point; aged 71; informant husband Thomas Foster, chair maker, resident of Kangaroo Point.<sup>54</sup>
- 7 March 1881 Husband James Thomas Foster died of senilis at New Town Pauper Establishment, Hobart; aged 77, chair maker, born England; informant J Withrington, Superintendent, New Town Pauper Establishment.<sup>55</sup>
- 9 March 1881 Husband James Thomas Foster buried in pauper section A No.320 at the Cornelian Bay Cemetery, Hobart; last address New Town.<sup>56</sup>

### Notes

- Eleanor's daughter may be the Ellen Payne who died at St Kilda, VIC in 1904; aged 73, father Murphy, mother Ellen Murphy.<sup>57</sup>
- Alternatively, Eleanor's daughter may be the Ellen McGlenshy who died at Chewton, VIC in 1897; aged 65, father John Murphy, mother Ellen Murphy.<sup>58</sup>
- Alternatively, Eleanor's daughter may be the Ellen Daley who died at St Kilda, VIC in 1899; aged 69, father Henry Murphy, mother Ellen.<sup>59</sup> As Ellen Murphy she married Thomas Daley in Victoria in 1854.<sup>60</sup>

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<sup>49</sup> TAHO, LC104/1/1, 19 February 1853 (Ellen Foster)

<sup>50</sup> TAHO, LC104/1/1, 28 February 1853 (Thomas Foster)

<sup>51</sup> Cowley, *1858 Valuation Rolls for Southern Tasmania* p.L1-24 (Thomas Forster)

<sup>52</sup> TAHO, HA1871 No.63, p.44 No.1082 (Eleanor Foster)

<sup>53</sup> Ascites is a medical condition most commonly due to cirrhosis or severe liver disease.

<sup>54</sup> TAHO, RGD35/1/43 1874/88 Clarence (Ellen Foster)

<sup>55</sup> TAHO, RGD35/1/9 1881/3046 Hobart (Thomas Foster)

<sup>56</sup> SRCT, *SRCT Record Search* No.3267 (Thomas Foster)

<sup>57</sup> VIC Death Record 1904/10598 (Ellen Payne)

<sup>58</sup> VIC Death Record 1897/1001 (Ellen McGlenshy)

<sup>59</sup> VIC Death Record 1899/11354 (Ellen Daley)

<sup>60</sup> VIC Marriage Record 1854/2146 (Thomas Daley & Ellen Murphy)