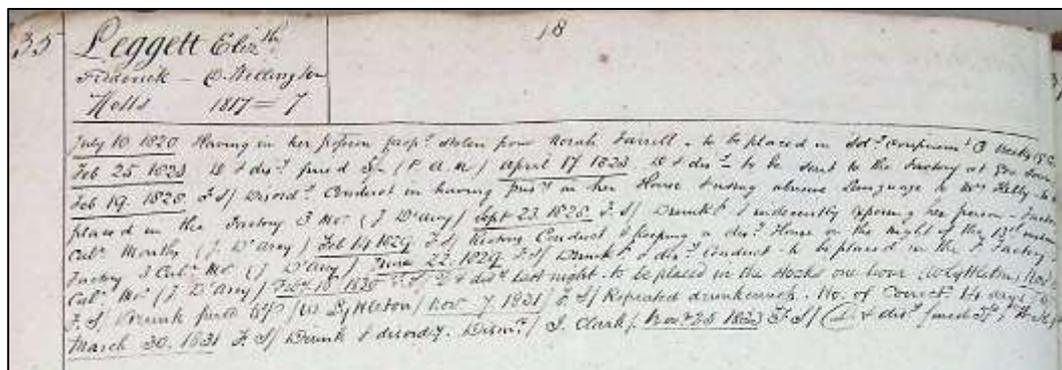


Elizabeth Leggett

Date of Trial:	22 Jul 1816
Where Tried:	Nottingham Town Quarter Session
Crime:	Larceny
Sentence:	7 years
Est YOB:	1793
Stated Age on Arrival:	25
Native Place:	
Occupation:	Country Servant
Alias/AKA:	
Marital Status (UK):	
Children on Board:	
Surgeon's Remarks:	A silly, inoffensive, industrious woman
Assigned NSW or VDL	VDL

It can be said that Elizabeth Leggett's 'career' in Van Diemen's Land was foreshadowed by the crime that sent her on her way. She had appeared before the October 1815 Town of Nottingham Session on a charge of larceny, but the case was dismissed due to 'No Bill'. Nine months later she was back in the same court where, on 22 July 1816 she was again charged with larceny, and this time found guilty and sentenced to seven years' transportation.¹ As reported in the *Chester Courant*, she had feloniously stolen one glass bottle and three half pints of gin, the property of W. Woodhouse.²

She had been held in prison for nearly one year when she was removed, unremarked by the local newspapers, and delivered to Deptford for embarkation on the convict ship *Friendship*, bound for Port Jackson and thereafter, on the *Duke of Wellington*, to the Port Dalrymple. It was there that she was mustered for 1820 and 1821.³



Resuming from where she left off in England, Elizabeth's colonial 'career' commenced in 1820 when, on 19 July, she was charged with 'Having in her possession property stolen from Norah Farrell' and ordered to be placed in solitary confinement for three weeks.⁴

She was 'clean' for almost two years, but on 25 February 1823, on the evidence of Constables Cumberlidge and Head, she was charged and fined 5/- for being drunk and disorderly. Belying Surgeon Cosgreave's opinion of her, Elizabeth Leggett may have been 'silly, and even 'industrious', but she was definitely not 'inoffensive'. The details of the incident were recorded in the depositions.

Deposition of Constable Thomas Cumberlidge -

Charged by Constable CUMBERLIDGE with being drunk and disorderly in the streets of Launceston last night. She pleaded not guilty. Constable Cumberlidge sworn saith, about eleven o'clock last night, I saw the prisoner in the streets near Mr. FIELD's house; she was noisy and intoxicated; she refused to go with me; called me a bloody floggerman. I took her to jail. Thos X Cumberlidge, his mark.

Deposition of Constable Head -



Constable HEAD sworn saith about eleven o'clock last night I saw the prisoner Elizabeth about the streets at Launceston by Wm. Fields; she was drunk and disorderly. John Head (signed).⁵

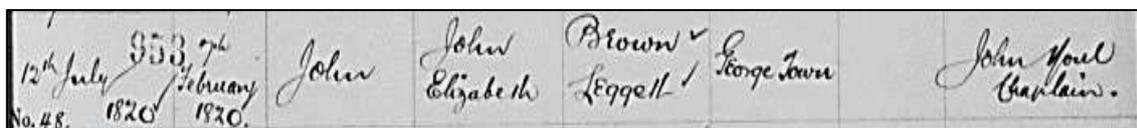
Two months later, on 17 April, she was again charged with the same offence, but this time, while employed in public works, was ordered to be sent to the Factory at George Town.⁶ In between these two events she, together with one George Maynard, was confined in the Launceston gaol on suspicion of robbing Mrs. Day, but the case was dismissed for want of proof.⁷

The 1823 muster listed Elizabeth, still at George Town, as a servant to J. Jones. Her master/mistress has not been identified.⁸ In the same year, on 22 July, Elizabeth was deemed to be free by servitude and the following year, she was issued with a certificate of freedom as per the Government Public Notice of 1 April 1824. Her name was first on the list of seventeen, two of whom were fellow *Friendship* convicts, Catherine Osborne and Ann Horton.⁹

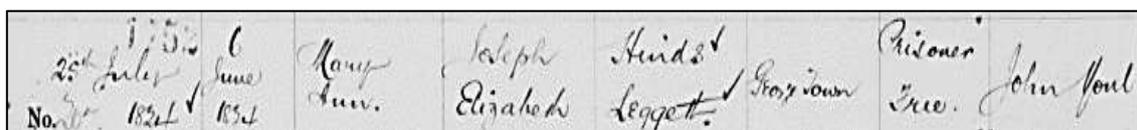
Nearly four years elapsed before Elizabeth Leggett made another appearance before the legal authorities, but between February 1828 and November 1833 she was a regular attendee at the courts.

Date	Charge	Outcome
19 Feb 1828 (FS)	Disorderly conduct in having prisoners in her house and using abusive Language to Mrs. Kelly	To be placed in the Factory [Hobart] for 3 months
23 Sep 1828	Drunk and indecently exposing her person	Factory [Hobart] ? calendar months
14 Feb 1829	Riotous conduct and keeping a disorderly House on the night of 13 th instance	Factory [Cascades FF] 3 calendar months
22 Jun 1829	Drunk & disorderly conduct	To be placed in the F. Factory [Cascades] 3 calendar months
16 Feb 1830	Drunk & disorderly last night	To be placed in the stocks one hour
30 Mar 1831	Drunk & Disorderly	Dismissed
5 Nov 1831	Drunk	Fined 5/-
7 Nov 1831	Repeated drunkenness	House of Correction [Launceston] 14 days
25 Nov 1833	Drunk & Disorderly	Fined 5/-

While at George Town Elizabeth Leggett gave birth to two children, a boy and a girl, both illegitimate, though the purported fathers were named in the Launceston baptism registers. The first, named after his father, was John Brown born on 7 February 1820, but not baptised until 12 July, one week before Elizabeth's first offence.¹⁰ Was she allowed to take this infant with her for her three weeks in solitary confinement?



Daughter Mary Ann Hinds, was born on 6 June 1824 and baptised seven weeks later on 25 July at a time when Elizabeth was managing to keep clear of the law.¹¹



Under what circumstances had the two fathers found themselves in the northern district of Van Diemen's Land, and what happened to these children?

An attempt to identify 'our' John Brown from the many others of that name is a challenge. One definite reference I have for him is the following Biographical Database of Australia (BDA) reference. While this record links him with Elizabeth Leggett it, unfortunately, makes no mention of his age or the ship/s upon which he arrived at Van

Diemen's Land. Indeed, the record does not specify whether he arrived as a freeman or a convict.¹²

Biographical record

John Brown, Gender: M; Residence: Port Dalrymple [TAS AUS]; TAS 1823 Spouse: Elizabeth Leggett, Tasmanian birth reference of children: 32/01/0953 [Biog Item No. 200512557]

However the following snippet may provide a clue, if the name of the woman concerned has been incorrectly reported.

Launceston 16th April 1823 - John Brown/Almorah/life/80/charged with throwing a brick bat at and braking the arm of a child belonging to Mary Leggett.¹³

This John Brown, together with his younger brother James, was tried on 5 September 1816 at the Chester Summer Assizes.

JOHN BROWN, aged 19; and JAMES BROWN, aged 15, weavers, from Stockport; for a burglary in the dwelling-house of Samuel Bradshaw, and stealing thereout a basket, &c. This was also a clear case, and the Prisoners were both found GUILTY. – James it appeared was an apprentice to Bradshaw.¹⁴

Both were sentenced to death, but this was commuted to transportation for life. John and James were most likely the two sons of the four children of Thomas and Mary Brown who were baptised at St Mary's, Stockport, on 17 June 1795 and 16 November 1800, respectively.¹⁵ It must have been a sore loss to their parents when the brothers were removed, first on 8 November 1816 to be received on the hulk *Bellerophon* at Woolwich and then, five months later, delivered onto the convict ship *Almorah* which departed England's shores in April 1817 and arrived at Sydney on 29 August. Within days of arrival, in accordance with instructions from the Colonial Secretary, the *Almorah's* convicts were transhipped by the *Pilot* to the Derwent.¹⁶ It must have been some comfort to the two boys that they were kept together during their shared ordeal.

Referring back to the BDA reference to Elizabeth Leggett being the spouse of John Brown, not only is there no record to confirm the legitimacy of this partnership, but there is a record of a Launceston marriage between John Brown (bachelor) and Mary Armstrong (widow) 17 October 1821 at Launceston. A further check on the BDA records confirms that 35 year old Mary Armstrong had been tried in 1819 at Antrim, Ireland, sentenced to seven years transportation, and had arrived at Sydney in May 1820 on the *Janus*, and thereafter at Van Diemen's Land in June 1820 on the *Princess Charlotte*. This 'Mrs Mary Brown, Married Woman', died in July 1825 at Launceston.¹⁷ To further muddy the waters, there was another John Brown on board the *Almorah* and *Pilot* 1817 voyages, who also ended up in the Launceston area. But this second John Brown had been tried at Middlesex and sentenced to seven years' transportation.¹⁸ One thing is certain however - no-one by the name of John Brown made an honest woman of Elizabeth Leggett.

Elizabeth's liaison with Joseph Hinds is recorded in the following BDA report.¹⁹ Again, while Elizabeth is referred to as Joseph's spouse, no record has been located to confirm that the pair had actually been married.

Biographical record

Joseph Hinds, Gender: M; Residence: Hobart, Port Dalrymple [TAS AUS]; Tried: 1820, [MDX ENG], Trial Sentence: 14 years; TAS Arrived Caledonia (1) 1820/11/17 Spouse: Elizabeth Leggett, Tasmanian birth reference of children: 32/01/1752; Convict number: 36166; Conduct reference number: CON31/18 [Biog Item No. 200519551]

At the age of 28 Joseph Hinds, an engraver by trade, was charged with and found guilty of 'Uttering as a true forged £1 Bank note, with intent to cheat and defraud'. He spent a short time on the hulk *Bellerophon* before being removed to the *Caledonia* and, as one of 150 convicts on board, left England on 5 July 1820. All bar five arrived

in good health at Van Diemen's Land on 17 November 1820 after a non-stop voyage.²⁰ Joseph Hinds was one of the thirty who were landed at Kangaroo Point for mustering before proceeding to Port Dalrymple. This cohort was to be employed in improving the road between Launceston and Norfolk Plains.²¹ Four years later Joseph Hinds was still in the northern districts, described as a silver smith and engraver, a native of London, 5ft 3½ tall with black hair and grey eyes, and readily identifiable by the tattoo of the Elephant & Castle on his left arm.²² He was granted a ticket of leave in September 1831 but as yet I have not established if and/or when he was given a certificate of freedom.²³ In fact, nothing further has been found for this Joseph Hinds unless he was the subject of the following 1875 account.

ATTEMPT TO COMMIT SUICIDE - At the Police Court on 10th inst, Joseph Hinds, an inmate of the Invalid Depot, 79 years of age, was charged with having attempted to hang himself. It appears that Henry Colley, another inmate, heard a noise in the closet about seven o'clock on Tuesday night, and on going in found Hinds sitting on the ground, and on asking him what was the matter he showed him a piece of handkerchief with a knot in it, which was lying on the ground, the remainder of the handkerchief was around his neck. He must have made a noose in the handkerchief and put his head in it, but as the handkerchief was rotten it broke. The old man was remanded.²⁴

He may also have been the man whose death, at the age of 94 on 2 April 1889 in the Invalid Depot, was registered at Launceston on 2 April 1889.²⁵

624	2 April 1889	Joseph Hinds (aged 94) (born England)	Male	Invalid	Invalid	Jane Brogan Launceston	2 April 1889
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We know that he did not marry Elizabeth Leggett, the mother of his child Mary Ann, but we do not know if he married anyone else or fathered any other children.

Turning now to Elizabeth Leggett's two children. Both John (with his birth year incorrectly given as c1818) and Mary Ann were included in the 1827 Tasmanian Muster of Children. The commentary, reflecting their mother's conduct record for this period, clearly indicates a far from ideal environment for their formative years. Neither child had received any education. At three years of age, this was not surprising for Mary Ann, but it could be expected that John would have received some form of schooling, however rudimentary. They were recorded as having no fixed residential address. But most telling was that their mother was recorded as 'Living in a state of open prostitution'.²⁶ Perhaps, now free by servitude and therefore no longer able to call upon government rations, and seemingly without any gainful employment, nor apparently with a man around to help support her and her children, Elizabeth resorted to running a bawdy house.

A list of Children in Care 1826-1899 includes four children with the surname Leggett and/or variants.²⁷

LEGATE/LEGGATT Mary Ann	1823	SWD 24 p.77	17/10/1829, 16/7/1830
LEGGATT Mary	1827	CSO 5/86/1885	1833 pp116, 140, 185
LEGGETT Elizabeth	1824	CSO 1/122 p.33	1826
LEGGETT John	1820	CSO 1/122 p.33	1826

Matthew Johnston kindly followed up on these references for me. Mary (Ann) Leggatt was a daughter of convict woman Sarah Leggatt who had arrived in Hobart in 1826 on board the *Providence*. Admitted on 9 January 1833 aged 6, she was discharged eight years later to Stephen T. Hardinge in January 1841.²⁸

CSO 1/122 is a 'Return of Children at Launceston George Town and the Vicinity of Launceston whose Parents or Guardians wish them to be admitted in an Orphan School'. At George Town, and listed against the name of Elizabeth Leggett (Free), are Elizabeth 1yr 3mths, and John 6 years, classified as Class 2.

Under the SWD 24 reference are two items relating to Mary Ann. A Minute, dated 17 October 1829, states:

Admitted on the foundation, and to be admitted where there is room -

Mary Ann Legatt, 6 years old, the Father is dead, & the mother, who has another child labouring under bodily infirmity, is not able to support both children.

Nine months later the Board received a letter from the Colonial Secretary with respect to the petition of Elizabeth Leggett for the admission of her daughter Mary Ann, aged 6, advising that there were not sufficient grounds set forth in the petition for the admission of Mary Ann Leggett and that the Committee were of the opinion that further enquiry should be made into the circumstances of the mother before the prayer in the Petition can be recommended to their favourable consideration. The final outcome is not yet known.

Nothing further has been found for daughter Elizabeth (and I wonder if she was not in fact Mary Ann). John was possibly the 11 year old John Leggeat who was buried at George Town on 9 June 1831. No cause of death was given, but the 'bodily infirmity' referred to in the Orphanage paperwork may have been a contributory factor. The informant was William Kneale, Catechist at George Town (and also a long time Commissariat employee).²⁹

As noted, the last offence officially recorded for Elizabeth Leggett was for being drunk and disorderly in November 1833. The *Colonial Times* of 11 March 1834 published the Hobart Town Police Report for the previous week. Under the Country Report section there was only one entry for George Town – 'Elizabeth Leggett, for drunkenness, was fined 5/-'.³⁰ This is the last record found for Elizabeth who by this time was in her fortieth year. When, and if so, she married, and where and when she died remains a mystery.

Mary Ann Leggett

In October 1829 Mary Ann Legatt [sic], then aged six, was put forward as a possible candidate for admission to the Orphan School. It was claimed that her father was dead and that her mother was not able to cope with caring (?) for her two children, particularly as the elder one, John, had some form of disability.³¹ A search through the Admissions Register for 1828-1863 has not located her so it is possible that Mary Ann was not eventually admitted.³² This begs the question that if she was not taken into the Orphan School, what happened to her? Is it possible that she adopted the surname 'Brown', that of her mother's first partner? If so she may have been the young woman who gave birth to two children by two different fathers and who, before and after her marriage (?) to one of these men, regularly came to the attention of the law.

In July 1866 Joseph Toomey of Upper Goulburn Street, Hobart, lodged an application for the admission of a child into the Queen's Orphan Asylum for Destitute Children.³³

<i>Names of Children.</i>	<i>Date of Birth.</i>	<i>By whom Baptized, when, and where.</i>	<i>Parents—when, where, and by whom Married.</i>
<i>Phoebe Ann Toomey</i>	<i>June 15 1855</i>	<i>Rev T. H. Cox at St John's Church Hobart Town July 13 1855.</i>	<i>Joseph Toomey and Mary Ann Toomey (formerly Leggett) married at Green Ponds by Rev W. Beasley about 1851.</i>
Religion—	<i>Church of England</i>		

The name of the child was Phoebe Ann Toomey who had been born on 15 June 1855 and baptised a month later on 13 July at St. John's Church, Hobart Town. Her parents were listed as Joseph Toomey and Mary Ann Toomey (formerly Leggett) who had been married at Green Ponds, by the Reverend. Beasley 'about 1851'. No record has been found for this marriage. Indeed, the Reverend Beasley, having served the Green Ponds district for ten years, departed in early 1847 for a new mission at Redfern, Sydney.³⁴

Name of Father—	<i>Joseph Tomey</i>
Residence—	<i>Upper Goulburn Road</i>
Religion—	<i>Church of England</i>
Ship to the Colony and date of arrival—	<i>Leighton (1) 1827</i>
Whether arrived Free or Bond—	<i>Bond</i>
Civil Condition, Free by Servitude, Conditional Pardon, or Ticket-of-Leave—	<i>F. S.</i>
Date of Freedom or Pardon—	
Trade or occupation—	<i>Mason</i>
Name of Mother on arrival—	<i>Mary Ann Leggett</i>
Residence—	<i>Hobart Town</i>
Religion—	<i>Church of England, if anything.</i>
Ship to the Colony and date of arrival—	
Whether arrived Free or Bond—	<i>Free</i>
Civil Condition, Free by Servitude, Conditional Pardon, or Ticket-of-Leave—	
Date of Freedom or Pardon—	
How employed—	
<p>This Application for the admission of the Child named therein, of whom I am the <i>Father</i> is made with my sanction and at my request.</p> <p style="text-align: right;">*(Signature) <i>Joseph Tomey</i></p> <p>(Witness) <i>J. H. Cox</i></p>	

The father had arrived in Van Diemen's Land on the convict ship *Layton* in 1827, was free by servitude, a mason by trade and whose religious persuasion was given as Church of England.³⁵ The mother was a free [native-born] woman, resident at Hobart Town, and whose religion was disparagingly given as 'Church of England, if anything'.

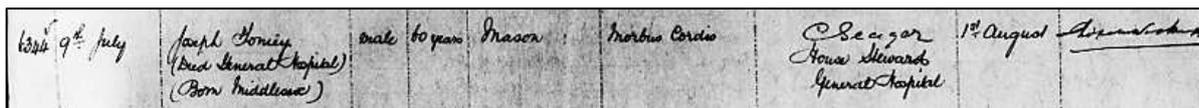
Before the application could be 'entertained' some additional supporting information was required and supplied by the Reverend F.H. Cox, as follows.³⁶

1. Condition of the Parents as regards their means.
The father is in a state of destitution, unable from continued ill health to earn anything. So he has been for some years.
The mother is rarely at home. She is addicted to drunkenness & street-brawling (at the least), and spends several months in the year at the factory, and the rest of her time is such a manner that it would be inappropriate to leave the child in her care.
2. The cause necessitating the application.
Stated above, as far as the mother is concerned.
The father has an order for admission to the hospital (where indeed he ought to be) and expects to go in tomorrow (6 July) so that the question "what is to become of the child" is an urgent one.
3. Whether the Parents have any more Children *dependent on them for maintenance* ...
None.

The desperate plight of the father is confirmed by the notation, dated 11 July 1846, in the section of the application form headed up 'Report of the Case and recommendation of Bench for consideration and decision of the Government'.

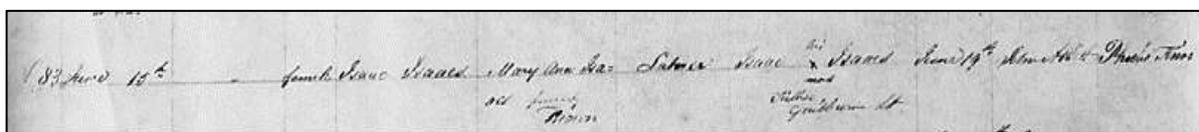
The father of this girl has died in the General Hospital since his admission – the Mother is a most disreputable character and cares nothing about her child. Half her time is spent under sentence at the Cascades – the child is not under the mother's care now.

Joseph Tomey had died on 9 July 1866, three days after he was admitted to the hospital, the cause of death being given as *Morbus Cordis* – heart disease.³⁷



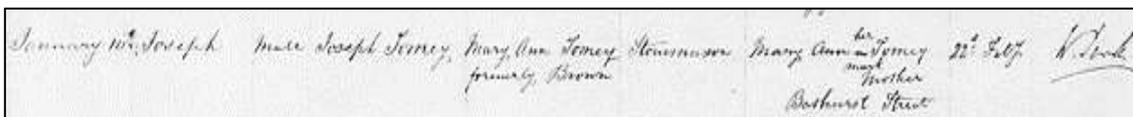
According to the Admissions Register, Ann Phoebe Toomey was admitted to the Queen’s Orphanage on 16 July 1866.³⁸

Joseph Tomey, aware that he had not long to live, and given the circumstances, had understandably been concerned about the future welfare of Phoebe Ann. This concern is even more commendable given that he was not actually her father. Phoebe Ann had been born at Hobart on 15 June 1855 to Mary Ann Isaac, formerly Brown, and Isaac Isaacs. The father, resident of Goulburn Street, had registered the birth on 19 June.³⁹ To confuse matters, there was quite a clan of Isaacs living in Hobart and Launceston at this time. But Isaac Isaacs had married a woman named Ann McLoughlin in Hobart in October 1845, and the death of a Mary Anne Isaacs, wife of Isaac Isaacs of Goulburn Street, was registered in December 1853.⁴⁰ While Mary Ann, the mother of Phoebe, was recorded as Mary Ann Isaacs, there is no marriage record to support this claim.



Isaac was probably the 12 year old, even then a serial offender, who had been tried and found guilty at the Old Bailey in July 1824 for picking pockets and sentenced to transportation for life. He had arrived at Van Diemen’s Land per the *Asia* in 1827. Notice of his conditional pardon was published on 3 January 1840. He earned his (legitimate) living as a small time dealer in fish.⁴¹

It was recorded on the Queen’s Asylum application form that there were no other children for whom Joseph and Mary Ann were responsible. And this was in fact the case. But they did have another child – a son who was born and died in 1858. Named after his father, Joseph Tomey was born on 10 January and his mother Mary Ann Tomey (formerly Brown) of Bathurst Street registered the birth on 22 February.⁴²

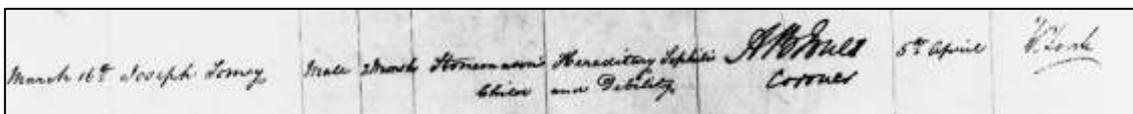


The *Courier* of 17 March 1858 carried the following item under the heading ‘Sudden Deaths’.

Yesterday morning also, an infant male child, son of Joseph Tomey, labourer, Bathurst-street, died suddenly in bed. Inquests will be holden before A.B. Jones, Esq., on the bodies.⁴³

The inquest, held at the “Albermarle Arms” on 17 March and conducted by Algernon Burdett Jones, Esq., makes for grim reading and the verdict was reflected in the death registration.

The said Joseph Tomey on the 16th day of March in the year aforesaid at Hobart Town aforesaid in the Island aforesaid and for a long time before did labour and languish under a grievous disease of the body To Wit Hereditary Syphilis and Debility and that the said Joseph Tomey on the said sixteenth day of March in the year aforesaid at Hobart Town aforesaid in the Island aforesaid By the Visitation of God in a natural way – of the Disease an Debility aforesaid and not by any violent means whatever to the knowledge of the said Jurors did die.⁴⁴



To return to Mary Ann Leggett, last recorded in 1830 awaiting the decision of the Queen’s Orphan School as to whether she was to be admitted, and to the proposition, based on the Leggett/Brown references in the records identified above, that this woman was the daughter of Elizabeth Leggett and, indeed, followed very much in her

mother's footsteps.

A TROVE search on the name of Mary Ann Brown for the 1830 and 1840 decades returns a number of 'hits' some of which can be discounted in attempting to track the career of 'our' Mary Ann. It is possible, however, that the following items are relevant. In its inimitable style, the *Colonial Times* of 15 August 1837 reported⁴⁵

Mr. District Constable Watkins, who endeavours to relieve Mr. District Constable Clarke from his anxious duties among the ladies, complained of Miss Mary Ann Brown. "Well, Watkins?" "Oh! dear, your Worship, I can't do not nothing at all with this here woman, I found her out last night late, and using the most scandalous and audacious language what was ever heard." "Well, she must have fourteen days at the Factory." "There, my lady, you have got it"—said little Ben.

And again on 9 January 1838⁴⁶

Mary Ann Brown, a well-known lady, of easy virtue, in Hobart Town, was charged with felony, under the following circumstances. She called on a morning visit at a public-house, presuming on former familiarities with Boniface, and whilst he was serving a customer, walked to his till and purloined a *stocking* in which was a good round sum of notes and silver, and a pair of ear-rings; the latter she put in her ears, where they were found, and also the long stocking. The lady made a very ingenious and artful defence, and endeavoured to extenuate her conduct, by a relation of her tender tale of love. Boniface smiled, but seemed to set more value on his money than the lady's affections. Some little mystery attaching to the transaction, the case was adjourned until Tuesday.

The matter dragged on, with Mary Ann Brown undergoing another long examination on the charge of robbing Mr. Dove the landlord of the Scotch Thistle, and the verdict was subsequently reported in *The Hobart Town Courier*.⁴⁷

Mary Ann Brown, free, stealing a .£1 note, and monies, the property of Wm. Dove. Guilty — Verdict, seven years transportation.

Ten years later we find Mary Ann being bound over.⁴⁸

Mary Ann Brown, a free native, charged by constable Hand with being a common prostitute, was ordered to find sureties for her good behaviour for twelve months, herself in £40, and two others in £20 each.

Over the next two decades there can be no doubt that the following selection of items relate to 'our' Mary Ann's exploits as they are reported under the name Mary Ann Toomey.

On 31 March 1853 *The Tasmanian Colonist* reported on what it described as and 'Extraordinary Case'.⁴⁹ One Josiah Roberts was charged by Jane Thomson, residing in the 'peculiarly classical locality of Cloudy Bay, Bathurst-street', with breaking into her house. According to Jane Thomson, she was sitting quietly sewing when the defendant, who she did not know, tried to break down the front door. A somewhat different scene was revealed during cross examination.

On her cross-examination by Mr. Perry, the woman Thomson stated some rather curious facts; namely, that she had some girls living in her house; "Polly the Maid," whose right name was Mary Ann Toomey; Grace King, whom *she believed* also lived there, and another girl named Ellen Cochrane; these three young ladies resided in her "establishment;" the witness did not know that the defendant was a friend of Polly the Maid.

Mr. Wilmot (with whom Mr. Hewitt sat) said he did not wish to interrupt Mr. Perry, but he was quite satisfied that the case must be dismissed, as there was nothing whatever to show any felonious intent on the part of the defendant.

Mr. Perry observed that a more paltry charge was never brought forward; even by the prosecutrix's own statement, she had acknowledged to having three girls living in the house, which in fact was nothing but a brothel.

Six months later, and in cahoots with two other women, Mary Ann Toomey was under the vagrancy regulations, the first of many such offences.⁵⁰

Mary Mitchell, Mary Ann Toomey, and Isabella Collins, were charged by Sergeant Bryan under the vagrant clause of the Police Act, with being idle and disorderly persons, and common prostitutes. The defendants resided in the worst part of Goulburn street, and were each sentenced to three months' imprisonment with hard labour.

The case *McConnell v Mary Ann Toomey and Wm Bennett* was heard by the Police Court of 2 December 1863.⁵¹

McCONNELL V. MARY ANN TOOMEY AND WM. BENNETT.—The defendants, in this case, were charged, on the information of Sub-Inspector McConnell, with disturbing the peace in a public place, at Moodie's Row, Liverpool-street, on the 22nd ultimo, and behaving in an indecent manner. The female defendant pleaded guilty; William Bennett pleaded not guilty. The case was proved by Detective Vickers. Detective Vickers gave the defendant Bennett a very bad character, as keeping a most disorderly house. The Bench ordered the defendants to be fined £3 each, or, in default, to be imprisoned and kept to hard labor for three months.

On the application form for Phoebe Ann Toomey to be admitted to the Orphan Asylum Reverend Cox had stated that her mother was hardly ever at home. This is borne out by the next two items from *The Mercury* of 29 March 1865 and 26 July 1867 (by which time Joseph Toomey had died).⁵²

VAGRANCY.—Mary Ann Toomey was sent to the House of Correction for two months, for having no means of subsistence, and for sleeping in the open air.

VAGRANCY —Mary Ann Toomey sentenced to a month's hard labor for having no home to go to.

November 1866 found Mary Ann Toomey charged with disturbing the peace.⁵³

PEACE DISTURBER.—Mary Ann Toomey fined 20s., or one month's hard labor, and Caroline Chapman, an old offender, £3, or three months' hard labor for disturbing the peace.

William Bennett, who had been charged with Mary Ann in December 1863, appeared before the Police Court on 24 July 1867 on a charge of 'wilfully and maliciously wounding Mary Ann Toomey'.⁵⁴ Two months later it was with another man that she appeared before the Stipendiary Magistrate in September 1867.⁵⁵

DRUNKENNESS.—Mary Ann Toomey and Thomas Garbett were respectively fined 5s. for drunkenness.

The last reported offence committed by Mary Ann Toomey appeared in *The Mercury* in November.⁵⁶

PEACE DISTURBER.—Mary Ann Toomey for disturbing the peace in Murray-street, was fined £1 0s. 6d., or a month's hard labor in default.

By this time she would have been in her mid-40s. She is possibly the person whose death was registered at Hobart, together with many others, on 4 April 1870 by C. Seagar, House Steward of the General Hospital.⁵⁷ This Mary Ann Toomey, native born, had been admitted into the hospital on 18 March 1870 and died three days later. The cause of death was kidney disease and her age (an estimate?) was recorded as 40.⁵⁸

1870	18th March	Mary A Toomey (Born Germany) (Died General Hospital)	40 years	do	do	do	do	C. Seagar	4th April	H. Blackland
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The hospital's register shows that some of the patients listed on the same page as Mary A Toomey were buried by friends – but not Mary Ann. However the hospital did organise for a coffin and interment. Her name appears on the top of the list of Mr. Seagar's report on the number of coffins required for paupers.⁵⁹

Postscript

The following record appears in the register of children apprenticed from the Queens Asylum and shows that Phoebe Ann Tooney [sic] was apprenticed in July 1870 to a Henry J. Wood of Melton Mowbray. She had just celebrated her fifteenth birthday.⁶⁰ In July 1868 Henry John Wood, a farmer at Westmoreland in the Green Ponds district, had married Elizabeth Broad and their first child had been born in May 1870 so perhaps Phoebe was taken on to assist with the domestic/nursing duties of the Wood household.⁶¹

Tooney, Phoebe Ann	15th July 1870	Henry J. Wood
		Melton Mowbray

I have located no further records for a Phoebe Ann Toomey (plus variants). However, I have located an 1877 marriage for a Mary Ann Toomey, aged 21, to widower Thomas Porter, registered at Bothwell.⁶² Could this be Phoebe under another name?

No.	When married, and where	Name and Surname	Age	Rank	Signature and Description of Parties	Name of Clergyman, Officiating Minister, or Deputy Registrar	When registered	Signature of Deputy Registrar or Officiating Minister
156	January 29th 1877	Thomas Porter Parish Church Bothwell	45 yrs 21 yrs	Laborer Spinster	his Thomas X Porter Mark Widower Mary Ann Xher Toomey Mark Spinster	John Chambers	January 29th 1877	John Chambers
<p>Married in the Parish Church. Bothwell according to the Rites and Ceremonies of the Church of England by Banns by This Marriage was solemnised between us } Thomas X Porter (In the presence) William X Dalby } Mark (of us) } Mark } Mary Ann Xher Toomey } Mark } Mark } Gibbons } Minister</p>								



NOTES

- ¹ Findmypast (FMP), England & Wales, Crime, Prisons & Punishment, 1770-1935, Home Office: Criminal Registers, England and Wales, 1805-1892.
- ² *Chester Courant*, 20 Aug 1816, p.3.
- ³ Female Convict Research Centre (FCRC), Female Convicts in Van Diemen's Land database, Convict ID : 3605.
- ⁴ TAHO, Conduct Register, CON40/1/5 Image 298.
- ⁵ Manuscript 3251: Van Diemen's Land 1821-1862, Launceston, 25/02/1823: Elizabeth LEGGETT, <https://manuscript3251.wordpress.com/2009/10/23/ms-3251-1821-1844-box-1-vol-2/>, p.69.
- ⁶ TAHO, Conduct Record, CON40/1/5, p.18.
- ⁷ Manuscript 3251, VDL. Launceston, 25/02/1823: Elizabeth LEGGETT, <https://manuscript3251.wordpress.com/2009/10/23/ms-3251-1821-1844-box-1-vol-2/>, p.115.
- ⁸ FCRC, Convict ID : 3605.
- ⁹ The Hobart Town Gazette and Van Diemen's Land Advertiser, 2 Apr 1824, p.1.
- ¹⁰ TAHO, Launceston baptisms 1820, RGD32/1/1 no 953.
- ¹¹ TAHO, Launceston baptisms 1824, RGD32/1/1 no 1752.
- ¹² Biographical Database of Australia (BDA), Biographical report for John Brown.
- ¹³ Manuscript 3251, VDL. Launceston, 25/02/1823: Elizabeth LEGGETT, <https://manuscript3251.wordpress.com/2009/10/23/ms-3251-1821-1844-box-1-vol-2/>, p.81.
- ¹⁴ *Chester Chronicle*, 13 Sep 1816, p.1.
- ¹⁵ "England and Wales Non-Conformist Record Indexes (RG4-8), 1588-1977," database, FamilySearch (<https://familysearch.org/ark:/61903/1:1:F7Q5-Y7S> : 11 December 2014), John Brown, 28 Jun 1795, Baptism; citing p. 9, Stockport, Cheshire, record group RG4, Public Record Office, London. "England Births and Christenings, 1538-1975," database, FamilySearch (<https://familysearch.org/ark:/61903/1:1:V5NB-JW2> : 11 February 2018, James Brown, 29 Sep 1800); citing ST MARY, STOCKPORT, CHESHIRE, ENGLAND, index based upon data collected by the Genealogical Society of Utah, Salt Lake City; FHL microfilm 223,686, 223,687, 223,685.
- ¹⁶ Ancestry, UK Prison Hulk Registers and Letter Books, 1802-1849. Convict Records, <https://convictrecords.com.au/ships/almorah>. Ancestry, New South Wales, Australia, Colonial Secretary's Papers, 1788-1856.
- ¹⁷ BDA, Biographical report for Mary Armstrong. TAHO, Launceston marriages 1821, RGD36/1/1 no 59; TAHO, Launceston deaths 1825, RGD34/1/1 no 1091.
- ¹⁸ Convict Records, <https://convictrecords.com.au/ships/almorah>.
- ¹⁹ BDA, Biographical report for Joseph Hinds.
- ²⁰ FMP, England & Wales, Crimes, Prisons and Punishment 1770-1935; FMP, Prison ship (Hulk) Register; Convict Records, <https://convictrecords.com.au/ships/caledonia>; *Hobart Town Gazette*, 18 Nov 1820, p.2.
- ²¹ *Hobart Town Gazette*, 25 Nov 1820, p.2.
- ²² Ancestry, Tasmania, Australia, Convict Court & Selected Records, 1800-1889.
- ²³ *Colonial Times*, 5 Oct 1831, p.4.
- ²⁴ *Weekly Examiner*, 18 Mar 1875, p.11.
- ²⁵ TAHO, Launceston deaths 1889, RGD 35/1/58 no 167. There was another Joseph Hinds, a farmer, who died in 1889 at Beaconsfield. According to one Ancestry Family Tree, this Joseph had been born in 1795 in England and arrived in Van Diemen's Land after the 1826 birth of his second son - <https://www.ancestry.co.uk/family-tree/person/tree/38849569/person/19998028940/facts>. He actually arrived with his wife Barbara and two sons, James and Joseph, on the *Caroline* on 19 January 1828 – TAHO, Arrivals, CSO/1/1/13 p.20.
- ²⁶ BDA, Biographical report for Elizabeth Leggett.
- ²⁷ Joyce Purtscher (comp), More references for Tasmanian Children in Care 1826-1899, J. Purtscher, Mt. Stuart, Tasmania, 1996.
- ²⁸ Friends of the Orphan Schools, Orphan Number 3201, http://www.orphan.school.org.au/showorphan.php?orphan_ID=3201. TAHO, Conduct Record, CON40/1/5 Image 306.
- ²⁹ TAHO, Launceston burials 1831, RGD34/1/1 no 2556. *The Tasmanian Colonist*, 12 Jun 1854, p.2.
- ³⁰ *Colonial Times*, 11 Mar 1834, p.8.
- ³¹ Given that Mary Ann's purported father was thought to be dead, this would rule out the theory of the 1889 death of suicidal Joseph Hinds, unless in this case 'dead' actually meant 'no longer around'.
- ³² TAHO, Register of Children admitted and discharged from the Male and Female Orphan School, 19 Mar 1828 to 31 Jul 1863, SWD28/1/1.



- ³³ TAHO, Application for Admission, Queens's Orphan School, SWD26/1/9 images 302-304. Joseph's surname has been recorded variously as Toomey, Toomy, Toony and Tomey. The latter – Tomey – is the name by which he was baptised, on 5 May 1805, at Holborn, son of Joseph and Elizabeth Tomey (née Davis), and the name recorded in the documentation for his arrest, trial, imprisonment and transportation to Van Diemen's Land. He was 21 when tried on 25 March 1825 at Warwick for housebreaking, found guilty and sentenced to death, later commuted to transportation for life. An appeal for further mitigation of his sentence was denied, and he, together with 159 other convicts, left England on the *Layton* on 13 June 1827, arriving at Van Diemen's Land on 9 October. FMP, Courts & Legal (various). Convict Records, Layton, <https://convictrecords.com.au/convicts/tomey/joseph/120993>.
- ³⁴ The Hobart Town Courier and Gazette, 3 Feb 1847 p.3.
- ³⁵ Joseph Tomey's conditional pardon was confirmed in July 1841 via Government Notice No. 159 – *The Courier*, 20 Jul 1841, p.2.
- ³⁶ This was to be one of Reverend Cox's last duties as Minister of St. John's Church, Hobart, as it was announced that he was to take up the Bishopric of Natal – *Tasmanian Morning Herald*, 17 Jul 1866, p.2.
- ³⁷ TAHO, Hobart deaths 1866, RGD35/1/7 no 6344.
- ³⁸ TAHO, Register of Applications for Admission, SWD27/1/1 (T).
- ³⁹ Ancestry, Australia, Birth Index, 1788-1922. TAHO, Hobart births 1855, RGD33/1/6 no 83.
- ⁴⁰ TAHO, Hobart marriages, RGD37/1/4 no 1654. TAHO Hobart deaths, RGD35/1/4 no 660.
- ⁴¹ TAHO, Conduct Register, CON31/1/23 Image 18. Isaac Isaacs was probably the subject of a July 1891 death registration – at New Town, Charitable Institution, of senile debility. – TAHO, Hobart 1891 deaths, RGD35/1/13 no 536.
- ⁴² TAHO, Hobart births 1858, RGD33/1/7 no 1239.
- ⁴³ *The Courier*, 17 Mar 1858 p.3.
- ⁴⁴ TAHO, Inquests, SC195/1/41 Inquest 4223. TAHO, Hobart deaths 1858, RGD35/1/5 no 840.
- ⁴⁵ *Colonial Times*, 15 Aug 1837, p.8.
- ⁴⁶ *Colonial Times*, 8 Jan 1838, p.8.
- ⁴⁷ The Hobart Town Courier, 19 Jan 1838, p.3. The Hobart Town Courier, 26 Jan 1838, p.3
- ⁴⁸ The Britannia and Trades' Advocate, 25 May 1848, p.2.
- ⁴⁹ The Tasmanian Colonist, 31 Mar 1853, p.2.
- ⁵⁰ The Tasmanian Colonist, 6 Oct 1853, p.2
- ⁵¹ *The Mercury*, 3 Dec 1863, p.3.
- ⁵² *The Mercury*, 29 Mar 1865, p.2. *The Mercury*, 26 Jul 1867, p.3.
- ⁵³ *The Mercury*, 8 Nov 1866, p.2.
- ⁵⁴ *The Mercury*, 26 Jul 1867, p.2.
- ⁵⁵ *The Mercury* 19 Sep 1867, p.2.
- ⁵⁶ *The Mercury* 23 Nov 1868, p.2
- ⁵⁷ TAHO, Hobart deaths 1870, RGD35/1/7 no 9214.
- ⁵⁸ TAHO, HSD145/1/1 March 1870.
- ⁵⁹ TAHO, HSD146/1/1 1870 Image 2.
- ⁶⁰ TAHO, Register of Children Apprenticed from the Asylum, SWD32/1/1 'T' page 2.
- ⁶¹ TAHO, Oatlands marriages 1868, RGD37/1/27 no 559. TAHO, Green Ponds births 1870, RGD33/1/48 no 647.
- ⁶² TAHO, Bothwell marriages 1877, RGD37/1/36.



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