

John Foster, 105, *Hashemy*

Researched by Marcia Watson

Probable parents are George and Sarah Foster of Shardlow, Derby. George died in 1835, aged 55. They had a son John, baptised 5 March 1820, at Acton upon Trent, the parish for Shardlow, Derbyshire.

Previous conviction

4 April 1848, Derby County Sessions. Ockbrook. For some months past, the inhabitants of Ockbrook have suffered severe losses from the continued depredations of some lawless characters, and though the most active exertions were made to detect the offenders, they were without effect till Thursday last, when one of the rascals was captured under somewhat curious circumstances.

Mr Richard Spencer, of Bartlewood, near Hopwell, having some sheep lambing, rose about midnight to look after them, and entering the stable was surprised at finding a bundle; while making further search, a man named John Foster, of Shardlow, sprang upon him, kicking the lantern to pieces and pushing Mr Spencer down. A severe struggle ensued, which ended in the capture of the thief. On opening the bundle, a large quantity of horse hair and a few other articles were found, which the next morning was identified by Mr John Smith, farmer, of Ockbrook, as his property. The prisoner was taken before the magistrates on Friday last, and fully committed to take his trial.¹

Another newspaper wrote:

John Foster, 27, charged with having the 30th day of March last, at the parish Ockbrook, feloniously broken and entered a building within the curtilage of the dwelling-house of John Smith and stolen one pair of mittens, and two pounds weight of horsehair. Mr Willmore prosecuted; the prisoner was undefended.

John Smith, the prosecutor, deposed that he was a farmer, living at Ockbrook. On the morning of the 30 March he missed pair of hedging mittens from his stable; some hair had also been taken from the manes of two horses. There were three horses in the stable, but the hair was only taken from two of them, which were disfigured very much.

William Smith, son of the prosecutor, manages the farm and did the stable up the night 29 March. I saw the hedging mittens and the horses safe at eight o'clock.

Richard Spencer, a farmer, living in the parish of Ockbrook, about half-a-mile from prosecutor's house, deposed that about half-past eleven o'clock the 30 March, he picked up a bundle containing the horse hair produced and a pair of mittens in his yard. Shortly after, this prisoner came up to him and asked for them, saying that he had done nothing amiss and had only come into the yard for shelter. He also said that his name was John Smith, and that he had been living at Hallam, and that he was going home. Witness refused to give the articles up, and the prisoner ran away, but he caught him against the gate, and after some struggling succeeded in detaining him until assistance arrived; he was then given into custody.

He was sentenced to four-calendar months' imprisonment with hard labour.²

Derby Records Office. These records may refer to convict John Foster.

Q/SP 11/34	1848	Foster	John	M	27	Breaking, entering and stealing	Ockbrook
Q/SP 11/35	1848	Foster	John	M		(Former sentence)	
Q/SP 19/36	1848	Foster	John	M		Breaking, entering and stealing	
Q/SP 15/3	1848	Foster	John	M	27	Breaking, entering and stealing	Ockbrook
Q/SP 15/4	1848	Foster	John	M	27	Breaking, entering and stealing	Ockbrook
Q/SP 15/6	1848	Foster	John	M		(Former sentence)	
Q/SP 15/7	1848	Foster	John	M		(Former sentence)	
Q/SP 15/10	1848	Foster	John	M		(Former sentence)	

¹ Derby Mercury, 05 April 1848, p2

² Derbyshire Courier, 08 April 1848, p2

Q/SP 19/39	1849	Foster	John	M		Larceny	
Q/SP 15/14	1849	Foster	John	M	23	Stealing	Alvaston
Q/SP 15/14	1849	Foster	John	M	23	Stealing	Chaddesden
Q/SP 15/14	1849	Foster	John	M	23	Stealing	Chaddesden
Q/SP 11/37	1849	Foster	John	M	23	Stealing	Alvaston
Q/SP 11/37	1849	Foster	John	M	23	Stealing	Chaddesden
Q/SP 11/37	1849	Foster	John	M	23	Stealing	Chaddesden

A reference number for the record will be provided in the first column. This number can then be sent to the Derby Record Office in order to obtain a copy of the original entry. record.office@derbyshire.gov.uk

At the Derbyshire Quarter Sessions, on 4 January 1849:

John Foster, 23, charged with having on the 12 November, 1848, at the township of Alvaston, feloniously stolen one smock-frock, the goods and chattels of Thomas Austin. Mr Manson prosecuted; prisoner undefended.

Prosecutor is a labouring man residing at Alvaston, and the smock-frock was taken out of a ditch where he had put it whilst he was at work. He gave information to Wragg, police-sergeant, of Derby, who went to a second-hand clothes shop in Walker-lane, and there found that the prisoner had sold it to the proprietor of the shop. He was apprehended by police-sergeant Fearn soon afterwards. Guilty.

There were three other indictments against the prisoner, and a previous conviction at the April Sessions at Chesterfield. Another case was also proved of stealing a smock-frock at Alvaston; and Fearn, policeman, stated that there were two charges for burglary, and four for cutting horses' manes and tails in Leicestershire. The sentence of the Court was that he be transported for the term of fifteen years.³

Another newspaper version. John Foster, aged 23, was charged with stealing on the 13 November, Alvaston, the smock-frock, the property of Thomas Austin. There were two other indictments against the prisoner, and likewise, a previous conviction proved. It appeared that the prisoner took the smock-frock from a field where the prosecutor was working, and sold it to Mrs Wood, who keeps a second-hand clothes shop in Walker-lane. Guilty.

Another case was proved against him, and policeman Fearn stated that he was charged with committing two burglaries in Leicestershire, and likewise with cutting several horses' manes and tails. Sentenced to 15 years transportation.⁴

On 6 March 1849, John and a number of prisoners were transferred from Derby Gaol to Millbank Prison by the early morning train. After a year at Millbank, he was transferred to Portland Prison on 6 March 1850. From there, he boarded the *Hashemy* on 19 July 1850 for the voyage to Western Australia.⁵

During the voyage, John was on the sick list of the *Hashemy*:

Folio 4: John Foster, aged 25, prisoner; rheumatism; put on sick list, 17 September 1850, discharged 27 September 1850 well.⁶

There is no description for John Foster on Acc 123 – only that he is dead.

General Register:

105. John Foster, 28, single, farmer's labourer, Church of England and had no schooling, and couldn't read or write. [English prison records say he could read] He said his mother, 2 brothers and 8(?) sisters lived in Derby.

John died on 18 December 1850 in the hospital where he had been almost since he landed, had been sick on the voyage.

³ Derbyshire Courier, 06 January 1849, p2

⁴ Derby Mercury, 10 January 1849, p1

⁵ HO4/24; HO8/105

⁶ The National Archives UK, ADM 101/32/6/1-6

I endeavoured on Shipboard to teach Foster reading, but could make nothing of him, he pleaded bad sight, and with some truth too, he might, however, have, if anxious, have learned more than he did — While in hospital, I could make but little of him; he was of peculiar temperament, & along with it, sadly ignorant. Often did I beseech him to seek for pardon & acceptance with God; (naming) him that time was precious; but with what effect is known only to the Almighty. I could get but little reply, as he spoke but seldom & then briefly. However, God knows the heart, and to Him, therefore, we leave him. He died on 18 December 1850 of 'disease of stomach'. He had been in prison 1 year, 11 months and 16 days.⁷ (chaplain Matthew Fletcher)

Three entries, for G and Wm Foster, don't appear to relate to another convict or guard. They could be a clerical mistake and refer to John Foster, considering he died shortly after.⁸

<i>31 October 1850</i>	<i>Foster G</i>	<i>Pain in stomach</i>	<i>Pilul Cal: & Op: medicine</i>
1 November 1850	Foster John	Pain in cheek	Blister & cough mixture
2 November 1850	Foster J	Cough	Continue medicine
4 November 1850	Foster John		Calomel
<i>7 November 1850</i>	<i>Foster Wm</i>		<i>Continue Op: medicine</i>
<i>8 November 1850</i>	<i>Foster Wm</i>		<i>Continue Op: medicine</i>

⁷ Further correspondence on the on the subject of Convict Discipline and Transportation. Presented to both Houses of Parliament by Command of her Majesty, 4 August 1841, p 90; SROWA Acc 1156 R21A

⁸ SROWA Acc 1156 CS1