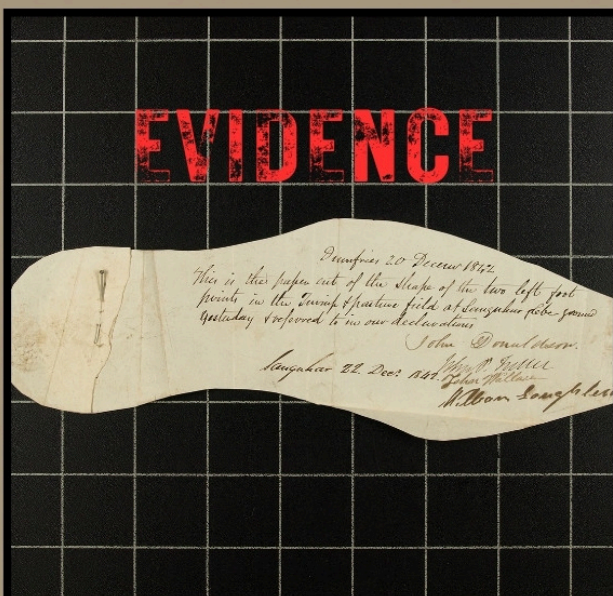


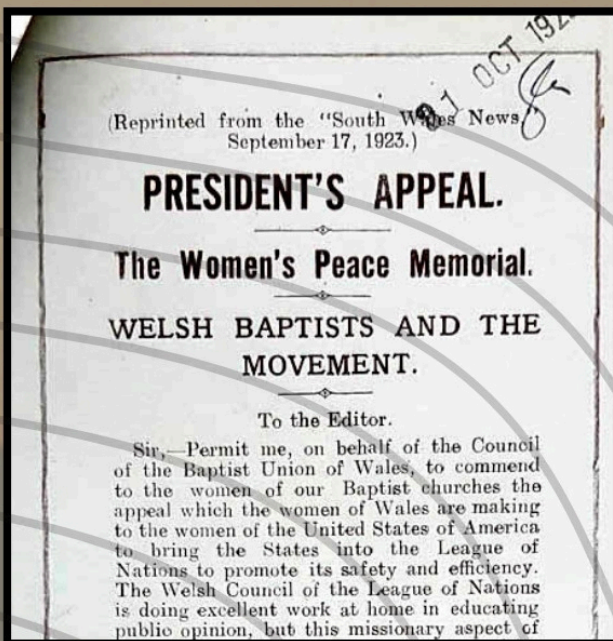
British Connections

Official Publication of the International Society for British Genealogy
and Family History

Breaking the Law in Britain: Historical Risks and Rewards



Risimul Castle



Virtual
Summer
Institute



Caribbean Research

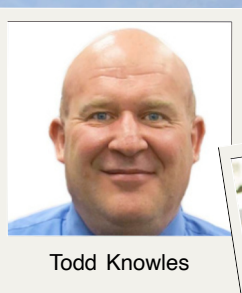


for your *British Ancestors*

JUNE 23, 2025
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Todd Knowles



Dan Poffenberger, AG®

Join us on Zoom for a genealogical journey through the Caribbean Islands! Our expert guides, *Dan Poffenberger, AG®*, and *Todd Knowles* will describe the “five W’s” of Caribbean research. You’ve got questions? They’ve got answers. Register at <https://isbgfh.com/si>

TODD’S PROGRAMS

Jamaican Research

Jamaica, an island nation located in the Caribbean Sea, is known for its rich culture, history, and natural beauty. Join us in learning about its culture, geography, history, politics, government, and religion, and discover how to conduct genealogical research here.

West Indies Research Case Studies

Casestudies are used to investigate a particular topic or problem and gather data that can contribute to theory-building and understanding. Commonly used in research, this technique will allow us to explore real-life contexts, providing understanding of situations, illustrating genealogical problem solving, and offering solutions to research dilemmas.

DAN’S PROGRAMS

The British West Indies: History and Immigration

History and immigration are deeply interconnected, as patterns of migration have significantly influenced the development of societies, economies, and cultures throughout the world. The movement of people has shaped the history of nations, and this class will introduce you to the British role in the Caribbean countries and British Overseas Territories.

A Brief Overview of British West Indies Research: Records of the former British Colonies and Records at The National Archives

A country’s national archives establishment serves as a custodian of the nation’s history, identity, and rules of governance. It preserves a country’s most important historical, legal, and cultural records, and is a vital resource for research. Come along and island-hop with me as we discover where to look for documents.



Breaking the Law in Britain: Historical Risks and Rewards

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President's Message



Craig L. Foster, AG®

I have a confession to make, which I guess is appropriate since this issue deals with crime, criminals, courts, and associated topics. I confess that I have spent many a happy hour involved in crime. Not so much involved in assault, burglary, or even playing the video game, *Grand Theft Auto*, as looking at records of crimes and criminals.

Over the years I have been fascinated by learning about real lives impacted by criminal acts. The stories, indeed, the pathos, are not only fascinating, but truly touching at times. Such is the story of Mary Wade, of Westminster, who in 1789 at the young age of ten was found guilty of highway robbery for “feloniously assaulting Mary Phillips, on the king’s highway, on the 5th of October, and putting her in fear, and feloniously taking from her person, and against her will, one cotton frock, value 3 s. one linen tippet, value 2 d. one linen cap, value 2 d. the property of John forward.”¹

Mary Wade was not only found guilty but was also sentenced to death. The reason for such a harsh sentence was when Mary and her accomplice pulled eight-year-old Mary Phillips into a necessary and stripped her of her

clothing, Mary Wade suggested actually throwing the young girl down the necessary so she couldn’t report them. Because of that, Mary was sentenced to death. Her sentence, however, was commuted, and she was shipped to the Australian penal colony for life. She eventually married, had a large number of children and is considered one of the founding mothers of Australia given her numerous descendants, including former Australian prime minister Kevin Rudd.²

While Mary Wade’s story is compelling given her very young age, sadly it was not unique. In Dublin, Ireland alone, between 1859 and 1891, 12,671 children between ages seven and sixteen were imprisoned for various crimes.³ Whereas some of the crimes were serious, others were as harmless as playing pitch and toss or throwing snowballs—like Dublin boys Christopher Bridgeman and Lawrence Berrill who were prosecuted in 1881 for throwing snowballs at a constable and knocking the helmet off his head.⁴ Many of their stories can be found in available records by perusing the online pages of websites like <https://www.oldbaileyonline.org/> or FamilySearch records like Wexford Gaol registers, 1852–1904.

The reality is that practically everyone has an ancestor who stepped over the legal line, or at least danced along that line between legal and illegal activity. It's up to us to discover and then try to understand the circumstances of a grandfather who made moonshine during Prohibition, a great-uncle arrested for burglary, or an ancestor transported to Australia. That's part of what makes family history so interesting, and the articles in this issue will help us as we continue our journey of discovery.

Finally, a gentle reminder of British Institute. Registration is open and it would be a crime not to sign up and participate.

Craig

ENDNOTES

1. "Mary Wade," digital panopticon, <https://www.digitalpanopticon.org/life?id=obpt17890114-58-defend552>, accessed 12 May 2025.
2. "Mary Wade," Wikipedia and "Wade, Mary," Dictionary of Sydney, State Library of New South Wales, https://dictionaryofsydney.org/person/wade_mary, both accessed 12 May 2025. Although she was listed in the court records being age ten, many think she was more likely age eleven or twelve and thus thirteen when she was transported.
3. Aoife O'Conner, "Child Prisoners," Irish Lives Remembered 36 (Spring 2017).
4. "Snowballing in Peace and War, 1867-1945," RuthCannon.com, <https://ruthcannon.com/2022/03/02/snowballing-in-and-out-of-war-1867-1945/>, accessed 12 May 2025.



From the Editor's Desk



Dumbarton Prison: entrance portico by Lairich Rig, CC BY-SA 2.0, <https://commons.wikimedia.org/w/index.php?curid=136345540>

Rattlesnakes in Return for Convicts

Your ancestor may have been convicted of a crime. Some individuals were put in prison, and others were transported to America or Australia. Prior to the American Revolution, problems with transported prisoners from Britain prompted Benjamin Franklin to say that American colonists should “export rattlesnakes for convicts”: <https://thehistorypress.co.uk/article/the-land-of-the-free-criminal-transportation-to-america/>.

After the Revolutionary War, America was no longer willing to accept British prisoners, but transport to Australia continued until early 1868. 1833 represented the peak of transport to Australia, with 7,000 prisoners arriving that year, but in subsequent years, transports quickly declined. <https://www.nma.gov.au/defining-moments/resources/convict-transportation-peaks>.

The University of Hull website provides some information about how to search for ancestors who were transported: <https://ourcriminalancestors.org/source-guide-for-tracing-your-transported-convict-ancestorss/>.

If your ancestor was sent to prison, it is quite possible they were simply struggling to pay their debts. In the nineteenth century, debtors were the largest group in UK prisons: <https://www.parliament.uk/about/living-heritage/transformingsociety/laworder/policeprisons/overview/earlyprisons/>

Prisons in Britain were terrible places, but slowly, reforms were introduced: <https://www.bbc.co.uk/bitesize/guides/zn9sn9q/revision/7>.

This issue of *British Connections* offers a wealth of information on research methods along with fascinating stories related to crime, punishment, and even redemption.

Enjoy!



Photo by Paul Downey, CC BY 2.0.

Trial by Newspaper: Language, Bias, and Crime in the Victorian Press

Jen Baldwin

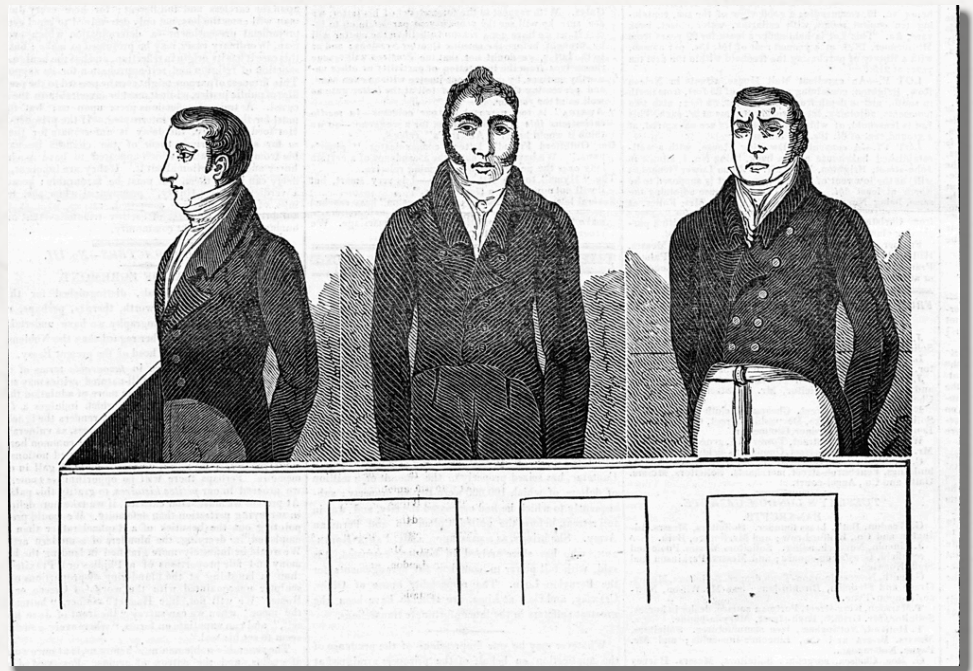
Some people shudder at the thought of researching crime. But we all should. Our ancestors—just like us today—would have had to live with and around crime and criminal activities. It was a part of everyday life. Not everyone was a criminal; many were witnesses, victims, jurors, judges, lawyers, or members of the police. Some were simply “true crime junkies,” eagerly anticipating all the new details of the case.

They didn’t have podcasts to feed their curiosity like we do. But they did have newspapers ... and boy, did crime sell.

Newspapers need to sell. They always have, and as papers became easier to create with developments in technology, and easier to transport thanks to the rise of the railways, competition was fierce—and headlines mattered.

Just like today, crime makes a great headline... Victorians had their “true crime” as we do today. We can learn a great deal from the newspapers of the era, and we should, but we should also remember that newspaper editors were both biased and motivated by a myriad of factors.

The phenomenon of “trial by newspaper” really began with the trial of John Thurtell, who on 24 Oct 1823, violently murdered William Weare in his horse-drawn gig leaving London. Thurtell owed Weare a gambling debt of £300 (roughly



Thurtell, to the far right, captured in an engraving by the Sussex & Surrey Chronicle, along with Mr. Joseph Hunt and Mr. William Probert, who were also on trial as part of the murder.⁴

£35,000—40,000 in today’s terms) but he considered that debt to be a result of cheating. His crime is “said to have founded newspaper fortunes,”¹ and his story—and all the lurid details—were read by thousands across the country. Indeed, there are over 2,800 articles mentioning his name in the currently available digitized papers from the decade spanning 1820–1829 and hundreds more in later years.² It didn’t take long for the newspapers to draw a conclusion: they were describing the suspects with damning language and suggesting guilt long before formal charges were brought. On the day the trial was set to begin, Thurtell’s lawyer immediately applied for a postponement because of “pre-trial prejudice,” claiming that the press had caused “the grossest injustice towards his client.”³

When we analyze the newspaper content found in digitized historic papers, made available on Findmypast and the British Newspaper Archive through a long-term partnership with the British

1. Flanders, Judith. *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime*, p. 20. Thomas Dunne Books, 2011.

2. *Findmypast.co.uk*. Search of all mentions of “John Thurtell” from 1820-1829. Accessed 14 May 2025.

3. Flanders, p. 35

4. “Hertford Assizes, Trial of John Thurtell, Joseph Hunt, and William Probert.” *Sussex & Surrey Chronicle*, 10 Dec 1823, p. 2. Image: The British Library Board. *Findmypast.co.uk*, accessed 14 May 2025 : <https://www.findmypast.co.uk/image-share/fc71434b-9337-425b-8db8-6d87f3eb1973>

Library, we can learn a great deal about how crimes were reported. Let's review, for example, the frequency of the words "murder," "pickpocket," "larceny," "manslaughter" and "theft" from 1800 to 1930. What we find is a tremendous and obviously overwhelming frequency of the word "murder" compared to the other terms, which itself peaks in the late 1880s.

The consistency of the use of the word "murder" should also be questioned, however. We can determine other common phrases for describing the same act: "crime of passion," "dreadful affair," and the "ultimate crime" are all frequently used. When we compare this grouping, "murder" maintains that dramatic and overwhelming placement.

But when we remove "murder," we see more detail around our other search terms. Suddenly, "dreadful affair" becomes the most prevalent, but the other phrases are nearly equivalent to each other and almost as common.

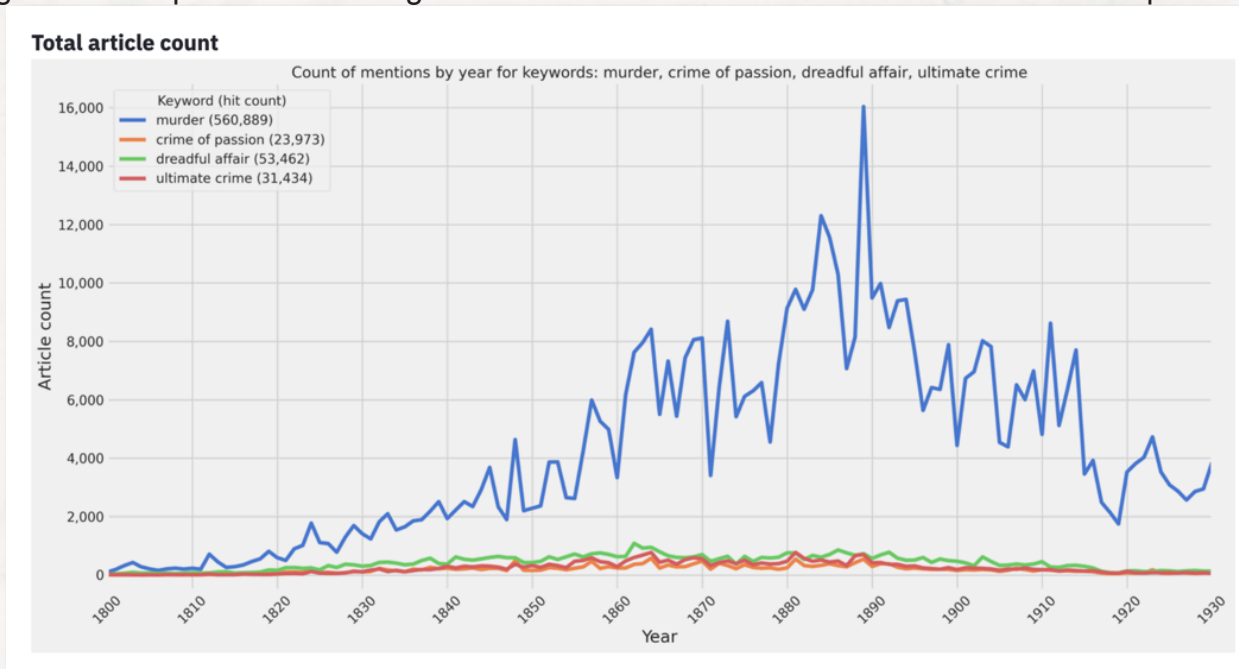
We see the same in language used around gender and class. A woman involved in a crime, particularly as a victim, she would often be described as a "good woman," "good wife," or "good Christian." This language immediately signaled to Victorian readers that she was fulfilling societal expectations: caring for her

home and family and acting as a moral role model. On the other hand, if she was described as "horrible looking," or using "rough language," the writer was indicating this women was not respectable. "Wretched" is one of the words to look for specifically around women, which was used to signal a moral failing, and was often attached to alcohol use and prostitution.

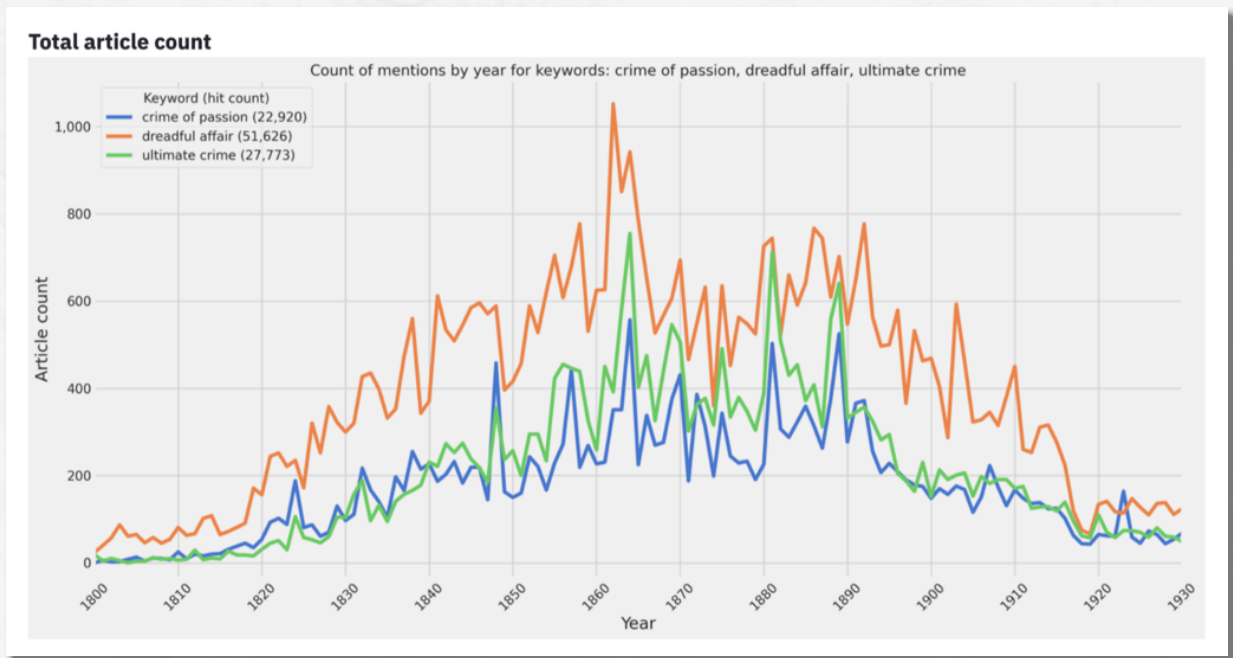
Class bias also shows itself in newspaper print. Working-class defendants were often reduced to stereotypes—drunkards, brawlers, or thieves—while middle and upper classes were treated with more respect. A wealthy man may have had a "momentary lapse," or he had been dealing with "unfortunate circumstances." A classic example of this is the story of two crimes committed just weeks apart in and around the Yorkshire town of Barnsley. Dubbed the "Barnsley Murders," the story involved a surgeon and a laborer who were both tried for murder but received strikingly different sentences, resulting in public outcry.

Race may have been indicated by descriptive words such as "swarthy," or geographical clues, such as "from the West Indies" in reference to their accent, appearance, or actual origins.

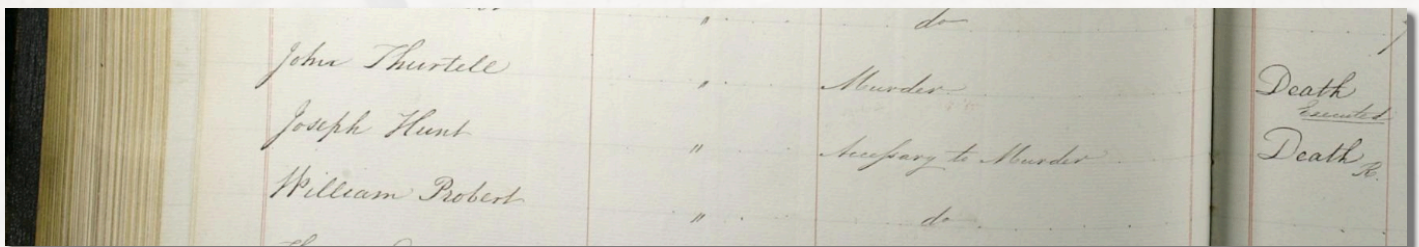
These examples are included simply to prove a point: newspapers are powerful research tools, but we as researchers need to be open-minded



Court mentions by year: murder, crime of passion, dreadful affair, ultimate crime. Graph data provided by Findmypast.



Court mentions by year: crimes of passion, dreadful affair, ultimate crime. Graph data provided by Findmypast.



John Thurtell's entry in the Home Office: Criminal Registers (HO 27/27), as seen in the Findmypast collection.⁶

and broad in our exploration of them. You may have heard or seen the advice to “read the paper front to back,” and this advice holds true for good reason, as demonstrated in this example. Without a greater understanding of the vernacular, the audience of the paper, and its motives, we will most certainly miss valuable information in our research. It's a guarantee.

We also cannot rely on newspapers to report on every single crime. Studies have shown that they only mentioned a small percentage coming through the court system, both locally and nationally. A study of the *East London Observer* found that the paper “regularly covered

proceedings at the Thames Police Court and occasionally from other nearby police courts. In two months of 1884, the paper reported on 9 percent of the cases heard in the Thames Police Court.”⁵

As a result, we need access to historical records. The “England & Wales, Crime, Prisons & Punishment, 1770-1935” collection on Findmypast is a good place to start. With material taken from the Admiralty, Central criminal Courts, the Home Office, Treasury, and Metropolitan Police, among others, this is the largest single online source for criminal records in the UK.

5. “Hertford Assizes, Trial of John Thurtell, Joseph Hunt, and William Probert.” *Sussex & Surrey Chronicle*, 10 Dec 1823, p. 2. Image: The British Library Board. Findmypast.co.uk, accessed 14 May 2025 : <https://www.findmypast.co.uk/image-share/fc71434b-9337-425b-8db8-6d87f3eb1973>

6. August, Andrew. “A Horrible Looking Woman”: Female Violence in Late-Victorian East London.” *Journal of British Studies*, Vol 54, No 4 (October 2015), p. 849. <https://www.jstor.org/stable/24702177>

For the previously mentioned John Thurtell and his associations, his conviction of murder and penalty of execution is easily identified in the collection.

Other key online sources include [Old Bailey Online](#), [Digital Panopticon](#), and [London Lives](#), which offers a searchable database of 240,000 manuscript and printed records about crime, poverty, and everyday life in eighteenth-century London. For educational purposes, you'll want to review the various research guides related to criminals, courts, and prisons made available by The National Archives, which explain how to locate records relating to criminals, trials, prison registers, and police forces across England and Wales.

Numerous resources are available to deepen your understanding of crime, newspaper reporting, and language during the Victorian era. Some of these include:

Chesney, Kellow. *The Anti-Society, an Account of the Victorian Underworld*.

Flanders, Judith. *The Invention of Murder: How the Victorians Revelled in Death and Detection and Created Modern Crime*.

Hale, Don OBE. *The Birth of the British Bobby – Bow Street Runners, Scotland Yard & Victorian Crime*.

Mayhew, Henry and others. *The London Underworld in the Victorian Period: Authentic First-Person Accounts by Beggars, Thieves and Prostitutes*.

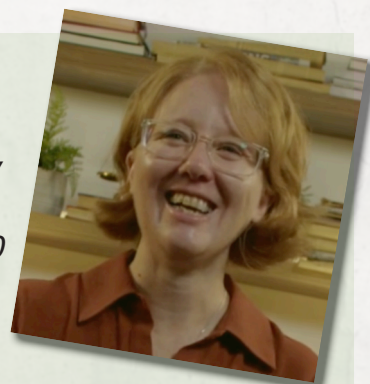
Oates, Jonathan. *Tracing Villains & Their Victims: A Guide to Criminal Ancestors for Family Historians*.

Chassaigne, Phillippe and W. Heppel. "Popular Representations of crime: the crime broadside – a subculture of violence in Victorian Britain?" *Crime, Histoire & Sociétés / Crime, History & Societies*, Vol 3, No 2 (1999), pp 23-55. <https://www.jstor.org/stable/42708371>

Thomas, Donald. *The Victorian Underworld*.

Whorton, James C. *The Arsenic Century: How Victorian Britain was Poisoned at Home, Work and Play*.

Wilson, David. *Pain and Retribution: A Short History of British Prisons, 1066 to the Present*.



Jen Baldwin has worked professionally in the field of genealogy since 2010 and has pursued her own family history since childhood. She is currently the Research Specialist for Findmypast, a leading British genealogy company. In this role, she integrates historical records with storytelling and public engagement strategies.

Jen lectures internationally and has been a featured speaker at genealogical and historical conferences across North America and the UK since 2013, including annual appearances at Rootstech, the world's largest genealogy event. In 2025, she delivered the keynote address at the Guild of One-Name Studies Conference in Liverpool, England.

In 2024, Jen created and taught "Everyday Life in England: A Journey Through Social History for the Genealogist," a course offered through the International Society for British Genealogy and Family History. That same year, she presented at The Public Country House Conference, hosted by the V&A and the National Trust, in London.

Her work has been featured by major British media outlets, and she is co-host of Was Justice Served?, a historical true crime podcast. Jen currently serves as a Trustee of the International Society for British Genealogy and Family History. Her research interests center on underutilized archival resources and social history methodologies that deepen genealogical narratives.



The Vatersay Raiders



Kisimul Castle in Castlebay, Barra, seat of the chiefs of Clan MacNeil of Barra (author's image).

From 1906–1907, a group of men from the Scottish Gaelic speaking Outer Hebridean islands of Barra and Mingulay seized land on their neighbouring island of Vatersay on which to build homes and small farm-holdings known as crofts. The land in question was owned by Lady Emily Gordon Cathcart, who resided in Berkshire, and who had been one of the key proponents of the Highland Clearances (“na Fuadaichean” in Gaelic). Although Lady Cathcart had only visited the island of Vatersay once in 54 years, in 1908, she took the Vatersay raiders to court, with all sentenced to short prison terms. However, the uproar surrounding the episode led to the UK Government purchasing the island just a year later, with the land divided up into 58

working crofts, and distributed to residents from both Barra and Mingulay.

The island of Vatersay had been held for centuries by the chiefs of Clan MacNeil of Barra, who had leased it to their kinsmen for generations. In 1816 the island was documented as having a small fishing community, but following increasing financial difficulties with the MacNeill estate, it was sold in 1838 to Gordon of Clunie. As had already happened to so many communities in the Highlands and islands, from 1845, Vatersay’s final inhabitants were cleared to make way for more profitable sheep, as was much of Barra, with 450 islanders forced to emigrate to Canada in 1851. When the Royal Commission of Inquiry into the Condition of

Crofters and Cottars in the Highlands and Islands was convened in 1883, better known to Scottish history as the “Napier Commission.” Vatersay was described as consisting of just one farm. At this point the remaining population of Barra was growing fast, with not enough crofts available to sustain the remaining families resident on the island. The croft sizes were small, with the land becoming increasingly more barren through over-farming, and with fishing the only means to add an additional income to their basic incomes.

The Vatersay land raids of 1906–07 were a final desperate act by the islanders, who had already spent years trying to force any form of meaningful change within the law. Through the Napier Commission, the people of Barra were afforded an opportunity to express their previous failed efforts to secure any meaningful new plots of land from the Gordon estate for their needs. The Commission heard from witnesses such as Michael Canonach, from Borough, who said that the crofters of Castlebay, Barra’s largest settlement, had previously attempted to acquire Vatersay when it had been advertised for rent, but their request had been refused.

Although some reform was secured after the Commission’s findings were published, the people of Barra were still unable to secure new territory for their crofting needs. From 1900, several cottars therefore commenced a series of annual raids to Vatersay to seize land and to mark out potential croft boundaries, aiming to provoke the Government into intervening and to persuade Lady Gordon Cathcart to sell them the land required. In 1906, they escalated their actions, building huts on the island in which to reside.

Within a year, they were joined by four fishermen from the nearby island of Mingulay, who equally required land, as they could not pull their boats up onto their own island’s rugged shores. After building sheds on Vatersay’s shore to store them in, the Mingulay men were served with an interdict saying that they had broken the law. Further interdicts were served to all of the raiders, from both Barra and Mingulay, but refusing to acquiesce, the entire group was subsequently prosecuted at the Court of Session in Edinburgh on June 2, 1908 for breach of interdict and contempt of court, and sentenced to two months imprisonment.



Although the two islands are close, Barra crofters had no right to use land on Vatersay prior to 1910 (author’s image).

Such was the outcry over the sentence that a relief fund established for their families raised £174, and in July, Lady Cathcart was forced to come to an agreement to sell the island to the British Government, and to ask the Court for the prisoners to be released two weeks early from their sentence. In 1909, the Government's Congested Districts Board (Scotland) created 58 new crofts on Vatersay.



Interviewed in his native Gaelic in 1947, one of the raiders, Dòmhnall Bàn Eileanach (Dòmhnall Mac a' Phì) described how resolute the islanders had been to challenge the status quo:

...chuir sinn romhainn gu làidir is chaidh sinn ann an guaillean a chèile gu làidir. Bha rud mòr againn ri dhèanamh. Bha fios againn gun robh cumhachd an lagha agus an t-sluaigh nar n-aghaidh... Dh'fhuiling sinn gu leòr. Gun teagamh sam bith, sinne a rinn sin, dh'fhuiling sinn even ar cairdean fhèin gu leòr. Ach, co-dhiù, thug sinn a-mach Bhatarsaigh doirbh 's mar a bha, agus bha e cho doirbh ri sgath a chunna mi riamh, ach rinn sinn an gnothach orra. Fhuair sinn buaidh orra a dh'aindeoin cho làidir 's a bha an cumhachd, cumhachd an lagh.

In English:

... we set out strongly and we stood shoulder to shoulder with each other strongly. We had a great thing to do. We knew that the power of the law and the people was against us... We suffered enough. Without a doubt, we who did that, we even suffered enough from our own friends. But, at least, we took Vatersay, difficult as it was, and it was as difficult as I have ever seen, but we defeated them. We defeated them despite the strength of their power, the power of the law."

As the old Scottish Gaelic proverb goes, "Is treasa tuatha na tighearna" — "the people are mightier than a Lord."

In the incident's immediate aftermath, Mingulay was permanently abandoned in 1910 by its 23 remaining families. The island remains unsettled to this day by humans, its only residents currently being various colonies of seabirds and grazing sheep, with occasional visits by tourists on boat trips. By contrast, a thriving small community was established on Vatersay, and in the aftermath of the new crofts being created, a newfound community confidence emerged on the island, which thrives to this day. In 1991, a new causeway was opened, connecting Vatersay to Barra, improving access on a range of fronts, particularly for medical needs, although equally providing an excuse for the primary school on



Barra Heritage and Cultural Society, home to Comunn Eachraidh Bharraigh is Bhatarsaigh (author's image).



The causeway linking Vatersay to Barra was built in 1991 (author's image).

Vatersay to be closed just three years later, with the island's children today travelling by road daily to school in nearby Castlebay. The community battles continue, but there is still a vibrant community there to fight them.

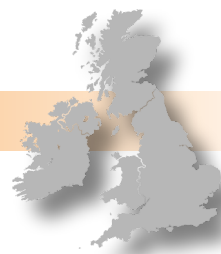
For more information about the plight of crofting communities in the 1880s, the hearings of the entire Napier Commission are available to read online at www.uhi.ac.uk/en/research-enterprise/cultural/centre-for-history/research/resources/the-napier-commission/.

For further research into the history of Barra and Vatersay and those who have previously lived there, Comunn Eachdraidh Bharraigh agus Bhatarsaigh (Barra and Vatersay Historical Society) can be contacted via www.barraheritagecentre.com, whilst additional comainn eachdraidh (historical societies) from the Outer Hebrides are listed on my Scottish GENES blog at <https://scottishgenes.blogspot.com/2023/10/comainn-eachdraidh-historical-societies.html>.

Based in the Ayrshire town of Stewarton, Northern Irish-born Chris Paton runs the Scotland's Greatest Story research service



(<https://scotlandsgreateststory.wordpress.com/>) and the daily Scottish GENES genealogy news blog (<http://scottishgenes.blogspot.com>). Amongst his many publications are Tracing Your Scottish Family History on the Internet, Tracing Your Scottish Ancestry Through Church and State Records, and Sharing Your Family History Online from Pen and Sword, as well as Down and Out in Scotland: Researching Ancestral Crisis from Unlock the Past. Chris also tutors short courses through Pharos Teaching and Tutoring Ltd, including Scottish Research Online and Scotland 1750–1850: Beyond the Old Parish Registers.



James Milner, Kent Convict Transported to Van Diemen's Land (Tasmania)

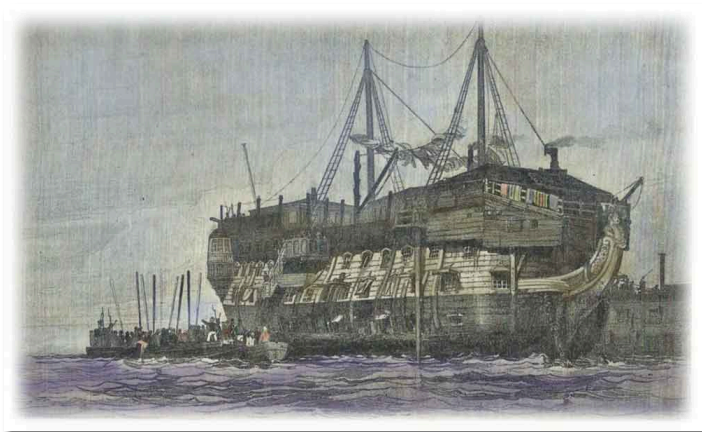


Fig. 1. 1828 color-tinted sketch of prison hulk York in Portsmouth showing prisoners boarding the ship, drawn by artist Edward William Cooke.

Kitney, George, and James Milner, charged with stealing 13 bells and 4 frames attached thereto, the property of Philip Codd, Esq. At Hucking—Both transp, for life.¹

REMOVAL OF CONVICTS [sic]—The undermentioned convicts were on Tuesday se'nnight, [January 4, 1831] removed from the County Gaol at Maidstone, and put on board the *York Hulk* at Portsmouth,—John Seaman, George Kitney, and James Milner.²

The hulk HMS *York* was a third rate ship carrying 74 guns, built by Samuel and Daniel Brent of Rotherhithe, and launched 7 July 1807. She was 175 x 47.5 feet, with a draught of 13ft 4in. During her career she served in the West Indies, the Mediterranean, and to North America. When the Napoleonic Wars ended in 1815, she went into Ordinary at Plymouth. In 1819 she was fitted out as a convict ship and then from 1824–1850 she served as a prison hulk, before being broken up at Portsmouth in 1854.³ A detailed cross-sectional model of the Prison Hulk *York*, made in 1987, exists at the Australian National Maritime Museum, Darling Harbor, Sydney, with images online showing how up to 500 convicts and their guards lived, ate and slept in the ship's extremely cramped conditions.⁴ A color-tinted sketch of the Prison Hulk *York* was drawn in 1828 by the artist Edward William Cooke showing convicts going on board, and this gives

James Milner gets off to a common start. He is the seventh child of William Milner and his wife Jane Flood, christened 14 January 1810 in Hollingbourne, Kent, England.

We find James next mentioned in English newspapers, appearing in the Gaol Calendar published in the *Maidstone Journal and Kentish Advertiser*, Tuesday 21 December 1830, for stealing 13 horse bells with 4 frames. He appears again a few weeks later when he is moved to a prison hulk in Portsmouth. James Milner and his fellow thief, George Kitney, are to be transported for life.

1. *Maidstone Gazette and Kentish Courier*, Tuesday December 21, 1830, page 4, column 1. FindMyPast, accessed 12 May, 2025.

2. *Maidstone Gazette and Kentish Courier*, Tuesday January 11, 1831, page 3, column 5. FindMyPast, accessed 12 May, 2025.

3. JJ Colledge and Ben Warlow, *Ships of the Royal Navy: The Complete Record of all Fighting Ships of the Royal Navy from the 15th Century to the Present*. London: Casemate, Revised Ed., 2010.; Rif Winfield, *British Warships in the Age of Sail 1817–1863: Design Construction, Career and Fates*, Barnsley: Seaforth, 2014.

4. Model of Prison Hulk *York* with closeup images and history at <https://collections.sea.museum/objects/44317/prison-hulk-york>, accessed 12 May, 2025.

an excellent perspective of the size of the ship.⁵ See Fig. 1.

James Milner and George Kitney are recorded in the Convict Transportation Registers at England's National Archives in HO 11/8. Indexed images of these registers are accessible on FindMyPast (FMP). They show that both men were convicted under Kent Special Gaol Delivery (as opposed to in the Quarter Sessions), convicted on 13th December 1830, for Life. The presence of James and George aboard the prison hulk *York* is shown in the quarterly returns for prisoners for December 1830 in HO8/26, which is indexed and included in FMP dataset "England & Wales, Crime & Punishment, 1770-1935."⁶

TASMANIAN CONVICT RECORDS

James Milner is to be transported for life to Van Diemen's Land, modern day Tasmania. It is here in the excellent convict records that we actually learn more about James. James is one of 76,000 convicts sent to Tasmania between 1804 and 1853. Tasmania's convict records are part of the UNESCO Memory of the World International Register, along with the convict records for New South Wales and Western Australia.

The best resource to start with is the free Tasmania Names Index at the Libraries Tasmania Website—<https://libraries.tas.gov.au/family-history>. There is an abundance of background information on this website for researchers. It should be noted that some of the datasets included here for free are also accessible through FamilySearch and the commercial websites.

Searching for James Milner gets numerous results. I want to start by looking at convict records, particularly the one for 1831, when James was sent to Van Diemen's Land. Starting here pulls together multiple documents, including

in this case: Conduct record; description list; indent; and muster roll.

Conduct Record

The conduct record is a detailed account of a convict's behavior and life within the colonial system. It may include personal information—basic details like the convict's name, police number and date of arrival; initial information—details from the gaol report, hulk report, and surgeon's report; sentence and previous convictions—why the convict was transported and any prior convictions, plus any statement about their offences; conduct while serving the sentence—information of their behavior, dates of any new offences, places of employment, and any sentences for further infractions; assignment and probation systems—these were kept in different systems, including assignment systems where convicts worked for employers or within probation systems where convicts were allowed to work outside the penal institutions.

James Milner's conduct record is relatively brief when compared with others in the registers.⁷ The register shows the conviction in Kent on 13 December 1830 for Life. He arrived in the colony on 5 August 1831 on the Transport ship *Argyle*. The name of the ship is important for this identifier is used in the majority of the convict records to distinguish between people of the same time that may exist in the colonies.

We do learn that James was "Transpd for Stealing 13 Bells & 4 Frames. Gaol Report. Character before Convicted. Hulk Report Very Bad. Stated this offence 'Stealing Horse Bells once for A Hop Pitcher, one month Tread Wheel.'" The horse bells were known from the newspaper, but he also had an earlier conviction for stealing a hop pitcher, for which he spent a month on the tread wheel. A hop pitcher is an iron crowbar with a thick, square point, used for making holes for hop poles.

5. <https://mhnsnsw.au/stories/general/convict-hulks/>, accessed 12 May, 2025.

6. "Prison Hulk York Quarterly Returns for December 1830" on FindMyPast, <https://search.findmypast.com/record?id=TNA%2FCCC%2FHO8%2F026%2F00149&parentid=TNA%2FCCC%2F2A%2FHO8%2F00762142>, accessed 12 May, 2025.

7. Conduct Register for James Milner—Register Entry #883; <https://libraries.tas.gov.au/Digital/CON31-1-30/CON31-1-30p62>, accessed 12 May, 2025.

An additional comment, in later clearer ink, on this record indicates TL [Ticket of Leave] 10 July 1839 and conditional pardon No. 693 was issued 28 July 18(??). (Numbers lost in binding fold of page on image.)

Descriptions List

The descriptions lists provide detailed descriptions of every convict, including the basics such as height, eye color, hair color, and any distinguishing marks. These register descriptions lists were often part of other records such as convict indents and conduct registers. They also added information on place of origin, sentencing, and the ship on which they arrived.

From the description list we learn about James Milner: he is 5' 4 1/4"; complexion—dark; hair—brown; eyes—hazel; age—24; trade—ploughman, where tried—Kent Special Gaol Delivery; when tried—13 Dec 1830; sentenced—Life. Arrived on ship—*Argyle* 5 August 1831. From near Maidstone, no identifying marks. The remaining columns on the page for James are empty for number and date of free cert., free pardon, or emancipation; married or not on arrival; religion; and remarks. Only some of these columns contain information for other convicts.⁸

Indent

The Indent is a legal document, also known as an “Indenture,” or “Order of Transportation,” or “Certificate of Removal,” that listed all convicts being transported to the colony. It is in effect a convict passport. The indent is legal proof of a convict’s transfer and assigned property in their service, from the state to the person or entity responsible for their transportation. It is therefore a listing of all the convicts on a specific ship. The indent registers are not likely the actual shipping list, but rather a register made using the information from the shipping lists.

In our example, James Milner and George Kitney are listed next to each other in the register, a two page spread, column format.⁹

James Milner, prisoner number 883, is: 5' 4 1/4"; age 24; a ploughman; tried—Kent Special Gaol Delivery; tried—13 December 1830; sentenced—Life; native place—nr. Maidstone; single or married—single; religion—protestant; read or write—neither. Relations and apprenticeships where last residing—F. & M. [Father and Mother] Wm. Near Maidstone, a farmer, 4 brothers - Wm. Rich.d Jn. + Geo. 2 S Jane Mary at N.P. [Native Parish], lived last at N.P. Offences—This offence Stealing Horse Bells—tried with Kitney—once for stealing a Hop Pitcher—one month Treadwheel.

Interestingly not all siblings are identified; are they just not living at home or they deceased, or a mixture?

The prisoner number, in this case 883, is from a listing, of all prisoners on the convict transport *Argyle*, arranged by first letter of surname.

Muster Roll

A muster roll was a type of census or population survey to count and record information about individuals, particularly convicts. The type of information can vary greatly, depending upon who is being counted and the current need.

In the example for James Milner, the muster roll records: the names of the convict—James Milner; where convicted—Kent, Special Gaol Delivery; when—13 December 1830; term—Life.

Looking at the illustration, in Fig. 2 we see that James Milner is again with George Kitney, with whom he was arrested and convicted. Below James Milner we see Charles Day, who was also convicted on the same day and in the same court; he was sentenced to fourteen years. The last entry on the page is for Thomas Wood who came from a different part of the country—Lancaster Quarter Session on 18 January 1830, and was sentenced for seven years. These illustrate the usual three convict sentencing periods—seven or fourteen years, or life.

8. Description List for James Milner, #883 <https://libraries.tas.gov.au/Digital/CON23-1-2/CON23-1-2-P216>, accessed 12 May, 2025.

9. Indent details, <https://libraries.tas.gov.au/Digital/CON14-1-2/CON14-1-2P17>

William May	Kent Quarter Sepion	19 th October 1830	Life
George Kitney	do Special Gaol Delivery	13 th December 1830	Life
James Milner			
Charles Day	do - - - - do	13 th December 1830	Fourteen Years.
Thomas Wood	Lancaster Quarter Sepion	18 th January 1830	Seven years

Fig. 2 1831 Muster Roll, CON13-1-5 image 42, Libraries Tasmania. James Milner in middle of image, with this fellow criminal George Kitney above him, both sentenced to Life. Below is Charles Day, sentenced the same day in the same court, for 14 years. Thomas Wood, the bottom name, was sentenced for 7 years. These illustrate the usual convict sentences, 7 or 14 years or life.

Approbation List

Approbation lists were created as part of the convict assignment system, whereby convicts were assigned to work for private citizens. This was an effective way of creating a cheap labor force. The lists provide details of the convict skills, the tasks they were assigned to, and the individual or public work project they were assigned to. This convict assignment system and their lists were crucial to the development and management of the colony.¹⁰

For James Milner, a listing gives his prisoner number—883—so we know we have the correct convict. Under trade, no occupation is listed as with the others on the list; rather it appears to have written in pencil, “Hospital.” In the Assignment column it also says “Hospital.” This is overwritten with what appears to be “Mr Nichalls.”¹¹

Copies of many of these Approbation Lists and Muster Lists are available in Home Office records at The National Archives. These have been

indexed by FindMyPast in the dataset “New South Wales and Tasmania: Settlers and Convicts 1787–1859.” Unfortunately, on FMP the records are often not dated, but they do show the original TNA reference so you can search for the reference in the TNA catalog to find the year of the list. So, for example, James Milner in HO10/48 (1832), HO10/49 (1833), and HO10/50 (1835) has been assigned to work for a Mr. W. Nichols. By 1841, in HO10/51, James is not assigned to anyone but rather has earned his Ticket of Leave.

Ticket of Leave and Pardon

A convict’s ticket of leave was a document granting him or her more freedom while serving their sentence. It allowed the convict to work for themselves, potentially contributing to the economy of the colony, and reducing the burden on the government. The convict was required to carry their ticket at all times, attend religious services regularly, and refrain from carrying firearms. The ticket was typically renewed annually, and changes to employment were to be

10. “VDL Founders and Survivors Convicts 1802–1853,” https://www.digitalpanopticon.org/VDL_Founders_and_Survivors_Convicts_1802-1853, accessed 12 May, 2025.

11. Approbation Listing, <https://libraries.tas.gov.au/Digital/CON27-1-5/CON27-1-5P76>, accessed 12 May, 2025.

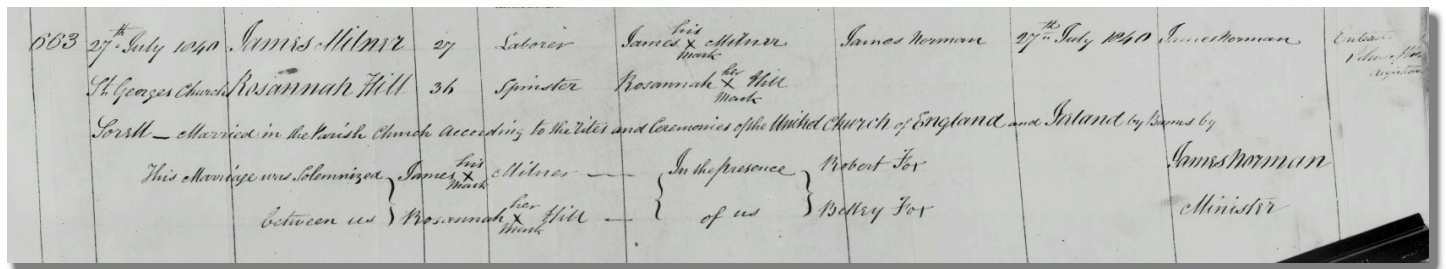


Fig. 3. 1840 Marriage record for James Milner and Rosannah Hill, married at St. Georges Church in Sorell, near Hobart, Van Diemen's Land according to the rites and ceremonies at the United Church of England and Ireland.

recorded. A ticket did not provide complete freedom, as the individual was still under the supervision of the authorities and could have their ticket revoked for bad behavior. The ticket allowed movement within a district, but it did not allow convicts to leave the colony.

When a convict had served their time, or in the case of life sentences had served a sufficient length of time, they would be granted a pardon. The pardon could be conditional or absolute. On the Conduct record described earlier, it shows that the Ticket of Leave was issued on 10 July 1839, and conditional pardon No. 693 was issued 28 July 18(??). (Numbers lost in binding fold of page on image.) The Ticket of Leave and the Pardon are both important events reported in Government Notices. James Milner's ticket of leave was issued in the Colonial Secretary's Office on 10 July 1839, recorded in Government Notice No. 164, and reported on 12 July 1839 in the *Hobart Town Courier* and *Van Diemen's Land Gazette*.¹² James Milner's conditional pardon was issued by the Colonial Secretary's Office on 28 July 1842, recorded in Government Notice No. 198, and reported in *Hobart Town Courier* and *Van Diemen's Land Gazette* on Friday 5

August 1842.¹³ Australian newspapers are accessible through Trove at the National Library of Australia — <https://trove.nla.gov.au>.

Shipping Records

The last set of convict records I want to mention are records of the shipping voyage. The *Argyle* set sail on 5 March 1831 and spent 151 days in transit, arriving in Van Diemen's Land on 3 August 1831 with 252 convicts onboard.¹⁴ Another site claims the journey started 18 March 1831, lasted 138 days, with 244 convicts on board.¹⁵ The 252 is the number who embarked, while the 244 is the number that arrived. During the journey there was an unsuccessful attempt by the convicts to take control of the ship, which was later reported extensively in the newspapers.¹⁶

The medical journal for many of the voyages are online at Ancestry in "UK, Royal Navy Medical Journals, 1817–1856." The names of the patients are indexed, and you can also search on the name of the ship. The register created by the surgeon Henry Gordon Brock, MD is available and makes for interesting reading as to the type

12. Government notice, <https://trove.nla.gov.au/newspaper/article/8747263?searchTerm=james%20milner>, accessed 12 May, 2025.

13. Government notice, <https://trove.nla.gov.au/newspaper/article/2953949?searchTerm=james%20milner>, accessed 12 May, 2025.

14. *Argyle* 1831 voyage on Convict Records website, <https://convictrecords.com.au/ships/argyle/voyages/288> accessed 12 May, 2025.

15. *Argyle* 1831 voyage on Claim a Convict website, <https://www.hawkesbury.net.au/claimaconvict/shipDetails.php?shipId=443>, accessed 12 May 2025.

16. "Conspiracy on Board the *Argyle*, Prison Ship," reported in *Launceston Advertiser* Mon 12 September 1831, <https://trove.nla.gov.au/newspaper/article/84774747>, accessed 12 May, 2025.



Fig. 4. View looking south from main road between Hobart and Port Arthur, near Copping, across the land of Fred Brock Esq., in March, late summer, showing dried grass and poor vegetation. I believe the home of James Milner in the 1842 census is up and over the other side of the visible ridge (author's photo).

of convict complaints and treatment on such a long journey. James Milner was not a patient.

AUSTRALIAN CIVILIAN RECORDS

The above records are focused on convicts, but the convicts are also to be found in civilian and religious records. Two important sets of records are marriage records and census.

Marriage Permission and Ceremony

From 1829, strict controls on marriage permissions were instigated by Lt. Governor Arthur. From 1829 to 1858, convicts under sentence, including those with a ticket of leave, were required to get permission to marry. It was usual for the male to apply for permission, but women are known to have applied. The applications to marry were recorded in memorial

books, and if approved, a certificate was forwarded to the relevant minister of religion.¹⁷ Permission to marry was seen as a privilege, not a right, and could be refused for various reasons. A major reason was a convict's behavior. Convicts needed to demonstrate a good conduct record, and initial applications were often denied, with the advice to reapply after a period of consistent good behavior. Other reasons could be that one of them was already married, in which case they would need to prove that the previous marriage had already been dissolved or annulled. Denial could also be made on religious grounds such as age, consent, or kinship issues. Refusing permission to marry could also be a form of punishment or a way of maintaining social order by keeping "undeserving" convicts apart. The actual reason is not normally stated.

¹⁷. Information on permission to marry at Female Convicts Research Centre, <https://femaleconvicts.org.au/administration/ptom>, accessed 12 May, 2025.

On 2 September, 1839, James Milner applies to marry Sarah Mills of the transport ship *Jane*. Permission is granted but the marriage does not occur; a petition is filed because Sarah declines to marry James.¹⁸ Maybe Sarah was already friendly with someone else, for Sarah Mills, of the *Jane*, marries John Pocock on 20 April, 1840 in Hobart Town.

On 19 June, 1840 James Milner applies to marry Rosannah Hill of the transport *Hector*, and this is approved.¹⁹

On 27 July, 1840 James Milner, age 27, laborer, married Rosannah Hill, age 36, spinster, at St. Georges Church, Sorell, by James Norman according to the rites and ceremonies of the United Church of England and Ireland by Banns. See Fig. 3. The couple did not personally sign the register, but each made an x for their mark.²⁰ Their witnesses were Robert Fox and Betty Fox. Robert Fox and Betty Woods were both convicts who were married at the same church, St. George's Church in Sorell on 5 March, 1840.²¹

Census Records

There are multiple census returns for Van Diemen's land taken at different times and deposited in a variety of locations. The Library of Tasmania website has indexed the 1842 census. James Milner is identified as the person at the head or in charge of this house, itself identified as brick and complete. The proprietor is Fred Brock, Esq. There are no identifiers to say this James Milner is the convict from the *Argyle*. I am confident he is, though, because Fred Brock, Esq., is the brother of Henry Gordon Brock, MD, who was the doctor on board the *Argyle* and

would have had plenty of time to assess a convict's character on the outbound journey.

The property is identified as "6 miles from Carlton." That is big circle around the community of Carlton and appears initially to be of limited use. However, in 2013, while in Tasmania, I went to the Tasmania State Library, and with the help of library staff, I located a map of Carlton parish naming land owners, including George Frederick Block, Esq., who had a very big 2,560 acre land grant. This must be the Fred Brock, Esq., included in the census. The Brock land abuts the small community of Copping on the modern road from Hobart to the penal settlement of Port Arthur and is "6 miles from Carlton." You could look south from the road onto the Brock land.

The census was taken 3 January, 1842, at the height of the summer. I was there 7 March, 2013 thus a little later in the Australian summer. The grass I saw was probably drier and browner; the creek was drier, the rolling hills with patches of woodland would have been just as beautiful. There was only one private road, heavily posted with keep-out signs, and with lots of truck traffic that appeared to go further south onto the property, which had been identified as the municipal tip. I was not willing to take that road in a rented car. See Fig. 4 for photo of the area.

Death Records

I am still trying to kill off James and his wife Rosannah. It is possible that they did not die in Tasmania. Australian researchers have suggested that many of the Tasmanian convicts, upon gaining their freedom went to New Zealand or one of the other Australian colonies, especially when the gold rushes started creating an

18. Permission to marry, <https://libraries.tas.gov.au/Digital/CON52-1-1p056j2k>, accessed 12 May, 2025.

19. Permission to marry, <https://libraries.tas.gov.au/Digital/CON52-1-1p056j2k>, accessed 12 May, 2025.

20. 1840 marriage register for Hobart district - RGD37/1/2 no 663, <https://libraries.tas.gov.au/Digital/RGD37-1-2p23j2k>, accessed 12 May, 2025.

21. 1840 marriage register for Hobart district - RGD37/1/2 no 658, <https://libraries.tas.gov.au/Digital/RGD37-1-2p22j2k>, accessed 12 May, 2025.

incentive to migrate. I keep looking as more records come online.

RETURNING TO ENGLISH RECORDS

Now that we know from Tasmanian records the story of James Milner, we can return to find James in numerous Home Office lists that deal with convicts. A variety of these records are available on FindMyPast, Ancestry, and The National Archives' own website. Using The National Archives research guides for "prisoners and convicts" and "criminal transportation" will show you what records exist for your period or location of interest and indicate the location of online records, if any.

On FindMyPast in the Dataset "England & Wales, Crime, Prisons and Punishment, 1770–1935," we find our James Milner listed in the Home Office correspondence and warrants files HO13/57. There is a list of prisoners in a letter for removal from Kent to [prison hulk] *York* dated 22 December 1830. Only names are given, yet we know this is the correct James Milner because immediately prior to his name in that of George Kitney, his accomplice.²²

In the same dataset, we find two quarterly returns of prisoners. James Milner is listed as prisoner number 1166, age 22: offence is stealing 13 bells and 4 frames, convicted in Maidstone 13 Dec 1830, sentenced for life. His bodily state is described as healthy and his behaviour good, with the remarks column blank.²³ The descriptive information on the crime confirms this is the correct James, but that is also supported by the fact that his partner in crime, George Kitney, is on

the line above, prisoner number 1165. A second register gives the same information as above, with the addition in the remarks column that he is being discharged to VDLand [Van Diemen's Land] 18 Feb 1831.²⁴

Conclusion

I hope this case study shows the value of tracing an ancestor through criminal records, even when those records are overseas. You may not yet know that you have a criminal, but you are likely to have siblings of ancestors, male or female, who have suddenly disappeared from the community. Start with the newspapers, especially on FindMyPast, to see if there is any indication of misbehavior. Then follow the paper trail. Good hunting.

Select Bibliography

There are many books published about the convicts transported to and in Australia. This is a short bibliography to get you started. Hood is especially recommended if your convict went to Tasmania and you want to fully understand the documents.

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22. Home Office correspondence and warrants regarding prisoners from HO13/57 on FindMyPast, <https://search.findmypast.com/record?id=TNA%2FCCC%2FHO13%2F057%2F00046&parentid=TNA%2FCCC%2F2A%2FHO13%2F00095344>, accessed 12 May, 2025.

23. FindMyPast "Prisons and Punishments, 1770-1935" dataset, indexing HO8/26 records, <https://search.findmypast.com/record?id=TNA%2FCCC%2FHO8%2F026%2F00149&parentid=TNA%2FCCC%2F2A%2FHO8%2F00762142>, accessed 12 May, 2025.

24. FindMyPast "Prisons and Punishments, 1770–1935" dataset indexing HO8/27 records, <https://search.findmypast.com/record?id=TNA%2FCCC%2FHO8%2F027%2F00095&parentid=TNA%2FCCC%2F2A%2FHO8%2F00766637>, accessed 12 May, 2025..

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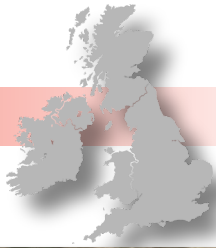
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Paul is a recipient of UGA Fellow Award (2018) and the David S. Vogels Jr. Award from FGS (2019). He is the author of six publications providing how-to guidance for English and Scottish researchers.

Paul is currently the book review editor for the BIGWILL newsletter and retired review editor of the FGS FORUM. He is currently on the board of the International Society for British Genealogy and Family History (ISBGFH), the past president of the British Interest Group of Wisconsin and Illinois (BIGWILL), and a past board member of the APG, FGS, and GSG. Paul focuses on British Isles resources and methodology on his blog at www.milnergenealogy.com.





The North Wales Women's Peace Pilgrimage.

Welsh Women's Petition for Peace: Far more than a Census Substitute

On a calm February day in 1924, a group of four Welsh women of conviction stepped on board a White Star Line ocean liner in Liverpool docks, bound for New York. Sailing with them, and safely stowed away in the hold, was a large oak chest which contained, not the usual paraphernalia of a transatlantic traveller, but a petition displaying the signatures of 390,296 Welsh women and representing a significant proportion of the country's adult female population at the time.

Their voyage to America followed on from a Wales-wide journey that had taken peace activists—ordinary women whose memories of wartime grief were still raw—from county to county, town to town and from door to door, in order to gather support for their campaign to prevent future wars.

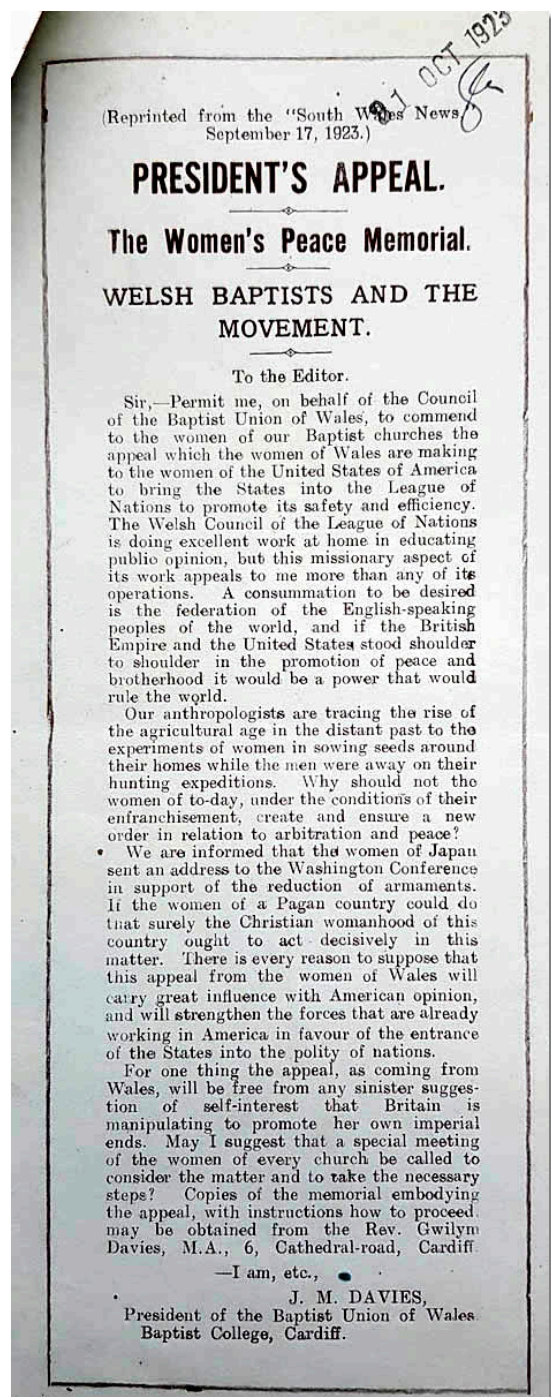
That tireless drive resulted in a collection of signatures that became known as the “Memorial Petition.” It was one of the first actions of the Welsh League of Nations Union (WLNU), established in the aftermath of the First World War to campaign for peace and international cooperation. In 1923, Annie Hughes-Griffiths, the wife of a Calvinistic Methodist minister, was

made Chair of the WLNU and President of its Women's Committee. Her elevation into those roles in itself reflected the growing representation of women in Welsh public life, built as that was upon the foundations of various campaigns of the previous decades, such as the religious, temperance, and education movements in Wales that were driven so much by the involvement of women.

It was in her capacity as the President of the WNLU's Women's Committee that Annie Hughes-Griffiths headed the drive to gather signatures for the Memorial Petition. Through her leadership, she inspired the League's various committees, as well as the countless county organisers and grass-roots community campaigners as they travelled from village to village visiting as many houses as practically possible. At the time, the President of the Baptist Union of Wales echoed Annie's call to action by asking, "Why should not the women of to-day, under the conditions of their enfranchisement, create and ensure a new order in relation to arbitration and peace?"

The result of their toil is, first and foremost, illustrative of the thirst for peace after the horrors of the First World War. But thanks to their work, those trailblazing women have also handed down to us a unique resource, for the peace petition they collected a century ago records the names and addresses of women from all over Wales, a trove that is significant to genealogists and social historians alike.

In order to trace the histories of individual men from the early decades of the twentieth century, we can consult various sources, such as those relating to the First World War and occupation records; and after 1918, when all men over the age of 21 were given the vote, we can turn to the electoral rolls to search for their names and addresses. But for women, there are fewer sources available because many women over 21 years of age did not receive a right to vote until 1928. Therefore, there is a gap in historical records for many individual women between the publication of the 1921 census and later electoral rolls. Collected two years after the previous UK census, this petition therefore, in addition to



The President of the Baptist Union of Wales helped to spread the campaign's message in the press.

memorialising a noteworthy aspect of Welsh history, helps to fill that documentary gap.

One hundred years later, the petition has been digitised and the information it contains is now available for all to browse and to view on the National Library of Wales's website. As can be seen from this sample page of households who lived in the village of Ffairfach on the outskirts of

1923.

Ur Apêl

Oddiworth Ferched Cymru a Mynwy at Ferched Unol Daleithiau'r America.

Hwyfwrdd mawr i ni, Ferched Cymru, yw cofio i'r gorffennol weled ein Tywysogaeth fechan ni yn cerdded frach ym mraich a gwlad fawr Unol Daleithiau'r America mewn ymchwil daer am Heddwch i Fyd Cyfian.

Elihu Burritt, dinesydd Americanaidd, a roddes ysbrydiad i'n cydwladrwr, Henry Richard, i drefnu cyfres o Gynadleddau Heddwch rhwng gwlad a gwlad, ym mlynnyddoedd canol y bedwaredd ganrif ar bymtheg.

Bwriad Elihu Burritt oedd cynnal y Cynadledd Heddwch gyntaf ym Mharis yn ystod haf 1848, a chymaint oedd ei bryder am yr achos da fel yr aeth i Baris wrtho'i hunan i baratoi'r maes. Wedi methu ohono ym Mharis, aeth Henry Richard ac yntau i Frusels, lle y cynhaliwyd Cynadledd gofodwy Medi, 1848, ag ynddi ddau gant o gynrychiolwyr o'r America ac o Brydain Fawr. Felly y cychwynwyd y gwaith o adeiladu Tengl Heddwch drwy gyd-ymdrech yr Americanau'r Connecticut a'r Cymro o Dregaron.

Yn 1914, chwe blynedd a thriugain yn ddiweddarach, a Theml Heddwch yn crynu i'w seiliau, edrychem yn ddibad i gyfeiriad America, a phan benderfynodd hithau uno yn y freyr fawr a chydaberthu a nianau, nid gormod dweyd i'n calonau dychlamu gan lawenydd. Atgof o'r cydymchwil rhwng dinesydd Americanaidd a gwr o Gymro, ynghyd â'r cyd-ddioddef yn ingoedd cad sydd yn ein cymell i osod yr apêl yma ger eich bron.

Nid amcanion gwleidyddol sydd wrth wraidd ein hymdrech. Siarad yr ydym fel Merched Cymru—plant i genedl na fydd gadw dig tuagat na gwlad na phobl, eithr sydd â'i dyhead am ddyfod dydd cydweithrediad ac ewyllys da. Hiraethwn am y bore pan na throir at y cledyd am ddedfryd yn helyntion y cenhedloedd; a themlwn y prysur gwawr yr Heddwch a bery pe bai'n bosibl i'r America gymeryd ei lle yng Nghyngor Cynghair y Cenhedloedd.

Ni wyddom pa fodd i sicrhau hyn ond gwyddom mai'r ddwy genedl a wnaeth gymaint i ennill y Rhyfel a all hwyd ennill yr Heddwch parhau hennw a fedr yn unig gadw popeth sydd yn anwyl i ni rhag mynd i ddifancoll. Ymhwyfwrdd yn y mesur o gydweithio a fu eisoes rhwng Prydain a'r America gyda cenhedloedd eraill yng Nghynhadledd Washington er cyfyngu môr-arfau, yn y trefnadau dyngarol yn Geneva i roi terfyn ar warth y marchnata mewn menywod a phlant, ac yn yr ymdrech i ymladd y fasnach mewn opium a chyfyriau peryglus eraill. A blonder i'n hysbryd yw'r cyffro sydd yn y gwerysll i fyynu i'r America, a'i thraddodiadau ardderchog, lais pendant yng ngweithrediau Llŷs Cyflawnder Cydwladr.

Mae'r dyfodol yn llawn gobath os y gwnawn ni, ferched y genedlaeth hon, ein rhan. I ni y rhoddwyd cyfle ac y mae y cyfle yn gyfrifoldeb. Apeliwn, felly, atoch chi, Ferched Unol Daleithiau'r America, "heb falais at unger, gan garu pawb, yn gadarn yn y gwirionedd, fel y rhoddw Duw i ni weld y gwirionedd." i gynorthwyo yn yr ymdrech i dros-gwyddo i'r oesau a ddol fydd di-ryfel yn drefnadaeth dragywydd.

ENW.	CYFEIRIAD.
Elizabeth Davies	Lloryntey, Llandeilo
Margaret Davies	Sturtevant, Llandeilo
Edith N. Jones	Sturtevant, Llandeilo
Mary Francis Hopkins	Elm House Fairfach, Llandeilo
Annie May Morgan	3. Towy Terrace, Llandeilo
D. A. Prichard	4. Towy Terrace Fairfach
L. B. Francis	4. Towy Terrace Fairfach
D. M. Ball	5. Towy Terrace Fairfach, Llandeilo
F. Jones	5. Towy Terrace Fairfach
E. Williams	Barren. House Fairfach
G. Thomas	Newfoundland - Villa Fairfach
Mrs. Morgan, &c.	Pentecost - Villa Fairfach

Dylid anfon y ffurflen hon wedi ei chwblhau i'r Parch. GWILYM DAVIES, M.A., Cyfarwyddwr Mygedol, Cyngor Cenedlaethol Cymreig Undeb Cynghair y Cenhedloedd, 8, Cathedral Road, Caerdydd, a gellir cael ffurflenni eraill oddiwrtho ef.

[GWEL DROSODD.]

Gurwen (see page 63)—note how so many of the adult female residents of Gwaun-Cae-Gurwen's Gate Street had signed. What compelled them to do so—was it their chapel background from which so many of the peace activists were drawn, or had they been tragically touched by the war?

To mark the petition's centenary, volunteers have been researching some of the stories behind the signatures, and by doing so have uncovered some of the heart-wrenching experiences that underpinned ordinary women's drive to petition for peace. Some of their stories now appear on the People's Collection Wales (PCW) website, where volunteers and some descendants pay homage to those women and also shed light on some of their family histories.

One of the signatories was Sarah Ann Edwards of Tryddyn Mill Farm near Mold, Flintshire, who signed her name as Mrs S A Edwards. A farmer's wife

Llandeilo, Carmarthenshire, we can view names as well as addresses. Here, for example, we see the signatures of F. Jones and D.M. Ball of 5 Towy Terrace. Cross-referencing with other sources, including the 1921 census, we can establish that they were Fortina Jones and one of her daughters from her first marriage, Dorothy Ball.

Another sample page taken from the petition includes signatories from the industrial communities of Pontardawe and Gwaun-Cae-

and mother of five children, she was in her 50s when she was asked to support the peace campaign. When staff at the North East Wales Archives (NEWA) began to research her backstory, they soon discovered what had probably motivated her to include her name on the list. One of her sons, Johnnie Edwards, had fought in the war and had been sent to the front line in France. He did survive, but the fact that he was drafted into the army affected Sarah profoundly, for the records of the North Wales Asylum in Denbigh reveal that she was admitted

NAME	ADDRESS.
Mrs. M. J. Roberts	Tyddyn Morgan, Tyddyn m Mold.
Miss Nelly Hughes	Plas-y Brain Nr Mold
Mrs Maria Williams	Nr Tyddyn-mice. h. Niole
Miss Florence William	Nr Tyddyn-mice Nr Mold
Mrs S. A. Edwards	Tyddyn Mill Tawn
Mrs Whitley	Mill Hill, Tyddyn.
Am & Ben	Am & Ben

to the hospital due to a breakdown caused by her "son joining the army." The NEWA staff were able to trace her case notes which state that she was "suffering from melancholia and is depressed and very apprehensive." She "seems frightened when spoken to and says she is worrying over her son" and is "imagining evil things since her son joined the army." She remained in the Asylum for the duration of the war, up until October 1918. The hostilities changed Sarah's life, and she was certainly not the only individual to suffer in this way, for the Asylum's annual report for 1918 stated that "war worry" was the cause of 19% of new admissions. Sarah's story is therefore a reminder that the horrors of war affected those many miles from the front line.

Another signatory was Martha Prosser of Cwmcarn, Monmouthshire. One of six children, her younger brother George Adams, who was born in 1895, suffered terribly during his time on the front line. He served with an artillery unit, and as a cavalry soldier he would have pulled the field guns onto the battlefield. During his posting, he was shot in the foot, which subsequently had to be amputated, but he also later suffered from shell shock resulting in his admission to Abergavenny Asylum. Given what had happened to George, it is therefore unsurprising that both his sister Martha and his mother Amelia signed the petition. As Martha's grand-daughter has

NAME	ADDRESS.
Mary Richards	4 Jones Street Pontardawe
Blodwen M Edwards	5 Woodland Rd, Pontardawe
E. J. Caris	167 Francis Street Pontardawe
Mary M Thomas	Tyddyn-mice
Margaret Thomas	72 Big Rd Pontardawe
Maggie Williams	Tyddyn-mice
Lillian Jones	Derwen Rd Allwedd Pontardawe
Mary Ellen Barnes	404 Carmel House Trebanos
Ann Lloyd	110 Carmel House Trebanos
Annie Rees	Smethfield Pontardawe
Maggie Lewis	43 Carmel Street, Gwaun, Cae Gwynn
Margaret Evans	43 " " " "
Sweeney Evans	45 Carmel Street Gwaun Cae Gwynn
Sweeney Evans	45 Carmel Street Gwaun Cae Gwynn
Dorothy Jones	24 Gate St Gwaun Cae Gwynn
Miss Hettie Jones	24 Gate St Gwaun Cae Gwynn
Mrs Ruth Jones	24 " " " "
Lizzie Mary Jones	24 " " " "
Ruthie Roderick	26 " " " "
Annie Jones	28 " " " "
Elin Jones	30 " " " "
Lizzie Jones	9 " " " "
Annie Price	9 " " " "
Mary Prosser	13 " " " "
Rebecca Rees	15 " " " "
Mary George	17 " " " "
Rachel George	17 " " " "
Mary Watkins	22 " " " "
Ann Watkins	22 " " " "
Maria Rees	21 " " " "
Kellie Morgan	Twynyfaith Gwaun Cae Gwynn



The oak chest in which the petition was carried across the Atlantic and the US in 1923. The inscription carved onto it reads: "The Memorial from the women of Wales to the women of the United States of America."

simply, yet poignantly written on the PCW website, "Martha supported peace."

The petition that conveyed the feelings of so many women was but the first stage of the campaign. With hundreds of thousands of signatures collected, the activists were now ready to carry the message of Welsh mothers, grandmothers, and sisters across the Atlantic. And having placed the written pleas of the women of Wales in a specially-built oak chest, Annie Hughes-Griffiths took the appeal "from the women of Wales to the women of America" to join them on their campaign to move on from the "agony of war" and to build a lasting peace in the world.

The three other delegates who sailed with Annie to New York came from different parts of Wales. Travelling with her was her friend, Gladys Thomas, as

well as Elined Prys from Talgarth in Breconshire, and Mary Elizabeth Ellis of Dolgellau, Merionethshire, a world-leading educationalist. Their aim now was to bring America into the League of Nations, and Annie and her delegation set their sights high, for they were to take their appeal to the top, to the President of the United States.

The four women met President Calvin Coolidge in the White House on 21 February 1924, a meeting that made the pages of the *Washington Post*. This was a very public start to their American Peace Tour, which took the group across the country from New York to Washington D.C. and then on to Chicago, Salt Lake City, San Francisco, Los Angeles, Arizona, and Colorado. They gave speeches along the way, carrying the message of the women of Wales with them.

It was an epic journey across Wales, the Atlantic, and America, but it did not end when Annie and her fellow activists returned home, for their peace campaign continued for many years afterwards. This all serves to underline how strong the feelings were amongst the women of Wales following the horrors of the First World War. And so, while we can trace the war-time histories of our Welsh male ancestors mainly through military and related collections, this source in contrast allows us to start to trace and to understand the experiences of our female ancestors during that





The delegation at the White House. Left to right: Gladys Thomas, Mary Elizabeth Ellis, Annie Hughes-Griffiths, and Elined Prys.

same period – a source that was, fittingly, created and presented as the petition organisers' response to that militarism.

The Peace Petition Partnership was established to publicise, transcribe, and digitise the petition and related documents. It is led by Academi Heddwch, hosted by the Welsh Centre for International Affairs (WCIA), and delivered alongside the National Library of Wales, Heddwch Nain Mamgu, Women's Archive Wales, and the National Museums of Wales.

In order to raise awareness today of the project and this aspect of Welsh history, the WCIA's Temple of Peace has made its Memorial Petition collection available to the public in digitised form. All the images in this article have therefore come from that collection and are credited to WCIA – Temple of Peace Archives. Items from the WCIA's collection can be viewed on the People's Collection Wales website on the following pages:

<https://www.peoplescollection.wales/users/115056>

<https://www.peoplescollection.wales/collections/1778851>

Further information is available on the WCIA's own website: <https://www.wcia.org.uk/peace-heritage/womens-peace-petition/>.

The transcription of the petition itself is ongoing. Information about this aspect of the project is

available on the National Library of Wales's website where you can also browse the digitised pages: <https://torf2.llyfrgell.cymru/s/peace-petition>.

The records of the North Wales Asylum, Denbigh, are held by the North East Wales Archives and include detailed case notes covering many decades, making it one of the UK's most comprehensive asylum collections: <https://www.newa.wales/subjects/public-health-and-hospitals/the-north-wales-hospital/>.

Eilir Ann Daniels has been studying family history for well over 30 years and, as the founder of the research service Your Welsh Ancestors, has been working as a professional researcher since 2009.

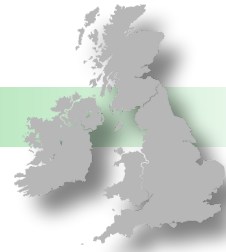


Eilir is a Full Member of AGRA (the Association of Genealogists and Researchers in Archives), and is a Pharos Tutors instructor, teaching "Researching Your Welsh Ancestors and Tracing Living Relatives" courses. She provides research services for private clients and solicitors and carries out research for the BBC's Who Do You Think You Are? and for programs on S4C (the national Welsh language TV channel) and BBC Radio Cymru.

She is a native Welsh speaker, and her academic background, which includes a degree focused on the development of Welsh and UK society after the Industrial Revolution, provides the basis for her genealogical work today.

Tracing *Irish* ancestors

Chris Paton



Ireland and English Law

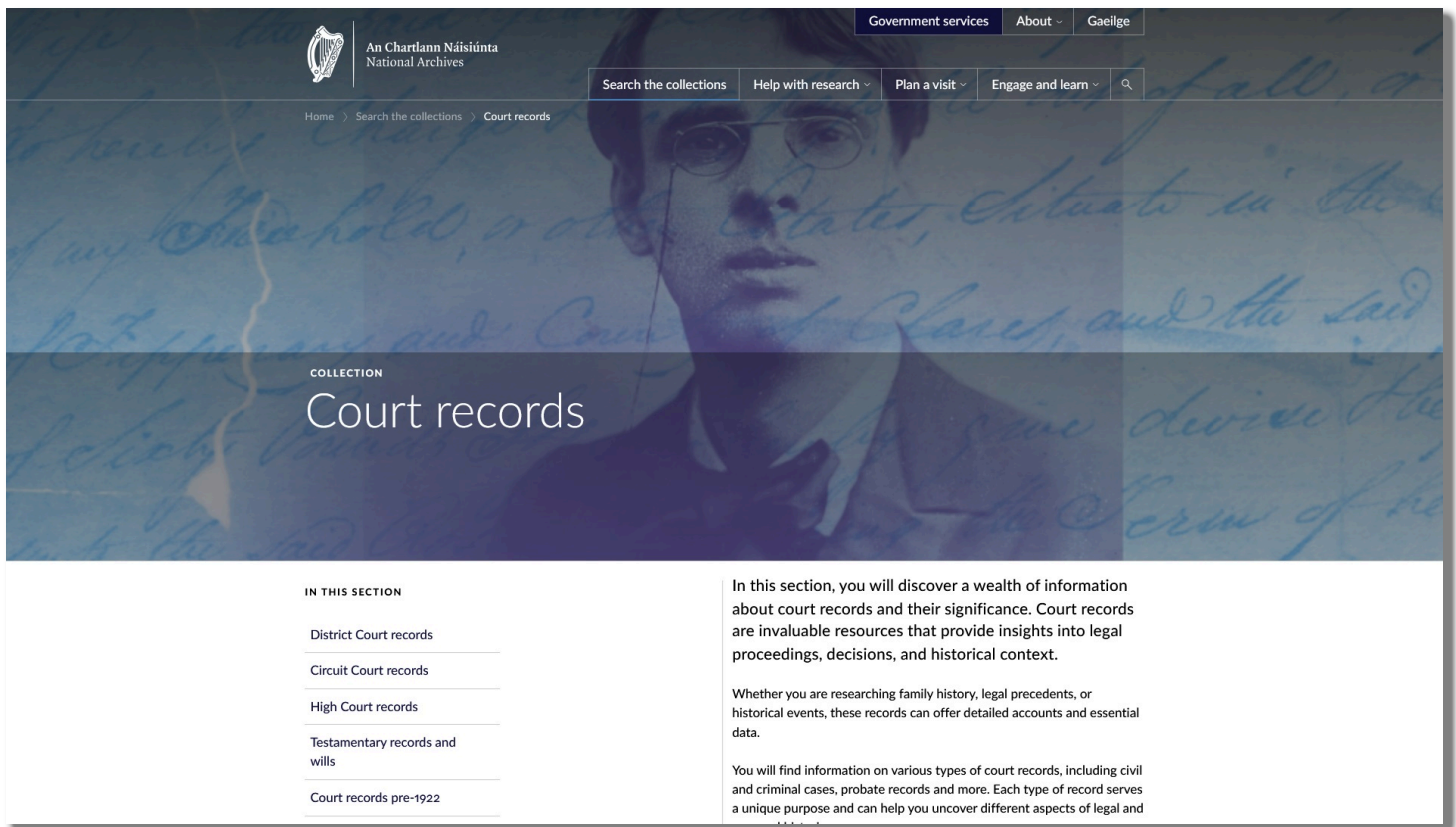
Early Ireland was a tribal society which adhered to a civil legal system known as the Brehon Laws (from Irish “brethim,” meaning “judge”), dating back to at least the fifth century AD, and lasting for more than a thousand years. Through this legal system, criminal affronts were solved through the use of arbitration and compensation. With both parties to a dispute agreeing in advance to abide by a given verdict, skilled advocates would then present their cases to an independent judge. If the judge found in the victim’s favour, the victim was due compensation to the satisfaction of his “honour price,” known in Irish as his “lóg n-enech” (the “price of his face”), the level of which depended on his status in society; in the case of a murder, this

compensation was complemented with a further payment known in Irish as the “éraic,” or “body fine,” the equivalent of the deceased’s honour price.

Brehon Law ceased to exist from 1603, following a decree from James I of Britain that all Irish subjects were now under the King’s protection and subject to English law, which had been gaining ground on the island as an alternative legal process from 1210, having been implemented by King John onto his Irish lordship. Over the following two centuries, efforts had been made to track Irish common law with English common law, while various statutes drawn up in England were also directly imposed onto the parts of the island that fell under the

The screenshot shows the 'Virtual Record Treasury of Ireland' website. At the top, there's a header with the site's name and a 'Browse the Treasury' button. Below this is a large banner for 'CIRCLE 2.0' with a search bar and navigation links like 'FAQ', 'Glossary', and 'Help'. The main content area is titled 'CIRCLE 2.0' and describes the project as a reconstruction of Irish chancery records from 1244-1509. It mentions that the records are accessible on the Virtual Records Treasury of Ireland platform. There are also links to 'Read More' and 'Delving Deeper'.

Copies of medieval Irish chancery records are accessible on the Virtual Records Treasury of Ireland platform.



The guide to court records on the National Archives of Ireland website.

control or influence of the Crown, mainly in Dublin, Louth, Meath, and Kildare.

From the early fourteenth century, the Crown's Irish lordship began to decline, with many of the Anglo-Norman colonists, who later became known to history as the “Old English,” intermarrying with local Irish Gaelic families and adopting their traditions and language. To counter this, in 1366 the Statutes of Kilkenny were passed by the Irish parliament, which dictated that those living within Dublin’s Pale and other areas of English influence had to speak the English language, adopt English names, use English law to resolve disputes, and prevent intermarriage with local Irish Gaelic families (a measure not formally repealed in the Republic until the Statute Law Revision Act of 1983). In 1494 Poyning’s Law was then passed, which decreed that any bills passing through the Irish parliament had to be signed off in England by the king and his privy council, which continued until 1782.

A major turning point for the wider adoption of English Law in Ireland was during the mid-to-late

sixteenth century, when many Irish lords were forced to surrender their lands and to have them regranted to them by the Crown. Following the English Reformation of the 1530s, a series of colonial plantations in counties Laois and Offaly, in Munster, and from 1609 across much of Ulster, further extended the Crown’s reach and the rule of English Law, which now gained primacy.

The courts system in Ireland initially replicated much of what was happening in England itself, with the “Four Courts” soon emerging. This term may be familiar, in that it was the bombardment of the Four Courts in Dublin in 1922 that led to the destruction of Ireland’s Public Record Office and eight centuries worth of Ireland’s documented history, including its court records. The job of the Four Courts was to interpret the laws of the English, Irish, and British Parliaments, as pertaining to Ireland.

The first centralised civil court, the King’s Court, was established in the late twelfth century, and heard cases across the lordship, as well as in Dublin; by the late thirteenth century it had



Additional local court and grand jury records for Northern Ireland are retained at PRONI (author's photo).

evolved into the Court of Common Pleas, which heard civil cases between Irish citizens, both in Dublin and through local assizes. Nothing has survived from this court prior to the late eighteenth century.

The Court of the King's Bench was the most senior court to hear both criminal and civil processes. It emerged in the late fourteenth century and took up a permanent holding in Dublin from the sixteenth century, where it heard criminal cases that disturbed the "King's Peace." From 1729 onwards, serious cases that had previously been heard by the Court of the King's Bench were heard by the new Dublin Commission Court.

Elsewhere in the country, judges of the Court of the King's Bench would travel on regular

geographical circuits known as "assizes," on the authority of what were known as commissions of "oyer and terminer" (meaning "to hear and determine"), as granted by the Crown. This gave them the authority to determine which felonies and misdemeanours had been carried out within their particular jurisdictions, and to hear the most serious civil and criminal cases, as well as cases referred to them from the quarter sessions. The assize court system started initially in the medieval period through a series of local circuits known as "eyres," with the last of these carried out in the fourteenth century. By the early seventeenth century, in the aftermath of the Flight of the Earls of 1607, Gaelic resistance to English Law had been all but crushed, making it considerably easier to now fully implement a more complete nationwide system. There were



From the 13th century Irish exchequer records were copied by the king's clerks; copies survive at the National Archives at Kew, England (author's photo).

five geographic assizes circuits in operation, through which judges would hear cases from each county in turn; from 1796 to 1850 this expanded to six circuits. From 1695 there were two visits carried out per year, but by 1877, this was changed to a simple winter assize for each province, with most civil cases by this point now being handled by the quarter sessions in a county court.

Prior to an assize hearing, prisoners would have first been brought before a justice of the peace or magistrate at a petty sessions court to decide if the case was serious enough to be referred to the assizes; if so, the case would be referred to the grand jury of the county in question, which would issue the indictment. Prisoners would then be held on remand, potentially for months

awaiting the arrival of the judge and for the assize court to be convened.

The medieval Chancery system was created in 1232, and by 1534 had become the third of the Four Courts based in the capital, in time hearing inheritance cases and cases of bankruptcy. While all of its records were destroyed in 1922, the “Calendar of Irish Chancery Letters c.1244–1509” project is presented on the Virtual Treasury of Ireland platform at <https://virtualtreasury.ie/gold-seams/circle>. This comprises of over 15,000 chancery letters from the period, translated into English, and includes source material from the National Library of Ireland, Dublin City Library and Archives, the Irish Record Commission, the National Archives of Ireland, the UK National Archives, and the

Huntington Library in California, USA.

The Court of Exchequer was the fourth of the Four Courts, responsible for collecting the King's revenue (from rents, fines, and customs duties) and for government expenditure issues, as well as debt issues to the Crown. The Virtual Record Treasury platform hosts another gold seam entitled, "Medieval Exchequer: thirteenth–fifteenth centuries," available to consult at <https://virtualtreasury.ie/gold-seams/medieval-exchequer>, and populated with surrogate copies of records from 1250–1450. These exist thanks to the corruption of the early Irish exchequer, which was often accused of theft from the King and for maladministration of the finances. So bad was its reputation that from the late thirteenth century, the Crown required all Irish exchequer accounts to be signed off by the King's clerks at Westminster, and thus a copy of the records was created, which survived the 1922 fire in Dublin, and which are today held at the UK National Archives. In addition to this, two parchment memoranda rolls from the fourteenth century actually survived the blaze in Dublin, while fifty additional rolls were transcribed by the Irish Manuscript Commission in the nineteenth century, all of which are included. Additional calendars summarising records from 1270–1449 have also been digitised.

Following the Supreme Court of Judicature Act (Ireland) Act of 1877, the Four Courts were merged to create the Supreme Court of Judicature, which comprised of a new High Court of Justice and a separate Court of Appeal. Following the Government of Ireland Act of 1920, the Supreme Court was abolished, with the High Court split into new courts for Northern Ireland and Southern Ireland, alongside a split Appeals court. The High Court of the South was replaced in 1924 by a new High Court of the Irish Free State, while the Northern High Court continued its work.

Surviving court records are held in Northern Ireland at PRONI (www.nidirect.gov.uk/campaigns/public-record-office-northern-ireland-proni) and in the Republic at the National Archives (<https://nationalarchives.ie>). Material

held at the National Archives of Ireland is unfortunately not searchable through its online catalogue, but a detailed guide summarising what is available is located at www.nationalarchives.ie/legal-records/court-records-held-in-the-national-archives/; PRONI's records are searchable through its online catalogue. In addition, some records sets have been digitised by FamilySearch and commercial genealogy companies, with a useful list available at [www.familysearch.org/en/wiki/Ireland Court Records](http://www.familysearch.org/en/wiki/Ireland_Court_Records).

Based in the Ayrshire town of Stewarton, Northern Irish-born Chris Paton runs the Scotland's Greatest Story research service

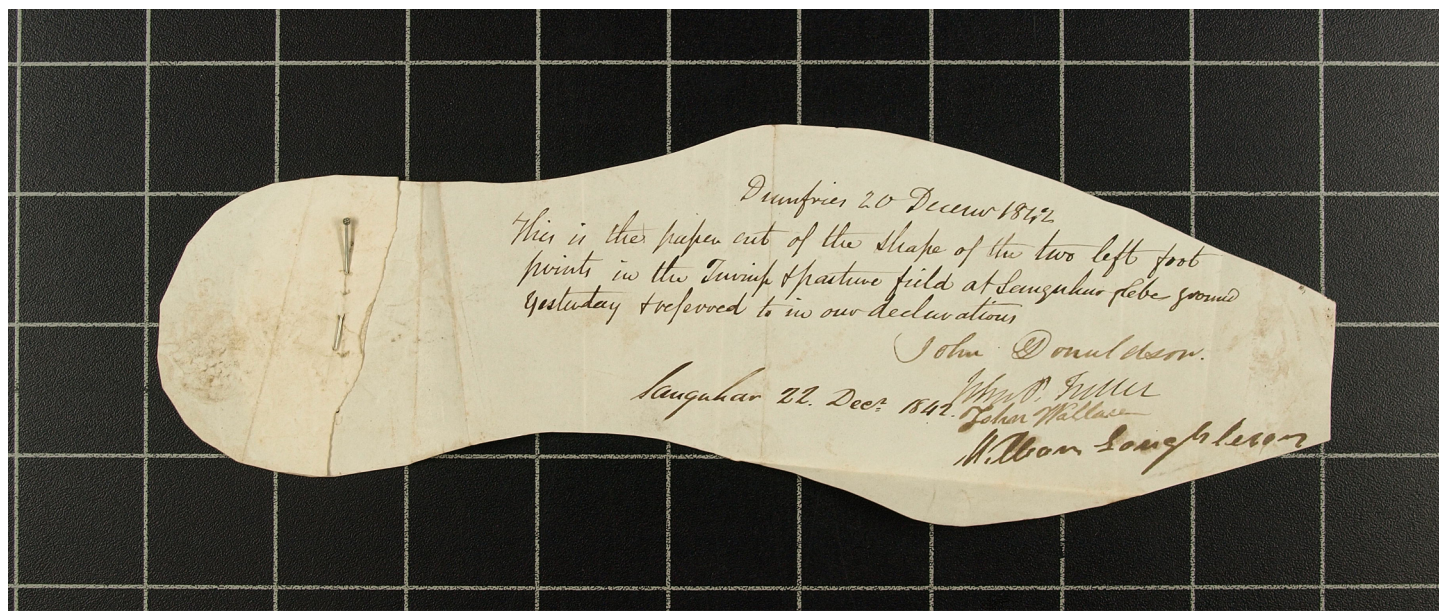
(<https://scotlandsgreateststory.co.uk/>) and the daily Scottish GENES genealogy news blog (<http://scottishgenes.blogspot.com>).

Amongst his many publications are Researching Ancestral Crisis in Ireland, Tracing Your Irish Family History on the Internet (2nd edition), Tracing Your Irish Ancestors Through Land Records, and Tracing Your Belfast Ancestors from Pen and Sword, as well as Sharing Your Family History Online. Chris also tutors short courses through Pharos Teaching and Tutoring Ltd, including two Irish-themed courses, Progressing Your Irish Research Online and Researching Irish Land Records.



Scotland's Criminal Database and High Court Records

Emma Maxwell



Paper Cut of the shape of the two left footprints in the Turnip & pasture field at Sanquhar Glebe. Crown copyright, National Records of Scotland JC26/1843/214, used with permission.

As soon as an individual interacted with the Scottish legal system, an amazing paper trail was created. Sadly, in the decades and centuries that followed, some of the records have been lost to us, but many survive. Within these, we will not just discover our ancestors' stories, but we will find clues to help us progress our research.

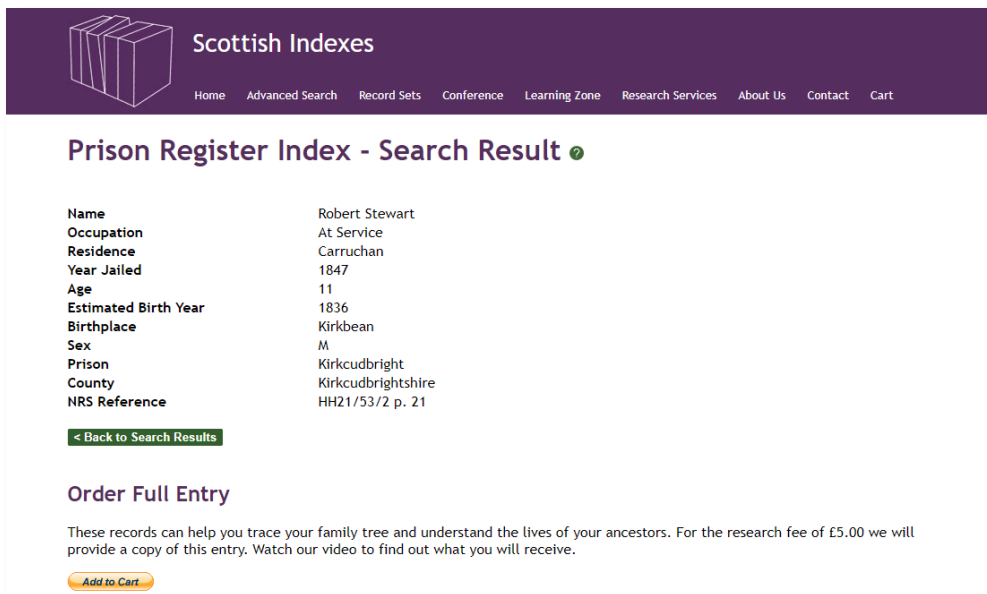
There has always been a need to keep order. Royal justice was usually delegated, although in medieval times, it could have been the King riding through his realm to administer justice and strike terror into his subjects. Records show that as early as 1440,¹ there was a tradition of courts being held twice a year in each Sheriffdom. In time, this would lead to the High Court of Justiciary (High Court), Scotland's supreme criminal court. Whilst the building of the High Court is in Edinburgh, the court still travels around Scotland "on circuit" twice a year, hearing cases in other towns and cities.

For a time, the High Court only heard cases of murder, robbery, rape, and arson as well as appeals from lower courts. The types of cases heard increased over time but they were the more serious cases. Less serious cases were heard in lower courts such as Sheriff Courts, Burgh Courts, and Justice of the Peace courts. At one time, the Admiralty Court, various franchise courts, and the Privy Council also administered justice.

With such a broad range of courts and such a large timescale, this article will focus on the period 1830–1930. I will demonstrate the process of locating records which will work for any of these courts in operation during this time.

Scotland's Criminal Database (<https://www.scottishindexes.com/ScotlandsCriminalDatabase.aspx>) is an easy starting point. The index now includes over 800,000 Scottish criminal records from a variety of sources.

1. *Stair Society. An Introduction to Scottish Legal History*. Edinburgh: Printed for the Stair Society by R. Cunningham, 1958. Print. Stair Society (Series); 20.



Scottish Indexes

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Prison Register Index - Search Result

Name	Robert Stewart
Occupation	At Service
Residence	Carruchan
Year Jailed	1847
Age	11
Estimated Birth Year	1836
Birthplace	Kirkbean
Sex	M
Prison	Kirkcudbright
County	Kirkcudbrightshire
NRS Reference	HH21/53/2 p. 21

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Index entry on Scottish Indexes showing Robert Stewart, age 11, born Kirkbean (author's image).

Scotland's Criminal Database includes High Court records from 1790 to 1919. This is an index to the surviving Precognitions and Trial Papers during this period. A precognition is prepared before the trial; it is in effect the Crown's case against the accused. The precognition may contain information not used at trial. The trial papers contain some of the same information that you will find in the precognition, but you will also find additional information. Any paper evidence supplied to the court, such as letters or maps, will be contained in these records. Reading the statements made by witnesses can be like reading a novel; you hear the account from each side, getting a real insight into life at the time. The minute books (and Books of Adjournal) add information about cases heard before the High Court, including the outcome of each case.

The index to High Court records includes a name and designation for each person, an age and birthplace for some individuals, the crime the

individual was accused of, and the location of the crime. You will also see who else was accused and, in many instances, who the victims were. Images of the original records are not online. Using the index, you can access the original records either in person at the National Records of Scotland (NRS) or you can use the service available from Scottish Indexes.

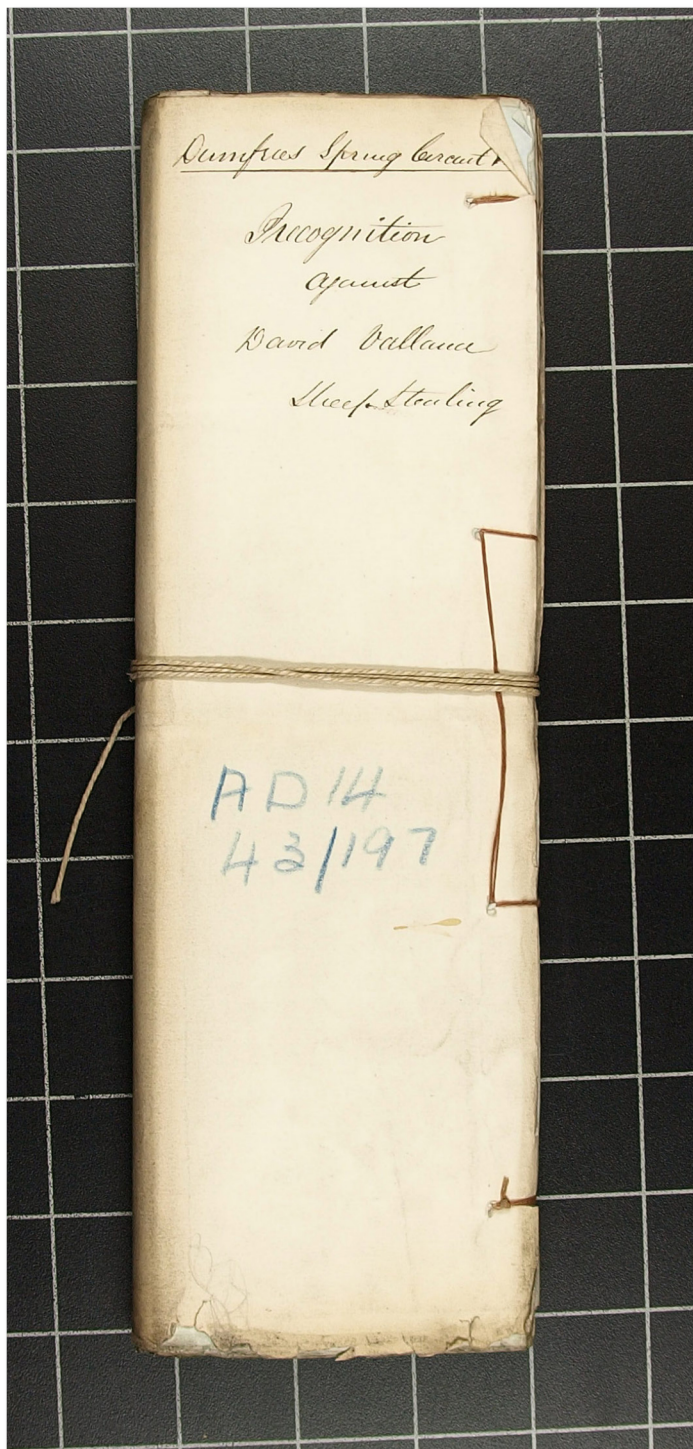
High Court records are also included in the online catalogue of the NRS: <https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/search.aspx>.

As a catalogue, not a name index, it is not possible to search for John Smith born in 1850. You can search by term (such as John Smith) and narrow down your search by year of case, but in many cases (unless you are searching for an uncommon name), there will be a lot of results to look through. The index on Scottish Indexes speeds this process up considerably and also allows the use of more advanced search features, such as wildcards. An advantage of using the catalogue, however, is that some slightly more modern records can be located.

All in all, it's not unusual for there to be more than 100 pages of information full of fascinating stories. For example, in May 1843, David Vallance was tried and found guilty of sheep stealing.² Within the court records, we can read first hand accounts of the victim, the wife of the accused, and those who handled the stolen goods. We also hear from John Nelson,³ a farm servant aged 19, who lived with his father. John's sister was very ill, so John headed to the village

2. "High Court of Justiciary Trial Papers," NRS Reference JC26/1843/214; Index, *Scottish Indexes* (<https://www.scottishindexes.com/jcdetail.aspx?jcid=1843214&pid=184321401>; accessed 05 May 2025); Original Source: National Records of Scotland, Edinburgh, Scotland.

3. "Crown Office Precognitions," NRS Reference AD14/43/197; Index, *Scottish Indexes* (<https://www.scottishindexes.com/adentry.aspx?adid=843197>; accessed 05 May 2025); Original Source: National Records of Scotland, Edinburgh, Scotland.



High Court precognitions are preserved by the National Records of Scotland and can be very extensive. Crown copyright, National Records of Scotland AD14/43/197, used with permission.

of Sanquhar, some three miles away, to bring the surgeon to his sister. This was at about 11 pm on 18 December 1843. Travelling on foot, he reached Sanquhar about 5 minutes to midnight. John tells us about his journey home; he saw a man with some sheep in a field. John wasn't sure but thought it looked a bit like the accused. There is plenty of circumstantial evidence, if only there were some twenty-first century forensics!

John Donaldson, the Sheriff Officer in Sanquhar, examined the scene. He spotted footprints! Paper was used to make the exact shape of the footprint. John Donaldson suspected it was the footprint of David Vallance, and "knowing he had got new boots," took the paper cutout to the shoemaker where it was compared to the last on which he had made Vallance's boots, and they had a match! Not only was the declaration of witnesses preserved in the court record, but so was the paper cutout of the footprint of the criminal left in a muddy field.

This is just one story from the High Court records; there are thousands more. If the accused was a repeat offender, the High Court papers may include extracts of previous convictions, often from lower courts. This means that consulting High Court records first is a sensible strategy.

There is no complete index to criminal records in any of the lower courts of Scotland, but there are various "finding aids," the foremost of which are prison registers, newspapers, and Crown Counsel Procedure Books.

Scotland's Criminal Database now includes nearly 40 prisons from across Scotland. Prison reforms in the mid-nineteenth century mean that many prison registers begin about 1840, although there are earlier records for some prisons. The survival rate of registers is good, although not complete.

Prison registers include people who spent just a night in prison for being drunk, to people who spent many years in prison for committing the crime of murder. The most common crime was assault, followed by theft. Taking Jedburgh Prison in the Scottish Borders as an example, between 1843 and 1869, 21.9% of the

committals were for assault, 16.9% were for theft, and 14.5% were for poaching.

The index entry includes an age, place of birth, occupation and residences; all of which are searchable, enabling quick identification of individuals who may be our ancestors. The full NRS reference is also given.

Whether you view the original register in person at the NRS or use the service available through Scottish Indexes, you will learn from the original entry what crime your ancestor committed. You may also be told about any identifying marks. “Marked with smallpox” is common to see, as well as depictions of tattoos, scars, and missing limbs.

In the “tried by whom” column, you will see which court heard the case and therefore where you need to look for records. Don’t confuse this with the “committed by whom.” You will see both, whose authority had them committed to prison, then at a later date who heard the case.

A variety of courts are mentioned. If you see a name beginning “Lord” in the “tried by whom” column, that indicates a High Court trial. Return to the index and look for the corresponding High Court entry.

The prison register may say “Sheriff.” During the nineteenth century, there were two categories of criminal trials heard at Sheriff Courts, jury or solemn trials and summary trials. A jury trial was heard before a jury of fifteen men and a judge. A summary trial was heard by the judge alone. It is not always clear from the prison register which type of trial the accused received.

Sheriff Court records are not fully indexed, but they are well catalogued by the NRS who hold the vast majority of Sheriff Court records. They

are first organised by court, then by type of record, then by date. Sadly, summary trials from 1860 onwards have not usually been retained by the NRS.

As an example, let’s say we found the prison entry for Robert Stewart, age 11, who was convicted for the “theft of a gun.”⁴ Robert’s case was heard at the Kirkcudbright Sheriff Court on 30 November 1847, and he was given six weeks in prison.

Using the catalogue of the NRS, we find that SC16⁵ is Kirkcudbright Sheriff Court Records; series level 51 is the “Record of criminal trials 1823–1865” and series level 52 is the “Record of criminal jury trials 1819–1928.”⁶ It seems logical to presume that SC16/51⁷ are summary trials but this is not stated in the catalogue.

Drilling down, I see that item SC16/51/5⁸ are “Records of Criminal Trials, January 1847–May 1848.” As we have the date and place of the trial from the prison register, it’s easy to search the records. Although Sheriff Court records are briefer than High Court records, we learn more about the case. Young Robert stole the gun from his employer, William McNaught, a farmer, and absconded from service. If this had been a jury trial, we may have discovered more about the circumstances, but as it is, we have discovered some useful snippets.

We would follow the same method to find records of lower courts. Again, the NRS is the starting point for Burgh Courts and Justice of the Peace courts. The survival rate of records is patchy, but they are worth searching for. If they are not held by the NRS, check with the local authority archive. An email supplying the date of the trial and the court that heard it will enable them to let you know if records are held by their archive. As

4. Prison Register, Kirkcudbright Prison, Kirkcudbrightshire, NRS Reference HH21/53/2 p. 21; Index, *Scottish Indexes* (<https://www.scottishindexes.com/prisontranscript.aspx?prisonid=530202103>; accessed 05 May 2025); Original Source: Prison Registers, National Records of Scotland, Edinburgh, Scotland.

5. <https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=SC16>.

6. <https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=SC16%2f52>.

7. <https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=SC16%2f51>.

8. <https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue/details.aspx?reference=SC16%2f51%2f5>.

a general rule of thumb, the more serious the crime, the more extensive the paperwork is.

Crown Counsel Procedure Books can also help us to locate court records. The Crown Office and Procurator Fiscal Service (now known as the COPFS) is Scotland's public prosecution service. Within Scotland's Criminal database, you can search cases reported to the Crown Counsel for an opinion. These are cases where someone was accused of a crime and the Crown Office was asked for an official "opinion."

As is the case today, some cases went on to the High Court, some to the Sheriff Court or another lower court, and some cases were dropped. This means that the Crown Counsel Procedure Books act as a finding aid to other records. In fact, it is a finding aid to all High Court and Sheriff Court jury trials. So far, the index covers 1822 to 1879.

In themselves, the Crown Counsel Procedure Books are not as informative as prison records. We do not see birthplaces and ages, or identifying marks. Also, very minor crimes are not included. This means that if there is a prison register available, that is a superior source. The Procedure Books, however, cover the whole of Scotland, so they fill in gaps where prison registers have not survived (or have not been indexed), especially as this series begins much earlier than many prison registers.

The index tells you the name of the accused, the year, the jurisdiction, the county and the outcome, as well as the NRS reference. The outcome may say "Indicted," which means that the accused was to be sent for a High Court trial; again, refer back to the index to High Court records.

You will also see outcomes of "Jury Trial—Sheriff Court," "Summary Trial—Sheriff Court," "No Proceedings," or "Sheriff Court." In the cases where it is identified as a jury or summary trial, you can use the NRS catalogue to find corresponding records. If it simply says "Sheriff," look for both jury trials and summary trials.

Some cases did not proceed for a variety of reasons. There may not have been enough evidence, or it may have become clear that the person was not guilty after all. From 1825 to 1855, records of some cases where there were "No Proceedings" do survive. From 1825 to 1833, the coverage is excellent, but from 1834 to 1855, it is patchy. These records can be basic but some include letters from victims and witness testimony. Even though the case was not brought to court, the records can be very interesting. These are held by the NRS under the reference AD13.

Newspapers, too, are an invaluable finding aid. Although not every case was reported, they can offer vital clues. Perhaps you have identified a case in the *Crown Counsel Procedure Books* for which there is no corresponding prison register so you have no way of knowing the age of an individual. A search in the newspaper for the time period may enable you to identify the accused.

In fact, many of these finding aids can be used in harmony. A prison register may give you a lot of detail but not tell you the accused received a jury trial or summary trial; the Crown Counsel Procedure Books may give you the missing piece of the jigsaw.

Although there is no universal index to Sheriff Court records, work has begun and a small number are now indexed and part of Scotland's Criminal Database. Volunteers are endeavouring to index all accused victims and witnesses, which should increase the usefulness of the database as time goes on.

You will also find collections of court and criminal records on a variety of other websites. For example, Ancestry has collections from *Fife and Aberdeen*, which include some photographs! Local authority archives around Scotland often hold lower court records and police records. ScotlandsPeople has a collection of prison register entries, including an album of photographs from Barlinnie 1882 to 1891. Findmypast also has some useful criminal

collections. In the case of High Court trials resulting in transportation to Australia, a Scottish prisoner would first spend time in an English prison awaiting transportation. You will find these in the collection, "England & Wales, Crime, Prisons & Punishment, 1770–1935."

In summary, there is a high chance of finding a criminal ancestor, and when you do, it is often possible to discover a vast amount of information. Start with Scotland's Criminal Database: (<https://www.scottishindexes.com/ScotlandsCriminalDatabase.aspx>). Use the Scottish Genealogy Learning Zone (<https://www.scottishindexes.com/learning.aspx>) to find out more about the records. Make good use of the NRS catalogue (<https://catalogue.nrscotland.gov.uk/nrsonlinecatalogue>) but remember, it's not a name index.

Emma Maxwell is a genealogist based in Central Scotland.

Emma runs the popular Scottish genealogy resource website, www.scottishindexes.com along with her

husband and fellow genealogist, Graham Maxwell. Their website offers free indexes to Scotland's Criminal Database, Scottish Mental Health Records, the Scottish Paternity Index, and more. A researcher with nearly 20 years of experience, Emma also undertakes "brickwall" research, solving puzzles that have stumped family historians so that they can continue with their research. Find out more about Emma on her website www.scottishindexes.com, follow her on Twitter [@maxwellancestry](https://twitter.com/maxwellancestry) or follow Scottish Indexes on Facebook where Emma regularly posts handy tips for tracing your Scottish ancestors.





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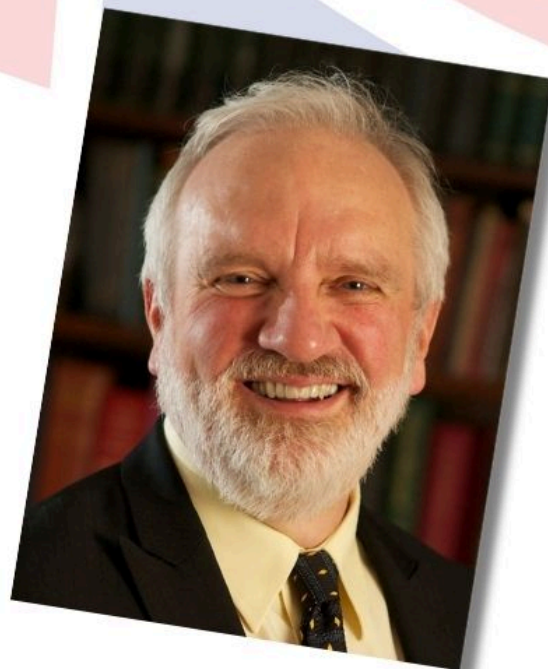
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