

London Metropolitan Archives

Information Leaflet Number 42

My ancestor was a convict



This leaflet is intended to assist enquirers seeking information about persons convicted during the 17th 18th and 19th centuries in the City of London and County of Middlesex and transported to America and Australia.

Introduction

From the early twelfth century the normal punishment for most offences ranging from murder to the theft of goods worth a shilling or over, was death. In fact by the 17th century, there were about 160 crimes where the common punishment was the death sentence. To modern eyes it may seem harsh that a pickpocket and a murderer could receive the same sentence for two very different crimes. However crimes against personal property were viewed in a particularly dim light. The ruling classes based their power on property-ownership, and saw the law's main purpose as protecting property.

During the 17th Century a change in thinking occurred. Numerous condemned convicts, particularly those charged with lesser *felonies*, a felony being a crime potentially punishable by death, had their sentence commuted by royal pardon. This was on the condition that they were transported across the seas to work on the plantations in the American colonies. Many of the early transported convicts were skilled craftsmen, and it was thought better to put their talents to use in the colonies than to simply lose them.

Transportation sentences ranged from 7 or 14 years to life. At first the primary destination was the American colonies, but this ceased in 1775 with the outbreak of the American War of Independence. With English prisons soon becoming overcrowded, transportation resumed in 1786, this time to Australia. During the early 19th century transportation became the normal method of punishment for most offences less than murder, however by the 1840's the number of convicts being transported had begun to drop and the final convict ship sailed to Western Australia in 1868.

The Middlesex sessions and the City of London sessions

Records of the trials and convictions of convicts will be found amongst both the Middlesex *Sessions* and the City of London Sessions. The key to searching for a conviction is to know in which court the trial would have taken place. London Metropolitan Archives (LMA) holds records of four different judicial *sessions* held for both the county of Middlesex and the City of London. Although the distinction between separate sessions was sometimes blurred, knowledge of the type of cases tried at each, will allow you to work out which court would have been the one where an ancestor may have been convicted.

The Sessions of the Peace were held both in the City of London and Middlesex. They were held several times a year rather than the four times a year in most other counties. This court dealt with all manner of crimes, but particularly with the lesser offences.

The Westminster Sessions of the Peace were held between 1618 and 1844 and covered exactly the same kind of cases as those for Middlesex. At all other times Westminster was considered to be part of Middlesex and cases in that area would be found along with those in the records of the Middlesex *Sessions* of the Peace.

The Sessions of Oyer and Terminer were held in both the City of London and Middlesex. They were intended to hear and determine more serious offences such as treason, murder and rebellion. Prisoners indicted of felony before a grand jury at these sessions would then be tried at the sessions of Gaol Delivery, Newgate. *Sessions* of the Peace and *Sessions* of Oyer and Terminer were often held on the same day and the records of both would often be combined. There are surviving records for both Middlesex and the City of London

The Sessions of Gaol Delivery of Newgate were somewhat different. For the City of London and Middlesex they tried criminal cases heard by the Assize courts in the rest of England. They dealt with the most serious cases of *felony* before a petty jury at the Old Bailey. The major thing to remember with the Old Bailey is that trials for crimes committed in both the City of London and Middlesex were held there. These records are found in two separate locations with City of London records found amongst our series of Corporation of London Records, whilst Middlesex cases are found amongst the series of Middlesex Sessions.

Until 1754 the records of Middlesex Prisoners tried at the Old Bailey were kept by the Middlesex Clerk of the Peace and therefore will be found amongst the Middlesex *sessions* records, with a call number beginning with the letters MJ. After 1754 Middlesex Prisoners became the responsibility of City of London officials. The records however have since been transferred to the LMA and are identified by call numbers beginning with the letters OB.

All records of City of London Prisoners tried at Newgate are to be found amongst the records of the former Corporation of London, these will all start with a call number beginning CLA/047/LJ.

Post 1834 the Old Bailey became the Central Criminal Court and the majority of records for both London and Middlesex prisoners from this point onwards, are held by The National Archives (PRO), Kew, Richmond, Surrey, TW9 4DU telephone: 020 8876 3444 <http://apps.nationalarchives.gov.uk/Contact>

Tracing your criminal ancestors: preparation

The ease of your task will depend on the level of information that you already have. Ideally you will know the year and importantly the month that a trial occurred. You

will know where the trial took place and possibly details of the crime and sentence. Should you not have this information to hand you should at least know the date of arrival of you ancestor in either America or Australia. If this is the case then there are a number of sources which you can use to find out exactly when and where the trial took place.

If your ancestor was transported to America then you can consult the book *English Convicts in Colonial America* by P.W. Coldham, volume 1 covers prisoners from Middlesex 1617-1775 and volume 2 covers prisoners from London 1656-1775. There are also the Treasury Board Papers in the National Archives at Kew, ref: Class T1 which list criminals on board ships under sentence of Transportation.

If your ancestor was transported to Australia, then you can consult the List of convicts 1787-1867, ref: HO 11 at the National Archives, Kew. These convict transportation records are arranged by ships giving the names of convicts. There is also a very useful website <http://www.convictcentral.com> which also lists all the ships and dates they sailed as well as having an excellent section on the convict women arriving in New South Wales.

Another valuable source is the *calendars* of convicted Middlesex and City of London Prisoners in Newgate Gaol, held at the National Archives, Kew ref: HO26 1-56. These cover the period 1791-1849 and give details of name, age, occupation, place of birth, physical characteristics as well as details of the crime, date and place of trial and the sentence.

Using the records

Full details of the crime and the sentence will be found on the indictment which forms part of the *Sessions* Roll, however the place to start is the *Indictment*. The first thing to do is to see if there is a *Calendar of Indictments* available. This gives the number of the *indictment* and directly corresponds with the *Sessions* Roll.

If you are lucky there will a printed *calendar of indictments* available for the period that you are interested in. These are particularly easy to use as they are arranged firstly in chronological order and then alphabetically within each month.

Calendars of indictments exist for the Old Bailey *Sessions* ref: OB/C/J covering the years 1754-1832. For the Middlesex *sessions* there are *calendars of indictments* ref:

MJ/CJ covering the period 1610-1797 and 1833-1889. Unfortunately there are no *calendars of indictments* for Middlesex between 1797 and 1833. However original *indictments* can also be found on the relevant *Sessions* Rolls

Calendars of prisoners exist for the Old Bailey *Sessions* ref: OB/C/P covering the years 1820-1853. These are a list of those awaiting trial and those who have been tried and those already convicted and serving a sentence. The records show details of the

name, age and trade of the prisoner, his offence and date of committal and sentence. Likewise, *Calendars of Prisoners* also exist for the Middlesex sessions refs: MJ/CP/A, MJ/CP/B and MJ/CP/P

The list of Indictments for the City of London are known as the Sessions Books Indexes. They cover the period from 1714 to 1834 and will have the reference numbers CLA/047/LJ/10/001-004. Earlier indictments can be found in the Sessions File, the City of London equivalent to the Sessions Roll.

The Sessions Roll

The Roll consists of official documents from each *session*, filed onto a parchment thong and rolled inside a cover. They include *indictments* and *recognizances* for prisoners being tried. Before 1752 the *indictments* and *recognizances* were written in Latin except during the 1650's. The harder words to translate were however often also recorded in English. The documents are filed on the roll in the order that the cases would have been heard. If you have managed to find out the number of the case from the *calendar of indictments*, your task will be much easier. In the top right hand corner of each document on the roll will be a number; these run in consecutive sequences and correspond with the number you already have.

Indictments are the formal record of the charge and the sentence, but they give very little other information about the defendant. For legal reasons most male defendants are described as 'labourers' and their parish given as the place where the crime was committed

As stated previously there were four separate sessions and likewise each *session* may have its own separate records.

Rolls for The Middlesex *Sessions* of the Peace normally combined with the *Sessions* of Oyer and Terminer up to 1834, will both be found in the catalogue under the call number MJ/SR

Rolls for The Westminster *Sessions* of the Peace from 1620-1785 and 1790-1844 will be found under the call number WJ/SR

Rolls for The Middlesex *Sessions* of Gaol Delivery which took place at the Old Bailey between 1639 and 1756 will also be in our catalogue under the call number MJ/SR; however later *sessions* covering the period 1756-1834 will be found under the call number OB/SR

For any Sessions taking place within the City of London these official documents were not kept in the form of a sessions roll, but instead in the form of a sessions file. These files exist for sessions of the peace, sessions of gaol delivery and sessions of Oyer and Terminer dating from 1568 onwards. The reference numbers for these files will start with one of the following prefixes CLA/047/LJ/01 for all courts prior to

1785 or CLA/047/LJ/02 for Gaol deliver and Oyer and Terminer post 1785 or CLA/047/LJ/03 for sessions of the peace post 1785.

Sessions papers and examinations

Both the *Sessions* Roll and the *Indictment* will give you the official details of the crime and the sentence; however if surviving there may be a wealth of other documents relating to a particular case. Such documents may include *Recognizances*, affidavits, appeals and informations and examinations. It should be noted that all papers related to one particular case may not be found together. Often the documents will be split over a couple of months. It is therefore best to use the computer catalogues to search for the name of the person involved; this should bring up the references for documents relating to an individual case.

Informations and Examinations are particularly useful. These are usually in the form of a single document containing a number of statements from the victim of the crime, as well as any witnesses. This is usually followed by the sworn statement of the accused. It is this type of document that will give you a fuller understanding of the details of the crime.

Prior to 1844 these documents will appear in a series known as the *Sessions* Papers. Like the *sessions* rolls before, they are split, so that papers relating to cases heard at the Middlesex *Sessions* of the Peace and Gaol Delivery prior to 1753, will all be found in a series with the call number MJ/SP. Papers relating to Westminster cases 1827-1844, will be found by the call number WJ/SP; at all other times Westminster papers will be found amongst those from Middlesex. Papers from the *Sessions* of Gaol Delivery 1753-1834 will be found with the call number OB/SP. Sessions papers from the City of London Sessions will be found with the call number CLA/047/LJ/013-015

Most of the sessions papers dating from before 1800 have been digitised by the [London Lives project](#) and can be searched on their website.

Post 1844 Informations and Examinations for Middlesex appear in a separate series with the call number MJ/SP/E These have not been catalogued in detail and so cannot be searched on the computerised catalogue.

Transportation orders and contracts

LMA holds a limited number of original transportation contracts and certificates. These bonds were made between the clerk of the peace and shipmasters for the transportation of prisoners.

The majority of the documents relate to transportation to the American Colonies in the 18th century. All documents show the length of sentence, some name each

individual prisoner others however, simply just list the total number of people being transported. The series is listed with the call number MJ/SP/T

Further sources of information

What the original documents fail to give is a description of the actual events that happened in the court, in so far as who said what and when. If you are interested in this, then you should consult the surviving journalistic accounts, relating to trials at Newgate. These accounts of the proceedings and evidence given have been published in volumes misleadingly called the Old Bailey Sessions Papers. An incomplete set is held by LMA for the years 1734-1745, 1761-1779, 1835-1837 and 1839-1850 (ref: 60.32 PRO). A full set can be found at Guildhall Library, Aldermanbury, London, EC2P 2EJ, Tel: 020 7332 1868

Email: guildhall.library@cityoflondon.gov.uk

The material from these published books is also available online at The [Proceedings of the Old Bailey](#) website.

Our catalogues can be viewed on the [LMA website](#). These include all of the catalogued Middlesex *Sessions* papers, ref: MJ/SP.

A quick 5 step guide

Come prepared, if possible with knowledge of the year and month of trial and in what court the trial occurred

See if there is a *Calendar of Indictments or Sessions book index* which will give you the case number

Order the relevant *Sessions Roll* or *Sessions File* to view the full details of the crime and punishment

Check the *Sessions Papers*, *Examinations* and *Transportation* documents to see if there are any other surviving documents relating to the case

See if there is a contemporary journalistic account of the actual trial either by using the printed volumes or by visiting the *Proceedings of the Old Bailey* online

Glossary

Sessions: periodical sittings of justices

Indictment: legal document in which prisoners are formally charged with a crime

Felony: a crime more serious than a misdemeanour, potentially carrying the death sentence

Recognizance: bond or obligation, by which a prisoner pledges himself to fulfil a stated condition e.g. to appear at a later Session or to pay a fine

Calendar: detailed list of prisoners, containing more information than a normal index

Printed sources

The following works are available in LMA Library. Library reference numbers are given in brackets

BEATTIE, J.M. *Crime and the Courts in England 1660-1800*. Princeton University Press, 1986. (21.51 BEA)

COLDHAM, P.W. *Emigrants in chains: a social history of forced emigration to the Americas, 1607-1776*. Alan Sutton, 1992. (21.31 COL)

HAWKINGS, D.T. *Criminal ancestors: a guide to historical criminal records in England and Wales*. Alan Sutton, 1992. (60.32 HAW)

OLDHAM, W. *Britain's convicts to the colonies*. Library of Australian History, Sydney, 1990. (21.31 OLD)

SHAW, A.G.L. *Convicts and the colonies: A study of Penal Transportation from Great Britain and Ireland to Australia and other parts of the empire*. The Irish Historical Press, 1988. (21.31 SHA)

Published lists of convicts

COLDHAM, P.W. *The complete book of emigrants in bondage 1614-1775*. Baltimore, Genealogical Publishing Company, 1988. (20.31 COL)

COLDHAM, P.W. *More emigrants in bondage 1614-1775*. Baltimore, Genealogical Publishing Company, 2002. (20.31 COL)

COLDHAM, P.W. *English convicts in colonial America volume I Middlesex 1617-1775*. Polyanthos, New Orleans, 1974. (21.31 COL)

COLDHAM, P.W. *English convicts in colonial America volume II London 1656-1775*. Polyanthos, New Orleans, 1976. (21.31 COL)

GILLEN, M. *The founders of Australia: A biographical dictionary of the First Fleet*. . Library of Australian History, Sydney, 1989. (21.31 GIL)

COBLEY, J. *The crimes of the First Fleet convicts*. Angus and Robertson, 1970. (21.31 COB)

COBLEY, J. *The crimes of the 'Lady Juliana' convicts*. Library of Australian History, Sydney, 1989. (21.31 COB)

FLYNN, M. *The Second Fleet: Britain's grim convict armada of 1790*. Library of Australian History, Sydney, 1993. (21.31 FLY)

Useful websites

Convicts to Australia: www.convictcentral.com

The Proceedings of the Old Bailey: www.oldbaileyonline.org

The National Archives: www.nationalarchives.gov.uk

Access to Archives: www.nationalarchives.gov.uk/a2a

London Lives 1690-1800: www.londonlives.org

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9

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