

PRISONERS IN THE COUNTY GAOL, 1789-1814

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The Gaol Calendars are printed documents which were issued four times a year immediately before each Quarter Sessions. Of the hundred calendars issued in the period, 29 are missing, including all those for the years 1796, 1799 and 1802, and three each for the years 1794 and 1800.

The Contents of the Calendars.

The calendars vary slightly in form and content but contain the following information:

1. A list of the prisoners awaiting trial at the ensuing Quarter Sessions, giving the name and age of each prisoner, the date when committed for trial, the names of the committing magistrates, and a short account of the alleged crime. The later calendars usually state where the alleged offence was committed but this information is rarely given in the earlier ones. It is, however, possible to find where the prisoner was apprehended by ascertaining the residence of the committing magistrate, and most of the prisoners - though not all - were apprehended in the district where the crime was committed. The calendars do not state where the accused lived.

2. A list of the prisoners awaiting trial at the next Assizes, giving the same particulars.

3. A list of prisoners sentenced and awaiting Transportation giving name, age, crime, date of conviction, and sentence i.e. whether for seven years, or for life.

4. A list of the prisoners confined to hard - labour in the Penitentiary, giving the same particulars.

5. From Epiphany, 1806, onwards the calendars include a list of the prisoners in the Houses of Correction at Littledean, Northleach, Horsley and Lawford's Gate. This list, too, gives the name and age of the prisoner, the offence, date of conviction and the sentence, which sometimes includes whipping.

6. A list of the prisoners condemned to death at previous Assizes whose sentence had been respited or who had been reprieved and were awaiting further sentence. No mention is made of prisoners who had been executed or died in the gaol, though the Calendar for Easter, 1790, names 4 men sentenced at the Lent Assizes to be hanged on 10th April: the Calendar for Easter 1801, lists 6 to be hanged on 18th April; and that for Easter 1812, names 2 to be hanged on 11th April.

In the interests of accuracy it is necessary to understand the limitations of the Calendars as a source of evidence. They do not give a complete list of all the prisoners committed for trial. Occasionally a prisoner was committed for trial at Quarter Sessions after the Calendar had

been completed. Sometimes the Clerk of the Peace added the names of such prisoners in handwriting. Such omissions are so rare as to make no appreciable difference to the statistics which follow. The lists of prisoners awaiting trial at the Lent Assizes, however, must be regarded with greater reserve. The Calendars were issued just before the Quarter Sessions, not just before the Assizes. A period of ten or more weeks elapsed between the compilation of the Calendar for Epiphany Sessions in early January and the opening of the Lent Assizes towards the end of March. During those weeks many prisoners were committed for trial at the Assizes and consequently their names do not appear in the lists of prisoners awaiting trial. To a lesser extent, the same is true of the shorter period of time between the compilation of the Trinity Calendar and the opening of the Summer Assizes.

The Calendars do not state the verdicts given at the trials or the sentences passed, though on some of them this information has been written in the margin by the Clerk of the Peace. The sentence can be discovered if the accused was still in the County Gaol when the next Calendar was issued; but if he was acquitted, sentenced to less than three month's imprisonment, removed from the gaol for transportation, or hanged before the compilation of the next calendar, no information is obtainable from the Calendars. Thus a prisoner could be committed to gaol in February, tried at the Assizes in March and sent to the hulks for transportation a week later without his name appearing in the Calendars at all.

### Transportation

The calendars give particulars of the convicts who were in gaol awaiting transportation but do not state whether or not they were actually transported. Before 1772, when convicts were transported to the American colonies or the West Indies, they were handed over to contractors and from 1719 to 1772 a bounty of £5 was paid to the contractors for each convict transported. On arrival in the colony the contractors "sold" the convicts to the highest bidders as indentured labourers for the period for which they had been sentenced. A wealthy transportee could then buy his freedom but could not return to Britain. The payment of the £5 bounty from the County Stock was, of course, recorded in the Treasurer's Accounts and the names of the convicts and the date when they were sentenced were also recorded. In 1772 the Government decided to discontinue payment of the bounty because the contractors were getting such high prices for transportees. Consequently no further entries relating to transportation were made in the Treasurer's Accounts.

After the loss of the American colonies transportation almost ceased and convicts were, instead, sent to the hulks - disused transportation ships moored in the Thames. The hulks were established in 1776 as a temporary measure for two years; they lasted for eighty-two. Later on hulks were moored in the naval dockyards and prisoners set to hard labour there.

Even after the beginning of transportation to Australia, most males sentenced to transportation were sent from gaol to the hulks and the majority of them got no further. The Quarter Sessions Order Book for Easter, 1790, authorises the payment to Mr. Giles, the Gaoler, of "his Bill for Fifty Three Pounds One Shilling and Six Pence for Expenses incurred in Conveying Three Transport Convicts from Gloucester to Plymouth (including therein his Allowance of Six Pounds for each Convict pursuant to Act of Parliament)". Similar entries in that and the following year show that "Transports" were taken from Gloucester to the hulks at Gravesend and at Langstone, in Portsmouth Harbour. At Easter, 1791, the magistrates at Quarter Sessions appointed a committee to settle the accounts at the Keepers of the Gaol, Penitentiary, and Houses of Correction before they were presented to Quarter Sessions. Another source of information had ended.

To discover which convicts were actually transported to Australia recourse has been made to the Convict Transportation Registers in The Public Record Office, London. These manuscript documents record the names of the ships; the year, month - and sometimes the day - of sailing; the names of convicts embarked; the place and date of conviction and the length of sentence imposed - life, 14 years or 7 years. No other information is given.

The First Fleet under Governor Phillip, carrying 757 convicts, sailed for Botany Bay in 1787 and on arrival the following year established the first colony in Australia. It carried no convicts from this county.

The first convict from Gloucestershire to be sent to Australia was William Skinner, condemned to death at Lent Assizes 1789, for stealing a sheep valued at 10/-, the property of Ben Minett, but reprieved and sent to the hulks. In the latter half of 1789 Governor Phillip asked the Government to send out farmers as free settlers to provide food for the convicts, and to send carpenters and bricklayers to act as overseers of the convicts employed on public works. The Government demurred but sent out 25 artificers, chosen from convicts in the hulks, on the naval store-ship GUARDIAN which sailed in July, 1789. William Skinner was one of these. The GUARDIAN struck an iceberg off the Cape of Good Hope and five of the convicts were lost. Fourteen of the survivors were pardoned in December, 1791, though not allowed to leave the colony. If William Skinner was among the survivors he was the first Gloucestershire settler in Australia.

The Second Fleet of three vessels, NEPTUNE, SCARBOROUGH and SURPRIZE, sailed in December, 1789, and carried 43 men sentenced from Gloucestershire. It also carried the first convict sentenced from the City of Gloucester - a woman, Kezia Brown, sentenced to transportation for seven years at the City Quarter Sessions, October, 1789. It is extremely unlikely that all those from Gloucestershire reached Australia: of the 1095 convicts who embarked, 267 died on the voyage. 450 of the survivors required medical attention on arrival.

Captain Hill of the New South Wales Corps - a regiment formed to guard the convicts - travelled out on the SURFRIZE and wrote, "The slave trade is merciful compared with what I have seen in this fleet." The ships were overcrowded; the convicts heavily ironed, rarely allowed on deck, and inadequately fed. Captain Traill of the NEPTUNE was charged on his return to England with the wilful murder of three men but left the country before he could be brought to trial. Shipment of the convicts was still entrusted to merchants who contracted to carry them for approximately £23 a head. The contractors who had transported convicts to America had an incentive to land them alive and healthy, for they then fetched a price of £10 to £25 a head. The contractors for the Second Fleet, Camden, Calvert and King, had no such incentive; in fact there was a definite disincentive, for any rations saved on the voyage could readily be sold at a good profit in Botany Bay. Captain Traill had, indeed, been ordered by the contractors to be very careful with the provisions and to sell any surplus "to the best advantage for our account."

After this disastrous voyage the contractors were paid about £18 for every convict embarked and an extra £4. 10s. for every convict landed. Conditions on the ships were gradually improved but there was a heavy death roll in several ships carrying Gloucestershire convicts: HILLSBOROUGH (1796), ROYAL ADMIRAL (1800), GENERAL HEWETT (1813).

The Registers of Convicts show that 185 convicts sentenced from Gloucestershire before Michaelmas 1814 - when the series of calendars studied ends - were actually transported to Australia. A further 18, sentenced at the City Quarter Sessions or Assizes, were also transported. Of those from the county, 49 had been sentenced before the period covered by the calendars so no particulars about them have so far been discovered. It is hoped that a search of the Gloucester Journal will supply the missing information and that eventually a complete list of "transports" will be compiled covering the whole period until transportation finally ended in 1861.

The documents studied so far give the names of 271 persons (230 men, 41 women) sentenced to transportation in the 25 years covered by these Calendars. For reasons given earlier in this article, this list is almost certainly incomplete and should probably total about 300. Again, the Gloucester Journal will probably provide the missing names. Of those sentenced in the period, 136 (101 men, 35 women) were actually transported. It will be noted that most women so sentenced were actually transported; less than half the men were. During the war, convict labour from the hulks was required in the naval dockyards. Apparently there were no hulks for women. A table giving particulars of the crimes committed is appended.

Some very severe sentences were passed but prisoners subjected to them were, in fact, seldom actually transported. The harshest sentence was on Mary Willett, aged 37, sentenced at Quarter Sessions, 1806, to 14

years transportation for receiving sixpenny-worth of bacon and sixpenny-worth of salt from Elizabeth James, servant of Charles Vernon of Great Rissington, knowing that Elizabeth James had stolen it from her master. She was not transported. Neither were Joseph Attwood, 42, convicted at Quarter Sessions, 1807, for stealing a linen shirt from a clothes line at Cheltenham, and sentenced to 7 years transportation, or Thomas Holyoak, 34, sentenced to 7 years transportation at Quarter Sessions, 1800, for stealing a board valued at 10d. It is noticeable that these severe sentences were passed at the Quarter Sessions, not the Assizes.

Edward Cottle, 16, was condemned to death at the Assizes, 1806, but reprieved and sentenced to transportation for life for robbing John Vick of 3s. on the highway in the suburbs of Bristol. He too, never embarked for Australia.

Hannah Knight, however, convicted by Quarter Sessions, 1809, for stealing wearing apparel valued at 3s. near Bristol was transported on the ship CANADA for 7 years.

One of the most interesting prisoners was Thomas Gardner, aged 15, of the Stroud area, sentenced to 7 years transportation for "having written and sent a letter by post to Mr. John Lewis his employer, threatening to destroy his mill by fire unless he raised the wages of persons employed in his machinery." He was not transported.

Judged by the value of the property stolen, the worst offender was Elizabeth Pearce who was transported for 7 years for picking the pocket of John Dubber of about £130 in the Stroud area.

SENTENCED TO TRANSPORTATION

Michaelmas 1789 to Michaelmas 1814

<u>Crime</u>	<u>Sentenced</u>			<u>Transported</u>		
	<u>Men</u>	<u>Women</u>	<u>Total</u>	<u>Men</u>	<u>Women</u>	<u>Total</u>
Unkown (as yet)... ..	46	4	50	40	4	44
Burglary ... ..	6	1	7	2	1	3
Housebreaking ... ..	19	5	24	12	5	17
Breaking open Warehouse ...	1	-	1	-	-	-
Stealing from dwelling or outhouse ... ..	7	4	11	1	3	4
Stealing from shop ... ..	5	2	7	-	2	2
Stealing horses ... ..	11	-	11	8	-	8
" sheep or lambs ...	11	1	12	7	1	8
" oxen, heifers ...	2	-	2	1	-	1
" pigs, fowls ...	6	-	6	-	-	-
" an ass ... ..	1	-	1	1	-	1
Stealing food (including wheat, barley, peas, etc.)..	21	-	21	2	-	2
Rioting & stealing wheat ...	2	-	2	1	-	1
Stealing wearing apparel ...	10	9	19	1	9	10
Stealing wool, cloth, fleeces ... ..	16	4	20	4	2	6
Cutting cloth on rack ...	-	1	1	-	-	-
Stealing money or silver ...	14	2	16	3	1	4
Stealing timber, tools, hoops, tallow, metal, sheet ...	25	2	27	4	2	6
Robbery ... ..	1	-	1	-	-	-
Receiving stolen wheat, food money, etc. ... ..	4	2	6	1	1	2
Pickpockets ... ..	1	1	2	1	1	2
Embezzlement (iron, proceeds of sale of master's horse)..	2	-	2	-	-	-
Forgery, fraud ... ..	4	2	6	2	2	4
Possessing forged bills, base coin ... ..	-	1	1	-	1	1
High treason (forged 6d) ...	1	-	1	1	-	1
Highway robbery ... ..	8	-	8	5	-	5
Deserting wife & children (second offence) ... ..	1	-	1	1	-	1
Bigamy ... ..	1	-	1	-	-	-
Sacrilege ... ..	1	-	1	1	-	1
Shooting to kill ... ..	1	-	1	1	-	1
Arson ... ..	1	-	1	1	-	1
Writing threatening letter..	1	-	1	-	-	-
	230	41	271	101	35	136

### Some Prisoners in the Penitentiary

No analysis has been made of the lists of prisoners sentenced to hard labour in the Penitentiary, but the following were the most interesting prisoners.

Kid Wake, a journeyman printer, married and aged 27 was convicted by the Court of King's Bench on 7th May, 1796 "for a high misdemeanour against His Majesty." The Gloucester Journal of 16th May, 1796 gave a report of his trial for offences which occurred on 29th October, 1795, when George III on his way to open Parliament was hooted and jeered at by a crowd in the Mall, some sections of which had Jacobin sympathies and were opposed to the War against France. Stones were thrown at the royal coach as it approached Old Palace Yard and one of the windows was broken by a shot from an air-gun.

In pronouncing sentence Justice Ashurst said that Wake, "with a great number of others, being persons of violent and seditious minds.... did unlawfully and riotously meet together to disturb the peace of our Lord the King and assemble round his coach and made a very great riot, tumult and disturbance, by hissing, hooting, groaning, and used divers indecent, contemptuous and disorderly gestures; and did riotously, tumultuously and seditiously use and proclaim aloud the following scandalous words - No War - Down with George - No George - and did for a long time continue thus riotously assembled." Humour occurs in unexpected places. The Judge continued: "You endeavoured to show that the contemptuous gestures.... were due to your short-sightedness and that your eagerness to gratify your curiosity in seeing his Majesty occasioned those involuntary distortions of countenance, which might be construed into contemptuous gestures. This does not seem to be very natural."

Wake was sentenced to 5 years hard labour in "the Penitentiary House in Gloucester", and "to stand in and upon the pillory for one hour between the hours of eleven and two in the afternoon in some public street in Gloucester, on a market day." He was also to find sureties for £1,000 to be of good behaviour for 10 years after that and to remain in prison till the sureties were found.

The Journal reports that he arrived in Gloucester on 20th May and that on Saturday, July 23rd, he "stood in the pillory opposite the Market Place in the Eastgate-street." No comment is made about his reception by the populace but it is unlikely to have been sympathetic for at a meeting of the citizens of Gloucester in the Booth Hall on 29th November, 1795, the Rev. Thomas Stock had moved an address of congratulation to His Majesty which was unanimously approved.

Presumably Wake was able to find sureties for £1,000, for he disappears from the prison calendars after Easter, 1801.

Wake may have been amongst those members of the crowd singled out for prosecution because he was a printer. Much anti-war, Jacobin and other

"seditious" literature was printed and circulated at this time by The London Corresponding Society and others.

On 6th July, 1808, another printer, John Harriott Hart, aged 31 was brought to Gloucester by order of King's Bench to be imprisoned for 18 months for printing and publishing "scandalous libels" concerning certain trials and verdicts and the conduct of the Hon. Simon Le Blanc, one of the Justices of King's Bench; and for a further term of 18 months for "scandalous libels" concerning certain other trials and verdicts and the conduct of Lord Ellenborough, Chief Justice of King's Bench.

Hart was the printer and publisher of "The Independant Whig" and the libels he published concerned the trials of William Chapman, Captain of the Liverpool slave ship APOLLO. The Gloucester Journal of 16th November, 1807 reported that Chapman was charged at Thames Police Office with the murder at sea of his second mate. According to the evidence of the ship's surgeon the mate had a fever but was ordered by the Captain to carry out duties beyond his strength. When he failed to execute them Chapman lashed him with the cat-o'-nine-tails and beat him with the handle. He then "put fire" on the mate's legs, thighs and other parts of his body and threw buckets of water over him. The mate died a few hours later. The trial does not appear to have been reported in the Gloucester Journal but this must have been the trial before Lord Ellenborough which Hart criticised, and the verdict was Not Guilty.

In a further trial before the Hon. Simon Le Blanc reported in the Journal of 18th January, 1805, Captain Chapman was accused of the murder of the ship's boy, Robert Dunn "by exposing him naked to the weather, by starving him, and by repeated acts of cruelty. The evidence of the surgeon of the ship seemed to corroborate the charge; but some doubts arising respecting the credibility to be attached to his evidence, and witnesses having proved that the crew was in a mutinous state which rendered severity necessary, the jury after six hours deliberation, found the prisoner Not Guilty."

Hart criticised the verdict and also Simon Le Blanc's charge to the jury. This is hardly surprising. Neither is it surprising that, at the end of Hart's trial for libel before Justice Grose and a special jury, when a verdict of Guilty was announced, "a general but perhaps involuntary hiss induced the learned Judge to direct that any persons thus disturbing the peace should be brought before him; whereupon silence was restored."

At Michaelmas Quarter Sessions, 1801, Hannah Lintern was sentenced to three month's imprisonment for "cruelly beating Sarah Pollard, James Mitchell, James Downent and other poor children put under her care by the Guardians of the Poor at Bristol, by neglecting or refusing to give them sufficient food to the great damage of their lives."

At Lent Assizes, 1792, John Brown, 41, and William Burgess, 56, were convicted of a combination and conspiracy to raise the price of



brickmaking. This reminds us that laws to prevent the formation of Trade Unions existed long before the notorious Combination Acts of 1799-1800, the main effect of which was to make offenders under the previous acts against combination subject to summary conviction by two magistrates.

At Lent Assizes, 1800, a twelve year old boy, Thomas Hinton, was sentenced to two years imprisonment with hard labour for stealing bacon, cheese and money. He was ordered, also to be privately whipped at the end of the first fortnight and at the end of every succeeding three months of his term of imprisonment - nine whippings in all.

Prisoners in the Houses of Correction.

The following is an analysis of the information given concerning the prisoners in the Houses of Correction from Epiphany 1807 to Michaelmas 1810. During these four years 38 were confined for varying periods at Northleach, 10<sup>4</sup> at Horsley, 4<sup>3</sup> at Lawford's Gate and 12 - a surprisingly low number - at Littledean. Of the total of 197 prisoners, 16<sup>4</sup> were men and 33 women.

Offences against employer.

Leaving master's service ... ..	56
Misdemeanour in master's service ... ..	4
Neglecting master's business ... ..	17
Cruelly beating master's oxen ... ..	<u>1</u>

78

Poaching offences (Game or fish) ... ..

23

Lewd women... ..

20

Offences under Vagrancy or Settlement Laws.

Leaving family chargeable to parish... ..	5
Returning to place from which removed ... ..	1
Idle & Disorderly, Rogues & Vagabonds ... ..	<u>13</u>

19

Offences under Bastardy Laws.

Father of bastard ... ..	1
Refusing to obey bastardy order ... ..	3
Refusing to name father of child ... ..	<u>2</u>

6

Embezzling or destroying wool ... ..

9

Felony (Stealing etc.) ... ..

9

Debt ... ..

8

Cutting down trees ... ..

6

Deserters from H.M. Forces ... ..

4

Breaking out of prison ... ..

2

Forging and uttering base coin... ..

3

Pulling down posts ... ..

2

Refusing to find sureties... ..

2

Disorderly behaviour in Workhouse ... ..

2

Divers misdemeanours... ..

3

Assault ... ..

1

197

Prisoners condemned to death but reprieved or sentence respited.

As previously stated, the number of prisoners condemned to death and executed cannot be ascertained from the calendars. It is hoped that a future study of the Gloucester Journal will supply the missing information.

During the period 142 people, including 12 women were condemned to death but reprieved or had their sentence respited. Of these, 21 were under 18 years of age. They include one boy aged 12 and one aged 13; four boys and one girl aged 14; two boys of 15; one girl and six boys aged 16; and three boys and two girls aged 17.

The table appended gives further information.

<u>Crime</u>	<u>Condemned but Reprieved</u>	<u>Sentenced instead to Transportation</u>	<u>Actually Transported</u>
Unknown ... ..	24	11	11
Housebreaking... ..	27	14	10
Sheep stealing ... ..	26	11	9
Horse stealing ... ..	21	11	8
Cattle stealing ... ..	3	3	2
Stealing above value of 40s. in dwelling house ... ..	9	5	1
Highway robbery ... ..	5	4	3
Burglary & 1 accessory before fact ... ..	4	2	1
Robbery ... ..	3	1	-
Stealing cloth ... ..	3	-	-
" Bank notes ... ..	3	-	-
" Silver ... ..	1	-	-
" Money ... ..	2	1	-
" Handkerchiefs etc. ... ..	1	-	-
" Linen from shop ... ..	1	1	1
" in a dwelling house... ..	2	2	1
Forgery ... ..	2	1	1
High Treason (Forged 6d.) ... ..	1	1	1
Shoplifting ... ..	1	1	-
Murder ... ..	1	-	-
Shooting with intent to kill... ..	1	1	1
Rape ... ..	1	-	-
	<hr/> 142	<hr/> 70	<hr/> 50

Undertones of War.

Young male prisoners were sometimes released on condition that they joined the armed forces. Thomas Parsons, aged 24, and William Webb, aged 19, were convicted of felonies at Trinity Quarter Sessions 1792, and sentenced to 2 years hard labour unless in the meantime they enlisted in His Majesty's Service.

At the Summer Assizes, 1798, Giles Boulton, aged 12 and Charles King, 15, were condemned to death for housebreaking but reprieved and sent to the Penitentiary. At Easter 1807 they were pardoned on condition that they joined the Royal Navy.

The Houses of Correction frequently held deserters from the forces awaiting collection by their units, and also prisoners who had been sentenced by Courts Martial for "Breach of the Articles of War." Amongst them were William Edwards, aged 13, and Edward Dugmen, 16 - evidently drummer boys - imprisoned at Lawford's Gate at Trinity, 1813. At Michaelmas, 1813, there were seven such prisoners at Lawford's Gate serving sentences of from 14 days to 3 months.

At Michaelmas Sessions, 1800, Richard Curry, aged 28, was in gaol convicted of assisting a prisoner of war to escape and sentenced to be fined 1s. and imprisoned for six months and until the fine was paid.

### Conclusion.

So far only the entries concerning Transportation have been analysed and examined in detail over the whole period covered by the calendars, so to draw conclusions about other aspects of crime would be unwise.

On the evidence so far gathered the incidence of crime against the person appears to have been remarkably low. Of those people transported whose crimes we know, only one was guilty of such a crime and likewise only one of the prisoners in the Houses of Correction. Analysis of the crimes of prisoners in the Penitentiary might, however, show a different picture.

Much of the crime appears to have been opportunist and due to poverty and harsh conditions. To coin a phrase, most of it might be termed "subsistence crime". The incidence of crime and the prevalence of poverty seem to be closely related. This is particularly noticeable in years when a poor harvest resulted in a high price for corn. Such a year was 1801. That year there was an unusually high number of people for trial at the Quarter Session and the Assizes. At the Summer Assizes, of 64 prisoners for trial, 44 were accused of stealing some form of food: 9 persons were tried for riotously assembling with others and stealing corn at Westbury, Longhope, English Bicknor, Oxenhall, Dymock and Tirley; 19 were tried for sheep-stealing; 6 for stealing corn; 9 for stealing bacon, flour or cheese; 1 for stealing a pig. That year 28 people were sentenced to death and 6 actually hanged; 35 were sentenced to transportation and 16 of these were eventually transported.

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