

PRISON RECORDS – HANDOUT

Crimes in the Eighteenth and Nineteenth century included crimes against people, crimes against property, and crimes against the state.

Crimes against people:

Murder: A capital offense
Rape: A sexual offense
Forcible abduction: A sexual offense.
Stabbing: A violent offense.
Maiming: A violent offense.
Shooting: A violent offense.

Crimes against property:

Burglary: A crime against property.
Shoplifting: A crime against property.
Smuggling: A crime against property.
Fraud: A crime against property.
Arson: A crime against property.
Stealing: A crime against property.

Crimes against the state:

High treason: A crime against the state
Sedition: A crime against the state
Rebellion: A crime against the state
Communicating with the enemy: A crime against the state

Other crimes included:

Piracy, Forgery, Poaching, Highway robbery, Witchcraft, Religious nonconformity, and Vagrancy. Petty treason and murder. Stabbing, maiming and shooting at any person. Rape, forcible abduction and other sexual offences. Simple grand larceny and allied offences.

Punishments 1780-1925

For those convicted at the Old Bailey, judges could choose from a wide range of punishment sentences in this period, though their options were often limited, both by statute and by choices made at an earlier stage in the judicial process. It is important to remember that the actual punishments convicts received often differed from their original sentences. While punishment sentences are provided in the Old Bailey Proceedings, for the actual punishments a convict received it is necessary to consult their "Life Archive".

Felonies defined by common law were originally punishable by hanging, but increasingly from the middle of the eighteenth century, statute law curtailed the use of the death penalty. Misdemeanours were punishable by a range of non-capital punishments. Normally, offences defined by statute could only be punished as prescribed by the relevant legislation.

A gradually-growing reluctance to use the death penalty in the eighteenth century (except for the most serious cases) encouraged the development of alternative forms of punishment. The criminal law reforms of the nineteenth century, which abolished the death penalty for many crimes, led in the same direction. As a result, new types of punishments for felons, notably transportation and imprisonment, were created and eventually came to take on an ever-growing role in the sentencing of criminals.

These new punishments reflect two trends in the evolution of strategies for punishment. First, there was a shift from physical punishments such as whipping, branding and hanging to attempts to reform the defendant through transportation and imprisonment. And second, punishments became less public, as the spectacle of public hangings at Tyburn, the pillory and public whipping through the streets was replaced by hanging outside and then inside Newgate, private whipping, transportation to foreign lands and imprisonment.

A large number of eighteenth-century statutes specified death as the penalty for minor property offences (the "bloody code"), meaning that the vast majority of the people tried at the Old Bailey could be sentenced to hang (one could be executed for stealing a handkerchief or a sheep). Nevertheless, judicial procedures prevented a blood bath by ensuring that sentences could be mitigated, or the charge redefined as a less serious offence.

Through partial verdicts, juries reduced the charges against many convicted defendants to a non-capital offence. Through the mechanism of pardons many more defendants found guilty of a capital offence were spared the death penalty and subjected instead to punishments such as branding (up to 1789), transportation or imprisonment. Many received no punishment at all.

The standard method of capital punishment was by hanging. Execution was a public spectacle, meant to act as a deterrent to crime. Until 1783, most defendants were hanged at Tyburn (where Marble Arch stands today). Convicts were drawn in a cart through the streets from Newgate, and, after they were given a chance to speak to the crowd (and, it was hoped, confess their sins), they were hanged.

In 1783, the procession to Tyburn was abolished and for the next eighty-five years hangings were staged outside Newgate Prison. Although these executions were expedited by the use of the sharp drop, they were still very public occasions. In 1868, concern about public disorder led to the abolition of public executions altogether, and subsequent hangings were transferred inside the prison.

Women who claimed they were pregnant at the time they were sentenced to death could "plead their belly". Such women were then examined by a jury of matrons (chosen from women present in the courtroom), and, if found to be "quick with child" (if movement could be detected, signalling the beginning of life), their punishment was respited until after the baby was born. In principle, the punishment could then be carried out, but in practice sympathy for the newborn child (or concern for the cost of caring for it) meant that the mother was often pardoned. Successful pregnancy pleas are found infrequently in the Old Bailey Proceedings after 1760. After 1800, there are few recorded cases of women even making this plea, and in those cases medical authorities were often summoned to advise the matrons. The plea last appears in the Old Bailey Proceedings in the trial of Emma Pleasance in 1880.

Transportation

The first major innovation was the substantial expansion of the use of transportation. Although it was believed that transportation might lead to the reformation of the offender, the primary motivations behind this punishment were a belief in its deterrent effect, and a desire to simply remove hardened criminals from society. Following the passage of the 1718 Transportation Act, some 57,000 convicts were sent to the American colonies.

By sending convicts "into their majesties' service", the court not only contributed to the armed forces, but also exiled undesirable characters. This sentence was most frequently used during the War of American Independence (1775-1783) and the Napoleonic Wars (1793-1815). In some cases the prisoner was sentenced directly to a term of service in the army or navy. In others, the original sentence was withdrawn once the prisoner agreed to serve. Alternatively, many defendants sentenced to death were pardoned on condition of service.

In 1776, transportation was halted by the outbreak of war with America. Following a desperate search for a new destination, transportation resumed in 1787 with a new destination: Australia. This was seen as a more serious punishment than imprisonment, since it involved exile to a distant land. In the early nineteenth century, as part of the revisions of the criminal law, transportation for life was substituted as the maximum punishment for several offences which had previously been punishable by death.

Opposition to transportation mounted in the 1830s, however, with complaints that it failed to deter crime, did not lead to the reformation of the convicts, and that conditions in the convict colonies were inhumane. There was also criticism from colonists in Australia. The number of convicts sentenced to transportation began to decline in the 1840s. Transportation was theoretically abolished by the Penal Servitude Act of 1857, which substituted penal servitude for all transportation sentences, but some convicts were still sent to Western Australia. The last convicts to be sent left in 1867.

London Prisons

When Daniel Defoe published his *Tour thro' the Whole Island of Great Britain* (1724-26), he reported that there were twenty-two "public gaols" and many more "tolerated prisons" in London. The city was awash with places for confining prisoners, whether they were arrested for debt, petty crime, or serious crime. Most were run along commercial lines, though the fees charged were regulated by Justices of the Peace and others.

Cold Bath Fields.

Built in 1794 according to the designs provided in the 1779 Penitentiary Act, this house of correction held 384 prisoners of both sexes.

Clerkenwell.

The Middlesex house of correction was originally built in 1616, and was rebuilt in 1774-75. It held many more prisoners than New Prison, the county prison intended to hold prisoners awaiting trial in Middlesex. This house of correction often contained more than one hundred prisoners at a time, and numbers increased with the inclusion of prisoners sentenced to hard labour following the suspension of transportation in 1776.

Clink, Southwark.

Originally used principally for religious prisoners sentenced from the court of the Bishop of Winchester, in the eighteenth century the Clink acted as the local gaol for Southwark, holding a small number of debtors and minor offenders. Following its destruction in the Gordon Riots in 1780 it was not rebuilt.

Fleet Prison.

Located next to the Fleet River in the City of London, the Fleet was a debtors' prison, not just for those arrested in London but also for those imprisoned elsewhere in the country who were transferred there under a warrant from the high courts.

Gatehouse Prison, Westminster.

The Gatehouse held those accused of felonies and petty offences who were awaiting trial in Westminster, as well as, owing to the presence of the royal palace and Parliament nearby, state prisoners.

Giltspur Street Compter.

Located close to Newgate Prison in the City of London, this prison was built on reformed principles in 1791 in order to replace the Poultry Compter and the Wood Street Compter. Intended to hold 136 prisoners, the prisoners were divided into four classes: debtors, felons, petty offenders, and those charged with assault

Horsemonger Lane Gaol.

This was the county gaol for Surrey, located near St George's Fields outside Southwark. Built in 1792-99, it was a model prison, with 177 cells in three wings for petty criminals, and a fourth wing for debtors.

Hulks

Created following the 1776 statute which ordered that male prisoners sentenced to transportation should be put to hard labour improving the navigation of the Thames, the hulks were an emergency measure to cope with prison overcrowding following the interruption to transportation caused by the outbreak of war with America.

King's Bench

As a debtors' prison, King's Bench was largely run by the prisoners themselves, with conditions for individual prisoners depending largely on how much they were able to pay.

Ludgate

Originally one of the gates in the Roman wall of the City of London, this was used mainly for debtors, but also for petty offenders who were freemen of the City, clergy or attorneys. Prisoners elected the warden and essentially ran the prison. In 1760 when the City walls and gates were demolished, the prisoners were moved to a section of the London Workhouse in Bishopsgate Street.

Marshalsea

A debtors' prison, the Marshalsea was also used for smugglers and those who owed customs and excise fines.

Millbank Prison

First opened as a penitentiary, for convicts sentenced to terms of imprisonment, or for those sentenced to transportation but had their sentences commuted to imprisonment because they seemed promising material.

Newgate

The principal prison for holding those accused of serious crimes in the metropolis, Newgate was part of the city wall on the western side of the City of London, next door to the Old Bailey courthouse. Garnish, a fee paid by each prisoner on their arrival, continued throughout the century despite the fact it was a source of frequent complaints. Those who could not afford to pay garnish had to surrender their clothes.

New Prison

Located in Clerkenwell, New Prison held those accused of petty and serious crimes in Middlesex while they awaited trial.

Poultry Compter.

Poultry Compter (also known as Poultry Counter) was a small prison that stood at Poultry, part of Cheapside in the City of London. The Compter was used to lock up minor criminals and prisoners convicted under civil law and was run by the City's Sheriff.

Surrey Gaol.

This prison held those accused of crimes and awaiting their trials from Surrey, as well as convicts awaiting transportation. In 1770 it was the subject of a grand jury presentment which described it as "too small, unhealthy, inconvenient and unsafe". Although enlarged in 1771, it was replaced with the Horsemonger Lane Gaol in 1791

The Savoy.

Built in 1695 as a military prison, the Savoy held deserters and military offenders. Once a fortified palace, the area of the Savoy is here taken up by a prison and prison yard, barracks, a hospital and a French church.

The palace structure was badly damaged during the Peasant Revolt of 1381, and in 1505 Henry VII ordered the palace to be rebuilt as a hospital, with St John the Baptist as its patron saint.

Tothill Fields Bridewell.

Also known as Tothill Fields Prison and Westminster Bridewell, was a prison located in the Westminster area of central London between 1618 and 1884.

It was named "Bridewell" after the Bridewell Palace, which during the 16th century had become one of the City of London's most important prisons.

Tower of London.

The Tower of London, officially His Majesty's Royal Palace and Fortress of the Tower of London. The castle was used as a prison from 1100 (Ranulf Flambard) until 1952 (Kray twins), although that was not its primary purpose.

Watchhouses.

Every parish had a watchhouse, where those apprehended by the night watch could be kept overnight before they were examined by a Justice of the Peace in the morning. While facilities varied, watchhouses typically had a public room, where the keeper profited from the sale of drinks, and holding cells.

Whitechapel Debtors Prison.

This prison held debtors sentenced by courts serving the manors of Stepney and Hackney. An attempt by the constables and other officers of the Tower Hamlets to obtain permission to use it also for petty criminal offenders, to save them the trouble of carrying prisoners all the way to the Middlesex house of correction or New Prison in Clerkenwell, was rejected by the Middlesex Justices in 1707, but it is possible that in spite of this ruling such prisoners were held here.

Whitecross Street Compter.

Whitecross Street Prison was a debtors' prison built 1813–15 to ease overcrowding at Newgate Prison. It had a capacity of 400 prisoners. It closed in 1870, when all of the prisoners were transferred to the newly built Holloway Prison.

Wellclose Square Prison.

This small prison, essentially just an ordinary house, served the Tower Liberty. In 1792 it was described as being in "ruinous" condition.

Wood Street Compter - Opened 1555 and Closed 1791.

The Wood Street Compter (or Wood Street Counter) was a small prison within the City of London in England. It was primarily a debtors' prison, and also held people accused of such misdemeanours as public drunkenness, although some wealthier prisoners were able to obtain alcohol through bribery. The prison was built and opened in 1555, replacing the earlier Bread Street Compter, from which many prisoners were transferred. Wood Street was closed and replaced by Giltspur Street Compter in 1791.

PRISON RECORDS

The Ancestry site holds copies of prison records from 1770 to 1951 and may contain both transcribed and original entries of the offence and Judgement.

For example, **Thomas Bambridge** is entered in the Newgate Debtors Prison, admitted on 26th June 1786 noting that he is on the **Common Side** ie (probably hasn't the funds or has not paid the Warden to be on the Warders side with greater available conditions, even to being allowed out during daytime.

He is next mentioned on 3rd July 1786 on the list of Common Felons at Newgate and this appears to be a Weekly taken Register through to 13 November 1786.

A **Joseph Bambridge** admitted to Newgate Prison, as a Felon of Law on 21 February 1784. He was placed on the **Masters side of the prison**.

Proceedings of the Old Bailey

These are a free searchable record of trials and transcripts between 1674 and 1913.

For example Thomas Bambridge Warden of the Fleet Prison was brought to the Bar in order to his trial on 9th July 1729 through to 3rd December 1729. Then again on 16th January 1735 for Felony.

In Findmypast, some of the record sets include:

Tasmania Convict Records 1800-1893.

United States Records of Prisoners of War 1861-1865.

Devon Plymouth Prison Records 1832-1919.

Queensland Toowoomba Prison Records 1864-1906.

Georgia, Andersonville Prison Records 1862-1865.
Nebraska Prison Records 1870-1990.

By Sarah Smith and Norman Bambridge – December 2024.