

## **A guide to tracing your transported convict ancestors(s)**

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### **Introduction**

When trying to trace your 'criminal' ancestor' (and always bear in mind that he or she may have been innocent!) it is important to do so methodically and logically. One of the most common pitfalls when looking for an ancestor who received a sentence of transportation is assuming that they *were* actually transported.

Many criminals who were sentenced to a term of transportation never left English shores. This is due to the fact that many served a considerable proportion of their sentence on what were known as prison hulks – decommissioned Royal Navy ships anchored in rivers and ports in the southeast of England, used as floating prisons from 1770s to the 1850s.

If a convict was on such a ship when they received their ticket of leave (see below) then they could be released without having travelled to Australia. This can be difficult to establish, but if you have a fruitless search trying to locate your ancestor in Australia, then consider the possibility that they were never sent there.

### **English criminal justice system, 1787-1868**

You need to understand how the criminal justice system worked in the eighteenth and nineteenth century (this source guide only deals with ancestors sentenced to transportation to Australia between 1787 and 1868, as although almost 50,000 individuals were transported to America between 1718 and 1775, the records for such convicts are sadly largely no longer extant). Be aware that a small number of convicts were also transported to Bermuda and Gibraltar.

All cases then as now first appeared before a magistrate. Your first port of call should therefore be to identify the offence for which your ancestor was sentenced, and where their trial took place. It is likely that their initial hearing would have been before a magistrate sitting in the town or area where the offence occurred.

If the offence was a minor one (known as a misdemeanour, tried by magistrates at Petty Sessions) then your ancestor would have been very unlikely to have been transported, as this punishment was almost invariably limited to more serious offences (known as felonies).

It is, however, important at this stage not to impose a twenty-first mindset on offending behaviour. For example, what now seems to us a pretty minor offence, such as cutting down a number of saplings, was treated as a much more serious offence at a time when the Royal Navy depended on a constant supply of timber to build and maintain its ships.

If the offence was more serious, then your ancestor would have first appeared at a magistrates' hearing but then been remanded in custody to await trial at either Quarter Sessions (held four times during each year – March, June, September and December – usually in the county town before a group of magistrates), or the Assizes (usually reserved for the most serious offences). These were usually held twice a year – at Lent (March/April) and Trinity (July/August), again usually in the county town and in front of a single judge. Be aware that if there was a proliferation of offences in any county during any one year, a third Assize could also be held during the winter months (October/November/December).

It is always worth bearing in mind that if your ancestor was tried at either Quarter Sessions or Assizes in the years 1840/1, 1850/1, 1860/1, 1870/1, 1880/1, 1890/1 or 1900/1 and you can't find them in the Census records, they may have been being held on remand in a prison awaiting trial. Unfortunately, many prison records in the census only give initials of prisoners, but it is always worth looking.

You could also look at a new website that aims to collate all available sources for English prisons into one site (<https://www.prisonhistory.org/>). Although you can't search for individuals on this website, if you know from newspaper or trial reports which prison your ancestor was sent to, you can find out where all of the records pertaining to that particular prison are located.

Local archives can hold a lot of information about Quarter Sessions sittings – these are often in the form of printed Quarter Sessions Calendars of Prisoners and can be a very useful source of information about your ancestor. If your ancestor was tried at the Assizes, then most Assize records are held at the National Archives.

### **Newspaper archives**

The best sources for magistrates' hearings (both Petty Sessions and Quarter Sessions) are undoubtedly local and regional newspaper archives. These can often be consulted at the archives local to the location of the offence.

The internet is also useful for newspaper archives, although not all information regarding criminal ancestors is yet digitised or available online. Archivists have a wealth of experience and knowledge that you can call upon, so a visit to a local archives is often the best option.

Many local archives and libraries do have institutional subscriptions to many of the most useful Internet sites such as Ancestry ([www.ancestry.co.uk](http://www.ancestry.co.uk)) or Findmypast ([www.findmypast.co.uk](http://www.findmypast.co.uk)). Both of these websites have newspaper archives within their databases and these can be really useful as they largely comprise of local newspapers, in which you stand a better chance of finding a report of your ancestor's trial.

A top tip when searching online sites such as Ancestry or Findmypast is not to be too specific with first name and surnames.

For example, if you were looking for a William Davies, it may better not type in William in the first name box and similarly not type in Davies in the surname box. Instead type in Wil\* in the first name box (as this will bring up all derivatives of first names beginning with Wil – including Will, Wil'm and William) and type Davi\* in the surname box (as this will bring up surname derivatives beginning with Davi – including Davis and Davies).

### **Old Bailey Proceedings**

If you are 'lucky' enough to have an ancestor tried at the Central Criminal Court in London, (better known as the Old Bailey) then you will be able to look up details of the trial for free on the Old Bailey Online website ([www.oldbaileyonline.org](http://www.oldbaileyonline.org)). You can also trace your ancestor through the Digital Panopticon website ([www.digitalpanopticon.org](http://www.digitalpanopticon.org)), which contains links to over 50 other databases for criminals convicted at the Old Bailey from 1780.

The Old Bailey Online also has a sister website entitled London Lives ([/www.londonlives.org](http://www.londonlives.org)) which can be useful for any ancestors transported from London before 1800 – the website contains associated records for over 3 million names, but only covers the years 1690-1800.

From 1791-1892 (a period covering the vast majority of the period of transportation) all felonies heard at Quarter Sessions and Assizes were recorded in Criminal Registers. These can be searched by name on Ancestry and other genealogical websites. They provide the name of the offender, the date and location of the trial, the offence committed and the sentence handed out.

### **How the system of transportation worked**

To get the most out of your search for a transported ancestor you need to be aware of how the transportation system worked. If your ancestor was one of the 160,000+ individuals transported to Australia, your next step should be to begin searching the numerous online databases giving details of transported convicts and their lives in Australia.

You need to be aware that not all Australian states received convicts and those that did, did so at different times. New South Wales received transported convicts from 1787-1840, Tasmania from 1803-1853 and Western Australia from 1850-1868. Knowing these dates can be helpful in narrowing down the location of your ancestor's Antipodean destination.

Transported convicts were normally sentenced to either 7 or 14 years (though you will occasionally come across other lengths of sentence), or in the case of the most serious offences, to transportation for life. Once the term of either 7 or 14 years was served the convicted individual was free to return to their home country (but they had to pay for their return passage). If an individual was transported for life, then it was illegal for them to return, even if they had been released early.

Many convicts spent a considerable amount of their sentence serving time on prison hulks, and indeed as stated above, a considerable proportion served their entire sentence on such ships. After trial, convicts were either held in prison or in a hulk until a place became available on a convict transport ship to Australia.

Upon arrival in Australia, men and women were assigned to a particular trade and had to carry out unpaid work until their sentence was served. From 1801, a system of early release called a Ticket of Leave was introduced; after serving a proportion of their sentence (normally 4 years of a 7-year sentence, 6 years of a 14-year sentence and 8 years of a life sentence) well-behaved convicts were allowed to work for themselves within a proscribed area, only having to report regularly to police.

If a convict had been particularly helpful to the authorities (for example, helping them recapture escapees) then a Conditional Pardon could be issued. Very rarely, in exceptional circumstances transported convicts could receive a Royal Pardon, which was an absolute and unconditional pardon.

After a convict's sentence had expired, they were then issued with a Certificate of Freedom to prove that they had served their sentence. The fact that they had been transported convicts remained on their official records for the rest of their lives; free settlers who arrived in Australia under their own volition often had the initials FS on their official records in order to distinguish them from former convicts.

If a transported convict continued to offend during their sentence of transportation they would be sent to a penal settlement such as Port Arthur in Tasmania (see [portarthur.org.au](http://portarthur.org.au)). These operated extremely harsh regimes designed to break a recidivist convict's will.

### **Australian transported convict records**

Thanks to the extensive nineteenth-century bureaucracy of the British Empire many types of records relating to transported convicts survive.

Both Ancestry and Findmypast have useful webpages detailing the types of records held by that company. Such records include details of the convict ships carrying transportees, official records pertaining to transported convicts wishing to marry, muster rolls (a type of census) of transported convicts, letters and petitions from transported convicts.

Ancestry and Findmypast both have international versions in which you can look for Australian records, but there are also numerous other free-to-use websites that give details of convicts transported to Australia. These include:

The Digital Panopticon ([www.digitalpanopticon.org](http://www.digitalpanopticon.org)) – this website allows you to trace 90,000 convicts transported from London to Australia and also links to numerous other useful databases.

Founders and Survivors ([foundersandsurvivors.org](http://foundersandsurvivors.org)) – this website contains searchable details of the over 60,000+ convicts sent to Tasmania (formerly known as Van Diemen's Land) between 1803 and 1853.

British Convict Transportation Register 1787-1867 ([www.slq.qld.gov.au/resources/family-history/convicts](http://www.slq.qld.gov.au/resources/family-history/convicts)) – here you can search over 120,000 transported convicts' records.

Convict Records of Australia ([convictrecords.com.au](http://convictrecords.com.au)) – this website also has a useful resources webpage and allows researchers to upload details of 'their' convicts.

Convict Ships Index ([www.jenwillets.com/Convict%20Ships.htm](http://www.jenwillets.com/Convict%20Ships.htm)) – search the convict ships arriving in both New South Wales and Tasmania between 1788 and 1850.

National Library of Australia Trove ([trove.nla.gov.au/newspaper](http://trove.nla.gov.au/newspaper)) – this website contains over 22 million digitised newspaper pages and can be very useful in tracing your convict ancestor's life in Australia, both during their term of transportation and what happened to them after they were released.

### **The end of transportation**

The main period of transportation to Australia was from 1787 to 1853. In that year, a Penal Servitude Act replaced transportation sentence of less than 14 years with a sentence of penal servitude (imprisonment with hard labour) for between 3 and 7 years.

In 1857 a second Penal Servitude Act abolished the sentence of transportation altogether, although you need to be aware that a sentence of penal servitude overseas could still be given – this was transportation in all but name to Western Australia, Bermuda or Gibraltar – and this continued until 1867, with the last ship landing in Western Australia in early 1868.