**Time to write: Convict petitions in the nineteenth century**

**Abstract**

Nineteenth-century convicts regularly used their right to petition the state. Their institutionalised lives were spent under repressive and harsh penal systems, designed to inhibit communication, but petitioning provided a channel of expression that must have been sorely absent from the monotony of their life in prison. Convicts commonly used petitions to complain about perceived injustices in their sentencing or to request early release on probation, leaving written records of the different experiences, motivations and objectives of petitioners. These written voices therefore provide the basis for a unique window into convict lives in the nineteenth century.

**Introduction**

Legal and bureaucratic cultures of redress in the nineteenth century functioned differently in various institutional settings.[[1]](#endnote-1) Convict petitions provided prisoners with the means to communicate with and complain to the state and penal authorities. The revealing immediacy of prisoner’s petitions, which could cover a wide range of subjects and circumstance, could nonetheless conceal an acute awareness of their objectives. The convict would almost always compose their narrative within the confines of expectations; in relationships, institutional and systemic processes, and behavioural constructs.[[2]](#endnote-2) A common polity of deference unfolds in their written words, containing much more complex intimations of their lives before and during imprisonment. John Clarke, a sociologist of welfare, described similar social constructions for aggrieved patients’ complaints about substandard care within medical care settings: ‘…they address an imagined order of how relationships should be conducted – evoking modest norms of respect, dignity and recognition, the proper conduct of relationships and how the person should be dealt with in institutional/public spaces...’[[3]](#endnote-3) Similarly, prisoners who petitioned the state created documents that not only provide details of life in an institution but also reveal the hidden palimpsests of imagined institutions in action – showing the culture, habits and expectations that have grown around that space. For their obvious utility in this regard, political petitions have tended to receive the keenest attentions from historians. In contrast, this article will examine three convict petitioners who were confronting the state for no obvious political reason other than to improve their personal circumstances. Unlike some (but by no means all) political tracts, these words were crafted with no apparent awareness for posterity or for the engagement of future readers.[[4]](#endnote-4) These were documents with a practical and personal immediacy that makes them all the more compelling. As the article concludes, we might question if their motives, if not their actions, were though a micro-political act in so much as they were acts of personal deliberation and feeling within spaces designed to enforce repression of individual expression.

In drawing out the details of convict grievances in petitions, the article joins with a growing body of literature on institutional harm and expressions of personal grievance.[[5]](#endnote-5) It suggests that both the narrative form and petitioning processes can reveal as much about the convict systems and institutions that framed their production as it can describe the circumstances of the aggrieved.[[6]](#endnote-6) Using three thematically arranged case studies, it will introduce some common motivations but suggest that petitions were extremely varied and stemmed from a wide variety of personal objectives. Despite this barrier to providing concrete evidence of their representativeness, the diversity of petitions provides historians with a rich supply of contemporary observations on otherwise less documented aspects of marginalised or vulnerable lives, such as Mary James’s petitions for contact with her child whom she had tried to kill. In so doing, the content of these self-oriented petitions tends to be quite different from those that were crafted with overt political aims.

Petitions from political prisoners can reveal the state’s interaction with and responses to its most outspoken and confrontational critics. As Katrina Navickas suggests, ‘petitions were the main legal recourse to parliament’ with ‘vital tactical and symbolic importance’.[[7]](#endnote-7) They were, as Henry Miller has observed, ‘one of the most important means of communication between citizens, or “the people”, and the state.’[[8]](#endnote-8) Nonetheless, the vast majority of convicts’ petitions were more varied, nuanced and self-focused than overtly political texts suggest. They were above all a critical instrument for voicing the apolitical individual and personal grievance of prisoners.[[9]](#endnote-9) This skewed emphasis in history is in part due to the process of preserving state records: political interest trumped individual narratives in the jostle for archive storage space until relatively recent times. Almost all of the hundreds of thousands of mundane day-to-day grievance petitions by convicts have therefore been lost after 1853. Cases of politically important interactions between state and political prisoners were less numerous but these were purposefully preserved for posterity and so (inversely) extant cases of those are greater in number. Given the sheer volume of regular mundane petitions, this destruction was in some regards inevitable. Such an eye-watering loss of critically important nineteenth-century source material has meant that the more common regular themes in petitions of aggrieved convicts has largely been post to posterity and contributed to less historical attention. Despite the enormous loss of extant correspondence from what was once a thriving channel of communication between prisoner and state, elements of lost petitions can be recovered and, as this article suggests, provide an unusual and valuable resource for social historians.

**Prisons, grievance and petitions**

Prisoners could come from a range of backgrounds but they were most frequently clumped together in this period under a ‘residuum’ of ‘degenerate’ criminal classes, shaped by Victorian views of marginalised population groups, such as criminals, paupers and vagrants.[[10]](#endnote-10) Despite considerable stigmatisation, and economic and cultural barriers to accessing legal rights, the frequency of complaining in other comparable institutional settings – such as poor law workhouses – suggests that aggrieved vulnerable or marginalised people were willing and able to complain in the nineteenth century.[[11]](#endnote-11) Pauper complaints about neglect under the Victorian system of workhouses were far from singular or isolated events. [[12]](#endnote-12) Steven King, a historian of welfare, rightly suggests of the poor law in England that poor people were far from passive subjects and that complaints about the level of care that they received was ‘a key way in which the rights of poor patients and the analogous duties of doctors were established and navigated in a framework of non-existent or light professional and central regulation.’[[13]](#endnote-13) The extensive bureaucracy of complaints machinery created vast archive material, which has allowed historians to retrace the seemingly contradictory sets of rights and punitive measures in various Victorian institutes.[[14]](#endnote-14) There are extant tracts railing against the workhouse system, and records of rioting, recalcitrant behaviour and institutional discipline (some of which caused scandal and public outcry).[[15]](#endnote-15) There are also plenty of contemporary anecdotal reports of aggrieved impoverished people who preferred to commit a crime and risk the prospect of prison to the idea of being sent to a workhouse to receive parish relief. Nevertheless, the subtle grumbles and grievances against substandard institutional care remain hidden, an iceberg of dissatisfaction below the surface of complaints that is difficult to measure accurately.[[16]](#endnote-16)

The rights of paupers and medical patients to complain has received more attention in recent years but, in comparison, prisoners’ petitions are a relatively neglected field of penal history.[[17]](#endnote-17) Their petitions and grievances, then, occupy a large and somewhat amorphous space in British penal history.[[18]](#endnote-18) Prisoners adopted distinct vocabularies of dissatisfaction but their individualised grievances were endowed with a similarly ‘calculated compliance or even performed deference’ that is visible in historical complaints from patients or paupers about their medical carers.[[19]](#endnote-19) Prisoner petitions seem to have also been set with an acute collectively held awareness of what was legally and socially expected of prisoners and their confinement – in terms of legal process, power relations and social deference.[[20]](#endnote-20) Prisoners drew on diverse and distinct ‘frames of reference’, sometimes inferred or sometimes visibly using subtle artifice to appeal to flexible expectations of a power/subjugation model.[[21]](#endnote-21) This is most readily apparent in the convict system of the nineteenth century.

Convicts were prisoners who had been sentenced to a term of penal servitude. In the nineteenth century they were mostly repeat offenders held on felonies that resulted in sentences over a year (usually terms of 7, 10 or 14 years). Between 1788 and 1868 over 160,000 convicts were transported to Britain’s Australian penal colonies.[[22]](#endnote-22) However, this was drastically reduced from the 1853 as transportation to Australia was slowly phased out (although about 10,000 were transported to Western Australia until this too ceased). Prisons became the default option and the system was changed to reform people through brutal measures, including long periods of separate confinement.[[23]](#endnote-23) However, the new penal system also developed a series of ‘progressive’ stages so that prisoners could gain limited privileges with the ultimate objective of early parole – a system largely inspired by the ticket of leave system under transportation.[[24]](#endnote-24) In addition, prison authorities gathered and amassed more information on prisoners than had ever been achieved before – biometric, personal and medical histories, coupled with a detailed tracking of the prison offences and personal history was detailed at every staging post while they served time inside the prison estate. Diet, conditions and rules were put under the spotlight and more uniformity was attempted (though never complete in practice)[[25]](#endnote-25). Being paroled on early release was the brainchild of the Victorians and on release this information was bound together in a parole licence. Sentences were sometimes halved by early release on good behaviour. As part of this move to more bureaucracy, petitioning seems to have become more frequent and was a common and a regular part of a prisoner’s life. They had the right to petition the authorities every six months and this they did with startling regularity.[[26]](#endnote-26)

According to contemporary prison officials, there was ample opportunity for prisoners to make their grievances known. Richard Frith Quinton, medical officer and governor at Holloway prison, bemoaned the frequency of petitions that was serviced by ‘elaborate machinery’ for investigating and dealing with complaints and grievances, especially in convict prisons.[[27]](#endnote-27) He observed that prison complaints could be documented by local officials, visiting magistrates, inspectors, the prison commissioner and the secretary of state – and for those prisoners wishing to appeal their sentence there was the Court of Criminal Appeal.[[28]](#endnote-28) Prisoners could send a petition to the secretary of state as soon as they entered the system, and then repeat this regularly throughout their sentence:

The writers enter into great detail to the Secretary of State, and sometimes adduce fresh facts bearing on their cases, which, after investigation, enable him to remit the whole, or a part, of the sentence. Most of the petitions, however, are found to be without grounds, but this does not prevent prisoners from renewing their applications, which many of them do repeatedly. Remission of sentence is generally asked for on the grounds of innocence or extenuating circumstances, but there are many other forms of appeal for clemency.[[29]](#endnote-29)

Prisoners most often petitioned for extenuating circumstances, with common pleas or grievances in regard to their dependents (arguing that their family would fall on the expense of ratepayers if the petitioner was not released).[[30]](#endnote-30) Mitigation in the terms or length of a penal servitude was also relatively common. Although, Harriet Brown’s doubts about sentencing were ignored, her age, attitude and naivety were compelling mitigations for early release. Other prisoners – mostly with no success – made claims to bogus or exaggerated sickness, making ‘complaints of the apathy of their medical advisers’.[[31]](#endnote-31) Nevertheless the most successful petitions for early release were those at the nexus of health and morbidity, such as Mary Hall’s; due to the incontrovertibility of the medical evidence. Recovery and regret from ‘intemperance’ or diminished responsibility were also popular themes but – similar to Mary James’s failed petitions for clemency – unlikely to succeed. The remainder of the article will therefore explore those three common themes in petitions (extenuating circumstances, diminished responsibility and poor health) using case studies of petitioners that hinged on one or more of those elements to present their case or petition.

**(i) Harriet Brown: ‘mistake’ in judicial process and extenuating circumstances**

Harriet Brown is the youngest of the convict women case studies provided here.[[32]](#endnote-32) She was 22 years old when she appeared at the Old Bailey and was found guilty of ‘Uttering a forged counterfeit bank note’.[[33]](#endnote-33) The note had been supplied to her by a friend, it was claimed, and who had begun to introduce Harriet to various illegal ways of using forfeit currency. Harriet, though, naively attempted to pass off a forged £10 note in a place where she was well-known. Her ruse was discovered and she was arrested. On the 4 April 1853, Harriet was sentenced to 14 years of transportation, which was commuted to penal servitude in prison. Her sentence seems excessive in comparison to similar cases. Petitioning from Harriet, her father and their community did nothing to reduce the sentence, but may have influenced the large reduction in time served (to five years) before she was released on licence for the remaining term. Brown’s mother was taken ill from shock during the court proceedings and never recovered – dying shortly after the proceedings. As a result, Brown believed she had caused her own mother’s death. Her father’s health declined too, hastening her mental anguish.

Harriet, though, received high praise for her behaviour in prison. By her day of release, she had committed not one prison offence. The prison chaplain was also impressed by her religious devotion and readings. He contacted the local clergy to Harriet’s family and supported her petition for mitigation because, according to him, ‘…her case was a very sad one and worthy of consideration’.[[34]](#endnote-34) Harriet firmly believed that her sentence was a mistake – that it should have been 7 years – and that this had contributed to the shock of her mother and hastened her death. Her first petition was an expression of grievance against her perceived injustice:

That your petitioner believes a mistake has been made by entering her sentence as 14 years when convicted of having a forged note in her possession. She distinctly heard the judge pronounce a sentence of 7 years. There was at the time much noise & confusion in court occasioned by your petitioner’s mother, who was presently calling aloud for mercy. She had to be removed and carried home to die. The shock was too much for her. Your petitioner’s father from that day has been in bad health brought on by grief at having his only child placed in such a degraded position. Your petitioner declares she did not know the note to have been a forged one and it has caused her a life time of sorrow as she feels herself the cause of her mother’s death & fears her aged father will not long be spared to her. She humbly intreats your merciful consideration of her case to allow some mitigation of her sentence [after which her good character & conduct were noted][[35]](#endnote-35)

In this first petition, there are appeals to mistakes in court procedure. The frustration and desperation is palpable. The permanent staff of the Home Office looked into her pleas for ‘mitigation’ after a family friend also petitioned in 1856. They wrote to the clerk of the court but nothing was found untoward in court procedure and, perhaps unsurprisingly, the sentence remained as 14 years.[[36]](#endnote-36)

In 1853, Harriet’s father had also obtained legal representation to write on her behalf. He petitioned the Home Secretary, including a list of signatories in support of their cause. He opens with the statement that Harriet was given 14 years for her first sentence, implying that it was harsh, but he did not dispute it. Instead, he focused on Harriet’s mental health at the time of the crime: ‘That as another matter in conjunction with the above facts your petitioner calls your attention to the state of his daughter’s mind – she is a person well fit for manual labor but her intellects are quite indifferent to carry into effect such an offence as she is now suffering under.’[[37]](#endnote-37) He (and others held in the bound files) write to say that Harriet was ‘weakminded’ and that she was ‘taken advantage of’.[[38]](#endnote-38) He explains that she was a ‘tool for others’ and the way that she tried to pass the counterfeit note in a place she was well known with previous employers demonstrates that she was ‘innocent’ and ‘unaware’ of what she was doing.[[39]](#endnote-39)

The tone seems to imply that (perhaps under legal advice) he was appealing for mitigating circumstances using a language somewhat akin to establishing diminished responsibility. This appeal was unwise and unlikely to succeed because her actions in Black Letter Law were clearly premeditated and planned (albeit naïvely). As the legal historian, John Baker, described the notion of individual responsibility in *mens rea* (a ‘guilty mind’) was integral to prosecuting a felony and has a long history in English law.[[40]](#endnote-40) The questioning of Harriet’s mental faculties may have also been unwise because in the eyes of the prison authorities she was a model prisoner, reforming and regretful – embracing the chance to make amends and perhaps receive mitigation. As time progressed, Harriet and her father retreat from this line of reasoning and their writing strategically repositions her (misled) good character at the hub of mitigation for early release.

In 1857, Harriet petitions again for early release. This time she frames her request on compassionate grounds:

…your petitioner has suffered much in the death of her mother who was carried out of court on hearing your petitioner found guilty. The only daughter of respectable parents her disgrace has caused her mother’s death & her father has never been well since. Your petitioner has behaved well in prison. Never once reported and has been industrious & obedient to all placed over her. Your petitioner therefore humbly makes this appeal hoping that you may mercifully consider how much sorrow she has suffered for being the dupe of others - The best years of youth & health spent in prison – her industry & good conduct…[[41]](#endnote-41)

Harriet had no prison offences while inside, which strengthened to her case for mitigating circumstances. Nevertheless, throughout her entire sentence, the Home Office maintained that 14 years was the correct sentence. Something had hit the mark, though, because Harriet was released at the end in 1859 – which would have been about the normal parole stage for a 7-year sentence. This was significantly less than her original 14-year sentence. It is not possible to evidence if the Home Office had accepted that the sentence was overly harsh for a first sentence or that there had been a mistake in due process. More likely they were showing remarkable leniency because of her good behaviour in prison. According to the chaplain, ‘A very well conducted prisoner who appears very hopeful & very anxious to earn her bread by honest industry’.[[42]](#endnote-42) Certainly her good behaviour, father’s petitioning, community support and religious clemency are in striking contrast to the following case study of convict petitioning two decades later.

**(ii) Mary James: mental health, diminished responsibility and estrangement from child**

Mary James was sentenced in 1878. From the mid-nineteenth century, transportation to Australia gradually ceased and a recognisably modern British prison emerged, which was centralised under government control after the Prison Act of 1877.[[43]](#endnote-43) From then, prison administration grew in its machinery (and consistent attempts at uniform policy and practice) along with a burgeoning penal bureaucracy.[[44]](#endnote-44) Sadly, almost all petitions from 1853 onwards in the Home Office records have been lost or destroyed. Only a handful of test cases have survived at the National Archives. These however are not representative of the great number of convicts that went through the penal system and petitioned the secretary of state for early release. In terms of social history, this is a catastrophic loss. The missing petitions of ordinary people, such as Mary James, are essential to penal history and this gap must not be overlooked. These were the petitions of individual people who were not publically- or politically-motivated but were instead representing their own desperate plea: sometimes misguided or trying their luck; sometimes with a genuine grievance or, more frequently, in poor health and unable to endure prison. These petitions most likely would have been similarly constructed to those of Harriet and her father, *inter alia* expressing a complex range of intelligence, guile, guilt, frustration, ignorance and innocence.

In the absence of extant petition archives after the mid-nineteenth century, it is possible to use Home Office prisoner records to reconstruct the circumstances that contextualised a prisoner’s (lost) petition to the secretary of state. Indeed, many of the petitions that were an everyday aspect of life in the Victorian prison system after 1853 would not have progressed past the medical officer or governor of a prison. They would have been read in the prison, then either dismissed or forwarded to the permanent staff of the secretary of state for consideration.[[45]](#endnote-45) Here they would have been further assessed and a reply provided to the convict (along with any actions). Mary James’ experience is therefore useful both for what her case tells us about unsuccessful petitioning and for showing that the particular circumstances, processes and outcomes of ‘missing’ petitions nonetheless are revealing without the full text of a petition. James’ attempted filicide seems in stark contrast to Harriet’s crime and behaviour, but her behaviour and what survives of James’ petitions and correspondence are no less compelling.

On the 17 May 1878, James attempted to kill her young child by drowning. Two men (Michael Finn and William Shepherd) were near Mill Pond Bridge in Rotherhithe and witnessed her actions. Another man, Thomas Smith, was also in the vicinity. They heard a commotion and all three men saw James throw her three-year old son, Walter, over the bridge in attempt to down him. According to Finn, ‘she took [William] by the arms and legs and threw [him] over into the water—the wall is about 4 1/2; feet high—before I could say "Look!" to my mate she fell on the ground and said "Oh, my child is drowned!"—she did not drop it accidentally, she flung it in.’[[46]](#endnote-46) This was corroborated by all who had seen the incident. Shepherd jumped in the water and saved the child, handing it over to Thomas Smith, whose statement to the Old Bailey reads:

I heard screams, ran to the spot, and saw a child in the water—Shepherd jumped in, rescued it, and gave it to me—I took it to a doctor, but he was out, and I ran to the station with it as quick as I could go and gave it to Inspector "White—I then went to the prisoner's house and found her there with a lot more women, one of whom said to her "Here is the man who took the child to the station"—the prisoner asked me whether the child was drowned or not—I said "No, the child is alive"—some of the women told me to say that the child was dead, and that would satisfy her—I then told her that the child was dead, and she seemed rather pleased and said "Now the child is dead I will do away with myself"—she also said "I chucked in my baby and I am satisfied"—the child is about 3 years old—I returned to the station and told the inspector what she had said.[[47]](#endnote-47)

According to the attending doctor, Walter’s life was saved by the actions of the Inspector, Richard White, who applied artificial resuscitation techniques, taught to him by the ‘humane society’. [[48]](#endnote-48) The 24-year old Mary James was arrested, charged with ‘feloniously attempting to drown a person’ and committed to Newgate. On the 24 June 1878, her case was heard at the Old Bailey. At first, Mary James was believed to have been intoxicated and she could barely remember what had happened. At the trial she tried to persuade the court that she had lifted Walter on to the bridge wall so that he could see over. The doctor, though, provided an intriguing view of her mental health: ‘…she intended to make away with herself when she got the chance, and had tried to do so, but had been prevented—she also said that she threw the child in because she was in trouble, but she would not tell me what the trouble was.’[[49]](#endnote-49) Inspector White kept her on suicide watch. Both men attested that she was sober and sane. Nonetheless, her treatment of Walter, her medical notes and her behaviour in prison portray a person with a serious mental health condition or physiological disease. She was found guilty and sentenced to ten years penal servitude, being committed to Newgate on1 June 1878 and then transferred to Millbank four weeks later. She petitioned throughout her sentence with little success but was released on licence on 7 April 1886 having served over 8 years of the sentence.

Mary James was remorseful but had clearly tried to drown her infant son. To what extent her actions were due to substance abuse or mental illness is a moot point. She was though in poor health. Among a range of debilitating diseases in prison, she suffered from menorrhagia, pleurodynia, pneumonia, neuralgia, rheumatism and bronchitis. In 1880, she was also treated in the prison infirmary for epilepsy. It is unclear if Mary had suffered from this before, but it could have caused damage to her brain function if her seizures were particularly severe and had gone on for many years untreated (needless to say there were no effective drugs at this time). Without treatment or solace, it is possible that epilepsy may have been a factor in her psychological and behavioural issues. She was violent and disorderly for much of her sentence – with over twenty prison offences – and suffered from chronic bad health. Her health issues would not have benefited from the repeated punishments that she received for behavioural infringements.[[50]](#endnote-50) She was punished with close confinement on at least fifteen times with eighteen days being the longest stretch. On each of those occasions her diet would have been reduced to a punishment diet (mostly, bread and water) – a diet that could have triggered fits in an epilepsy sufferer. In total, she spent 71 days in close confinement as punishment for different prison offences. After she was granted a licence, and was sent to the East End Refuge, she spent one night screaming and shouting – here actions apparently ‘disturbing other residents’. For this offence she was put on a bread and water diet for 18 days and then released shortly afterwards, very probably in poor health. Her petitioning history begins early in her sentence, probably as soon as regulations permitted.

Within months of beginning her sentence, Mary was ‘anxious’ to know about her child. Her licence record of applications and petitions notes that she asked when she could write to her son in 1879, which was followed-up with requests for Walter visit her in prison and to maintain contact. She began to petition the Home Office regularly for contact with her son, asking for his whereabouts and if they can correspond. On 20 November 1879, the authorities began making enquiries to locate Walter, after he had been removed from his mother and taken into St Olave Workhouse. In August 1882 Walter was located. The union had moved him to the Metropolitan school in Sutton, Surrey. Mary claimed that she loved her son and had not meant to injure him. She threw him into the river when she was drunk and under influence of alcohol. She was repeatedly turned down for parole on those grounds, despite her continuing pleading and petitions. These have not survived but the dates and thematic summaries were listed in the ‘petitions and communications’ book.

There were regular communications between her and the prison authorities in regard to locating Walter. Ultimately, she was given permission for him to visit and to write her when he was old enough to do so. At the time, he was not ‘educated enough’ to write but he had permission to write to ‘anyone he pleases’. Walter was in ‘good health’ and ‘stout and strong’ but he did not grow fast. Mary’s petitions then fixated on being reunited with her son. In April, 1883, Mary petitions for early release: ‘She] Prays for a merciful consideration of her case, with a view to obtain her liberation. Pleads that this is her first conviction, and solemnly declares she had no intention of injuring her child, that his falling into the water was wholly an accident occurring while she was under the influence of drink. That she loved the child dearly, as his letters to her now will prove’.[[51]](#endnote-51) Needless to say, the reply was that there were ‘no grounds’ for parole. Six months later, Mary petitions again: ‘Prays for remission of her long and painful sentence. Pleads innocence of all guilt trying to cause the death of her child – that his falling into the water was purely accidental & that when he fell from her arms she was under the influence of drink, which for the future she will never taste, that her child was not injured & she earnestly prays to be restored to him.’[[52]](#endnote-52) This was unsuccessful. It is doubtful that diminished responsibility due to drunkenness would procure parole or mitigation. The old proverb, ‘he that killeth man drunk, sober shall be hanged’ applied to English law because ‘the want of discretion was self-inflicted’.[[53]](#endnote-53) Her final petition summary (as summarised in the petition file) reads: ‘Having now completed six years of her sentence prays for remission of the remainder viz 18 months. Pleads that she is a good machinist, able to earn a comfortable living and that she is longing to return to her child for whom she is now suffering’.[[54]](#endnote-54) Once again, this was not yet enough for her early release on parole. Yet it is worth noting the reference to useful work: employability was one of the most commonly adopted themes in successful petitions.

Contemporary attitudes towards the type of behaviour she displayed in prison may have sealed Mary’s fate to a lengthy sentence whatever the circumstances. Her crime was also treated harshly in comparison to other cases of women who killed their children.[[55]](#endnote-55) Ultimately, though, she was a ‘fallen’ woman and part of an imagined criminal class of female offenders.[[56]](#endnote-56) Her statements are erratic and also foolhardy against such a system in questioning the decision of the courts and the witnesses’ statements about her behaviour. It is not possible to definitively state whether or not this was some sort of psychosis, depression, coping mechanisms, lies or something else. If she laboured under mental-health illness, her particular treatment indicates that neither her epilepsy nor her mental health needs were being met. If she had been, Mary was also able to circumvent medical diagnosis at this time. Neither mental illness nor substance abuse played a part in her medical examinations and treatment in prison. In contrast, the next case study shows that serious physical sickness could underpin a successful petition.

**(iii) Mary Ann Hall: morbidity**

The final case study explores what was probably the most successful but hard fought reason for parole and early release. Faking or exaggerating illness was rife in prison and medical officers were on the frontline as gatekeepers for highly-coveted infirmary time. Quinton estimated that 10 per cent of the prisoners placed themselves on the sick list but only 10 per cent of those were genuine.[[57]](#endnote-57) He suggested that about twenty-five amputations a year were carried out after men deliberately placed their arms or legs in the way of heavy railway trucks on the works.[[58]](#endnote-58) Medical officers were thus vigilant against malingering.[[59]](#endnote-59) A successful petition for release on grounds of ill-health implied that the convict was probably on the verge of death or so incapacitated that prison punishment could not be effectively inflicted. This was the case for Mary Ann Hall in 1883 when she was released. She represents a third major strand of apolitical petitioning: ill-health. She was perhaps most interesting because the fragments of her life show a fall from grace, a loss of family and a physical decay; a tragic path to institutionalisation. In her last sentence, she was pliable, not at all fractious – but crucially she was suffering from chronic and acute illness.

Her story provides an account of the life and health of a Victorian female convict. A detailed medical record observed that Mary Ann was just over five feet tall with a dark complexion, brown hair and blue eyes. She was overweight and gained further weight while in prison. She was, when working, a sometimes charwoman and hawker. She was married to John Hall and had two children with him or a previous marriage, although by 1879 Mary Ann was alone. Research indicates that Mary Ann was born in Kingston-upon-Hull to William and Eleanor White in 1840.[[60]](#endnote-60) A middle child of at least six children, the family seems typically working class and certainly not outwardly indicative of a Victorian ‘criminal’ class. All indications seem to be that Mary Ann was estranged from her family for most of her adult life and that she was probably a cause of shame for them. Her crimes were committed in London under her married name (Hall) or 'Jane Smith' (a common alias).

Despite this unremarkable working class background, Mary Ann was a repeat offender. Her first recorded offence was for robbery with violence in 1870, when (together with two accomplices) she stole a purse containing 4s 2d. It was a violent robbery and Mary Ann showed no remorse in the trial. Along with another woman and a man (not her husband), she was sentenced to 12 months for this crime. This was followed by another felony for larceny in 1872 for which she was sentenced again to one year. Perhaps because of a police supervision order she was caught very shortly after release in 1873, receiving a three month custodial sentence for assault. After being out of prison for only a few weeks, Mary Ann was arrested and charged with ‘stealing from person’. This time she was sentenced to seven years penal service and seven years police supervision. In 1874, her husband wrote to the prison authorities asking for permission to correspond with his wife, but it was likely that they had been estranged for some time before this request. An assistant commissioner obtained a report from a detective superintendent who investigated Mary’s circumstances, observing that John Hall lived in a ‘low lodging’ house in West India Road, Lime House with his brother, where they had resided for at least five years.[[61]](#endnote-61)

Her health reflects a hard and impoverished life. In addition to the violence suggested by her criminal and medical records, she had sexually transmitted diseases, most likely from her husband’s or her own promiscuity (and perhaps connected to prostitution). In 1873, she was diagnosed with genital warts and syphilis showing in her ‘neck and groin’. Possibly linked to those infections, Mary Ann was found to have scrofula in a medical examination at Millbank.[[62]](#endnote-62) Subsequent medical examinations in 1875 also revealed ‘lymphadenoma’ and ‘pleurodynia’ – perhaps developments of earlier infections but certainly a sign that she was suffering from severe and serious bacterial infections that were spreading throughout her body. There was mention of two children, but these were either taken from her during this sentence or they had died by the time of her next sentence. In 1877, Mary Ann was released on license (parole). By this time, she had spent most of the previous two decades in prison. In poor health and with no family to reconcile her remaining years, it was not surprising she broke the terms of her parole and was back inside to finish her sentence and begin another seven year term. In 1879, Mary Ann went on trial at the Old Bailey for ‘Larceny from person and receiving’. She had stolen a pocket watch and money from William Marsh, worth £2.8.0. She was sentenced to seven years imprisonment and seven years under police supervision. Aged 37 years, this was to be her final prison sentence.

She was physically, and possibly mentally, broken. According to Séan McConville: ‘It was sadly true that despite its restrictions and hardships many women found the captive’s life preferable to freedom…Some expressed pleasure at returning to prison because they had no other home.’[[63]](#endnote-63) The matron of Strangeways prison, for example, reported that women preferred being in the institution to the trials of life on the outside.[[64]](#endnote-64) Such self-congratulatory viewpoints from the prison administration need to be considered sceptically. The constancy of shelter and nourishment may have been a factor but so too would institutionalisation. There is no denying that the crushing regimes of separate confinement, mind-numbing routines and cruel methods of punishment and subjugation would have scarred even the strongest individuals. As McConville observed of Victorian prison administration, ‘Generally there was agreement that women required more decent and humane conditions than men’, but the level to which women’s experiences were lenient compared to men’s remains controversial.[[65]](#endnote-65) Mary Ann had chronic health issues, but fears of malingering were still paramount in the minds of her medical treatment.

Mary Ann was in the prison infirmary several times between 1879 and 1883, but was also charged with malingering on two occasions. The first time, was in November, 1881 when the chief matron reported Mary Ann: ‘Says she fell out of the hammock and hurt her arm. She has been brought to the notice of the medical officer…The inquiry is trifling.’[[66]](#endnote-66) Three months later she was admitted to the prison infirmary with a ‘large abscess associated with disease in the upper extremity of the right thigh bone.’[[67]](#endnote-67) She remained there until May 1883, but was again accused of malingering by the assistant matron less than one month after this, when she reported: ‘I beg to State for your information that on the morning of May 25th I looked through the inspection [aperture] of prisoner (27 163 M) Hall’s cell and saw her walking across her cell without any attendance. “she feigns inability to walk and as she can not be attended to in the hall was sent back to the infirmary on the 25th May, having only been discharged the day before.’[[68]](#endnote-68)

Notwithstanding those questionable concerns, Mary Ann’s health seems to have been declining fast. In addition to the leg wound that ultimately led to her release, she had been diagnosed at this time with pleurodynia, lymphadenoma and rheumatism. In 1882, she made her first petition for early release on grounds of ill health: she ‘Prays for kind consideration of her case – Pleads a very bad state of health and the willingness of her friends to help and receive her.’[[69]](#endnote-69) The medical officer rebutted the application and said that ‘the prisoner suffers from sciatica, but will in all likelihood recover. Her health is otherwise good and her life is not endangered by imprisonment’.[[70]](#endnote-70) Yet, at the time of the petition (or shortly afterwards) Mary Ann was returned to the prison infirmary for the leg issues, which were refuted by the matron. Her condition grew worse over the course of a year.

‘Necrosis of the flesh’ ate away at her leg and finally gained the medical officer’s attestation that she was in severe poor health. On 16 March 1883 Mary Ann successfully petitioned for early release on grounds of ill health, ‘Prays for liberty, pleads that she has been a great sufferer for more than two years & there is no hope of her recovery also that her mother is willing to receive her & will get her into an hospital.’ With the support of the medical officer, this time Mary Ann’s petition was successful:

The convict – 3f163 Mary Ann Hall, suffers from disease of the right-thigh bone near the hip joint, and from an abscess connected with it. In the course of time, if her general health will permit it, a surgical operation may become necessary to save her limb and perhaps her life. Under any circumstances she will be bedridden for a long time to come. It is possible that her health will be benefitted by her removal to another locality.[[71]](#endnote-71)

Worthy of note, here, is that the stated ‘more than two years’ contradicts the medical officer’s previous opinion that she was previously in good health and the second charge of malingering. It is impossible to conclude if the wounds had become infected without interference or Mary Ann had exacerbated the wound, but by 1883 she was diagnosed as terminally ill from infection. Enquiries were made of her family who resided in the Hull area. Following correspondence between the prison, Mary’s mother, Hull General Hospital and the local police (to investigate and verify that the family were respectable and willing and able to take-on Mary’s care), Mary was released on parole licence to Hull General Infirmary for further treatment.

All three cases, discussed above have some element of health. Whether a dysfunction of the mind or body, the interaction of health with punishment was more than an elementary function. Poor health could lead to a life of dependence or unemployment, in turn to crime, but long-term confinement was damaging to mind and body. The complexities of those relationships were deeply problematized by the Victorian penal system, which did not recognise or understand (and exacerbated) many modern health conditions and mental disorders. The Victorians spent a great deal of time and political energy on creating nutritionally-stable diets that would sustain a prisoner at the least expense, with the objective of a healthy body ready for release and gainful employment.[[72]](#endnote-72) The separate system worked against those aims, breaking minds and bodies with months of solitary confinement, crude diets and hard but aimless work.[[73]](#endnote-73) Arguably, convicts, such as Mary Ann, were institutionalised and broken by the system rather than being reformed by it.

**Conclusion**

Most cultural and social historians would recognise that at least in some part of their work they strive to represent the views of those that have been overlooked or written out of cultural dialogue of the past; a desire to lift from the archives traces of those lost perspectives – to rebalance the historical account and bring to the centre marginalised voices. Extant convict petitions and the related documents of bureaucracy provide a uniquely rich and under-used source for achieving this goal.

The three case studies of female marginalised voices are represented here for different reasons but brought together as a group for more than the mere sum of the parts of each of their grievances. Harriet Brown was sentenced to fourteen years transportation at a time when convict transportation to Australia was ebbing away but the colony was still in need of human capital in unfree labour (and wives for ex-convicts and settlers). Perhaps because she was young and single, Harriet may have fitted into general transportation and colonial history. The commutation to penal servitude was part of the changing policy environment. Mary James was a mother who had no mental health issues according to the authorities. She had tried to murder her child and her behaviour was erratic and perhaps charged with a physiological damage that may have been more than the purely psychologically-influenced behaviours. Perhaps she had experienced unrecorded epileptic seizures (that without treatment can cause neurological damage). Despite her clashes with authority and her attempt at filicide, Walter was located at her request. She was given as much right to contact with him as any imprisoned mother would have been with the objective of reuniting them on her release from prison. To what extent this was due to family-oriented policy, a lack of child protection or the economics of getting the costs of the child off the poor rates is laden with political and historical context that is beyond the ambit of this article. Mary Ann Hall was a repeat offender, but she still managed to persuade the prison authorities to release her early on grounds of ill health. To do so, the prison authorities and police worked together to find her relatives and to obtain assurances that she would continue hospital treatment.

The article began with positing these particular prisoner grievances as apolitical, set within a complex but revealing polity of deference. Yet, the very existence of the primary documents which formed the basis of the latter two cases in this article – parole licences – hints at a more diffuse politically-laden value to convict petitioning. Certain aspects of these case studies implied that the difference between the political and the apolitical petition is less clear. Marginalised people in the nineteenth century were not discouraged from complaining against harsh and sometimes neglectful institutional care. Prisoners were openly encouraged to petition regularly for parole. The rights of these people, their knowledge of those rights and their willingness to use those rights are extraordinary.

1. See: T. Hitchcock and R. Shoemaker, *London Lives: Poverty, Crime and the Making of a Modern City, 1690–1800* (Cambridge, 2015): 268-332; K. Lunn and A. Day, ‘Deference and defiance: The changing nature of petitioning in British naval dockyards’ *Internationaal Instituut voor Sociale Geschiedenis* 46 (2001): 131; H. Miller, ‘Petitioning and the Corn Laws, 1833-46’ *The English Historical Review*, 127, 527 (2012): 887; J. Healey, *The First Century of Welfare: Poverty and Poor Relief in Lancashire, 1620-1730* (Woodbridge, 2014): 87-104; P. King, ‘Legal change, customary right, and social conflict in late eighteenth-century England: the origins of the great gleaning case of 1788’, *Law and History Review* 10, 1 (1992): 1-31; P. King, *Crime and Law in England, 1750-1840: Remaking Justice from the Margins* (Cambridge: Cambridge University Press, 2006); S. King, ‘”Stop this overwhelming torment of destiny”: negotiating financial aid at times of sickness under the English Old Poor Law, 1800-1840,’ *Bulletin of the History of Medicine* 79 (2005): 228-60; L. Charlesworth, *Welfare’s Forgotten past: A Socio-Legal History of the Poor Law* (Abingdon: Routledge, 2011): 1-6, 50-2; D. Englander, ‘From the Abyss: Pauper Petitions and Correspondence in Victorian London’, *London Journal* 25, 1 (2000): 71-83. [↑](#endnote-ref-1)
2. J. Clarke, ‘Going Public: the act of complaining’ in: J. Reinarz and R. Wynter, R. (eds) *Complaints, Controversies and Grievances in Medicine* (London, 2015): 267. [↑](#endnote-ref-2)
3. Ibid. [↑](#endnote-ref-3)
4. B. Waddell, ‘Writing History from Below: Chronicling and Record-Keeping in Early Modern England’, *History Workshop Journal*, 85 (2018), 239-264. [↑](#endnote-ref-4)
5. J. Bourke, (2018) ‘Police Surgeons and Victims of Rape: Cultures of Harm and Care’, *Social History of Medicine* 31 (4), 711–731; C. Cox, C. and H. Marland, ‘Broken Minds and Beaten Bodies: Cultures of Harm and the Management of Mental Illness in Mid- to Late Nineteenth-century English and Irish Prisons’ *Social History of Medicine* 31, 4 (2019: 688–710; Healey, *The First Century*: 127-168; Price, K. (2013) ‘'Where is the Fault?': The Starvation of Edward Cooper at the Isle of Wight Workhouse in 1877’, *Social History of Medicine*, 26 (1), 21-37; K. Price, *Medical Negligence in Victorian Britain: the Crisis of Care under the English Poor Law, c.1834-1900* (London, 2015); *passim*; J. Reinarz and R. Wynter, R. (eds) *Complaints, Controversies and Grievances in Medicine* (London, 2015); J. Stewart, and S. King, “Death in Llantrisant: Henry Williams and the New Poor Law in Wales,” *Rural History* 15, 1 (2004): 69-87. [↑](#endnote-ref-5)
6. For examples, see: politicised petition: Miller, ‘Petitioning and the Corn Laws’; what might be considered individualised grievances, see: M. Ward, ‘A tale of transportation: the case of David Moore’ *Clogher Record* 22, 1 (2015): 43-56; Healey, *The First Century*: 87-104; or divorce petitions in W. E. Schneider, *Engines of Truth: Producing Veracity in the Victorian Courtroom* (Yale: Yale University Press, 2015) [↑](#endnote-ref-6)
7. K. Navickas, ‘The “Bastilles” of the constitution: political prisoners, radicalism, and prison reform in early nineteenth-century England’, *Labour History Review* 83, 2 (2018): 117. [↑](#endnote-ref-7)
8. Miller, ‘Petitioning and the Corn Laws’: 885. [↑](#endnote-ref-8)
9. M. Ward, ‘A tale of transportation: the case of David Moore’ *Clogher Record* 22, 1 (2015): 43-56; Healey, *The First Century*: 87-104. [↑](#endnote-ref-9)
10. For a succinct discussion of this blended stigmatisation, see: B.S. Godfrey, C.A. Williams and P. Lawrence, *History & Crime* (London, 2008): 83-90. [↑](#endnote-ref-10)
11. Stewart and King, ‘Death in Llantrisant’: 82; S. King, ‘Regional patterns in the experiences and treatment of the sick poor, 1800-40: rights, obligations and duties in the rhetoric of paupers,’ *Family and Community History* 10 (2007): 61-75; see also P. Carter and S. King, ‘Keeping track: modern methods, administration and the Victorian poor law 1834–1871’ *Archives* 40, 128 (2014): 43. [↑](#endnote-ref-11)
12. See: A. Tomkins, *Medical Misadventure in an Age of Professionalisation, 1780-1890* (Manchester, Manchester University Press, 2017): 117-156; I. Loudon, *Medical Care and the General Practitioner, 1750-1850* (Oxford, 1986), 77; M. A. Crowther, ‘Paupers or patients? Obstacles to professionalization in the poor law medical service before 1914’, *Journal of the History of Medicine and allied Sciences* 39, 1 (1984); Price, *Medical Negligence*: 20-47; S. Wildman, *‘He’s only a pauper whom nobody owns’: Caring for the Sick in the Warwickshire Poor Law Unions 1834-1914* (Stratford-upon-Avon, 2016): 29. [↑](#endnote-ref-12)
13. S. King, ‘The role of complaint in establishing the rights of the patient and the duties of the doctor, 1800-70s’, in J. Reinarz and R. Wynter (eds), *Complaints, Controversies and Grievances in Medicine: Historical and Social Science Perspectives* (London, 2015): 164. [↑](#endnote-ref-13)
14. P. Carter and S. King, ‘Keeping track: modern methods, administration and the Victorian poor law 1834–1871’ *Archives* 40, 128 (2014): 43. [↑](#endnote-ref-14)
15. A. Clark, ‘Wild Workhouse Girls and the Liberal Imperial State in Mid-Nineteenth Century Ireland’, *Journal of Social History* 39 (2), 389-409. [↑](#endnote-ref-15)
16. R. Klein, *Complaints against Doctors: A Study in Professional Accountability* (London: Charles Knight, 1973): 105-6; K. Price, ‘The shape of the iceberg: Doctors and neglect under the New Poor Law, c.1871-1900’, in Reinarz and Wynter, *Complaints, Controversies and Grievances*: 129-146. [↑](#endnote-ref-16)
17. Stewart and King, ‘Death in Llantrisant: 61-75; T. Sokoll, *Essex Pauper Letters, 1731-1837* (Oxford, 2001); T. Sokoll, ‘Writing for relief: rhetoric in English pauper letters, 1800-1834,’ in: A. Gestrich, S. King and L. Raphael (eds), *Being Poor in Modern Europe: Historical Perspectives* (Oxford, 2006): 91-112. [↑](#endnote-ref-17)
18. Navickas, ‘The “Bastilles” of the constitution’: 116-122; Cox and Marland, ‘Broken Minds’: 688–710. [↑](#endnote-ref-18)
19. Clarke, ‘Going Public’: 261 and 265. [↑](#endnote-ref-19)
20. Lunn and Day, ‘Deference and defiance: 132, 139; P. Woodfine, ‘Debtors, prisons, and petitions in eighteenth-century England’, *Eighteenth-Century Life* 30, 2 (2006): 7. [↑](#endnote-ref-20)
21. See: Woodfine, ‘Debtors, prisons, and petitions’: 7. [↑](#endnote-ref-21)
22. For traditional views of the transportation era, see: A.G.L. Shaw, *Convicts and the Colonies: a Study of Penal Transportation from Great Britain & Ireland to Australia & other parts of the British Empire* (London, 1998); R. Hughes, *The Fatal Shore: A History of the Transportation of Convicts to Australia, 1787-1868* (London, 1987); for recent revisionist views, see: E. Christopher and H. Maxwell-Stewart, 'Convict transportation in global context, c.1700-88', in A. Bashford and S. Macintyre (eds) *The Cambridge History of Australia: Indigenous and Colonial Australia* (New York, 2013): 68-90; C. Anderson, ‘Transnational Histories of Penal Transportation: Punishment, Labour and Governance in the British Imperial World, 1788–1939’, *Australian Historical Studies* 47, 3 (2016): 381-397; R. Kippen and J. McCalman ‘Mortality under and after sentence of male convicts transported to Van Diemen's Land (Tasmania), 1840–1852’ *The History of the Family* 20, 3 (2015): 345-365. [↑](#endnote-ref-22)
23. See: N. Davie, ‘“Business as Usual”? Britain's First Women's Convict Prison, Brixton 1853-1869', *Crimes and Misdemeanours: Deviance and the Law in Historical Perspective* 4, 1 (2010): 37-52. [↑](#endnote-ref-23)
24. De Lacey, M. `Grinding Men Good? Lancashire’s Prisons at Mid Century’, in V. Bailey (ed) *Policing and Punishment in Nineteenth Century Britain* (London, 1981): 182-217; R. Tuffin, M. Gibbs, D. Roberts, H. Maxwell-Stewart, D. Roe, J. Steele, S. Hood and B. Godfrey, ‘Landscapes of production and punishment: convict labour in the Australian context’ *Journal of Social Archaeology* 18, 1 (2018): 50–76. [↑](#endnote-ref-24)
25. For example, see House of Commons Parliamentary Papers: ‘Dietaries for Convicts & Return to an Address of the Honourable The House of Commons, 27 February 1857’; ‘Convict Prison Dietaries & Return to an Address of the Honourable The House of Commons, 17 June 1864’ and ‘Report from the Departmental Committee on Prisons, 1895 [Gladstone Report]. [↑](#endnote-ref-25)
26. See Licences of Parole for Female Convicts, 1853-1871, 1883-1887: https://www.digitalpanopticon.org and *Ancestry*. https://www.ancestry.co.uk, Licences of Parole for Female Convicts, 1853-1871, 1883-1887. [↑](#endnote-ref-26)
27. R.F. Quinton, *Crime and Criminals 1876-1910* (London, 1910): 209-210. [↑](#endnote-ref-27)
28. Ibid: 210. [↑](#endnote-ref-28)
29. Ibid: 210. [↑](#endnote-ref-29)
30. Ward, ‘A tale of transportation’: 43-56. [↑](#endnote-ref-30)
31. Quinton, *Crime and Criminals*: 212. [↑](#endnote-ref-31)
32. Digital Panopticon Harriet Brown Life archive ID obpdef1-504-18530404 https://www.digitalpanopticon.org; Old Bailey Proceedings Online (www.oldbaileyonline.org, version 8.0, 20 December 2018), April 1853, trial of Harriet Brown (t18530404-504) (Hereafter OBO HB); Harriet Brown Convict Petitions <https://www.findmypast.co.uk> (hereafter FMP HB). [↑](#endnote-ref-32)
33. Ibid; https://www.digitalpanopticon.org. The Digital Panopticon Search Builder; 31 results. (https://www.digitalpanopticon.org/search?e0.type.t.t=root&e0.\_all.s.s=uttering&e0.archive\_size.i.l=&e0.archive\_size.i.h=&e2.type.t.t=tried&e2.date.d.ld=&e2.date.d.lm=&e2.date.d.ly=1853&e2.date.d.hd=&e2.date.d.hm=&e2.date.d.hy=1863&e2.offence\_category.to.x=uttering). Version 1.1, consulted 29th May 2019. [↑](#endnote-ref-33)
34. FMP HB Prison Chaplain’s annotation on letter. [↑](#endnote-ref-34)
35. FMP HB (no date, seems to be 1854) Petition by Brown. [↑](#endnote-ref-35)
36. FMP HB Inquiry made and reply received on May 3, 1856. [↑](#endnote-ref-36)
37. FMP HB Letter received November, 1853. [↑](#endnote-ref-37)
38. Ibid. [↑](#endnote-ref-38)
39. Ibid. [↑](#endnote-ref-39)
40. J.H. Baker*, An Introduction to English Legal History. Third Edition* (London: Butterworths, 1990): 426-7. [↑](#endnote-ref-40)
41. FMP HB Petition. 1857. [↑](#endnote-ref-41)
42. FMP HB Prison chaplain’s annotated words. [↑](#endnote-ref-42)
43. C. Emsley, *Crime and Society in England, 1750-1900*. *3rd edition*. (Pearson Longman, 2004): 248-292. [↑](#endnote-ref-43)
44. B. Godfrey, ‘A Historical Perspective on Criminal Justice Responses to Female and Male Offending’ in: *Oxford Handbook on Gender, Sex, and Crime* (Oxford: Oxford University Press, 2013). [↑](#endnote-ref-44)
45. <https://www.digitalpanopticon.org>; Licences of Parole for Female Convicts, 1853-1871, 1883-1887. [↑](#endnote-ref-45)
46. Digital Panopticon Mary James Life archive ID obpdef1-645-18780624 <https://www.digitalpanopticon.org>; Licences of Parole for Female Convicts, 1853-1871, 1883-1887. *Ancestry*. https://www.ancestry.co.uk. Accessed 8 June 2017; Old Bailey Proceedings Online (www.oldbaileyonline.org, version 8.0, 20 December 2018), June 1878, trial of Mary James (24) (t18780624-645) (hereafter OBO MJ): OBO MJ Cross examination of Michael Finn. [↑](#endnote-ref-46)
47. OBO MJ Cross examinations. [↑](#endnote-ref-47)
48. OBO MJ Cross examination of Richard White (police inspector). Resuscitation techniques were taught to civilians by the Royal Humane Society: J. Price, *Everyday Heroism: Victorian Constructions of the Heroic Civilian* (Bloomsbury: London, 2014). [↑](#endnote-ref-48)
49. Ibid. [↑](#endnote-ref-49)
50. See: Davie, '“Business as usual”: 37-52. [↑](#endnote-ref-50)
51. Record of Petitions to the Secretary of State in Licence 74221: Licences of Parole for Female Convicts, 1853-1871, 1883-1887. *Ancestry*. https://www.ancestry.co.uk. Accessed 8 June 2017. [↑](#endnote-ref-51)
52. Ibid. [↑](#endnote-ref-52)
53. J.H. Baker*, An Introduction to English Legal History. Third Edition* (London: Butterworths, 1990): 427. [↑](#endnote-ref-53)
54. Ibid. [↑](#endnote-ref-54)
55. D. Grey, ‘Parenting, Infanticide, and the State in England and Wales, 1870-1950’ in Hester Barron and Claudia Siebrecht (eds.) *Parenting and the State in Britain and Europe, 1870-1950: Raising the Nation* (Basingstoke, 2017), 76-7. [↑](#endnote-ref-55)
56. See: B. S. Godfrey and P. Lawrence, *Crime and Justice 1750-1950* (Willan Publishing, Cullompton, 2005: 141-7; Godfrey, B. (2013) ‘A Historical Perspective on Criminal Justice Responses to Female and Male Offending’ in: *Oxford Handbook on Gender, Sex, and Crime*. Oxford: Oxford University Press; L. Williams, *Wayward Women: Female Offending in Victorian England* (Barnsley, 2016). [↑](#endnote-ref-56)
57. Quinton, *Crime and Criminals*: 13. [↑](#endnote-ref-57)
58. Ibid: 13. [↑](#endnote-ref-58)
59. For example, see: T. Patmore, ‘Some points bearing on malingering’, *British Medical Journal* (February 3, 1894): 238-239; for context, see: S. Watson, “Malingers”, the “Weak-minded” and the “Moral-Imbecile”: How the English Prison Medical Officer Became an Expert in Mental Deficiency,‟ in M. Clark and C. Crawford (eds.), *Legal Medicine in History* (Cambridge, 1994) 223-41. [↑](#endnote-ref-59)
60. 1851 England Census. Ancestry. https://www.ancestry.co.uk. [Accessed 8 June 2017]. [↑](#endnote-ref-60)
61. Licence 6741: Licences of Parole for Female Convicts, 1853-1871, 1883-1887. *Ancestry*. https://www.ancestry.co.uk. Accessed 8 June 2017. [↑](#endnote-ref-61)
62. Ibid. [↑](#endnote-ref-62)
63. S. McConville, *English Local Prisons, 1860-1900: Next only to Death* (London, 1995): p. 343. [↑](#endnote-ref-63)
64. Ibid: 343. [↑](#endnote-ref-64)
65. Ibid: 342; Davie. [↑](#endnote-ref-65)
66. Licence 6741: Licences of Parole for Female Convicts, 1853-1871, 1883-1887. *Ancestry*. https://www.ancestry.co.uk. Accessed 8 June 2017. [↑](#endnote-ref-66)
67. Ibid. [↑](#endnote-ref-67)
68. Ibid. [↑](#endnote-ref-68)
69. Ibid. [↑](#endnote-ref-69)
70. Ibid. [↑](#endnote-ref-70)
71. Ibid. [↑](#endnote-ref-71)
72. K. Price and B. Godfrey, (2019) ‘Victorian systems will not solve modern prison health problems’, Lancet, 393, (10169), pp. 312-313. [↑](#endnote-ref-72)
73. McConville, *English Local Prisons*: 343. [↑](#endnote-ref-73)