**10 ‘I am Afraid she is Perfectly Responsible for her Actions and is Simply Wicked’[[1]](#endnote-1): Reconstructing the Criminal Career of Julia Hyland.**

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I

A micro-historical approach to the reconstruction of criminal careers and lives provides the historian with a unique insight into everyday lives of people; in our case, as crime historians, the everyday lives we are concerned with in particular relate to convicts who experienced the nineteenth-century criminal justice system. Micro-history offers us the opportunity not only to reconstruct the everyday life of these long-term prisoners, but also enables us to ground their experiences within the reality of nineteenth-century penal policy and as much as possible, their lives outside of this system. From such analysis, we can draw out the ‘general’ experience and also contribute to a historical approach which is often regarded as of great interest to the public.[[2]](#endnote-2) In this chapter, we will examine the life of one female convict, Julia Hyland, reconstructing her life inside and outside of the criminal justice system. Initially, however, we shall examine the methods by which we created these micro-histories and the sources on which they are based.

II

When penal transportation to Australia began to decline from the 1850s and then ended in 1868, a system of licensing that had encouraged the resettlement of convicts released in Australia was transferred for use in England and Wales. The licensing or ‘ticket’ of leave' system became part of the newly created convict prison system. The convict prisons, administered and controlled by the government (and not by local authorities as was the case with local prisons), was where prisoners sentenced to long periods of incarceration, known as ‘penal servitude’, would serve their sentences.[[3]](#endnote-3) A sentence of penal servitude gradually and then completely replaced the sentence of transportation, as the system evolved in the middle decades of the nineteenth century. Penal servitude was made up of three parts. The first was separate confinement (up to twelve months’ relative isolation in prison, where prisoners only left their cells for chapel and exercise and where all communication between inmates was prohibited). The second was labour on the ‘public works’ (working for the government or in the interest of the prison. Male convicts for example laboured at constructing dockyards and roads or undertook excavations, whilst female convicts worked in the laundry for their own prison and others, as well as sewing for the whole convict system). The final part of the sentence was release on licence or a ‘ticket of leave’.[[4]](#endnote-4) In serving a five-year sentence of penal servitude, the offender might serve up to twelve months in separate confinement before being moved to the public works. They could then spend a maximum of four years on public works but the system operated to release all but the most recalcitrant prisoners early. The overwhelming majority of convicts did not serve their whole sentence and were released from prison, with up to thirty or forty per cent of their sentence unserved. On average, 1,300 prisoners were released on licence per year between 1854 and 1919, which was roughly a quarter of the sentenced convict prison population.[[5]](#endnote-5) On licence they were subject to certain terms and conditions: they had to report to the police after release and thereafter on a monthly basis; they had not to commit any further offences; and more generally, they were encouraged to gain employment and lead an honest life. Those who failed to report themselves, who committed further offences, or who were suspected of leading a dishonest life had their licence revoked and were returned to the convict system to serve out the rest of their sentence. Those who committed crimes serious enough to warrant a further sentence of penal servitude would have to serve out their previous sentence in addition to the new one imposed.[[6]](#endnote-6)

Despite media and public disquiet about serious offenders being released from prison in England and Wales and committing further offences, the system worked to a fairly regularised and mechanical structure by the 1870s.[[7]](#endnote-7) As criminologists and historians, the records of the prison system offer us a window into the everyday prison-life of those who experienced penal servitude and enable us to reconstruct the micro-histories of hundreds of male and female convicts’ experiences. Many of these life histories would otherwise be invisible or lost within the machinery of nineteenth-century criminal justice. Using a methodology previously employed by Godfrey *et al*, we created ‘lifegrids’ of 650 male and female convicts who were released on licence from convict prisons between 1853 and 1887.[[8]](#endnote-8) The penal records and licensing papers of those convicts are held in the National Archives, classified as Prison Commission 3 and 4 (PCOM 3 & 4). There are some 45,000 in total and a proportion of these have been digitised by www.ancestry.co.uk (currently only female licences). The licensing papers and penal record of the individual convict provide a wealth of information on the personal details and prison experiences of each inmate. The penal record details the names and known aliases of the prisoner, the sentence they received, where they were convicted and to which prisons they were sent. They also include details of any previous convictions and the penalties received. Other personal details include their age, marital status and number of children, previous occupation, whether or not they could read or write and their religious preference. The record may also contain a photograph of the convict. With regard to the internal workings of the convict prison system and the prisoner’s experience of prison, the penal record also contains all of the details of the date of every prison they have been committed to and the work or employment undertaken there, as well as information on their progress at school and a commentary on their behaviour. In addition, we can observe the letters that convicts sent out and received (when permitted); whether they made any special requests (e.g. a special letter to find out about their children or to inquire about preparations being made due to a death in family); if they had any visitors; and, whether or not they broke any of the rules and regulations of the prison, and if so, how they were punished.

These penal records and licensing papers formed the central spine or foundation of our research narrative and building on this, we then searched to find every record we could about each individual thus reconstructing as much as possible about their life outside as well as inside the convict system. We then spanned out from the prison record, to their criminal histories through the use of: the Old Bailey Proceedings Online, subsequently appearances at the Central Criminal Court); Home Office Criminal Registers (HO26 and HO27) that give details of offenders from 1805-1892; Metropolitan Police Habitual Criminal Registers (MEPO 6) covering 1881-1940; and, other Prison Commission records such as Prison Registers (PCOM 6), which contain details of all prisoners held at various English prisons from 1856 onwards. Beyond the reach of the criminal justice system, we also searched their personal, family and employment histories, through a continued process of record linkage or prosopography. We used a wide range of extant sources including: Census returns from 1841-1911 inclusive (which detailed residence, family status, and occupation at an individual level); birth, marriage and death indices (detailing if and when an offender married, if they had children and why they died); military records; British Library Nineteenth Century Newspapers Online, *The Times* Digital Archive, and the *Guardian* Digital Archive (which provided trial reports as well as potential reports on other family members). The now considerable data we had collected on individuals was then organized into a ‘lifegrid’: a micro-history of one individual’s life and life events. We then used this information to analyse their social and personal circumstances alongside their offending and incarceration.

The micro-histories of individual offenders are important in revealing everyday prison experiences, but they can also contribute to larger questions about the power and operation of nineteenth-century penal policy and criminal justice. In addition, this approach has a considerable amount to contribute to ‘history from below’. Whilst most marginalised populations have left few traces of their lives, this detailed and eclectic methodology, drawing on hugely detailed sources about a disadvantaged population, has the potential to help us answer the larger questions about crime, criminal careers and imprisonment in the nineteenth century. In addition, the case study chosen, the life of Julia Hyland, allows us to explore more documentation about her life through her request to change religion whilst in prison, this was not an uncommon request and provides yet further insight into the place of religion within the lives of those experiencing imprisonment.

III

Wigan-born Julia Hyland was first before the courts in 1868. Aged just fourteen years old, she was prosecuted for being drunk and riotous in Manchester and sentenced to a fine of ten shillings by the magistrates.[[9]](#endnote-9) As a fourteen-year old this was a fairly large sum, and in default she may have been imprisoned for fourteen days. The records do not state whether this was Julia’s first experience of prison life. In other ways the records would also reveal inaccuracies (her surname was recorded as ‘Hiland’ in some documents whilst in others it was recorded as ‘Highland’) and the information therein should be treated with a degree of caution until verified by other sources. For example, Hyland is recorded as having had a child by the age of fourteen, which seems unlikely. Yet as this information is repeated consistently in the prison records and in the census, it is actually likely to be true. The records also state that Julia had several summary convictions for drunkenness in her teens. However, it was property offending that would help to determine the course of Julia’s life. On the 27th of March 1871 she was back before the same court in Manchester for stealing two sheets and she was immediately imprisoned for two months.[[10]](#endnote-10)

The lessons the magistrates intended Julia to learn had not hit home, and later that year she was sentenced to three months in Manchester for stealing another sheet.[[11]](#endnote-11) Sheets, and all kinds of cloth and linen, were easily disposed of. Rag-gatherers and market-stall holders bought cheap and stolen cloth regularly, and as it was difficult to identify as stolen, the risks were fairly low. She might also, of course, have stolen the sheets for her own home, which was now filled with new husband, John Hardman, and a child (which may or may not have also been John’s child).[[12]](#endnote-12)

In October 1872, aged eighteen, Julia was prosecuted for stealing clothes, but, because she had previously been convicted of indictable crimes, her punishment this time would be considerable. She was sentenced to twelve months custody, but also a further seven years’ police supervision under the 1871 Prevention of Crime Act (passed in 1871).[[13]](#endnote-13) Since the 1860s, there were attempts to keep a watchful eye over released convicts, at least for the period they were released on licence. The 1869 Habitual Offender Act and the Prevention of Crime Act of 1871 extended this power by giving the sentencing Judge the power to order a set period of police supervision for persistent offenders. On release from prison, supervisees were required to report to the police, and inform them every fortnight of where they were residing. If any person under supervision re-offended, consorted with thieves and prostitutes, or could not prove they were making an honest living, they could be imprisoned for up to a year. Julia served the full year to which she was sentenced and was then released from Manchester City Prison on the 23rd of October 1873.[[14]](#endnote-14)

The following spring, Julia Hyland was arrested for being drunk and riotous again in Manchester, but she only received a small fine.[[15]](#endnote-15) As a factory worker (probably in the cotton mills) she was able to clear the debt, avoiding seven more days in gaol. However, the legacy of her last theft was still hanging over her, and she breached her liabilities under the Prevention of Crime Act in July 1874. In a contemporary newspaper report she is recorded as stating that ‘she had reported herself, but she had been in the workhouse several times, owing to her husband not supporting her’.[[16]](#endnote-16) Her failure to report to the police on a fortnightly basis earned her a further six months in custody.[[17]](#endnote-17) Julia was released back to the marital home (which now contained two children as well as her husband) at Greys Mill, Pollard Street, Ancoats, in January 1875. In July of the same year, however, she was convicted of the larceny of oilcloth and the courts felt that this time the full weight of the Prevention of Crimes Act should be imposed. They sentenced Julia at Manchester Quarter Sessions to seven years’ penal servitude and, following release from prison, a further seven years’ police supervision, a standard sentence at the time, for a recidivist offender.[[18]](#endnote-18)

Julia was first received at Millbank to carry out the mandatory part of every penal servitude sentence, a period when she was kept separated from other prisoners. When the training part of her sentence commenced, ‘Prisoner B. J. 184’ was then put to work in the prison in the sewing and knitting rooms. Julia was allowed to attend chapel along with the other prisoners, but on the 19th of December 1875 she was charged with ‘refractory conduct on way back from chapel and destroying prison property’.[[19]](#endnote-19) Under the progressive marks system, Julia had been accumulating remission marks and earning a better diet and a quicker release on licence. However, as a result of her prison ‘offence’, she was deprived of fifty-six remission marks, and further punished with Penal Class diet (bread and water) for twenty-eight days and she was not allowed to have any books (Julia could both read and write). She would also have to pay compensation for the damage she had caused.[[20]](#endnote-20) Julia must have been quite ill in the spring of 1876 because she was removed to the Fulham Infirmary. Although no further details are given in her prison record, prisoners were rarely hospitalised outside of their own prisons unless the condition was chronic or serious (for sick female convicts, Woking Prison was usually the place they were sent). She remained in Fulham Prison, which was a training prison where female prisoners were educated, and where they carried out work in the laundries, kitchens, and sewing/knitting rooms, for some three years.

Julia seemed to have entered a turbulent phase of her confinement. In July 1876 she was punished for destroying prison property, using threatening language towards another prisoner, and violently striking another prisoner on the head and face with her shoe and dragging her along the ward by her hair, apparently without provocation.[[21]](#endnote-21) She then received punishment for resisting prison warders, and for tearing out pages from her spelling and library books.[[22]](#endnote-22) She assaulted two other prisoners in October (including her previous victim, with whom she seemed to be developing a feud).[[23]](#endnote-23) Then, on Christmas Eve, she assaulted prisoner Ellen Smith in the exercise yard, and was locked in her cell for the whole of Christmas Day as a punishment.[[24]](#endnote-24)

Julia’s physical description in the prison records reflects the toll that her fights, and the prison regime, were both taking. She was described as being 4 feet 11 inches tall, with cuts and scars on her eyebrows, forehead, cheeks, nose, and shoulders. She was slightly marked with small pox, with extensive burns on her back.[[25]](#endnote-25) She probably gained or gave more physical scars during her next fights with prisoners (some of whom she had tangled with in the past), but she was provided with an opportunity to leave past feuds and conflicts behind when she was transferred back to Millbank.

During her sentence she had often asked for permission to write additional letters to her children. Prisoners were allowed to write every six months, but Julia asked repeatedly to send out more letters, and in September 1878, she requested a portrait of her youngest child. However, all of her requests were refused. After every refusal, Julia engaged in acts of rebellion and disturbance, but, in truth, she was committing acts of disobedience or violence fairly regularly by this stage. In October for instance, she was punished for leaving her place in the chapel line, rushing at prisoner Mary Young and throwing her down, striking her and pulling her hair, breaking the window in the penal cell, throwing slops over the floor, shouting, screaming, using bad language, threatening to take the life of Matron, and using threatening language to the Lady Superintendent. She then violently resisted the male officer when being removed from the surgery to the penal ward, kicking him and other wardens, shouting, screaming, and using more obscene language.[[26]](#endnote-26) She lost remission for all of these prison offences, and was also reduced to Penal Class again.[[27]](#endnote-27) The same month she was punished for destroying her clothing and her cell pan, by being forced to wear a heavy and uncomfortable canvas dress, and she was physically restrained in a straitjacket whenever she was let out of her cell.[[28]](#endnote-28) Whilst it was relatively common for female prisoners to commit minor offences, it was less common for them to be placed in a canvas dress or straitjacket.

Although the canvas dress was removed after one month, the physical restraints must have been applied for a very long time, because the records state that Julia was punished for removing them in January 1878. As a punishment for that infraction, she was made to wear the canvas dress again, this time for three months.[[29]](#endnote-29) Later that same year, more offences followed, and on many occasions the records note that she was excitable when she got in trouble and that she was violent and abusive towards prison staff (including the Medical Officers, the Lady Superintendent, the wardens, and so on).[[30]](#endnote-30) For spitting in an officer’s face, attacking a fellow prisoner, and other offences, Julia was forced back into the canvas dress and the straitjacket at night.[[31]](#endnote-31) Six months later she was allowed to take the straitjacket off at nights, so long as two trusted female prisoners were in the cell with her at the time.[[32]](#endnote-32)

The straitjacket did not stop Julia resisting the prison authorities and she was accused of resisting a male officer whilst being restrained in the straitjacket, and also of insulting the Female Matron. However, on this occasion she was not punished. Instead, the Medical Officer referred Julia to the attention of the Prison Director as she was, in his opinion, medically unfit to be punished.[[33]](#endnote-33) There was further evidence of her mental anxiety in August 1878, when she was found to be trying to strangle herself with a piece of her cotton underwear. Indeed, she had tried to strangle herself several times that month. Again she was referred to the Director.[[34]](#endnote-34) It does not appear that any action was taken, for a few days later, Julia was found in her cell ‘lying on the ground with a piece of calico twisted tightly around her neck, there was also another piece passed through the perforated board at the end of her cell, both pieces were particles of her cotton dress – ordered to be restrained in jacket by the Medical Officer – who regarded it as ‘a feigned attempt in order to give trouble’.[[35]](#endnote-35) The Roman Catholic priest stationed at the prison confirmed this view. He stated that, ‘I am afraid that the prisoner is perfectly responsible for her actions and is simply wicked’.[[36]](#endnote-36) This exchange reflects the interplay between medical power, which was second only to the authority of the prison Director, and the power of the prison’s religious bodies. It also reflects the considerable tension between modernism (medical knowledge) and traditional moral authority (the Church). However, a compromise of sorts seems to have been arrived at, since, following more threats to kill wardens and further destruction of prison property, Julia was sent away from Fulham Prison. The removal document stated that she was removed to Millbank ‘for insubordinate conduct and suicidal tendencies’.[[37]](#endnote-37)

The Medical Officer at the Infirmary reported on the 28th of February 1879 that:

Soon after her arrival in Millbank Julia ‘broke out’ and it was only after effectual restraint in jacket and ankle straps that she was subdued. For many weeks past she has been more manageable, although it has been necessary to grant her some indulgence in her diet. She is passionate, wilful, and impatient, and she complained much of pain in the top of her head. Her mental and physical disorders are aggravated if not caused by derangement in her uterine functions.[[38]](#endnote-38)

Julia Hyland was moved to Woking Prison in May 1879, to be kept under further medical observation.[[39]](#endnote-39) Woking prison served as a public works prison for women but also held those under medical observation. By this time she had committed over thirty prison offences and lost nearly one and a half year’s remission. Her troubles had not ended. She was punished for yet another set of offences committed in her first months in Woking, and she continued to be treated for pains in her head and general debilities.[[40]](#endnote-40) For instance, she was punished for feigning a suicide attempt, and was yet again forced to wear the canvas dress.[[41]](#endnote-41) Further ‘feigned’ suicide attempts followed, and her health started to fail. She was treated for pleurodynia (painful breathing), and cephalalgia (pains in the head).[[42]](#endnote-42) Her requests to have the canvas dress removed were denied until August 1879 at which point she had been wearing it for three months.[[43]](#endnote-43)

None of the punishments that were imposed on her, or the restraints that she endured, stopped Julia from getting in trouble with the prison authorities, however. She suffered more bouts of solitary confinement and a diet of bread and water over several months, until 1880. Julia was then discharged from invalid class because the authorities had decided that although that Julia may be ‘excitable’, she was otherwise ‘sane’.[[44]](#endnote-44) She committed ten more offences in 1881, some of which were extremely minor. On the 19th of May 1881 she was brought up for having extra items of wet clothing hanging on a line in the kitchen yard. She was removed from kitchen duties for this ‘offence’. She also served another three days’ close confinement in her cell merely for singing at night.[[45]](#endnote-45)

Julia was removed to Woking where she was treated for bronchitis in the infirmary. Due to her aggression towards warders she was kept in a canvas dress during her treatment, which cannot have aided her recovery.[[46]](#endnote-46) Nevertheless, she seems to have regained some of her strength as, in April, she ‘rushed at the medical officer, stabbing him in the back of the neck, calling him disgusting names when he visited her cell’.[[47]](#endnote-47) The Medical Officer reported that ‘her general health is good but she is subject to occasional outbursts of violent temper during which she is dangerous. Her disposition is treacherous, so that in dealing with her it is well to be guarded.’[[48]](#endnote-48) Subsequently, she was ordered to serve the remainder of her sentence at Millbank in Penal Class. However, her time in prison was coming to an end – she was released on expiration of her licence on 7 July 1882 and she immediately headed back up north to be with her husband, her son Cornelius, and her sisters who all still lived in Manchester. Unfortunately for Julia, however, her reunion with her family at 56 Ridgeway Street lasted for only a few months.[[49]](#endnote-49)

Julia Hyland was remanded to Manchester City Prison on the 11th of December 1882, and convicted of the theft of a frying pan in February 1883. Sentenced to seven years penal servitude (again under the 1871 Prevention of Crimes Act), she found herself back in Millbank Prison.[[50]](#endnote-50) Having now spent a considerable part of the last ten to fifteen years in prison, she seems to have been settled in the first years of this new sentence. During the whole of this phase of her incarceration history, she did get involved in some fighting, and she also made some threats to the Lady Superintendent, but considering her previous turbulent history of repeated aggression, fighting, and violence, this was a considerable reduction in her prison ‘offending’. In 1887 Julia was allowed to go to the East End Refuge in London prior to her formal release, and she was finally released on a conditional licence in January 1887.[[51]](#endnote-51) She returned to Manchester with three years of her penal servitude ‘unserved’.

Julia’s life, so far as the official record is concerned, is a story of incarceration. We do not know much about her before she served her first prison sentence. Although she was first incarcerated at an early age, she had had time to grow into a teenager, have a baby, experience living in a poor area of town, work in a cotton mill, and so on, and all of that experience receives little attention in the prison records. We also lack detail on Julia’s life after she was released from prison. There is a death certificate for a Julia Hyland who died in Manchester in 1888, but this may or may not be the same woman.[[52]](#endnote-52) If it is, then that might explain her sudden desistance from offending; it would also be a very sad end for a troubled woman, who spent the majority of her short life in prison, and who only had a few months of freedom before dying in the place of her birth. We do not know where Julia was buried. We do not even know whether she was buried in a Catholic or Protestant burial ground. Julia had entered prison in 1875 registered as a Protestant, but applied to change her religious affiliation to Roman Catholic.[[53]](#endnote-53) Changes of affiliation were allowed, and in fact they were not uncommon, but they did require a good deal of bureaucratic investigation by prison authorities, as the following section explains.

IV

Prior to 1774, there was little if any provision for religious instruction, either Protestant or Catholic, in local prisons. It was not until the passing of an Act of Parliament in 1773 which entitled Appointment of Chaplains to County Gaols (13 Geo. III c.58) that any progress was made. Moreover, this Act was only permissive rather than obligatory, as it stated that ‘clergymen *may* (our emphasis) be provided to officiate in gaols’. The Act was amended during its passage through Parliament to also include Houses of Correction. However, as John Howard was to find as a result of his perambulations throughout the gaols of England, such provision was patchy at best. Bath Gaol, for example, did not appoint a Chaplain for another thirty years.[[54]](#endnote-54) The reason for this was fundamentally financial – such chaplains were to be paid for out of the County Rate. It was therefore not until 1823, with the passing of the Gaols Act (4 Geo IV c 64), that local gaols were created in every county (and many major towns), paid for out of the local taxes. As part of this cost, provision was made for regular prison visits by chaplains. Whilst the vast majority of these chaplains were Church of England, some provision was made for Roman Catholic prisoners and members of minority faiths with guidance published by the Home Office in 1840 which stated that:

Any prisoner of a religious persuasion differing from that of the established church may, on request to the governor and chaplain, be visited by a minister of his persuasion on Sundays, or any other days, at such reasonable hours as may not interfere with the good order of the prison; the name and address of such minister to be left in the governor’s office, and to be communicated by him to the chaplain.[[55]](#endnote-55)

In the 1878 Commissioners’ Report, it was made clear that each convict prison could only accept convicts of one particular religion (presumably for two main reasons: to reduce possible religious tensions between convicts, and to save money and trouble by only employing one chaplain of a particular faith). Millbank Prison was designated as a Roman Catholic prison, whilst Pentonville only accepted Protestant convicts.[[56]](#endnote-56) In his evidence to the Commissioners, convict Henry Harcourt (who was born in Constantinople and raised as a Muslim) stated that his faith was not recognised by either prison, and that he had been forced to attend Roman Catholic services and was subsequently very badly treated when he resisted.[[57]](#endnote-57) Convicts were well aware of the semi-official position of such prisons, and at least one convict, George Boreham, who was serving five years’ penal servitude, tried to change prisons on numerous occasions, and admitted that ‘his object in making application [to change his religion] is to change prisons.[[58]](#endnote-58)

Julia Hyland entered Millbank Prison as a prisoner who wished to convert to the Catholic faith in 1883. Indeed, she wished to convert back to Catholicism, as she had been brought up in that faith.[[59]](#endnote-59) Julia was not alone in changing her declared religion whilst in prison. Many other convicts, both male and female, made similar requests throughout their incarceration. Their reasons were varied. Some applied to change religion following a misguided attempt to deceive, such as Patrick Madden, serving ten years’ penal servitude from 1879 as the result of being found guilty of assault and robbery with violence at Wakefield Sessions. He applied to change from being a member of the Church of England to become a Roman Catholic in 1880 – but not through any religious conviction. Rather, on his prison record it states that ‘he entered his religion as C. of E. to avoid being recognised as a former convict.’[[60]](#endnote-60) The Governor of Wakefield Prison wrote to the Chaplain of the convict prison stating that ‘Madden has often been committed in his prison, always as a Catholic’.[[61]](#endnote-61) Similarly, William Willcock, serving seven years in Millbank, requested to change religion from Roman Catholic to Protestant on 10 March 1883 – he stated that his father, who is now dead, was a Protestant, and that he (the prisoner) was previously convicted under another name and religion, as he did not want his relations to know that he had been convicted (his real name was Walter Harvey). Following a written request from prison to his wife, requesting her to state his religion, she plaintively replied that he was baptised as Church of England and wanted to know why he had ‘not written for a considerable time?’[[62]](#endnote-62)

Others, such as Mary Pearson, sentenced to seven years’ penal servitude for larceny at Stafford Sessions in April 1880, applied in order to secure what they perceived to be better conditions. She petitioned twice in May 1880 to be recorded as a Protestant because, as she stated, ‘four out of six other RCs do the same [i.e. change religion], as Protestants walk to their chapel every morning’.[[63]](#endnote-63) Roman Catholics only received three visits during the week from a priest and two visits on a Sunday – just a simple opportunity to get out of her prison cell on a more regular basis was the catalyst for Mary’s ‘conversion’. Rather unusually, her request was granted. Normally, such a trivial and spurious reason would have been cause for denial.

Maud Percival, confined in Millbank Prison for a second time in 1880, also requested a change in religion from Catholicism to Protestantism, but once again not from any deep-seated religious conviction. The prison chaplain, Reverend Zanetti, stated in her prison file that:

There is no doubt that this woman is a Roman Catholic and of Catholic parents – she was before in Millbank under the name of Elizabeth Robinson. I remember her well. […] She said (like so many Catholics) that she was a Protestant, “not to lose her privileges” i.e. principally not to be shut up in their cells when Protestants go daily to service.’[[64]](#endnote-64)

Similarly, Lucy Brent in 1883 requested to change her religion from Protestant to Roman Catholic, stating:

I am really a Roman Catholic. I am very unhappy having denied my religion and I was given to understand the Catholics was badly treated, another reason was I wished to go to Nine Elms Laundry at the expiration of my sentence. I’m very sorry to give this trouble.[[65]](#endnote-65)

This is not to imply that conversions were never the result of serious and genuine doubts about their professed faith. Lydia Lloyd, serving seven years for larceny in Oxford, requested to convert from Protestantism to Roman Catholicism in 1875. The prison chaplain stated that ‘prisoner was baptised and confirmed as a R.C. at Stafford but was persuaded to declare herself Protestant, regrets it and desires to return to the church in which she was brought up’.[[66]](#endnote-66) Similarly, Ann Carney, a sixty-four-year-old serving seven years in Millbank for a larceny conviction in 1881, requested to change her religion, as she did not enjoy good health and feared that her life was ending. On the 25th of August 1881, she petitioned to change her religion and her prison file noted that she ‘was brought up R.C. and all relatives R.C.’.[[67]](#endnote-67) The Roman Catholic chaplain, Reverend Zanetti, reported that she signed up as Protestant in Stafford prison because they got more times out of cell than Roman Catholics. She ‘did not care much about religion then, but is feeling old now, and fears much to be out of her religion’.[[68]](#endnote-68) He supported her case and the change was granted nearly a month after her application had been submitted. Despite her morbid fears, Ann did not die until ten years later at the age of seventy-four.

With the development of convict prisons following the long and drawn-out ending of transportation from the 1840s onward, a somewhat proscriptive system evolved to deal with convicts’ requests to change their religion. The convict first had to petition the governor of the respective prison for a requested change in his or her religion, and the governor had the final say in the matter. For instance, the aforementioned Lydia Lloyd’s attempts to change her religion from Roman Catholic to Protestant were dismissed by the governor of Woking Prison:

There is no evidence as to the prisoner’s religion beyond her own statement; under her former sentence she declared herself a protestant on reception and subsequently be allowed to be treated as Roman Catholic. Under her present sentence she declared herself Roman Catholic on reception, I can make no other further changes that she seeks.[[69]](#endnote-69)

In 1878 Edmund Du Cane (Chairman of the Prison Commission) stated how the system worked:

A prisoner when he comes into a convict prison states what his religion is; if after that he wished to alter that statement, he has to go through a certain process; he first of all records his name to be allowed to change his religion, and nothing is done upon that for a month; at the end of the month the chaplain of the religion to which he belongs is asked to report his opinion upon the point, and the chaplain of the religion to which the man wishes to change is asked to report his opinion. It then goes before the director [governor], who decides what shall be done. […] We send out to find from the convict’s friends what religion he has been brought up in, and if he is recorded as of a different religion, he is allowed to go back to the religion in which his friends say that he has been brought up. If, on the other hand, he is already recorded as of the religion in which he was brought up, and wishes to change to another, we do not allow it.[[70]](#endnote-70)

A few of the friends’ or relatives’ replies are preserved on record. A letter was written to twenty-one year-old John James Giblin’s parents in January 1882 for instance, asking what religion he was brought up in. The parents replied that he was brought up a Roman Catholic, but also added ‘but we think he is old enough to enjoy his own opinion’.[[71]](#endnote-71) Annie Price, serving twelve years’ penal servitude for manslaughter, requested to change from being recorded as a Protestant to a Roman Catholic in 1883. A letter requesting the religion of convict was sent to her friend, Mrs Mahar of Bradford, whose husband replied:

Sir Anne Lane is a Roman Catholic and a native of the citty of Cork. Dear anne we are all on good helth and I hope you enjoy the same and I hope you will come home when you are free. I remain yours James Mahar, Roman Catholic, Bradford.[[72]](#endnote-72)

Remarks from the visiting Catholic priest stated that he had no doubt that Annie was a Roman Catholic, and that she had Roman Catholic parents. He further remarked that she was formerly under his care at Millbank and that she told him she had transferred to the Protestant faith in order to get away from the Roman Catholic priest and act as she liked. ‘But she now really wishes to be better and to follow her own religion and she feels herself very unhappy […] I believe the prisoner to be sincere’.[[73]](#endnote-73)

We do not know whether Julia’s request to change her religion, and the subsequent granting of her request by the prison authorities, made her any happier. Her request could be taken to be a sign of her mental instability, although she was not unusual in wanting to make a change. More than one in ten (11.3%) prisoners applied to change religion.[[74]](#endnote-74) Of those approximately eight out of ten (81%) were granted.[[75]](#endnote-75) There was clearly a multiplicity of reasons behind convicts’ requests to change their recorded religion, ranging from genuine doubt or conversion, through to blatant attempts to achieve another objective. Whatever the reasons, as in Julia Hyland’s case, many were successful. It would be heartening to think that Julia derived some pleasure and comfort from her change of religion.

V

Historical research has been greatly enhanced and expanded in recent years as more and more archival documents have been digitised. Reconstructing past lives has flourished into an earnest academic enterprise as a result. Such reconstructions provide a window through which we can begin to understand the past. Even the smallest of glimpses through this window can collectively provide understandings of the workings and effects of a past criminal justice system. Micro-histories, such as the featured micro-history of the criminal career of Julia Hyland, provide those glimpses and demonstrate the rich historical material that is available on people caught up in the criminal justice system of the past.

Through reconstructing Julia’s criminal career we can begin to piece together some of her experiences and see them with fresh eyes. Julia appears to have been reasonably typical of the female convicts in the latter half of the nineteenth century. She had an early entry into criminality with six minor summary convictions mainly for drunkenness and stealing before her appearance at the Quarter Sessions. The reliance on official sources for data means that there are certain details that have the appearance of being indisputable. For example, we are told that she was born in Wigan in 1845 and she was first imprisoned in 1868 for fourteen days for being ‘drunk and riotous’ aged fourteen with one child. We can also rely on the record that shows that she was sentenced to penal servitude for seven years in 1875 by Manchester Quarter Sessions for larceny of an oilcloth. These are more reliable pieces of information that we can gain. Other elements of Julia’s micro-history are less certain.

Although she was repeatedly in trouble during her first sentence of penal servitude, as documented in the licence document, we have to apply an historian’s gaze and ‘interpret’ her behaviour. We can interpret Julia’s behaviour in one of two ways. We can see the repeated suicide attempts, regular infirmary stays for ‘debility’, repeatedly ‘destroying her clothing’ and ‘prison property’, the ‘pains in her head’ and ‘derangement of her uterine functions’, and the ‘occasional outbursts of violent temper during which she is dangerous’ as displays of mental instability and possible psychotic tendencies. But we are not doctors and cannot therefore judge for certain that this behaviour is evidence of psychiatric problems. Alternatively, we can see Julia’s behaviour as a desperate and exaggerated reaction to a rigid and harsh environment. It is interesting to note that Julia was much more amenable to prison life when sentenced for a second time to seven years’ penal servitude, and was judged suitable for the care of the Catholic Sisters in charge of the East End Refuge. This was, one of a few refuges that took women released from penal servitude on conditional licence, usually for up to nine months. Such refuges would not have tolerated the behaviour Julia displayed whilst incarcerated in Millbank, Fulham and Woking prisons during her first sentence: they would simply have returned her to the prison. Nor would it have accepted a woman displaying signs of mental illness.

What we cannot determine, however, are the actions of prison officers that Julia might have been reacting to. Although Julia’s behaviour and official judgements of that behaviour were intricately recorded, as could be expected, the words and actions that might have provoked her behaviour were not. Thus, the interpretation historians might make has to be careful not to see Julia’s behaviour as unprovoked or triggered by the actions of others. Conversely, they must be careful not to imagine or attribute words or actions that cannot be verified or should not be assumed, or at least only do so with caution. Historians do have to make links between events, this is part of the historian’s craft and without doing so history would just be a sequence of events. But in making the connections, correlations rather than causal links need to be suggested. This is especially important as Julia is not even privy to the history we have constructed for her, let alone able correct us in any errors or misunderstandings that may have been made. Nor is Julia able to give or withhold consent for the dissemination of her history. She may, however, be particularly pleased that, as an ‘invisible’ subject who probably would never have thought of recording her life, her experiences have been brought to life and given a voice. Nevertheless, historians do have to be mindful of the ethics of their craft.

There is no doubt that micro-histories aid in understanding the past. They give us a unique, detailed insight into past lives as lived and, along with a macro-history, can provide a fuller, richer understanding of the past. The mass of data and the speed at which it can be collected through digitisation can overwhelm the researcher, and concentrating on individual lives or experiences can bring some order to the research process. Although this micro-history is just one of many created during a larger research project, through trying to understand the criminal career of Julia Hyland, we have been able to consider the individual experiences of a convict’s time during penal servitude. In so doing, we have been able to consider some broader questions regarding convicts and the convict system – such as whether the system helped or hindered those caught up in it, and what the cost, for example in terms of health and family may have been to the individual offender. Whether we suggest Julia was helped or hindered, it is clear that she did not find her time in prison easy and she suffered the consequences of that difficulty.

In creating the micro-history of Julia Hyland, though, we might not be able to give a conclusive answer to the question – was she ‘simply wicked’ or was she a victim of the convict system? However, we can suggest that Julia’s violent conduct whilst in the convict system only appeared once committed to a convict prison, and even then, mainly during her first sentence of penal servitude. Prior to that, Julia had displayed no violent tendencies in her previous offending and none had been suggested during her previous prison committals (although we cannot know for sure whether none took place as we do not have access to those records). It was during her first sentence of penal servitude that Julia displayed the conduct that prison officers, prison doctors, and prison chaplains all perceived to be ‘wicked’ behaviour. Given that it is difficult even with contemporary research to ‘know’ what people are thinking, this then is surely the importance of micro-history – that it can tell us about perceptions, especially the perceptions of those who had contact on a daily basis with those incarcerated. This information is crucial to our understanding of past events. It allows us to look at the detail and debate, with the benefit of hindsight, how those perceptions had been formed, how those perceptions affected those on the receiving end of the sanctions imposed because of them, and what this means for our understanding of the past.

Julia Hyland’s life was one mainly spent in prison, and our knowledge of how she lived is dependent on official sources. We do not know anything about her life after incarceration because there are few sources that would capture any detail of her life back in Manchester; even the date of her death is vague. The official source we have, the prison licence, is invaluable and is immensely detailed. However, we have to remember that these records are partial, and do not capture the records of every convict passing through the system. We would not know very much about Julia’s first period in prison, or her second, or indeed much about her life at all, if she had not been licenced at the end of her second period of penal servitude. She served the full period of her sentence for the first period of penal servitude, and therefore no licence record was created. If she had not been reconvicted, sentenced to penal servitude, and been released on conditional licence, we would not know anything about the poor and disrupted life of Julia Hyland.

1. The National Archives (hereafter TNA) Prison Commission Records, Female Licenses (hereafter PCOM) 4/71/9. All subsequent details of Julia’s prison records are taken from this source. The authors would also like to thank Dr David Cox (University of Wolverhampton) for his assistance with this research. [↑](#endnote-ref-1)
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8. B. Godfrey, D.J. Cox and S. Farrall (2007) *Criminal Lives: Family, Employment and Offending* (Oxford: Oxford University Press) and B. Godfrey, D.J. Cox and S. Farrall (2010) *Serious Offenders* (Oxford: Oxford University Press). [↑](#endnote-ref-8)
9. Home Office, Criminal Registers, HO26 and HO27, (hereafter HO Criminal Registers), 1805-1892. [↑](#endnote-ref-9)
10. HO Criminal Registers, 1805-1892. [↑](#endnote-ref-10)
11. HO Criminal Registers, 1805-1892. [↑](#endnote-ref-11)
12. Manchester Prison Records, 1872. [↑](#endnote-ref-12)
13. Manchester Prison Records, 1872 [↑](#endnote-ref-13)
14. Manchester Prison Records, 1872. [↑](#endnote-ref-14)
15. HO Criminal Registers, 1805-1892. [↑](#endnote-ref-15)
16. *Edinburgh Evening News*, 4th July 1874. [↑](#endnote-ref-16)
17. *Edinburgh Evening News*, 4th July 1874. [↑](#endnote-ref-17)
18. TNA, PCOM 4/71/9. [↑](#endnote-ref-18)
19. TNA, PCOM 4/71/9. [↑](#endnote-ref-19)
20. TNA, PCOM 4/71/9. [↑](#endnote-ref-20)
21. TNA, PCOM 4/71/9. [↑](#endnote-ref-21)
22. TNA, PCOM 4/71/9. [↑](#endnote-ref-22)
23. TNA, PCOM 4/71/9. [↑](#endnote-ref-23)
24. TNA, PCOM 4/71/9. [↑](#endnote-ref-24)
25. TNA, PCOM 4/71/9. [↑](#endnote-ref-25)
26. TNA, PCOM 4/71/9. [↑](#endnote-ref-26)
27. TNA, PCOM 4/71/9. [↑](#endnote-ref-27)
28. TNA, PCOM 4/71/9. [↑](#endnote-ref-28)
29. TNA, PCOM 4/71/9. [↑](#endnote-ref-29)
30. TNA, PCOM 4/71/9. [↑](#endnote-ref-30)
31. TNA, PCOM 4/71/9. [↑](#endnote-ref-31)
32. TNA, PCOM 4/71/9. [↑](#endnote-ref-32)
33. TNA, PCOM 4/71/9. [↑](#endnote-ref-33)
34. TNA, PCOM 4/71/9. [↑](#endnote-ref-34)
35. TNA, PCOM 4/71/9. [↑](#endnote-ref-35)
36. TNA, PCOM 4/71/9. [↑](#endnote-ref-36)
37. TNA, PCOM 4/71/9. [↑](#endnote-ref-37)
38. TNA, PCOM 4/71/9. [↑](#endnote-ref-38)
39. TNA, PCOM 4/71/9. [↑](#endnote-ref-39)
40. TNA, PCOM 4/71/9. [↑](#endnote-ref-40)
41. TNA, PCOM 4/71/9. [↑](#endnote-ref-41)
42. TNA, PCOM 4/71/9. [↑](#endnote-ref-42)
43. TNA, PCOM 4/71/9. [↑](#endnote-ref-43)
44. TNA, PCOM 4/71/9. [↑](#endnote-ref-44)
45. TNA, PCOM 4/71/9. [↑](#endnote-ref-45)
46. TNA, PCOM 4/71/9. [↑](#endnote-ref-46)
47. TNA, PCOM 4/71/9. [↑](#endnote-ref-47)
48. TNA, PCOM 4/71/9. [↑](#endnote-ref-48)
49. TNA, PCOM 4/71/9. [↑](#endnote-ref-49)
50. TNA, PCOM 4/71/9. [↑](#endnote-ref-50)
51. TNA, PCOM 4/71/9. [↑](#endnote-ref-51)
52. TNA, PCOM 4/71/9. [↑](#endnote-ref-52)
53. TNA, PCOM 4/71/9. [↑](#endnote-ref-53)
54. C. Noble (2002) ‘The New Gaol in Bathwick, 1172-1842’, *Bath History*, Vol. IX, pp. 64-86 at p. 77. [↑](#endnote-ref-54)
55. Regulation 229, *Home Office Regulations for Prisons in England and Wales* (London: Shaw & Sons, 1840), p. 37. [↑](#endnote-ref-55)
56. 1878-79 [C.2368] [C.2368-I] [C.2368-II] Penal Servitude Acts Commission. *Report of the commissioners appointed to inquire into the working of the penal servitude acts*. *Vol. I. -Commissions and report*, pp. 335-38. [↑](#endnote-ref-56)
57. 1878-79 [C.2368] [C.2368-I] [C.2368-II] Penal Servitude Acts Commission. *Report of the commissioners appointed to inquire into the working of the penal servitude acts*. *Vol. I. -Commissions and report*, pp. 335-38. [↑](#endnote-ref-57)
58. TNA, PCOM 3/769/31. [↑](#endnote-ref-58)
59. TNA, PCOM 4/71/9. [↑](#endnote-ref-59)
60. TNA, PCOM 3/770/10. [↑](#endnote-ref-60)
61. TNA, PCOM 3/770/10. [↑](#endnote-ref-61)
62. TNA, PCOM 3/762/207. [↑](#endnote-ref-62)
63. TNA, PCOM 4/71/17. [↑](#endnote-ref-63)
64. TNA, PCOM 4/69/13. [↑](#endnote-ref-64)
65. TNA, PCOM 4/69/19. The Nine Elms Laundry was founded in the 1860s by the Discharged Female Prisoners’ Aid Society, a largely Protestant organisation, in order to provide a home and paid work for female prisoners upon their release from convict prison. [↑](#endnote-ref-65)
66. TNA, PCOM 4/71/5. [↑](#endnote-ref-66)
67. TNA, PCOM 4/66/5. [↑](#endnote-ref-67)
68. TNA, PCOM 4/66/5. [↑](#endnote-ref-68)
69. TNA, PCOM 4/71/5. [↑](#endnote-ref-69)
70. 1878-79 [C.2368] [C.2368-I] [C.2368-II] *Penal Servitude Acts Commission. Report of the commissioners appointed to inquire into the working of the penal servitude acts. Vol. I. -Commissions and report,* p. 54. [↑](#endnote-ref-70)
71. TNA, PCOM 3/764/146. [↑](#endnote-ref-71)
72. TNA, PCOM 4/70/2. [↑](#endnote-ref-72)
73. TNA, PCOM 4/70/2. [↑](#endnote-ref-73)
74. H. Johnston and B. Godfrey (2013) *The Costs of Imprisonment: A Longitudinal Study, ESRC End of Award Report, RES-062-23-3102,* Swindon: ESRC.. [↑](#endnote-ref-74)
75. H. Johnston and B. Godfrey (2013) *The Costs of Imprisonment: A Longitudinal Study, ESRC End of Award Report, RES-062-23-3102,* Swindon: ESRC. [↑](#endnote-ref-75)