

ICKENHAM HOUSEBREAKER TRANSPORTED FOR THEFT OF FOOD

by Celia Cartwright

On the 20 March 1821 at Uxbridge Magistrates Court, Richard Jackson a labourer aged 53 was committed for trial for 'burglariously breaking and entering' the home of George Lawrence of 'Hicknam'. Jackson was ordered to be held in custody. Jackson, born in Reading, was 5ft 1in tall and 'slim made', with a dark complexion, dark hair and grey eyes.ⁱ The magistrate was Thomas Truesdale Clarke (1774–15 July 1840) who lived at Swakeleys and owned a large amount of land in Ickenham and Ruislip.

Less than a month later on the 11 April in the Old Bailey, Jackson was brought from Newgate Gaol and tried before Lord Chief Justice Abbott and found guilty of stealing '2lbs weight of suet, value 6d; 1lb Dripping, value 4d, and one tin pan value 1s,' the property of George Lawrence. The chief witness in the case was John Lawrence, son of George who caught Jackson in the pantry.

John Lawrence told the Court – "I secured him but found nothing on him - he had got in through the iron bars of the pantry window. A pane of glass was taken out of the window near the handle. He could then reach and open the window. The bars were wide enough apart to let a person of his size through. When the constable took him, I went outside and found the fat and suet under his great coat; I suppose he must have reached them out before he got in. I found a hat and coat under the pantry window and under them a tin pan with the dripping and 2 lbs. of suet. He had no hat on when I found him. He claimed the hat and coat; there was an iron wrench on the suet."ⁱⁱ

John Lawrence appears in the 1851 and 1861 censuses. In the former he is living in Marsh Lane, now Austins Lane, with Hannah his wife and his granddaughter. His age is given as 57 which would have made him 27 at the time of the burglary. In St Giles' Church

Ickenham Burial registers there are entries for 'George Lawrence buried on 26 April 1824 age 64' and 'John buried 12 April 1863 age 70.' It is possible that these were the people involved in the case. Perhaps we could even speculate that this was the same John Lawrence who was burgled by George Willden in 1832 (see *Another Local Convict from Ickenham*: S. Toms).

In 1821 burglary was a capital offence and Jackson was sentenced to death. However prisoners who were convicted at the Old Bailey of capital offences had their sentences reviewed at the next meeting of the King in Council where the report on the case was considered. On Jackson's petition was written the phrase 'considered at the Report in Council 30 June 1821'.ⁱⁱⁱ Fig. 1

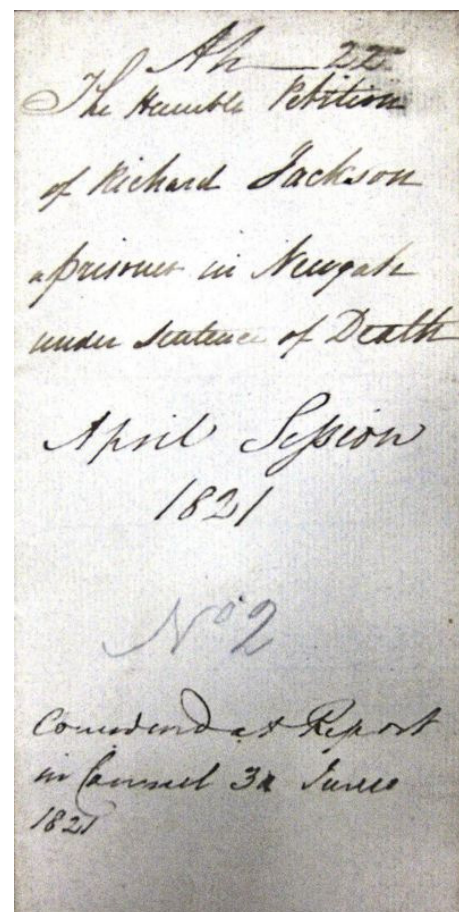


Fig. 1

The procedure for considering petitions was as follows: the Recorder of London prepared a report and discussed it with the Home Secretary and senior members of the Judiciary before the meeting. Only the most serious cases were discussed, the majority being 'ticked off' for commutation. The Council consisted of the King (George IV), government ministers and senior judges. Other members might have included the Archbishop of Canterbury, Cabinet members, the Lord Chamberlain and the Lord Steward, – and even members of the Royal Household, such as the master of the horse, or the groom of the stole. They decided which of the prisoners were to suffer 'the full majesty of the law.' In the 1820s, on average, 20 cases were considered at each Council meeting of which three or four prisoners were condemned to hang. During the course of 1821, 29 people were hanged.^{iv}

Until the establishment of the Court of Criminal Appeal in 1907, convicted prisoners had no statutory right of appeal; their only hope for relief from either conviction or sentence was to petition the Crown for mercy. Petitions were submitted through the Home Secretary. The National Archives at Kew contain many thousands of such petitions and these are a valuable source for historians, genealogists etc.

Submitting a Petition would have been expensive, especially for someone such as Jackson who probably could not read or write. It follows that he must have had help from local supporters. It cost about 7 shillings to draw up a petition and £2 to get the petition presented to the Home Secretary. The average earnings of an agricultural labourer in the 1820s were about 9 shillings per week and as the business was usually transacted in a pub, a round of drinks was also called for, adding to the expense!

Petitions were generally drafted in deferential terms: such as 'The humble petition of Richard Jackson prisoner in Newgate', 'humbly sheweth' and 'Your petitioner most humbly prays for the humane intercession of your Lordship'.^v After a brief outline of the indictment, Jackson admits

the 'justice of his conviction' and gives as the excuse for his action 'the want of employment and the common necessities of life.'

If the Council considered the grounds for clemency were sufficient for mercy to be extended, the sentence was usually commuted and most death sentences were indeed respited. In Jackson's case his sentence was commuted to transportation for life – by no means a lenient punishment.

Jackson was moved from Newgate to the prison hulk *Bellerophon* moored at Sheerness on the 7 August 1821 to await transportation.

We can then follow his journey and subsequent career in the Archives of Tasmania.^{vi} He sailed on the *Richmond* which departed from the Downs off the North Kent coast on the 6 December 1821 and arrived in Van Diemen's Land now called Tasmania on the 30 April 1822.

Here he would have been assigned to a master, in this case Dr Ross who then became responsible for him. He probably worked as a labourer. This almost certainly was the Dr James Ross who was the controversial Editor of the *Hobart Town Gazette*. A news item in the *Colonial Times and Tasmanian Advertiser* of the 21 July 1826 states that Ross's house caught fire and he lost all his property.

Jackson's convict record indicates that he behaved himself for about four years but in February 1826 he was punished for improper conduct namely 'allowing a man to sleep with his master's female servant *without telling his master*' (my italics). For this misdemeanour he was sentenced to 'PB second class'. This meant he was sent to the Prisoners' Barracks as a second class pass holder. He would have been employed on public works, slept in the barracks and been able to work for himself only the whole of Saturday.

In November perhaps as a result of the fire at Dr Ross's house, Jackson was assigned to a C. Thompson, where he is accused of 'scandalous and improper conduct.'

His punishment this time was a recommendation that he should be placed in the penitentiary. We are not given details of the crime. On several occasions during the years 1833 - 34 he was admonished for being absent from the muster and from church as well as 'appearing in a dirty state.'

The last entry 15 years after committing the burglary in Ickenham indicates he was granted a conditional pardon on the 21 November 1836. This would have allowed him freedom within the Colony of Tasmania. Only an absolute pardon would have allowed him to return home. By now aged 68 it seems unlikely that he would even have wished to return to England.

Readers will inevitably have been struck by the draconian punishment ordered by the court, and the oppressive treatment of Jackson as a convicted offender, as indeed it was. Such a harsh response to a comparatively minor offence reflects the fact that the ruling classes of the day had gained their power through ownership of property, and as a result crimes involving possessions, no matter how trivial, tended to be punished even more harshly than crimes against the person - and so it was to remain throughout the early decades of the nineteenth century.

Sources

ⁱ PCOM2/195

ⁱⁱ The Proceedings of the Old Bailey t18210411-18

ⁱⁱⁱ HO6/6

ⁱⁱⁱ Due to the large number of capital offences (over 200 by 1820), it had become the custom by the middle of the eighteenth century that judges sitting outside London could, where they found 'favourable circumstances', recommend commutation of the death sentence to a lesser punishment. This convention was put on a statutory footing by Robert Peel, Home Secretary, in 1823 when he introduced the Judgement of Death Act. The position in London for cases heard at the Old Bailey was different. Here all capital cases except murder were considered at the end of each 'sessions' by the King in Council.

^{iv} V A C Gattrell: The Hanging Tree, OUP 1994

^v HO17/2/Ah 22

^{vi} TAHO: Con 31/1/23 p 82