



The  
University  
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Sheffield.

**An Ancestor in Crime**

**Digitisation and the Discovery of Family Deviance**

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## **Abstract**

This study examines the literature relating to grassroots interactions with the raw material of history, archival records. Family history is the primary method through which the public engage with the past. With the advent of digitisation, the public are more easily able to engage with complex sources. One of these source types are the records of the historical criminal justice system. Through digitisation, records never intended for public consumption are available at the click of a button and bring to light unlooked-for knowledge dealing with ancestors' criminality.

This work explores how family historians accommodate criminal ancestors in their family narrative and identity. The present work examines if genealogical enquiries are narrowly focused or lead amateur historians to further historical research. This work also reveals whether their personal connection facilitates empathy or clouds their judgment of historical events. The work looks at the acquisition and transmission of historical knowledge by family historians.

With evidence derived from over 500 survey responses, 25 interviews, and an analysis of published narratives and social media engagement, this thesis explores the impact of the discovery of a criminal ancestor has on a family and asks whether the discovery of a deviant ancestor can lead to a transformative learning moment.

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## Introduction

Nuanced critiques of the role that family history plays in the public's engagement with the past enrich our understanding of public, grassroots history practices. The present work adds to the literature by exploring the impact of the digitisation of archival records and digital platforms on the public's independent engagement with the past through the hobby of genealogy.

This thesis resides in a branch of public history that looks at the creation of historical knowledge by the public. This phenomenon is described in some literature as grassroots or bottom-up history.<sup>1</sup>

The present study looks to genealogists as a sub-set of the general population who are actively engaging in historical practices outside of academia and largely free of the influence of experts.

This research was inspired by the author's direct experiences working with genealogists, discussed in more detail below. It also answers the call made, by Professor Jerome de Groot of The University of Manchester, for public historians to examine the genealogy community and their role in the democratisation of history.<sup>2</sup> More specifically to approach that investigation through an examination of 'the most influential element of contemporary genealogy: online and web-based investigations'.<sup>3</sup>

Discovering the meaning the public derive from history and how they use historical knowledge in their everyday lives has been of long-standing interest to public historians, particularly those working in the Galleries, Libraries, Archives and Museums sector (GLAM). However, studies in public engagement recognise that family history, rather than museums or built heritage, is the dominant way the public engage with the past. Emma Waterton, one of the contributors to *Fields*,

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<sup>1</sup> Faye Sayer, *Public History: A Practical Guide* (London, 2015).

<sup>2</sup> Jerome de Groot, International Federation for Public History Plenary Address: On Genealogy, *The Public Historian* 37.3 (2015), pp. 102-127.

<sup>3</sup> *Ibid.*, p. 102.

*Capitals, Habitus: Australian Culture, Inequalities and Social Divisions*,<sup>4</sup> published in 2020, wrote that when it comes to learning about the past, ‘family history... is liked more than any other heritage genre’.<sup>5</sup> This finding repeated and supported that made by Roy Rosenzweig and David Thelen, in the United States, in their 1998 work *The Presence of the Past: Popular Uses of History in American Life*.<sup>6</sup> Their work demonstrated that the public engage with the past predominantly through the lens of family. Therefore, family historians are not a niche population, whose engagement with the hobby makes them less representative of the public at large. Rather, family history is how the public prefer to engage with the past. Certainly, some engage more deeply with the pastime; however, by looking first to genealogists, we can begin to gain a better understanding of how a large cohort of the general populace comes into contact with, engages, transmits and uses historical knowledge.

In recent years the digitisation of archival materials, and their subsequent publication on the World Wide Web (hereafter the web), has been recognised as changing how the public interact with history.<sup>7</sup> Despite the evidence for long-term grassroots utilisation of computers and the web to engage with history, digital public history is still an emerging field of research. As yet there are no monographs on the subject; one expected in early 2017 was deferred to 2021, and to date remains unpublished.<sup>8</sup> The currently limited scholarship draws from the field of public history. It primarily focuses on the use of digital tools by experts to communicate to the public, rather than looking at the public’s independent use of digital tools to engage with history. The impact of digitisation on the transmission of historical knowledge goes much broader than the potential for increased access

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<sup>4</sup> Greg Noble, Michelle Kelly, Modesto Gayo, David Carter and Tony Bennett (eds), *Fields, Capitals, Habitus: Australian Culture, Inequalities and Social Divisions*, (Abingdon, 2020).

<sup>5</sup> Emma Waterton, ‘When it comes to heritage, family history trumps museums’, *The Conversation* (October 2020) <https://theconversation.com/when-it-comes-to-heritage-family-history-trumps-museums-144507> [accessed 18 October 2020].

<sup>6</sup> Roy Rosenzweig and David Thelen, *The Presence of the Past: Popular Uses of History in American Life* (New York, 1998).

<sup>7</sup> Serge Noiret, ‘Public History and the Media’ 31 January 2015, International Federation for Public History <https://ifph.hypotheses.org/352> [accessed 15 February 2020].

<sup>8</sup> Serge Noiret and Mark Tebeau (eds), *Handbook Digital Public History* (Berlin, expected 2021).



or reaching new audiences. The internet, particularly social media platforms, provides new ways for the public to engage with, and disseminate their historical knowledge. It has facilitated and made more visible the vibrancy and pervasiveness of grassroots engagement with the past. Public historians are still exploring the significance and impact of the changes wrought by digitisation. This thesis adds to that exploration by examining the impact of the digitisation of archival materials on public understandings of history.

Genealogists are particularly suited to a study which combines engagement with history and the use of computers, digital media, and social networks. Genealogists have used computers since the 1970s and connected networks since 1982 as part of their hobby. Tanya Evans noted that academics in the field of public history had yet to learn ‘about those who conduct research [online] using only their computers to do so’.<sup>9</sup> The phenomenon of genealogists’ use of the internet has been most closely examined by those working in information technology. Work in this field revealed family historians as early adopters and adapters of the web, far removed from the stereotype of grandmothers surrounded by gently decaying family mementoes. Kylie Veale’s unfinished PhD research in Australia looked specifically at genealogists’ use of the internet from the 1980s onward, emphasising their information sharing behaviours via newsgroups.<sup>10</sup> Her initial findings led her to conclude that ‘the internet can be seen as a logical step in the chain reaction of access and technological revolution within genealogy’.<sup>11</sup> Family historians, she suggested, were pioneers in the world of the internet, creating newsgroups as early as 1983, and computer databases later in the decade, which later transformed into web-based resources such as USGenWeb in the 1990s.<sup>12</sup> In 2010 the first family history conference which focused on the special relationship between technology and genealogy was held in Utah. Now named Rootstech, the annual, multi-

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<sup>9</sup> Tanya Evans, *Fractured Families: Life on the margins in colonial New South Wales* (Sydney, 2015), Epilogue np.

<sup>10</sup> Kylie Veale, ‘Discussing Our Family Trees: A Longitudinal Analysis of Online, Community-Based Communication in Genealogical Newsgroups’, *Interface: The Journal of Education, Community and Values* 4.4 (2004), pp. 1-23.

<sup>11</sup> Kylie H. Veale, ‘A Doctoral Study of the Use of the Internet for Genealogy’, *Historia Actual Online* 7 (2004), p. 7-14.

<sup>12</sup> The USGenWeb Project, <http://usgenweb.org> [accessed 08/10/2015].

day, event showcases websites, apps and other technological aids to family history, as well as being a forum for more traditional genealogical sources.<sup>13</sup> The present study examines the role of digitised archival material, made available on the web by academic, private and commercial websites, in facilitating historical research by the wider public. The study is well-timed as the use of digitised resources has moved from early adopters to a broader user base.

In her work on the disruptive power of family history, Evans also sought to ‘question assumptions about the supposed conservatism of family history’.<sup>14</sup> It is that assumption that the present work, which directly tackles difficult heritage, seeks to investigate. To illuminate how the public engages with potentially confronting and unpleasant histories, in particular, this study focuses on genealogists’ discoveries of ancestors in the records of the criminal justice system. As criminals, or individuals who deviated from the rule of law, these ancestors disrupt comfortable engagement with the past. The present work examines how the public gain knowledge of these historical actors, and how they assimilate and disseminate that knowledge within their family group, and to a wider audience. By examining the responses of family historians to the discovery of criminal ancestors, this research explores whether or not the public cleave to nostalgic ideas of the past. It asks if these amateur historians mould and manipulate uncomfortable facts to make them more palatable, or if they are simply at ease with difficult heritage. This analysis will show whether family historians ‘come to terms’ with law-breaking ancestors through in-depth engagement with the history of the criminal justice system, or if they assimilate them easily, perhaps non-critically, and without conscious effort.

This work explores the shift David Lowenthal, author of influential works on the heritage industry, perceived in family history research, which he says took place in the 1980s. Lowenthal recognised

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<sup>13</sup> RootsTech, <https://www.rootstech.org/?lang=eng> [accessed 18 December 2020].

<sup>14</sup> Evans, *Fractured Families*, Epilogue np.

that rather than searching for the good and the great, the public sought out ‘humble origins’.<sup>15</sup> Lowenthal described lowly ancestors as ‘the new chic’ and made explicit that this shift included the search for law-breaking ancestors: ‘No longer content with “simple, honest, law-abiding” forbearers, many roots-seekers now relish ancestral rogues’.<sup>16</sup> Other historians have observed genealogists’ willingness to engage with potentially difficult heritage. Australian historian Graeme Davison cited one genealogist who said: ‘our forbearers were not plaster saints; they were... human beings with as many vices and virtues as the rest of us’.<sup>17</sup> As a practice, family history may now safely be declared as being less concerned with proving desirable kinships and more about rescuing the forgotten.<sup>18</sup> Echoing Lowenthal, Davison agreed that, ‘since the 1970s family historians have shown remarkable willingness to drag the old skeletons of illegitimacy, divorce and drunkenness from the family cupboard’.<sup>19</sup> This thesis will not only echo Lowenthal’s inclusion of criminals and convicts but also push his timeline back by several decades.

The present research is an output of the Digital Panopticon project.<sup>20</sup> The project was funded by the Arts and Humanities Research Council under their Digital Transformations theme. The project was a collaboration between the University of Liverpool, The University of Sheffield, the University of Sussex, the University of Oxford and the University of Tasmania. The project utilised programmatic and manual nominal record linkage, across 50 datasets, to re-create the life course histories of individuals tried at the court of the Old Bailey. To achieve this the project aggregated data from pre-existing academic resources such as the Old Bailey Proceedings Online, London Lives and Founders and Survivors.<sup>21</sup> These were combined with resources generated by the project

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<sup>15</sup> David Lowenthal, *The Heritage Crusade and the Spoils of History* (1968; Cambridge, 1998), p. 16.

<sup>16</sup> Lowenthal, *The Past is a Foreign Country Revisited*, p. 84.

<sup>17</sup> Davison, ‘The Use and Abuse of Australian History’, p. 71.

<sup>18</sup> Dallen J. Timothy and Jeanne Kay Guelke (eds), *Geography and Genealogy: Locating Personal Pasts* (Aldershot, 2008), p. 5.

<sup>19</sup> Davison, ‘The Use and Abuse of Australian History’, p. 69.

<sup>20</sup> Digital Panopticon, <https://www.digitalpanopticon.org> [accessed 26 July 2020].

<sup>21</sup> Digital Panopticon, ‘About the Project’, [https://www.digitalpanopticon.org/About\\_The\\_Project](https://www.digitalpanopticon.org/About_The_Project) [accessed 31 October 2020].

itself via partnerships with archives and libraries in the UK and Australia and commercial genealogy websites ancestry.com and Findmypast. The project began in 2013, the present author joined as a PhD candidate in 2015, and the website launched on 15 September 2017.<sup>22</sup> As discussed by Robert Shoemaker, co-investigator, the project demonstrated the viability and value of cooperation between the academic, archival and commercial sectors, and the potential for measurable public impact. As Shoemaker wrote: ‘not only does the public benefit from the availability of resources like this, but so does digital humanities as a field, since the Old Bailey Online and the Digital Panopticon, and many other publicly available websites, showcase the benefits of using digital methodologies in humanities research and its widespread potential for public “impact”’.<sup>23</sup>

The specific research questions explored here were inspired by the author witnessing first-hand the reactions of the public on discovering a criminal ancestor. As a staff member at Findmypast since 2012, the author is a member of the content licensing team which acquires and publishes datasets for the website. As part of that remit the author is also part of the company’s public outreach team and assists the public in their use of the site at trade shows. At these trade shows a member of the public, hoping to discover something, or indeed, anything about their ancestors steps forward to a computer and is guided by a member of staff in the use of the genealogy website. During these sessions they could be confronted with a record or newspaper report which revealed their ancestor as the perpetrator of a crime. In the few minutes afforded to them, they had to acknowledge, and digest, this wholly unlooked-for knowledge. Drunken misdemeanours, fraudulent behaviour, theft, and violent feuds between neighbours were presented, explained, and expected to be accepted as part of their family story in the span of a few minutes. The staff member would then move onto the

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<sup>22</sup> Ibid.

<sup>23</sup> Robert Shoemaker, 'Lessons from the Digital Panopticon', in Lana Pitcher and Michael Pidd, *Proceedings of the Digital Humanities Congress 2018* (n.d), <https://www.dhi.ac.uk/openbook/chapter/dhc2018-shoemaker> [accessed 31 October 2020].

next person. This information, so swiftly presented to them, could not be fully assimilated in such a short space of time. The most usual reaction was one of mild shock, coupled with nervous laughter, before they moved off and through the crowd, forgotten by the staff member who had just revealed a potentially life-changing piece of information.

These interactions raised a myriad of questions. What did these individuals take away from the encounter? Did they experience any difficulty in reconciling this information with their previous knowledge of their family's history? Did they tell others about the discovery, or did they keep it to themselves? Did the discovery engender feelings of shame or pride? Did they do further research into the individual? Did they seek to explain or contextualise the events for themselves and their family? Did the revelation lead them to explore the history of the criminal justice system more deeply? Did the discovery of a criminal ancestor cause them to reflect on crime and punishment in the present? It was these questions that formed the genesis of the present work. These questions distilled into a single overarching question: Does the discovery of a criminal ancestor result in a transformative learning moment? A transformative learning moment is one in which the learner does more than simply absorb facts and add them to their store of knowledge. It is one in which there is an impact on the learner, which results in a change of attitude, brought about by reflecting on what they have learned, both rationally and emotionally.<sup>24</sup> The learner not only adds to their knowledge about a past event, through that knowledge their sense of self is transformed.

Before turning to the evidence, this introduction will contextualise the overall study by offering an overview of the general practice of genealogists. Next, the relevant literature specific to academic interest in family historians, and the digitisation of the records of the criminal justice system, and its

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<sup>24</sup> Celia Hunt, *Transformative Learning Through Creative Life Writing: Exploring the Self in the Learning Process* (Abingdon, 2013), p. 9.

impacts, is discussed. This is followed by an overview of the methodology employed here to explore genealogists' uses and engagement with the records of the criminal justice system.

### **Family Historians - Embracing History from Below and the Digital Turn**

Graeme Davison identified three main phases in the history of hobbyist genealogy: a phase in the 1870s which he linked to the ending of the American Civil War, a phase in the 1930s, and another in the 1970s and 1980s, of which the current web-driven phase he considers a 'parallel'.<sup>25</sup> For Davison, each of these phases of interest was a result of 'times of social disruption when family links were threatened'.<sup>26</sup> While there is undoubtedly a strong thread linked to identity and the rooting of a family in a time and place, Davison's analysis omits more pragmatic factors which had a decisive role to play in permitting the public to engage with the archival material necessary to pursue their family history. The creation of public record offices, public access to archival material, and increased literacy and leisure time played a crucial role in the increasing popularity of the hobby. In the UK the public record office was established in 1838, and in its early years, it was a repository for legal documents only. It was only in the late nineteenth century that all government departments were obliged to deposit their documents to the archive. Access was also limited as it was fee-paying until 1851, and public search rooms did not open until 1866.<sup>27</sup> Archivist Hannah Little has drawn attention to the fact that encouragement of public engagement was not made explicit until 'the foundation of the Historical Manuscripts Commission in 1869'.<sup>28</sup> In Ireland the

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<sup>25</sup> Graeme Davison, 'The Use and Abuse of Australian History' in Hilda Kean and Paul Martin (eds) *The Public History Reader* (Abingdon, 2013), p. 69.

<sup>26</sup> *Ibid.*

<sup>27</sup> National Archives 'History of the Public Records Acts', <http://www.nationalarchives.gov.uk/information-management/legislation/public-records-act/history-of-pra/> [accessed 23 July 2020].

<sup>28</sup> Hannah Mary Little, 'Genealogy as theatre of self identity: a study of genealogy as a cultural practice within Britain since c. 1850', PhD Thesis (University of Glasgow, 2009), p. 95, <http://theses.gla.ac.uk/1434/> [accessed 2 November 2020].

public record office was established in 1867,<sup>29</sup> and in the United States the National Archives was established in 1934.<sup>30</sup> Davison's phases are also somewhat out of sync with the timing of the founding of family history societies in the United States, the UK, Australia and Ireland. The dates of their founding give some insight into the increasing popularity of the pursuit of genealogy. Their foundation represents a shift away from genealogy being the concern of the landed gentry and nobility. In the United States the first such society, the New England Historic Genealogical Society was founded in 1845.<sup>31</sup> Its founding pre-dated the upheaval wrought by the Civil War that Davison suggests was instrumental in creating an interest in family history by more than twenty years. In the United Kingdom, The Society of Genealogists was founded in 1911.<sup>32</sup> In Australia, The Society of Australian Genealogists was founded in 1932.<sup>33</sup> Both societies were founded in periods which pre- or post-dated significant periods of upheaval which may prompt a society to reflect on its origins. Ireland was extremely late to the world of societies. A branch of The Irish Genealogical Research Society, established in London in 1936, opened in Dublin in 1967,<sup>34</sup> and the first home-grown national society, the Irish Family History Society formed in 1984.<sup>35</sup> There would seem, therefore, to be little correlation between a widening interest in family history and periods of national upheaval. It might be argued that interest in reflecting on the past only develops once a society has come through the period of change and set it behind them; this could account for the lag between the periods of upheaval and the formalisation of the pursuit of family history. However, this does not account for the highly visible surge in family history in recent decades which has been ascribed

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<sup>29</sup> National Archives of Ireland, 'About the National Archives', <https://www.nationalarchives.ie/what-we-do/about-the-national-archives/> [accessed 23 July 2020].

<sup>30</sup> National Archives and Records Administration, 'National Archives History', <https://www.archives.gov/about/history> [accessed 31 August 2020].

<sup>31</sup> American Ancestors: by New England Historic Genealogical Society, 'About', <https://www.americanancestors.org/about> [accessed 23 February 2020].

<sup>32</sup> The Society of Genealogists, 'About the Society', <http://www.sog.org.uk/about/history-of-the-society/> [accessed 23 February 2020].

<sup>33</sup> The Society of Australian Genealogists, 'About Us', <https://www.sag.org.au/About-Us> [accessed 8 March 2020].

<sup>34</sup> The Irish Genealogical Research Society, 'Ireland Branch', [http://www.irishancestors.ie/?page\\_id=41](http://www.irishancestors.ie/?page_id=41) [accessed 23 July 2020].

<sup>35</sup> Irish Family History Society, <http://www.ifhs.ie> [accessed 23 July 2020].

by Hanna Little, among others,<sup>36</sup> to the publication of *Roots* by African-American author Alex Haley in 1976. Haley's fictionalised account of the life of his African ancestor, an enslaved Gambian named Kunta Kinte and his descendants, is considered to have sparked a new wave of interest in genealogy in the countries where it aired. The series illustrated the importance of personal heritage to self-identity and encouraged viewers to see hardship and humble beginnings as something to be proud of.

Analyses of the practice of genealogy often trace a transformation from 'old family history',<sup>37</sup> which had its roots in the medieval period, to a new style family history which emerged in the nineteenth century and became popularised in the 1970s. The former focused on the pursuit of pedigree to bolster family claims to land, title or respectability by the noble, landed and merchant classes. New family history is characterised as a pastime or hobby rather than a mechanism to provide documented proof of descent. Recent research in Australia has suggested a complete reversal of the demographic engaging in family history. In a summation of their findings published in *The Conversation*, investigators said they found that 'Family history is a favourite for Australians who self-identify as working-class (38%) and those who claim middle-class status (44%). Only 9% of those who said family history was their most-liked form of heritage identified as upper-middle and upper classes'.<sup>38</sup>

The hobby itself may be briefly summarised as the creation of family trees, augmented by stories. The hobby may also be defined as a 'serious leisure pursuit'. Sam Elkington and Robert Stebbins defined 'serious leisure' as 'the systematic pursuit of an amateur, hobbyist, or volunteer activity sufficiently substantial, interesting and fulfilling for the participant to find a (leisure) career there

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<sup>36</sup> Little, 'Genealogy as theatre of self-identity'.

<sup>37</sup> Timothy and Guelke, *Geography and Genealogy*, p. 5.

<sup>38</sup> Waterton, 'When it comes to heritage, family history trumps museums'.



acquiring and expressing a combination of its special skills, knowledge and experience'.<sup>39</sup> As will be seen throughout the present study, family historians devote years to the pursuit of their hobby, and the activity is, in many senses, its own reward. While the discovery of an ancestor is a goal, the pursuit of the ancestor has its rewards. In practising genealogy, family historians gain many of the benefits of self-actualisation, self-expression, enhanced self-image and personal enrichment attributed by Elkington and Stebbins to 'serious leisure'.<sup>40</sup> The family historian gains from the search as much as the discovery. They *become* 'genealogists', and the knowledge and skills gained from pursuing their hobby form part of their identity.

## Literature Review

The visible upsurge of the hobby of family history in the 1970s was of immediate interest to those working the nascent field of public history. In *The Craft of Public History: An Annotated Select Bibliography*, published in 1983 by the National Council of Public History in the United States, the chapter on family history comprised 105 entries.<sup>41</sup> The work offered a survey of the current literature in the field, both that of historians utilising 'genealogical' methods and that of the family history community itself. Early public historians recognised that, 'genealogists can help in historical studies of migration, family reconstitution, the family cycle or a life course', and that, 'closer cooperation between these fields would be mutually advantageous'.<sup>42</sup>

In 1992, an edited volume of essays, *Public History Readings* included a chapter, 'The Search for Generational Memory', which noted that family historians were encouraged by advocates of the hobby to view 'their own life histories in the context of activities and historical settings of family

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<sup>39</sup> Sam Elkington and Robert A. Stebbins, *The Serious Leisure Perspective: An Introduction* (London, 2014), p. 14.

<sup>40</sup> Elkington and Stebbins, *The Serious Leisure Perspective*, p. 19.

<sup>41</sup> David F. Trask and Robert W. Pomeroy III (eds), *The Craft of Public History: An Annotated Select Bibliography* (Westport, 1983).

<sup>42</sup> Trask and Pomeroy, *The Craft of Public History*, p. 144.

members in earlier generations... they encourage detailed knowledge of those relatives and of the historical events and the social context surrounding their activities'.<sup>43</sup> The extent to which family historians take lessons from previous generations and contextualise their ancestors' stories through a more in-depth engagement with history is explored throughout the present work.

Recognition of the value of family history methodologies and calls to action for closer cooperation between historians and genealogists were repeated in more recent publications. Volumes such as *The Public History Reader*, *Participatory Heritage*,<sup>44</sup> *What is Public History Globally?*,<sup>45</sup> *Making Histories*,<sup>46</sup> and *A Companion to Public History*,<sup>47</sup> all carried chapters relating to the role of family history in engaging the public with the past, many stemming from the authors' collaborative work with genealogists. In *What is Public History Globally?* published in 2019, Anna Green, Associate Professor of History, in a chapter entitled 'Who Do You Think You Are? The Family in Public History' counteracted Michael Zuckerman's assessment of family history as a 'pathological, non-participatory, and ahistorical culture, one which presents daunting dilemmas for promoters of public history'.<sup>48</sup> Green offered that rather than seeing family history 'as insular and antithetical to the broader study of history',<sup>49</sup> a family's past, when properly contextualised, could potentially lead to 'not only to reconciliation for past wrongs but also to the cognitive integration of emotional and historical knowledge'.<sup>50</sup> The current work explores those themes, bringing evidence to bear on Green's speculation. Green posited that ancestors whose 'behaviour [is] now considered morally

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<sup>43</sup> Tamara Hareven, 'The Search for Generational Memory' in Phyllis K. Leffler and Joseph Brent (eds), *Public History Readings* (Malabar, 1992), p. 271.

<sup>44</sup> Mia Ridge, 'The Contributions of family and local historians to British History online', in Henriette Roued-Cunliffe and Andrea Copeland (eds), *Participatory Heritage* (London, 2017), pp. 57-66

<sup>45</sup> Anna Green, 'Who do you Think You Are?: The Family in Public History' in Paul Ashton and Alex Trapeznik (eds) *What is Public History Globally? Working with the Past in the Present* (London, 2019), pp. 225-238.

<sup>46</sup> Paul Ashton, Tanya Evans and Paula Hamilton, *Making Histories* (Berlin 2020).

<sup>47</sup> Tanya Evans, 'Genealogy and Family History' in David M. Dean (ed.), *A Companion to Public History (Wiley Blackwell Companions to World History)* (New Jersey, 2018), pp. 175-185.

<sup>48</sup> Michael Zuckerman cited in Anna Green, 'Who do you Think You Are?: The Family in Public History' in Paul Ashton and Alex Trapeznik (eds) *What is Public History Globally?* (London, 2019), p. 225.

<sup>49</sup> Green, 'Who do you Think You Are?: The Family in Public History', p. 225.

<sup>50</sup> *Ibid.*, p. 235.

reprehensible, may of course be very difficult for descendants to acknowledge. Reluctance to concede that some ancestors were deeply flawed may reflect fear of public shame'.<sup>51</sup> The present work, by soliciting the opinions of family historians, examines if they experience shame from the discovery of 'morally reprehensible' ancestors, or, as is often the case if the story is more complicated.

Public engagement with the history of crime has drawn the attention of some academics. Our Criminal Past, an AHRC funded network, was initially created as an 'interdisciplinary research network of UK-based scholars working in the field of the criminal, legal and penal history of Britain'.<sup>52</sup> It was led by Leeds Metropolitan University and the University of Hull and its membership list comprised academics and representatives from the GLAM sector.<sup>53</sup> The network evolved and switched its emphasis from a network for academics, archivists and heritage workers to 'a public engagement project that encourages and supports people and communities to explore the criminal past of their own families, communities, towns and regions'.<sup>54</sup> Reflecting this change in emphasis the network's website changed its name and domain from [www.ourcriminalpast.co.uk](http://www.ourcriminalpast.co.uk)<sup>55</sup> to [www.ourcriminalancestors.org](http://www.ourcriminalancestors.org) in 2018.<sup>56</sup> The website connected the public with archives and museums by offering 'source guides' for those wishing to trace their criminal ancestry. The website offered the following caveat which demonstrates the dominance of a public, genealogically focused audience for their resources: 'please note, we are not a genealogical research service and therefore

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<sup>51</sup> Ibid.

<sup>52</sup> Our Criminal Past, Caring for the Future, Research Network Scheme, Information Booklet (Unknown, n.d.) distributed at 'Difficult Heritage: Making Sense of Uncomfortable Histories' Conference 13 April 2018, York <https://difficultheritage2018.wordpress.com> [accessed 28 December 2020].

<sup>53</sup> Leeds Beckett University, Our Criminal Past Network of Members, <https://www.leedsbeckett.ac.uk/school-of-cultural-studies-and-humanities/research/centre-for-culture-and-the-arts/our-criminal-past/our-criminal-past-network-of-members/> [accessed 13 April 2020]

<sup>54</sup> Our Criminal Ancestors, <https://ourcriminalancestors.org/about-us/> [accessed 13 April 2020]

<sup>55</sup> Our Criminal Past, [www.ourcriminalpast.co.uk](http://www.ourcriminalpast.co.uk) [14 September 2017].

<sup>56</sup> Our Criminal Past @ourcriminalpast, 'Join us to celebrate the launch of our new website! Sat, April 21st, 10-12 noon @Hullhistorynews There will be tea, coffee and "criminal cake"! Book now:' [tweet] (10:55am, 12 April 2018) <https://twitter.com/ourcriminalpast/status/984369470322987008> [accessed 2 November 2020]

we are unable to undertake research on your behalf'.<sup>57</sup> Instead, the network, in common with many academic and heritage endeavours, attempted to harness the crowd by asking for contributions to a Historypin which maps personal stories of criminals.<sup>58</sup> Between 2017 and 2018 the network ran a series of workshops at Hull History Centre aimed at a public audience.<sup>59</sup> The workshops had a strong genealogical focus and included practical advice on enabling the participants to conduct their research. In 2020 the website continued to produce blogs and maintain an active social media presence. However, their public engagement programme appeared, in common with many others during the COVID-19 crisis of 2020 to be in abeyance. However, the shift from academic to public engagement project demonstrated the influence grassroots and community on the academic sector.

Publications addressing the impact of digitised crime resources are few. Most were written by those directly involved in digitisation projects within the academic sector. The assessments are also confined to the early years of the projects and are therefore somewhat outdated.

Rosalind Crone, director of the Centre for the History of Crime, Policing and Justice at the Open University was one of the few 'outside' commentators who addressed impacts of the digitisation of historical crime records. Crone's comments, written in 2009, related to the potential impacts of, what were then, newly launched resources. In assessing *The Old Bailey Proceedings Online* (OBP),<sup>60</sup> *19th Century British Library Newspapers*,<sup>61</sup> and the digitised John Johnson pamphlet collection<sup>62</sup> Crone questioned whether or not digitisation would 'push forward scholarship... or

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<sup>57</sup> Our Criminal Ancestors, 'About Us', <https://ourcriminalancestors.org/about-us/> [accessed 2 November 2020].

<sup>58</sup> Historypin, Our Criminal Ancestors profile page, <https://www.historypin.org/en/person/94538> [accessed 13 April 2020].

<sup>59</sup> History UK, 'Collaborative Case Study: Our Criminal Ancestors', <https://www.history-uk.ac.uk/projects/collaborative-case-study-our-criminal-ancestors/> [accessed 1 November 2020].

<sup>60</sup> Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., *The Old Bailey Proceedings Online, 1674-1913* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 24 March 2012) [accessed 2 November 2020].

<sup>61</sup> Gale, 'Historical Newspapers' <https://www.gale.com/intl/primary-sources/historical-newspapers> [accessed 27 February 2021].

<sup>62</sup> Bodleian Library, University of Oxford, *The John Johnson Collection: An Archive of Printed Ephemera*, <http://johnjohnson.chadwyck.co.uk> [accessed 08/10/2015].

generate rushed and maybe superficial research'.<sup>63</sup> For Crone, the potential pitfalls of unacknowledged gaps in the material and what she saw as the deceptive feel of mastery that ease of use through digitisation brought loomed large, and emotive phrasing peppers the analysis. Crone expressed 'fear' and saw digitised resources as potentially 'very dangerous',<sup>64</sup> claiming they risked giving users a sense of having everything at their fingertips and may lead them to neglect to consider the source critically and contextually. While acknowledging the success and popularity of resources such as the OBP Crone expressed reservations regarding their uncritical use in 'the wrong hands'.<sup>65</sup> She did not elaborate on whether she envisioned these uncritical users being those within, or outside academia, referring only to 'researchers' throughout. However, while acknowledging the popularity of the OBP website with family historians in particular and the public in general, the overall tone of the article suggested she assumed mainly an academic audience for these resources, and it is them that she sought to caution.<sup>66</sup> The implication was that digitisation could result in sloppy research methods and bad history. Crone suggested that 'the process of digitisation... [and]... easy access to resources in the history of crime during the nineteenth century does not necessarily push forward scholarship in criminal justice history or related fields.'<sup>67</sup> There appears to be no direct rebuttal of Crone's early assessment of these particular resources. Albeit the esteem in which the Old Bailey Online in particular is held by a wide range of academics could be considered evidence of its place in scholarship. However, as will be seen, she has not remained alone in her concerns concerning the uncritical use and decontextualisation of historical sources in the digital sphere.

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<sup>63</sup> Rosalind Crone, 'Crime - and its Fabrication: A Review of New Digital Resources in the History of Crime', *Journal of Victorian Culture*, 14.1 (Edinburgh, 2009), p. 125.

<sup>64</sup> *Ibid.*, p.126.

<sup>65</sup> *Ibid.*

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*, p. 132.

In the years since Crone speculated on potential impacts, the creators of digitised historical crime resources have made attempts to assess their impact. In 2014, before his tenure as principal investigator of *The Digital Panopticon* project,<sup>68</sup> Barry Godfrey devoted a chapter to ‘New Digital Media’ in *Crime in England 1880-1945: The rough and the criminal, the policed and the incarcerated*.<sup>69</sup> In the chapter he examined some of the potential pitfalls and boons brought to bear on the study of the history of crime through the digitisation of newspapers, court and prison records.<sup>70</sup> Godfrey divided his chapter based on the sources and the lifecycle of an offender: newspapers, police archives, court archives and prison records. He illustrated the utility of digital resources for creating life course histories through a number of case studies. Highlighting one of the core strengths of digitised archival material, particularly genealogical sources such as vital records and censuses, he built narratives for offenders from birth to grave to illustrate the level of detail that can be discovered in online repositories. Godfrey drew attention to the ability, afforded by digitisation, for researchers to map an offender’s life cycle. This allowed them to contextualise offending from onset through recidivism and desistance. Digitised records allow the linking of previously discrete and isolated offence events to other life milestones: births, marriages, deaths, periods of employment and unemployment.<sup>71</sup> Godfrey, however, cautioned against seeing these reconstructed lives as being the whole story. He warned against too much being read into the documentary record as it does not take into account the complexity of the human condition and cannot reveal emotions or motivations.<sup>72</sup> In common with most commentators, he drew attention to the amount of material available and speed at which material can be gathered and analysed.<sup>73</sup> After discussing the strengths of research utilising digitised resources, he devoted the remainder of his

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<sup>68</sup> Digital Panopticon Blog, ‘Barry Godfrey’, <https://blog.digitalpanopticon.org/people/barry-godfrey/> [accessed 06/02/2021].

<sup>69</sup> Barry Godfrey, *Crime in England 1880-1945: The rough and the criminal, the policed and the incarcerated* (London, 2014).

<sup>70</sup> Godfrey, ‘New Digital Media’ in *Crime in England 1880-1945*, pp. 78-95.

<sup>71</sup> *Ibid.*, pp. 90-91.

<sup>72</sup> *Ibid.*, p. 95.

<sup>73</sup> *Ibid.*, p. 92.

analysis to outlining ‘What’s wrong with the new digital media’.<sup>74</sup> He advised researchers to ‘retain a critical stance’ and echoed other commentators in expressing concern that if ‘digital sources become the only sources... our peripheral vision reduced’.<sup>75</sup> Godfrey drew attention to the ‘commodification and commercialisation’ of public records and the subscription costs charged by commercial websites to access the records, which he posited could prevent broader use.<sup>76</sup> Finally, he addressed a concept he called ‘decontextualised genealogies’. Here he suggested, with concern, that some researchers may cherry-pick individuals who suit their research agendas, telling powerful illustrative stories which are, however, stripped of context and potentially unrepresentative. In this section, he also briefly touched on the ethics of trawling through peoples’ lives on an ‘industrial-scale’ to serve research, but he left the implied question regarding a right to be forgotten unanswered. Overall, he was optimistic about the opportunities offered by and the impact of digitisation, but his concerns and theories have yet to be tested at scale.

One incident in late 2019 did give some weight to criminal historians’ fears regarding uncritical use of online resources. Naomi Wolf, an author and academic, albeit not a historian, had the publication of her book, *Outrages: Sex, Censorship, and the Criminalization of Love*, cancelled in the United States due to her misinterpretation of a sentencing annotation which she did not verify. The book which was based on her DPhil from Trinity College, Oxford and previously published in the UK,<sup>77</sup> was cancelled due to Wolf’s mistaken interpretation of the sentence of ‘Death Recorded’ in trial records digitised and published on the OBP website. The sentence, which Wolf took as meaning the individual had been executed, formed an important part of her evidence for the harsh treatment of homosexuals. Her misinterpretation was a result of looking no further than the primary

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<sup>74</sup> Ibid., pp. 93-95.

<sup>75</sup> Ibid., p. 93.

<sup>76</sup> Ibid., p. 94.

<sup>77</sup> Fionola Meredith, ‘Naomi Wolf: ‘Never before have I seen so many threats to free speech. It is chilling’, *The Irish Times*, Saturday 18 May 2019, <https://www.irishtimes.com/culture/books/naomi-wolf-never-before-have-i-seen-so-many-threats-to-free-speech-it-is-chilling-1.3890733> [accessed 23 February 2020].

source material hosted on the website. Robert Shoemaker, one of the co-directors of the project, pointed out the term was used ‘in cases where the judge wished to record a sentence of death, as he was legally required, while at the same time indicating his intention to pardon the convict’.<sup>78</sup> Shoemaker went on to suggest, that if Wolf had taken the time to read the supporting contextual help and advice offered by the OBP website Wolf may have been alerted to the error in her literal interpretation of the sentence. The help and advice text advises users that ‘the actual punishment a convict received often differed from that specified at their trial’,<sup>79</sup> albeit the nuance surrounding ‘death recorded’ is not elucidated on the site. Wolf’s narrow focus on the primary sources, isolated from a complementary engagement with the interpretative material offered on these websites, or in secondary works, pointed to one of the potential problems that might be seen with family historians in their engagement. This topic is explored in Chapter Three.

Two authors who looked more specifically at the practice of genealogists in relation to historical crime were Ronald Lambert and Babette Smith. Lambert’s work, which he situated ‘within the sociology of memory’, pre-dated all of the significant digitisation projects relating to criminal records.<sup>80</sup> His main study comprised a survey conducted in 1999 with forty-six Australian genealogists with links to convict ancestors.<sup>81</sup> Lambert found that ‘respondents were involved in genealogy prior to discovering their... convict ancestry’.<sup>82</sup> While this may seem surprising in an Australian context, as Lambert elaborated, Australian convict ancestry was, for a long time, obscured at ‘an institutional level’ through the systematic destruction of census records. Along with the destruction of records, restrictions were placed on researchers, who were not permitted by

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<sup>78</sup> Robert Shoemaker, ‘Why Naomi Wolf Misinterpreted Evidence from the Old Bailey Online’, *History Matters: History brought alive by the University of Sheffield*, (May 2019), <http://www.historymatters.group.shef.ac.uk/naomi-wolf-misinterpreted-evidence-bailey-online/> [accessed 23 February 2020].

<sup>79</sup> Clive Emsley, Tim Hitchcock and Robert Shoemaker, ‘Crime and Justice - Punishment Sentences at the Old Bailey’, Old Bailey Proceedings Online ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 23 August 2020), [accessed 23 February 2020].

<sup>80</sup> Ronald D. Lambert, ‘Reclaiming the ancestral past: narrative, rhetoric and the ‘convict stain’, *Journal of Sociology* 38.2 (2002).

<sup>81</sup> *Ibid.*, p. 123.

<sup>82</sup> *Ibid.*, p. 111.



the Archives Authority and the State Library of New South Wales (Mitchell Library) to use real names in their findings. It was not until the 1960s that the efforts of family historians to gain access to these resources and speak about their findings, began to lead a reversal of mass opinion on the subject of convict ancestry.<sup>83</sup> This shift in attitudes, however, was not merely one of general acceptance. Lambert outlined various mechanisms which he believed genealogists employed to neutralise potentially difficult family heritage. Family historians, he said, employed particular mechanisms when faced with convict ancestors. According to his research, criminal ancestors were treated as ‘objects of quasi-professional interest’, ‘nation-builders’, ‘a minority within a multicultural society’, ‘collectibles’ or ‘interesting stories’.<sup>84</sup> Genealogists, he said, also redefined their relationship with their convict ancestors through another series of mechanisms: ‘minimizing the offence’, ‘temporal distancing’, ‘empathic identification’, and ‘arguing redemption’.<sup>85</sup> Each of these mechanisms, he posited, allowed family historians to regain a sense of comfort when faced with a criminal ancestor. Given the mean age of his respondents, 63, Lambert did see the potential for the convict stain to be a ‘dead letter’ for younger generations and for the mechanisms he outlined not to apply.<sup>86</sup> Despite his pioneering work, including developing questions on convict ancestry for Australia’s 1999 Referendum Survey,<sup>87</sup> Lambert does not appear to have continued to explore the impact of convict ancestry. His research was conducted towards the end of his career, his final publications on the subject were in 2002, and he retired in 2004.<sup>88</sup>

Building on Lambert’s work, Babette Smith, author of the popular work, *Australia’s Birthstain: The Startling Legacy of the Convict Era*, published in 2009, wove a historical narrative of the convicts

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<sup>83</sup> Ibid., p. 115.

<sup>84</sup> Ibid., pp. 117-121.

<sup>85</sup> Ibid., pp. 121-123.

<sup>86</sup> Ibid., p. 125.

<sup>87</sup> Australian National University, *Australian Constitutional Referendum Study 1999*, <http://aes.anu.edu.au/other-studies/acrs-1999> [accessed 23 July 2020].

<sup>88</sup> University of Waterloo, ‘Remembering Ronald Lambert’, Daily Bulletin Monday, 6 March 2017, <https://uwaterloo.ca/daily-bulletin/2017-03-06#remembering-ronald-lambert> [accessed 23 August 2020]

and descendants of three convict ships which arrived in Australia during the nineteenth century. Using genealogical methodology and a critique of Australian historiography Smith pulled back the curtain on, she maintained, a deliberately forgotten history.<sup>89</sup> Smith contended that contemporaries and historians had deliberately expunged convict ancestry from the Australian historical record. Smith cited, as Lambert did, the restrictions placed on researchers during the early part of the twentieth century. Smith went a step further, reporting evidence from interviews with genealogists who recounted stories of workmen instructed to destroy records.<sup>90</sup> Criticisms of Smith's work drew attention to her emotive style, and the attribution of unknowable motivations to convict settlers, creating a compelling but ultimately unprovable 'counter-narrative of the downtrodden, beaten outsider whose tenacity and ingenuity... must be revealed, and indeed celebrated'.<sup>91</sup> Criticisms also centred on a narrative which sought to attribute positive character traits to convicts indicative of a pioneer spirit, which is a popular trope in contemporary conceptions of the settlement of Australia by Europeans. The utility, therefore in Smith's work came from her documentation of genealogists' approach to history. Smith's work showed that it was the individual stories and personal connections they discovered that held the potential to engage the Australian public with the past.

Both Lambert's and Smith's work are now somewhat outdated. Twenty years have passed since Lambert's survey. The generation he speculated might not be as affected by convict ancestry have taken up the mantle of family historian for their respective families. Smith's work brought the historiography of the attempts by genealogists to tell convicts' and their families' stories to a broad audience. However, the strong thread of shame she identified as remaining in 2008 was somewhat overstated. In 2003 Bruce Tranter and Jed Donoghue had already identified that the general public

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<sup>89</sup> Babette Smith, *Australia's Birthstain: the startling legacy of the convict era* (Crow's Nest, 2009).

<sup>90</sup> Smith, *Australia's Birthstain*, p. 19.

<sup>91</sup> Michael R. Wolter, 'Sound and Fury in Colonial Australia: The Search for the Convict Voice, 1800-1840', PhD Thesis University of Sydney (2014) p. 309, <http://hdl.handle.net/2123/11682> [accessed 26/09/2015].

had embraced ‘convict chic’, and that where shame remained, it was ‘senescent, and [would] diminish with intergenerational replacement’.<sup>92</sup>

Lambert and Smith’s works also reveal the narrow focus of previous research. Genealogists’ use of criminal records has been explored most extensively in Australia, looking particularly at issues of memory and national identity. Nevertheless, as highlighted by Jerome De Groot, there remains a great deal of work to be done in this area. There is valuable work to be done from within specialisms, such as historians working in the field of digital history, gender history, minority populations, emigration and, as explored here, the history of crime. The few studies of digitised resources for the history of crime have concentrated primarily on their use as websites and by academic historians. There has been some speculation regarding potential impacts by commentators such as Godfrey but as yet no studies to test these assumptions. There is no literature which examines what users themselves are doing and thinking.

## **Methodology**

Genealogists provide a coherent, highly engaged, sub-set of the general population to examine when investigating the impact of digitised historical resources on public engagement with history. This research is participant-led. Their way of engaging with history is documented here in the hopes that greater understanding of their methods and motivations will enhance our understanding of how the public practice history, and contribute to communication and better understanding between academic and lay historians. Throughout this work, the terms ‘genealogist’ and ‘family historian’ are treated as generally synonymous as has become common practice within the hobby.<sup>93</sup>

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<sup>92</sup> Bruce Tranter and Jen Donoghue, ‘Convict Ancestry: a neglected aspect of Australian identity’, *Nations and Nationalism* 9.4 (2003), <https://core.ac.uk/download/pdf/33311687.pdf> [accessed 31 October 2020].

<sup>93</sup> FamilySearch, ‘What is the Difference between Genealogy and Family History?’, <https://familysearch.org/blog/en/difference-genealogy-family-history> [accessed 23 July 2020].

However, in the context of researching law-breaking ancestors, the phrase ‘family historian’ is favoured as it permits a broader concept of family and encourages a narrative approach, rather than a strict concentration on proving descent through bloodlines. Use of the term family historian signalled to potential respondents to the questionnaires that the study was also interested in non-blood relatives and collateral ancestors. By removing the need for the participant to be *directly* descended from the subject, the study drew on a broader number of respondents.

To date, academic work with family historians has, by necessity, operated on a relatively small scale, and has relied almost exclusively on focus groups drawn from genealogical societies. The present study does not claim to be large scale, but it seeks to tap into a broader cross-section of family historians, by soliciting responses from individuals from those investigating their American, Australian and British and Irish roots. These geographic regions share commonalities in their approach to genealogical research, one based primarily on documentary evidence rather than oral traditions (although these are not entirely absent). These countries also have legal systems which share roots in the common law of the early British system. As noted above this research was an outgrowth of the Digital Panopticon project, which is based primarily on UK and Australian digitised resources and this dictated, to a degree, the focus on those geographic regions. The potential for the research to be weighted heavily towards the specific experience of Australian descendants, for whom convict ancestry has special significance, was mitigated by proactive research into the resources and responses relevant to criminal ancestry in the UK, Ireland and the United States.

Many studies of public participation in history look to viewing numbers of popular history documentaries, or conduct surveys and focus groups at historical sites, society meetings and museums. To reach as broad a possible cross-section of the international genealogy community a different approach was required. To achieve this, a survey was hosted on a dedicated website and

advertised within the genealogy community.<sup>94</sup> In its use of surveys the present work draws its inspiration from the seminal work by Roy Rosenzweig and David Thelen: *The Presence of the Past: Popular Uses of History in American Life* (1998).<sup>95</sup> That study, conducted in the early 1990s, predated the advent of the web and used telephone surveys to collate responses from the public on the part history played in their everyday lives. Similarly, the present work seeks out the grassroots historian in their own environment. This work also follows in the footsteps of Ronald D. Lambert,<sup>96</sup> Kylie Veale,<sup>97</sup> and Sharon Howard et al.<sup>98</sup> They each used survey and interviews to assess: the impact of the web on the practice of family historians, the impact of the digitisation of the records of the criminal justice system, and the impact of the discovery of a criminal ancestor. This study uses the same methodology and combines the three areas of research to arrive a conclusions which integrate an assessment of practice and impacts.

To counteract the potential for drawing conclusions based on any single source, or an over-reliance on either quantitative or qualitative sources, this work used a mixed-methods approach and drew upon the following sources in addition to the surveys for its analysis: web analytics, observations at conferences and exhibitions, interviews, published materials including instructional material and narratives, and analysis of online commentary on social media platforms. This approach also permitted the aggregation of sufficient data and material to analyse from a sub-set of family historians. A more in-depth description of the methodology used for particular sources forms part of the introduction in each of the relevant chapters. Further critiques of each of the sources are also discussed there. A general overview of the methodology employed and the impetus behind the choice of each source is offered here.

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<sup>94</sup> Aoife O Connor, *A Criminal Record*, <http://acriminalrecord.org> [accessed 22 September 2020]

<sup>95</sup> Rosenzweig and Thelen, *The Presence of the Past*.

<sup>96</sup> Lambert, 'Reclaiming the ancestral past'.

<sup>97</sup> Veale, 'A Doctoral Study of the Use of the Internet for Genealogy'.

<sup>98</sup> Howard, Hitchcock and Shoemaker, 'Crime in the Community Impact Analysis Report'

Material from the surveys is used throughout the study. The surveys for this study comprised thirty questions. The questionnaires were hosted by a professional subscription-based service which offered robust reporting and the ability to host a survey for long periods. The two primary surveys elicited more than 500 responses. Contact with potential respondents was initiated via call outs on social media, genealogy bloggers, and via email with genealogy society members and newsletter editors. Overall, the response was exceptionally positive. Newsletter editors requested articles, and bloggers wrote enthusiastically about the project online and encouraged the genealogy community to participate in the research. As the requests for participation were broadcast rather than through direct contact participation required discretionary effort on the part of the respondents, they needed not only to be willing to participate but also to make effort to participate. This approach reduced pressure to participate and reinforced the wholly voluntary nature of participation. The specific challenges and limitations of using surveys and interviews to gauge opinion are discussed in Chapter Three. Twenty-five interviews were conducted for the present study. The interviews used the survey questions (listed in Appendix 1) to engage respondents in a discussion around criminal ancestry. The interviews were recorded for reference, but not transcribed. Engagement with the surveys was wholly voluntary.

Chapters One and Two draw on the instructional materials published for the genealogy market in book form, online and at genealogy conferences. By looking to the literature aimed at those in search of a criminal ancestor, it is possible to see how they are primed to think about that ancestor. Observing behaviours at conferences gave insight into how a criminal ancestor is presented within a peer group. This contrasts with the use of social media in Chapter Five, which reveals more about how family historians communicate their criminal ancestry to a wider audience. Chapter Four also utilises narratives written by family historians. Narratives offer a counterpoint to surveys, as although they are published with an audience in mind, they are untainted by the unavoidably narrow

focus of survey questions. This multi-source approach was essential to document the full range of practices by family historians.

### **Original Contribution to Knowledge**

This interdisciplinary thesis sits at the intersection of public history, digital history and studies of family history, both the practice of genealogy and memory work in families. It offers public historians an innovative mixed-methods framework with which to approach their work. By drawing on analytical methodologies traditionally associated with the social sciences, anthropology, literary studies, and the commercial sector, and by combining them with historical knowledge, this thesis synthesises diverse sources to understand grassroots historians.

This research contributes to our understanding of how individuals make sense of the past. It gives an insight into what engages people with the past and the aspects of it that resonate with them. Also examined here, is how the public communicate their knowledge within their peer groups and to a broader audience, particularly through their adoption of digital technologies and social media. This work expands our understanding about why some engage with history and others do not. This thesis demonstrates that access to primary and secondary sources are crucial to public engagement with the past. It explores how gatekeeping, through the erection of barriers, selective permissions, and assumptions regarding the public's potential reaction to sensitive subjects materially affects their access to archival sources and expands or limits their engagement. Finally, this thesis demonstrates how the public become their own experts and how they demonstrate this expertise through commentary on both the past and present.

## **Thesis Structure**

Chapter One, 'Engaging with Criminal Ancestry', traces how a criminal ancestor has been presented to the family historians researching Irish, UK, Australian and American ancestors from the early days of the hobby to the present day. This chapter looks at how the potential for shame has been dealt with by family history media. This chapter draws on evidence from conferences, publications, web-resources and television programming aimed at family historians. This chapter also looks at the evidence for grassroots production of historical material specifically on the topic of criminal ancestry through the creation of pamphlets and CD-ROMs. The themes of shame, pride and pragmatism touched on in this chapter are explored in more depth in subsequent chapters utilising the evidence provided by family historians themselves.

Chapter Two, 'Digitisation: New Audiences' focuses on the digitisation of the records of the historical criminal justice system and the quantitative impact this has had on their visibility and use. The chapter looks at what has been made available online from the ground-breaking Old Bailey Proceedings Online to the digitisation programmes by commercial genealogy outlets. The chapter examines the intended and actual audiences for these records, particularly the use of the records by non-academics. Web analytics are used to explore the usage of key genealogy and academic websites which host the records of the historical criminal justice system to determine the size of and demographic makeup of their audience.

The first two chapters set out the contexts in which family historians are exposed to primary and secondary sources relating to the historical criminal justice system. The following three chapters turn to the qualitative evidence offered by family historians themselves about their interactions with, and understanding of, these records through their responses to survey and interview questions, in their writings, and their commentary on public online forums.



Chapter Three, 'Discovering and Defending Deviant Ancestry' uses the evidence from the surveys and interviews to explore in-depth family historians' attitudes towards the discovery of a criminal ancestor. The chapter opens with a description of the methodology used to gather the survey data and a discussion of the strengths and weaknesses of surveys for determining attitudes towards a given topic. The chapter examines the responses from individuals with ancestors from a broad range of time periods, and places, who committed a variety of crimes, and analyses how temporal and experiential distance from an ancestor affect responses to their criminal activities. This chapter offers answers to the questions raised at the start of this introduction, namely the affective power of a criminal ancestor on an individual and the potential for transformative learning moments.

Chapter Four 'Negotiating Deviance through Narrative', seeks to balance the evidence gathered from the surveys by analysing narratives written by descendants about their criminal ancestors. The narratives are contextualised in the broader use of narrative by family historians before turning to an analysis of the form and function of these narratives and what they tell us about family historians' understandings about the past. One of the functions of this chapter is to illuminate family historians' more expansive engagement with history, and the work of academic historians. This chapter also examines the 'rescue' element of many of these narratives, particularly in the case of Australian female convicts.

Finally, Chapter Five, 'The Criminal Ancestor as Cultural Capital', examines how family historians present and use their criminal ancestry in a broader milieu. Family historians use social media to create public and private knowledge-sharing forums in which they exchange stories, research techniques, information and to seek advice about their research into their criminal ancestor. This chapter examines the ways in which the public become their own experts and goes on to consider how they draw on their criminal ancestry to comment on contemporary events.

The thesis concludes with a reflection on the potential for family history to engage the public more deeply with the past than traditional historical writing or the institutions of the GLAM sector, and the potential for such research to lead to transformative learning moments. The work finishes with suggestions regarding further study and reflections on the broader issues suggested by the present research.

## Chapter One: Engaging with Criminal Ancestry

This chapter examines the primary and secondary sources and media aimed at and made available to family historians addressing the phenomena of historical criminals. The primary sources, literature and conventions family historians are exposed to during their research shape their responses to the discovery of a criminal ancestor. This chapter examines how family historians have been instructed in how to regard a criminal ancestor from the 1930s onwards. While there is some overlap with the digital period, most of the materials analysed here are those that either pre-date or exist offline. Chapter Two focuses on how digital platforms amplified the access and message around criminal ancestors. The media and resources examined here encompass a range of sources from didactic works specifically written with genealogical research in mind to the ‘edutainment’ of mainstream television programming such as *Who Do You Think You Are?*,<sup>99</sup> *Murder, Mystery and My Family*,<sup>100</sup> and *The Secret History of my Family*.<sup>101</sup>

The chapter begins by exploring the utility of the records of the criminal justice system for family historians with illustrative examples. It then looks at how media and literature directed at family historians advise and guide the practitioners of the hobby in their understanding of the records of the historical criminal justice system. This is coupled with an examination of genealogists’ use of the records, pre-digitisation. By examining how family historians were taught about criminal ancestry and archival sources, and by whom, this chapter reveals how grassroots historians were instructed to navigate this topic. Following chapters will reveal the influence of the ‘how-to’ literature discussed here on the ways in which family historians respond to the discovery of criminal ancestors.

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<sup>99</sup> BBC One, *Who Do You Think You Are?*, <https://www.bbc.co.uk/programmes/b007t575> [accessed 20 July 2020].

<sup>100</sup> BBC One, *Murder Mystery and My Family*, <https://www.bbc.co.uk/programmes/b09ts770/episodes/guide> [accessed 18 July 2020].

<sup>101</sup> BBC Two, *The Secret History of My Family*, <https://www.bbc.co.uk/programmes/b073lqfh> [accessed 18 July 2020].

## **The Utility and Complexity of Criminal Records**

A desire for ever more documentation is one of the defining features of family history. In Western practice, genealogy focuses on retelling the life story of ancestors through the use of documentary evidence to pinpoint and describe life events. Western-style genealogy relies primarily on official documents such as those generated by the church, military and government agencies. To trace an ancestor's life in this way requires the ancestor to have interacted with record-generating establishments.

Genealogists' apparent original narrow focus on names, life events, family relationships and location information was often dictated by the types of records they had access to: birth registers, church records and censuses. As soon as more contextual records were made available to them such as newspapers and workhouse and legal records, family historians embraced them. The appeal and utility of the records of the historical criminal justice system in a quest for ever more biographically rich sources is therefore easy to appreciate. The historical criminal justice system generated a plethora of name rich sources focused on describing an individual for later identification. The records of the criminal justice system offer incredible levels of detail about the lives of non-elites. As genealogist George Morgan remarked in his 2007 article 'And the Truth Shall Make you Free', 'I often tell people that I wish all my ancestors had been criminals "At least they would be well documented" I say'.<sup>102</sup> As will be seen, criminal ancestors are prized as much for the documentation their actions generated, as for the spice they add to the family story. The paper trail that permits their discovery is richer than those available for most ancestors. As one New York society advised its membership 'for the genealogist, it is a sad but true fact that if your

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<sup>102</sup> George G. Morgan, 'And the Truth Shall Make You Free' *Der Ahnenforscher* "The Family Researcher" 112 pp. 10-11 (New York, 2007).

ancestors were hard-working, productive citizens, there is a very good chance that there will be nothing in the written record that will provide you with any documentation of their life'.<sup>103</sup>

The records of the criminal justice system are prized not only for the biographical detail they offer, but also for delineating physical and, to an extent, psychological traits. From the nineteenth century, prison and transportation registers recorded, beyond offence and sentencing information, details on height, weight, hair and eye colour, distinguishing markings, and education levels. Convict records can also include name and address details of the convict, victims and next of kin, copies of letters, and after the 1860s, photographs of prisoners. Records such as petitions and judges' reports comment on the morals and character of their subject. This style of information is simply not available for more law-abiding ancestors. The records also cover large numbers of people. In particular the records of the lower-level courts, such as the petty sessions, contain the details of the millions of individuals who passed through that system. As events which were also of contemporary interest, the details of criminal activity also featured in newspapers which offer a looser, more narrative, and sometimes sensational take on the events, which add to the official record. Newspaper reports of court hearings and court proceedings also offer researchers the chance to 'hear' an ancestor's 'voice' through their testimony, which was often printed in the form of speeches in newspapers and proceedings.

These records greatly enrich what a researcher can learn about an ancestor in the long lacunae between so-called 'vital events' and censuses. Those records offer only a snapshot of a single day in an ancestor's life. The records of the criminal justice system also show the ancestor as an active agent, caught in the act of doing something, not merely being recorded as a member of a congregation or a community. At birth and death, they were passive rather than active participants

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<sup>103</sup> Lockport Area Genealogical & Historical Society, 'Notoriety Can Equal Records', *Lockport Area Genealogical & Historical Society Newsletter* Issue 75 (2008).

in the events recorded. For much of their history census records were not filled in by the householder. The records of the criminal justice system satiate a desire for richly detailed records. The records themselves come in many forms, some are tabular, others narratives. All the records require a degree of patience to decipher, both physically and for their meaning. Many of the documents are handwritten in cursive or more elaborate scripts, the text can be faded, and clerks employed legal jargon, acronyms and abbreviations.

Figure 1.1 records the imprisonment of one Joseph Lovely in Richmond Prison, Dublin in 1884. The register tells us that Joseph reported his age as 22 at the time of his imprisonment, placing his birth year in 1862. He was a resident of Dorset Street. Joseph was imprisoned in February 1884, having committed an unspecified ‘nuisance’ and assaulted a police officer. At the time of his imprisonment, Joseph was described as 5ft 10in, with dark hair, a fresh complexion and blue eyes. Joseph’s occupation was listed as a barber, and he could read and write. His religion was Roman Catholic. For his separate offences he was sentenced to a combined twenty-one days in prison or a fine of 10s and 20s respectively. Joseph paid the 20s fine but appeared to have a pending court date for the other offence at the time the document was compiled.<sup>104</sup> From a record such as this one, a descendant can learn details usually beyond their grasp. Joseph Lovely can be pictured: a fresh complexion, youthful good looks perhaps, particularly with his dark hair, and, undoubtedly piercing, blue eyes. He was tall at 5’10”. With these details, Joseph steps from the pages of a prison register more fully formed than he does from a census. The detail provided entices the family historian to construct more detail, to fill in the gaps in a way that the pedestrian details of birth, marriage and death records do not. A prison register offers more than a string of facts; it offers a picture, a character, and the beginnings of a story. These records, with their rich detail,

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<sup>104</sup> The National Archives of Ireland, ‘Dublin-Bridewell (Richmond) Prison, General Register 1882-1884’ 1/13/38/2 via Findmypast ‘Irish Prison Registers, 1790-1924’ <https://search.findmypast.co.uk/record?id=IRE%2FPRISR%2FRS00018280%2F4492669%2F00250&parentid=IRE%2FRISR%2FRS00018280%2F4492669%2F00250%2F008> [accessed 28 December 2020].

greatly facilitate a narrative style of genealogy which is integral to family history, giving flavour and body to a life that may otherwise be marked only by its points of entry and exit.

Figure 1.1: Joseph Lovely, Richmond Prison Register, 1884

GAOL Richmond										GENERAL REGISTER OF PRISONERS.														
Former Reference	No. of Times		No.	NAMES	DESCRIPTION				Marks on Person	Weight on Admission	Where Born	Last Residence	Trade or Occupation	Degree of Education	When Committed	OFFENCE	By whom Committed	Sentence	Fines, Bail, or Hard Labour	Expiration of Sentence	After Reference	FURTHER REMARKS		
	U.	M.			Age	Ht.	Build	Complexion																
				1. George Richardson	19	5	10	Blk	Green	Dungannon	C. Lyons	Deputy	Widow	1872	7	arson	Commissioner	6 mths	10/11/83	12/1/83	17/1/84			
				2. Joseph O'Brien	40	5	4 1/2	Bay		Dorset St	King St	Slater	RC	RW	22	Drunkenness	C. J. O'Donell	3 days		4/12/83				
				3. Thomas Brady	45	5	7 1/2	Red	Blue	Monaghan	Newry	Traveller	RC	RW	22	hike	"	3 days		4/12/83				
				4. Patrick Keenan	25	5	3 1/2	Blk	Blk	Marlboro	St. John's	Carter	RC	RW	22	Drunk & Disorderly	H. Woodcock	7 days		4/12/83				
				5. Bryan Doherty	17	5	2	Blk	Blk	Longford	St. Joseph's	Driver	RC	RW	22	Obscene Language	"	7 days		4/12/83				
1190.83				6. Christopher Sullivan	19	5	9 1/2	Blk	Blk	Nicholas St	Dorset St	Carriage	RC	RW	22	Threatening Language	C. J. O'Donell	7 days		4/12/83				
239.83				8. Joseph Lovely	22	5	10	Blk		Dorset St	Barber	RC	RW	22	I Commit nuisance II Assault Police	C. J. O'Donell	7 days 14 days		4/12/83 13/1/84	16/3/83	16/3/83	Could follow		
177.83	3	21		9. Henry Devine	32	5	5 1/2	Blk		Phibsboro	St. Conns	hab	RC	RW	22	harbony stationery	C. J. O'Donell	6 mths		11/2/83	12/1/83	17/1/84		
				1. James Magee	15	4	8	Blk		Dublin	Domestic	Manager	RC	RW	23	Throwing missiles	H. Keys	24 Hours		3/6/83				
				2. Patrick Buschell	19	5	7	Blk	Blk	Nasa	New Lane	Valet	RC	RW	23	Drunkenness	H. Woodcock	14 Hours		4/6/83				
1755.83				3. William Collins	15	5	4	Blk	Blk	Draghda	Patrick St	Minors	RC	RW	23	Assault	"	3 days		5/7/83				
				4. Nicholas Curry	15	5	0	Blk		Bride St	Radcliffe	hab	RC	RW	23	hike	"	3 days		5/7/83				
2410.83				5. Patrick Hyland	52	5	6	Blk		Mary Lane	R. D. Main	hab	RC	RW	23	Break of workhouse rules	"	7 days		11/2/83				
				6. Denis Kavanagh	22	5	7 1/2	Blk		Capel St	hab	RC	RW	23	harbony a pipe out of service	"	14 days		11/2/83					
135.84				7. James Keenan	26	5	7 1/2	Blk		113	Francis St	hab	RC	RW	23	Assault	"	2 mths		11/2/83				
349.84				8. Michael Fagan	19	5	1 1/2	Blk		116	Rotten Row	Strap	hab	RC	RW	23	Assault Police	H. Keys	2 mths		11/2/83			
				9. Michael Smyth	45	5	10	Blk		Canalic	Pat. St	Carriage	RC	RW	25	Drunkenness	J. A. Byrne	24 Hours		3/6/83				
				10. Patrick Harje	34	5	9 1/2	Blk		Canalic	St. John's	Carriage	RC	RW	25	Assault female	"	14 Hours		5/7/83				

Source: Richmond Prison Register 1882-1884, NAI 1/13/38/2 , Irish Prison Registers via

Joseph lovely 22 5 10 Blk . "

Dorset St Barber RC RW " 22 I Commit nuisance II Assault Police



The family history of a bookbinder from Kingston upon Hull in the East Riding of Yorkshire, England, is further illustrative of what happens when the gaps between records are filled with the records of the historical justice system. The eldest son of the Kirk family, born in 1859, Charles Kirk, is easily traced through sixty years of census records, from 1861 to 1911.<sup>105</sup> By 1881 he had taken up his father's trade and became a Journeyman Book Binder. Later censuses show he married and had three children. His domestic life included a servant, one of whom stayed with the family for thirty years. His wife Alice died in 1935,<sup>106</sup> and Charles followed two years later dying in 1937, aged 78.<sup>107</sup> His sons can be found in the 1939 register with their families, one with two redacted entries indicating living relatives.<sup>108</sup> This is a wholly satisfying and thoroughly researched family history, complete with living descendants, of a man born over 160 years ago. However, this tidy narrative of steady employment in a quiet trade and a settled family life which included the assistance of a servant takes on a different hue if the family historian chooses to look beyond core genealogical records.

In 1885 Charles, his father and younger brother, were arrested for their role in a series of burglaries in Hull. Charles was twenty-five and already married with two children, and his wife was pregnant with their third child. Newspaper reports show that Charles denied the charges. However, they also revealed that Charles had been in a reformatory in 1873, with one of the other defendants.<sup>109</sup>

Records show he spent five years between the ages of approximately 14 and 18 at Castle Howard

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<sup>105</sup> The National Archives (TNA), RG09-RG14 England & Wales Census 1861-19011 via [www.findmypast.co.uk](http://www.findmypast.co.uk) [accessed 16 December 2020].

<sup>106</sup> Alice Kirk, death register entry via Findmypast 'England & Wales Deaths 1837-2007', Vol 9D, p. 259 <https://www.findmypast.co.uk/transcript?id=BMD%2FD%2F1935%2F1%2FAZ%2F000588%2F095> [accessed 16 December 2020].

<sup>107</sup> Charles Kirk, death register entry via Findmypast 'England & Wales Deaths 1837-2007', Vol 93, p.258 <https://www.findmypast.co.uk/transcript?id=BMD%2FD%2F1937%2F3%2FAZ%2F000475%2F066> [accessed 30 December 2020].

<sup>108</sup> TNA, RG101/3171B/022/20, Walter Kirk in 1939 Register via Findmypast <https://www.findmypast.co.uk/transcript?id=TNA/R39/3171/3171B/022/20> [accessed 11 December 2020].

<sup>109</sup> The Burglaries by Hull Tradesmen, Bridlington Free Press 11 April 1885, p.5, via British Newspaper Archive <https://www.britishnewspaperarchive.co.uk/titles/bridlington-free-press> [accessed 10 December 2020]

Reformatory for being ‘rogue and vagabond’.<sup>110</sup> For his role in receiving goods in the 1885 robberies newspaper reports suggested Charles was sentenced to ten years. Other records reveal that he served at least five years. From April 1885 and April 1889, he was imprisoned in what was described by the records as a Borstal. Charles even found his way into the Habitual Criminal Register of 1889, where he was described as 5ft 4in tall, with hazel eyes. He had scars on the right and left of his neck and on his hand. After his discharge he was destined for St Giles’ Christian Mission.<sup>111</sup> All of these events occurred between census years and did not interrupt Charles from holding a job, marrying and having children. The evidence for his life course history, derived from standard genealogical material is perfectly ordinary. However, the occurrence of his name in other record types, returned on a speculative search using his name, approximate year of birth and ‘Hull’ in the Findmypast database, lead to a wholly different narrative.<sup>112</sup>

As Paul Darby and Paul Clough discovered in their work looking at the search patterns and motivations of genealogists, story-telling is an important driver for family historians. In Darby and Clough’s research, family historians reported a ‘desire to learn about mysterious stories’. Others said their research was driven by ‘a wish to get to the truth behind some dreadful family stories’ and ‘a desire to get to the bottom of some “funny business” surrounding an ancestor who was “a bit of a rogue”’.<sup>113</sup> This impetus for story-telling is evident throughout the hobby and will be explored in detail in Chapter Four.

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<sup>110</sup> TNA, HO140/85 A Calendar of Prisoners Tried at the General Quarter Sessions of the Peace, via Findmypast, <https://search.findmypast.co.uk/record?id=TNA%2FCCC%2FHO140%2F085%2F00432&parentid=TNA%2FCCC%2FHO140%2F085%2F98496> [accessed 20 December 2020].

<sup>111</sup> TNA, MEPO6/2 Habitual Criminal Register 1889 via Findmypast, <https://search.findmypast.co.uk/record?id=TNA%2FCCC%2FMEPO6%2F002%2F00125&parentid=TNA%2FCCC%2F2B%2FMEPO6%2F00665371> [accessed 20 December 2020].

<sup>112</sup> Findmypast search criteria Charles Kirk, Born 1860, Hull [https://www.findmypast.co.uk/search/results?firstname=charles&lastname=kirk&keywordsplace=hull%2c%20yorkshire%2c%20england&keywordsplace\\_proximity=5&yearofbirth=1860&yearofbirth\\_offset=1&sourcecountry=great%20britain&sid=999](https://www.findmypast.co.uk/search/results?firstname=charles&lastname=kirk&keywordsplace=hull%2c%20yorkshire%2c%20england&keywordsplace_proximity=5&yearofbirth=1860&yearofbirth_offset=1&sourcecountry=great%20britain&sid=999) [accessed 11 December 2020].

<sup>113</sup> Paul Darby and Paul Clough, ‘Investigating the Information Seeking Behaviour of Genealogists and Family Historians’, *Journal of Information Science* 39.1 pp1-13 (Sage 2013), p. 6.

## First Steps in Engagement

The utility and richness of prison and court records aside, it cannot be denied that they also represent a qualitatively different type of record about an ancestor's life. The information contained within them pertains to a crime. Alongside Joseph, there are men from throughout Ireland imprisoned for offences such as arson, drunkenness, obscene and threatening language, throwing missiles, assault and breaking workhouse rules. The discovery of an ancestor engaged in criminal activity requires explanation and understanding. A criminal record elicits a multiplicity of questions about an ancestor's character which more traditional genealogical records are less likely to prompt. In the case of Joseph Lovely, what is a 'nuisance', did he *really* assault a police officer or was it just youthful exuberance? Or in a more unsettling interpretation, did he expose himself sexually? Was he routinely arrogant and troublesome to the police? In the case of Charles Kirk, the absence of his wife from the family home on two census returns becomes suspicious rather than merely a small genealogical puzzle to solve. The question of the type of father and husband he was is liable to creep into the mind if the researcher reflects on his troubled youth and extended absence from his young family. The case of Kirk illustrates how, with digitisation, family histories can be transformed when new sources become available. Sources that a genealogist may never have thought to consult can change their perception of their antecedents entirely. As a newspaper report opined 'The case has created some excitement in Hull and neighbourhood, as all the prisoners are respectably connected, Kirk sen., being a master bookbinder'.<sup>114</sup> The surprise felt by the Kirks' neighbours is one which is often felt by family historians on the discovery of the criminal activity of a previously respectable ancestor.

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<sup>114</sup> 'The Charge of Burglary Against Hull Tradesmen', *Yorkshire Post and Leeds Intelligencer* 5 March 1885, p. 6 via The British Newspaper Archive, <https://www.britishnewspaperarchive.co.uk/viewer/bl/0000687/18850305/097/0006> [accessed 16 December 2020].

As Elizabeth Yakel and Deborah Torres have pointed out ‘genealogists’ ties to records are not dispassionate, genealogists are emotional, and their emotions inspire and propel research, they are highly invested in the subject of their research’.<sup>115</sup> Furthermore, if, as David Lowenthal maintained, the public are prone to uncritical engagement with the past conveniently ‘celebrating some bits and forgetting others’, criminal ancestry offers a useful case study to test this assertion.<sup>116</sup> Deviant ancestry challenges family historians to navigate potentially difficult personal heritage and choose what to do with it. Their emotional ties and their potential desire to find only pleasant stories and inspiring relatives makes criminal ancestors complicated individuals to come to terms with. The ways in which the records are presented and contextualised are therefore crucial to a family historian’s understanding and accommodation of these events into their family story.

Genealogists are guided in their use and understanding of the records through books, articles in family history magazines, help and advice sections on commercial websites, and through forums, blogs, videos, television programmes and podcasts. These media are produced by a wide range of authors from historians to institutional staff, fellow enthusiasts, and the staff of genealogy companies. The latter is covered in more depth in the following chapter. These authors act as mediators between the source material and the genealogist. As will be seen, the overall message is one of acceptance, understanding and even celebration.

Material addressing criminal ancestry is evident from the early days of the hobby. Early twentieth-century publications were influenced by prevailing ideas around genetic inheritance and concerns around the transmission of negative traits down through the generations. In the third chapter of his short volume, *Genealogy as Pastime and Profession*, American genealogist Donald Lines Jacobus

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<sup>115</sup> Elizabeth Yakel and Deborah A. Torres ‘Genealogists as a “Community of Records”’ *The American Archivist* 70.1 pp. 93-113 (Chicago, 2007), p. 94.

<sup>116</sup> David Lowenthal, ‘Fabricating Heritage’, *History and Memory*, 10 (1998), p. 13.

addressed the topic of 'Family Pride' as an impetus for genealogical research.<sup>117</sup> In both the first edition, published in 1930 and the revised second edition of 1968, he quickly turned to the issue of disreputable ancestors and advocated acceptance. He opened his chapter with a survey of the less than exemplary antecedents of figures from the Bible, stating baldly: 'The ancestry of Jesus was not impeccable'. He then bolstered his argument with recourse to the science of heredity:

There is no need to worry if we find that an ancestor here or there was a shady character. Biologists tell us that if our parents and grand-parents were reasonably decent people, so far as heredity is concerned we need not worry about the deviations from rectitude of more remote ancestors.<sup>118</sup>

To illustrate his point further, he asked his readers to visualise a crowd of five hundred strangers. He had them consider that most would be mediocre and that the outliers would include both those of 'exceptional ability' and 'very few scoundrels'.<sup>119</sup> By equating the frequency of the number of 'scoundrels' with those of 'exceptional ability' Jacobus effectively diluted the potential taint of a deviant ancestor for his readers. The disreputable ancestor was one of a much larger group of respectable ancestors, an aberration from the norm, another variety of 'exceptional'. To further normalise the law-breaking ancestor, he devoted the remainder of his chapter to a potted social history of America's 'colonial times'. He urged his readers to familiarise themselves with the differences in morals and mores of modern American society with those of the colonial period between 1630 and the 1790s. He advised, 'those who have made unwelcome discoveries far-up the ancestral tree should study conditions in colonial times'.<sup>120</sup>

Jacobus drew particular attention to what he told his readers was a culture of pervasive drunkenness in eighteenth-century America and its connection to crime. This tendency to connect drunkenness to criminal activity, heavily overlaid with a present-day understanding of alcoholism as an addiction

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<sup>117</sup> Donald Lines Jacobus, *Genealogy as Pastime and Profession*, 2nd Revised Edition (Baltimore, 1968).

<sup>118</sup> Jacobus, *Genealogy as Pastime and Profession* p. 17; 1930 edition, p. 11 accessed via [hathitrust.org](http://hdl.handle.net/2027/wu.89062938204) <http://hdl.handle.net/2027/wu.89062938204> [accessed 12 November 2016].

<sup>119</sup> *Ibid.*, 1968, p. 18.

<sup>120</sup> *Ibid.*, p. 20.

illness is repeated in all media addressing criminal ancestry, as will be seen below. To illustrate his point Jacobus cited an incident of a couple getting drunk and killing their child by ‘lay[ing] on it’, and thus potentially being guilty of the crime of infanticide. Jacobus implied that the couple being drunk made their actions less deserving of categorisation as a crime. He was also careful to point out that the couple were ‘by no means belong[ing] to the lower grades of society’. In this way Jacobus actively reassures his readership that the discovery of any ancestor with a criminal record should not be seen as detrimental to the family line.<sup>121</sup> He provided his readers with a version of colonial society that practiced ‘village morality’ informed by necessity and ‘rugged virtues’. By drawing attention to the ‘otherness’ and harshness of the past, he created an image of the past that allowed his readers to comfortably contextualise their ancestors’ less palatable actions as reactions to hardship rather than the actions of free agents responsible for their behaviour. The ancestor can be seen as a victim of circumstance rather than a criminal. Jacobus did not deny the existence of criminal ancestors but ameliorated their existence by pointing out their inevitability and allowing his readers to consider a context in which they were close to blameless.

However reassuring Jacobus’ words may have been to American genealogists in the early twentieth century, they could have little comforting effect in Australia, if they had reached those shores. In the 1930s, Australia was faced with a generation curious about their antecedents whose parents and grandparents had not been ‘reasonably decent people’.<sup>122</sup> Transportation had ended within the lifetime of the older generation, in 1868. The physical structures of the convict period, prisons and convict settlements, were still evident in the landscape. As David Young discussed in his 1996 work, *Making Crime Pay: The Evolution of Convict Tourism in Tasmania*, Australia had experimented with the dark tourism potential of its convict sites since before the 1890s. Attractions at that time included a hulk, the *Success*, which travelled from state to state.<sup>123</sup> Port Arthur Museum,

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<sup>121</sup> Ibid., p. 19.

<sup>122</sup> Ibid., p. 17.

<sup>123</sup> David Young, *Making Crime Pay: The Evolution of Convict Tourism in Tasmania* (Hobart, 1996) p. 50.

which opened in 1890, sold original convict photographs and records as souvenirs.<sup>124</sup> It was only in the 1930s - when Jacobus was writing - that the last of the ex-convicts, 'old lags' or 'expirees' as they were also known, died.<sup>125</sup> Individual stories of 100-year-olds living in old folks homes who had arrived as convicts made the news during the decade.<sup>126</sup> The debate about the effect of the convict period on Australian society was a public one in the nineteen-thirties and forties.<sup>127</sup> History could not be denied. What could be achieved, and what large numbers of families succeeded in doing, was expunging that past from the history of an individual family.

In *Australia's Birthstain*, Babette Smith referred to the efforts by citizens to erase their convict past as 'family amnesia'.<sup>128</sup> This process began with the convicts themselves. The ability to reinvent their identity was facilitated by the integration of ex-convicts in the colony's early period, internal migration and, later, the lack of access to official documentation which could otherwise contradict an ex-convict's chosen narrative. Through name changes and citing a different ship as their mode of arrival into the colony, peripatetic ex-convicts could very effectively expunge their past.<sup>129</sup> Families that preserved the knowledge of convict antecedents into subsequent generations did not acknowledge these connections publicly. They deliberately fudged the details around the family's settlement in Australia, or invented them entirely. A typical tactic, according to Smith, was to focus on the second generation, or specific successful individuals, when recounting the family's origin story.<sup>130</sup> Later generations seeking to research the family history would be faced with convoluted, contradictory versions of the family story. For a significant period they were also hampered in their search by the lack of availability of archival sources.

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<sup>124</sup> Young, *Making Crime Pay*, p. 65.

<sup>125</sup> Smith *Australia's Birthstain*, p. 285.

<sup>126</sup> 'Last of the Expirees', *The Mirror*, 27 August 1938, p. 22, <http://trove.nla.gov.au/newspaper/article/76057749> [accessed 14 February 2017].

<sup>127</sup> Leslie Rees, 'Our Convict Past. Are We Really Ashamed of It?', *The West Australian*, 3 February 1940, p. 5, <http://trove.nla.gov.au/newspaper/article/46353523> [accessed 25 February 2017].

<sup>128</sup> Smith, *Australia's Birthstain*, p. 48.

<sup>129</sup> *Ibid.*, p. 49.

<sup>130</sup> *Ibid.*, p. 53.

The Australian government had a significant role to play in aiding, abetting and instigating national amnesia on the subject of convict origins. From the 1860s Australia followed a policy of destruction of the records of the convict system. This involved burning and pulping of records connected to convicts. The motivations behind the destruction of records in 1863 and 1870 have been ascribed by one modern archives commentator, writing on the website of the State Archives of New South Wales, to the standard practice of clearing out out-of-date documentation from government offices. The archivist advised visitors to the website that ‘In disposing of the Convict records the New South Wales Colonial Government essentially did what all governments do — get rid of those records which are felt, rightly or wrongly, to no longer be required for administrative or evidential purposes’.<sup>131</sup> However, surviving nineteenth-century commentary leaves no doubt that the subject nature of the material, rather than its obsolescence, led to the destruction of duplicates at least. ‘It was thought that one set of Records in this Office was all that could be necessary, and that there was reason to think that the books were sometimes referred to from curious or improper motives’.<sup>132</sup> There is a lack of precision regarding what was lost, with much of the material being described as miscellaneous or in terms of its tonnage. The article also contends that details for the lives of individuals named in lost records, and some of the specific information of those records, can be reconstituted from other sources. This is certainly the case, particularly in the case of those with English ancestry, the records generated by a transported convict’s trial and imprisonment in England often survive. However, for the individual family historian the destruction of those records lessens their chances of discovering a convict ancestor and certainly removes some of the richness of what can be uncovered.

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<sup>131</sup> Christine Shergold, ‘NSW Convict Records - ‘Lost and Saved’, New South Wales State Archives & Records, <https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/stories/new-south-wales-convict-records-lost> [accessed 19 October 2016].

<sup>132</sup> Ibid.



Access to material that survived long enough to be transferred to the state archives was then highly restricted. In the early twentieth century, academic historians were permitted access, but as Smith points out, up to the 1960s access rights to material pertaining to the convict period excluded genealogists.<sup>133</sup> This exclusion meant that for those that were interested there was little opportunity to investigate further. Formal exclusion, however, did not equate to complete amnesia.

In 1940 Australian children's author Leslie Rees questioned whether there was a generalised shame felt by the population. In his article he contended: 'In truth the average Australian thinks as little about his convict background as he does his free. Lacking historical sense, he also lacks defensive inferiority about the "birth-stains"'.<sup>134</sup> Rees's assessment of a lack of a generalised shame in the Australian population rested on his belief that in the nineteen-forties the average Australian was 'not convict-conscious'. Simply put, they did not know enough about convict ancestry to care either way. There is a direct connection between a lack of access to knowledge and lack of mass interest.

Around this time the nascent genealogy community in Australia were keen to encourage acceptance of criminal ancestry at the individual level but acknowledged that this was not always the case. Described as a 'little known society', in 1947 the Society of Australian Genealogists, echoed, in informal terms, Jacobus' view, 'protest[ing] that no one is responsible for his ancestors, anyway' and expressed disappointment that 'most people... feel that the possession of a convict as an ancestor may be damaging to their own reputation'.<sup>135</sup> However, the combination of institutional bars to access and what might be described as a general apathy or lack of curiosity fed into a perception that Australians were ashamed of their convict origins.

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<sup>133</sup> Smith, *Australia's Birthstain*, p. 41.

<sup>134</sup> Rees, 'Our Convict Past. Are We Really Ashamed of It?'

<sup>135</sup> Anthea Goddard, 'Who was your grandfather?' *The Sun*, 19 January 1947, p. 2, <http://trove.nla.gov.au/newspaper/article/230001312>, [accessed 25 February 2017].

The perceived continued reluctance of Australia, if not individual Australians, to engage with her convict ancestry invited international commentary. Writing in 1965 about Virginian first families in the United States not wishing to closely examine their humble origins Karl Shapiro mused

We are something like the white Australians, who are not eager to trace their ancestry back more than three or four generations because their original ancestors will have been sent over in the “hulks,” the convict ships that were sent from England to the farthest place England could think of. Every FFV [First Family Virginian] in Australia was a convict<sup>136</sup>

In fact, by the 1960s, when Shapiro was writing, there was more evidence of acceptance making its way into public fora. By the 1960s a century had passed since the end of the convict era, and a generation had passed since the ‘old lags’ were within living memory. The temporal distance no doubt assisted in broadening a conversation which had started in the 1940s. Some notable individuals, including politicians, came forth and declared their direct connections to the nation’s convict origins, albeit they were still declared a novelty by the press. In 1968 the Minister of Social Services, Bill Wentworth, was noted as ‘probably the only member of Cabinet whose ancestors include an illegitimate son of a convict woman’.<sup>137</sup> Clive Turnbull noted in his 1965 *Concise History of Australia* that previous ‘strenuous efforts’ to conceal convict ancestry on the part of individuals had given way in some corners to a more accepting frame of mind. He wrote, ‘only in recent times has this attitude changed to some degree, and although it has not been noted that any families of wealth have claimed convict ancestors a few other people have been proud to do so, or at least have not counted it to matter’.<sup>138</sup>

The engagement of individuals in Australia with their convict past became more visible in the 1970s and can be directly linked to increased access to archival records. Over the course of the

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<sup>136</sup> Karl Jay Shapiro, *To Abolish Children and Other Essays* (Chicago, 1968), p. 28.

<sup>137</sup> ‘Mr Wentworth’s Ancestors’ *The Canberra Times*, 29 February 1968, p. 3 <http://trove.nla.gov.au/newspaper/article/131668350> [accessed 11 January 2017].

<sup>138</sup> Clive Turnbull, *Concise History of Australia* (New York, 1965), p. 37.

decade archives lifted the restrictions which had previously only permitted *bona fide* academic researchers to view the records.<sup>139</sup> A public appetite that was already present was now being satisfied and led to the publication of ‘how-to’ literature and narratives. In 1970 genealogist Dawn Troy published a *Guide to convict records in the Archives Office of New South Wales*.<sup>140</sup> In 1977 Judith O’Neill published *Transported to Van Diemen’s Land: The story of two convicts*; the book, aimed at a juvenile market, was based on her own ancestors’ arrival in Australia.<sup>141</sup> The research which informed the book was begun by her father in the 1960s, indicating a willingness by an older generation to engage with convict ancestry despite official attempts to block access.<sup>142</sup> The fact that the book was aimed at children indicates that there was no feeling that the truth needed to be concealed from impressionable minds. By the 1980s, and particularly in the lead up to the bi-centennial in 1988, contributors to genealogy periodicals were regularly sharing their convict stories. These are discussed in more depth in Chapter Four. The Australian bi-centennial was instrumental in bringing the conversation around convict ancestry in Australia to a far wider population than before. According to Babette Smith, a new phase of interest in genealogy was launched by the official celebrations, albeit the celebrations themselves excluded a suggested re-enactment of the arrival of the first fleet.<sup>143</sup> Smith ascribed a naivety and ignorance of convict antecedents to the majority of her fellow Australians. She suggested they started researching ‘with the innocence of ignorance, thousands of Australians accessed the newly released births, deaths and marriages indexes, obediently working backwards... until they were pulled up short by the revelation that they had discovered a convict ancestor’.<sup>144</sup> While not attempting to deny that the discovery may have been a surprise, or indeed a shock to individual families, in contrast to Smith’s

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<sup>139</sup> Smith, *Australia’s Birthstain*, p. 42.

<sup>140</sup> Dawn Troy, *Guide to convict records in the Archives Office of New South Wales* (Sydney, 1970).

<sup>141</sup> Judith O’Neil, *Transported to Van Diemen’s Land: The story of two convicts*, Cambridge Introduction to the History of Mankind (Cambridge, 1977).

<sup>142</sup> *Ibid.*, p. 5.

<sup>143</sup> Smith, *Australia’s Birthstain*, p. 44.

<sup>144</sup> *Ibid.*

assessment, there is ample evidence that there were others who had actively sought out their convict connections in the decades preceding the Australian bicentennial.

Genealogists in the United Kingdom had not had the same restrictions placed on their access and appear to have arrived at publicly avowed interest in convict ancestry slightly ahead of their antipodean counterparts. In the late 1950s genealogists grappled openly with acceptance of convict ancestry in their family history society magazines. The magazine of the Society of Genealogists noted a shift in attitudes in 1959, which they ascribed to the passage of time while acknowledging that some difficulties prevailed. 'The great problem of our genealogical work is, how to deal with the question of convict ancestry, but the perspective of time is gradually making our task more easy.'<sup>145</sup>

In the UK the convict ancestor was more likely to be viewed as one of many. A great-great-grandparent with a criminal record was not looked upon as the founding member of a family line. This is partially because a UK based genealogist could more easily trace their ancestry back to the earliest years of the early modern period, assisted by the mandatory recording of baptisms, marriages and burials from 1536. A criminal grandparent at several generations remove is therefore firmly placed within a group of sixteen or thirty-two, or even sixty-four direct named antecedents at the same remove. This contrasts greatly with the Australian grandparent who was isolated by virtue of their being the only one to make the journey to Australia and is apt to be considered the apical ancestor, the progenitor of the family.

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<sup>145</sup> *The Genealogists' Magazine* (1959) p. 138.

## Encouraging Engagement with Criminal Ancestors

Regardless of the challenges for accommodating a criminal ancestor that might be felt at an individual family level, what is evident is that during the nineteen-sixties and seventies the criminal ancestor was being discussed more frequently in grassroots genealogy publications. During these decades there was a rise in ‘how-to’ material relating to convict and criminal ancestry in each of the three countries. This didactic literature, explicitly aimed at the genealogy market about the records of the historical criminal justice system, is key to understanding how family historians have been educated about criminal ancestors. It was fellow family historians that created the literature to guide them in their use of the records of the historical justice system. Three comprehensive guides to the records available at The National Archives in the UK were published in the eighties and nineties.<sup>146</sup> Articles also appeared in magazines aimed at the genealogical audience on the topics of convicts and research about criminal ancestors, which point to the early appreciation for and extensive use by this audience of crime records.<sup>147</sup>

The attempt to engage people with criminal history through genealogy was typified by a volume produced by The National Archives of England in 2005, *Family Skeletons: Exploring the lives of our disreputable ancestors*.<sup>148</sup> The book, which appeals to a more prurient interest in criminal ancestors, draws primarily on the collections of that institution. Many of the records cited have been subsequently digitised and made available online via what The National Archives in the UK term a Licensed Internet Associateship (LIA) with Findmypast.<sup>149</sup> Authored by historians working in the Public Record Office, the work devotes each of its main twenty-four alphabetically arranged

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<sup>146</sup> Stephen Wade, *Tracing your Criminal Ancestors: A Guide for Family Historians* (Barnsley, 2009); David T. Hawkins, *Criminal Ancestors: A guide to historical criminal records in England and Wales* (Stroud, 2009), David T. Hawkins *Bound for Australia: A Guide to the Records of Transported Convicts and Early Settlers* (1987; Stroud, 2012).

<sup>147</sup> Examples include ‘Criminal ancestors in England and Wales’, *Family Tree Magazine* 8.2 (Huntingdon, 1992); ‘Tracing criminal ancestors, brief overview’, *Origins* 19.3 (1995); ‘Best websites for criminal ancestors’, *Who Do You Think You Are Magazine* 6 (2008) via Periodical Source Index at Findmypast [www.findmypast.com](http://www.findmypast.com).

<sup>148</sup> Ruth Paley and Simon Fowler, *Family Skeletons: Exploring the lives of our disreputable ancestors* (Richmond, 2005).

<sup>149</sup> The National Archives, ‘Licensing our records’, <http://www.nationalarchives.gov.uk/commercial/licensing.htm> [accessed 23 July 2020].

chapters to a deviant character: from abortionists to witches. The publication of the book assumes an appetite for the material, possibly based on the archive's experience with genealogists' increased use of the records. The emphasis on ancestral links is made explicit in a chapter entitled 'How to trace your skeleton'. The criminal ancestor adds 'spice' to the family tree,<sup>150</sup> and they are made palatable by being cast as poverty-stricken folk 'driven to crime by their circumstances'.<sup>151</sup> Although the volume pre-dates many of the digitised resources, there is also a chapter on useful websites. The tone of the volume is set in its opening sentence, 'This book is about the men and women your mother always warned you about'.<sup>152</sup> A small section on 'definitions' seeks to alert the reader to the changing nature of 'crime'. This section uses examples of previously illegal activities that have since been decriminalised (homosexuality) and vice versa (drug-taking), as well as drawing attention to illegal activities which were tacitly accepted (poaching and smuggling). The rest of the volume is a potted history of crime and punishment. Case studies are presented as 'past lives' and 'quick histories'; the emphasis is on accessible and relatable content. Many chapters begin with a comparison to the present day. The chapter entitled 'Bastards' begins 'In an age when cohabitation without marriage has become common-place, it is difficult to imagine the horror with which illegitimacy was viewed less than half a century ago'.<sup>153</sup> The chapter on 'Dangerous drivers' starts, 'There are certain things we take for granted in the modern world',<sup>154</sup> while the chapter on Pickpockets begins, 'For centuries pickpockets have been blighting the lives of citizens'.<sup>155</sup> In this way, throughout the volume, readers are introduced to characters and crimes that are presented as perennial. If these readers go on to discover similar individuals or circumstances in the lives of their ancestors they are primed to see them as a welcome addition to

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<sup>150</sup> Paley and Fowler, *Family Skeletons*, p. ix.

<sup>151</sup> *Ibid.*, p. 1.

<sup>152</sup> *Ibid.*, p. ix.

<sup>153</sup> *Ibid.*, p. 21.

<sup>154</sup> *Ibid.*, p. 69.

<sup>155</sup> *Ibid.*, p. 170.

the family tree, which would ‘otherwise be generations of agricultural labourers and domestic servants’.<sup>156</sup>

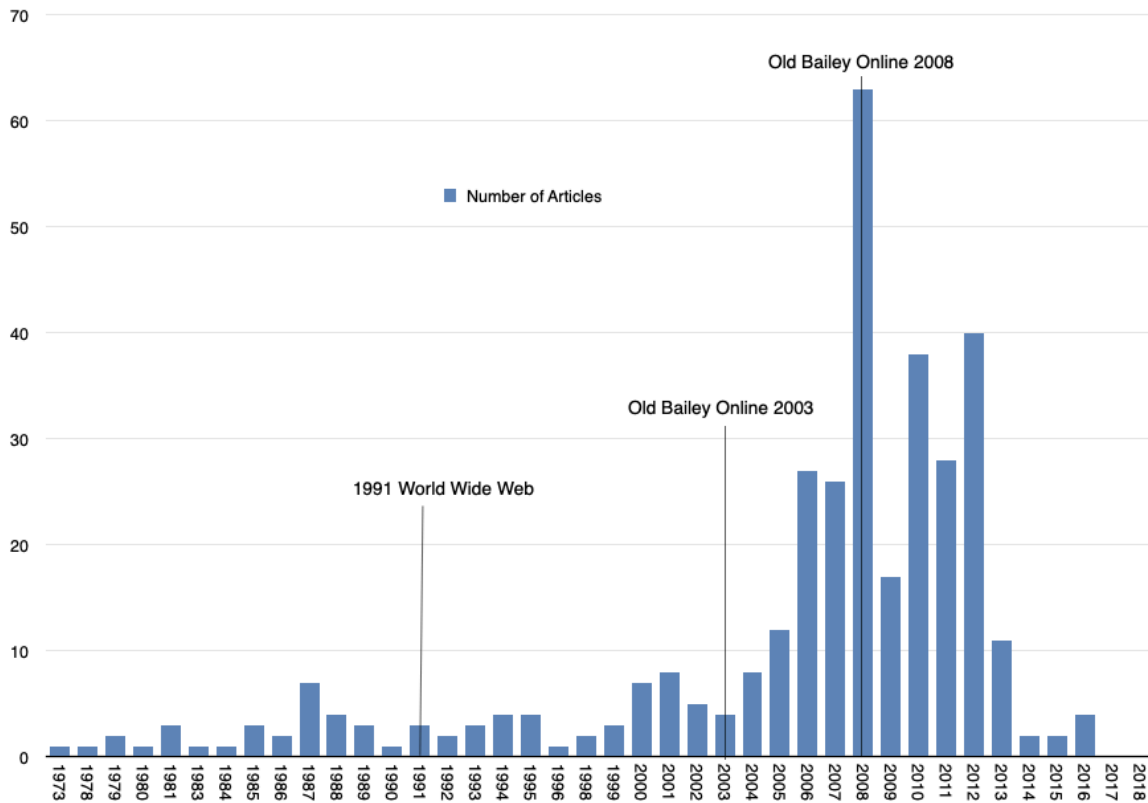
While it is impossible to know the reach of Paley and Fowler’s book, the frequency of articles published in family history magazines produced by societies and commercial outlets can be used as a barometer for the wider genealogy community’s engagement with historical criminals. One source which permits quantitative analysis of ‘how-to’ articles relating to the historical criminal justice system published in genealogy periodicals is The Periodical Source Index (PERSI). An initiative of the Allen County Public Library in Indiana, PERSI is a bibliographic index of articles published in genealogical and local history periodicals from the late eighteenth century to the present day. As of July 2020, the index held 2,901,570 entries.<sup>157</sup> Notwithstanding the curated and ‘work-in-progress’ nature of PERSI, and the limitations of having access only to the article titles in the majority of cases, the evidence provided by entries for articles advocating the use of criminal/civil court and prison records for family history research shows engagement with this material by the genealogy community was established from the nineteen-seventies. As illustrated in Graph 1.1 articles relating to criminal ancestry became common by the late nineteen-eighties.

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<sup>156</sup> *Ibid.*, p. ix.

<sup>157</sup> Findmypast, Periodical Source Index, all entries search result <https://www.findmypast.co.uk/search/results?datasetname=periodical+source+index&sid=103> [accessed 19 July 2020].

Graph 1.1: 'How to' Articles listed in the Periodical Source Index relating to crime keywords



Source: Periodical Source Index (PERSI) hosted on [www.findmypast.co.uk](http://www.findmypast.co.uk)

PERSI lists thousands of articles referencing ‘court’ (70,968) and ‘prison’ (4,722). The general proliferation of articles referencing ‘court’ can be mostly ascribed to articles referencing probate courts and other administrative roles of the courts, therefore ‘court’ was not used as one of the keywords which informed the analysis here. Searches for petty sessions, quarter sessions, assizes, and “Old Bailey” return fifty-one how-to articles in total. However, there is no doubt that there are many more articles which refer to the criminal courts which did not readily surface through keyword searching. Likewise, many of the prison articles are concerned with military prisons, and these have been omitted from this discussion. The focus for this analysis was on the articles designated as ‘how-to’ within the PERSI index on a selection of keywords. How-to articles featuring the following keywords appear with reasonable frequency: convict (60), criminal (63), prison/penitentiary (21), coroner inquest (29), reformatory/industrial school (10), and ‘black sheep’ (38). Due to the selection process several articles of potential interest are not accounted for in the



above figures. As mentioned the proliferation of civil court articles prevented their use in the sample but it is worth noting that one example of a ‘court’ article pre-dated the other articles for the use of court records by genealogists by seventeen years. ‘Lower court cases, a genealogist’s tool’ was published in 1961 in the *American National Genealogical Society Quarterly*.<sup>158</sup> Another article, which was not designated as a ‘how-to’ article, illustrated the early use of the convict records was a 1977 article entitled ‘Remittance men - were they all black sheep?’.<sup>159</sup>

It will be useful at this juncture to consider the prevalent use of ‘black sheep’ to describe deviance in the genealogy community. It is often found in the titles of talks and articles pertaining to criminal ancestry. Although derived from the formal definition for ‘black sheep’ as provided by the *Oxford English Dictionary*: ‘[a] disreputable or unsatisfactory member (of a family, etc.); a bad character’,<sup>160</sup> the genealogical black sheep stands out more for its novelty than its disreputability. As previously discussed, these unusually well-documented individuals stand out in a sea of relatively anonymous ‘white’ sheep. The thirty-eight how-to articles relating to ‘black sheep’ included ‘Pursuing Elusive Black Sheep’,<sup>161</sup> ‘Don’t overlook the Black Sheep’,<sup>162</sup> ‘Making Your Black Sheep The Family Pet’<sup>163</sup> and ‘Ethics, Baa-baa black sheep, do I dare tell?’.<sup>164</sup> While it was not possible to access the text of these specific articles, the titles alone speak to the draw of these ancestors, their value to genealogists, and the ethical concerns they can raise. As these titles suggest, and as will be evident from the remainder of this thesis, ethical concerns are usually rooted in concern for the living descendants rather than the deceased antecedent. This topic is explored in Chapters Four and Five.

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<sup>158</sup> ‘Lower court cases, a genealogist’s tool’, *National Genealogical Society Quarterly* 49.4 (1961).

<sup>159</sup> ‘Remittance men-were they all black sheep?’ *British Columbia Historical News* 10.2 (1977).

<sup>160</sup> Oxford English Dictionary Online, “black sheep, n.”.. December 2016. Oxford University Press. [http://www.oed.com/view/Entry/288486?redirectedFrom=black+sheep& \[accessed January 29, 2017\]](http://www.oed.com/view/Entry/288486?redirectedFrom=black+sheep& [accessed January 29, 2017]).

<sup>161</sup> Ontario Genealogical Society, ‘Pursuing Elusive Black Sheep’, *Families* 20.4 (1981).

<sup>162</sup> American Family Records Association, “Don’t overlook the Black Sheep”, *Family Records Today* 7.2 (1986).

<sup>163</sup> Upper Ottawa Valley Genealogical Group, ‘Making Your Black Sheep The Family Pet’ *Timberline* 4.4 (1993).

<sup>164</sup> North Suburban Genealogical Society ‘Ethics, Baa-Baa Black Sheep, Do I Dare Tell?’ *North Suburban Genealogical Society Newsletter* 27.1 (2001).

As illustrated in Graph 1.1, the earliest 'how-to' article returned on the search term 'convict' and was published in 1973 in *Ancestor*, an Australian publication. A 'resource guide', the article is evidence of an appetite for researching convict ancestry at this early date.<sup>165</sup> The majority of articles returned on the keyword 'convict' were of Australian origin, although there were some published in New Zealand and England. The word convict has become almost synonymous with Australian research related to the transportation period. Barely a handful of the sixty-three articles returned on a search for the word convict related to non-Australian topics. The remaining keywords return articles from a broader geographic spread. Articles returned on the keyword 'criminal' began to be published in the United States in the 1980s, and those on 'prison' in 1996. As described above, the use of these sorts of records by genealogists appear to be more directly affected by access issues than they are by the sensitivities of the utilisation of these records by family historians. Many of the articles are concerned with giving genealogists the means to find the records they require; in essence, they are miniature catalogues and guides to repositories. The articles presume an interest in criminal ancestry within the genealogy community that does not need to be justified.

Notwithstanding the evidence the numbers of articles discovered provides of acceptance within the established genealogy community, it could be contended that the articles published in family history society magazines have a limited readership, often comprising just the members of the individual society. It could also be argued that this group represents a particularly dedicated sub-set of the community who are not representative of hobbyist family historians. However, since the 1980s, there have been a number of full-length books on the topic of discovering criminal ancestry. These indicate a broader appetite for the material. These books also represent a shift from a narrowly

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<sup>165</sup> Genealogical Society Of Victoria, 'Earliest records of Australian convicts, resource guide, 18th-19th C.', *Ancestor* 9.7 (Melbourne, 1973).

specialised topic to criminal archives being a staple source which family historians should expect to familiarise themselves with in the pursuit of their family history.

In the United Kingdom, the three main published guides to the use of the records of the historical criminal justice system draw primarily on the collections of The National Archives. David Hawkings' *Bound for Australia: A Guide to the Records of Transported Convicts and Early Settlers* was first published in 1987.<sup>166</sup> Hawkings' book offers a comprehensive guide to the records held at The National Archives. The book begins by laying out a twenty-six-stage process guiding readers through different sources to consult as they search for a convict ancestor. The remainder of the four-hundred- and fourteen-page book is part catalogue, part sampler. Hawkings offers no commentary on the nature of the events recorded by the documents. He confines himself to describing the who, how and why of record creation, and printing selected illustrative extracts. The extracts provided aim to familiarise the reader with the structure of the material and to give an example of the type of information they contain. They are offered entirely without judgement. In 1992 Hawkings produced a similar volume aimed at the UK market: *Criminal Ancestors: A Guide to Historical Records in England and Wales*. Overall, the format is the same as his previous work with no commentary or value judgements on the events the documents represent. Likewise, there is no attempt to assist the family historian to make sense of the material they are encountering beyond their utility as records of events. Notwithstanding his neutral approach, he does reveal that his impetus for compiling the guide came from discovering an ancestor in gaol in the 1851 census. His own genealogical journey spurred him to create a comprehensive guide to the sources for fellow researchers, assisting them in breaching the brick wall that unfamiliar sources could represent.<sup>167</sup>

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<sup>166</sup> Stephen Wade, *Tracing your Criminal Ancestors: A Guide for Family Historians* (Barnsley, 2009); David T. Hawkings, *Criminal Ancestors: A guide to historical criminal records in England and Wales* (Stroud, 2009), David T. Hawkings *Bound for Australia: A Guide to the Records of Transported Convicts and Early Settlers* (Stroud, 2012).

<sup>167</sup> Hawkings, *Criminal Ancestors*.

Stephen Wade's 2009 volume *Tracing Your Criminal Ancestors* takes a more narrative approach. He opens his review of the sources with a short introductory essay which begins with a section entitled "'Criminal" - a survey of the word in sources'. In this short section, Wade put his readers at ease by pointing out that 'definitions of what is criminal and what is not have shifted over time according to political ideologies, changing moral structures and the adaptations of criminal law as society changed'.<sup>168</sup> In common with Jacobus, Wade enjoined his readers to consider that 'the fondness for gin through the eighteenth century and Victorian period, along with increasing numbers of beer shops, explain much of the related crime'.<sup>169</sup>

Wade's volume offers eight chapters which describe a variety of crimes. Within each chapter readers are given a precis of, for example 'Varieties of Homicide', a section on 'research process' and exemplar case studies. The penultimate chapter, called 'Destinations: Prison, Asylum, Hulks, Transportation', offers readers descriptions of the punishments their ancestors may have received. The emphasis of the volume is on looking to criminal records when an ancestor otherwise evades detection and guides readers to national and local collections to discover more.

Given that Wade's book was published in 2009, it is perhaps unsurprising that he does not devote much space to a discussion of internet sources for the discovery of criminal ancestors. As will be seen below, with the exception of the Old Bailey Proceedings Online, large-scale web-accessible databases for the criminal justice system were still in short supply at this period. Wade does suggest that 'The internet search may be a profitable starting point' as 'family history societies may well have made some progress with minor sources'.<sup>170</sup> He does not appear overly enamoured with

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<sup>168</sup> Wade, *Tracing your Criminal Ancestors*, p. 9.

<sup>169</sup> *Ibid.*, p. 27.

<sup>170</sup> *Ibid.*, p. 12.

the internet. His parting words to his readers are ‘[a] point comes at which visits to archives have to be made to complete the story’.<sup>171</sup>

Two further volumes from Pen & Sword appeared in 2017 and 2018. Jonathan Oates’ 2017 *Tracing Villains & Their Victims* is divided into chapters based on sources rather than crimes, but otherwise largely follows the mode of Wade’s earlier work. Readers are given examples of the records available and case studies. Oates introduces his topic with the familiar blend of encouragement and disclaimer. His tone, despite his use of the word villains in the title of his book, and in common with other writers, points his readers to the inevitability of the criminal ancestor, which dilutes the potential for shame.

These may not be ancestors one wants to admit having, but if they are sufficiently in the past, we may well sympathise with them. An ancestor who was shipped to Australia for sheep stealing? Doubtless a poor man merely wanting to feed his family... Crime has been a major concern throughout the ages and seems to be an inescapable part of the human condition ever since Cain.<sup>172</sup>

Despite being published in 2017, Oates like Wade, is circumspect in his treatment of the web sources. He states, ‘The current author was not brought up with the internet as a key research tool and remains sceptical of its use as primary research mechanism’.<sup>173</sup> Suggestions for using internet sources do feature in his work, but they are muted, and not listed separately in the resources section, which is confined to listing the addresses of brick-and-mortar archives.<sup>174</sup> He contends: ‘Typing in the name of a criminal, victim or crime is unlikely to bring anything up unless the crime is a significant one and those involved have some claim to merit’,<sup>175</sup> this is a surprising claim, and one which the present study contradicts entirely.

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<sup>171</sup> Ibid., p. 170.

<sup>172</sup> Jonathan Oates, *Tracing Villains & Their Victims*, (Barnsely, 2017) p. vii-viii.

<sup>173</sup> Ibid., p. 156.

<sup>174</sup> Ibid., pp. 172-174.

<sup>175</sup> Ibid., p. 156.

A more specialised volume, also produced for the genealogy market through Pen & Sword, appeared in 2018. The work, written by two academics, Lucy Williams and Barry Godfrey, offered case studies of female offenders. *Criminal Women 1850-1920: Researching the Lives of Britain's Female Offenders* was broken into three parts, 'Background', which offered contextual information, 'Case Studies of Criminal Women', comprising thirty case studies which offered a mix of narrative and extracts from original documents, and finally a section described as 'How to Research'.<sup>176</sup> Again, despite being published in 2018, web resources did not feature to any great extent in Williams and Godfrey's work. Where they cited original material, particularly images, they cited the source archive, which although perfectly correct, did not signal to the uninitiated the ease with which they could find these records for themselves online. There were no mentions of Findmypast or Ancestry, and mentions of the Old Bailey Proceedings Online and Digital Panopticon, although present were not fore-fronted. In the case of the Digital Panopticon, they omitted to mention that the full records of many records are not available on that site, and require the user to visit Findmypast or Ancestry to see more details and the images of the originals.

Whether pre or post-dating the advent of large-scale digitisation of the records of the historical criminal justice system, works which have sought to guide family historians in the use of the records focus their advice on the use of national and local archives. The majority of the works are padded out with vignettes and case studies, which although potentially illuminating and entertaining, appear to have limited use for a nascent researcher. Taken together these works have some practical utility, but more importantly they serve to create an atmosphere of normalcy around criminal ancestry. Multiple publications on the topic generates an aura of the commonplace around the topic. They overwhelm the individual voices who advocate caution and reserve, and entirely disregard the potential discomfort of other family members, topics which are discussed in more

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<sup>176</sup> Lucy Williams and Barry Godfrey, *Criminal Women 1850-1920, Researching the Lives of Britain's Female Offenders*, (Barnsley, 2018).

detail in Chapter Four. Trusted institutions such as The National Archives in the UK, by publishing on the topic, have declared it acceptable to have an interest in deviant ancestors. Williams and Godfrey told their readers they ‘have tried to enthuse and interest you’. A descendant is thus primed to tackle this sort of research without reserve and with the expectation of entertainment. In this spirit of ‘edutainment’ the thrust and tone has much in common with other media which blend research methodology with narrative elements.

### **The Criminal Ancestor as Edutainment**

The other medium with a role to play in promoting interest in convict ancestry which was in place before many of the large-scale digitisation programmes is television. There are several genealogy themed series which air in North America, the UK and Ireland, and Australia. Among the best known is the BBC’s *Who Do You Think You Are?* (2004-current)<sup>177</sup> which has found success in several territories, and PBS’s *Finding Your Roots* (2012-current).<sup>178</sup> Both of these series research the families of celebrities. The programmes reach a substantial audience. In the 2018 season the UK series of *Who Do You Think You Are?* had viewing figures that exceeded four million weekly.<sup>179</sup> Two-hundred and twenty-seven of 464 respondents (49 per cent) to the main survey in this study had watched *Who Do You Think You Are?* Other series such as *Genealogy Roadshow* (2013-current),<sup>180</sup> which currently airs in both the United States and Ireland, take a different approach and feature non-celebrities.

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<sup>177</sup> BBC, *Who Do You Think You Are?*, <http://www.bbc.co.uk/programmes/b007t575> [accessed 28 February 2017].

<sup>178</sup> Public Broadcasting Service (PBS), *Finding your Roots*, <http://www.pbs.org/weta/finding-your-roots/> [accessed 28 February 2017].

<sup>179</sup> Broadcasters’ Audience Research Board, ‘Weekly top 10 programmes on TV sets (July 1998 – Sept 2018)’, search on BBC1, weeks in August, <https://www.barb.co.uk/viewing-data/weekly-top-10/#> [accessed 20 February 2021].

<sup>180</sup> Public Broadcasting Service (PBS), *Genealogy Roadshow*, <http://www.pbs.org/genealogy-roadshow/home/>; Raidió Teilifís Éireann (RTE), *Genealogy Roadshow*, <http://www.rte.ie/tv/genealogyroadshow/> [accessed 28 February 2017].

The format of each series varies, but at the core of each is the dissemination of information to the participant by experts. The experts draw on archival material and present this, in a synoptic and simplified form, to the participant. Specific antecedents become the focus of the programme, and their lives are examined in detail. The programmes use traditional family trees to illustrate descent; however, the main focus is on story telling. Where possible their lives are contextualised where they intersect with larger historical narratives. The celebrity participant acts as an audience surrogate. Through their questions and reactions, they assist the audience to assimilate the information presented by the experts. The viewers are invited to see themselves in the place of the participant and consider what their own responses would be to the discoveries. The participant is given the satisfaction of a strong narrative as well as documentary evidence of events in which their ancestors lived through. A criminal ancestor provides strong narrative potential. This is explored in greater depth in Chapter Four which looks at narratives written by descendants. In the context of the television programmes, the narrative arc is controlled by the programme creators and experts who determine which branch of the family tree to follow. It is not unusual for an episode to focus on a single line and trace it back over several generations to a single person who may represent only one of thirty-two or sixty-four direct antecedents. The choice to follow deviant ancestry is, therefore, deliberate. The programmers also control the tone. This analysis uses episodes from *Who Do You Think You Are?* which aired between 2014 and 2015 to examine the tone and attitudes around criminal ancestry that are promoted by the genealogy television programmes.

What emerges from a review of several episodes is that none of the celebrities reject their deviant ancestor. They are offered contextual evidence surrounding their ancestors' transgressions which are interpreted as a reaction to mitigating circumstances. Rebecca Gibney, a New Zealand actress, who featured in an Australian episode might well have expected to find a convict ancestor. However, her law-breaking ancestor was homegrown. Her ancestor committed various infractions which she is saddened by, but all of this is explained away by his having been raised in a brothel.



His crimes are further mitigated by his redeeming himself and leading an otherwise upstanding life. In contrast, the actress expressed profound shame when she discovered the same ancestor later participated in a massacre of native Maori people. During the episode the actress participated in a ceremony of reconciliation with descendants of the victims of the massacre and made a public apology.

In another episode, Sean Hayes, an American actor, travelled to Ireland from Chicago following his paternal line. Hayes was brought to Ireland to discover more about his great-grandfather who emigrated to the United States in 1901. He discovered that his great-grandfather served hard labour for assault in 1901, aged 21. Moreover, he had previously served time at age 17. During the programme he visited the courthouse at Tarbert, which is now a museum,<sup>181</sup> prompting Sean to joke “I’m going to be standing in the exact spot that my great-grandfather stood when he got sentenced, it’s a very proud moment” [laughter].<sup>182</sup> At the courthouse he discovered that at the age of 17 his great-grandfather attacked his father, “Before I even read, this is one f’d up family”. Central to the narrative arc of the episode was the story of his great-great-grandfather, whose fifty-year pattern of offending paused during the period in which he married and had his children. There was no discussion regarding a potential gap in the records to account for this desistance. The death of his wife, when Sean’s great-grandfather was aged 10, was pinpointed as a trigger event which led to further offending by the great-great-grandfather. The key takeaway was that this pattern of offending and shirking parental responsibilities had passed down through the paternal line culminating in Sean’s father’s actions, who had abandoned the family when Sean was very young. The overall tone is one of understanding. Hayes says he reconsidered his own father’s absenteeism in the light of his discoveries. Hayes considered what he had learned and concluded: ‘it doesn’t

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<sup>181</sup> Tarbert Bridewell, <http://www.tarbertbridewell.com> [accessed 1 February 2017].

<sup>182</sup> PBS, Season 6, Episode 4 Sean Hayes, *Who Do You Think You Are?* (USA), first aired 29 March 2015, trailer <https://www.youtube.com/watch?v=4SR8VgWVtw4&list=PLC393132164302373&index=380> [accessed 7 November 2020].

excuse their behaviour, but you kind of understand why... this whole process re-iterated that you have to have compassion... you should maybe take a second and learn about why they behave that way or the decisions they made'.<sup>183</sup>

During filming, participants are, where possible, brought to the prison or courthouse that their ancestor experienced. At these locations an expert is called upon to re-create the scene. The culpability of the ancestors is often downplayed in favour of highlighting the oppressiveness of the physical surroundings and the criminal justice regime. In an episode featuring Gary Lineker, an English footballer and broadcaster, he met Professor Barry Godfrey, a criminologist with the University of Liverpool, at Leicester Prison. Godfrey explained Lineker's ancestor's poaching offences, and its relationship to the prevailing land-holding power structure, in the following terms:

These are the guys who've got the land, they've got the power, they're the magistrates, they're the judges, these are the guys you don't really want to get into trouble with... he's got no education... he can't even sign his name... you could see him as a loveable rogue <sup>184</sup>

Godfrey thus guided Lineker to see his ancestor's crime in a context of disadvantage and disempowerment. In this manner both the participant and the viewer are led towards an emotional response of outrage at what befell the criminal ancestor, rather than criticism of their behaviour.

Even more specialised standalone programmes focused wholly on ancestral crime emerged in the mid to late 2010s. Two episodes of the four-part 2016 mini-series *The Secret History of My Family* featured stories of criminal antecedents.<sup>185</sup> The programme intertwined the lives of living descendants with the lives of their antecedents. One episode which focused on the Gadbury sisters followed the fate of descendants after the three sisters were found guilty of shoplifting in the 1830s.

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<sup>183</sup> Ibid.

<sup>184</sup> BBC, Series 10, Episode 5 Gary Lineker, *Who Do You Think You Are?* (UK) first aired 21 August 2013, segment 'Gary Lineker Visits Leicester Prison', [https://www.youtube.com/watch?v=OrnGo\\_nzD3c](https://www.youtube.com/watch?v=OrnGo_nzD3c) [accessed 23 July 2020].

<sup>185</sup> BBC Two, Episode Guide, *The Secret History of My Family*, <https://www.bbc.co.uk/programmes/b073lqfh/episodes/guide> [accessed 19 July 2020].

Two of the sisters were transported to Australia, while one remained in London. The programmers used the fate of the sisters to explore the fate of their descendants. As one emotive sales pitch would have it

The story of three pickpocketing sisters raised in 1830s Shoreditch, in the heart of London's criminal underworld, and how two of them were banished to England's "thief colony." Among the girls' Australian descendants are two Supreme Court judges and a government premier, and the descendants of the sister left behind in England are a bin man and a window cleaner. The incredible true story of the Gadbury girls and the generations that followed them is told by their descendants.<sup>186</sup>

The overt message of the piece was not just that the Australian descendants fared better, but that the actions of an ancestor can have a direct and profound effect on future generations. In the case of the Australian descendants their ancestors were directly responsible for the family fortunes, in this case, particularly through their redemption.

Redemption is a common theme throughout all of the programming which touches on criminal ancestry and none more so than *Murder, Mystery and My Family*, which first aired in 2018. By 2020 the programme boasted four seasons and forty episodes, plus ten spin-off episodes which revisited earlier cases. This daytime programme re-opens historical cases in order to attempt to prove or disprove a murder conviction. The premise of the programme is that descendants are attempting to clear their ancestor's name, as one participant from series four episode seven relating to a Scottish murder case in the 1950s said, 'it was a long, long time ago but mud sticks, mud does stick'.<sup>187</sup> The vast majority of cases examined date to the early twentieth century and late nineteenth century, with very few dating before 1870. Two barristers review the case, taking the role of prosecution and defence and present their findings to a judge who pronounces a new verdict or upholds the original. Each episode ends with the descendant giving their reaction to the judge's

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<sup>186</sup> Films Media Group, 'The Gadbury Sisters—The Secret History of My Family: A Social History', <https://www.films.com/ecTitleDetail.aspx?TitleID=127867> [accessed 17 August 2020].

<sup>187</sup> BBC One, *Murder, Mystery and My Family*, Season 4 Episode 7, first aired 7 August 2020 [viewed broadcast].

pronouncement. Outcomes which hold that an ancestor was guilty of the crime are met with disappointment, and descendants reassert their belief that their ancestor was innocent. Outcomes which suggest that the original judgement was ‘unsafe’ are met with profound relief on the part of the descendant and a sense of vindication.<sup>188</sup> In this regard these participants may appear to differ from the majority of family historians, insofar as they do not celebrate a convict connection. They also questioned the guilt of their ancestor, something not seen in the responses to the survey. Both the lack of celebration and questioning the guilt of their ancestor are understandable responses given that the cases relate to murder and are predominantly recent events. However, as will be seen below, what they share with family historians, particularly with those who discover more recent events, is a sense of shock and a desire to contextualise the events to the degree that their ancestor’s crime is ameliorated to some degree. As noted above, the cases all pertain to murders which occurred in the twentieth century. The temporal distance required for the ancestor to shift into the category of ‘object of quasi-professional interest’<sup>189</sup> has not been achieved. Murder is an extreme crime. The idea that a close relative could be capable of murder is more difficult to reconcile with a family’s sense of its moral rectitude.

Television is a powerful medium through which the criminal ancestor is contextualised and normalised for descendants. The programmes, although ostensibly tailored to the subject of the programming, send a message to viewers that a criminal ancestor’s actions can be understood even where they remain uncomfortable. The process is presented as cathartic for participants, and by extension the viewers. Viewers are led to see the discovery of a criminal ancestor as a potentially transformative moment. They are shown that the criminal ancestor can be key to understanding their intergenerational family. In these programmes the criminal ancestor is used to reveal the root

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<sup>188</sup> Dark Crimes YouTube channel, *Murder Mystery and My Family* selection of episodes, <https://www.youtube.com/playlist?list=PLOnBqIDMUw1lhLPp3D2DbMZhfO93QZAjs> [accessed 17 August 2020].

<sup>189</sup> Lambert, ‘Reclaiming the ancestral past: narrative, rhetoric and the ‘convict stain’, p. 122.

cause of patterns of destruction at one extreme, and resilience at the other, in a family. These messages and connections will be seen again in the chapter on narratives.



Figure 1.2: Conference badges declaring convict allegiance

## Conferences

Meetings and conferences are an important part of the information network of family historians.

Societies such as Australia's Fellowship of First Fleeters hold regular meetings at which members can meet fellow descendants. Conferences are defined here as events which invite attendees from beyond the bounds of a local society and comprise more than an evening lecture. Family history societies in England have hosted these events since at least the 1970s,<sup>190</sup> and in the United States, the first national conference was held in 1981.<sup>191</sup> The scale of these events ranges from single-day events to weekends, from local to national to international, and with attendance measured in the hundreds to thousands. The events play host to talks and workshops, alongside society and commercial booths. Booth holders include national and local archives, societies, and commercial

<sup>190</sup> 'Tracing the Family Tree', *Birmingham Daily Post*, Monday 22 September 1975 p. 12, <https://www.britishnewspaperarchive.co.uk/viewer/bl/0002135/19750922/351/0012> [accessed 7 November 2020].

<sup>191</sup> Kathleen W. Hinckley, 'A Century of Genealogy', [https://www.genealogy.com/articles/research/61\\_kathy.html](https://www.genealogy.com/articles/research/61_kathy.html) [accessed 7 November 2020].

enterprises. The events focus on education, information sharing and recruiting new members. Commercial booths also sell books, subscriptions and DNA kits alongside their educational elements, which usually comprises a light touch search service on their own website. It is common for larger events such as RootsTech,<sup>192</sup> and the MyHeritage International User Conference, to broadcast some of their talks via the internet, making them available to a worldwide audience. Whatever their size, these events usually have a cover charge for attendance.

Remembrance and celebration of convict or criminal ancestors are not confined to specialist groups. The Society of Australian Genealogists organises events such as a ‘Convicts Day’ which offers a series of talks and workshops on convict ancestry.<sup>193</sup> Neither is the phenomenon restricted to Australia. At genealogy events such as Who Do You Think You Are Live! in England and RootsTech in the United States, the criminal ancestor is openly discussed and celebrated. Among the free promotional materials dispensed by the booths are badges and ribbons declaring the wearer to be descended from ‘Australian Royalty’ or that their genealogy journey ‘Took me to Prison’. With these badges, illustrated in Figure 1.2, attendees can, at a glance, ascertain if they have something in common with a fellow attendee. The badges act as conversation starters and encourage attendees to exchange stories of their particular ancestry with one another. The literal wearing of badges of pride has resonances with other social groups adopting signifiers, which identifies them and allies them with each other. Within the safe space of the conference, potentially taboo subjects are discussed candidly. These badges represent an assertive, almost confrontational, pride in criminal ancestry. In the safety of a like-minded group, family historians can declare their connection to a convict.

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<sup>192</sup> FamilySearch, ‘RootsTech 2018 Videos’, <https://www.rootstech.org/rootstech-2018-videos> [accessed 7 November 2020].

<sup>193</sup> Society of Australian Genealogists, ‘Convicts Day’ <http://www.sag.org.au/events/event-listing/icalrepeat.detail/2017/03/16/239/-/convicts-day.html> [accessed 28 February 2017].

Conferences aimed specifically at researching convict ancestry are included in the rota of potential conference themes. In 2018 the Fife branch of the Scottish Association of Family History Societies hosted the association's annual conference in Glenrothes, Scotland, with the theme, 'Was your Ancestor a Convict'.<sup>194</sup> The day's proceedings centred around the launch of the *Fife Calendar of Convicts*, a database compiled by one of the society's members over the course of twenty years,<sup>195</sup> and offered for sale on CD. Also in attendance were representatives from National Records of Scotland<sup>196</sup> and Fife Archives,<sup>197</sup> both of whom brought original prison register books for the public to leaf through. The talks for the day were around the themes of transportation, criminal ancestry, and court records. Also in 2018, the British Society of Genealogists' annual conference, held in Leicestershire, was on the theme of *Secret Lives: Hidden Voices of our Ancestors*. The conference attracted a mix of academic and non-academic speakers. Several talks were assigned to the crime track, among them were: 'The Secrets of A Strange Life: Exploring Victorian London's Worst Slum'; 'Bill Sheen the infanticide and his family's criminal activities in London's East End 1827-1851' and 'Voices from the Underworld: Life in the Seedy Streets of Victorian Cities'.<sup>198</sup> Michelle Patient's talk on transportation to Australia was the most popular talk of the weekend. The talks were a mix of how-to and instruction and stories of personal discoveries.

Within the genealogy community criminal ancestry is a mainstream topic. Family historians declare their connection to a criminal ancestor as easily as they do their other identifying categories, such as nationality. Within the community the criminal ancestor is not taboo. The criminal ancestor has

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<sup>194</sup> The Scottish Association of Family History Societies, 2018 Conference Site [no longer live], <https://safhs2018.fifehfs.org> [accessed 7 May 2018].

<sup>195</sup> 'Was your Fife ancestor a convict?', *The Scotsman*, 27 March 2018, <https://www.scotsman.com/lifestyle/was-your-fife-ancestor-a-convict-1-4713319> [accessed 7 November 2020].

<sup>196</sup> National Records of Scotland, <https://www.nrscotland.gov.uk> [accessed 7 November 2020].

<sup>197</sup> Fife Cultural Trust, <http://www.onfife.com/libraries-archives/archives> [accessed 7 November 2020].

<sup>198</sup> Secret Lives Conference site [no longer live] <http://www.secretlives.org.uk> [accessed 1 September 2018]; archived version available via Wayback Machine <https://web.archive.org/web/20180905011623/https://secretlives.org.uk/> [accessed 13 February 2021]

gained a place in the rota of expected lectures at larger conferences, and can determine the theme for an entire conference.

## **Grassroots Production**

Family historians have not only consumed materials about criminal ancestors they have also produced them. The descendants of convicts are deeply engaged not only with their individual stories, as will be demonstrated in Chapter Four; they are also active in the creation of finding aids and compiling source material. Alongside, and oftentimes pre-dating, archival guides and mainstream published works were the contributions of family history societies. These societies were instrumental in disseminating sources, how-to guides and, by reason of their influence, attitudes towards convict ancestors. The range of material spans how-to guides such as John Marsden's 2005 guide published by the Manchester and Lancashire Family History Society *Something you should know about... Crime and Punishment*, to the creation of the fore-runner of databases, printed lists of materials transcribed from archival sources. The *Family Tree Resources* website lists a selection of British family history societies, and on each society page is a list of their publications.<sup>199</sup> Typical of this is the Cambridge Family History Society, which has produced a range of booklets, including *Petty Sessions*, *Quarter Sessions Indexes*, and *Cambridge Prison Books 1850-1916*, all of which are for sale from the society.<sup>200</sup> Dozens of societies across the UK have created similar material, the collation and distribution of which can only be afforded a cursory mention here. Many of the volumes are modest booklets of stapled pages. Societies with more significant resources, such as the Bristol and Gloucestershire Archaeological Society (BGAS), produce hardback volumes, or as below CD ROMs. The first volume in the BGAS's Gloucestershire Record Series, which began

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<sup>199</sup> Family Tree Resources, <https://www.familytreeresources.com> [accessed 16 December 2020].

<sup>200</sup> Family Tree Resources, 'Cambridgeshire Family History Society', <https://www.familytreeresources.com/cambridgeshire-family-history-society.html> accessed 16 December 2020].



publishing in 1988, was a volume entitled *Transportees from Gloucestershire to Australia, 1783-1842*. The volume is now available as a PDF on the society's website.<sup>201</sup> The society went on to publish a further volume relating to crime in 2008, *Calendar of Convictions at Petty Sessions, 1781-1837* edited by the same society member, Irene Wyatt.<sup>202</sup>

The tendency for an individual member in a society to promote a specialism, such as crime, is seen across the hobby and these grassroots historians can be prolific in their output. Dr David Dobson, an honorary research fellow at St Andrews University, has published dozens of compilations of indexes and abstracts of genealogical sources, each of which has gone through several editions as he augments them.<sup>203</sup> His particular interest is in Scottish migration to the United States regardless of the mode of arrival, as evidenced by his *Directory of Scots banished to the American plantations, 1650-1775*. He also compiled a two-volume work entitled *A Directory of Scots in Australia 1788-1900*. A selection of his works have since been published on Findmypast.

The level of dedication and specialism was also evident in the work of Jana Sloan Broglin, a genealogist from Ohio published two volumes entitled *Hookers, Crooks and Kooks*. The first volume was devoted to 'hookers' and published a list of over 6,000 self-described prostitutes, whores and 'sporting women' from the 1880 US Census.<sup>204</sup> Broglin's work was inspired by a family rumour that her father's great-aunt's boarding house may have been more than it seemed.<sup>205</sup> The second volume offered a mixed bag of those describing their occupation as 'quack doctors, phrenologists, stealing chickens, circus performers, ballet dancers... clairvoyants, bummers and drunks' and tramps, vagrants and gamblers, all of whom Broglin gathered together under the title

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<sup>201</sup> Bristol and Gloucestershire Archaeological Society, 'Gloucestershire Record Series', <https://www.bgas.org.uk/volumes/gloucestershire-record-series-full-list-of-titles> [accessed 13 February 2020].

<sup>202</sup> Ibid.

<sup>203</sup> Goodreads, 'Books by David Dobson', [https://www.goodreads.com/author/list/290268.David\\_Dobson](https://www.goodreads.com/author/list/290268.David_Dobson) [accessed 30 December 2020].

<sup>204</sup> Jana Sloan Broglin, *Hookers, Crooks and Kooks, Part 1 Hookers* (Westminster, 2007).

<sup>205</sup> Ibid., p. v.

‘Crooks and Kooks’.<sup>206</sup> The published alphabetical lists were created by using the search by occupation feature on Ancestry.com. In the course of compiling the list Broglin also corrected mis-transcriptions on the Ancestry.com site.<sup>207</sup>

The trigger moment is often personal, but can also relate to place, as was seen above with the Gloucestershire volume. Published in 1998, A.J. Campbell’s *Fife Convict Transportees 1752-1867* offered a list of those ‘who either belonged to Fife, or whose crimes/misdemeanours were committed in Fife’.<sup>208</sup> This work is also an example of how grassroots family historians embraced new publishing technologies as they arose. From these printed booklets the membership turned, in the 2000s, to electronic databases and in 2018 the Fife Family History Society published the *Fife Kalendar of Convicts 1790-1880* - which drew together 20 years of work by Mr Campbell and comprised 28,877 records presented on a CD-ROM. While they may lack the resources to produce and maintain searchable databases online, they have developed connections with the commercial genealogy companies who offer royalty payment for the acquisition of these databases. Findmypast published the Fife Kalendar of Convicts within their Scotland, Court & Criminal Database collection in 2019.<sup>209</sup>

Therefore, in keeping with the hobby as a serious leisure pursuit for some family historians researching their family tree propels them into specialist interests. Rather than an inward looking hobby, focused narrowly on specific antecedents, family history can be the inspiration for some to engage more deeply with primary sources and to compile and disseminate those sources for their community. The engagement of individuals and societies from an early date with criminal ancestry and their support of their members in the publication and distribution of works related to the topic

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<sup>206</sup> Jana Sloan Broglin, *Hookers, Crooks and Kooks, Part 2 Crooks and Kooks* (Westminster, 2007).

<sup>207</sup> *Ibid.*, p. 6.

<sup>208</sup> AJ Campbell, *Fife Convict Transportees 1752-1867* (Buckhaven, 1998) p. 1.

<sup>209</sup> Findmypast, ‘Scotland, Court & Criminal Database’, <https://search.findmypast.com/search-world-Records/scotland-court-and-criminal-database> [accessed 31 August 2020].

once more demonstrates a pragmatic approach the topic of criminal ancestry by family historians. They have also developed a mutually beneficial relationship with the genealogy websites which both provide the raw material for their research and an outlet for their productions.

## **Chapter Conclusion**

Despite what would appear to be a steady trajectory from the 1930s onwards of acknowledgement and increased acceptance by those involved in the hobby, to all-out public celebration in some quarters, there were commentators in the 2010s who still insisted that a pall lay over those who have criminal ancestry. In his 2012 work, *Ancestors & Relatives: Genealogy, Identity & Community*, Eviatar Zerubavel, a professor of sociology declared, while offering no evidence, ‘only a “guilt by association” kind of reasoning can explain the social stigma still attached today, for example, to “contaminative” descent from British convicts who settled in Australia two centuries ago.’<sup>210</sup>

However, as has been demonstrated here, the potential dilemma presented by deviant ancestry has been addressed by those writing for genealogists in a variety of ways. From the earliest days of the hobby authors such as Donald Lines Jacobus encouraged family historians to embrace what he called ‘the minor strains which we must hear as well as if we are to recreate a truly symphonic picture of their lives’.<sup>211</sup> Family historians were encouraged not to omit uncomfortable ancestors. They were reminded of their duty as good researchers. Whatever difficulties they may present the criminal ancestor was valued for being discoverable. Family historians were encouraged, in some respects, to see the records of the criminal justice system as purely utilitarian.

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<sup>210</sup> Eviatar Zerubavel, *Ancestors & Relatives: Genealogy, Identity, & Community* (Oxford, 2012).

<sup>211</sup> Donald Lines Jacobus, *Genealogy as Pastime and Profession 2nd Revised Edition* (Baltimore, 1968), p. 21.

Moreover, as has been shown here, genealogists have since the earliest days of the hobby been actively taught that there is no shame in having a criminal ancestor. There are various arguments used to promote this view. The most straightforward is the 'genetic' argument. The implication is that even if traits were handed down, they are entirely diluted after very few generations. The literature offers the reassurance that there is no stigma attached to being related to a criminal. The relationship does not equate to the transmission of criminality. Most arguments however implicitly acknowledge the potential for a researcher to feel a profound connection to long-deceased or distant relatives and therefore seek to mitigate feelings of shame by relying on evidence and arguments which border on the ahistorical. The family historian is primed to see mitigating circumstances, such as poverty, parental absenteeism or alcohol abuse as legitimate reasons for their ancestor's deviant behaviour.

In particular, the literature skirts around the issue of the seriousness of the crimes at the time they were committed. There is a contradiction of sorts in the way the primary source material is viewed: the fact that they are criminals is what makes them fascinating. Indeed, it is often what makes them discoverable, but their crime is downplayed. The criminal ancestor is a rogue, a ne'er-do-well, a black sheep, rarely if ever are they referred to as a criminal. The criminal ancestor is contextualised in such a way as to dilute their misdeeds, albeit this contextualisation borders on the caricature. The 'past' is cast as a 'harsh' time. The literature skirts around the facts; there is no attempt to explain the seriousness of the historical crime at the time it was committed. The literature does not address contemporary social structures of eighteenth or nineteenth-century society which made these people a threat. The emphasis is always on the offenders' poverty, alcoholism, and their misfortune. The history in which they are contextualised is dealt with in broad strokes which is featherweight in its discussion of contemporary concerns around social order. Rather than critique the criminal ancestor, family historians are invited by the how-to literature and the community they inhabit not just to include a criminal ancestor in their family tree

but to celebrate them. They are encouraged to don literal badges to declare their connection and pride in a criminal ancestor.

The openness to the potential for a criminal ancestor has prompted some to create resources for their community. These resources have proven popular enough to receive attention from the commercial websites who purchase or license the records from the grassroots producers. As will be seen in the next chapter digitisation has amplified and multiplied these conversations and created an even greater degree of informality; indeed, it has promoted a celebratory atmosphere around deviant ancestry. Before digitisation, a family historian's use of the records of the historical criminal justice system was often limited to those who had some inkling of a family connection to a crime or through accidental discovery. The impetus to search the records came from family lore handed down through the generations, which led family historians to investigate further. Searches were also prompted by the discovery of an ancestor recorded in prison at the census, or in instances where a death record recorded a cause of death such as hanging. The records were considered specialist and the preserve of seasoned genealogists. The practical obscurity afforded by the archive also ensured both the individual concerned and their descendants a modicum of protection. Digitisation has, for many, stripped away the veil of obscurity. The following chapters will examine the responses of family historians to this potentially confronting knowledge and discover whether they share the celebratory agenda being promoted mass media and the genealogy industry.

## Chapter Two: Digitisation: New Audiences

Chapter One demonstrated that family historians have sought out criminal ancestors since the earliest days of the hobby. As the hobby widened beyond the search for desirable pedigree and began to include collateral and ordinary people, the literature advocated acceptance of law-breaking ancestors. They were inevitable and unworrying. Genealogists brought pressure to bear on archives to open up collections previously deemed sensitive to public access, and created guides for the use of these records by fellow genealogists. Genealogists contributed to facilitating public access to archival material by publishing abstracts of primary sources and creating CD-ROM databases which foreshadowed the creation of the large-scale online databases of the records of the historical criminal justice system which started to emerge in the 2000s. This chapter traces the development of online sources pertaining to the historical criminal justice system by genealogists, academia and the commercial sector, and examines how this material is transmitted to and used by the public.

As demonstrated in Chapter One, family historians have long known the value of the records of the historical judicial system. In the United Kingdom, the three main published guides to the use of these records predated the advent of the internet.<sup>212</sup> However, as previously mentioned, in the pre-internet era, the use of the records was often limited to those who had some inkling of a family connection to a crime, or through an accidental discovery in standard genealogical records. The main impetus to search criminal records came from family lore handed down through the generations; these stories led family historians to investigate further. Searches for further documentation about these ancestors were also prompted by the discovery of an ancestor recorded in prison at the census, or in instances where a death certificate recorded a cause of death related to

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<sup>212</sup> Stephen Wade, *Tracing your Criminal Ancestors: A Guide for Family Historians* (Barnsley, 2009); David T. Hawkins, *Criminal Ancestors: A guide to historical criminal records in England and Wales* (Stroud, 2009), David T. Hawkins *Bound for Australia: A Guide to the Records of Transported Convicts and Early Settlers* (1987;Stroud, 2012).

a judicial sentence such as hanging. Accessing the records required personal visits to archives to pore over documentation and microfilms in the hopes of discovering a single name among thousands. In their research examining the ‘information seeking behaviour of genealogists’, Darby and Clough situated the use of records produced by historical criminal justice system by family historians in ‘Phase 7 [which] describes the highly purposive behaviour necessary to locate a ‘difficult’ ancestor... [u]se of specialist collections is common’.<sup>213</sup> In Darby and Clough’s model this is the penultimate stage in an eight stage process which begins with the ‘trigger event’ and ends with stage eight which sees the researcher ‘push back selected lines’ within a framework of ‘continuous learning’.<sup>214</sup> Criminal ancestors therefore were considered challenging to research. It is important to note that this was not because of any emotional challenge they might present. The challenge of criminal ancestors was entirely around the ability to discover them.

Before digitisation family historians in search of a criminal ancestor were often faced with hours of fruitless searches in hardcopy documents and newspapers in the hope of stumbling across an event for which they only had vague details. Successful research outcomes in the period before digitisation required reasonably precise knowledge of the events, at the very least a year and a location. The discovery of the pertinent document(s) offered confirmation, detail and nuance, rather than an entirely novel discovery. Digitisation brought the potential for this pattern of discovery from more straightforward to more complex and specialised research to be circumvented, and in some cases entirely reversed. Digitisation brought family historians face to face with previously unknown, often multiple, deviant ancestors early in their research journey. They began discovering them without necessarily going in search of them. Inputting a name into a cross-database search on a commercial genealogy site could return a surprising criminal record amid the more generally expected baptisms and censuses.

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<sup>213</sup> Paul Darby and Paul Clough, ‘Investigating the Information Seeking Behaviour of Genealogists and Family Historians’, *Journal of Information Science* 39.1 (2013), p. 80.

<sup>214</sup> *Ibid.*, p.77.

This chapter traces the growing availability of these resources and examines the impetus behind their publication online and their audiences. By examining what was made available, by and for whom, this chapter contributes to the question of how historical knowledge is transmitted to, and used, by the public.

## **Chapter Methodology**

The chapter comprises a survey of grassroots, academic and commercial websites which host primary source material pertaining to the study of the history of crime and discovery of criminal ancestors. For inclusion in the study, the resource had to be accessible by the public from home, either freely or by individual subscription. This excluded resources which are only available via academic portals such as Gale's 'Crime, Punishment and Popular Culture' collection,<sup>215</sup> and ProQuest's 'Criminal Justice Database'. Although the latter can be available to the public via a public library subscription, it is wholly dependent on their local library signing up to the service, and it is not available to an individual subscriber.<sup>216</sup> The focus here is on name rich resources, i.e. those that could serve a genealogical research methodology. This resulted in the exclusion of some academic sources which are available to the public such as Cornell's 'Trial Pamphlets Collection',<sup>217</sup> as their search function did not lend itself to the discovery of named individuals. In common with the Cornell collection, Harvard Library's 'English Crime and Execution BroadSides' were not text-searchable beyond the metadata describing the object and thus of limited use for genealogists and is excluded from this study.<sup>218</sup> Neither does this thesis include crowdsourcing

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<sup>215</sup> Gale, 'Crime Punishment, and Popular Culture, 1790-1920', <https://www.gale.com/intl/c/crime-punishment-and-popular-culture> [accessed 14 July 2020].

<sup>216</sup> ProQuest, 'Criminal Justice Database', [https://about.proquest.com/products-services/pq\\_criminal\\_justice.html](https://about.proquest.com/products-services/pq_criminal_justice.html) [accessed 14 July 2020].

<sup>217</sup> Cornell University, 'Trial Pamphlets Collection' <https://lawcollections.library.cornell.edu/trial> [accessed 14 July 2020].

<sup>218</sup> Harvard Library, 'English Crime and Execution BroadSides' [https://curiosity.lib.harvard.edu/crime-broadSides?utm\\_source=library.harvard](https://curiosity.lib.harvard.edu/crime-broadSides?utm_source=library.harvard) [accessed 14 July 2020].



under the mantle of grassroots history. Projects such as Dr Alana Piper's *Criminal Characters* transcription project hosted via Zooniverse,<sup>219</sup> and ancestry.com's use of the crowd to create historical assets related to the criminal justice system are thus excluded.<sup>220</sup> Such crowdsourcing endeavours, whose impetus is the creation of an asset for academic or commercial use rather than to understand the motivations for independent engagement with history fall outside of the remit of this research.<sup>221</sup>

The websites utilised were examined for the records they offered, and the ways in which they presented criminal ancestry, as well as any contextual information they offered. In particular, the websites were analysed for how they addressed criminal ancestry and discussed what a family connection to a criminal might mean for a researcher. To explore the audiences for these records further Google Analytics data was used to conduct a demographic and user behaviour study of three websites that form the core of this study, namely *The Old Bailey Proceedings Online* (OBP),<sup>222</sup> the *Digital Panopticon*,<sup>223</sup> and *Findmypast*.<sup>224</sup> The analysis incorporated data from 15 September 2017 to 30 April 2020 for each of the sites. The start date was chosen as it was the date of the launch of the *Digital Panopticon* site. The analysis examined the websites' cohorts for gender, age and location, and, most importantly, for their interactions with, and behaviours on, each of the websites. Some data was not available from Findmypast due to its commercial sensitivity, and therefore this analysis presents findings as percentages rather than absolute numbers. Further limitations were introduced by the non-activation of demographic reporting in Google Analytics for the *Digital*

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<sup>219</sup> 'Criminal Characters' at Zooniverse, <https://www.zooniverse.org/projects/ajpiper/criminal-characters> [accessed 16 December 2020].

<sup>220</sup> Ancestry LLC, 'World Archives Project: UK Criminal Records', <https://support.ancestry.com/s/article/World-Archives-Project-UK-Criminal-Records> [accessed 19 August 2020].

<sup>221</sup> Laura Carletti, Derek McAuley, Dominic Price, Gabriella Giannachi and Steve Benford, 'Digital Humanities and Crowdsourcing: An Exploration', <https://core.ac.uk/download/pdf/43093962.pdf> [accessed 19 August 2020].

<sup>222</sup> Old Bailey Proceedings.

<sup>223</sup> The Digital Panopticon, <https://www.digitalpanopticon.org> [accessed 7 November 2020].

<sup>224</sup> Findmypast, <https://www.findmypast.co.uk> [accessed 7 November 2020].

*Panopticon* site until April 2018. However, this still permitted a substantial tranche of demographic data from over eighteen months of activity to be analysed from this website.

## Primary Sources Online

By 2020 digitised records of the historical justice system were scattered throughout the web: hosted on archive websites, academic sites, and on both free and subscription sites. While commercial and academic websites dominated by this date in terms of volume of records and reach, some of the earlier sites to offer access to the records of the criminal justice system were grassroots enterprises led by family historians.

The UK based *Black Sheep Index* was set up in 2007 and offered a hybrid online and document supply service. The creator of the site published thin indexes of materials such as newspapers and journals accessed at libraries. The thin indexes were hosted on the website as PDFs. Visitors to the site searched these in the hopes of finding their ancestor. They could then purchase printouts of newspapers and journals taken from library holdings, which were delivered by post.

This site lists over 500,000 names taken from over 2,000 NEWSPAPERS & JOURNALS etc On this site you can break down your brick walls, solve your problems and shed some light on the lives (good or bad) of your ancestors. Reports cover the usual crimes of murder, assault and theft etc [...] Sometimes we solve your problems; sometimes we create new ones; either way the price is the same.<sup>225</sup>

The website closed in 2011 after the death of its creator. None of the material was published elsewhere despite enquiries from genealogy companies.<sup>226</sup> The website exemplified both the immense energy of family historians in the creation of resources (the index had over half a million entries) and the fragility of online resources which are all too easily rendered inaccessible through

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<sup>225</sup> Black Sheep Index, 'Before you start', <https://web.archive.org/web/20101005021953/http://www.blacksheepindex.co.uk/starting.htm> [accessed 13 July 2020].

<sup>226</sup> Lost Cousins, 'Newsletter 19 November 2011', <http://www.lostcousins.com/newsletters/latenov11news.htm> [accessed 13 December 2016].

lack of maintenance. In a similar vein, the US-based *Black Sheep Ancestors*, which first launched in 2004 and was still active as of 2020, offered free access to several resources and also acted as a resource aggregator, linking to sources available elsewhere on the web. The website invited users to ‘Search for your Blacksheep Ancestors in Free Genealogical Prison and Convict Records, Historical Court Records, Executions, Insane Asylum Records and Biographies of Famous Outlaws, Criminals & Pirates in the United States, United Kingdom and Canada’.<sup>227</sup>

Other sites such as the Australian website *Claim a Convict*, created by family historian Lesley Uebel in 1998, focused on connecting descendants with one another and encouraging them to pool resources, either privately or publicly. Registered users could contact those who have claimed a convict via email. The site encouraged users to add biographical details and resources to an index of convicts.<sup>228</sup> Although most entries remain blank and the website can give the impression of lying fallow, the site had enough of a following after it went into abeyance at Lesley’s death that friends and family revived it.<sup>229</sup> The website has an active complementary Facebook page.<sup>230</sup> The website is explicit in its drive to encourage family historians to make a public declaration of a connection to a convict ancestor. The list of those who have claimed a convict as ‘theirs’ is published on the landing page for each named convict. However, some contributors do choose to remain anonymous and are listed only as a number - a choice they make during registration.<sup>231</sup>

These examples of grassroots endeavours by family historians are a sample of the scattered ‘one-man-show’ style resources that are generated by hobbyists. They act as data providers and community hubs. Without the resources of the commercial or academic sector, their websites are

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<sup>227</sup> Black Sheep Ancestors, <https://www.blacksheepancestors.com> [accessed 15 July 2020]

<sup>228</sup> Claim a Convict, ‘Details for the convict Thomas Baccon (1832)’, <http://www.hawkesbury.net.au/claimaconvict/convictDetails.php?convictId=29401> [accessed 23 July 2020].

<sup>229</sup> Claim a Convict, <http://www.hawkesbury.net.au/claimaconvict/> [accessed 11 January 2017].

<sup>230</sup> Claim a Convict, Facebook Group, <https://www.facebook.com/ClaimaConvict/> [accessed 20 July 2020].

<sup>231</sup> Claim a Convict, ‘Details for the convict Jane Poole (1788)’, <http://www.hawkesbury.net.au/claimaconvict/convictDetails.php?convictId=11033> [accessed 13 July 2020]

more prone to neglect and eventual loss. Notwithstanding their continuance, their role, particularly concerning the sustenance of a community, has been somewhat overtaken by social media. This aspect is explored in more detail in Chapter Five.

Large-scale web-accessible name-searchable databases for the historical criminal justice system in the UK started with the *Old Bailey Proceedings Online* which launched in 2003.<sup>232</sup> The website pre-dated some of the grassroots efforts described here, but like them was pioneering in bringing the records of the historical criminal justice system to a wide variety of audiences. The website hosts fully text searchable versions of the *Proceedings of the Old Bailey* and the *Ordinary's Accounts* and covers the period 1674 to 1913. The *Proceedings* were an abridged recounting of trials held at the Old Bailey and the *Ordinary's Accounts* were biographies of executed convicts. As published works, created for sale and circulation to a predominantly popular audience, they are not complete records of the proceedings of the court but are considered reasonably accurate accounts of the workings of the court.<sup>233</sup> The interface offered is one with which family historians are familiar: search boxes labelled with surname/given name allow for name-based searches.<sup>234</sup>

The website had immediate resonance with the family history community. At launch the materials covered the period 1674 to 1834. Interest increased in 2008 after the website's extensive update to its database which extended its timeline to 1913 and comprised one hundred thousand new entries.<sup>235</sup> A simple Google search conducted in July 2020 of the site's web address with the keyword genealogy returned in excess of 23,000 hits.<sup>236</sup> The website was the subject of numerous

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<sup>232</sup> Old Bailey Proceedings.

<sup>233</sup> Clive Emsley, Tim Hitchcock and Robert Shoemaker, "The Proceedings - The Value Of the Proceedings as a Historical Source", Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.0, 28 December 2020 )

<sup>234</sup> Old Bailey Proceedings, 'Search Page', <https://www.oldbaileyonline.org/forms/formMain.jsp>, [accessed 7 November 2020].

<sup>235</sup> Clive Emsley, Tim Hitchcock and Robert Shoemaker, "Old Bailey Online - What's New Archive", Old Bailey Proceedings Online (www.oldbaileyonline.org, version 7.0, 15 July 2020) [accessed 15 July 2020]

<sup>236</sup> Google search on terms "old bailey online' +genealogy [accessed 15 July 2020].

articles and blogs by genealogists. In the *Periodical Source Index*, there are forty-one articles which mention the site by name, which when compared to the thirty-two mentions of Findmypast is noteworthy given the OBP's specialism.<sup>237</sup> Eighty-six of the 464 respondents to the survey accompanying this research noted they had used the OBP website.

Records from the OBP site can also be found on *London Lives* which describes itself as, 'A fully searchable edition of 240,000 manuscripts from eight archives and fifteen datasets, giving access to 3.35 million names'.<sup>238</sup> With just three articles in the Persi database the resource appears to be less well known by family historians. However, as with the OBP, the records from *London Lives* are also accessible on Findmypast and Ancestry.com. It may be that the apparent local focus of *London Lives* has resulted in its not being as well-known as its sister site. The same might be said for the evocatively titled *Founders & Survivors*, a resource with a Tasmanian focus.<sup>239</sup> Fifteen respondents to the survey mentioned using the website, however it receives just four mentions across the Persi database.<sup>240</sup> The discrepancy can be accounted for by the strong response rate in the survey from Australian researchers who were more likely to be familiar with the resource. The resource operates two domains. The .org domain offers the ability for users to search records, in much the same way as the OBP and other sites mentioned here. Where the creators of the website, which might more properly be called a project, diverge from the database offerings of other academic sites is in their active collaboration with descendants. The project variously describes itself as 'a partnership between historians, genealogists, demographers and population health researchers',<sup>241</sup>

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<sup>237</sup> Periodical Source Index, accessed via *Findmypast*, <http://search.findmypast.ie/search-world-records/periodical-source-index> [accessed 20 October 2016].

<sup>238</sup> Tim Hitchcock, Robert Shoemaker, Sharon Howard and Jamie McLaughlin, et al., *London Lives, 1690-1800* ([www.londonlives.org](http://www.londonlives.org), version 1.1, 24 April 2012) [accessed 14 February 2021].

<sup>239</sup> *Founders & Survivors: Australian life courses in historical context 1803-1920*, <http://foundersandsurvivors.org/pubsearch> [accessed 14 February 2021]; *Founders & Survivors* <https://foundersandsurvivors.com/> [accessed 14 February 2021].

<sup>240</sup> Search for Founders Survivors in the Periodical Source Index on Findmypast <https://www.findmypast.co.uk/search/results?datasetname=periodical+source+index&sid=103&keywords=founders+survivors> [accessed 14 February 2021].

<sup>241</sup> Founders & Survivors .org site.

and ‘A partnership between academics, non-academic researchers and archivists who seek to record and study the population of Tasmania’.<sup>242</sup> Established in 2007 the project taps into grassroots historians’ knowledge and combines it with academic resources to create life course histories and map intergenerational outcomes for the descendants of convicts transported to Tasmania.

The utility and interest in the records of the criminal justice system by the genealogy community was eventually recognised by the commercial genealogy companies. Ancestry added their first UK collection of criminal justice records, ‘England & Wales, Criminal Registers, 1791-1892’ in 2009.<sup>243</sup> Findmypast began their UK collection with ‘Manchester Prison Registers 1847-1881’ in 2011, part of a more diverse portfolio of records they published in partnership with Manchester City Council.<sup>244</sup> The company also published Irish prison registers in that year and followed with the first tranche of their Irish petty sessions court registers books in early 2012.<sup>245</sup> Both Ancestry and Findmypast had previously published Australian collections in 2001 and 2010 respectively. In the period between 2010 and 2020 both websites added substantially to their collections. As of early 2021 Ancestry.com held over 42 million records pertaining to the historical criminal justice system, and Findmypast held 38.5 million. There is considerable overlap in the collections available on the two websites. The Irish prison registers and petty session records were published on Ancestry in 2020. The latter forms the single biggest collection of criminal justice records on both websites, numbering in excess of 23,000,000 records. Both sites host a copy of the Old Bailey Proceedings Online. Likewise many of the record sets found on the commercial companies can also be found on the website of The Church of the Latter Day Saints, FamilySearch.org. The FamilySearch website both publishes record sets and acts as an aggregator. Depending on the collection the records are

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<sup>242</sup> Founders & Survivors .com site.

<sup>243</sup> Ancestry, ‘England & Wales, Criminal Registers, 1791-1892’, <http://search.ancestry.co.uk/search/db.aspx?dbid=1590> [accessed 18 February 2017].

<sup>244</sup> Findmypast, ‘Manchester Prison Registers 1847-1881’, <http://web.archive.org/web/20110924153454/http://www.findmypast.co.uk/search/manchester-collection/prison-registers> [accessed 18 February 2017].

<sup>245</sup> Findmypast, ‘Company Timeline’, <http://www.findmypast.ie/articles/company-timeline> [accessed 18 February 2017].

available for free to the public, available only to church members or available via a link out to the commercial sites. Despite numbering in the millions, records of the criminal justice system represent less than two per cent of the records held by these websites, which are dominated by census and birth, marriage and death records.

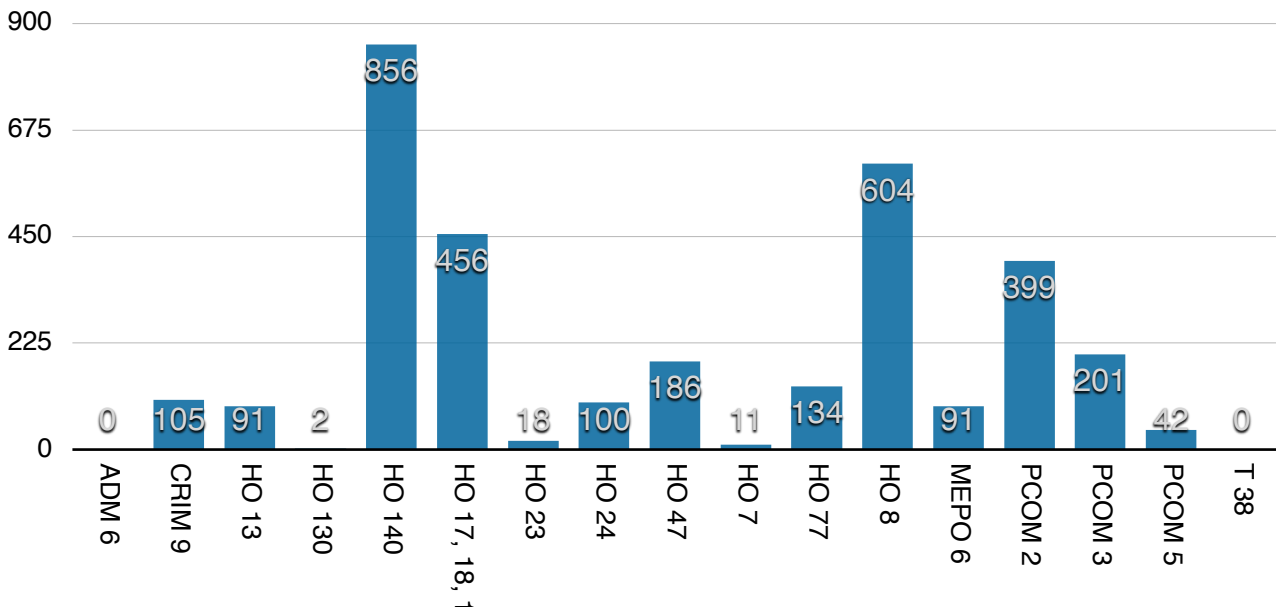
A series of records digitised from the collections of The National Archives offers an interesting case study of the impact of digitisation on the use of these records once one of the main barriers to access is removed. Before digitisation the modest demands on records of the historical criminal justice system at The National Archives (TNA) in Kew (London) are illustrative of the practical obscurity of a collection housed at a single location, in manuscript form. In 2009 total requests to nineteen series of records generated by various entities associated with historical justice departments amounted to 3,296. This figure included multiple requests from individual researchers. The most popular series at the archive was HO 140. These records from the Home Office cover the period 1868-1929 and list prisoners tried at assizes and quarter sessions, and those awaiting trial at the Central Criminal Court.<sup>246</sup> Records in the HO 8 series are concerned with prison hulks. HO 17, 18 and 19 are criminal petitions. The PCOM (Prison Commission) series include prison records and licences for convicts. As can be seen from the table, two series included in the package for digitisation received no requests at the archive during 2009: ADM 6 is another series which lists several thousand prisoners held in hulks, and T 38 comprises records from the Treasury noting the cost of maintaining prisoners on several hulks between 1804 and 1831. This collection of records was digitised as part of a Licensing Internet Associateship between The National Archives and the genealogy website Findmypast.<sup>247</sup> The first phase was published on Findmypast in 2011.

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<sup>246</sup> The National Archives, HO140 Home Office: Calendar of Prisoners, Catalogue Entry, <https://discovery.nationalarchives.gov.uk/details/r/C9004> [accessed 13 July 2020].

<sup>247</sup> The National Archives (UK), 'Current licensing opportunities', webpage relating to LIA Package: Crime, Courts and Convicts since unpublished, available via <https://web.archive.org/web/20120202175512/http://www.nationalarchives.gov.uk/commercial/licensing-opportunities.htm> [accessed 14 February 2021].

Graph 2.1 Requests for police and criminal records at the National Archives in 2009



Source: Supporting documentation for Licensing Internet Associateship (see footnote 247)

The individual series from the Admiralty, Central Criminal Court, Home Office, Treasury and Metropolitan Police were published in a single collection called ‘England & Wales, Crime, Prisons & Punishment, 1770-1935’. The impetus behind this decision to aggregate such disparate sources under a generic title was to make individual records more findable by those who would not know in which series their ancestor was likely to be found. The decision was also influenced by best practice for search optimisation, i.e., making the records more findable from a web search. In this case, the keywords chosen to form the record set name were found to rank more highly in Google Trends than words associated with the component series such as ‘hulk’, ‘metropolitan’ and ‘admiralty’.<sup>248</sup> In keeping with the focus on biographical information on genealogy websites, the elements which were transcribed were relatively limited and focused on biographical details, names, dates and places. Biometric, offence and sentencing information were not transcribed for all series when this was found not to be cost effective. Findmypast launched the second phase of ‘Crimes, Prisons & Punishment 1770-1935’ in June 2015. Discounting the extremely high spike during the initial promotion, when views exceeded 131,000 in one week, the average views in the subsequent

<sup>248</sup> Google, Google Trends, <https://trends.google.co.uk/trends/?geo=GB> [accessed 13 July 2020].



47 weeks was 12,279 views per week.<sup>249</sup> Even assuming individual users viewed multiple records, *weekly* views of records online far outstripped *annual* views of the originals and microfilm in 2009, as shown in Graph 2.1. By removing the barrier of a personal visit to the archive, Findmypast brought the records to a national and international audience. Records which were previously out of the reach of genealogists outside the UK, and outside of the practicable reach of many within it, were now available at the click of a button. The users of Findmypast are primarily drawn from the UK, Ireland, Australia and North America. After the UK, the most views of the crime collection were, and continue to be, from Australia. As with the opening up of the archives in Australia to family historians in the 1970s, the digitisation of these records revealed an existing appetite and increased the audience for this material. In 2021, after the primacy period offered by the LIA expired, Ancestry.com published some of the same series of records from The National Archives (UK).<sup>250</sup> The replication of record sets across multiple commercial and free sites further points to the genealogy industry's understanding that these records are of interest to family historians.

In 2017 The Digital Panopticon joined the suite of sites those with an interest in tracing individuals could utilise. The site aggregated datasets previously digitised by Findmypast, Ancestry and Founders and Survivors, together with those from the Old Bailey Proceedings Online and London Lives. To these, the project added newly transcribed records of the historical criminal justice system including material from Western Australia.<sup>251</sup> These records were combined with civil records such as census and death records to create pre-populated life course histories for individuals tried at the Old Bailey. The programmatic record linkage created ready-made genealogies, exposing new connections and providing new resources to family historians.

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<sup>249</sup> Findmypast, internal reporting on dataset usage.

<sup>250</sup> Ancestry, 'Card Catalogue' <https://www.ancestry.co.uk/search/collections/catalog/?limitToCountry=1&category=36> [accessed 14 February 2021].

<sup>251</sup> Digital Panopticon, 'Records', <https://www.digitalpanopticon.org/Records> [accessed 29 December 2020].

The creation of these digital collections presupposes and creates continued momentum in the market for their use, this requires the creators to continually promote their assets. How they go about that is dependent on the types of audiences they seek to attract.

### **Marketing the Criminal Ancestor**

As discussed in the introduction, the scale of the genealogy community today is undoubtedly a result of digitisation and the web, which have made it possible for those with just a passing interest to achieve similar results to those who dedicated significant portions of time to the hobby in the period before the internet. The web also offered new ways of marketing, and teaching audiences about, historical records. Family history websites have responded to this expectation and produced a variety of blogs, videos and help and advice guides to direct genealogists in the use of the criminal justice records they publish. Unlike the material discussed in the previous chapter these guides are produced in-house and do not appear to be the work of specialists in the subject of criminal history. Despite being hosted on genealogy sites neither are they necessarily the work of seasoned genealogists. Rather they are compiled by content writers hired to write on a wide range of topics. In common with the material discussed in the previous chapter, the content is a mix of ‘how-to’ guides specific to the record sets hosted by the site and illustrative blogs which look at case studies and testimonials by the websites’ users. The tone however is distinctly more lightweight.

Web content differs in some key respects to that of the printed materials discussed in the previous chapter. First and foremost, the content is written with search engine optimisation (SEO) in mind. Writing for SEO means favouring specific keywords for inclusion due to their popularity in web searches. This style of writing aids the ranking of the site in search results. A more detailed discussion of the role of keywords can be found below. The material is short-form and assumes a short attention span on the part of the reader. The content usually has a ‘call-to-action’ embedded

within it. A call-to-action often takes the form of an invitation to take a specific next-step and is often accompanied by a search box or button. The content serves a function, first to get users to the site and then to get users to engage further with the site.

In terms of the substance of the content, it is, for the most part, generalised and uncritical. The main impetus behind the content is to keep the reader engaged. Family historians arriving on a page which alludes to the possibility that their ancestor was a criminal are quickly reassured that they are most likely to find an ancestor in conjunction with minor crimes, ‘drunk in charge of a cart’, trespassing cattle, and minor thefts (minor that is by today’s standards).<sup>252</sup> Their ancestor is a black-sheep, a rogue, the inevitable skeleton in a closet to be celebrated for their novelty factor. On the genealogy website of The Church of the Latter-day Saints, FamilySearch, their blog explains, reassures, and advocates understanding:

In almost every family tree there will be a black sheep ancestor. Don’t shun these relatives or pretend they do not exist. These are fun relatives to research and genealogists love them... Not only do you find out about their crimes, you can find personality traits, what they struggled with and why.<sup>253</sup>

Criminal relatives, users are told, exist in ‘almost every family tree’ and should not be shunned or kept secret. They go further, declaring the criminal ancestor ‘fun’, before rounding off by intimating that criminal ancestors ‘struggled’ setting the family historian up to be entertained, and sympathise if not empathise with the individuals they may discover in these records.<sup>254</sup> Findmypast published a dedicated landing page which aggregated much of the content they produced around the launch of the second phase of their crime collection in 2015.<sup>255</sup> In 2015 the opening sentence showed that like FamilySearch, Findmypast was pitching a criminal ancestor in a manner designed

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<sup>252</sup> Findmypast, ‘Over 2.5 million court registers added’, <https://www.findmypast.ie/articles/news/over-25-million-court-registers-added> [accessed 13 February 2021].

<sup>253</sup> FamilySearch, ‘Black Sheep Ancestors’, <https://familysearch.org/blog/en/black-sheep-ancestors/> [accessed 11 October 2015].

<sup>254</sup> Ibid.

<sup>255</sup> The author of this thesis did not participate in the creation of any of the content assets describing or highlighting Findmypast’s criminal record databases in either 2015 or during later re-writes.

to entice a curious readership into further engagement with the website. Visitors to this page were directed to the site by promotional coverage in the mainstream press, and the page was worded to engage emotions rather than to offer robust information for researchers. The tagline of the page read, ‘Welcome to our Crime and Punishment hub, where we delve into the seedy underbelly of family history’.<sup>256</sup> The tagline was later modified and by 2020 was worded less sensationally: ‘discover the lawbreakers (and makers) in your family tree with millions of online prison registers, court reports and criminal mugshots’.<sup>257</sup> The revamped page focused on engaging the users with the website, encouraging them to search and build family trees. The ‘Victorian gang name generator’, a feature of the 2017 version of the page, was removed. Gone too were headlines chosen more for their alliteration than their historical veracity: ‘bestiality, bigamy and burglary: The most common crimes across the south east in our records.’<sup>258</sup> Once the reader clicked through to the accompanying, now unpublished blog post, they discovered that rather than the trifecta described above, the most common crimes were theft of one form or another.<sup>259</sup> Before the re-write, the introductory page also focused on examples which were calculated to hold a reader’s attention, with an emphasis on the *weird*.

You could go to prison for some peculiar offences... Our ... records have revealed the prevalence of some of the most taboo crimes... Some of the weirder ones, including an “unnatural crime on a donkey” were deemed “unfit for publication” by newspapers at the time. On a more lighthearted note, one 24-year-old from Middlesex was convicted of maliciously destroying nine trees...<sup>260</sup>

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<sup>256</sup> Findmypast, ‘Crimes, Prisons & Punishment’, <http://www.findmypast.co.uk/crime-prisons-punishment> [accessed 26 February 2017].

<sup>257</sup> Ibid.

<sup>258</sup> Ibid.

<sup>259</sup> Findmypast, ‘Bestiality, Bigamy and Burglary, the most common crimes across the south’ <https://blog.findmypast.co.uk/bestiality-bigamy-and-burglary-the-most-common-crimes-across-the-south-1406511437.html> [accessed 26 February 2017], now available via Wayback Machine at <https://web.archive.org/web/20150910112032/http://blog.findmypast.co.uk/2015/bestiality-bigamy-and-burglary-in-our-records-the-most-common-crimes-across-the-south-east-during-the-victorian-era/> [accessed 27 February 2021].

<sup>260</sup> Findmypast, ‘Crimes, Prisons & Punishment’ <http://www.findmypast.co.uk/crime-prisons-punishment> [originally accessed 26 February 2017] now available via Wayback Machine at <https://web.archive.org/web/20170604042820/http://www.findmypast.co.uk/crime-prisons-punishment> [accessed 27 February 2021].

Much of the content focused on leading family historians to an acceptance of the inevitability of discovering a criminal ancestor:

Not all of us can boast a hero in our family tree, but that doesn't mean less well-renowned relatives can't make for fascinating research. Life was harsh in centuries past, and while it's thrilling to discover you're descended from a military medal-winner, the odds are that most of us will also stumble across a few crooks along the line.<sup>261</sup>

In keeping with what was seen in the earlier literature, family historians were asked to see their ancestors' actions in the light of the harshness of the period through which they lived. There is no discussion around the agency or culpability of the offenders. There is also no particular detail offered on the nature of this 'harshness' other than to declare that, 'Slum areas expanded rapidly, becoming tense, overcrowded melting pots where different social, religious, ethnic and political groups were forced to fight for their place in the new world'.<sup>262</sup>

While much of this content was unpublished in the redesign of the page, owing to lower traffic numbers to those components, the overall tone remained light and invited users to engage with criminal ancestry uncritically. The focus was on the details that could be discovered, and, that ultimate boon for a family historian, the potential for a photograph.

Unlock unsavoury details on your criminal ancestors. Find out the crimes they committed, their sentences and details of their life behind bars. You may even see the 'black sheep' of your family staring back at you from an old mugshot. This jaw-dropping collection of family records is only available online at Findmypast.<sup>263</sup>

The wording of the redesigned page was aligned to common search terms. Search engine optimisation as discussed above is vital in ensuring the public land on your site and not a

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<sup>261</sup> Findmypast, 'Crimes, Prisons & Punishment', <http://www.findmypast.1co.uk/page/crime-prisons-punishment> [accessed 13 July 2020].

<sup>262</sup> Findmypast, 'The Criminal Gangs of 19th Century Britain', <https://blog.findmypast.com/the-criminal-gangs-of-18th-century-britain-1406151569.html> [accessed 26 February 2017].

<sup>263</sup> Findmypast, 'Crime, Prisons, Punishment', <https://www.findmypast.co.uk/page/crime-prisons-punishment> [accessed 13 July 2020].

competitors'. The public were more likely to search for 'criminal ancestors' than 'seedy underbelly' when attempting to find sites that would help them in their search. By changing the language and aligning it to popular search terms Findmypast were attempting to ensure they ranked higher in search results.

Findmypast also capitalised on the likelihood of a juicy story to entice someone into the hobby on their surname meaning page. When a user inputs their surname into the service a graphic is displayed which illustrates what they can potentially learn about their ancestors. The clickable graphics link to census, military and crime records. As illustrated in Figure 2.1 the link leading users to criminal records with their family name is accompanied by some light-hearted text: 'How do we put this... Not all O'Connors were angels, apparently. We found 169 in criminal records'.<sup>264</sup>

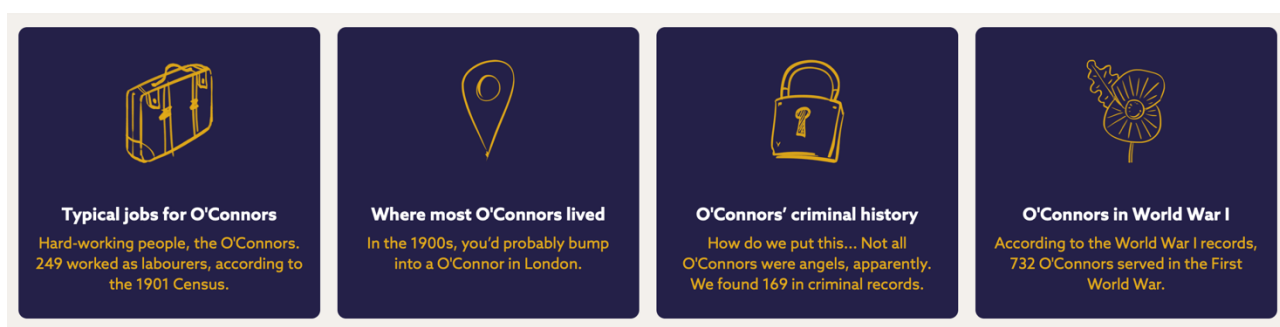


Figure 2.1: Findmypast surname meaning page

By forefronting these records on a surname meaning page, Findmypast aimed to capitalise on nascent genealogists' wish to make interesting discoveries. Rather than focus on birth, marriage and death, events which a researcher can assume they will discover for the vast majority of their ancestors, Findmypast suggests some more substantive elements, their employment, their home, their military service and their potential deviance. Users were primed to believe that their ancestors have interesting stories and that they did more than simply live and die, leaving behind no other trace of their existence. Clicking on the box brought the user to a register/sign-in screen, which led

<sup>264</sup> Findmypast, 'Surname', <https://www.findmypast.co.uk/surname/o'connor> [accessed 13 July 2020].

to search results from Findmypast's prison registers sub-category.<sup>265</sup> To proceed further, a visitor would need to register and take up a subscription with the service.

In 2020 Ancestry maintained a similar mode of mixing joviality with sensationalism in the introduction to their collection of criminal records:

Criminal records are family history's guilty pleasure. They reveal your ancestors' uncomfortable secrets and grisly tales. Plus, governments are keen to keep track of scoundrels, so they're packed with detail.

Whether your ancestors brawled in a bar or burnt down a village, their crimes will be detailed here.<sup>266</sup>

The language of these marketing pages gives users permission to engage with these records without burdening themselves with the weight of what they may discover. They are permitted to enjoy the wealth of material that can be discovered about these ancestors without being obliged to see it as more than an interesting story.

Unlike the promotion of other record types, which use language intended to deepen the connection between the user and their antecedent, the language around criminal ancestors is kept deliberately light and superficial by the three large genealogy companies: FamilySearch, Ancestry and Findmypast. Users are not encouraged to see themselves reflected in these ancestors as they are with others. This treatment of criminal ancestors is in direct opposition to the dominant narrative used by the commercial sites in promoting their services, which attempts to entice users into seeing themselves reflected in their ancestors and see continuity through generations. Findmypast's 2019 rebrand fore-fronted the 'my' in their logo, strongly implying that by learning about their ancestors, individuals can learn about themselves, and even determine their future: 'We believe that understanding your past has the power to change your future and it's important to convey that in

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<sup>265</sup> Findmypast, Prison Registers sub-category, [https://search.findmypast.co.uk/search-world-records-in-institutions-and-organisations/and\\_prison-registers](https://search.findmypast.co.uk/search-world-records-in-institutions-and-organisations/and_prison-registers) [accessed 13 July 2020].

<sup>266</sup> Ancestry, 'Criminal Records', <http://www.ancestry.com/cs/uk/criminal> [accessed 28 December 2020].

everything we do'.<sup>267</sup> Ancestry's advertising campaigns have similarly emphasised the connection between the researcher and their ancestral family. Two advertising campaigns, separated by a decade, adhered to a similar theme, the 2009 'My Story'<sup>268</sup> campaign and the 2019 'Bring your Backstory to Life'.<sup>269</sup> The overriding message of both campaigns was that ancestors' lives are the building blocks on which an individual's life are built, with parallels and connections reinforced continuously, *except* when they have the potential to create discomfort. In 2020 Findmypast's television advertisement campaign, they similarly linked the present-day user in personal ways to their ancestors, as one user discovers that their great-grandmother was a nurse 'just like me'. The thirty-second advertisement veered away from this message of an ancestor as a reflection of self when tackling the reality of criminal ancestry by having an actor declare that they discovered that their ancestors were 'very naughty boys... *not like me at all*' [emphasis added].<sup>270</sup> The criminal ancestor poses a problem for messages around ancestors influencing a descendant's life. As will be discussed below, descendants find ways to either distance themselves from a criminal ancestor or to take pieces of the narrative to help explain the fate of their family, in positive and negative ways. In some cases the character traits that drove an ancestor to crime are transformed into positive traits which feed into their resilience.

Each of the websites do offer more measured content on the records. These entries, which are found below the search forms of the specific record sets on both Ancestry and Findmypast, outline the type of information offered by the records and note their provenance. The tone of these pages is markedly different from the blogs and marketing pages. The usual format is a bullet list of the

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<sup>267</sup> Findmypast, 'A brand new look with a refreshed focus' <https://www.findmypast.co.uk/blog/new/new-brand> [accessed 14 July 2020].

<sup>268</sup> Ancestry Corporate, 'Ancestry.com launches 'My Story' Advertising Campaign', <https://blogs.ancestry.com/ancestry/2009/06/29/ancestrycom-launches-my-story-advertising-campaign/> [accessed 7 November 2020].

<sup>269</sup> Ancestry YouTube Channel, 'Bring Your Backstory to Life', 22 May 2019, <https://www.youtube.com/watch?v=Wnce5lgWb1w> [accessed 7 November 2020].

<sup>270</sup> Findmypast YouTube Channel, 'Your Family Tree - Findmypast TV Advert 2 | May 2020', 6 May 2020, <https://www.youtube.com/watch?v=I1RAgzsxSBg> [accessed 7 November 2020].



names, dates and biographical information contained in each record and a short description which usually includes the date span covered by the records and some information about the reason for their creation.<sup>271</sup> However, these pages still do not offer any information that could be considered historical, in the sense that the records remain divorced from the complex social and structural forces at work in the lives of the individuals named in the records. There is also no critique of the sources. Occasionally gaps will be highlighted. However, for the most part, the records are published in an ‘as found’ condition, their completeness, representativeness or otherwise are not discussed.

Despite the marked interest by the genealogy community in the resource, and the assessment of the project user analysis, carried out in 2010, which showed that thirty-six per cent of their users were family historians, the OBP website does not offer help and advice directed specifically at genealogists.<sup>272</sup> The website focuses its help and advice sections on giving guidance to academic users in secondary and tertiary institutions, insofar as the content does not lead with the assumption that users will be in search of their ancestors.<sup>273</sup> There are videos on how to utilise the search features, including how to search on given names, which are a tacit acknowledgement that some users will be looking for named individuals.<sup>274</sup> Also, in contrast with the genealogy sites, users of the OBP website are offered, should they choose to avail of them, several in-depth articles on the

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<sup>271</sup> Findmypast, ‘England and Wales, Crimes, Prisons & Punishments 1770-1935’, <http://search.findmypast.co.uk/search-world-records/england-and-wales-crime-prisons-and-punishment-1770-1935>; Ancestry, ‘About UK, Prison Hulk Registers and Letter Books’, 1802-1849 <http://search.ancestry.co.uk/search/db.aspx?dbid=1989> [accessed 26 February 2017].

<sup>272</sup> University of Hertfordshire, ‘The Old Bailey Online: Democratising access to social history’ *Research Excellence Framework 2014 Impact Case Studies* <http://impact.ref.ac.uk/CaseStudies/CaseStudy.aspx?Id=44489> [accessed 21 May 2015] and Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., ‘User Analysis Report’ *The Old Bailey Proceedings Online, 1674-1913* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 24 March 2012) <https://www.oldbaileyonline.org/static/Project.jsp#cic> [accessed 15 July 2020].

<sup>273</sup> Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., ‘Research and Study Guides’ *The Old Bailey Proceedings Online, 1674-1913* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 24 March 2012) [accessed 26 February 2017].

<sup>274</sup> Clive Emsley, Tim Hitchcock and Robert Shoemaker, “Old Bailey Online - Guide to Searching”, *Old Bailey Proceedings Online* ([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 28 December 2020).

social conditions of London during the period covered by the records. There are also a number of articles on the workings of the criminal justice system.<sup>275</sup>

Despite web based databases being central to the access of archival resources. The evidence showed that print media continues to play an important role in reaching this demographic with information about the records. *Who Do You Think You Are Magazine*, which launched in 2007 to complement the television series, regularly features articles about criminal records. Three of its one hundred and twenty issues featured court or crime as their front cover story. In 2009 the magazine promised, ‘as criminal registers become available to search online, we show you the best ways to track down your miscreant forebears’.<sup>276</sup> In 2012 and 2015 the focus was again on the availability of the records online:

If you think one of your forebears may have had a brush with the law, then our comprehensive guide will explain what records are available and where to find them. Plus we reveal new court records coming online this summer!<sup>277</sup>

Found a ne’er-do-well who was transported overseas? Find out how to track them down with our handy research guide.<sup>278</sup>

In common with the material found on the genealogy websites, the tone is light. The criminal ancestor is a ‘ne’er-do-well’ who had a ‘brush with the law’. The announcements are made with excitement and promise researchers intriguing discoveries.

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<sup>275</sup> Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., ‘Research and Study Guides’ *The Old Bailey Proceedings Online, 1674-1913* <https://www.oldbaileyonline.org/static/History.jsp>([www.oldbaileyonline.org](http://www.oldbaileyonline.org), version 7.0, 24 March 2012) [accessed 26 February 2017].

<sup>276</sup> *Who Do You Think You Are? Magazine*, ‘Issue November 2009’, <http://www.whodoyouthinkyouaremagazine.com/issue/november-2009> [accessed 17 June 2017].

<sup>277</sup> *Who Do You Think You Are? Magazine*, ‘Issue July 2012’, <http://www.whodoyouthinkyouaremagazine.com/issue/july-2012> [accessed 17 June 2017].

<sup>278</sup> *Who Do You Think You Are? Magazine*, ‘Issue October 2015’, <http://www.whodoyouthinkyouaremagazine.com/issue/october-2015> [accessed 17 June 2017].

There is good evidence that the criminal ancestor is believed to have the ability to draw in an audience. The material is presented on commercial sites in the hope of catching the attention of the public who may go on to subscribe to the service. A more in-depth analysis of user behaviour on both commercial and academic sites demonstrates the success of these tactics.

### **Audiences for Digitised Historical Crime Records**

To understand the level of, and nature of, the use of these sites, it is necessary to examine the analytics of site usage and visitor behaviour. The following analysis utilises Google Analytics data for three websites over a thirty-one-month period between September 2017 and April 2020: The Old Bailey Proceedings Online, the Digital Panopticon and Findmypast. The volume of visitors a site receives is one indicator of its popularity and usage. The absolute numbers of visitors to each of the sites in the thirty-one-month period considered here varied enormously. While Findmypast had close to twenty million visitors, the OBP had 1.1 million, and the Digital Panopticon had just under 280,000. On Findmypast the usage of the crime records specifically during this period amounted to over three million views of records in their crime collections, listed in Appendix 3.<sup>279</sup> As will be discussed below, many users of genealogy sites come across crime records from generic cross-database searches through the sites' main search. They do not go directly to the sub-category search for criminal records. Family historians do not necessarily visit genealogy websites specifically in search of crime records. However, as Findmypast holds over thirty-million records of the historical criminal justice system, and, as previously demonstrated, the use of crime records on Findmypast far exceeds their use in bricks and mortar archives, they are an excellent candidate for this analysis. The analysis of Findmypast's user base also permitted a comparison between the wider genealogy community and those who specifically sought out records of historical crime, as

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<sup>279</sup> Findmypast internal reporting on record set usage

represented by the survey respondents and visitors to the Old Bailey Proceedings and Digital Panopticon sites. By comparing the two groups, it was possible to determine if those who researched criminal ancestors were typical of family historians in general.

## **Demographics**

The users of the sites were first analysed using basic demographic criteria: gender, age and location. Google Analytics derives demographic data from users who are logged into a Google service which required demographic identifiers to be added as part of the sign-up process. Users who possess an android device are similarly tracked. Further data is derived from cookies embedded in the users' computer, which tracks users' activities across the web.<sup>280</sup> Therefore the data is partially inferred from other behaviours across the web and otherwise derived from a subset of users of a given site. The data is considered more accurate for gender than age. The data is considered accurate for those it identifies.<sup>281</sup> The data here is compared to that of the survey and, as will be seen below the similarities and divergences in age and gender make-up between the web analytics and the survey further indicates that Google Analytics (GA) offers reliable broad classifications of gender and age.

As table 2.1 shows, females represented the majority of users of the websites and respondents to the survey. This is in line with market research studies of those engaged with genealogy, which show that women are consistently in the majority. Females were in an even larger majority in the survey responses, albeit this may have more to do with female dominance as participants in online surveys rather than their being more deeply engaged with criminal ancestors per se.<sup>282</sup> In terms of gender

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<sup>280</sup> google-analytics.ie, 'How Does Google Analytics Track User Age and Gender?', <https://www.google-analytics.ie/blog/how-does-google-analytics-track-user-gender-and-age/> [accessed 26 September 2020].

<sup>281</sup> Ibid.

<sup>282</sup> William G. Smith, 'Does Gender Influence Online Survey Participation?: A Record-linkage Analysis of University Faculty Online Survey Response Behavior' (2008), <https://files.eric.ed.gov/fulltext/ED501717.pdf> [accessed 16 August 2020].

and, as will be seen below, age, survey respondents and users of Findmypast, as well as those seeking out specific crime resources fall into the typical demographic for family historians: a majority female, and over the age of fifty-five. Both the OBP and the Digital Panopticon (DP) sites had more female than male users. It appears that both genealogy and the history of crime, subjects which traditionally were concerned primarily with male protagonists, are areas of enquiry where female researchers are in the majority.

Table 2.1: Gender Comparison Survey and Websites

<b>Gender</b>	<b>Survey %</b>	<b>Findmypast GA Data</b>	<b>DP GA Data</b>	<b>OBP GA Data</b>
<b>Female</b>	<b>74%</b>	<b>53.3%</b>	<b>62.2%</b>	<b>54.7%</b>
<b>Male</b>	26%	46.7%	37.8%	45.3%

Source: Survey Responses and Google Analytics (GA) of the respective websites

In looking at the age of the websites' users, all three of the websites had audiences populated primarily by those over the age of fifty-five (see Table 2.2 below). A more segmented age breakdown shows that the OBP had a larger percentage of users in the 18-24 and 25-34 age brackets, reflecting the website's extensive use in university courses worldwide. Findmypast showed very few users in the youngest age bracket, and there were no responses to the survey in this age bracket. In the case of the OBP, the younger cohort was followed closely by what may be deemed the 'genealogy' age brackets (highlighted in pink in Table 2.2), with these representing the two next largest cohorts of OBP users. The majority of users of Findmypast and the Digital Panopticon sites were in the age brackets usually associated with family historians. The large proportion of users aged over fifty-five for the Digital Panopticon was somewhat surprising as it was expected to have a similar audience as the OBP, that is, with a significant number drawn from universities, but showed a much higher percentage of those usually associated with genealogy. When examined alongside the geographic data, the Digital Panopticon appears to draw in its large

proportion of potential genealogists from Australia. There is also the potential for the age demographic to change over time as the Digital Panopticon becomes embedded in curricula.

Table 2.2: Age brackets of Survey and Websites

Age	Survey %	Findmypast GA Data	DP GA Data	OBP GA Data
<b>65+</b>	<b>47.45%</b>	<b>25.89%</b>	<b>27.71%</b>	<b>21.82%</b>
<b>55-64</b>	33.58%	21.02%	16.58%	15.69%
<b>45-54</b>	12.41%	18.25%	12.42%	14.02%
<b>35-44</b>	5.84%	13.32%	10.37%	12.12%
<b>25-34</b>	0.73%	15.18%	16.40%	18.81%
<b>18-24</b>	-	6.34%	16.52%	17.54%

Source: as for Table 2.1

The geographic distribution of users was also in-line with expectations for each of the sites. Findmypast operates sub-domains in Ireland, the United States and Australia and geo-blocks outside users from utilising the UK site. The traffic from other countries to the UK site is therefore not representative of other countries' use of the service. Overall, the utility of the data hosted on each of websites made the ranking of other countries relative to the UK unsurprising. Each of the websites carry significant amounts of data relating to individuals transported to Australia, and the country was well represented in the user base of all the websites. Again, the OBP demonstrated its global penetration having a large percentage of users from the United States. The largest percentage of users of the OBP in the United States were in the 18-24 age bracket, again reflecting the use of the site in universities.

Table 2.3: User Location

Location	Findmypast (UK)*	Digital Panopticon	OBP
<b>UK</b>	<b>76.46%</b>	<b>44.95%</b>	<b>49.15%</b>
<b>Ireland</b>	0.76%	0.82%	0.64%

Table 2.3: User Location

<b>Australia</b>	2.99%	33.63%	10.51%
<b>New Zealand</b>	0.77%	2.44%	1.20%
<b>United States</b>	9.52%	8.82%	24.49%
<b>Other</b>	9.5%	9,34%	14.01%

Source: as for Table 2.1

Unfortunately, the survey did not collect geographic information directly from respondents; however, contextual information in response to other questions showed that the bulk of respondents came from the United States and Australia. Overall, the demographic information confirmed that users of the three websites fit the profile of genealogists in general, that is over the age of fifty-five and female. The location of users was in line with expected audiences for the material hosted by the websites. This basic profile was expanded upon by examining the nature of the engagement users had with the websites.

### Site Usage

Understanding the demographics of those using records of the historical criminal system is a helpful starting point to understanding the reach of these resources. However, to understand the potential impact of these sources, it is essential to look at the engagement level of those users. Here the focus is on quantitative analysis, later chapters examine the qualitative responses of users to their discoveries.

Visitors to websites are measured as being either new or returning visitors. A continuous stream of new visitors is indicative of widespread awareness of the specific websites, and continued interest in the topics they promote. The number of new visitors to a website often far exceeds the number of returning visitors. Large volumes of new visitors ‘bounce’. Bouncing users interact only with the

page they landed on and take no further action. They do not necessarily move away from the page immediately, but that can also be the case. There are many reasons why users bounce: the utility of the site may not be immediately apparent to them, they are daunted by an unclear user journey, or they hit a paywall. Users arriving at a site via a keyword search inputted into a search engine may also arrive at the site and determine that it is 'not for them'. This is analysed in further detail below. It is important to note that some new visitors may not be wholly new, a returning user who has cleared their cookies, or is making use of a new device will be counted by Google Analytics as a 'new user'.<sup>283</sup> Likewise, some users will be 'bots'. These pieces of software scan sites for beneficial and malicious purposes, and can form a significant portion of a website's apparent visitors. Therefore, any statistics from Google Analytics while indicative of trends are not absolute truths.

Websites need a large influx of new users as only a proportion of them will engage with the site. As can be seen in Table 2.4, all of the sites suffered from substantial new user bounce rates. A brief interaction with a website is often dictated by the page on which the user lands. Traffic to a home page which does not offer any information which correlates to their topic of interest will result in a particularly high bounce rate. Commercial websites such as Findmypast attempt to overcome this by using search criteria to direct traffic to landing pages with clear 'calls to action' and simplified messages which clearly signpost the utility of the site for the users' needs based on the keyword or channel through which they arrived at the site. As can be seen from Table 2.4 this is reflected in Findmypast's lower bounce rate for new users.

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<sup>283</sup> Optimize Smart, 'How Google Analytics count New and Returning users?' <https://www.optimizesmart.com/understanding-users-in-google-analytics/> [accessed 20 July 2020].



Table 2.4: Visitors and Session Length (mm:ss)

<b>Metric</b>	<b>Findmypast</b>	<b>Digital Panopticon</b>	<b>OBP</b>
<b>New Visitors</b>	77.41%	70.04%	85.35%
<b>New Visitors Session Length</b>	05:59	02:30	02:41
<b>New User Bounce Rate</b>	38.18%	68.86%	66.47%
<b>Returning Visitors</b>	22.59%	29.96%	14.65%
<b>Returning Visitors Session Length</b>	17:33	05:43	07:19

Source: as for Table 2.1

Session duration is an important metric in measuring the success and stickiness of a website. Users who did not bounce and who interacted with the sites spent several minutes with the sites, on both their first and subsequent visits. This was likely due to each site being based on a search function which requires deliberate user engagement and focus. To utilise the websites users must input search criteria, examine the results for relevance and then examine, or discard, the results before moving onto their next search. As expected, returning visitors spent longer on each of the sites than new visitors. The duration of visits are to all of the websites were comparable to, and exceeded the average, for retail sites, which are the most closely comparable, in so far as they are based on a search function which leads a user to a specific desired item.<sup>284</sup> Overall the duration of the visits showed deep engagement with each of the sites. Described as ‘dwell time’ anything less than two minutes is considered poor and times approaching and exceeding 7 minutes point to good user

<sup>284</sup> Statista, ‘Retail website visit duration worldwide as of 1st quarter 2019, by device (in minutes) <https://www.statista.com/statistics/568735/e-commerce-website-visit-duration/> [accessed 20 March 2020].

engagement.<sup>285</sup> Findmypast has a wider variety of material to engage with, which may also account for the greater duration of visits for both new and returning visitors. A discovery in one record can be augmented by searching other records, and newspapers. Given this variety, and the efforts Findmypast put into advertising, and keyword augmented landing pages, the two academic sites compare favourably given their lack of advertising budget and team dedicated to Search Engine Optimisation (SEO), described earlier.

### **Acquisition - Where are users coming from?**

A more in-depth, qualitative, understanding of the users of all of these sites is gained by analysing the acquisition channels for the websites: where users have come ‘from’ before arriving on the sites. For this analysis, paid acquisition channels, such as paid search, display advertising, affiliates and paid social campaigns were omitted as only Findmypast uses paid channels to acquire users. The analysis primarily focused on referrals and organic traffic as these are more indicative of an active interest in using the websites. Notwithstanding the potential for these figures to be somewhat skewed towards paid keywords, in the case of Findmypast, looking at the long tail of keywords used in organic searches can illustrate the types of searches being made by the public on the topics of digitised records, family history and historical crime.

Direct traffic to each of the websites was reflective of the level of brand awareness around each of the sites. Direct traffic comes from those visitors who have bookmarked a link to the site or type the full address into their search engine’s address bar. Over 30 per cent of visitors to the OBP and over 24 per cent of visitors to the Digital Panopticon were characterised as direct. Findmypast’s lesser overall percentage of direct traffic reflects their employment of paid acquisition and email to

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<sup>285</sup> Ann Smarty, “‘Dwell Time’: What is It and What is a Good “Dwell Time” as per Bing and Google’, *Internet Marketing Ninjas Blog*, 26 January 2017, <https://www.internetmarketingninjas.com/blog/search-engine-optimization/dwell-time/> [accessed 28 December 2020].

draw large volumes of users to the site, thus diluting the percentage of direct traffic relative to their overall visitor numbers. Email does not appear to feature in the acquisition strategies of the OBP or Digital Panopticon sites. Organic social media acquisition was strongest for the Digital Panopticon, but again this was more reflective of having only four active channels of acquisition rather than a strong social media presence per se. The DP also launched at a period when social media was to the fore in terms of marketing and community engagement whereas the OBP launched before both Facebook and Twitter. The rest of this analysis will look in more depth at the three main acquisition channels common to each of the sites: organic, referral and direct.

Table 2.5: Acquisition Channels

<b>Channel</b>	<b>Findmypast</b>	<b>Digital Panopticon</b>	<b>OBP</b>
Organic	31.9%	54.5%	58.4%
Referral	5.4%	26.2%	15.2%
Direct	19.7%	14.3%	23.7%
Social (organic)	3.9%	5.1%	2.4%
Email	6.4%	0%	0%

Source: as for Table 2.1

### **Organic traffic**

As can be seen in table 2.5, the most important non-paid channel for each of the sites was organic. Organic refers to arrivals on the website as a result of a user entering a word or phrase into a search engine. Users arrive at a site when the word or phrase they choose to use in a search matches one found on the website. For example, the OBP site was predominantly reached by an organic search on the phrase “old bailey”; variants included ‘old bailey records’, ‘old bailey trials’ and ‘the old bailey’. These references to ‘bailey’ in some form continue through the long tail of keywords. Old Bailey is a familiar phrase, immediately recognisable and associated with crime and courts more generally. The longevity of the site also ensures that awareness has built about it being the ‘go-to’

site for crime records in the public consciousness. Findmypast was similarly reached by the bulk of users searching on ‘findmypast’, ‘find my past’ and ‘find my past UK’.

Long-tail keywords are those that point to more specific, nuanced and niche searches that bring users to the websites. In the case of the OBP, a smaller number of users arrived at the site using more specific searches, for example, ‘tyburn’, ‘1800s london’, ‘central criminal court’ and ‘early forms of punishment’. Each of these searches could land users on landing pages which give historical background to these topics. There were several searches on the topic of gender which bring users to the OBP website: ‘history of gender relations’, ‘gender roles in the 17th century england’, ‘gender discrimination in 18th century’. Users arriving at the OBP’s ‘Gender in the Proceedings’ page spent an average of 6 minutes and forty-nine seconds reading this page, but had no further interaction with the website and therefore were counted among ‘bounces’. This phenomenon demonstrates the need for careful interrogation of website usage. The OBP’s section on gender is the third most popular page on the site, after the search page and the homepage.

On Findmypast the long tail of keywords included ‘family trees’, ‘surname origin’, and searches for records such as ‘army records’ and ‘1891 census’. Keywords relating to crime and punishment accounted for very few users arriving at Findmypast, indicating that when presented with Findmypast as a result in their search engine users did not believe it to be a relevant result and dismissed it, or it ranked too low to be seen. Almost all of those that clicked through to Findmypast from a search on crime-related keywords bounced and made no further use of the site.

The Digital Panopticon site, being the most recently launched of the sites, exposed issues with relying on keyword searches as indicators of how users are arriving on websites. Since 2013 Google, the dominant search engine and analytics platform, has used encryption which ensures the

privacy of their users.<sup>286</sup> The knock-on effect is that upwards of ninety per cent of keywords used by individuals in their journey to the website are unavailable for analysis. Therefore, while the use of the phrase ‘was convict transportation a deterrent [sic] to crime’ may be gratifying to see as the reason someone landed on the Digital Panopticon website, it represents approximately 1 per cent of the organic traffic, which in itself is only a subset of the total traffic to the site. Likewise, the phrase ‘contribution of convicts to establishing Australia’, while appearing in the top ten of organic keywords represents only 0.03 per cent of the organic traffic. However, when taken in conjunction with location data which showed that Australia was the second biggest country from which users were drawn, there was clear evidence that the Digital Panopticon website was being utilised substantially by those interested in the history of transportation to Australia.

Google trends can be used to some degree to discover more about the popularity of particular keywords.<sup>287</sup> This tool shows the ebb and flow of popularity of particular keywords used in web searches. Using this tool to analyse interest in historical crime records is complicated as generic search terms such as ‘court records’ are as likely to pertain to modern-day records as they are to historical ones. Some insight into overall trends can be gained by testing phrases such as ‘old bailey’ in the tool.

The phrase ‘old bailey’ was tested on the broadest available criteria: worldwide searches, and drawing on data from 2004 onwards. As can be seen in Graph 2.2, the popularity of the search term ‘old bailey’ peaked in April 2008. This peak, which is recorded as 100, coincided with the launch of a significant tranche of new material on the site and a site redesign.<sup>288</sup> The launch received media coverage and searches for the term increased significantly.<sup>289</sup> Since 2013 the term

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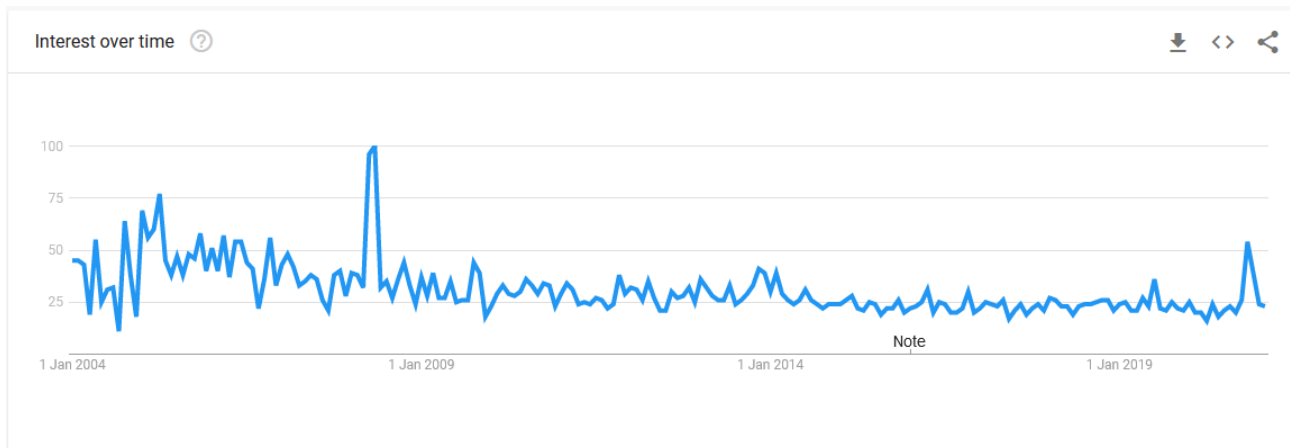
<sup>286</sup> Ryte.com, ‘Encrypted Search’, [https://en.ryte.com/wiki/Encrypted\\_Search](https://en.ryte.com/wiki/Encrypted_Search) [accessed 19 December 2020].

<sup>287</sup> Google Trends, <https://trends.google.com/trends/> [accessed 20 July 2020].

<sup>288</sup> <https://www.oldbaileyonline.org/static/Whats-new-archive.jsp#toc2003>

<sup>289</sup> Amelia Hill, ‘Old Bailey opens its unseen files’, *The Guardian* 27 April 2008, <https://www.theguardian.com/uk/2008/apr/27/law> [accessed 7 November 2020].

'old bailey' has declined in searches; however, this does not necessarily correlate to a decline in visitors to the site. Old Bailey Online users, in fact, increased in by 4.1 per cent in 2015, when compared to 2013.<sup>290</sup> The importance of direct traffic and referrals in relation to a reduction in organic traffic is discussed below.



Graph 2.2: Source Google Trends, 'Old Bailey': interest over time, 2004–2021 relative to peak in

## Referrals

Data on traffic from links on other websites, known as referrals, provided additional information on the triggers that motivate users to visit the websites.

The Digital Panopticon website benefits greatly from promotion by its 'parent' site, the OBP. In total, 69.10 per cent of the Digital Panopticon visits from referrals were from links on the OBP. This is largely thanks to the Digital Panopticon featuring on the home page of the OBP website. The call to action is direct and encourages users to leave the OBP website to explore the Digital Panopticon by promising further discovery: 'Discover what happened to Old Bailey defendants before and after they were tried'.<sup>291</sup> Since 2018 all OBP trials which feature in the life archives at

<sup>290</sup> Google Trends, <https://trends.google.com/trends/explore?date=2004-01-01%202021-02-14&q=old%20bailey> [accessed 14 February 2021].

<sup>291</sup> Old Bailey Online.

the Digital Panopticon also directly linked to the Digital Panopticon site, further increasing the tendency for users to move from the OBP to the DP.

Figure 2.2 Digital Panopticon image from OBP homepage

**The Proceedings can also be searched in:**



The audience of the Digital Panopticon is therefore, in part, a subset of those who utilise the OBP and are representative of that site's demographic, which quantitative and qualitative analysis has shown to be made up mainly of students and genealogists. The language of the call to action on the OBP site could be considered to be appealing directly to family historians 'discover what happened... before and after'. It is precisely that question 'what happened... before and after' that propels much genealogical research. Genealogical outlets accounted for the third and fourth highest referral sites to the Digital Panopticon, *Who Do You Think You Are* magazine (1.72 per cent) and [www.lostcousins.com](http://www.lostcousins.com) (1.44 per cent). The remaining top ten sites referring traffic to the Digital Panopticon were a mix of additional sister sites (Old Bailey Voices<sup>292</sup> and London Lives<sup>293</sup>), news outlets and educational sites.

<sup>292</sup> Sussex Humanities Lab, 'Old Bailey Voices', <https://oldbaileyvoices.org> [accessed 31 August 2020]

<sup>293</sup> Tim Hitchcock, Robert Shoemaker, Sharon Howard and Jamie McLaughlin, et al., London Lives, 1690-1800 ([www.londonlives.org](http://www.londonlives.org), version 1.1, 24 April 2012).

The importance of family history sites in driving traffic to academic databases can also be seen on the OBP. The majority of referral traffic from a single source for the OBP came from the Ancestry suite of sites. Taken in aggregate they accounted for just over 54 per cent of the referral traffic to the site. The OBP database was published on the Ancestry sites in April 2016.<sup>294</sup> Ancestry presents a thin index of the records, and users must visit the OBP website to read fuller entries and access any images associated with the record-set. This volume of users from a genealogy source is further indicative of the appetite of genealogy users for digitised historical crime records, and, more importantly of their willingness to engage with these sources after speculative searches in large aggregated databases. Family historians demonstrate an openness to the possibility that their ancestor may be found in a record relating to a crime when they are presented with the result from a generic search in an extensive mixed material database such as Ancestry's. Other genealogy sites which referred traffic to the OBP were Findmypast, Rootschat and Black Sheep Ancestors. The OBP's other referral traffic came from a variety of sources, demonstrating its broad reach and appeal. These included The National Archives, Wikipedia, Capital Punishment UK, Connected Histories and the BBC.

As seen above the total referral traffic to Findmypast was less than six per cent. Most of this came from The National Archives website and catalogue, which accounted for twenty-nine per cent of the referral traffic. Other referrals came from some of Findmypast's own sites such as the USA domain: findmypass.com (3.36 per cent), the 1911 Census (2.89 per cent), and GenesReunited (0.99 per cent). English Heritage also accounted for some referral traffic (3.09 per cent). Unsurprisingly other sources were Genuki (1.04 per cent) and RootsIreland (0.62 per cent), two large genealogy websites. There were also a number of referrals from archives and libraries who have data licensing

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<sup>294</sup> Ancestry LLC, 'Web: London, England, Proceedings of the Old Bailey and Ordinary's Accounts Index, 1674-1913', <https://search.ancestry.co.uk/search/db.aspx?dbid=70814> [accessed 1 November 2020]



partnerships with the company. Despite having links directly to Findmypast, the Digital Panopticon accounted for only one hundred and forty-one users visiting Findmypast in the period examined. It ranked at number 494 in the list of referrals. This figure included all visitors via this channel, including those that bounced. The OBP was not expected to feature in the list of sites sending traffic to Findmypast, and it did not appear. The lack of traffic from the Digital Panopticon to the Findmypast site may simply be a result of the visitors to the Digital Panopticon site finding sufficient information in the abstracts published to that site. The DP site notes that an onward move to Findmypast will require payment, thus potentially dissuading visitors from visiting Findmypast. Family historians, being in a constant search for new material may have also used the DP site to verify that they had covered all the bases in their own research, and thus satisfied had no reason to click outward to resources with which they were already familiar.

Referral traffic shows the interconnectedness of the web. Sites mention other sites that may be of interest to their users, although there is often caution around supplying links to external websites as they also have the effect of sending traffic away from a site. The referrals for each of the sites examined were dominated by genealogy sites. Sites specifically catering to the records of the historical criminal justice system are embedded within a network of genealogy sites. They are dependent on this network for a significant portion of their users.

### **How websites are used**

Having arrived on a site, the behaviour of a user on a website determines if their user needs are met, or if their first visit will be their last. The majority of users of the OBP website engaged with the site only once and visited an average of three pages during their visit. High use visitors, that is visitors who used the site more than two hundred times, often engaged with up to ten pages during a session. The Digital Panopticon was not sufficiently mature to show very high usage by single

individuals; the highest usage was from those who had used the site between nine and fourteen times. These users made use of an average of seven pages. Findmypast's high usage users visited an average of thirty pages per session.

Another useful metric to demonstrate the popularity and utility of a website is the frequency with which users return to make use of the site. The majority of returning visitors to the OBP visited between every eight and thirty days during the period under consideration, with others visiting less frequently. The Digital Panopticon showed a similar pattern, albeit with lower numbers.

Findmypast showed that many users returned every day; weekly, fortnightly, and monthly visits were also common. Both the OBP and Digital Panopticon sites are relatively static, making few updates to their content, and it may be possible for users to extract what they need within a few visits. It is therefore likely that those that make high use of the site are students, instructors and academic researchers. Findmypast releases new records weekly and makes functionality improvements to ensure loyalty and repeated return visits. The website is also used by a large cadre of professional genealogists for whom daily visits would be the norm.

High usage and return visits by individuals are indicators of the continued popularity of a website with its target demographic. What is more challenging to determine is the value they extract from the website during these visits. The flow of users through the site can give some insight into the ways users interact with the site. For each of the sites considered here, the primary interaction was with the home page and the search function. Typically, users made very little use of other landing pages within the sites. Their journey was focused, limited and utilitarian. They did not make extensive use of help and advice pages, or the blog. In the case of the OBP the search page was the most utilised, with users bypassing the home page entirely and going directly to search.

Pageviews for pages other than the home page and search page were under four per cent for the OBP and Digital Panopticon. The most popular of these pages on the Digital Panopticon site were those that had direct links from the navigation bar on the home page, such as ‘Convicts and the Colonisation of Australia, 1788-1868’.<sup>295</sup> There is also the strong likelihood that the page was returning on organic searches or being used as a direct link by someone using the site as a teaching aid. The convict biographies were also popular, again indicating direct linkage or their use as case studies in promotional material and teaching material. Where the point of entry was something other than the home page, this was often the only page a user interacted with on the site. Entry and exit pages were often identical for many users of the OBP and Digital Panopticon. Approximately the same percentage of users arriving at a specific page left from that page, indicating that they interacted only with that page during their visit. This evidence indicates that users of these sites had a specific goal in mind.

Taken together, what emerges from an analysis of users of websites hosting the records of the historical criminal justice system is that, regardless of their intended audience, a large proportion of their users were family historians. The users of the OBP and The Digital Panopticon were specifically going in search of the records of the historical criminal justice system, whereas those that used Findmypast could be considered opportunists and speculators. Nevertheless, this did not translate to their being very different audiences. If demographics relating to student populations are set aside, the majority of users of all of the sites were female, over fifty-five, and based in the UK and Australia. This demographic had already been identified as typical of family historians, and, as corroborated by the evidence of the surveys, was also typical of those actively engaging with criminal ancestry. Regular users of the sites saved direct links or had memorised the URLs, and they made extended use of the sites, both during visits, spending several minutes interacting with

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<sup>295</sup> Hamish Maxwell-Stewart and Deborah Oxley, ‘Convicts and the Colonisation of Australia, 1788-1868’, *Digital Panopticon*, [https://www.digitalpanopticon.org/Convicts\\_and\\_the\\_Colonisation\\_of\\_Australia,\\_1788-1868](https://www.digitalpanopticon.org/Convicts_and_the_Colonisation_of_Australia,_1788-1868) [accessed 30 December 2020].

the sites, and over time, returning to the sites time and time again. Both the OBP and Findmypast had a cadre of super users who visited the sites more than two hundred times over ten months. Their use of the sites was targeted and goal orientated. They made little use of contextual material and instead focused on searching the databases for data which would answer their specific research queries. This style of goal orientated research is discussed further in later chapters.

### **Conclusion: The Impact of Digitisation**

The ability to type in a name and have potentially dozens of documents pertaining to an individual returned has changed genealogical research methodologies. The wealth of material available to a first time searcher, particularly in the England and the United States, means that, in many cases, a reasonably complete life course history can be created with an afternoon's research. Family historians can build a detailed picture of their ancestor without the need to understand the interrelationship between sources or all the detail in a single source. The neophyte researcher is presented with a wealth of material which they must then interpret and assimilate. In the case of the criminal activities of an ancestor, an overlooked notation about a conviction in one source, becomes immaterial, and the events unignorable, when several more documents surface from a name search.

In the early days of the hobby, the amount of time required to pursue it meant the hobby itself was restricted to those with the money and leisure time to visit scattered archives and libraries to conduct their research. The widening of the hobby since the 1960s and the veritable explosion of the hobby in the late 1990s have brought the conversation around criminal ancestry to a more casual cohort of family historians. For those more deeply engaged in the hobby, it has permitted them to add detail and nuance and to see events in a greater context. CJ Brill, a genealogist who published a narrative about her convict ancestor, summed up the power of online sources to disrupt a family's previously held beliefs concerning an ancestor:

... we believed the only offence committed was the crime... that led to her transportation... Later, when the Old Bailey website went online in 2003, we learnt that Lydia had been tried and subsequently acquitted of two earlier offences.... After *London Lives* went online in 2010, a great deal of new information came to light.... It's become clear too that very few convicts to Australia were "first-timers"...<sup>296</sup>

By publishing historical records of the criminal justice system at scale on a platform accessible worldwide, academic, grassroots and commercial genealogy sites push past any ethical considerations at the removal of the practical obscurity of people labelled as criminal offered by the bricks and mortar archive. The digitisation of the records of the historical criminal justice system means that those with no reason to be proactive in the search for a criminal ancestor were highly likely to discover a law-breaking individual and be faced with a decision about recording that person and those events in their family tree.

Despite their disparate approaches all of the publicly accessible sites have proven of interest to family historians, who make repeated use of them in significant numbers. At one end of the spectrum the academic sites focus on the sources, offering detailed information about the creation of the sources and the context of their creation. While at the other end the grassroots and commercial sites focus on the individual stories that can be discovered. The commercial sites in particular seek to create a relationship between the researcher and the individuals recorded in the documents. They invite users to make personal connections and to celebrate those connections.

Name searches on websites, which return material that a family historian was not actively seeking, can also offer the possibility of a criminal ancestor where one was not considered before. Coupled with the celebratory atmosphere now surrounding criminal ancestry a connection to infamy is now

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<sup>296</sup> C.J. Brill, *Wicked: The Family of Lydia and Andrew Goodwin Volume 3* (np, 2017) p. 2.

presented as having the same cachet and appeal once reserved for the aristocracy in family history circles.

## **Chapter Three: Discovering and Defending Deviant Ancestry**

Previous chapters have demonstrated that family historians have had an interest in criminal ancestry since the earliest days of the hobby. Before digitisation, they sought out specialist records in archives, compiled guides to archival holdings, and transcribed prison and convict transportation records for the benefit of their community. With the advent of the web, they were quick to utilise the platform to publish their databases, and to make use of those created by the academic and commercial sectors. Having explored what is available to them, and how they expressed that interest through their creation and use of resources, this chapter examines their engagement with the topic of ancestral deviance in more depth. This chapter offers an analysis of the impact of their discoveries on themselves and their families.

### **Chapter Methodology**

To explore their engagement with potentially difficult heritage this chapter offers a quantitative and qualitative analysis of participant responses to surveys hosted online, and from interviews.<sup>297</sup> The data was collected over a four-year period between 2015 and 2019. This methodology received ethical approval from The University of Sheffield.

The primary survey utilised in this research was comprised of thirty questions. This survey asked family historians with a criminal ancestor for details about their research experience, methodology details about their criminal ancestor and their attitudes towards their discoveries and their ancestors (see appendix 1). A supplementary survey was created for those who wished to report on multiple criminal ancestors. Surveys were also offered for those engaged in research on behalf of others, as well as those researching individual criminals for broader study or the creation of novels and other

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<sup>297</sup> See Appendix 1 for questions from the online survey

creative works. The questionnaires were hosted by a professional UK based online subscription service, Smart Survey, which offered robust reporting and the ability to host surveys for long periods securely.<sup>298</sup> The survey relating to the discovery of an individual criminal ancestor forms the basis for the bulk of analysis for this chapter. Commentary from the other surveys was utilised where applicable, here and in other chapters.

Responses to the surveys were solicited from the genealogy community via social media, genealogy bloggers, and via email with genealogy societies and newsletter editors. The response to requests to circulate information about the survey was overwhelmingly positive. The exception was one Canadian society network with a 7,000 strong membership that responded with a request for incentivising their membership to participate, which was not possible, and prevented the survey reaching that potential pool of respondents. Otherwise, family historians proved willing and highly engaged; some mentioned that this was not the first project with which they had assisted.

Newsletter editors posted notices and requested articles, and bloggers wrote enthusiastically about the project online and encouraged the genealogy community to participate in the research. Judy G. Russell's blog *The Legal Genealogist* posted about the project under the heading 'Criminal Ancestors? Your Voice is Needed' in July 2015. Her post generated 100 responses, primarily from American family historians. The project also had support from *Olive Tree Genealogy* which blogged in August 2015 under the title 'Got Blacksheep Ancestors? Join the PhD Study'.<sup>299</sup> Posts made to social media platforms were re-shared and assisted with reaching a wider audience. Links to the surveys were also hosted on the author's website.<sup>300</sup> The survey aimed to elicit 500 responses. The final number of responses to the two main surveys was 584. The surveys solicited

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<sup>298</sup> *Smart Survey*, <https://app.smartsurvey.co.uk> [accessed 18 April 2020].

<sup>299</sup> Judy G. Russell, 'Criminal Ancestors? Your Voice is Needed!', *The Legal Genealogist*, <http://www.legalgenealogist.com/blog/2015/07/24/criminal-ancestors/>; Lorine McGinnis Schulze, 'Got Blacksheep Ancestors? Join the PhD Study' *Olive Tree Genealogy*, <http://olivetreegenealogy.blogspot.ie/2015/08/got-blacksheep-ancestors-join-phd-study.html>; Gail Dever 'Criminals on your family tree?', *Genealogy a la*, <http://cartegenealogyalacarte.ca/?p=10382> [accessed 23 July 2020].

<sup>300</sup> Aoife O Connor, 'Surveys', *A Criminal Record*, <http://acriminalrecord.org/surveys/> [accessed 23 July 2020].



some demographic information, such as sex and age bracket, but were otherwise wholly anonymous. The respondents were unidentifiable and uncontactable. There was no requirement for respondents to supply their name or email address. While this made follow-up and clarification impossible, it was the best route to ensure anonymity and an environment in which respondents would feel comfortable discussing the topic of ancestral criminality. The first section of the survey required participants to read information about the survey and to check a box giving their permission for the information they provided to be used in the study before they could proceed. Participants who answered 'no' to this portion were exited from the survey.

The survey page on the website provided an email address for individuals to make contact to offer to participate in an interview. The first portion of the survey also offered this facility. Those that offered an interview signed a separate consent form. The interviews used the same questions as the online survey as a baseline but adopted a more conversational approach, and included additional prompts to encourage elaboration on points of narrative and attitude. Interviewees were survey respondents who, on their own initiative, made contact to offer an interview. The interviews were not transcribed. They were undertaken to augment the survey responses, whose total anonymisation reduced the ability to follow up. Those who made contact to offer an interview signed a form indicating their permission for their anonymised answers to be used. Interviewees were contacted via email and Skype. A dedicated Skype handle was set up to conduct the interviews. The interviews will be deleted after the completion of the thesis. While being assured of anonymity, it transpired that most interviewees were keen to be associated with their responses and for their contributions to the present study to be acknowledged. Nonetheless, for ethical reasons, their responses were anonymised.

To draw in a representative cohort from those engaged with the hobby careful attention was paid to the terms and language used in inviting participation in the survey. While the terms 'genealogist'

and ‘family historian’ can be considered broadly synonymous,<sup>301</sup> in the context of soliciting responses to the survey the phrase ‘family historian’ was favoured as it signalled to potential respondents that the study was interested in non-blood relatives and collateral ancestors. It was also necessary to be explicit on this point in the text accompanying the survey links, as some genealogists may not have felt it appropriate to respond to a survey about a criminal ‘ancestor’ to whom they were not directly related. However, as will be seen below, others felt no such qualms regarding the strict definition of family, or their claim to connection, and responded citing individuals to whom they had no firmly proven connection. The text on the website read: ‘I am interested in hearing from anyone who has utilised archival or online records of the criminal justice system to learn about an ancestral relative (both direct & collateral)’.<sup>302</sup>

The questions in the online survey itself were designed to elicit comments and opinions from respondents as well as offering ‘check box’ answers. Respondents were asked: ‘please take the survey even if you can’t answer all of the questions, I want to hear *your* story and *your* opinions’.<sup>303</sup> It was vitally important to the study that respondents did not feel pressured to give a ‘correct’ answer to any of the questions. Their opinions, and any imprecise answers, were vital to gain an understanding of public responses to the past. The purpose of the study as a whole was to understand grassroots approaches and responses to the past. Specifically, this study sought to ascertain if the lens of family history amplified or distorted their views of crime in the past and the present. Each of the questions was formulated and phrased to put the respondents at their ease and to give them control of the process. All questions were optional and offered comment boxes, even where there was no explicit requirement for commentary.

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<sup>301</sup> FamilySearch, ‘What is the Difference between Genealogy and Family History?’, <https://familysearch.org/blog/en/difference-genealogy-family-history/> [accessed 23 July 2020].

<sup>302</sup> Aoife O Connor, ‘Surveys’, <http://acriminalrecord.org/surveys/> [accessed 30 December 2020].

<sup>303</sup> Ibid.

Those that reported multiple criminal ancestors were offered a separate but broadly similar survey. The survey asked them to list their offending ancestors, and respondents were asked to consider all other questions in the light of the *majority* of those listed. This survey elicited one hundred and twenty complete responses. Disregarding that all respondents reported at least two ancestral offenders, most reported between three and six. One individual recorded twenty-eight criminal ancestors. None of the respondents offered any hint that they viewed their ancestors as a group. Each person was treated as an individual, and therefore their commentary is presented without flagging that it came from someone who had identified multiple criminal ancestors. There were some small missteps by respondents in filling in the appropriate survey. One respondent used the ‘single ancestor’ survey to comment on multiple ancestors. Likewise, at least one respondent used the multiple ancestors' survey to report repeat offences by a single ancestor. However, these small errors did not impact the analysis. The demographic analysis draws on the two primary surveys (584 responses). Other quantitative analysis is based on those that answered the ‘single ancestor’ survey (464 responses). As mentioned above, additional commentary on the themes was drawn from all surveys.

This research fully acknowledges the methodological challenges posed by surveys and interviews. It is well documented that surveys have issues of reliability and representativeness, particularly those where respondents are self-selecting, as is the case here, rather than randomly selected from the population at large. Those responding to the survey wish their voice to be heard, their ‘propensity for participating in the study is correlated with the substantive topic the researchers are trying to study.’<sup>304</sup> Attitudinal surveys are particularly complex to administer and interpret, as there is evidence that respondents’ opinions are often formed in the moment in response to being asked a question they had not previously considered. Furthermore, their opinion is not necessarily a stable

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<sup>304</sup> Paul J. Lavrakas, *Encyclopaedia of Survey Research Methods* (Thousand Oaks, 2008), <https://methods-sagepub-com.sheffield.idm.oclc.org/reference/encyclopedia-of-survey-research-methods> [accessed 13 February 2021].

long-held view and will often be generated in the context of previous questions and responses, and their belief regarding the desired response wanted by the interviewer based on their interaction. In relation to potentially complex social problems such as crime, they may also rely on generalised knowledge and stereotypes to inform their response.<sup>305</sup> This study particularly sought to counteract the temptation to assign undue weight and significance to the potentially more fulsome responses from the in-person interviews on attitudinal points by comparing their responses to those of online respondents who were less influenced by context and interviewer. The responses to the surveys were also balanced with the other sources drawn on in previous and subsequent chapters. Web analytics and narratives written by descendants concerning their criminal ancestors formed another essential source for the present study. Web analytics were explored in a previous chapter, and the narratives, which were produced independently from this study, offered additional and often confirming evidence for the conclusions drawn by this study from the surveys and interviews. The descendant narratives are more closely examined in Chapter Four: 'Negotiating Deviant Ancestry Through Narrative'.

### **Survey Structure**

The first section asked for basic demographic information: age bracket and gender. This first section also asked respondents to indicate how long they had been engaged in genealogical research, and which websites they used. Subsequent sections asked them to describe their engagement with records of the criminal justice system (on and offline) and how, and in what types of records, they first discovered their 'criminal' ancestor. Respondents were also asked to indicate if they were aware of their ancestor's crime before discovering the documentary evidence. In the next section, along with ascertaining basic facts around the ancestor's crime, respondents were

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<sup>305</sup> Roger Tournageau, Lance J. Rips and Kenneth Rasinski, *The Psychology of Survey Response* (New York, 2000) pp. 165-196.

asked to indicate if they or any living family members still resided in the same UK or Irish county (or US/AUS state) as their ancestor. Finally, the survey asked a series of questions centred on the respondents' thoughts about their ancestor's crime, the punishment they received, and their understanding of the nature of the criminal justice system in the past and present. The flow of the questions was designed to elicit basic contextual information and 'facts' before turning to more reflective questions. The survey offered the ability to pause in responses and return, via a link, to complete the survey at a later date. The survey did undergo some changes, most notably a question around family tree size was added after the first 106 responses were gathered.

In this text, respondents to the survey are identified by alphanumeric codes in parenthesis following the reference or quote. In the case of survey respondents, this is an eight-digit string unique to each respondent, for example: 22569143; interviewees are identified by codes pertaining to the date of their interview, for example; GEN080816. The quotes from the surveys and interviews retain the syntax and spelling of the original. The insertion [*sic*] is not used as the instances would have been too numerous and interrupted the flow of the text. The names of ancestors mentioned in comments or interviews were removed to preserve the anonymity of the respondents and were replaced by [name removed].

### **Comparable Study**

The only comparable study, currently identified, were interviews conducted by the Canadian researcher Ronald Lambert in 1999.<sup>306</sup> Those interviews were restricted to forty-six members of two, unspecified, Australian societies dedicated to researching criminal ancestors, specifically descendants of the first fleet of convict ships to Australia in 1788.<sup>307</sup> The work undertaken by

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<sup>306</sup> Ronald D. Lambert, 'Reclaiming the ancestral past: narrative, rhetoric and the 'convict stain'', *Journal of Sociology* 38.2 (2002).

<sup>307</sup> *Ibid.*, p. 113.

Lambert was limited by its geographic focus, and the declared specialist interest of his respondents, who deliberately and consciously aligned themselves with their convict ancestry. Since the 1970s, there has been an active shedding of ‘the convict stain’ in Australia.<sup>308</sup> First Fleet ancestors are now celebrated as ‘Australian Royalty’, and the discovery of any convict ancestor is generally celebrated. As Lambert’s work and the present study show the Australian convict ancestor is often looked to as the genesis for the family line and is heavily intertwined with a national narrative of convicts being among the early pioneers who built the nation. To counteract this specialist focus on a population already highly invested in their criminal ancestry the present study elicited responses from a wider pool of family historians for whom criminal ancestor(s) formed part of a broader general interest in family history, rather than being the primary focus of their research. The respondents to the survey were drawn from the United Kingdom, the United States, Canada and Ireland, as well as Australia. For the majority, their national identity did not have strong links to penal servitude, as may be argued in the case of Australia.

In his work, Lambert identified and defined five categories and four mechanisms family historians employed to integrate criminal ancestors into their family lore and identity. These mechanisms and categories, listed below, acted as a starting point for the present study.

- Objects of quasi-professional interest
- Nation-builders
- A minority within a multicultural society
- Collectibles
- As ‘interesting stories’

According to Lambert, the relationship with the convict ancestor was managed through:

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<sup>308</sup> Ibid., p. 115.

- Minimizing the offence
- Temporal distancing
- Empathic identification
- Arguing redemption

Lambert suggested that Australians categorised and modified the narratives around criminal ancestors to create a more comfortable persona to incorporate into their family.<sup>309</sup> As ‘objects of quasi-professional interest’ ancestors become subjects of research, and the genealogist cast themselves in the role of dispassionate researcher. Ancestors were also categorised as ‘collectibles or interesting stories’. Lambert describes these variously as stories which show ‘accomplishments, drama, human interest, tragedy, cruelty or injustice’. This theme is picked up by the present study in Chapter Four. Two of Lambert’s mechanisms are quite specific to the Australian experience. In Australia the convict population was one which was displaced from their native land to a penal colony. These convicts could be considered ‘a minority within a multicultural society’ and ‘as nation builders’, attributes which do not apply to those imprisoned in their native country. This theme is referred to as appropriate in subsequent chapters in the present work. The mechanisms Lambert identified which have the most relevance for the present study included ‘minimising the offence’, ‘temporal distancing’, ‘empathic identification’ and ‘arguing redemption’. The present study investigated whether or not these categories can also be applied to researchers outside of Australia where, it was expected, identifying with ‘convict’ ancestry would be less pronounced. The present study attempted to tease out whether those related to a deviant ancestor whose identity was not part of a nation-building narrative would need to employ mechanisms to ‘answer’ for their ancestor’s crimes. The present study also questioned whether or not these categorisations are unconscious attempts by family historians to make the uncomfortable more palatable as Lambert

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<sup>309</sup> *Ibid.*, pp. 117-123.

suggested. Could it not also be possible they are using their knowledge of their ancestor's full life course and circumstances to contextualise their ancestor's actions in a way not unlike any sympathetic historian or biographer might for his subject?

## Survey Findings

Responses to the online survey showed that the cohort reflected the dominant demographic of a family historian described in the previous chapter: female and aged over 55. Both family history magazines and genealogy websites report similar audiences. *Family Tree Magazine*, based in the United States, reports a readership comprising 79 per cent female with an average overall readership age of 63 years.<sup>310</sup> The UK based *Who Do You Think You Are? Magazine* reports a 66 per cent female readership with an average age of 60 years old.<sup>311</sup> Ancestry.com's demographic is 'biased towards female ... more than 60 per cent of subscribers are female... [and] the average age is over 55'.<sup>312</sup> Of the 569 respondents, who identified their sex in the two primary surveys, 419 were female, 74 per cent; and 150 were male 26 per cent. Nineteen respondents did not answer this question or ticked 'prefer not to say' concerning gender. Almost all respondents selected an age bracket, and 78 per cent were over the age of 55.

There were more female respondents than the reported user base of family history websites and readership of genealogy magazines. However, this may partially be because, as some research suggests, women are more likely to take surveys rather than any particular affinity on the part of

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<sup>310</sup> *Family Tree Magazine*, 'Advertise', <http://www.familytreemagazine.com/Info/Advertise> [accessed 23 July 2020].

<sup>311</sup> Immediate Media Company, 'Who Do You Think You Are? Magazine: Media Pack', <http://www.immediate.co.uk/brands/who-do-you-think-you-are/> [accessed 20 July 2020].

<sup>312</sup> *Ancestry Insider*, 'Ancestry.com at Banking Conference – Part 1' (2015) <http://www.ancestryinsider.org/2015/10/ancestrycom-at-banking-conference-part-1.html> [accessed 23 July 2020].



women for criminal ancestors.<sup>313</sup> Although in the present study, as will be seen in Chapter Four, there is a concerted effort by women in Australia to retrieve the stories of the forgotten, particularly forgotten women. Overall, however, given that more women practice the hobby of genealogy, the cohort may still be considered representative of genealogists. Criminal ancestry in-of-itself is not a specialised subject. It is not of interest only to specialised groups such as those interviewed by Lambert. Notwithstanding that, it is worth noting that the cohort does represent seasoned genealogists, with 243 reporting having conducted research for more than twenty years, a further 162 reported a period of research between eleven and twenty years. For the majority of respondents, therefore, their first steps into research will have taken place offline, in archives and libraries, utilising manuscript and microfilm. Their interest in genealogical research predated the upsurge in online family history websites which were established in the late 1990s and early 2000s.<sup>314</sup> More specifically, their research journey almost certainly predated the digitisation of records of the historical criminal justice system which, as discussed earlier, can be considered to have begun with the Old Bailey Proceedings Online in 2003.<sup>315</sup>

After their initial launch, the surveys underwent a slight modification to ease the collection of data, and at that time, the opportunity was taken to add a question regarding family tree size. For many family historians both the size and temporal reach of their family tree demonstrates their level of engagement with their hobby. The greater number of nodes and the number of generations it represents is a source of pride for many family historians.<sup>316</sup> Of those questioned on family tree size (n=286) 163, fifty-seven per cent, had family trees with more than one thousand individuals, of those, 107 had more than two thousand nodes on their family tree. A further thirty per cent had

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<sup>313</sup> Grinell Smith, "Does gender influence online survey participation?: A record-linkage analysis of university faculty online survey response behavior" (2008), [http://scholarworks.sjsu.edu/elementary\\_ed\\_pub/4](http://scholarworks.sjsu.edu/elementary_ed_pub/4) [accessed 13 February 2021].

<sup>314</sup> ancestry.com launched in 1997; findmypast.com launched in 2003 as 1837online.com; familysearch.org launched in 1999.

<sup>315</sup> Old Bailey Online.

<sup>316</sup> Some genealogists who adhere to a strict pedigree approach will have smaller trees.

family trees with between 250 and 1000 individuals. For context, a strict pedigree line which records only grandparents and comprises seven generations, dating back to approximately 1775, contains a maximum of 254 individuals.<sup>317</sup> Larger family tree sizes are further evidence of a general shift towards a more all-encompassing conceptualisation of genealogy which draws in collateral ancestors. More prosaically it also points to a dedicated level of engagement with the hobby. This dedication is also reflected in the time investment, described above, which is measured in years rather than hours.

The typicality of the tree sizes encountered in this study was difficult to determine. The only data available on family tree size are those from online trees which are understood to be under-utilised by family historians, who often prefer paper records or offline software to online trees.<sup>318</sup> Since the commercial genealogy websites do not explicitly advertise average family tree size, it must be deduced from the detail on corporate pages. Ancestry's family trees have an average of 114 individuals, '70 million family trees containing more than 8 billion profiles', and this would appear to be typical.<sup>319</sup> The MyHeritage website differs from other genealogy websites, focusing on tree building rather than record searches. The website offers free membership for those with trees of 249 individuals or fewer, premium membership for trees between 250 and 2000, a Premium Plus package with unlimited tree size, and Complete package which includes their historical record database.<sup>320</sup> In January 2016 the site claimed to have eight million family trees with 2.6 billion profiles, resulting in an average family tree size of 325 individuals.<sup>321</sup> However, it is highly likely that the average tree sizes obscure a large number of far smaller trees started by those new to the hobby and subsequently abandoned, and a smaller number of very large trees comprising thousands

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<sup>317</sup> Family Forest, 'How many ancestors do you have?', <http://familyforest.com/resources/51/ancestors-at-a-glance> [accessed 12 March 2017].

<sup>318</sup> Simon Orde, 'Should you build your family tree online or offline', *Findmypast Blog* 1 April 2020 <https://www.findmypast.co.uk/blog/family-tree/offline-family-tree-genealogy-history-physical> [accessed 25 July 2020].

<sup>319</sup> Ancestry Corporate, 'About Ancestry' <http://corporate.ancestry.com/about-ancestry/> [accessed 23 July 2020].

<sup>320</sup> MyHeritage, 'Subscription Page', <https://www.myheritage.com/products/229305971> [accessed 23 July 2020].

<sup>321</sup> My Heritage, 'Media Kit', <http://blog.myheritage.com/media-kit-myheritage-com/> [accessed 30 January 2016].

of nodes. The family tree sizes encountered in this study, therefore, represent those engaged enough with the hobby to have explored collateral lines and achieved some temporal ‘depth’ with their research. In comparing the data available from commercial sites with those from the survey data, it is possible to surmise that although the respondents to the survey are somewhat more engaged with the hobby than the majority who make use of the commercial sites, the family historian who discovers, and is willing to speak about, a deviant ancestor is not markedly different from their fellow genealogists. The discovery of a criminal ancestor does not set them apart, they are the typical hobbyist genealogist. They are female, aged over 55, began their research offline, have been researching for several years, and have created family trees which comprise several hundred, if not thousands, of individuals.

### **Online Genealogy - new sources and novel discoveries**

Although most respondents started their initial research offline, when asked where they first came across a criminal record involving an ancestor, sixty-two per cent said they found the record online. Just twenty-one per cent discovered the information in either a library or archive. A further twelve per cent had the information passed to them via family members or learned of it through books and other non-archival media. A small number discovered it through fellow researchers engaged in researching the same family tree. Of those that discovered the record online, some did not offer that as a response. Instead, they filled in the ‘other’ category with responses such as ‘Find A Grave’ (22611120); ‘on-line newspaper article found via a Google search’ (22613462); Newspapers (digitized online)’ (22622322) and British Newspaper Archives (22668651). Those responses were categorised as ‘online’ for this analysis. It is not clear whether the respondents simply wished to offer clarification or whether their conception of ‘online’ vis-à-vis family history research was restricted to recognised commercial genealogy websites rather than the wider web. What is clear is that for the majority of respondents sources accessed online were their first point of contact with

this material. Their interaction was with a digitised object. In the majority of cases, they inputted a name into a search box and had the record returned to them, rather than seeking out the source material for its own merits. Their search was for a name rather than a specific document, housed in a particular repository. There was no requirement for them to be familiar with the cataloguing systems of a repository. Neither did they require any knowledge of the provenance of the document, the reason for its creation or the original creator. For some, the fact that they had come across a record about a crime would only have become apparent after they clicked on the result.

As discussed in the introduction one of the main concerns of the literature is that the digitisation of historical material isolates the material from its context, and divorces it from its physicality, creating issues for appreciation and interpretation. To gauge their critical engagement with online resources respondents were asked if they intended to visit the repository to see the original document. Of the respondents who said that they had found the record online 61 per cent said had not done so, ten per cent said they intended to, and 23 per cent indicated that they had. The remaining respondents chose not to answer this question, or marked it as 'not applicable' - these primarily related to newspaper reports rather than official documentation. While the online record was the main entree into their discovery of the criminal ancestor, the responses to the follow-up question showed the importance placed on seeing the original at the archive by a portion of the respondents. Family historians urge one another not to rely on the abstracts offered by genealogy websites. They are instructed to look at the image where available, and where possible to seek out the primary source material. Archival research still retains a touch of cachet among family history researchers. They demonstrate a desire seek out the original authentic documents. This reverence for archival research was also evident in response to another question in the survey regarding respondents' research methodologies.

When those who had discovered the record online were asked if they believed they would have discovered the record through archive or library searches ninety-nine respondents (25 per cent) responded 'No', forty-nine (12 per cent) responded 'unlikely' and a further 118 (30 per cent) answered 'possibly'. Just seventy-one (18 per cent) answered 'yes' indicating they firmly believed they would have found the record at an archive or library. Those who believed they could or would have found the record without the assistance of the searchable name indexes offered by digitisation were defending their abilities as researchers. It is unclear how they proposed to discover an ancestor in crime records with no evidence to lead them to consider them as sources. There is a strong message within the hobby that not everything is online. Family historians advocate and demonstrate a strong desire to interact with original documents. Expert genealogical advice is that 'only 10% of all genealogy records are online'.<sup>322</sup> Their pride is not in the analysis of the contents per se; instead it is more focused on their ability to discover the source material. What this does not speak to is their critical engagement with the internal evidence of the document itself. Attitudinal questions teased this out, as did questions about any additional research they may have done as a result of discovering criminal ancestors. Both of those points are discussed here and in subsequent chapters.

### **Responses to Unlooked-for Knowledge**

Seventy-nine per cent reported having no previous knowledge of the events they uncovered through their research. This was an unsurprising result. Unless the crime or punishment are somehow sensational or shift the course of a family's fortunes, there is no reason to hand down a story of a shameful episode. Those that did have previous knowledge were either immersed in a culture, Australian, where criminal ancestry carries a general cachet and is discussed openly, or the events

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<sup>322</sup> Charles McGee. 'The Vast Majority of Genealogy Records Still Can't Be Found Online: Here's How to Locate Them', *Family History Daily*, <https://familyhistorydaily.com/genealogy-help-and-how-to/offline-research-necessary/> [accessed 25 July 2020]

had been discussed on some level within the family, and usually pertained to relatively recent events.

As previously discussed, before the advent of the web the records of the criminal justice system were considered specialised, and there was no impetus to pursue a search in such voluminous and dispersed archival holdings unless one had a reason. Speculative searching in collections was entirely unfeasible and illogical when the object of the research was a named person who may or may not be contained in a given record collection. There was no reason to assume that an ancestor may be named in the collection. Digitisation of newspapers and the records of the historical criminal justice system opened up a plethora of forgotten stories about ancestors, from their prize-winning petunias to their criminality.

The forgotten nature of the stories, as much as the events they described, had a significant impact on family historians' reception to the discovery. Respondents who had not known about their ancestor's crime reported reacting to the discovery with 'complete surprise' (22621619), with some describing it as 'a shameful family secret' (22857333). The discovery of a transgressive family member, as will be discussed further in Chapter Four, was doubly shocking for those discovering events which involved more recent generations, particularly grandparents and great-grandparents. Events dating to the relatively recent past prompted a wholesale re-examination of their family dynamic and opened up the potential for intergenerational trauma to explain their personal circumstances. For most respondents, the effect was less profound and focused more on what they perceived as a surprising gap in their knowledge about an individual to whom they were related and had devoted considerable time in researching.

For one respondent the seriousness of the crime, the fact that the family continued to live in the same locality, and the prominence of the events in contemporary newspapers compounded their

shock at the story not surviving in family lore. Speaking of events which occurred in the 1910s, one respondent voiced their shock at how a front-page news story could be expunged from the family record so definitively within a couple of generations. 'It was a major shock - a brutal murder on the front page of the newspapers in the news for several days, and it was my grandmother's first cousin and happened within a few blocks of where we all lived, but I had never heard of it' (41593374). The expectation was that such a story would be handed down through a family, if only in whispers. The seriousness of the crime, as well as its notoriety at the time, undoubtedly led the respondent described above to be invested in an ancestor who would have otherwise been afforded little attention, and no place in a strict pedigree genealogy - a grandmother's first cousin. The ability to discover hitherto unknown information about relatives for whom the effort to research even the most basic of details rendered them obscure in the eyes of traditional genealogists has been brought about through digitisation. Family historians, as seen above, regularly lay claim to 'families' of two-thousand individuals or more, and family trees numbering tens of thousands of nodes are not unheard of. In previous decades, even the most dedicated family historian would have likely bypassed a first-cousin, twice-removed. Individuals at that level were not a priority research subject before the advent of digitisation, and they could not be. A great-great-great grandparent could be equally obscured by pertinent records residing in an archive half a world away.

Some respondents who had not known of their ancestor's criminal activity looked to their understanding of history and posited a certain inevitability regarding the discovery of a transgressive ancestor: 'Not unexpected given the poverty and living conditions of my Irish Catholic family in London (36647197); 'but given the history of Australia I was fairly certain I would find a criminal or two...' (22581954). These respondents, by contextualising their ancestors' actions within a broader historical narrative, sought to dilute the discovery of a deviant ancestor in their family tree. Their ancestor was a statistical inevitability. Also, in putting forward their ancestor as a product of historical circumstances rather than an active agent, a theme explored

further below, these respondents emphasised their ancestors being acted upon or being caught up in historical events. The respondent who drew attention to the disadvantaged status of their Irish ancestors in London offered further comment which reemphasised their belief that their ancestor's ethnicity played a role in their being imprisoned and 'beaten' for the theft of a handkerchief: 'It was not unexpected due to the hatred of and lack of social standing of Irish immigrants at that time.' (36647197). In respect of the Australian respondent, it was their being Australian that suggested to them they would discover a criminal ancestor. Statistical calculations derived from the 1999 Australian Constitutional Referendum, which asked respondents if they were aware of convict ancestry, suggested that at that time 2.1 million Australians claimed convict descent 'and a like number would entertain the possibility'.<sup>323</sup> In 1996 the population of Australia was estimated at 18,332,500.<sup>324</sup> Those that would claim or entertain the possibility of criminal ancestry represented one-fifth of the population, far from a majority; yet, the pervasiveness of the convict narrative has created a powerful national identity linked to the transportation period among Australians of British and Irish descent.<sup>325</sup>

Other respondents, for whom the discovery of a criminal ancestor was novel information, reported that the discovery corrected or contradicted previous knowledge: 'I originally thought my ancestor arrived in Australia as servant.' (22569143); 'The story passed down was that the ancestor died of drowning. He was actually arrested for stealing a horse... As far as we know, he escaped custody before final trial' (22620930); 'I believed he was a fisherman... he was... but primarily he was a smuggler' (35158304). These cases revealed how families had dealt with difficult circumstances in the moment and transmitted more acceptable versions of events to future generations, even to the

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<sup>323</sup> Lambert, 'Reclaiming the ancestral past', p. 114.

<sup>324</sup> Australian Bureau of Statistics, 'Demographic Estimates and Projections'.  
<https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/81CA16F3C08ECE37CA25697E0018FC3A?opendocument>  
[accessed 25 July 2020]

<sup>325</sup> Australian Bureau of Statistics, 'Australia's Population reaches 19 million' (1999),  
<http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbyTopic/6250C12F5E6334CBCA2568A900136348?OpenDocument>  
[accessed 14/08/2016].



point of killing off an ancestor rather than admitting criminal activity. Others struggled to reconcile the information they discovered with the accepted view of their ancestor: 'I was quite surprised since he was a prominent person in his community' (23268517).

### **Family Silence - A Mystery to be Solved**

Family silence and deflection also prompted research which revealed the connection to a crime. Oftentimes 'rumours, whispers and odd looks' (22613577) prompted their research. One respondent who said they had not known of their ancestor's crime offered the following explanation of their discovery of the events:

But I suspected as there were gaps in the story that I knew. It turns out my first cousins knew more, but not the full details. Figuring out this ancestor's history and exact relationship to our family was one of the main goals for my family history research. (22624086)

Throughout this study, genealogists displayed exceptional tenacity in tracking down ancestors who had disappeared from conventional genealogical records such as the census. As Darby and Clough recognised, family historians seek out ever more specialised and complex records in their search for ancestors in order to compile the most complete picture of their life possible from the documentary record. For some respondents, digitised criminal records led to the rediscovery of ancestors. In these cases, the search for, and discovery of, the ancestor who had disappeared from conventional genealogical sources led to the discovery of their crime. In one instance, a respondent continued their search for an ancestor despite his absence from the family home over several decades, because the evidence of the wife's enumeration implied he was still living. Failing to find him in the 1851 census or beyond the respondent tracked him to a prison hulk: 'he was on the 1841 Census with wife and children, but not on any subsequent censuses with his wife who continued to be enumerated as "married" (not "widowed"). I eventually found him in the 1851 census on board a convict hulk awaiting transportation' (38783509). What the respondent did not articulate was the

effort required to discover an ancestor in the 1851 census on board a hulk. Even with digitisation, the researcher must bring to bear all of their knowledge of an ancestor to verify their identity in a hulk census return.

Figure 3.1 1851 Census Return, Hebe and Wye Convict Hulks

Parish or Township of <i>Marj Woolwich</i>		Ecclesiastical District of		City or Borough of <i>Greenwich</i>		Town of <i>Woolwich</i>		Village of	
Name and Surname of each Person who abode in the Institution on the Night of the 30th March, 1851		Position in the Institution	Condition	Age of		Rank, Profession or Occupation	Where Bora		Whether Blind, or Deaf-and-Dumb
				Males	Females				
<i>H. W.</i>	<i>Convict</i>	<i>U</i>	<i>21</i>	<i>Seaman</i>	<i>Wolfe</i>	<i>Devon</i>			
<i>J. G.</i>	<i>"</i>	<i>U</i>	<i>24</i>	<i>Red Stuffer</i>	<i>Do</i>	<i>Do</i>			
<i>J. J.</i>	<i>"</i>	<i>U</i>	<i>23</i>	<i>Sawyer</i>	<i>Woolwich</i>	<i>Kingston</i>			
<i>J. J.</i>	<i>"</i>	<i>U</i>	<i>24</i>	<i>Salt Stover</i>	<i>Sancoat</i>	<i>Blackburn</i>			
<i>J. J.</i>	<i>"</i>	<i>U</i>	<i>22</i>	<i>Shal. Paper</i>	<i>Woolwich</i>	<i>Ambleton</i>			
<i>W. J.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Butcher</i>	<i>Heavit</i>	<i>Wotton</i>			
<i>J. W. B.</i>	<i>"</i>	<i>U</i>	<i>25</i>	<i>Sawyer</i>	<i>Woolwich</i>	<i>Wapping</i>			
<i>C. R.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Optician</i>	<i>Do</i>	<i>Albion</i>			
<i>J. J.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Sailor</i>	<i>Do</i>	<i>Albion</i>			
<i>J. A.</i>	<i>"</i>	<i>U</i>	<i>22</i>	<i>Gunner</i>	<i>Do</i>	<i>Albion</i>			
<i>W. R.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Painter</i>	<i>Do</i>	<i>Wey of Sea</i>			
<i>P. W.</i>	<i>"</i>	<i>U</i>	<i>28</i>	<i>Collie</i>	<i>Stafford</i>	<i>Brindley</i>			
<i>C. G.</i>	<i>"</i>	<i>U</i>	<i>20</i>	<i>Painter</i>	<i>Widley</i>	<i>Wotton</i>			
<i>H. J.</i>	<i>"</i>	<i>U</i>	<i>24</i>	<i>Sawyer</i>	<i>Do</i>	<i>Boon</i>			
<i>J. Y.</i>	<i>"</i>	<i>U</i>	<i>22</i>	<i>General Dealer</i>	<i>Waltham</i>	<i>Green</i>			
<i>J. M. B.</i>	<i>"</i>	<i>U</i>	<i>23</i>	<i>Wearer</i>	<i>Waltham</i>	<i>Wotton</i>			
<i>W. H.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Sawyer</i>	<i>Waltham</i>	<i>Wotton</i>			
<i>J. J.</i>	<i>"</i>	<i>U</i>	<i>24</i>	<i>Sawyer</i>	<i>Sancoat</i>	<i>Granby</i>			
<i>J. J.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Wearer</i>	<i>Do</i>	<i>Do</i>			
<i>D. J.</i>	<i>"</i>	<i>U</i>	<i>21</i>	<i>Wearer</i>	<i>Do</i>	<i>Do</i>			
Total of Persons.			<i>20</i>						

Source: 1851 England, Wales and Scotland Census, HO107/1589, via [findmypast.co.uk](http://findmypast.co.uk)

As the illustrative example in Figure 3.1 shows individuals in institutions at the time of the census were often recorded by initials rather than their full name, and so the researcher must cross-reference other details such as age, occupation and birthplace in order to identify their ancestors.<sup>326</sup> Tracking the ancestor is paramount, and a family historian will follow up any potential records to trace a specific individual, regardless of how it may clash with expected narratives or previous knowledge. The criminal records in these instances are utilitarian; it is not the ancestor's

<sup>326</sup> Findmypast, Results for "Hulks" in 1851 UK Census showing initials only, [https://www.findmypast.ie/search/results?sourcecategory=census%2c%20land%20%26%20surveys&keywords=hulk&collection=census&eventyear=1851&eventyear\\_offset=2&sid=999](https://www.findmypast.ie/search/results?sourcecategory=census%2c%20land%20%26%20surveys&keywords=hulk&collection=census&eventyear=1851&eventyear_offset=2&sid=999) [accessed 25 April 2020].

wrongdoing that is being sought out, it is the resolution of a mystery - which could just as easily be resolved, and satisfied, by the discovery of a death or migration record. As another respondent described their discovery of a prison record when a search of the census proved fruitless, he was 'a miller of good character simply missing from census records after 1871 but no known death or burial. Just a puzzle until I found the prison record on Ancestry' (37281467). Their ancestor's crime was at variance to their belief that they were 'of good character', but their discovery in a prison record was accepted for its role in solving a puzzle.

### **Family Lore Confirmed**

For the twenty-one per cent who said they had known of the events before discovering documentary evidence, their additional research served to reveal nuance and correct the details of stories handed down through oral history. Their responses illustrated the potentially hazy nature of orally transmitted heritage: 'I knew he had been transported but not details of the crime and trial' (37226902). In another case the romantic version of events handed down through the family was wholly contradicted by the genealogist's discovery: 'I was told that it was political but, according to newspaper report, it was embezzlement.! Not quite the same thing...' (34484133). Family historians took pride in setting the record straight through gathering documentary evidence. None indicated that they sought to disprove what they had been told; their goal was corroboration. Discovering material which contradicted the oral history and 'set the record straight', or provided 'facts', was looked upon very favourably.

The dominance of online material in providing novel information was apparent for respondents from all countries covered by this research. Despite a strong response rate from descendants of Australian convicts, and a national narrative which, somewhat tongue-in-cheek, speaks about the whole population being descended from convicts, just twenty-two respondents of 113 whose

ancestors had been transported said they had known about the events before starting their formal genealogical research. Of the ninety-one who uncovered a criminal ancestor through their own research fifty-three made their initial discovery online. This speaks further to the idea of a national narrative which can be widely spoken about, as discussed in previous chapters, but which gains new meaning when it is revealed as having direct relevance to a family. A direct connection through family imbues the convict narrative with far more significant meaning. The majority of those who said they had some knowledge, before beginning their corroborative research, were North American respondents.

The crimes reported by survey respondents were committed between the 1330s and the 1930s, a spread of six centuries, although most were clustered in the 1800s and 1900s. Almost sixty-four per cent of the reported events took place in the 1800s, with twenty-nine per cent taking place in the 1900s. Transmission, therefore, did not rely on the temporal proximity of the researcher to the ancestor. Family stories were handed down through many generations. Neither did transmission rely on geographic proximity to the events: of those who knew of their ancestors' transgression just thirty-seven per cent still resided in the same county or state as their ancestor. It was not necessary for a family to have deep roots in a single place to remember the events of that family's life. That is not to say that place did not play a role. For those that were the descendants of transportees the very displacement of their ancestor, a direct result of their crime, was an important part of their ancestor's story.

The transmission of a story down through the generations was very much dependant on the individual family. A variety of stories had been handed down, although all could be said to be more memorable crimes. They were also handed down in such a way that the crimes became almost heroic or daring acts: 'Freedom fighter' (40018466), 'mutiny' (22611348), 'Highway robbery' (22323890), 'rioting' (23503439) and breaking 'fugitive slave law' (24893306). There were also,

as might be expected, several cases of murder which had been preserved in family lore. Crimes such as the theft of goods, or crimes which are still considered crimes today were less likely to be transmitted to future generations. The crimes themselves are less sensational, and equally are the sort of crimes that a family might prefer and succeed in forgetting.

Ronald Lambert described several ways family historians reconciled themselves to this unlooked-for knowledge. Temporal distance plays into family historians' response to criminal ancestry in a variety of ways. Lambert saw a role for temporal distancing in allowing acceptance,<sup>327</sup> and it can play a role in mitigating even the most serious crimes. The 'fascinating' ancestor may have committed murder, but this can be considered intriguing rather than disturbing when the events took place in the 1610s. There is a contradiction at play. On the one hand, descendants are at ease with events which happened in the past as they are not people they knew personally and can easily fall back on *it happened so long ago*. However, others are still profoundly affected by what they discover, despite the temporal remove. One respondent, describing the murder of a great-great-great-grandfather in the 1870s by his son was, despite a remove of four generations, 'absolutely shocked and saddened' (40106249) by what they learned. The ability for these events to affect a descendant so greatly speaks to their investment in the lives of those they research. This was further illustrated by the evidence they brought to bear when asked if they considered their ancestor a criminal or a victim of circumstance.

### **Criminal or Victim of Circumstance?**

To explore attitudes towards these newly discovered or confirmed criminal ancestors, respondents were asked if they believed their ancestor was a criminal or a victim of circumstance. The survey offered respondents the option to say that their ancestor was 'both', and to expand on their

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<sup>327</sup> Lambert, 'Reclaiming the ancestral past', p. 122.

responses using a comment section. Almost 27 per cent of respondents categorised their ancestor as a criminal, 31 per cent described their ancestor as a ‘victim of circumstance’, and 37 per cent described them as being ‘both’. Before turning to an exploration of each of those categories, the potential effect of other factors such as previous knowledge, and age and gender, on the categorisation of an ancestor as a criminal or otherwise was considered.

As outlined in table 3.1, those that had no previous knowledge were more likely to describe their ancestor as a victim of circumstance. The jarring nature of the discovery, and the fact that it did not fit with their previous knowledge of their family, may have led them to assume this ancestor was an aberration. Or, as will be seen below, that forces must have acted upon them to result in their criminality. Pre-existing knowledge made it slightly more likely for an ancestor to be categorised as a criminal: in these cases, the ancestor was a sensational story handed down through family lore, the black sheep of the family singled out as an object lesson for later generations. Not unsurprisingly, many respondents chose the option for ‘both’, seeing the crime itself as problematic and deserving of punishment, but also seeing personal and structural elements acting on their ancestor’s life. As will be seen below, many of the same themes and justifications and mitigations are brought to bear on each category: poverty, mental health, parental absence, alcoholism. They are in turn a ‘reason for’, a possible contributing factor, or ‘not an excuse’ for an ancestor’s actions.

Table 3.1 Knowledge & Categorisation

<b>Did you Know?</b>	<b># Responses</b>	<b>Yes</b>	<b>No</b>
Victim of Circumstance	142	24%	34%
Criminal	125	30%	26%
Both	170	42%	39%
No Response	14	4%	1%
<b>Total</b>	<b>451</b>		

In common with all questions, some respondents chose not to categorise their ancestors. For those that did (n=437), the categorisation of their ancestors' culpability did show a gender bias. Although the number of female antecedents was far fewer than male, 39 compared to 395, and the responses must be considered in this context, descendants were more likely to characterise a female ancestor as a victim of circumstance. Sixty-four per cent of female antecedents were described as victims of circumstance compared to 29 per cent of male antecedents. Male ancestors were categorised as criminal 30 per cent of the time, compared to 13 per cent of females. The commentary attached to these categorisations offered limited evidence of a direct connection between an ancestor's gender/sex and their being seen as a victim of circumstance or a criminal. However, there were some indicators that respondents saw an ancestor's gender as a contributing factor to their law-breaking.

Before turning to that analysis it is worth noting that the respondents' own gender did not influence their assessment of their ancestor's culpability. Both male and female respondents were remarkably consistent in their categorisation of their ancestors. For those that declared their sex as part of their responses, 115 were male and 320 were female. In categorising their ancestors the proportions were almost identical, with only fractions of a percentage in the difference. Thirty-three per cent of both groups categorised their ancestors as victims, and 28 per cent categorised their ancestors as criminals. In the case of victims of circumstance males categorised 37.39 per cent of their ancestors as such, while females categorised 38.43% as victims of circumstance. Therefore, in this study, the gender of the respondent was not influential on the perception and reception of a criminal ancestor.

In the case of female antecedents described as victims of circumstance, only two comments included a mention of the ancestors' sex as part of an explanation regarding contributing factors to

her circumstances. In describing her ancestor's crime of 'stealing six damask napkins and two towels complainants property and four tumblers', one respondent made mention of their ancestor being '3 months pregnant, unmarried, away from home' (51196373), but offered no other commentary to link the two circumstances. Another respondent describing their ancestor's receipt of stolen goods described the crime by prefacing it with 'sailor husband away from sea long periods of time', but again offered no explicit link between their ancestor's crime, that of purchasing beef intended for another customer, and their gender. In both cases the only inference that may be drawn was that the women in question were without protection or were in some way left to their own devices, a circumstance which led them to commit a crime. The only other gendered comments were from those who categorised a female ancestor as 'both'. In the case of a dismissed murder charge, the descendant wrote, 'she poisoned her husband. We don't know anything about his character, but wonder' (34156679), the inference being that some form of domestic abuse led their great-grandmother to a desperate act. Another respondent was more explicit on this point, in describing their female ancestor's acquittal for murder, they suggested, there 'may have been an abusive relationship' (22612995). In a final example, the antecedent was imprisoned for 'obtaining goods on false pretences', having 'pretend[ed] to collect[] baby clothes on behalf of someone else having placed a false order (she had just had an illegitimate child)' (38626348). Therefore, where commentary was available, the reasons for women's crime was only occasionally linked explicitly to their sex. In those cases, abusive relationships and illegitimate children were seen as the main reasons for a woman to commit a crime. Likewise, the economic hardship of their, often, single status was considered a contributing factor to their criminality. In deciding on their categorisations descendants looked to the women's circumstances and made judgements about the pressures acting upon them. In the descendant's mind, a woman, attempting to raise a family alone, could be excused the short-cut of a criminal act to get some beef. An abused woman could commit a murder that could be explained if not excused. By the same reasoning, an unmarried mother was outside of normal society, already tainted, and cut off from support systems, and so turned to crime.



There was no commentary specifically linking an ancestor’s gender specifically to his acts in the case of male antecedents. Some respondents suggested that anger had gotten the better of their male ancestor. Describing a mutineer from the early 1600s, a respondent described their ancestor as having ‘the courage to go to a new country and face the challenges, but had a bad temper to go with it’ (22611348). There were also several mentions of mental health difficulties and substance dependency, primarily alcohol, in respect of male ancestors. The relationship between these factors and an ancestor’s categorisation is explored in more detail below.

The relationship between an ancestor’s age and their categorisation showed a less pronounced effect. As can be seen in Table 3.2, respondents categorised more than seventy per cent of all ancestors as either victims of circumstance or ‘both’ in each age bracket. The exception was those aged between 35-54, for that age group, which also formed the largest proportion of ancestors at 134 individuals, ancestors were slightly more likely to be classified as a criminal. Where respondents called attention to their ancestor’s age, it was generally in relation to their youth. For those aged under 25, they variously saw age as an indicator of naivety or foolishness and a reason for their being led astray. A minority alluded to age as evidence of their ancestor having been involved in criminal ways from an early age. Describing an ancestor who was convicted for goods theft in the 1910s, the respondent who had categorised their ancestor as a criminal said, ‘he was young and foolish’ (39339515).

Table 3.2: Age of Ancestor and Culpability

<b>Age of Ancestor</b>	<b>Total number in Age Group</b>	<b>Victim of Circumstance</b>	<b>Both</b>	<b>Criminal</b>
No response/Unknown	22	27%	22%	13%
Under 18	41	33%	38%	30%
18-24	115	31%	47%	21%
25-34	115	35%	38%	27%
35-54	142	29%	35%	36%
55 plus	29	41%	33%	26%

Some respondents drew attention to the influence of older individuals in explaining their ancestor’s crime. Speaking about their ancestor who was convicted of ‘passing counterfeit money’ aged 18 in the 1810s, the respondent offered that he was ‘supposedly influenced by older persons’ (22611531). Another, whose ancestor was ‘only 15 at the time’, and ‘charged with setting fire to a pig sty and a stable... was charged along with another boy. From the newspaper reports it appears that the older boy passed the buck to my ancestor’. It is implied that this influence, rather than inherent criminality, led their ancestor to break the law. However, the comments also revealed that while age was considered an important factor in explaining their ancestors’ actions, particularly for those under the age of 25, it did not always excuse their actions for their descendant. One described their ancestor, who had been accused of the theft of goods, as ‘very wild and inconsiderate of others in his younger years’ (22813208).

Table 3.3 Ancestor’s Crime and Culpability

<b>Crime</b>	<b>Totals</b>	<b>Criminal</b>	<b>Victim of Circumstance</b>	<b>Both</b>
Assault	34	29%	41%	29%
Arson	4	50%	25%	25%
Attempted murder	6	33%	17%	50%
Burglary	21	29%	19%	52%
Forgery	4	25%	50%	25%
Fraud	8	25%	25%	50%
High treason	3	67%	33%	0%
Incest	4	50%	50%	0%
Murder	67	34%	18%	48%
Theft (goods)	96	18%	42%	41%
Theft (money)	21	43%	10%	48%

When addressing the specific crime committed by their ancestor, respondents displayed confidence in their knowledge of their ancestor’s full circumstances and the events surrounding the crime to support their categorisation of their ancestor as either a criminal or a victim of circumstance. This confidence allowed them to consider similar crimes in different lights, as they brought the specific life circumstances of their ancestor to bear on events. As shown in Table 3.3, when considering the

same crime, descendants describe ancestors variously as criminals, victims of circumstances or both. This was even true for crimes which could provoke extreme levels of discomfort. The four instances of incest are split evenly between 'criminal' and 'victim of circumstance'. In both cases where the ancestor was categorised as a victim of circumstance, age was offered as the explanatory factor. In one case of a step-father marrying a step-daughter, the researcher concluded that they were 'consenting adults' (22613577) at the time of the marriage, and therefore, there was no wrongdoing. In the other case, the siblings, who were aged sixteen and fourteen at the time of the events, were described by the respondent as 'naive' and lacking understanding about their wrongdoing (34394725). Both instances where the ancestor was categorised as a criminal involved father/daughter cases, where the father was the accused. In one instance the descendant categorised her ancestor as a criminal despite the case resulting in no formal criminal record for the antecedent owing to a hung jury as the 'daughter recanted her testimony' (22663543).

Sixty-eight cases of ancestors charged with murder emerged from the surveys. The events took place between 1610 and 1990, although the majority dated between 1800 and the 1940s. Six of the perpetrators were female, the rest male. Fifty descendants reported not knowing about their ancestor's actions before the discovery of the records pertaining to the crime, eighteen had some sense of the story before they started their genealogical search. The decade of the events did not have a profound effect on the transmission of knowledge, events in the 1800s could be transmitted, while events in the 1930s and 1940s could remain unknown to descendants. The relationship between perpetrator and descendants was the usual mix of grandparents at varying removes, aunts, uncles and cousins, although there was a slightly higher proportion of 'uncles' in those convicted for murder. Of 98 antecedents clearly identified as uncles (at varying removes) 28 were convicted of murder. The preponderance of uncles can be accounted for by the fact the punishment for murder was often the death penalty or extended incarceration and so it is not surprising that it would be a collateral descendant rather than a direct descendant that would be alive to record the story.

For those charged with murder twenty-three respondents classified their ancestor as a criminal, twelve as a victim of circumstance, and thirty-two as both criminal and victim. In classifying their ancestors' culpability, respondents reinforced their belief that their knowledge of the 'whole circumstances' of events permitted them to consider their ancestor as something other than a criminal. Just one respondent said they did not have enough information about the case to venture a classification.

Where clarifying comments were offered those that classified their ancestor as a criminal were more likely to make mention of the victim of the crime. They were also more likely to consider their ancestor's punishment as disproportionate by virtue of its leniency. One respondent, speaking about events which took place in the 1890s which they described as murder, despite their ancestor being acquitted on the grounds of self-defence, commented: 'He was in a hotel bed with a woman. Her husband went in with gun drawn but missed but my Great Grandfather's Uncle shot the husband dead. He got off totally free but left town soon thereafter' (34253699). The respondent went on to describe the criminal justice system in the past as more lenient than the present.

For those that classified their ancestor as victim of circumstance or both, they focused their explanations of events on their ancestor's circumstances. They offered various comments which contextualised the offence in terms of an ancestor's mental health, personal struggles and family circumstances. One respondent described their great-Uncle who was convicted for murder in the 1920s as 'mentally unbalanced' (22614690). Another respondent whose great-great-great grandfather had thrown 'a hammer at his teen aged son and imbedded it in his forehead' said 'Apparently he had been drinking' (22690394). Another offered that their ancestor had 'fallen into a bad crowd only months earlier when his wife and child left him' (23221915).

Others, whose ancestors were sentenced for murder, looked to light sentencing as a clue to an as yet undiscovered context which, for them, threw matters into doubt regarding the culpability of their ancestor. One respondent describing their ancestor's conviction found it 'very strange that someone who committed manslaughter would be sentenced to only 6 months in prison and a few shilling fine (36709423)'. Another respondent reasoned that 'as he got out of the army and did not receive further punishment and got his pension I believe there is more to this story than would appear' (40098130). For these respondents, the apparent leniency in their sentencing, rather than being viewed as potentially indicative of differing laws around particular offences, pointed to mitigating circumstances which threw the event itself into doubt. Rather than seeing their ancestor's crime in the context of the practice of law, they focused on the potential for the discovery of more information about the specific case which would exonerate their ancestor from any wrongdoing.

Responses to sentencing offered other insights into descendants' views around their ancestors' crimes. Notwithstanding their categorisation of their ancestor as both criminal and victim of circumstance, of the thirty-two who categorised them as such only eight believed that their ancestor's punishment was disproportionate to their crime. The rest believed that the punishment, which ranged from imprisonment to the death penalty was proportionate to their ancestor's crime. Respondents saw their ancestor's act as criminal and requiring punishment, but felt there were circumstances that pushed them to it. One respondent, whose ancestor had 'shot his wife while his children watched hiding under a table' in the 1880s saw the punishment as fitting, albeit saying, 'Probably for the time period'. In categorising their ancestor as both criminal and victim they offered, 'My gr grandfather was an alcoholic... he asked to be hung' (35333649).

While respondents demonstrated an ability, or tendency, to see the potential for all crimes to be a result of mitigating circumstances, they showed a particular sympathy towards ancestors who had stolen property. Ancestors who had stolen goods were the least likely, proportionally, to be

described as a criminal. Those that offered further detail usually pointed out the ‘trifling’ nature of the items stolen, noting their insignificant monetary value (by today’s standards), ‘theft of handkerchief value four shillings and sixpence’ (39995772). Respondents valued the items in modern terms, four shillings and sixpence being the ‘equivalent’ of 20.5 pence rather than attempting to understand the real value of the money to contemporaries of their ancestor. Only one respondent, who described their ancestor as an embezzler, in response to a later question said that it would be useful to know, ‘the value of money as compared to today’ (22356957). Instead, attention was often drawn to the ‘necessity’ of the theft: ‘theft of a sheep because his family was starving’ (38569325). Respondents were also keen to point out the lack of harm done, ‘he stole a man's hat. Was apprehended by bystanders so the man got his hat back. He was sentenced to be hung’ (22620140). These responses sit in Lambert’s mechanism ‘minimizing the offence’.<sup>328</sup> Respondents also appeared to be treating the thefts they discovered in isolation. Only one interviewee, whose ancestor had been transported for the theft, offered that his recent discovery of a previous conviction which had resulted in twenty-one days imprisonment hinted at an acceptance that their ancestor had not been transported for a single instance of pickpocketing (GEN160816).

The comments above fit with Lambert’s observations that genealogists create narratives for their ancestors which cannot be entirely supported by the documentary evidence they claim to cleave to. Lambert proposed that this manufactured knowledge is potentially ‘more revealing of the living genealogists than of long deceased ancestors’ but does not see this as overly problematic.<sup>329</sup> He saw genealogists as ‘inserting themselves as active agents into the interpretive process’.<sup>330</sup> This sympathy for their ancestors was seen repeatedly in the present research. The family dynamic and particularly the socio-economic circumstance of the family elicited their sympathies most frequently. Poverty, mental health and alcohol made repeated appearances in all categorisations of

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<sup>328</sup> Lambert, ‘Reclaiming the ancestral past’, p. 121.

<sup>329</sup> Lambert, ‘Descriptive, narrative and experiential pathways to symbolic ancestors’, p. 319.

<sup>330</sup> Lambert, ‘Reclaiming the ancestral past’, p. 124.

ancestors' culpability. One respondent contextualised her ancestor's theft of goods in the 1880s by looking to wider family circumstances as a trigger for events. 'His father was in an asylum as he was a lunatic. Our ancestor was the oldest of 4 children. Times must have been hard for his mother. He only committed a crime once' (22363402). This short comment contains a wealth of information about the descendant's view of the family dynamic in late nineteenth-century London. The ancestor in this scenario, aged under eighteen, takes the place of the absent father and, the assumption is made, attempts to ease the burden of his mother by stealing. The respondent, in common with others, was keen to point out that this was an isolated incident, a desperate act in a pressured situation.

Another respondent describing the circumstances of their ancestor, who stole copper (which to this day has significant re-sale value), drew attention to family size when describing their ancestor as a victim of circumstance 'one of 12 Children, Father worked in the Mills. Family probably destitute' (36973058). The fact their ancestor was themselves an adult at the time of the theft, and likely employed, along with many of their siblings, was not considered by the respondent. The impression being given by 'one of 12' was that only the father was working in support of a large family. Poverty through unemployment was a powerful factor in explaining their ancestors' actions for other respondents. Another researcher defended their ancestor against potential allegations of being 'workshy', unwittingly echoing mid-nineteenth-century concerns around the criminal class as being unwilling to work. Describing his ancestor, whose offence was the theft of a pair of trousers, he asserted 'he stole because he was poor. He was poor because he had no work. He was not workshy and did work when he could. If help to get work was available I believe he would not have stolen' (35181030). The respondent further asserted, that although this was his ancestor's second offence, 'he needed help not punishment' and noted that he 'left behind a wife and four young children' after dying from TB in prison. The respondent, having been unable to discover transportation records for their ancestor, finally discovered a death certificate which had given

cause of death. Other respondents used a similar rationale to explain their ancestors' thefts, 'stealing is a crime but what do you do when your family is starving [?]' (38569325). One respondent empathised with their ancestor to such a degree that they placed themselves in their ancestor's position and claimed they would have acted in the same fashion. Another described their ancestor's theft of a silver buckle as a way of 'support[ing] his family after his father died' and said, 'Im sure I would have done the same given the circumstances' (22688719). Respondents did not appear to take into account the nature of the goods that were stolen or to reflect what the theft of goods such as silver buckles implied. The act of taking the good would not have been the end of their law-breaking if they had not been caught. Such goods would need to be sold or pawned to redeem their value to buy more of the basic necessities descendants were claiming their ancestors needed.

While many descendants sought to define their ancestor's crime as a forced response to circumstances, others did not hesitate to see them as criminals. Respondents who designated their ancestor a 'criminal' offered fewer comments to justify their categorisation than those who responded with 'victim of circumstance' or 'both'. Violent crimes were more likely to elicit categorisation and comment on the criminality of an ancestor: 'He was a criminal and a violent man.' (22668651), 'As far as I know his siblings were honest and decent citizens whereas [name removed] was a habitual criminal who committed a heinous murder' (39968247). All three of these respondents were referring to persons three generations removed, and events which occurred in the late nineteenth century. Of those that categorised their ancestor as criminal a few posited similar mitigating circumstances to explain their ancestor's criminality: 'he used drugs up to the time he was caught' (22629188); 'I believe he was an alcoholic and he did the crime under the influence of alcohol' (34419526). While some saw an addiction to drugs or alcohol as potential contributing or mitigating factors, others did not. One respondent explicitly linked their ancestor's alcoholism to



his criminality and described their ancestor as a 'Ne'er do well drunk who stabbed a man in the back in a bar' (22613447).

In categorising their antecedents as both criminals and victims of circumstance, respondents acknowledged that their ancestor had broken the law but offered context to explain their actions. One respondent who designated a bootlegging ancestor a criminal qualified this by commenting 'law breaker sounds better to me' (36503611). It is possible that respondents who labelled their ancestor 'both' felt the label 'criminal' too strong to describe their ancestors' actions. Those that labelled their ancestor 'both' offered many of the same justifications as those who labelled their ancestors as victims of circumstance but also qualified their statements. The socio-economic status of ancestors was again brought to the fore when explaining an ancestor's actions. Describing an ancestor who had stolen geese, and who previously been imprisoned for debt, one respondent mused, 'the economic conditions of the time against him. But it must have been partly his fault' (39319957). Another, speaking of their ancestor who was imprisoned for rioting in Pennsylvania in the 1870s, as part of the country-wide railroad riots suggested, 'while he did break the law, the labor laws at the time were heavily weighted against legitimate attempts to unionize' (23503439). These respondents appeared to have considered their ancestors' actions, and while they expressed discomfort, they still sought to come to a form of accommodation with their ancestor's choices. Several other factors fed into the categorisation of ancestors as criminals or victims of circumstances by descendants. As seen above among these were subsequent lifestyle, consanguinity and modern perceptions of the severity of the historical crime. An ancestor may be considered a 'novelty', even if transported for the theft of goods in the 1850s if he received his ticket of leave shortly after arrival and afterwards apparently committed no crimes for the remainder of his life. Likewise, a nineteenth-century ancestor whose crime the respondent described as 'feloniously killing and slaying' can be an amusing ancestor as long as it is your 'great-great grandfather's brother's second wife' (40397826).

Less knowable, but undoubtedly present were the personal and political biases of the respondents when considering their ancestors' crimes. Something of those biases can be learned from the respondents' answers to the question about the leniency or otherwise of the criminal justice system. More specifically, the final question in the survey asked them about any attitudinal shift they may have experienced. Responses to both of these questions are discussed below.

Modern perceptions of the severity of the crimes committed by their ancestors were further teased out by asking respondents how they felt the criminal justice system experienced by their ancestor compared to the modern justice system. Respondents were asked if they felt the punishment their ancestor received was proportionate to their crime and whether the criminal justice system their ancestor experienced was similar to or harsher than the modern system.

Fifty-two respondents chose not to select an option concerning the proportionate nature of their ancestor's punishment, although in some cases this was due to their ancestor having been acquitted or their not knowing the details of the punishment. Some did offer that they could not 'speculate' (34786613) or that they did not know enough detail to offer an opinion. One respondent said that as they disagreed with the death sentence, they could not categorise the punishment but offered that, 'he deserved a lengthy prison sentence' (39968247). Of those that answered yes/no to this question 212 said their ancestor's punishment was disproportionate to their crime and, an almost equal number, 200 responded that their punishment was proportionate to their crime. Many of the supporting comments echoed those of the general themes described above. Respondents indicated that they felt that socio-economic pressures, alcoholism and mental health issues were not taken into account when punishments were being decided. Responses to the question relating to the proportionate nature of the punishment were linked to respondents' assessment of the historical criminal justice system. Given the responses to previous questions, it was not unexpected that the

majority of respondents felt the justice system was harsher in their ancestor’s time. Sixty-nine per cent of respondents felt the justice system experienced by their ancestor was harsher than the modern system. Eighteen per cent felt it was ‘about the same’, and eight per cent felt the historical justice system was more lenient than the modern one. Five per cent of respondents skipped this question.

As can be seen in Table 3.3, those that had categorised their ancestors as victims of circumstance or ‘both’ were more likely to see the criminal justice system as harsher than those who designated their ancestors as criminals. Those that saw their ancestor as a criminal were more likely to designate the historical system as more lenient. However, forty-four respondents who categorised their ancestor as a criminal (out of 125 who did so), and believed their punishment was proportionate to their crime, went on to categorise this historical justice as harsher in their ancestor’s time. Seeing their ancestor as a criminal, and believing their punishment to be proportional to their crime did not prevent them from seeing the historical criminal justice system as overall harsher. An equal percentage of respondents who described their ancestor as ‘both’ saw the historical system as more lenient. The use of ‘both’ as a middle ground to acknowledge the criminality of their ancestor but to introduce mitigating circumstances was evident in the tendency of those respondents to see the historical criminal system in less definite terms. For those respondents, the historical criminal system was almost equally, harsher, more lenient and about the same.

Table 3.4: Perception of Criminal Justice System and Culpability of Ancestor

	<b># Respondents</b>	<b>Victim of Circumstance</b>	<b>Criminal</b>	<b>Both</b>
<b>Harsher</b>	318	38%	24%	39%
<b>Lenient</b>	38	21%	39%	39%
<b>Same</b>	84	22%	44%	34%
<b>No response</b>	24	25%	25%	16

When cross-referenced with their responses to questions regarding the status of their ancestor as a criminal or victim of circumstance, and the proportionality of the punishment they received, those that had categorised their ancestor as a victim or saw their punishment as disproportionate were more likely to categorise the historical justice system as harsher.

Table 3.5: Perception of Criminal Justice System and Proportionality of Ancestor’s Punishment

<b>Historical Criminal System compared to today</b>	<b>Respondents</b>	<b>Was punishment Proportional: Yes</b>	<b>Was punishment proportional: No</b>
<b>Harsher</b>	318	42%	58%
<b>Lenient</b>	38	59%	41%
<b>Same</b>	84	69%	31%
<b>No Response</b>	24	25%	16%

For those that categorised the system as harsher, they commented that ‘punishment was so much more severe years ago that I ever realised’ (22569195). As explored above the theft of small physical items made many historical crimes nonsensical to respondents, as one interviewee suggested ‘wouldn’t have even had a police to come out to see them’ had the crime been committed now (GEN130816\_1). Just one respondent argued strongly in favour of considering victims. As an employee of the modern criminal justice system, the respondent offered a unique viewpoint which drew on her personal experience. Despite the fact that her ancestor, who was transported for the theft of poultry, which could be said to epitomise the *transported for the theft of a loaf of bread* trope of an unfair and harsh system, this respondent was one of the few to consider the fate of her ancestor’s victims. ‘To me the people whose goods were stolen didn’t have much... [the goods were] valuable and... important to them’. She went on to consider that goods would be ‘protected

by insurance' in the modern era but that her ancestor's victims did not have that safeguard (GEN110816). Another respondent, although indicating that they felt the justice system experienced by their ancestor was harsher than the modern system, 'was surprised, punished with imprisonment and fine for animal cruelty, a rather more enlightened outlook than I had expected' (40305598). Their ancestor had been imprisoned for less than a month for 'cruelty to an ass'. The respondent gave no indication that they had sought to understand why such a sentence had been handed down.

To determine how much knowledge of the historical justice system respondents had sought or absorbed from the websites they used in their discovery they were asked, 'Do you think online sources give enough information to understand the severity of a historical crime?'. Two-hundred and thirty-seven respondents answered with 'no', 165 said 'yes'. Sixty-two did not offer a response to this question. One respondent offered the following summation of the detail available, mentioning by name three of the four websites under consideration here: 'yes and no. The Old Bailey Online has done very well at providing enough information. The Tasmanian Archives has done pretty well. Findmypast is very much lacking in information. Ancestry provides minimal and barely credible detail' (22614741). Another offered: 'It's a start but I don't think they have enough online space to go into depth on the many and varied forms of crime and punishment. If anything they provide points of reference for individuals to carry on further research either online or in libraries etc' (42754524).

The comments accompanying a yes response were limited, and for both sets of respondents there was a tendency to focus on their ancestor's case as unique and demonstrated they wished to find out more detail about their specific experiences rather than contextualising their crime within the mores of the day or the practice of historical justice. As one respondent speaking of their ancestor's conviction for murder in the 1910s said, 'this has been my experience for this particular crime, but I

don't know if that is always the case' (22838159). Another whose ancestor served three years in prison for the theft of 65 chickens in the 1920s focused on the specifics of the case and local knowledge, rather than looking to statute books or other contextual info to explain their ancestor's sentencing, 'I have no idea how many chickens the robbed farmer had, did my uncle steal 10%? Did he steal them all? Then again, when I put together my knowledge of the area (my mother grew up there) and the newspaper articles, I can deduce the severity of the crime' (22813208).

A large number of respondents misinterpreted the question and answered as though being asked about additional sources rather than contextual information. Comments such as 'I was unable to find anything at all about his time in prison from the online records' (22613369) demonstrated that genealogists were keen to find out more 'about' their ancestors' experiences and were disappointed not to find these narrative style records contained within the online collections. Regardless of whether they responded in the affirmative or negative, the majority of those that commented spoke about a lack of records rather than historical information. Respondents mentioned going to archives to access more detailed records: 'the online records provide the imprisonment records but also pointed to the archives where you could order the criminal case records and the immigration files. I ordered both and they were a gold mine of information' (22624086). Others described their satisfaction with what they had been able to discover online concerning the specifics of their ancestor's case: 'I learned that the man that he murdered was a British subject who had fled to America to escape WWI military service and was living as a recluse' (41593374). Others still made mention of having to use other online resources, such as digitised newspapers to fill out the story, 'I found the most information in newspapers' (22652038). These responses to a question about context and secondary sources point to family historians being highly focused on sources for their specific ancestor rather than, necessarily, a general interest in history. As Yakel and Torres noted 'access to records, or lack thereof, is the pivotal issue for genealogists'.<sup>331</sup> Much of their research is

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<sup>331</sup> Yakel and Torres, 'Genealogists as a "Community of Records"', p.98.

focused on the discovery of more sources to add to their stockpile of information about a given person.

Many family historians focused on the specifics of their ancestor's circumstances when assessing the severity of their crime rather than seeing them as part of a wider community. Their perspective was from the point of view of their ancestor rather than the society in which they lived. They drew on personal knowledge rather than seeking out or consulting secondary material. When asked about sources their focus was predominantly on genealogical sources, primary sources and the raw material of research rather than the analysis of secondary material. Where they stepped outside of 'records' they cited historical newspapers as a helpful resource in contextualising the events they researched, 'I think old newspapers give a bitter oversight of the life at that time in history' (54114395). Several respondents repeated this sentiment. Newspapers were seen as complementary rather than core sources, and there was a sense that they were contemporary commentary offering context, rather than being purely evidentiary records or primary sources in the same way as institutional records.

Responses to earlier questions also shed some light on this focus on contemporary sources rather than the works of historians. When asked 'Has your discovery of an ancestor in a criminal record prompted you to learn more about the history of crime?', 213 respondents said no, 189 said yes, and 54 said they intended to. The majority, therefore, had not actively sought out material on the *history* of crime. When asked about their activities post-discovery 107 said they had watched a documentary about famous historical crime, 73 had watched a historical crime drama, 116 had read a history of crime book, and 136 had conducted online research into the history of crime. However, only 22 had done all four, and 115 had done none of those activities. A few offered qualifying comments and examples of other activities. Within these, there was further evidence that their focus was on their specific ancestors rather than broader history. Speaking about an ancestor

hanged for the theft of cattle, a respondent explained the limit of their additional research, 'I have explored THIS "CRIME" as much as possible but that hasn't me to other crime. This just fascinates me. He is by far my most colourful ancestor' (22611787).

It is worth noting at this point that there was little evidence of genealogists questioning the guilt of their ancestor in the responses to the survey. The survey did not question this directly and this may account for the absence of the discussion. The survey also called for those with a criminal ancestor, which possibly dissuaded those who felt strongly about the guiltlessness of their ancestor from participating. Only one responses alluded to some doubt, but it was not strongly expressed. In respect of a conviction, and later pardon, for involvement in a multi-person sexual attack on an elderly woman in the 1860s one respondent said 'I do not know if he was guilty or not' (41720831). Another made a generalised comment, which focused on the justice system rather than the specifics of their ancestor's crime, 'Transported convicts were not necessarily guilty or what we would consider to be a crime' (22611071).

Therefore despite its potential for disrupting a stable family narrative and the undoubted complexity of the records themselves and the circumstances that led to their ancestor being charged with a crime, the discovery of a criminal ancestor did not necessarily spark a desire to question or discover more their ancestors' crime or how their punishment related to the historical criminal justice system. For many family historians, their deep interest in their ancestor does not engender in them a desire to see that ancestor as part of a larger socio-economic structure. For the majority the conclusions they draw about their actions are often wholly derived from the specific genealogical records relating to their ancestor, and confined to the internal information offered by those records.



Having processed their own thoughts and feelings about a criminal ancestor, and created a narrative which supports their interpretation of events, family historians must decide what and how to convey this information to family members.

### **Family Historians as Disseminators and Gatekeepers**

To gauge dissemination of the knowledge gained through their research respondents were asked if they had informed family members about their criminal ancestor. Informing family members of deviant ancestry was largely unproblematic for respondents to the survey. The overwhelming majority (92 per cent) had already informed family members, and a further three per cent said they intended to. Four per cent indicated they had not shared the information, and one per cent said they did not intend to share the information. The apparent willingness by the vast majority of family historians to share stories about deviant ancestors with their wider family was possibly an unavoidable bias of a study which explicitly solicited responses from a cohort willing to share these particular stories with this researcher, albeit anonymously. This potential for bias however should not be overstated: sharing stories, deviant or otherwise, is a trait of family historians and the small percentage who had not shared their stories is more noteworthy. The cachet of the deviant ancestor often made them the 'go-to' story for dissemination among a wider family circle who were otherwise disengaged from their genealogy. Not telling the wider family did not necessarily point to a need to keep a secret or a sense of caution or shame on the part of the genealogists. Respondents reported a lack of interest in family history among their living relatives: 'They aren't really interested, if they had interest I would tell them' (33167693). Other respondents mentioned they informed 'only those who wanted to know about family history' (39461985). This was not unexpected as it is typical within families for particular individuals to act as custodians of the family lore with varying levels of interest expressed by the wider family.

Those that shared information on a deviant ancestor with family members reported various reactions. These ran the gamut from amusement and fascination to shock and a preference not to know. Within some families, the genealogist augmented the detail of oral histories or corrected details of longstanding family stories. For one family, a grandfather was revealed as having committed sexual assault on a child, whereas the family had been told ‘that he was “sick”’ (22950974). Another, commenting on the transmission of a grandfather’s murder charge said, ‘most of the older members of the family had heard about it, the odd thing was that each of them had a different story, said to be heard directly from my grandfather - who is a notably truthful man’ (22660413).

Temporal distance and the nature of the relationship between the antecedent and the descendants played a role in their receptiveness to a criminal in the family tree. The crime itself played a somewhat lesser role in determining the reaction of family members. The exception to this was sexual assault which is discussed in more detail below. At the extreme descendants were capable of being ‘amused’ by murder. One describing a murder which took place in 1613 said relatives ‘find it fascinating’ (34080816). However, a span of ten generations between the perpetrator is not necessary for the events to become abstract or diluted. A respondent described fellow descendants as ‘amused’ by a collateral ancestor who had received a short prison sentence for ‘feloniously killing and slaying’ after ‘a domestic dispute that got out of hand’ in a London slum in the 1870s.

Some respondents elaborated on their ability to accept the criminal ancestor. One respondent who said ‘it’s kind of a novelty... we are not ashamed of him at all’ qualified their family’s classification of the ancestor as a novelty by saying ‘but he didn’t appear to engage in any other criminal activity after transportation’ (36647197). The antecedent’s later life was taken into account by descendants. Their ‘crime’ was an interesting story within a broader context.

Some crimes, however, could not be thought of in light-hearted terms by either the researcher or their family no matter how distant the events, or relationship. In two instances, respondents offered insight into families dealing with taboo crimes; both cases involved rape. The nature of the crime engendered discomfort and defensive responses from family members with whom the genealogist attempted to share the story. As one respondent reported: 'My brother did not want to entertain the idea' (38267847); another reported: 'I did tell some members of my family but they were not very happy about it. I think they would have preferred for it to be kept a secret' (38585345). The only respondent to offer a supporting comment of those that did not intend to share their ancestor's transgression also pertained to rape. This respondent had 'told my father who is not related to him about it. I do not intend to tell my elderly relatives on my maternal side as they may be upset by it. There was talk about a black sheep further back it is possibly him!' (41720831). As will be seen in the next chapter family historians place importance on documenting the events of their ancestors and will, on occasion, share stories beyond the family group even where they know the family preference would be for discretion. In this they feel they are upholding their remit of researcher, and chronicler. As a dispassionate researcher they see it as their duty to document these events for posterity.

Notwithstanding the dominance of sharing, or an intent to share, family historians were aware of their role as gatekeepers and some articulated a sense of responsibility towards respecting a family's secrets. Individual family historians did not speak in terms of 'ethics' but they were keenly aware of potential sensitivities around the information they possessed. Commenting on the dissemination of knowledge within the family one respondent in her late seventies painted a vivid picture of a family dynamic wherein the whole family was aware of the events but it was not openly spoken about. Speaking about events from the 1930s that the respondent had confirmed from online sources including the census, one respondent said, 'The whole family knew, but the grandkids were traine[d] to "not tell Grandma" because she was really devastated by it and didn't want it known'

(22613645). A number of respondents reported selective dissemination: 'I have been selective about who I've told' (22853578). The reasons for selective dissemination appeared to be two-fold: not wishing to face adverse reactions and protecting family members. One respondent flagged the potential for adverse reactions saying, 'I haven't heard any back lash' (22844172). Another laid out the order in which they had informed family. They first informed those with the least connection to the ancestor, working their way towards the individual with the closest connection. Speaking about their third great-grandfather who had been convicted of fraud in the 1820s they reported, 'I told my parents, then my grandmother and then a few days later, I told my grandfather. The ancestor in question is my granddads gg grandfather' (33324372). Therefore, despite their enthusiasm for 'the facts' family historians also seek to protect family members from unpleasant history. One respondent referring to a murder which occurred in the 1870s suggested 'I think some family members would be very upset - others would probably want to know' (40106249).

Respondents were instinctively aware of the limits of temporal distance. One respondent in speaking of a crime committed in the 1860s said, 'I do not intend to tell my elderly relatives on my maternal side as they may be upset by it' (41720831). The elderly relatives of a woman in her sixties could conceivably have met the relative in question who committed his crime as a young man. For most of those that expressed hesitation around sharing the information with family members, the crimes they described occurred in the twentieth century. Given the demographic, the events were within living memory or one generation removed. The antecedents were primarily uncles and cousins, and the crimes included murder, paedophilia and theft. An interviewee also reported some relief that he was not faced with the 'dilemma' of having to tell a grandmother about her great grandfather's transgressions, a man of whom she had been very proud. The interviewee's grandmother had passed by the time he had made the discovery (GEN130816).

Of the eight per cent of survey respondents who indicated they had not yet shared or did not intend to share the information with family, some were conscious gatekeepers. One respondent explained the tensions between her desire for knowledge and the sensitivities around sharing the knowledge of her great-grandfather's crimes committed in the 1940s. 'The people involved are now deceased, though I talked to both his grand-daughters before they died... As a direct descendant I am very interested in knowing full information but not at all sure about sharing it with others' (34794032). She had first learned about the events surrounding her great-grandfather from her mother. For this respondent sharing with others implied a group beyond the immediate family, that is anyone not directly descended from the antecedent in question. Her response articulated her belief that it was her right as a direct descendant of the actors involved to have this knowledge. Furthermore, it was her right, and responsibility, to determine who else should be permitted to know. This privilege and responsibility family historians felt held even at several generations remove. This extended to protecting individuals who had been dead for decades. This was further evidence for the deep connection that family historians feel to their ancestors, a connection that is felt regardless of how diluted the degree of their relationship. It does not matter to family historians that if the antecedent is a great-great-grandparent, with whom they share only 6.25 per cent of DNA. Their connection is reinforced by their engagement with an ancestor through their research.

Even fellow direct descendants, however, were not always considered a worthy, safe or natural audience for the information uncovered through genealogical research. One respondent stated 'not sure yet if I want to disclose info to family' (33068564), while another was still weighing her particular knowledge against the family perception of the individual 'I may some day. Many of them know he had a "mean streak."' (40560791). The respondents who had not shared the discovery of a criminal ancestor but who did participate in the survey are likely indicative of a proportion of family historians, larger than represented here, who have discovered deviant ancestry but keep wholly silent on the point. None of the respondents articulated personal shame as a reason

for withholding this information from a wider group, or the public. They were more concerned with respecting and protecting others within their family group.

The pursuit of family history by an individual, therefore, does not equate to that knowledge being disseminated throughout an entire family. Whether it is through lack of interest, which dissuades family historians from attempting to share stories or the sensitive nature of the story itself which leads the family historian to assume the mantle of gatekeeper, the genealogist within a family may be the only one with knowledge of a particular story. Family stories are not always truly *family stories*; they are stories gathered by one individual, who may be the only person within the family who knows them. This, in part, accounts for why the histories of families, or parts of their histories, do not pass down through the generations and why stories, both mundane and extraordinary, are discovered by each new generation, or rather the interested individual within each new generation. It is not necessarily a feeling of shame that prevents the communication of knowledge from one generation to the next. Assumptions made that the next, or the older generation, might feel shame prevent stories from being shared. Equally, and this appears to be the more common reason based on the research undertaken here, family historians do not share stories due to the disinterest they encounter from their wider family.

## **Conclusion**

As shown here, descendants display a variety of responses to the discovery of deviant ancestors. For many, these intriguing stories carry little shame for present-day researchers, and there was little evidence that many gave any thought to the effect of the events on contemporaries at the time. Respondents focused on their lack of previous knowledge and wonderment at the stories not reaching outward through the family and down through the generations. Family historians gave equal footing, and in some cases preferential status, to their criminal ancestors. They attempted to

track down every small detail of their ancestor's life, and seek to understand the motivations of their ancestor by contextualising their actions in their time, place, and social and family circumstances. They wished to preserve the knowledge of the ancestor for future generations, resurrecting and correcting their family's history. As gatekeepers of knowledge, they sought to balance historical objectivity with ethical concerns around protecting family privacy.

From the evidence of the surveys, many family historians focused on their research subject, rather than the broader context in which the events took place. The personal circumstances of their ancestor were to the fore, the hardships they suffered, and their personal struggles with alcohol or mental illness. Where wider context was drawn upon, it was often vague or generalised in terms of levels of poverty or a criminal justice system that was pitted against them. This apparent lack of historical awareness and an inability to see their ancestor's crime in the full context of contemporary society demonstrated that their engagement was, at times, narrowly focused on their ancestor. Their primary concern was to find more documents containing their ancestor's name. What is clear is that for the majority of family historians their focus on an ancestor's story does not necessarily lead to a desire to seek to reach a deep understanding of the events, or the criminal justice system with which they interacted. The respondents to this study voiced opinions of the events which lead their ancestors to crime which were informed as much by their emotional reaction to the discovery of those events as they were by the facts of the crime.

Returning to the categories and mechanisms identified by Lambert the respondents to the current survey displayed some of the elements he identified, however owing to the broader pool of respondents these were less pronounced. There was an overall tendency for respondents to minimise, or attempt to contextualise through explaining mitigating circumstances, their ancestor's offence. There was also a definite tendency to present these ancestors as 'interesting stories'. While none indicated that they felt shame, only two respondents overtly declared a redemptive arc

for their ancestor, saying it was their ancestors' 'only crime'. Temporal distance played a role in allowing respondents to see themselves as removed from the object of their study, and yet for others did not dilute the connection they felt. The elasticity of temporal distance, and its influence on the individual interpretation of its impact on the feelings of a descendant will be seen again in the following chapter. Lambert's mechanisms and categories were therefore undoubtedly evidenced in individual responses to the current study, however the mix of responses showed that his categorisations cannot be applied to all of those who discover criminal ancestry. A descendant may see an ancestor as an 'interesting story', it does not follow that they are unaware of the seriousness of their ancestor's crime. They may empathise with an ancestor's circumstance, but it does not follow that they see their ancestors as blameless. They may pride themselves on their professional approach to their research, it does not follow that they are wholly without emotion when considering their ancestor's actions. As has been seen, and as will be seen again below, the individualistic responses to criminal ancestry are dependent on the individual's researcher's perception of the events. A perception informed by what they glean from the original records, the secondary sources they draw upon, and the dynamic of their modern family and their personal experiences.

The next chapter builds on the themes explored here and the role of family historians as gatekeepers and disseminators of these stories by examining the output of those who create narratives which show evidence of deeper engagement with their ancestor's story.



## Chapter Four: Negotiating Deviant Ancestry Through Narrative

This chapter uses narratives, written by the descendants of law-breakers, to explore further how a criminal ancestor is accommodated into a family's history. As discussed in the methodology section of the previous chapter, there are issues around the veracity of opinions offered by self-selected participants in interviews and surveys. Narratives, therefore, offer an alternative, unsolicited, source of evidence to survey and interview material. Narratives offer complementary evidence with which to examine questions about how family historians accommodate a criminal ancestor in their family story and the evidence they draw on in order to explain their criminal ancestors' actions. The narratives also provide further evidence of the understandings they come to about crime in the past, and the influence their discoveries and research may have on their thoughts about present-day crime.

To frame the analysis this chapter first outlines the role of narrative in genealogy and the methodologies that are transmitted to hobbyists. This is followed by a discussion of some common traits found in all of the narratives selected for this study. The use of secondary academic and popular historical sources and knowledge by family historians is also considered. The analysis then explores two types of narratives in detail: those concerned with individuals transported to Australia in the late eighteenth and early nineteenth centuries, and narratives concerning recent ancestors, whose crimes were committed in the twentieth century. The chapter ends with a reflection on how, through their highly personal connection to the events in the narratives, genealogists reveal the ways in which they understand historical events.

The literary sophistication of the narratives is not the main focus here. Although the relative complexity of a narrative has some bearing on what can be discovered about the process of the authors, including their level of engagement with primary sources and the amount of context they

bring to bear on their narrative, it is not productive to criticise the narratives for any simplicity or lack of finesse they may exhibit. As will be seen below, the instructional literature aimed at genealogists discourages deviation from what can be factually known. Any lack of sophistication in the narratives can be indicative of amateur researchers being keen to present only known facts, rather than lack of skill or engagement with broader issues. The critique of the historical accuracy of the narratives focuses on analysing their use of historical knowledge to understand their ancestor. Any lack of historical awareness they exhibit is noted for its contribution to their interpretation, rather than being a point of criticism. The choices that authors make about which facts to forefront, which events to emphasise and the conclusions they draw, illuminate how history has impacted their interpretation of the past. In common with those working with oral histories or other personal testimonies the value of the narratives is in what the authors chose to convey, the sources they chose to draw on, the issues they chose to highlight. Any apparent lack of critical thinking on the part of the authors is itself of interest. In examining the extent and limitations of their historical knowledge, what is revealed here is the pieces of history that have resonated with them and which they feel impacted their ancestors' lives.

### **The role of narrative in genealogy**

Hans Renders, professor of the history and theory of biography,<sup>332</sup> in a forcefully titled chapter, 'Why Genealogy and Biography are not Kin' in *Theoretical Discussions of Biography*, claimed that:

Genealogists seek verifiable family history and want to have nothing to do with 'subjective' (auto)biographical 'story-telling'. In biography, the story and its construction are important; in genealogy they are not. Genealogy is exclusively and solely determined by sources...<sup>333</sup>

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<sup>332</sup> University of Gronigen, 'Hans Renders', <https://www.rug.nl/staff/j.w.renders/> [accessed 7 November 2020].

<sup>333</sup> Hans Renders, 'Why Genealogy and Biography are Not Kin' in Hans Renders and Binne De Haan (eds) *Theoretical Discussions of Biography* (Leiden, 2012) pp. 227-231

Family historians would not recognise this narrow characterisation of genealogy. Storytelling is an integral part of family history. This has been recognised by academics who have worked more closely with the family history community. Ronald Lambert, who worked with Australian and Canadian genealogists in the 1990s, noted that:

While genealogists may profess a belief that they should not trespass beyond the information given... the evidence suggests that many go beyond purely descriptive information in arriving at an appreciation of their ancestors.<sup>334</sup>

The surveys and interviews conducted as part of the present study also provide ample evidence that genealogists think of their ancestors in terms of narratives rather than lists of facts and dates. As seen in the previous chapter even within the limited confines of a survey comment box genealogists offered micro-narratives to explain their ancestors' actions. In a few words, respondents offered commentary on context, circumstance and motivation to fill in the gaps of the genealogical record.

For example, one respondent accounting for their ancestor's theft of a sheep posited that the crime was carried out to assuage an immediate need brought about by seasonal shortages of food, 'the crime occurred in December, I believe he was just trying to feed his family' (42997753). Another, describing their ancestor's theft of his father's boots, aged thirteen, drew on their knowledge of the family's overall circumstances, and the break-down of the family unit, to account for their ancestor's actions, 'I think his mother died when he was young. He was 13 or 14 eg when he stole his father's boots. He later went to other crimes' (42232947).

Survey respondents also offered commentary on the character of their ancestor, something which would be largely undiscoverable from the historical record. In accounting for an ancestor's

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<sup>334</sup> Ronald D. Lambert, 'Descriptive, narrative and experiential pathways to symbolic ancestors', *Mortality: Promoting the interdisciplinary study of death and dying* 11.4 (2006), p. 318.

repeated offences, a respondent considered that their ancestor's character played an equal role with their 'economic circumstances' in their turning to law-breaking, and ultimate conviction, 'other siblings in same economic circumstances [were] not before courts so I presume my ancestor, apart from being a victim of his economic circumstances, was also either a weak character or slightly stupid' (42533146). From a temporal distance of almost 200 years (the crimes had taken place in the 1830s) the descendant judged their then teenage great-grandfather and found him wanting.

As will be further evidenced below, in deviating from what can be discovered from the written records family historians consistently demonstrate that they think in terms of their ancestor as a person inhabiting a world in which forces act upon them. Likewise, although not articulated in those terms, some consider the agency of their ancestor. Family historians seek to explore the inner lives of their ancestors, their character, emotions and motivations. Through narrative, they delve into the lives of their ancestors in greater depth, their circumstances, and the forces at work in their lives. Their exploration of their ancestors' lives illuminates the ways in which the public assimilate, process, and disseminate their understandings of historical events.

The narratives studied in this chapter are part of a long tradition of genealogical writing. In order to publish genealogies family historians require a textual format that can represent the diagrammatic tree. Diagrammatic trees can only represent the most basic information associated with an individual and become physically unwieldy if more than three or four generations are included. Compiled genealogies and narratives offer a text-based alternative. Family historians are actively encouraged by the hobby's how-to literature to move beyond 'names and dates'. They are urged by societies and commercial entities to document their family history and to have it printed for posterity. The New England Historic Genealogical Society's webinar on the subject explicitly encourages genealogists to 'be that person' for future generations. This person will document a family and in their turn create materials which will be consulted by future descendants of their line.

They are reminded that they benefitted from consulting published genealogies or history books and must pay it forward. Family historians are told ‘no one knows your family history like you do’.<sup>335</sup> It is their duty to make available to others the research they have undertaken.

Textual genealogies exist in several formats. Highly structured compiled genealogies and narratives of great families dominated the genre for much of the nineteenth and early twentieth centuries. These works favoured recording the direct male line of ‘important’ families, and collateral ancestors were not usually accommodated. The choice of which persons to include in these genealogies varied over time and place. In the nineteenth century in the United States importance was often derived from linking the family to the nation’s first European settlers. In Australia precedence was also given to early British settler families. In the United Kingdom importance was linked to aristocracy and nobility. The texts which first came to prominence in the late sixteenth century, and which are still a feature of the hobby, are highly structured and use a numbering system to identify individuals and generations.<sup>336</sup> Generations are identified using a series of letters and numbers, for example, the apical (founding) ancestor’s generation is assigned the letter A, and numbers are assigned to progeny within a generation. Other systems use roman numerals for progeny and numbering systems which ensure that all males are even numbers and all females odd and that each generation is a multiple of the previous. These genealogies do not generally contain narrative elements, although they are not entirely absent. The overall structure focuses on listing the dates of birth, marriage and death, and recording the issue of the named individuals. Space is also given to the sources from which the events were derived. These genealogies are primarily concerned with documenting, and offering sources to validate, a particular lineage.

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<sup>335</sup> American Ancestors YouTube Channel, Penny Stratton, ‘Ten Steps to Writing and Publishing Your Family History’, 30 January 2014, <https://www.youtube.com/watch?v=uUpoVyZZrXs> [accessed 7 November 2020].

<sup>336</sup> Wikipedia, ‘Genealogical Numbering Systems’, [https://en.wikipedia.org/wiki/Genealogical\\_numbering\\_systems](https://en.wikipedia.org/wiki/Genealogical_numbering_systems)

Family histories offering more substantial narrative elements were also published throughout the nineteenth and early twentieth centuries. Typical of this genre is *The History of the Alison or Allison Family in Europe and America 1135 to 1893 Giving an Account of the Family in Scotland England Ireland Australia Canada and the United States* by Leonard Allison Morrison.<sup>337</sup>

Published in 1893 the work is, as the title suggests, an ‘account’ of the family. In this style of genealogy, the author is not necessarily related to the family. Works such as this one introduces narrative elements by interweaving historical matter with the family, usually to elevate the status of the family. The family is often explicitly linked to important national events. The format often includes a history for the family which stretches back to the medieval period, in this case, 1135. To reinforce the legitimacy and status of the family sketches of coats of arms associated with important branches of the family are often included. This style of family history builds on the more formal compiled genealogy and continues the emphasis on raising the status of the family.

Less formal narratives emerged in the 1960s. The advent of these narratives at this juncture fits well with Timothy Dallen’s contention that the decade saw the emergence of a new family history which celebrated the ordinary.<sup>338</sup> This less formal narrative approach, which includes elements of storytelling, and draws in literary devices such as the inclusion of speech and reflection on motivation, subsequently emerged as a core component of family history in the 1970s. The phenomenon undoubtedly reflected mainstream adoption of the concept of history from below, which had gained traction in academic circles in the previous decade. The criteria for who counted, both as family and in importance, broadened and permitted family historians to celebrate the ordinary and peripheral antecedents. New family histories permitted the inclusion of aunts, uncles and cousins, and for their stories to be given equal weight as those on the direct line. These new

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<sup>337</sup> Leonard A. Morrison, *The History of the Alison or Allison Family in Europe and America 1135 to 1893* (Boston, 1893) via Findmypast, <http://search.findmypast.ie/record?id=us%2fquintin%2falison-a35%2f0001&parentid=us%2fquintin%2falison-a35%2f0001&highlights=%22%22> [accessed 30 December 2020].

<sup>338</sup> Timothy and Guelke, *Geography and Genealogy*, p. 5.

family histories also opened up the stage to craftsmen, labourers and, ultimately, the black sheep of the family including criminals.

## Marketing Family Narratives

The evolution of the hobby of family history was not the only factor in the increase in the publication of narrative family histories. Shifts in both publishing and readers' interests also played their part.

Perhaps the most famous family history narrative, *Roots*, was published by African-American author Alex Haley in 1976. This work, despite being fictional, 'traced' the author's family from an enslaved Gambian, Kunta Kinte, to Haley's own birth.<sup>339</sup> The novel and subsequent televised drama fired the public imagination and demonstrated that a personal family narrative could appeal to a broader audience, and be used to illustrate historical events. Articles instructing genealogists on how to write narratives, as opposed to compiling genealogies, increased in frequency in family history magazines after the publication of *Roots*.<sup>340</sup> The *Roots* phenomenon also coincided with a more general appetite for narrative non-fiction. Ben Yagoda, author of *Memoir: A History* has demonstrated that the book market was dominated by fiction before 1960 and non-fiction thereafter.<sup>341</sup> Yagoda also identified a particular appetite for a form of memoir he called the 'misery memoir'.<sup>342</sup> The misery memoir, which saw its peak popularity in the mid-2000s, is defined as 'an account, usually by a non-celebrity, of childhood abuse or otherwise painful or difficult

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<sup>339</sup> Alex Haley, *Roots* (New York, 1976).

<sup>340</sup> Periodical Source Index search results for 'how-to' articles on 'writing', via Findmypast, [http://search.findmypast.ie/results/world-records/periodical-source-index?keywords=writing%20letters%20queries%20local%20services%20parish%20church&howto=yes&o=publicationyear&d=asc&\\_=1497785696720&\\_page=1](http://search.findmypast.ie/results/world-records/periodical-source-index?keywords=writing%20letters%20queries%20local%20services%20parish%20church&howto=yes&o=publicationyear&d=asc&_=1497785696720&_page=1) [accessed 30 December 2020].

<sup>341</sup> Ben Yagoda, *Memoir: A History* (New York, 2009), p. 239.

<sup>342</sup> *Ibid.*, p. 8.

circumstances'.<sup>343</sup> It is this category of memoir, which Yagoda linked to a society which had 'less concern for privacy, a strong interest in victimhood, and a therapeutic culture', to which convict narratives can be added.<sup>344</sup>

The public appetite for non-fiction material about ordinary people with extraordinary lives found an outlet in the world of self-publishing. In recent years the internet and the web have played their part in the proliferation of personal memoirs and family history narratives by increasing accessibility to self-publishing platforms such as blogs and low-cost on-demand printing. Publishing these works often requires a monetary investment by the family historians and most do not reach the market via traditional routes. Several companies offer printing and publishing services for genealogies and narratives. *Cyndi's List*, a web-based aggregator of resources for genealogists, lists thirty options for self-publishing with companies who direct their services specifically to the family history market.<sup>345</sup> Among them is Family Heritage Publishers, who encourage family historians to 'celebrat[e] life... one chapter at a time'.<sup>346</sup> These paid-for services are primarily aimed at those seeking to print small runs of their family history to distribute among family members and to donate to local societies. An individual who wishes to publish a family history intended for sale can choose from a range of options from free e-publishing to on-demand print models which operate tiered pricing structures depending on how much design and formatting the author requires assistance with. These modes of self-publishing were available for decades before the internet. In the 1930s Donald Lines Jacobus advised his readers not to publish more than 'two hundred copies' of their genealogy, and that 'the sale of a book may refund actual printing costs unless a deluxe style of paper, printing, binding and illustrating is desired', but warned them that with, 'the cost of research and of the compilation... No genealogy published today, if the work has been properly and

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<sup>343</sup> Ibid.

<sup>344</sup> Ibid., p. 238.

<sup>345</sup> *Cyndi's List*, 'Family History Publishers', <http://www.cyndislist.com/books/family-history-publishers/> [accessed 7 November 2020].

<sup>346</sup> Family Heritage Publishers, <https://www.familyheritagepublishers.com> [accessed 17 October 2020].



thoroughly done, can produce a monetary profit.<sup>347</sup> While modern self-publishing services have lower cost barriers compared to traditional printing, the personal investment in the venture by family historians has not changed since Jacobus' time, and it is not in the hopes of profit that most family historians enter into the endeavour. As will be seen below, writing a family history narrative brings family historians on a journey which for them offers different and compelling rewards. Theirs is a journey of discovery of their ancestors' lives, history, and for some, of themselves.

### **Chapter Methodology: Discovering and Selecting the Narratives**

This analysis focuses on narratives which evolved from genealogical research. The selection criteria focused on material concerning grandparents and earlier antecedents. In keeping with the over-arching methodology of this work the term 'ancestor' is used as an umbrella term and includes both direct ancestors (grandparents at varying degrees of remove) and collateral antecedents (great-uncles, cousins, aunts and so on). Contemporary true crime accounts where the author had direct experience of events, or who had 'grown up' in a criminal family were not included.<sup>348</sup>

The narratives examined here were published for a public audience, rather than for private circulation between family members. The definition of published here draws in print and digital platforms. Many of the narratives discussed here were produced for sale, rather than freely distributed. Notwithstanding this, traditional books, which have been through an editorial process and published by an established publisher, are in the minority. For the most part, the narratives were self-published, as e-books, in print, or a downloadable portable document format (PDF).

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<sup>347</sup> Jacobus, *Genealogy as Pastime and Profession* (1930) p. 110, <https://babel.hathitrust.org/cgi/pt?id=wu.89062938204;view=1up;seq=123> [accessed 7 November 2020].

<sup>348</sup> Julie Shaw, 'Tales of the Notorious Hudson Family'; Erwin James 'Our family's criminal past', *The Guardian* Saturday 3 January 2015, <https://www.theguardian.com/lifeandstyle/2015/jan/03/our-family-s-criminal-past-julie-shaw-crime-novels> [accessed 30 December 2020].

As many of descendant narratives were published via non-traditional routes and did not benefit from wide distribution, there was little potential for discovering these narratives through bibliographic or library searches. Some were discoverable through commercial outlets through keyword searches, particularly Amazon.com which offers a self-publishing service and a sales platform for self-published works. A research trip to Tasmania also proved fruitful as many of the Australian convict narratives were categorised as local history and, although not widely distributed, were given prominence in local bookshops. Gathering sufficient material for analysis also required engaging directly with the communities and authors who produced them. This entailed joining social media networks and actively monitoring posts for mentions of self-published works and ordering them directly from the authors. Taking an active part in the community proved a successful approach as one author who learned of the study reached out via social media to supply a narrative.<sup>349</sup> Attending genealogy fairs and conferences also afforded an opportunity to purchase society publications and self-published materials. A series of short narratives were purchased, or downloaded free of charge, from two Australian websites, [femaleconvicts.org](http://femaleconvicts.org),<sup>350</sup> and [colonialties.com](http://colonialties.com).<sup>351</sup> Some narratives were also supplied directly by the authors as a result of their participation in surveys and interviews. In those cases, the narratives were produced prior to the participants' knowledge of the current study.

The most challenging material to discover were narratives produced in the United Kingdom, Ireland and North America. It was essential to trace as many of these narratives as possible to balance the analysis which otherwise could easily have been overwhelmed with Australian narratives.

Australian convict narratives, as will be seen below, have developed specific characteristics linked to the punishment of transportation. Narratives from other countries were primarily discovered

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<sup>349</sup> Kerry Vickers, 'Beyond the Seas? Convicts on the Hulk *Justitia* at Woolwich July 1824-June 1825' via Twitter, <https://twitter.com/kerrybv1/status/904634066980413440> [accessed 30 December 2020].

<sup>350</sup> Female Convicts Research Centre Inc., <http://www.femaleconvicts.org.au/index.php/about-convict-lives/profiles> [accessed 30 December 2020].

<sup>351</sup> Colonial Ties, <http://colonialties.com> (site no longer live) [accessed 16 September 2016].

through keyword searching on commercial bookselling sites. Some shorter narratives were sourced from genealogy society journals via the Periodical Source Index hosted on Findmypast.<sup>352</sup> Where these were not published online contact was made with the genealogy society directly to request copies of the articles. A reasonable balance was achieved, thirty-two of the narratives studied here relate to Australia, and twenty-six to other countries.

The core material comprises 59 narratives. Given the specialist nature of the topic the relatively small number of narratives was to be expected. Likewise the manner which they are published, described here, makes them difficult to trace. However given the similarities they exhibit they display a reasonably coherent approach to criminal ancestry by descendants which can be successfully interrogated for themes and insights. The majority of the narratives are those written by contemporary Australians and New Zealanders about ancestors of Irish or English extraction who were transported to Australia. Thirty-two of the core narratives fall into this category. There are eight American narratives and eleven UK narratives. The remainder are individual narratives concerning persons and events in Ireland and Canada. Twenty-seven of the 59 narratives can be classed as ‘books’, or as chapters of books. Of the 27 books, eight were self-published. The remaining were published a mix of self-styled ‘independent publishers’, the specialist ‘Convict Women’s Press’,<sup>353</sup> and writer collectives. Four of the works were published by a university or academic publisher. Of the authors, 62 per cent were female, and 38 per cent were male.

Reflecting the same demographic mix seen in earlier chapters for genealogists. Male authors were more likely to publish in traditional formats, whereas the majority of female authors published via society newsletters and the web, presenting their work through blogs and downloadable PDFs.

Therefore, while there is a large market for true crime and misery memoirs, convict and ancestral narratives remain a small niche market. Those family historians who write full narratives are a sub-

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<sup>352</sup> Findmypast, *Periodical Source Index* <https://search.findmypast.co.uk/search-world-Records/periodical-source-index> [accessed 28 November 2020].

<sup>353</sup> Convict Women’s Press, <https://www.convictwomenspress.com.au> [accessed 28 November 2020].

set within the larger genealogy community, and those that choose to write convict narratives are even more specialised, representing only a small number of those who discover criminal ancestry. The community is also largely self-sufficient when it comes to publishing, and make good use of both the web and new technologies to reach their audiences.

The authors are primarily family historians first, rather than being authors or historians who discovered a connection to a criminal ancestor and elected to write a narrative. For the majority, the descendant narrative was their only foray into writing. Some had an online presence, but this was not necessarily devoted to their genealogical research. Lynne Morley writes travel blogs.<sup>354</sup> Kerry Vickers tweets about birdwatching.<sup>355</sup> For the most part, very little could be discovered about the authors. Of all of the authors only Kate Grenville, and perhaps historian Nick Brodie, could be considered to have been professional authors before writing the narrative of their ancestor, albeit Brodie's *Kin* was also his first book-length work. For one descendant, the discovery of the criminal ancestor in her husband's family was, as she said in an interview, 'a life-changing moment' (GENA090216). Inspired by her research and the subsequent success of the fictionalisation of her discoveries, she became an author of historical fiction.

Notwithstanding their mostly amateur status, the authors devoted many years to their research and writing. The serious leisure nature of the hobby is readily apparent in their desire to create substantial outputs and 'professionalise' their engagement with their hobby. Karen Charlton said she spent 'eighteen years scrap[ing] away the fogs of time and inch[ing] back through the centuries to 1700'.<sup>356</sup> Judith Neil's book was a continuation of her father's work, started in the 1960s, which culminated in the publication of her work in 1977. In her companion non-fiction work Kate

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<sup>354</sup> Lynne Morley, *Lynne's Travels*, <http://lynnemorley.blogspot.com> [accessed 28 November 2020].

<sup>355</sup> Kerry Vickers, @kerrybv1 <https://twitter.com/kerrybv1> [accessed 28 November 2020].

<sup>356</sup> Karen Charlton, *Seeking our Eagle* (np, 2012) p. 26.

Grenville said she devoted five years to the writing of *The Secret River*,<sup>357</sup> and Patrick Howard ‘spent four and a half years in Britain and Ireland doing full-time research for [his] book’.<sup>358</sup>

The narratives cover a broad period, from the 1700s to the 1940s, albeit the majority of the events covered by the narratives take place in the 1800s. Two of the narratives take place in the late 1700s, and seven in the 1900s. One narrative crosses the threshold of the nineteenth and twentieth centuries, recording offences from the 1880s to 1907. In some cases, the relationship between the author and the ancestor was not made explicit in the text. However, most were at least two generations removed from the author, with the convicts being great-grandparents or earlier antecedents. There are just three cases where the subject of the narrative was a grandparent. Nine of the narratives concern both male and female ancestors, twenty-four are concerned with female ancestors, with the remaining twenty-five having male ancestors as their subject. The almost equal balance between male and female subjects is somewhat unexpected, given that the majority of those convicted for crimes throughout history have been male. The disproportionate representation of women in the narratives is considered in more detail below.

In common with the survey respondents, the majority of the crimes committed by the subjects of the narratives were theft. There are three instances of murder; one each of manslaughter, incest, infanticide, and bigamy, and two of public intoxication. There is one case of treason and another of involvement with the Whiteboy political movement in Ireland. Two of the protagonists may be considered ‘outlaws’, that is members of gangs who participated in various crimes including train robberies. However, most were presented as opportunistic rather than career criminals. As discussed above, as the majority of narratives are by Australian authors, the most common

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<sup>357</sup> Kate Grenville, *Searching for The Secret River* (Edinburgh, 2007) p. 218.

<sup>358</sup> Patrick Howard, *To Hell or to Hobart* (Kingston, 2012), back cover.

sentences experienced by the subjects was transportation, followed by imprisonment. There was one case of sentencing to a mental health institution.

The varying nature of the relationship between the authors and their subject, and the variety of crimes and their degrees of seriousness, meant that no one formula was adopted to explain their ancestors' actions and to permit the authors to come to an understanding of their ancestor.

However, as will be seen, some common themes did emerge.

### **Excluded Works: Rescue and Academic Narratives**

Several narratives which were first assumed to be written by descendants proved to be what this study terms 'rescue' narratives. While not included in the analysis, their existence is worthy of mention. A largely Australian phenomenon, rescue narratives are compiled by family historians using the same methodologies as descendant narratives and serve to document the vast majority of transported convicts who do not have identifiable descendants. These narratives can take the form of individual narratives or cohort studies. One example is a compilation of short biographies of all of those buried in a particular graveyard, such as Kris Gatenby's *Death or Liberty: Rose Lane Convict Burial Ground*. In this self-published work, Gatenby endeavoured to compile short biographies of all of those who were buried at the Rose Lane cemetery in Tasmania. The cemetery had been cleared of headstones and now functions as a park. In the introduction she described the impetus for her work, 'they deserve [to] be more than a list of names; they were our country's pioneers, forced to build, plough and serve - for us'.<sup>359</sup> In a similar vein, Kerry Vickers documented the convicts on the hulk *Justitia* in an eighty-eight-page PDF which she shared via social media. *Beyond the Seas?* was published in 2017 and contains statistical and biographical

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<sup>359</sup> Kris Gatenby, *Death or Liberty: Rose Lane Convict Burial Ground* (np, 2017) p. 3.

elements for the convicts who were aboard the ship between July 1824 and June 1825.<sup>360</sup> These narratives are broadly comparable to descendant narratives as they draw heavily on genealogical material and are often prompted by the discovery of a convict ancestor by the author. As Kerry Vickers articulated, it is ‘the stories of the individuals themselves which provide endless fascination’.<sup>361</sup> Having discovered convict ancestors, these authors seek to do the same for individuals they have found to be unclaimed and undocumented.

In Australia, the Convict Women’s Press has published several volumes of narratives relating to women housed at the female factories in Tasmania. The first volume, published in 2011, had no identifiable descendant accounts. All of the narratives in that volume appeared to be rescue narratives. The second volume contained a mix of both descendant and rescue narratives. By the third volume, published in 2014, descendant narratives were partitioned from the rest of the material. It is those narratives that are included in the present study. The reason for segregating the narratives ‘written by descendants’ was not explained, although it spoke to a tacit understanding that the lack of personal connection of the authors to their subject set rescue and descendant narratives apart. It might be argued that descendant narratives had been relegated to the rear of the volume and that this relegation carried with it a lack of trust in the impartiality and quality of the descendant narratives. However, that sort of speculation posits a divide which may not exist.

What does set these narratives apart from descendant narratives is the lack of a visceral and emotional connection to the protagonists that is apparent in narratives written by descendants. The discovery is less keenly felt. Authors dealing with convicts with whom they are not related, while they may have sympathy and display outrage at their treatment, are still somewhat removed from

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<sup>360</sup> Kerry Vickers, *Beyond the Seas: Convicts on the Hulk Justitia at Woolwich July 1824-June 1825* (Kolora, 2017).

<sup>361</sup> *Ibid.*, p. 12.

their subject. Their subject does not cause them to reflect deeply on issues of motivation or outcomes. There is no thread of connection between the author and the subject.

Also excluded from the current study are the works of academics. Academics have experimented with the short-form biographical format for the mass market such as *Victorian Convicts: 100 Criminal Lives* by Helen Johnston, Barry Godfrey and David J. Cox, produced with publishers Pen & Sword in 2016. The publishing house is well known for its genealogy works. The volume presented one hundred short biographies of ‘the criminal lives of 100 Victorian convicts based on the official records of the police, courts & prison authorities’.<sup>362</sup> The format and language of the biographies have many similarities to the rescue narratives produced by family historians. The biographies outline the subject’s life based on genealogical records, highlighting events such as marriage, residence at the time of the census, and occupation. These events are interrupted by the commission of a crime, which is treated in fuller detail, before the narrative ends, somewhat abruptly in many cases with the announcement of the subject’s death. The historians are not immune to using the same light tone employed by some family historians when considering their subject’s crimes, although it could be argued that they do so for the benefit of a mainstream audience. Subjects are described as having a ‘brush with the law’,<sup>363</sup> or to have ‘led a largely blameless life’.<sup>364</sup> Their omission from the present study arises from the lack of personal connection between the authors and their subjects. A key feature of descendant narratives is their connection to their subject and how this connection influences their understanding of the character of their ancestor and the events in which they participated.

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<sup>362</sup> Helen Johnston, Barry Godfrey and David J. Cox, *Victorian Convicts: 100 Criminal Lives* (Barnsley, 2016).

<sup>363</sup> *Ibid.*, p. 14.

<sup>364</sup> *Ibid.*, p. 12.



### **The overrepresentation of women in convict narratives**

Twenty-five of the narratives were devoted to male protagonists, and 24 to female, with ten narratives including protagonists of both sexes. Women, therefore, appeared in 34 of the narratives (57 per cent). Given that women accounted for ‘only 10-20%’ of those transported to Australia,<sup>365</sup> and ‘less than 20% of defendants at the old Bailey’,<sup>366</sup> this overrepresentation of women in the narratives relative to their actual numbers as convicts and offenders requires explanation. This cannot be accounted for simply by the dominance of women in the hobby, or the fact that the majority of the authors are women.

In genealogical terms women are often more difficult to trace as they are less of a presence in official documentation beyond census and vital records (birth, marriage and death records). Genealogical records are often centred on the family unit, and therefore where women are recorded, it is invariably with their married name. Even after the death of their spouse, women are often referred to by their married name, and often with their husband’s first name, for example, ‘Mrs John Smith’, with no female first name recorded. Women, therefore, are more difficult to trace through their whole life course unless a connection to their birth name can be discovered. For common names, and in eras predating census records, or in jurisdictions where these are absent, the ability for women to disappear is compounded. The nature of record-keeping also means that many women are recorded as having no occupation. Property laws also meant that women were less well represented in land records and wills. As a result, a female ancestor can be wholly without a story of her own.

In their book *Criminal Women 1850-1920: Researching the Lives of Britain's Female Offenders*, Lucy Williams and Barry Godfrey addressed some of these issues. They posited that criminal

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<sup>365</sup> Lucy Williams, ‘A Guide to Researching Female Offenders’, *Digital Panopticon*, [https://www.digitalpanopticon.org/A\\_Guide\\_to\\_Researching\\_Female\\_Offenders](https://www.digitalpanopticon.org/A_Guide_to_Researching_Female_Offenders) [accessed 13 February 2021].

<sup>366</sup> *Ibid.*

women compounded the problem of their own anonymity by having a ‘vested interest’ in remaining undiscovered. In Williams and Godfrey’s analysis the women obscured their personal history by using aliases or lying about their age or birthplace. According to Williams and Godfrey, this makes it doubly challenging to reconstruct the lives of criminal women.<sup>367</sup> However, the same can also be true in relation to criminal men for whom richer mainstream sources exist but which may lie undiscovered if no connection between the convict and their actual identity can be made. The success of record linkage by the Digital Panopticon project demonstrated, at scale, the possibility of creating links between records generated in different jurisdictions. The researchers found remarkable continuity and less evidence of fabrication than they had expected. Individuals demonstrated a tendency to give accurate information (within the bounds of their ability to provide accurate information) when questioned.<sup>368</sup>

The chance for obfuscation by a minority of historical actors notwithstanding, as noted in the introduction to this thesis the records of the criminal justice system afford family historians with some of the richest documentation for their ancestors, and this is doubly true for female ancestors. A criminal ancestress offers the family historian far richer sources than those available for her law-abiding sisters. The aliases used by offenders can give clues to the woman’s maiden name and, by extension, her parentage. The records also often name next of kin, and in the case of women, this can include children. Those that they are arrested with are often friends, family, associates or neighbours whose own details can give a vital clue to a female ancestor’s circumstances and origins. Unlike the sparse outline that can be constructed from standard genealogical sources, female ancestors emerge from the records of the criminal justice system as a physical presence, with occupations and active, albeit possibly dubious lives. For family historians, this makes a refreshing

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<sup>367</sup> Williams and Godfrey, *Criminal Women 1850 -1920*, p. 3.

<sup>368</sup> Hamish Maxwell-Stewart, ‘The State, Convicts and Longitudinal Analysis’, *Australian Historical Studies*, 47:3 (2016), pp. 414-429.

change from ‘occupation-less’ sisters, mothers and daughters who are afforded a single line in a census or birth register.

Alongside the richer detail which crime records offer about female ancestors, which make them extra compelling subjects, there is undoubtedly an element of novelty surrounding a female criminal ancestor. Her actions are unexpected. In committing a crime, the female ancestor breaks with the expectation that women in the past were dutiful and led more constrained lives than men. In the narratives, this unexpected behaviour is seen as evidence of a spirited nature, a woman bucking against the expectations of her sex. For other authors, it is evidence of women buckling under the pressures of those realities and expectations. This was seen earlier in the responses to the surveys. Respondents, where they commented, called out their ancestors’ crime in relation to their survival as abandoned females. This theme is illustrated in the longer narratives. For example, in Sian Busby’s book about her ancestor’s act of infanticide, she casts her crime as a consequence of a lack of understanding around post-natal depression in the early twentieth century.<sup>369</sup>

The predominance of women in the Australian narratives warrants special mention. Women convicts comprised less than sixteen per cent of those transported, and yet twenty of the thirty-three Australian narratives included women. This proliferation of female-centric narratives cannot be explained simply as evidence of the novelty factor, or the existence of documentation to tell the story. The narratives of convict women in Australia represent a deliberate and assertive rehabilitation of the group by female historians and genealogists. The narratives were a direct response to the negative characterisation of convict women which dominated Australian convict historiography during the 1950s and 1960s. Historians of the mid-twentieth century, where they considered female convicts at all, declared them to be ‘far worse than men’.<sup>370</sup> The characterisation

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<sup>369</sup> Sian Busby, *The Cruel Mother: A Family Ghost Laid to Rest* (London, 2005).

<sup>370</sup> Portia Robinson, *The Women of Botany Bay; A reinterpretation of the role of women in the origins of Australian society* (Sydney, 1988), p. 5.

of convict women as ‘depraved and disorderly’, and little more, was highly influential during the years in which the present study’s cohort would have been in formal education.

This moralistic assessment of convict women was challenged by female historians working within a feminist framework from the 1970s onwards. Historians such as Portia Robinson, Deborah Oxley, and Joy Damousi were instrumental in changing perceptions of the character and the role of female convicts in Australian society. Portia Robinson’s 1988 volume was explicit regarding the need for reassessment. Her work, published during the bicentennial year, entitled *The Women of Botany Bay: A reinterpretation of the role of women in the origins of Australian society*, sought to do this by presenting the convict women warts and all, making no apology for their actions but laying out their histories as they happened. Through the use of case histories, Robinson demonstrated the economic contribution of convict women to the colony. This rehabilitative work was carried forward by later historians. In her 1996 work, Deborah Oxley set out to expose the shortcoming of her male predecessors in their portrayal of female convicts. She determined that they had relied too heavily on the commentary of nineteenth-century moralists, and allowed their opinions to inform their own in an ahistorical manner.

Powerful imagery, evocative language and vivid formulations by nineteenth-century writers captivated the minds of a number of historians.... Reliance on such nineteenth-century accounts were particularly detrimental to women who were judged harshly by Mayhew and his fellow observers.... Vituperative terms such as ‘prostitutes’, ‘abandoned women’, ‘notorious strumpets’ and ‘damned whores’ littered nineteenth-century accounts of convict women. Too easily this nineteenth-century terminology was taken out of context and misunderstood.<sup>371</sup>

In her 1997 work, Joy Damousi also set out to reclaim and challenge the characterisation of convict women in her work: *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia*.<sup>372</sup> Her provocatively titled work also challenged the mid-twentieth-century historians’

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<sup>371</sup> Deborah Oxley, *Convict Maids: The Forced Migration of Women to Australia* (Cambridge, 1996), pp. 222-223.

<sup>372</sup> Joy Damousi, *Depraved and Disorderly: Female Convicts, Sexuality and Gender in Colonial Australia* (Cambridge, 1997).

negative assessment of convict women and their focus on the sexual practices of the women as indicative of flawed characters.

There is evidence in the descendant narratives that the authors are familiar with some of the contemporary attitudes towards Australian convict women, and Oxley and Damousi's critiques. The authors demonstrate a belief that it is their role to rehabilitate convict women and to be indignant on their behalf. As one descendant observed, 'later generations seem to love stories of convict women indulging in sexual display, even when most of these tales turn out to be fantasy'.<sup>373</sup>

Instructional material aimed at genealogists asserts a special role for women in a 'man's world'.<sup>374</sup> Family historians in Australia are called to 'raise awareness of the major importance of Australian Female Convicts had in developing our nation into what it is today', and are called to 'Immortalise our founding mothers'.<sup>375</sup> Convict ladies (as they are referred to throughout *How to write a story of an Australian Female Convict*), according to the instructor, 'held the colony together... they lost their... past sensibilities and hardened to the new life thrust upon them'.<sup>376</sup> Genealogists are urged to consider that their convict ancestresses are much like themselves, except 'torn from their family and abandoned on the other side of the world in an untamed land'.<sup>377</sup> The writings of descendants are seen as an antidote to the writings of 'historians [who] often paint the image of the convict woman as a drunkard, a licentious opportunist, a worthless part of society'.<sup>378</sup> The characterisation of women in the narratives certainly reflects a keenly felt betrayal of women by history. The influence of this assertive rehabilitation of women is easily discoverable in the narratives. One

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<sup>373</sup> Collette McAlpine and Lucy Frost, 'Wanted - a wife' in Lucy Frost (ed.), *Convict Lives at the Ross Female Factory* (Hobart, 2011) p. 179.

<sup>374</sup> KK Genealogy, 'How to write a story of an Australian Female Convict', p. 8 downloaded from [www.colonialties.com](http://www.colonialties.com) [accessed January 2016].

<sup>375</sup> *Ibid.*, p. 5.

<sup>376</sup> *Ibid.*, p. 4.

<sup>377</sup> *Ibid.*, p. 7.

<sup>378</sup> *Ibid.*, p. 17.

author, in explaining how her ancestor became pregnant in gaol, tells her readers that she would have had little choice in the matter. According to the author, it was ‘important for a female prisoner to be taken under the protection of a male prisoner, otherwise she was at the mercy of all around her’.<sup>379</sup> Another author assumes that the female convicts who received good conduct reports in the ships’ logs, amid a general population described as ‘rowdy, vulgar and depraved’,<sup>380</sup> were those that gave into male pressure, and does not permit any agency on the part of female convicts: ‘often "good behaviour" meant compliantly bestowing their favours on their male masters’.<sup>381</sup>

In writing female convict histories, family historians are continuing the work Deborah Oxley maintained still needed to be done in academia the late 1990s:

Convict women's identities as workers, mothers, homemakers, partners, entrepreneurs, citizens and colonists have all been obfuscated and are only now being slowly excavated from the ruinous legacy of the convict origins debate.<sup>382</sup>

### **Learning to craft a narrative**

Before exploring the narratives themselves, it will be useful to consider the advice offered to family historians in crafting narratives specifically on the subject of criminal ancestors. To assist in the creation of their narratives, genealogists can consult one of the numerous ‘how-to’ books available. Genealogists are instructed by fellow practitioners on how to write well structured, compelling and saleable family narratives. Writing family history also has dedicated classes and courses, including one at the University of Tasmania.<sup>383</sup> Searches within the Periodical Source Index indicate that,

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<sup>379</sup> Heather Brownnett, ‘A biography of Elizabeth Parker (per Friendship)’ (2014) p. 3, downloaded from Australian Female Convict Database <http://colonialties.com/> [accessed 7 July 2016].

<sup>380</sup> Michael Flynn, *A Biography of Maria Coverley and James Lord*, p. 5 via Australian Female Convict Database <http://colonialties.com/> [accessed 7 July 2016].

<sup>381</sup> Ibid.

<sup>382</sup> Deborah Oxley, *Convict Maids*, p. 231.

<sup>383</sup> University of Tasmania, ‘Writing Family History’, <https://www.utas.edu.au/courses/cale/units/haa004-writing-family-history> [accessed 17 October 2020].

notwithstanding the long history of compiled genealogies, narrative style writing became popularised, alongside the hobby itself, in the 1960s. In 1962 the *White River Historical Society Quarterly* in Missouri carried an article entitled ‘Writing Your Family History’,<sup>384</sup> and in 1965 the Texan *Southwestern Genealogist* contained an article entitled ‘So You Want To Write A Book’.<sup>385</sup>

The instructional material available is typical of the ‘how-to-write’ genre. Family historians are instructed in stylistic and pragmatic matters. Chapters in this style of book include: ‘Developing Writing Skills’, ‘The Nitty-Gritty - From Editing, Proofreading and Acknowledgements to Copyright’, and ‘Publishing’.<sup>386</sup> Much of the instructional material focuses on the importance of including citations, and the excision of a large amount of research material from the final piece. Family historians are gently led to understand that while every piece of evidence is of interest to them, it does not serve to create an ‘accessible and interesting’ narrative for non-genealogists.<sup>387</sup>

In your role as family historian, you quite rightly seized everything you could find on your subject. But you are a writer now and some facts, interesting in their own right, won’t belong in the main body of your book.<sup>388</sup>

Notwithstanding this emphasis on creating accessible narratives, family historians are also exhorted to make liberal use of source citations throughout their narratives. Adherence to the facts is a central tenet of the instructional material, and family historians are advised on how to ensure they present an accurate account of their ancestors’ lives ‘warts and all’. However, as seen below, this is somewhat contradicted by the same instructors inviting the would-be authors to ‘imagine’ how

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<sup>384</sup> Anon, ‘Writing Your Family History’, *White River Valley Historical Society Quarterly* 1.6 (1962), <http://search.findmypast.ie/record?id=persi%2fmowr%2f110389%2f1632981> [accessed 28 December 2018].

<sup>385</sup> Anon, ‘So You Want to Write A Book’, *Southwestern Genealogist* 3.5 (1965), <http://search.findmypast.ie/record?id=persi%2fswgn%2f36348%2f1636331> [accessed 28 December 2018].

<sup>386</sup> Gill Blanchard, *Writing Your Family History: A Guide for Family Historians*, (Barnsley, 2014).

<sup>387</sup> *Ibid.*, p. 1.

<sup>388</sup> Maisie Robinson with Steve Rudd, *Family Fables: How to write and publish the story of YOUR family* (Huddersfield, 2015) p. 30.

their ancestor would have felt at a particular juncture. As Ronald Lambert noted there is a continual tension between adherence to facts and the tendency to tell stories in the practice of family history.

Criminal ancestors offer rich fodder for family historians turned authors. As described in the introduction to this study, the records of the criminal justice system offer detail not usually found in other genealogy sources. From the records of the criminal justice system, a family historian can reconstruct their ancestors' physical appearance. From the late eighteenth century, prison registers recorded height, weight, eye and hair colour and, from 1816, distinguishing marks.<sup>389</sup> Authors can render a physical description of their ancestors that includes scars and tattoos. Their ancestors' characters can be extrapolated from the information found in conduct reports, petitions and testimony recorded at trials. Their occupation and socio-economic circumstances are often detailed explicitly in the documentation or can be inferred from the place and period in which they lived. Supporting evidence drawn from census, birth, marriage and death records can further contextualise their lives. These details bring their children, spouses and parents into the narrative. Should the researcher wish to, they can also reconstruct the neighbours, magistrates, police, witnesses and victims, named in conjunction with their cases. The richness of the information about these particular ancestors coupled with a distinct event, be it fascinating, titillating, saddening, shocking or shameful sets them apart from the anonymous dull parade of illiterate labourers which make up the bulk of most family trees.

Despite their richness as subjects, the issue of criminal ancestors is not dealt with to any great extent in the majority of the instructional literature. Mechanisms for addressing difficult topics and criminal ancestors are occasionally considered, but not in any great depth. Overall a guarded, cautious approach is advocated which emphasises the primacy of 'facts' and includes guidance on

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<sup>389</sup> Robert Shoemaker and Richard Ward, 'Understanding the criminal: record keeping, statistics and early history of criminology in England', *The British Journal of Criminology* 57.6 (2017), p. 1444.



steering clear of problematic subject matter. In a section entitled ‘What if they were horrible?’, Gill Blanchard, author of a general text on writing family histories, warns family historians against using phrases such as ‘they must have felt’ in order to explain away ancestors’ attitudes or actions.<sup>390</sup> While acknowledging that an ancestors’ crimes can be considered a windfall for the would-be biographer, instructors occasionally advise the complete excision of material touching on crime:

True crime is a very popular genre and including it will vastly increase the market for your book... For reasons of sensitivity and law, it is sometimes best to exercise tact and exclude certain tit-bits [sic].<sup>391</sup>

Carol Baxter, a fellow of the Society of Australian Genealogists and writer of historical true crime books, similarly devotes only a couple of short paragraphs to the subject of criminality in her book *Writing and Publishing Gripping Family Histories*. However, in the two short paragraphs, she offers a very forthright assessment of the reasons for historical crime which could strongly influence an author’s approach to the subject:

There was an attitude in the past, one still held by many today, that people resort to crime out of choice. Those holding such a view cannot know much about history and criminology. In fact, our ancestors usually resorted to crime - even murder - because it seemed the optimal solution to whatever problem they faced... These days we have a deeper understanding of criminality as a reflection of genetic, psychological and social factors.<sup>392</sup>

Only one guide was identified which wholly focused on the issue of ancestral criminality. A grassroots production itself, the specialised guide related to female convict ancestry in Australia, which, as discussed above, has special importance for descendants. *How to write a story of an Australian Female Convict* was sold as a downloadable PDF on the website of Australia-based KKGenealogy run by Kim Aubrey.<sup>393</sup> Published in 2014 the thirty-seven-page booklet guided

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<sup>390</sup> Blanchard, *Writing Your Family History*, p. 65.

<sup>391</sup> Robinson and Rudd, *Family Fables*, pp. 88-89.

<sup>392</sup> Carol Baxter, *Writing and Publishing Gripping Family Histories* (Bathurst, 2016) pp. 91-92.

<sup>393</sup> Kim Aubrey, ‘How to write a story of an Australian Female Convict’, *Colonial Ties*, <http://colonialties.com/new/> [accessed 18 September 2016].

would-be authors through the writing process. The author reported that approximately a dozen guides were sold, but that she had anecdotal evidence that downloaded copies were ‘passed around for free’.<sup>394</sup> The website ceased to be live in early 2017 although the author remained active on social media platforms.<sup>395</sup> The website’s creator felt that given the relatively limited traffic that the website received, she could no longer justify hosting costs and the maintenance of the site.<sup>396</sup>

The narrative structure proposed by the booklet focused on a series of events which, according to the instructor, authors should seek to cover in writing the narrative of their female convict ancestor. The events were: Heritage, Crime & Conviction, Transportation, Arrival, Freedom, Family, Life in Australia, Land and Death.<sup>397</sup> The attention devoted to each section was directly related to the amount of documentary evidence available to researchers regarding the event. The issue of access to sources is a recurring theme throughout the present study. There is a direct correlation between access to sources and the stories that genealogists are equipped to tell.

The suggested opening chapter, ‘Heritage’, outlined some of the difficulties faced by Australian genealogists in tracing their convicts’ origins. Many transportees left the UK and Ireland before the advent of civil registration and censuses. In the UK civil registration of births, marriages and deaths began in 1837. In Ireland, civil registration did not begin for all events and religious denominations until 1864. While censuses began as early as 1801, in the UK these were enumerations only with no personal information. It was not until the 1841 census that information which would permit the identification of an individual was gathered. In Ireland, all that survives of the nineteenth-century censuses are some small fragments. This is further complicated, as the guide makes clear, by the

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<sup>394</sup> personal communication on Facebook Messenger with Kim Aubrey of ‘Colonial Ties - Convicts of Australia’ Facebook Page, 18-19 March 2018, <https://www.facebook.com/messages/t/ausfcd>

<sup>395</sup> Colonial Ties - Convicts of Australia Facebook Page, <https://www.facebook.com/ausfcd/> [accessed 7 November 2020].

<sup>396</sup> Personal communication with Kim Aubrey.

<sup>397</sup> Kim Aubrey, *How to write a story of an Australian Female Convict* (2014) pp. 2-3.

fact that the place of conviction may or may not be the place of birth of the convicted person. Furthermore, parents' names are largely unrecorded for those who died before 1856 (the year in which parents' names began to be included on Australian death certificates, an unusual practice in its own right).<sup>398</sup> The literature informs Australian genealogists that the lack of definitive information about their place of origin and parentage makes recreating the precise circumstances of the convicts' early life difficult. The difficulty in accessing sources for previous generations partially accounts for the focus on the transported convict as the apical (founding) ancestor, discussed further below.

Where there are lacunae in the documentary evidence the instructor encouraged authors to look to their own feelings to reconstruct imagined scenes with this unknown place and family. Authors were asked to consider 'the traumas of leaving your parents, children and loved ones behind forever'.<sup>399</sup> To further recreate the time and place of their conviction, authors were encouraged to look to the place of conviction and to gain a sense of place through the use of parish maps, Wikipedia and archive.org.<sup>400</sup> Rather than be dismayed at the lack of direct evidence authors were encouraged to use contextual information to recreate a plausible childhood and pre-conviction life for their subject. In guiding genealogists in the reconstruction of an ancestor's life, the instructor focused on encouraging authors to delineate the character of an ancestor rather than her, largely undiscoverable, family, economic and social circumstances. Although without these elements it is hard to envisage what success descendants could have in constructing their ancestor's character.

...you are not looking for a rhyme or reason for her transgressions but showing her as the woman she was before she was so mercilessly cast from her environment to a life she never could have dreamed of.<sup>401</sup>

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<sup>398</sup> Ibid., p. 8.

<sup>399</sup> Ibid., p. 9.

<sup>400</sup> Ibid.; archive.org describes itself as follows 'Internet Archive is a non-profit library of millions of free books, movies, software, music, websites, and more.', [www.archive.org](http://www.archive.org) [accessed 07 February 2021].

<sup>401</sup> Aubrey, *How to write a story*, p. 10.

The use of the word ‘transgressions’, rather than crimes, primes the author to consider their ancestors’ actions as less serious. Downplaying an ancestor’s actions was seen in Chapter Three in the responses to the surveys and will be seen below in examples drawn from the literature. Ronald D. Lambert also drew attention to this tendency of descendants to minimise their ancestors’ actions in order to accommodate them more comfortably into the family narrative.<sup>402</sup> The instructional literature is contradictory in the way it portrays and instructs would-be authors to portray historical crime. The crime is central to the narrative, and yet there appears to be an imperative to dilute it. There is grudging acceptance that the crime was serious at the time it was committed, but the historical actors are exempt from being classed as criminals, as the instructor commented:

She committed a crime. The severity of that crime and the subsequent sentencing can be argued as anomalies of law in many cases but the simple fact remains - your ancestor was a criminal in the eyes of the court at that period in history.<sup>403</sup>

Convicts are described as being ‘captured by police’, giving an impression of their being unfairly targeted. Authors are asked to consider if their ‘lady’ was ‘in dire need... or commit[ed] the crime under duress... [or as] a bit of a lark’.<sup>404</sup> Each of these options lessens the agency of the convict. The options put forward cast them as either forced or coerced into committing a crime, or, somehow, a victim of the justice system, ‘a person whose life was now completely out of their own control’.<sup>405</sup> Even where there is some acknowledgement that an ancestor could be a criminal, their capture by police or their conviction is styled as a misfortune: ‘a seasoned criminal whose luck just finally ran out’.<sup>406</sup>

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<sup>402</sup> Lambert, *Reclaiming the ancestral past*, p. 121.

<sup>403</sup> Aubrey, *How to write a story*, p. 11.

<sup>404</sup> *Ibid.*

<sup>405</sup> *Ibid.*, p. 16.

<sup>406</sup> *Ibid.*

This theme of victimhood is continued in the portrayal of the institutions of the criminal justice system. The instructional literature makes much of the conditions in prisons and aboard the transport vessels:

Awaiting trial would be a nightmare of raised hopes and dashed expectations - a cacophony of swelling emotions all within dark, dank, overcrowded, loathsome surroundings... living hell...<sup>407</sup>

The vivid description of the punishment further serves to encourage and permit authors to forefront the severity of the punishments, such as transportation, meted out to their ancestors, rather than focus on their crimes. The crime recedes into the background.

The sympathies of the reader are engaged through a series of set-pieces. The ancestor is presented as without family, a victim of injustice, regardless of their crime, and to be pitied for enduring the harsh criminal justice system and the deprivations and hardships of imprisonment and transportation. The instructor also primed the authors to see their ancestors as being continually disadvantaged even after receiving their ticket of leave or total freedom: ‘emancipated convicts were never looked upon as being worthy of social class in the early years’.<sup>408</sup> This assertion reinforced a characterisation of convicts as battling against the odds: ‘Did she feel shame or did she overcome through her own strength of character’.<sup>409</sup> The instructor then reminded would-be authors of the shame of convict ancestry, which they and authors such as Babette Smith see as having been all-pervasive in Australian society in the first half of the twentieth century, declaring that ‘your story should be written with all of this in mind’.<sup>410</sup>

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<sup>407</sup> Ibid., p. 10.

<sup>408</sup> Ibid., p. 22.

<sup>409</sup> Ibid., p. 23.

<sup>410</sup> Ibid.

Throughout the instructional material, authors are encouraged to ‘place yourself in her life’.<sup>411</sup> Authors are explicitly called on to empathise with their subject. At the same time, the instructor warned: ‘Do not create a fantasy figure’.<sup>412</sup> The instructor encouraged descendants to ‘Create her world through your choice of words’ while also warning that [no] factual article... is worth reading if it is not referenced’.<sup>413</sup> The marrying of fact with compelling storytelling is, as the instructor noted, the ‘challenge’ of writing ancestral narratives. The instructor, somewhat contradictorily, told readers ‘you will take certain literary liberties with descriptions and words, but every item you put into your story will be fully referenced’.<sup>414</sup>

Would-be authors are therefore presented with potentially confusing, conflicting instructions as they start to craft their narrative. Their work must be fully referenced, and adhere to the ‘facts’, but at the same time, they are permitted, particularly when considering their ancestor’s inner life and motivations to not only speculate but to make assumptions, consulting their own feelings to imagine their ancestor’s world-view. A mode of reconstruction which Jerome de Groot has described as ‘fictionalising among the bare known facts’.<sup>415</sup> Just which aspects of this style of advice authors chose to follow will now be examined by looking at the narratives in more detail.

### **Common Narrative Threads: Context, Poverty and the Criminal Justice System**

The potential for descendants to see their ancestors as victims of circumstances, pushed into crime by poverty, unemployment, dependency on alcohol and the social structures in which they were embedded was seen in the responses to the survey, discussed in the previous chapter. Similarly, the

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<sup>411</sup> Ibid., p. 29.

<sup>412</sup> Ibid., p. 10.

<sup>413</sup> Ibid., p. 6.

<sup>414</sup> Ibid., p. 4.

<sup>415</sup> De Groot, *Consuming History*, p. 79.

authors of the narratives drew attention to these factors when explaining the reasons for their ancestors' criminality. Furthermore, those who could not re-create their ancestors' lives by using primary sources compensated for the lacunae by drawing in contextual detail. Ronald D. Lambert noted in his study that, 'knowledge of national and local history equipped respondents to compose generic stories about their ancestors' time and place'.<sup>416</sup> Less generously Han Renders suggested that in much life writing 'context is too often reduced to vague background against which various types of victimization area pictured'.<sup>417</sup> The evidence of this study shows that in their attempts to contextualise their ancestors' lives and explain their actions, some authors included events and scenarios in their narratives which may not have directly affected their ancestors.

Patrick Howard, whose narrative concerns his ancestors who were transported in 1843 and 1849 respectively, began his narrative with a history of Ireland including a commentary on the Roman Empire and the arrival of Saint Patrick into Ireland.<sup>418</sup> This level of scene-setting by Howard is at the extreme even for family historians, although not unique. Elsbeth Hardie, whose work concerns the transportation to Australia of her ancestor in 1811 for the theft of silk stockings, included a mention of an attack by Queen Boadicea in 60AD when describing historical Colchester. The inclusion of this level of extraneous detail is potentially a result of these being self-published works lacking stringent editorial oversight. However, more importantly, for this study, the inclusion of this level of detail serves two purposes. The first is to set a scene which will explain their ancestors' actions, and the other is to prove the authors' abilities as legitimate researchers and historians.

In attempting to contextualise their ancestors' actions, the authors studied here often applied the specific conditions of a previous or future decade to their ancestors' circumstances. Others used

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<sup>416</sup> Lambert, 'Descriptive, narrative, and experiential pathways to symbolic ancestors', p. 323.

<sup>417</sup> Renders, *Theoretical Discussions of Biography*, p. 170.

<sup>418</sup> Howard, *To Hell or to Hobart*, pp. 11-26.

examples from a wholly different part of the country to where their ancestor resided. Invariably the circumstances drawn upon were unpleasant. Judith O'Neill accounted for her male ancestor's move to London by citing falling wages and unemployment in the Scottish weaving community of Montrose. Although there is no doubt that general economic depression can affect all tradespeople in an area, it is worth noting that O'Neill's ancestor was not a weaver but a cabinet maker. Barry Files' writing included two paragraphs describing the Swing riots of the 1830s before conceding that his ancestor 'was probably untouched'<sup>419</sup> by them as he lived in the wrong part of the country. Also, it is a struggle to see what bearing the Swing riots of some twenty years earlier would have on the crime of infanticide for which the author's ancestors were convicted in 1852.

This tendency to draw in temporally distant events was seen in other works. Ron Arons, writing about his great-grandfather's bigamy, considered the possibility of his being aware of the Prince Regent keeping of a mistress in Brighton, where his great-grandfather lived as a child in the 1880s.<sup>420</sup> The temptation to see the potential influence between these two events was problematic for several reasons, not least because the Prince Regent had been dead for forty-five years by the time Arons' ancestor, Isaac, was born. Bigamy was also only one of Arons' great-grandfather's crimes, and there is no evidence that the behaviour of the Prince Regent would have entered into Isaac's sphere of knowledge even if it had been contemporary to his own life. Arons also considered the possibility of an awareness of the Jewish trade in licentious literature being an early influence, although he concedes his ancestor may not have read the books.<sup>421</sup> Arons then cited a period of a high proportion of illegitimate births as a potential influence for the cavalier attitude of his great-grandfather towards marriage.<sup>422</sup>

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<sup>419</sup> Barry Files, *Eliza's Story: The Life and Times of Eliza Webb Dore 1829-1875* (np, 2012) pp. 4-5

<sup>420</sup> Ron Arons, *The Jews of Sing Sing Gotham Gangsters and Gonuvim* (Fort Lee, 2008), p. 270

<sup>421</sup> *Ibid.*, p. 273.

<sup>422</sup> *Ibid.*



Another common theme across many of the works discussed here was the role of poverty in the lives of the authors' ancestors. Ancestors were described as being from 'decidedly seedy area[s]',<sup>423</sup> which were characterised as 'breeding grounds for desperate acts by desperate people struggling to survive'.<sup>424</sup> Although for many there was no direct evidence of their ancestors belonging to the truly destitute, poverty loomed large in their narratives. The authors wrote of 'unremitting poverty' and declared that 'little mercy was shown to the poor',<sup>425</sup> and that, 'they stole, or they starved'.<sup>426</sup> The fore-fronting of poverty, which their ancestor did not necessarily experience, served a similar function to the focus on mismanaged voyages by the authors of transportation narratives which is discussed below. Descriptions of extreme poverty were used to show that their ancestors were disadvantaged and victims rather than active agents. Their only choice, if they had one at all, was crime: 'poorer people could be enterprising too. Unfortunately for them that often meant criminality'.<sup>427</sup>

Kate Grenville, whose ancestor was transported for theft, devoted a chapter to 'The London Poor' in her non-fiction work.<sup>428</sup> Interweaving observations she made during a visit in 2000, Grenville imagined the poverty her ancestor may have only *witnessed*. Rather than focus on the lifestyle that her ancestor may have had, she focused on what he may have witnessed. In doing so, she contradicted her assessment, made just a few pages before, that historical Spitalfields was 'relatively affluent' when her ancestor lived there.<sup>429</sup>

This was real, grinding, fearful poverty. These back lanes of Spitalfields were a living museum of the world Wiseman would have known, a world in which a handful of rusty nails was a saleable commodity.<sup>430</sup>

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<sup>423</sup> T. Garth Hyland, *Thanks a lot, Guv!* (Sandy Bay, 2004) p. 11.

<sup>424</sup> Elsbeth Hardie, *The Girl Who Stole Stockings* (St Kilda West, 2014), p. 27.

<sup>425</sup> *Ibid.*, p. 17.

<sup>426</sup> *Ibid.*, p. 27.

<sup>427</sup> Nick Brodie, *Kin: A Real People's History of Our Nation* (Richmond, 2015), p. 24.

<sup>428</sup> Kate Grenville, *Searching for the Secret River* (Edinburgh, 2006), pp. 66-73.

<sup>429</sup> Grenville, *Searching for the Secret River*, p. 67

<sup>430</sup> *Ibid.*, p. 69.

Crime is portrayed as ‘the only alternative to starvation and destitution’.<sup>431</sup> The crime is committed in order ‘to put food on the table’.<sup>432</sup> There is, however, little evidence that the crimes committed by these ancestors were opportunistic or desperate acts. In many of the narratives, the connection is made between crime and necessity, even where an ancestor was in employment. Or, as in the case of four young prostitutes where the theft of money from clients was calculated to increase their income:

Criminals they were, but more than that they were victims, victims of their time, of circumstances and of the poverty trap they inhabited. They knew no better.<sup>433</sup>

Authors also contextualised their ancestors’ lives in terms of their poverty even where the crime itself had no discernible link to an impoverished state. Sian Busby describes a hand-to-mouth existence for her cordwainer ancestors. Readers are invited to see her great-grandmother’s *childhood* ‘poverty’ as a contributing factor to the double infanticide she later committed:

The lives of poor country-dwellers... in the nineteenth century, were wretched for the most part...<sup>434</sup>

Nick Brodie surmised that his ancestor’s alleged membership of The Defenders, an Irish secret society, was sparked by witnessing economic disparity. While his ancestor was working as an apprentice glass-cutter Brodie conjectured, ‘The wealth he encountered might have angered him’.<sup>435</sup> To reinforce the dismal conditions of their ancestors’ lives, and engage the sympathies of their readers, the authors of the narratives conjured grim exteriors that were cold and damp, and interiors

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<sup>431</sup> P June Robertson, *Our Story* (np, 2010), p. 5.

<sup>432</sup> Radio New Zealand, Nine to Noon, ‘The Girl Who Stole Stockings’, radio interview with Elsbeth Hardie 16 October 2015, <http://www.radionz.co.nz/national/programmes/ninetoon/audios/201774907/the-girl-who-stole-stockings> [accessed 7 November 2020].

<sup>433</sup> TC Creaney, *The Huddersfield Four*, p. 6, <https://www.femaleconvicts.org.au/docs/convicts/TheHuddersfieldFour.pdf> [accessed 7 November 2020].

<sup>434</sup> Busby, *The Cruel Mother*, p. 59.

<sup>435</sup> Brodie, *Kin*, p. 2.

that were dirty and dark: ‘the family home would have been a cramped, smoky, poorly ventilated and ill-lit space’.<sup>436</sup>

The eagerness of authors to ascribe poverty as a reason for their ancestors’ eventual criminality caused them to overlook other possibilities. In writing about an ancestor one author asked, ‘what hope of a prosperous life did my great-great-great-grandmother... have when her baptism registration labelled her family as Poor?’.<sup>437</sup> Thanks to digitisation, it was possible to verify the annotation mentioned by the writer. When examined, the entry does appear to say ‘poor’ next to the infant’s name. However, other details suggest another meaning for the annotation. While it may refer to the waiving of fees in light of the family’s financial circumstance, the father is listed as a soldier, therefore that seems an unlikely scenario. The register is full of labourers and single mothers who, by any standards, could have also been considered ‘poor’ and unable to pay fees. To call out a single couple would be highly unusual. There is the possibility, given that two children from the same family were baptised on the same day, that the infant is one of twins. They may have been ‘poorly’ and had ‘private’ baptisms. Private baptisms are those which take place in the home and can be undertaken by a parent who is in fear of their child passing. The baptism is then later recorded, as required by law. In this case, there is also the possibility that the word reads ‘pair’. The children are a pair. Alternatively, it may merely have been a double baptism.

Overall the authors’ understanding of historical context, the criminal justice system, the seeming pervasiveness of poverty and their ancestors’ character all converged and influenced how the authors contextualised their ancestors’ crime. When considering this, the authors struggled to reconcile what they assumed about the nature of crime in the eighteenth and nineteenth centuries and their need to believe that their ancestor was not entirely to blame. Their personal feelings

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<sup>436</sup> Busby, *The Cruel Mother*, p. 59.

<sup>437</sup> Bernadette Dewhurst-Phillips, ‘A journey to gentility: Hannah Tillotson’ in Lucy Frost and Alice Meredith Hodgson (eds), *Convict Lives at the Launceston Female Factory* (Hobart, 2013), p. 96.

regarding the severity of the crime also coloured the narratives. Some acknowledged that the crime was considered severe at the time but were apt to downplay its severity by contextualising the crime in such a way as to make it seem a response to a severely imbalanced society in which property was more greatly valued than their ancestors' lives. Elsbeth Hardie, accounting for her ancestor's crime of the theft of stockings, and more generally the crimes of the women aboard the transportation ship *Friends*, which were dominated by thefts, contextualised their actions through a critique of land ownership. Puzzlingly her example centred around poaching, and rural economics, rather than the urban poverty, and urban crime, of her ancestor:

...every squirrel, stone and blade of grass was tied up in timeworn property rights and little mercy was shown to the poor who trespassed and poached the bounty of privately held lands.<sup>438</sup>

Other authors echoed this feeling and portrayed strong regard for possessions as somehow alien to modern sensibilities. Readers were invited to be incredulous that an individual might be punished for the theft of someone else's belongings, 'possessions were highly valued and jealously guarded'.<sup>439</sup> When Judith O'Neill turned her attention to her ancestor's crime - Kelly stole and pawned cabinet-making tools with an accomplice - she did not explore any possible reasons for her ancestor's crime or how it reflected on his character except to obliquely suggest, through citing Kelly's wife's petition for clemency, that he was 'led... astray'.<sup>440</sup> Lynne Morley offered her readers a heart-warming possibility for her ancestor's theft of a tea urn in 1851: 'perhaps he was trying to steal it, to give it to his parents for a Christmas present, or he was going to sell it for some money for Christmas'.<sup>441</sup> However, as Christmas was unlikely to have been celebrated in this manner by the working classes in the 1850s, the reasoning does not ring true. Debra Lape considered various possibilities for her ancestor's entry into life as a madam: 'what ever the original

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<sup>438</sup> Hardie, *The Girl Who Stole Stockings*, p. 17.

<sup>439</sup> Robertson, *Our Story*, p. 5.

<sup>440</sup> Judith O'Neill, *Transported to Van Diemen's Land: The story of two convicts* (Melbourne, 1977) p. 9.

<sup>441</sup> Lynne Morley, *Finding Thomas Dames* (np, 2015), p. 20.

catalyst - abuse, poverty, greed, entrapment, liberation - Lizzie decided relatively early in her life to make a success out of a career that others would have shunned'.<sup>442</sup> Her ancestresses life of crime, therefore was a brave choice.

Some authors took this tendency to look for mitigating circumstances even further. In a form of victim-blaming, they put the onus for the crimes on those that their ancestors stole from, declaring: 'opulent wealth was there to taunt them'.<sup>443</sup> In their assessment of the circumstances, their ancestors were not to blame for being tempted into crime.

Underpaid and overworked... for many the temptations that were then exposed to them proved too much and they embraced the opportunities for theft.<sup>444</sup>

crime was often an attractive alternative to the hard life of a servant<sup>445</sup>

The narratives provide further evidence of descendants seeing their ancestor as a victim of circumstances rather than a criminal. The delineation of character and the treatment of contextual information invited readers to be sympathetic to the protagonists as victims of poverty or of an uncaring society, whose only recourse was to crime, and to see the crime as a desperate act. As Renders has suggested, the 'life writer adopts the stance of therapist'.<sup>446</sup>

It is reasonable to suppose that Maria, like many of her contemporaries, was stimulated to crime by any or all of such factors as low wages, bad living conditions, periodical unemployment and an unstable or non-existent family life.<sup>447</sup>

The characterisation of their ancestors as victims rather than criminals was further emphasised in the descriptions of the historical criminal justice system. Embodied by the courts, convict hulks,

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<sup>442</sup> Debra Lape, *Looking for Lizzie: The True Story of an Ohio Madam, Her Sporting Life and Hidden Legacy* (np, 2014) p. 33.

<sup>443</sup> Brodie, *Kin*, p. 24.

<sup>444</sup> Hardie, *The Girl Who Stole Stockings*, p. 28.

<sup>445</sup> Michael Flynn, *A Biography of Maria Coverley and James Lord* (Australian Female Convict Database), <http://colonialties.com/>

<sup>446</sup> Renders, *Theoretical Discussions of Biography*, p. 174.

<sup>447</sup> Ibid.

transportation and prisons, it was consistently portrayed as hostile. In these narratives, the justice system was not a peace-keeping force or a social good. Instead, it was an oppressive system which pursued and subjugated the poor. Of the prisons Robertson wrote, ‘conditions in the prisons in Elizabeth Pulley’s time were indescribably bad... A gaoler could chain a prisoner with neck and leg irons and then demand money for their removal’.<sup>448</sup> Writing about the hulks, O’Neill said they ‘were notorious for overcrowding, sickness and violence’.<sup>449</sup> T. Garth Hyland surmised that his ancestor’s release from a hulk was achieved through bribery ‘paid to corrupt management’.<sup>450</sup> While the descriptions and suppositions are based in fact, as will be seen below, it is in the application of generalities, or assuming conditions in one place or period were similar to those experienced by their ancestor that descendants diverge from what is knowable and present scenarios which heighten a sense of injustice.

Authors drew on secondary sources and consulted their feelings when describing their ancestors’ experiences. In those sections authors often drew on theories and examples to which their ancestor was not necessarily exposed. Elsbeth Hardie informed her readers that: ‘There was a widespread belief at the time that misdeeds were the result of what was physiologically a criminal mind. Exporting this brain addled criminal class, it was mooted rather simplistically, would eliminate crime from England’s green and pleasant land’.<sup>451</sup> This is a powerfully stated argument; however, Hardie was writing about events which took place in 1810. Theories linking physiological traits to criminal tendencies date to a post-Darwinian time. Similarly, Sue Swinchatt, recounting her ancestor’s transportation in 1831 drew her readers’ attention to the ‘undesirable “criminal class”’<sup>452</sup>, a concept that in 1831 was at least a decade away from common usage. In drawing on these

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<sup>448</sup> Robertson, *Our Story*, p.15.

<sup>449</sup> O’Neill, *Transported to Van Diemen’s Land*, p. 10.

<sup>450</sup> Hyland, *Thanks a lot, Guv!*, p. 11.

<sup>451</sup> Hardie, *The Girl Who Stole Stockings*, p. 29.

<sup>452</sup> Sue Swinchatt, *The Mariner’s Daughter, Maria Louisa Swinchatt: transported for life to Van Diemen’s Land in 1831* (n.d), p.1.

concepts, the authors anonymised their ancestor and stripped them of their agency. Their ancestor became the victim of a criminal justice system which was prejudiced towards them from the start. They were part of an amorphous group being ground down by the mechanisms of an unfair society.

Sympathy for ancestors was further engaged by focusing the readers' attention on the ancestors' disadvantages beyond their poverty. Attention was drawn to an ancestor's youth, illiteracy or unsophisticated nature. Readers were invited to share in imagined emotional turmoil and fear that the authors suggested their ancestors felt. The authors drew heavily on the social and educational disadvantages of their ancestors to conjure scenarios of oppression. In doing this some authors invariably engaged in presentism, seeing illiteracy and other relatively normal circumstances, for their time, as severe disadvantages. Patrick Howard described his ancestors' appearance in court in the following terms 'Their first brush with the law must have been bewildering. Both were virtually illiterate'.<sup>453</sup> Nick Brodie gave his readers a compelling visual of his teenage ancestor's imagined experience of the courtroom, 'The judge's condemnation and disgust flowed in legalese prose, directed at my ancestor, a boy'.<sup>454</sup> The courtroom is repeatedly described as 'a frightening and intimidating experience',<sup>455</sup> with 'each hearing lasted only a matter for minutes but the sentences handed down usually affected lives forever'.<sup>456</sup> Inherent in the characterisation of their ancestors are assumptions around the advantages of education and class which their ancestors do not possess. In describing his ancestor's admission to prison and the routine he would be expected to follow, Patrick Howard described his twenty-seven-year-old ancestor, who had been imprisoned for the robbery of a dwelling house as 'a bewildered peasant undergoing his first experience of gaol'.<sup>457</sup>

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<sup>453</sup> Patrick Howard, *To Hell or To Hobart*, p. 37.

<sup>454</sup> Nick Brodie, *Kin* p. 9.

<sup>455</sup> Stephanie McComb, *The Relative in the Cupboard: The Story of Jane Sefton alias Jane McCartney* (2014), p. 4 <https://www.femaleconvicts.org.au/docs/convicts/JaneMacCartney.pdf> [accessed 7 November 2020].

<sup>456</sup> Swinchatt, *The Mariner's Daughter*.

<sup>457</sup> Howard, *To Hell or To Hobart*, p. 40.

Other authors were equally impassioned when considering their ancestors' crime. In writing about his ancestor's transportation for the theft of a hat, Nick Brodie said he 'would not like to necessarily accept the judgement of English law on the matter of James Kiss' alleged crime'.<sup>458</sup> He went further, betraying a lack of understanding with regard to the comparative severity of assault versus property crime in the late eighteenth century. He contended 'the theft of a hat',<sup>459</sup> was only included to bolster the chance of prosecution, whereas, in fact, the theft was a more serious charge, 'almost certainly it was the assault that got James in trouble, with the hat theft written up as an additional charge to facilitate the prosecution's success by increasing the odds.'<sup>460</sup> Brodie entirely omitted that the actual charge recorded against his ancestor was highway robbery, a crime which combines violence with theft, something now easily discoverable by a reader thanks to digitised records.<sup>461</sup> His decision to omit detail to push his narrative forward in the direction he wished can now be 'fact-checked' by anyone with access to one of the commercial genealogy websites.

Feelings about the disproportionate and unfair nature of the punishment their ancestors received were most clearly articulated by those with ancestors who were transported. The narratives concerning transported ancestors devoted a sizeable portion of their narratives to the punishment itself.

### **Wrongdoers or Wronged?: Transportation Narratives**

Narratives concerning transported convicts are among the earliest published narratives and the most numerous of the genre. Sixty-two per cent of the narratives examined here were written by

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<sup>458</sup> Brodie, *Kin*, p. 24.

<sup>459</sup> *Ibid.*, p. 23

<sup>460</sup> *Ibid.*, p. 25.

<sup>461</sup> The National Archives, HO47/16 James Kiss/Warwickshire Judges' Reports on Criminals 1784-1830 - Correspondence via Findmypast <https://search.findmypast.ie/record?id=TNA%2FCCC%2FHO47%2F016%2F00554&parentid=TNA%2FCCC%2F2E%2FHO47%2F00004501> [accessed 28 December 2018].



Australian or New Zealander authors writing about convicts transported from the UK or Ireland. As was demonstrated in Chapter One, the lack of publications and research into convict ancestry by Australians was less the result of shame, at least by the 1960s, than one of circumscribed access to archival material. Once the archives opened up in the 1970s Australians began researching and writing about their convict origins. A number of the pieces discussed here were written in the 1970s and 1980s, although most were produced in the 2000s, and eight had no attributable date of creation. The transportation narratives studied here comprised eighteen concerning female antecedents, ten concerning male, and eight concerning antecedents of both sexes. The majority of the authors were female, twenty-four, compared to eleven male authors. One work was collaborative and had both male and female authorship.

Most of the narratives were produced for distribution via two websites. This accounted for the cluster of discoverable material dating to the 2010s, as both websites launched in that decade. Colonial Ties launched the *Australian Female Convict Database* in May 2014.<sup>462</sup> Between 2014 and early 2017 it offered a platform for narratives to be hosted for download. Some required payment, while others were free of charge.<sup>463</sup> The Female Convicts Research Centre Inc. was established in 2004 and their website launched in March 2011. The press continues to add to their publications, and their stated aim is to ‘promote[] interest in the female convicts of Van Diemen’s Land (Tasmania), by encouraging and facilitating research’.<sup>464</sup> They reproduce narratives online and in print, through their Convict Women’s Press initiative.<sup>465</sup>

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<sup>462</sup> KK Genealogy, ‘Launch of the Female Australian Convict Database’ 15 October 2014, via web.archive.org <https://web.archive.org/web/20160111034221/http://colonialties.com/> [accessed 27 February 2021]

<sup>463</sup> Colonial Ties Facebook Page, Colonial Ties: Convicts of Australia <https://www.facebook.com/pg/ausfcd>

<sup>464</sup> Female Convicts Research Centre Inc. A not-for-profit organisation run entirely by volunteers, Home page, <https://www.femaleconvicts.org.au> [accessed 7 November 2020].

<sup>465</sup> Convict Women’s Press Inc. A not-for-profit Organisation, <https://www.convictwomenspress.com.au>

The earliest identified transportation narrative, as opposed to an instructional article, was published in 1977. Judith O'Neill's *Transported to Van Diemen's Land: The story of two convicts* told the story of the author's great-grandparents, William and Ann, who were transported to Australia in the 1830s and 1840s respectively. In researching and writing her book, O'Neill said she was carrying on research begun by her father in the 1960s.<sup>466</sup> This engagement with the subject matter in the late 1960s and early 1970s further speaks to a publicly declared acceptance of convict ancestry by some Australian families long before the bicentennial in 1988. Where O'Neill's publication differed from the research guides and specialist articles in genealogy periodicals that became more numerous in the 1970s, is in its assumption of the existence of a mainstream and accepting audience for convict narratives linked to a *named living* family. O'Neill's work was not a generalised history or an article published within the safety of genealogical circles. This was a family stepping forward and claiming a potentially problematic ancestor as one of their own. The evidence for acceptance by a wider audience, at an earlier date than allowed for by commentators such as Babette Smith, is further reinforced by the resulting book being aimed at a juvenile market. The book permitted children to view convict ancestry as part of a spectrum of normality. Notwithstanding it being a 'startling discovery' for the family, the story was presented as 'not at all unusual' with the actors being described as 'quite typical'.<sup>467</sup>

Although this type of ancestor may have been 'quite typical' in Australasia, transportation narratives were distinguished from narratives concerning imprisoned ancestors from other countries by several elements. First was their focus on the convict ancestor as the families' apical (founding) ancestor. The second was transportation itself as a method of punishment, and how this coloured descendants' view of their ancestors' actions and fate. Thirdly was the characterisation of England and the contrasts they drew with their ancestors' lives in Australia. Finally, these narratives drew

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<sup>466</sup> O'Neill, *Transported to Van Diemen's Land*, p. 5.

<sup>467</sup> Ibid.

on tropes of a pioneering spirit linked to a larger national narrative. Each of these elements was presented in such a way by the authors of the narratives as to portray their ancestor as more a victim than a criminal, and thus engage the sympathies of their readers.

The focus on the transported ancestor as the apical ancestor elevates the convict ancestor to a position of particular importance within the family tree. Rather than one of many, they are identified as the progenitor of a family. The reasons for this focus on the transported ancestor are twofold. The first is simply a matter of access to records, particularly before digitisation. To research British and Irish ancestors before large scale digitisation required requesting information, by letter, from British and Irish archives, or a personal visit to those archives. Travel across the globe to research in archives is a recognised feature of the hobby but is prohibitively expensive for many. Some genealogists deputised family members resident in or visiting those countries to research on their behalf. This was not always undertaken with enthusiasm or thoroughness. For these family historians transported ancestors take the family back to the late eighteenth or early nineteenth century. This level of temporal remove appears sufficient for these ancestors to be a satisfying starting point for the family line and the effort required to research further is disproportionate to what can be learned. Research before 1841, i.e., before census returns, is more challenging, and in Ireland there is little documentary evidence of any sort available before 1830. It is therefore entirely understandable that an Australian researcher having determined the basic facts about a British or Irish ancestor, that is to say, birth date and place of birth, would investigate no further and instead focus on records that were available to them in Australian repositories. Judith O'Neill's treatment of her other antecedents, the relatives of the convicts she writes about, typified this scenario. She summed up her knowledge of William's antecedents as follows: 'we know nothing of William's family or his life'.<sup>468</sup>

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<sup>468</sup> Ibid., p. 7.

Later authors, whose access to records was more extensive, still often limited their commentary about the family of their transported ancestor to the bare facts. The names of parents and siblings and a location of birth were often all that was offered. The immediate family circumstances were not included other than where they served other sympathy-engaging tropes such as poverty or the pervasiveness and normalisation of crime in their community: ‘Ann grew up in a family and environment in northern England where petty crime ran parallel with the hard labour of coal mining’,<sup>469</sup>

Whether or not intended, the lack of research into the family and community in their country of origin has the added effect of isolating the protagonist in the mind of the reader and serves to reinforce their status as a victim rather than an active agent. Presented as without family, and friendless except for those that lead them ‘astray’, criminal ancestors are set up from the very beginning of their story as figures of pity. The lack of family context in transportation narratives is in sharp contrast to the way the authors of more modern narratives draw in a convict ancestors’ family lives to account for their behaviour, as discussed in detail below. The relative lack of records, or access to records, is not the sole reason for the focus on the transported ancestor as the beginning of the family story.

However, it is worth noting that genealogists were not alone in their focus on the transported ancestor. According to David Kent and Norma Townsend, writing in 2002,

Australian historians writing about the colonial era and the founding population were often...blinker. At worst they were inclined to write about the men and women who landed in the convict colonies as if they had no previous lives, though more commonly the British and Irish experience was treated with over-simple generalisation.<sup>470</sup>

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<sup>469</sup> *Ann’s Story: The Tucker branch of the family tree* (np, nd), p. 1

<sup>470</sup> David Kent and Norma Townsend, *The Convicts of the Eleanor: Protest in Rural England, New Lives in Australia* (London,2002) p. ix.

For genealogists, the other, more compelling, reason to focus on the convict ancestor as the progenitor of the family is their link to the establishment and early days of the colony. For genealogists there is always an element of ‘which ancestors matter’. Pin-pointing the first ancestor to arrive in a country, carries a cachet world-wide.<sup>471</sup> Convicts are now embedded in a larger national narrative of pioneers and nation-building, making those who were transported highly desirable as ancestors. This desirability has been acknowledged since the 1960s. In 1964 Donald Horne, in a section of his book *The Lucky Country*, entitled ‘Snobs’, commented acerbically on the ‘slight prestige’ that may be afforded by claiming a connection to ‘an early arrival in the colony... - even a convict’ [emphasis added].<sup>472</sup> Horne was dismissive of seeking prestige linked to early arrival, but the material point is that in the 1960s early arrival, ‘even’ as a convict was considered a point of pride for some Australians. Those that sought to expunge it ‘established a community without the “Irish element” or the “convict strain”’, and were classed by Horne as ‘puritanical and dull’.<sup>473</sup> For the authors of transportation narratives, ‘These convicts and their children formed the basis of the new nation of Australia’.<sup>474</sup> Michael Flynn, whose 1982 thesis included a biography of two convicts, described the colony as follows: ‘It was a raw pioneer society, a land of opportunity in which many convicts could hope to attain freedom and success’.<sup>475</sup>

Notwithstanding the cachet derived from early arrival in the colony, the manner of their ancestors’ arrival is a point of pain and disgust for these authors. Disregarding their ancestors’ crimes and ignoring the supply ships which accompanied the convict ships and the continued communication with the metropole, transportation was portrayed by authors as ‘dump[ing] its human cargo onto a

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<sup>471</sup> Catherine Nash, *Of Irish Descent: Origin Stories, Genealogy & the Politics of Belonging* (New York, 2008), p. 45.

<sup>472</sup> Donald Horne, *The Lucky Country* (Ringwood, 1964), p. 60.

<sup>473</sup> *Ibid.*, p. 56.

<sup>474</sup> Peter J. Hinds, *The Campbelltown Convicts* (Hazelbrook, 2012), p. iii.

<sup>475</sup> Flynn, *A Biography of Maria Coverley and James Lord*.

foreign land',<sup>476</sup> and that Australia 'may as well have been Mars.'<sup>477</sup> Authors were angered by 'a legal system that could send a boy away from his parents and home to the other side of the world'.<sup>478</sup> Transportation for these authors was synonymous with brutality and coercion. One author even went so far as to link the system with concentration camps, saying transportation was 'eclipsed only by the inhumanity of the concentration camps of the 20th Century'.<sup>479</sup>

To recreate the experience of their ancestors' transportation, the authors used both primary and secondary sources, with varying degrees of accuracy. Throughout the narratives, there was a tendency to utilise examples and scenarios which had no direct connection to their ancestors' experiences. In writing her book, Judith O'Neill drew on an enquiry into the condition of hulks published in 1835 and the testimony of a prisoner who had spent time on the hulk *Justitia*.<sup>480</sup> Although her own ancestors' voyages in the 1830s and 1840s appear to have been mostly uneventful, and with only one death aboard ship, O'Neill chose to share with her readers examples from mismanaged voyages, with high mortality rates, to illustrate the nature of transportation.<sup>481</sup>

Under the worst surgeons the convicts were brutally treated, cheated of their full rations, kept in leg-irons for the whole voyage, penned below deck for most of each day with nothing to do... They were cold in winter, parched in the tropics, neglected in illness and publicly flogged for misbehaviour....<sup>482</sup>

After this graphic description of life on board a convict vessel, O'Neill conceded that in the case of her ancestor: 'it is not likely that conditions on his ship were as brutal or degrading as in the earlier days of transportation'.<sup>483</sup>

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<sup>476</sup> Brodie, *Kin*, p. 17.

<sup>477</sup> Hardie, *The Girl Who Stole Stockings*, p. 33.

<sup>478</sup> Brodie, *Kin*, p. 35.

<sup>479</sup> Hinds, *The Campbelltown Convicts*, p. iii.

<sup>480</sup> O'Neill, *Transported to Van Diemen's Land*, p. 10.

<sup>481</sup> *Ibid.*

<sup>482</sup> *Ibid.*, p. 11.

<sup>483</sup> *Ibid.*

There can be no doubt that despite ending with the caveat that her ancestor was ‘not likely’ to have experienced a bad voyage the reader is left with a vivid impression of the brutality of the transportation system. Other authors also emphasised the inhumanity of the system regardless of their own ancestors’ experience. Glenda Stapley drew attention to an outbreak of dysentery aboard the ship her ancestors travelled on, even though they were unaffected: ‘Ann, Mary and little William fared quite well on the journey as they do not appear on the Surgeon’s sick list, although dysentery was rife on board’.<sup>484</sup> Similarly, Jane Huntingdon hinted at the potential for misery when describing her ancestor’s ship-board experiences: ‘the voyage on the *Atwick*, by the sound of it, was not the worse [sic] that she could have experienced’.<sup>485</sup>

In describing their ancestors’ voyages, authors also revealed a lack of engagement with the detail of the operation of the transportation system. Some authors also deliberately portrayed the commonplace as unusual to drive home a point. In a radio interview about her ancestor’s voyage Elsbeth Hardie commented ‘there was a surgeon oddly enough’,<sup>486</sup> when, in fact, the presence of a surgeon was not unusual, albeit not yet mandatory at the time of the sailing of the *Friends*, the ship her ancestor sailed on in 1811.

In these narratives, transportation was portrayed as an extension of an inhumane criminal justice system which is itself presented as an extension of England and English society. Regardless of the time frame, the country was portrayed in Dickensian mode, drawing on imagery which echoed *Great Expectations* or *Oliver Twist*. England was cold, wet, grey, class-ridden and unforgiving. The early portion of the narratives, which focused on the protagonists’ crimes, invariably took place

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<sup>484</sup> Glenda Stapley, *Ann’s Story: The Tucker Branch of the Family*.

<sup>485</sup> Lorraine Roberts, *Why my great-grandmother is my heroine*, <https://www.femaleconvicts.org.au/docs/convicts/JaneHuntingdon.pdf> [accessed 14 November 2020].

<sup>486</sup> Radio New Zealand, Nine to Noon, ‘The Girl Who Stole Stockings’, radio interview with Elsbeth Hardie.

amid ‘grim architecture’<sup>487</sup> on a ‘chilly early spring day’.<sup>488</sup> This type of scene-setting was not limited to the transportation narratives. However in transportation narratives the characterisation of England as a country without opportunity, and with economic, social and justice systems which were dominated by oppression and control was particularly marked. The authors of the transportation narratives saw England as a place where their ancestors suffered and where there would have been no escape from a life of crime. In reflecting on the life of her ancestor whose family continually appeared before the courts for thefts, and finally the robbery of shops, which resulted in Ann’s transportation, Glenda Stapley concluded that in ‘England she would probably have never escaped the prison system’.<sup>489</sup> Likewise, she determined that Ann’s son William, who was transported with his mother, ‘would have... resorted to a life of petty crime in order to eke out an existence’,<sup>490</sup> had he remained in England. In considering the potential trajectory of four young women, two of whom made successful lives for themselves in Australia, TC Creaney concluded that: ‘At home they would have most likely spent many years in prison and in all probability continued with their criminal activities, eventually ending their lives in poverty, probably in the workhouse’.<sup>491</sup>

Regardless of their ancestors’ location or occupation, authors also drew in industrialisation, depressed employment, and the displacement caused by mechanisation as factors influencing their ancestors’ lives. P. June Robertson, in accounting for her ancestors’ crimes of theft, fraud and grand larceny in the 1780s told her readers that ‘it is important to have an understanding of the social conditions of the time. The 18th century brought great and far-reaching social and economic changes in England’.<sup>492</sup> Although she presented no evidence that her ancestors’ suffered due to loss

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<sup>487</sup> Hinds, *The Campbelltown Convicts*, p. 1.

<sup>488</sup> *Ibid.*

<sup>489</sup> Glenda Stapley, *Ann’s Story*.

<sup>490</sup> *Ibid.*

<sup>491</sup> TC Creaney, *The Huddersfield Four*, p. 12 [next page, die was cast]

<sup>492</sup> Robertson, *Our Story*, p. 1.



of employment or other disadvantages brought about by the start of the industrial revolution, she nonetheless embedded their crimes in a society where ‘crime was the only alternative to starvation and destitution’ due to what she describes as the wholesale mechanisation of farming.<sup>493</sup> This theme of crime as a response to industrialisation was repeated throughout the narratives, and the instructional material, sometimes without specific dates being mentioned. An article in the *New Zealand Genealogist* on researching convict ancestry published in 1988 painted broad strokes on the connections between ‘the’ industrial revolution, poverty and crime: ‘During the massive upheavals of the beginning of the industrial revolution in England, large sections of the population found themselves locked into a vicious poverty cycle’.<sup>494</sup>

By placing their ancestor in a society experiencing perpetual crisis, the authors created a setting in which crime was seen as almost inevitable. The actual criminal act was portrayed as insignificant. Readers were asked to consider the pressures under which the authors’ ancestors suffered. Their crime was depicted as an eminently understandable response to the stresses and strain of their lives. Writing about her ancestor’s conviction for theft in 1779, Robertson asked readers to consider two characterisations of her ancestor: ‘At this point Elizabeth Pulley can be seen as an incorrigible thief, or, considering the appalling social conditions of her time and the fact that she had no stable occupation, perhaps more charitably as a survivor’.<sup>495</sup>

As the founding member of a family, the convict ancestor sets the character of the family. They are often portrayed in the narratives as survivors. Their crime is portrayed as having been a matter of survival. They survived the horror of the hulks and the voyage to Australia. They survived an alien landscape. They survived to have children. Some thrived, going on to be notable successes in their communities. There is a contradiction at work in many of the narratives. In England, the ancestor

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<sup>493</sup> Ibid., p. 5.

<sup>494</sup> Gael Thompson, ‘Convict Research in Australia’, *The New Zealand Genealogist* 19.182 (1988) p. 362.

<sup>495</sup> Robertson, *Our Story*, p. 19.

is seen as a victim of circumstance. When they reach Australia, they are praised for their resourcefulness. Disadvantages that they were somehow unable to overcome in the metropole pose only ‘challenges’ to triumph over in the colony. Descendants choose to see their ancestors’ recalcitrant behaviour, as recorded in the surgeons’ reports aboard the transport vessels, as evidence of their spirit and feistiness rather than as negative traits: ‘it is clear to me that from her convict record, Jane... was a proud person and not someone who could be pushed around’.<sup>496</sup> Their criminal activity is seen as evidence of their having a certain spark, being described variously as ‘escapades’,<sup>497</sup> ‘bold’,<sup>498</sup> and ‘shenanigans’.<sup>499</sup> It is this spark that carries them through, and that ultimately allows them to triumph in the colony.

Nick Brodie’s assessment of convicts’ contribution to Australian history resonates with this feeling of a wronged subaltern community which has been rescued from obscurity by family historians: ‘people otherwise poorly documented have become central to the nation’s social history’.<sup>500</sup> While they may have been neglected in the nineteenth and early twentieth-century histories, the convicts of Australia were in fact extraordinarily well documented. It is the very richness of the documents associated with transportation and the Australian penal system that permits family historians and authors to recreate their lives in such vivid detail.

Ashley Barnwell, in the periodical *Life Writing*, wrote that much genealogy is driven by a ‘desire to be on the right side of history’.<sup>501</sup> Barnwell argued that in aligning themselves with their convict ancestry, rather than any of the other thirty-one direct ancestors at that remove, modern-day

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<sup>496</sup> Roberts, *Why my great great-grandmother is my heroine*, p. 1

<sup>497</sup> Hardie, *The Girl Who Stole Stockings*, p. 172.

<sup>498</sup> *Ibid.*, p. 11.

<sup>499</sup> Arons, *The Jews of Sing Sing*, p. 169.

<sup>500</sup> Brodie, *Kin*, p. xi.

<sup>501</sup> Ashley Barnwell, ‘The Genealogy Craze: Authoring an Authentic Identity through Family History Research’, *Life Writing* 10.3 (2013), p. 268.

Australians were, in Barnwell's terms, 'realigning their white identity with the side of the oppressed in post-colonial debates'.<sup>502</sup> The convict ancestor, therefore, is not a source of shame but of indignation. Evidence of this feeling is discoverable within the narratives. Peter J. Hinds, in the introduction to his work, *The Campbelltown Convicts*, maintained that:

For the most part convicts were made up of non-violent criminals, primarily those convicted of petty crimes against property. Some were political prisoners or victims of social injustices. Ill-treatment of the convicts in the colony by overseers and magistrates was rife.<sup>503</sup>

The 'loaf of bread' narrative continues to hold some sway in the Australian consciousness; that is, the idea that the majority of Australian convicts were minor offenders. Time and again the crimes of ancestors are defused and relegated to insignificance as the narratives focus on the harshness of the punishments meted out, and the rehabilitation of ancestors which is evidenced by their success in the colony. As Greg Jackman, writing in 2009 about convicts in Australian historiography, commented: 'within the new national imagery the convict is transformed from reviled villain into romantic hero, misunderstood, oppressed, downtrodden and yet ultimately triumphant'.<sup>504</sup> This has been taken further by some authors who have compared the treatment of their ancestors by the transportation system to the experiences of Australian first peoples. Nick Brodie, who used his family history as a jumping-off point to explore what he describes as 'a real people's history of our nation' drew parallels between his ancestor's treatment by the English legal system to the experience of Aborigines. Both are considered to have suffered at the hands of the 'English'.

So Thomas was tried against an English law that had been brought to Ireland by a colonising force, just like the aborigines of New South Wales who were later tried...<sup>505</sup>

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<sup>502</sup> Ibid.

<sup>503</sup> Hinds, *The Campbelltown Convicts* p. iii.

<sup>504</sup> Greg Jackman, 'From Stain to Saint: Ancestry, Archaeology, and Agendas in Tasmania's Convict Heritage—A View from Port Arthur', *Historical Archaeology* 43 (2009), p. 105.

<sup>505</sup> Brodie, *Kin*, p.

Transported ancestors are portrayed as ‘being dumped’<sup>506</sup> and by implication are not to be included in conversations around the mistreatment of indigenous peoples. In reconciling the role played by convicts in colonising aboriginal lands, Diana Athill, in the introduction to Kate Grenville’s *The Secret River* maintained: ‘the individuals being dumped became the situation’s victims as much as those who were being dumped on’,<sup>507</sup> and that the convicts were ‘put to work as slaves’.<sup>508</sup> Family historians, therefore, not only seek to rehabilitate convict ancestors on their own merits, and for the sake of their family narrative, but also to re-cast them as victims, survivors and the founders of modern Australia.

Despite the emotive descriptions of transportation as both a form of punishment and in the detail of the voyages themselves, descendants choose to see their ancestors’ transportation as ultimately a good thing. They cite opportunities for education, employment and land grants. In a chapter called ‘Character and Personality’ Carol Baxter offered would-be authors the following instruction which encapsulates the main message offered by the narratives.

Once Britain’s criminals were transported to the other side of the world and discovered that they had good weather, food, jobs and opportunities... most became law-abiding members of society. In fact convicts began telling their friends and families in Britain and Ireland to commit crimes to get transported to Australia because they would be much better off than in their homeland.<sup>509</sup>

In *The Girl who Stole Stockings*, Elsbeth Hardie marvelled at the positive outcome of transportation for the women of the transport ship *Friends*: ‘against all expectations, transportation had increased life expectancy of these women’.<sup>510</sup>

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<sup>506</sup> Grenville, *The Secret River*, Introduction.

<sup>507</sup> Ibid.

<sup>508</sup> Ibid.

<sup>509</sup> Carol Baxter, *Writing and Publishing Gripping Family Histories* (Bathurst, 2016), p. 92.

<sup>510</sup> Hardie, *The Girl who Stole Stockings*, p. 129.

Transportation narratives have a set of characteristics which allow an individual to reconcile or accept a convict ancestor into their family tree. These echo the mechanisms identified by Ronald D. Lambert in his work with members of two first fleet organisations in the 1990s.<sup>511</sup> There is a significant temporal remove, in that the narratives usually relate to great-great-grandparents or earlier antecedents; and the crimes are presented primarily as the theft of relatively small quantities of goods and, notwithstanding the seriousness at the time, are easily dismissed now as being disproportionate to the punishment. Finally, the ancestors ‘make good’; they go on to have relatively successful lives.<sup>512</sup> These mechanisms are not available to all genealogists, especially those dealing with ancestors at only two or three generations remove.

### **Uncomfortably Close Relations: Modern Narratives**

At the other end of the temporal scale from those writing about transported convicts are those who write about twentieth-century crimes. Those who choose to publish narratives relating to crimes perpetrated by grandparents or great-grandparents are faced with practical and ethical considerations not felt as acutely by those undertaking research concerning earlier generations. Authors narrating events which occurred within three generations do not have the buffer of significant temporal distance from the events, and the dilution of several generations of remove. Their antecedent is often personally known to older living family members, and the perpetrator of the crime is one of four or eight progenitors, rather than thirty-two, or sixty-four. These criminals are more closely connected to the authors in time and blood. These are relatives whose actions may still affect a family, and whose physical and character traits may still be perceived in living family members. As such, their criminality is often more keenly felt by family members.

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<sup>511</sup> Lambert, ‘Reclaiming the ancestral past’, pp. 111-127.

<sup>512</sup> Those that did not have ‘successful’ lives are of course less likely to have descendants to remember them.

Despite their closer connection, generationally speaking, to the criminal ancestor, the authors of these works usually had no personal interaction with the subject of their narrative. Only in one case studied here did the author know the perpetrator of the crime, when they were a child. The lack of personal knowledge appears to give the necessary ‘space’ between the author and the events for the actors involved to become the subject of research. The authors’ knowledge of the actors was derived mainly from the same types of primary source materials used by all genealogists: census, birth, marriage, and death records, court records and newspapers. While there was greater potential for the events to be relayed through family stories, the details were often already limited, garbled or incorrect.

For genealogists, researching more recent ancestors is more challenging. Data protection laws mean that some records remain closed to the public. More recent newspapers and court documents are often not accessible due to copyright restrictions. Gaining access to official records requires the researcher to make personal applications in writing to the local archives or courthouses, which can be rebuffed. Notwithstanding these challenges, these modern narratives demonstrate how researchers can circumvent family to piece together an official version of events which does not take into account the emotional impact of those events. The reluctance of families to assist or ‘bless’ the researcher’s enterprise may stem from the seriousness of the crimes involved, and the impact on their own lives. These narratives often feature more serious crimes and incidents: incest, manslaughter, murder, and infanticide. Where the crimes of the ancestor could be deemed less than serious, for example habitual drunkenness and bigamy, their impact on the family is potentially no less profound. Authors take it upon themselves to resurface these stories. The compulsion to write about these events appears to be driven by the surprise of the story, often related to the incarceration of a close relative being hidden from subsequent generations. The pursuit of these stories exposes the tension in family history research where the desire to do thorough research despite the potential for discomfort, sits alongside a deeply felt connection to the actors involved.

These ‘modern’ examples illustrate how quickly life-changing events can be expunged from a family narrative. The remove of two generations, or the early death or estrangement of grandparents, is sufficient for the crime to be unspoken of within the family. These narratives, which deal with events within living memory, are driven, even more so than those of more historically distant events, by a sense of ‘how did I not know?’ on the part of the researcher. In Darby and Clough’s study, thirty-two per cent of respondents cited ‘the desire to learn about mysterious stories’,<sup>513</sup> as the trigger for their pursuit of family history. The authors of these narratives acknowledge that the secrecy surrounding the events was a spur to their research and writing. The themes of secrecy and reconciliation are manifested in the titles of some of the works: *The Cruel Mother: A family ghost laid to rest*;<sup>514</sup> *The Secrets They Kept: The True Story of a Mercy Killing That Shocked a Town and Shaped a Family*.<sup>515</sup>

These forgotten stories were rediscovered either through some form of oral retelling, which often got details incorrect, or by dint of the researcher discovering a residence or death record which linked the ancestor to a penitentiary. The moment of discovery was vividly recounted within the narratives. Ron Arons, whose entrée into family history had been through the deaths of his parents, described the discovery of his great-grandfather’s bigamy and tax fraud in the early part of the twentieth century as a shock: ‘Instead of solace, the intended goal of my early family research, I found myself caught in a web of intrigue’.<sup>516</sup> For Sian Busby, her research deepened her emotional connection to the events. Despite having some knowledge from oral histories of her ancestor’s crime of infanticide her personal research journey changed her perception of, and engagement with, the events. She set the stage for her readers: ‘Now I knew for sure. It was no family myth, no story

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<sup>513</sup> Darby and Clough, ‘Investigating the Information Seeking Behaviour of Genealogists and Family Historians’, p. 6.

<sup>514</sup> Sian Busby, *The Cruel Mother: A family ghost laid to rest* (London, 2005).

<sup>515</sup> Suzanne Handler, *The Secrets They Kept: The True Story of a Mercy Killing That Shocked a Town and Shaped a Family* (np, 2013).

<sup>516</sup> Arons, *The Jews of Sing Sing*, p. 4.

embellished and garbled due to the passage of time, no terrible lie, no daydream or nightmare. It had really happened'.<sup>517</sup> Similarly, for Suzanne Handler, the discovery of her grandfather's act of filicide felt revelatory. She claimed that it 'altered the course of my life'.... 'As we sat together at my kitchen table that May afternoon, I learned an incredible piece of family history that has forever altered the course of my life'.<sup>518</sup>

While all of the authors studied here faced the potential for disapproval and criticism from family members, those dealing with subjects who were personally known to the older members of the family faced particular difficulty in pursuing and publishing the narrative. One author made explicit mention of the importance of her mother's 'permission to share'<sup>519</sup> in the acknowledgements section. Another apologised to any family members she may offend by writing her book: 'I am sorry if there are any members of my family who feel perhaps, after all, this dirty corner of our common past was best left unaired'.<sup>520</sup> Whatever ethical considerations or hesitation there may have been, these authors still chose to pursue and publish their research. As one author says: 'it is my intention to right this wrong'.<sup>521</sup>

The modern narratives in particular were constructed as a journey of self-discovery alongside the 'crime' narrative. Authors clearly articulated the value they found in doing this work. This fits with Catherine Nash's analysis of genealogy, which she described as 'a process of self definition and self-making'.<sup>522</sup> It also aligns with Hans Renders view of life-writing as a medium in which 'the researcher himself... occupies a foregrounded position in the texts'.<sup>523</sup> Each section of these

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<sup>517</sup> Busby, *The Cruel Mother*, p. 16.

<sup>518</sup> Handler, *The Secrets they Kept*, p. 1.

<sup>519</sup> *Ibid.*, p. xiv.

<sup>520</sup> Busby, *The Cruel Mother*, p. 12.

<sup>521</sup> Handler, *The Secrets they Kept*, p. 135.

<sup>522</sup> Nash, *Of Irish Descent*, p. 17.

<sup>523</sup> Renders, *Theoretical Discussions of Biography*, p. 182-3.



narratives, from the moment of discovery to the discussion of the events themselves, to their contextualisation in terms of social conditions and earlier family history and the final outcome and discussion of the legacy of the events, was punctuated by reflective passages. The authors inserted themselves in the narrative at regular intervals, interweaving methodology and personal revelation with the historical narrative. Richard Serrano, in writing about a grandfather he had never known, claimed that the research he had undertaken had a profound effect on his mental wellbeing. 'I had unearthed a dark side of my family that I never dared dream existed, and through them I inherited a new understanding about myself.... I picked up the power of forgiveness. I cleansed my heart'.<sup>524</sup> Deborah Cohen maintained that uncovering 'secrets are crucial to the enterprise [of family history] ... For it is the shadowy and suppressed, the mysteries of previous generations which unlock the clue to the family, and, by extension, the searcher's own personality'.<sup>525</sup>

Despite not knowing the actors personally, these authors display the emotional connection Yaker and Torres have described in family historians. They feel a connection to their subjects that is materially different from that of an academic historian examining a subject. Family historians claim to see the effects of their ancestors' acts on their own lives. Whereas those descended from transported convicts draw inspiration from traits such as resilience and pluckiness and see these being passed on to subsequent generations, the authors who draw from more contemporary events are more likely to see evidence of trans-generational trauma. Speaking of the murder of an aunt by her father (the author's grandfather) Suzanne Handler asked: 'In how many ways, I wondered, had the tragedy of her life impacted my own?'.<sup>526</sup> Handler went on to articulate a belief that the events profoundly affected all family members, calling it 'an incredible story that so profoundly shaped my family's history... I believe all surviving members of the... family bore the shame and sorrow'.<sup>527</sup>

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<sup>524</sup> Richard A. Serrano, *My Grandfather's Prison: A story of Death and Deceit in 1940s Kansas City* (Columbia, 2009), pp. 153-154.

<sup>525</sup> Deborah Cohen, *Family Secrets: Living with Shame from the Victorians to the Present Day* (London, 2013), p. 244.

<sup>526</sup> Handler, *The Secrets they Kept* p. 4.

<sup>527</sup> *Ibid.*, p. 130.

Handler saw her grandfather's crime as a seminal event which rippled outwards and down through the generations. For Hardie all of the family's other problems, although unspecified, could be traced back to this event.<sup>528</sup>

The authors of more modern narratives were more likely to consider the possibility of the transmission of negative personal characteristics. They actively considered their own potential for criminality in the light of their discoveries. Ron Arons, shocked by his great-grandfather's transgressions was stunned by his discovery, 'I was one eighth criminal, a concept that certainly shattered my self-image of a shameless goodie-two-shoes'.<sup>529</sup> The authors considered the potential for other 'negative' traits to be passed on. Sian Busby, in speaking of her grandmother's crime of infanticide, claimed that 'my family, even after all this time, is afraid of that madness'.<sup>530</sup>

In keeping with this idea of transmission, the authors of modern narratives looked to their ancestors' antecedents to further explain their ancestors' actions. Tracing the family backwards they delineated patterns of poverty and setbacks. The narratives continuously reinforced the negative aspects of their ancestors' lives. They created a vision of inescapable poverty and misuse by society over generations. In their assessment, their ancestors' misdeeds were the product of generations being weighed down by life.

Suzanne Handler wrote: 'to better understand Sam Levin and the decision he made to take the life of his child one must have a sense of where he came from and the many obstacles he overcame before he found himself in the unlikely environs of Cheyenne, Wyoming'.<sup>531</sup> Handler went on to describe how her ancestor Samuel came from a Jewish family that was expelled from Russia eight

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<sup>528</sup> Ibid., p. 125.

<sup>529</sup> Arons, *The Jews of Sing Sing*, p. 9.

<sup>530</sup> Busby, *The Cruel Mother*, p. 38.

<sup>531</sup> Handler, *The Secrets they Kept* p. 51.

years before his birth and how he eventually emigrated at the age of 21 to the United States. Sian Busby similarly devoted a significant portion of her narrative to describing the lives of her ancestors' parents and their financial struggles.<sup>532</sup> She wrote, 'within a decade Beth's family were heading back to Northamptonshire - a somewhat humiliating return to the country which provided the first taste of failure for the couple, the taste with which they would become all too familiar'.<sup>533</sup> While the authors of transportation narratives look to the future success of the family line to expunge their ancestors' crimes, the authors of modern narratives looked further to the past to account for their ancestors' wrongdoing.

### **Conclusion: Genealogists as Biographers and Historians**

The collection and collation of sources and the decision to craft those sources into a narrative is evidence of the depth of engagement of family historians have with their 'hobby'. Narratives, in particular, show that the public are, as Roy Rosenzweig and David Thelen maintained, 'not just passive consumers of histories constructed by others'.<sup>534</sup> Catherine Nash, in her work looking at the use of genealogy by the Irish diaspora, observed that 'contemporary genealogy shades into family history, memory and memoir'.<sup>535</sup>

In choosing to publish their deviant ancestors' life stories family historians are doing more than merely sharing a compelling story about, what was often, their most richly documented ancestor. The discovery of an unknown family story, which had a profound impact on previous generations, and was kept secret from subsequent generations, was a strong impetus for many to document those events and share them with others. However, as part of the writing process, they invariably sought

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<sup>532</sup> Busby, *The Cruel Mother* pp. 58-69.

<sup>533</sup> *Ibid.*, p. 65.

<sup>534</sup> Rosenzweig and Thelen, *The Presence of the Past*, p. 3.

<sup>535</sup> Nash, *Of Irish Descent*, p. 16.

to ameliorate or explain away their ancestors' actions. Historians have long been wary of the potential for unreliability, presentism, and uncritical approaches to past events by non-academics. Thomas Cauvin warns historians working with the public to 'be careful with self-representations provided by narrators... some people can be very proud and celebratory about their past, and only present the best possible image of themselves'.<sup>536</sup> In the majority of cases examined here, the reader was left in no doubt about the, ultimately, redemptive nature of these stories, if not for the main subject, then for the family. The criminal ancestor was contextualised amid poverty and an unbalanced society, mitigating circumstances were presented, hardships endured were brought to the fore, injustice, and the ill-treatment of the mentally ill and prisoners were emphasised. The 'truth' of events was exposed. The crimes themselves were diluted. This was contrasted with the respondents of the survey, a substantial proportion of whom were more apt to describe their ancestor as a criminal.

It may be that in weaving a fuller narrative the creation of a sympathetic version of their ancestors is inevitable. Barry Godfrey, writing about taking oral histories from convicted murderers, maintains that researchers struggle to engage with 'those they find *personally* objectionable'. He continued: 'Credible researchers welcome study of the disadvantaged, the excluded, and the transgressors in society who could all be perceived as being victims of personal and social circumstance, but exclude others whose victim status cannot be established so strongly'.<sup>537</sup> If historians avoid 'unsavoury, dangerous, or deliberately deceptive'<sup>538</sup> subjects, then it should come as no surprise that family historians should choose to portray their ancestors, even deviant ancestors, in a sympathetic way. By focusing on the social and economic conditions of their lives, as suggested by the instructional literature, these ancestors can be cast more as victim than criminal.

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<sup>536</sup> Thomas Cauvin, *Public History A Text Book of Practice* (London, 2016), p. 100.

<sup>537</sup> Barry Godfrey, 'Dear Reader I killed him' Ethical and Emotional issues in researching convicted murderers through the analysis of interview transcripts', *Oral History* 31.1 (2003), p. 60.

<sup>538</sup> *Ibid.*

As Hilda Kean observed, ‘The historian of the family – like the conventional historian – is not recording every detail, every piece of material, but only the ones which fit their purpose’.<sup>539</sup> In relation to convict narratives in particular Lambert suggested that ‘the stories that... genealogists tell about their convict ancestors may ... be seen as rhetorically powerful arguments designed to neutralize their ancestors’ stigmatized status’.<sup>540</sup> However, as Tanya Evans discovered in her collaborations with family historians, they are not seeking comfort or stability. Their work uncovers too many ‘secrets and lies’ for this to be the case.<sup>541</sup> In the narratives examined here family historians sought to understand their ancestors and in doing so both confronted a difficult past and sought to contextualise the events by delving deeper into the circumstances of their ancestors’ lives. The results were uneven but in the attempt they did more than tell a story.

For family historians narratives are not simply a story-telling mechanism or created for the dissemination of information about their antecedents to fellow family historians and family members. Rather, the narratives are a conscious attempt to record for posterity lives that were otherwise under-represented in traditional historical narratives when the cohort producing them were in formal education. The narratives serve to ‘rescue’ a subaltern community from obscurity. The pursuit of family history is a way for individuals to establish a place in history for their family. The creation of narratives is part of the identity of family historians themselves. For some family historians there is undoubtedly an element of proving to themselves that they are capable of the task itself: writing a narrative. As was seen in the previous chapter, the pursuit of genealogy is, for some, the extension of previous academic endeavours, or, at the other extreme, a replacement for the lack of formal education.

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<sup>539</sup> Hilda Kean, *London Stories*, Personal lives, public histories - creating personal and public histories of working-class London (London, 2004), p. 13.

<sup>540</sup> Lambert, ‘Reclaiming the ancestral past’, p. 113.

<sup>541</sup> Tanya Evans, ‘Secrets and Lies: the Radical Potential of Family History’, *History Workshop Journal* Issue 71 (2011), p. 51.

By engaging with their ancestors' lives in a more detailed way through the construction of narrative family historians move beyond traditional genealogy. They draw in historical evidence and literary tropes to widen and deepen their understanding of their ancestors' lives. This deeper engagement with the topic can have a transformative effect, leading to shifts in perception about their ancestor, the history they learned at school, and themselves. Through their engagement with primary sources, they quickly learn to question the veracity of the version of the family story that was passed down to them. Family history research uncovers detail, facts and truth which are often absent from oral retellings. Genealogy research also serves to contextualise families' experiences within the dominant historical narratives the researchers learned at school. Typically, families are found to have not engaged in, or been affected by, the historical events which dominated the researchers' school books. Their research brings to the fore alternative or forgotten histories.

Some family historians see within their ancestors' stories an intimate connection between their ancestors' experience and the manner in which their own life unfolded. As one author described it, genealogical research is 'a personal odyssey', in which the researcher feels they discover as much about themselves as they do their antecedents.<sup>542</sup> Reflections on how the research has affected the family historian and the connections they draw between their own lives and that of their ancestors are made explicit in the narratives they produced. In narratives concerning criminal ancestors, there is a cathartic, almost confessional, element which serves to redeem the criminal ancestor and permit their integration into the family story.

From the evidence of the narratives family historians are apt to be more overt regarding their opinions, and they allow these to influence their work in more transparent ways. There are fewer justifications of the conclusions reached in the work of a family historian, and they do not belabour

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<sup>542</sup> Lape, *Looking for Lizzie*, p. 253.

the reasons for additions or omissions. There is a naïveté to their work that reveals how the raw material of history is received and re-interpreted by the public. Their work also demonstrates how particular themes and tropes retain a stickiness in the public imagination long after they have been abandoned by academia. Portia Robinson was redeeming convict women from the appellation of whore in the 1980s.<sup>543</sup> Yet, family historians still see it as their role to rescue their ancestors from this appellation and recast them as founding mothers and to explain their life choices, usually having had children with multiple partners and not marrying, through their work thirty years after this rehabilitation had succeeded in academia.

These grass-roots historians draw on the work of academic historians where they can. However, there remain institutional barriers to their access. At the present time they have greater, albeit still limited, access to primary source materials than they do the works of academic historians. Their access is usually via subscription on family history sites such as Ancestry and Findmypast. Therefore family historians engage with sources directly and with little or no recourse to academically trained experts, and they take their findings and produce and disseminate historical knowledge among their peers and to the wider public. By producing narratives, family historians are defining themselves, through writing and publication, as researchers and historians. The phenomenon of grass-roots historians and their interaction with difficult heritage will be explored in further detail in the next chapter.

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<sup>543</sup> Portia Robinson, *The Women of Botany Bay: A reinterpretation of the role of women in the origins of Australian Society* (Sydney, 1988).

## Chapter Five: The Criminal Ancestor as Cultural Capital

Having established that family historians engage with and create a variety of materials in their research of their criminal ancestors this chapter explores the ways in which the public take historical knowledge of criminal ancestry into their daily lives and apply their knowledge to contemporary issues.

There are significant challenges in gathering the evidence necessary for analysing public attitudes towards historical topics. As Roy Rosenzweig observed, when discussing historical issues, the public share their thoughts and observations, not in formal, structured forums, but in ‘dinner conversations, while watching television, or at reunions, family gatherings, and holiday celebrations’.<sup>544</sup> These venues are closed to researchers. Social media has changed what can be learned to some degree, although challenges remain in gathering significant amounts of data. Social media has become an extension of the home, the cafe or the pub. It is a place where the public interact in large volumes with peers. However, commentary on specific topics is dispersed amid a vast mass of posts and interactions. As will be seen below, many online forums have developed mechanisms to create bounded spaces within the vast landscape of the internet. These hubs ensure those who are interested in a specific topic can share their thoughts with like-minded individuals. Although the majority of these interactions are publicly viewable, there are significant ethical issues with utilising material published, even to seemingly open platforms such as social media, for research purposes. These concerns have been brought into sharp focus by large scale projects which used APIs, scraping or machine aggregation of tweets.<sup>545</sup> The concept of the ‘right to be forgotten’ which was codified in 2018 by the General Data Protection Regulation (GDPR) also

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<sup>544</sup> Rosenzweig and Thelen, *The Presence of the Past*, p. 25.

<sup>545</sup> Wasim Ahmed, Peter Bath, and Gianluca Demartini, ‘Using Twitter as a Data Source: An Overview of Ethical, Legal, and Methodological Challenges’ in Woodfield, K., (ed.) *The Ethics of Online Research (Advances in Research Ethics and Integrity)* (2017) pp. 79-107.



created further difficulties in the use of data relating to living individuals.<sup>546</sup> For the present study the text of public posts, relevant to the topic of criminal ancestry, made on the social media platform Twitter were searched for manually and quoted and cited as ‘micro-blogs’, a format which is still permitted for analysis and aggregation for research purposes.

The posts were discovered by searching on the words convict, prison, prisoner, murder, thief, imprisoned, and indentured in combination with the words ancestor, grandfather and grandmother. It was not necessary to specify ‘great’ grandfather or other qualifiers relating to generation as the search picked these up. It was determined that to include uncle or aunt would obscure historical examples with contemporary cases. The word ‘transported’ is also utilised by those posting about the Holocaust and therefore was not suitable as a keyword for the present study. Further tweets were selected from #genchat and #ancestryhour conversations. Responses to original tweets offered further insight. Given the private nature of many of the Facebook groups analysis of that medium was restricted to commentary on the style of the groups and the ways in which they promoted themselves to potential members, i.e., the analysis was confined to the public-facing elements of the pages or groups and not the posts within them. Given the significant challenges and ethical issues in aggregating social media posts at scale, this chapter also draws evidence from the final question posed in the online survey and interviews. The question was designed to elicit reflections and responses regarding the historical context of their ancestors’ crimes, and the respondents’ attitudes towards crime.

## **The Potential for Attitudinal Change**

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<sup>546</sup> Intersoft Consulting, ‘GDPR, The right to be forgotten’, <https://gdpr-info.eu/issues/right-to-be-forgotten/> [accessed 2 December 2018].

The final question in the main survey probed respondents on the potential for the discovery of a criminal ancestor to affect their historical consciousness and present-day beliefs. The response options were ‘yes’ or ‘no’, and a comment box was provided for further commentary, but this was optional.

Did your discovery of a criminal ancestor, and any subsequent research you conducted, lead you to change your attitudes towards crime and punishment, either in the past or in the present? Please explain.

This question, which explicitly asked respondents about attitudinal change, elicited 444 responses. Twenty respondents skipped the question. Three hundred and fifty-two respondents (79.45 per cent) answered ‘no’, indicating that the discovery of their ancestors’ crimes had *not* altered their attitudes to crime in either the past or the present. Ninety-one (20.54 per cent) indicated that they *had* experienced a shift in attitude. For an overwhelming majority to indicate ‘no effect’ appears, at first glance, a stark comment on the potential for family history to have any impact on public engagement with the past. However, further analysis revealed the nuances behind these numbers.

One hundred and seventy-one respondents provided commentary on their response. Those that experienced a shift in attitude were more inclined to offer further commentary to support their selection. There were 76 comments from those that responded in the affirmative, this represented 83.51 per cent of those respondents. Those that said they experienced no change in attitude were less inclined to justify their response, of those that responded in the negative, 90, 25.56 per cent, provided further commentary. These comments are interwoven in the analysis below.

The relationship between the response to this question and responses to earlier questions revealed some interesting correlations, influences and deviations in respondents’ perceptions. As illustrated in Table 5.1 below, the perceived culpability, or otherwise, of an ancestor did little to affect those who felt their discovery had not changed their attitudes. Those respondents reported a reasonably even split across categorisations of their ancestor as a criminal, a victim of circumstance or ‘a bit of

both'. This contrasted with those who did declare an attitudinal change. They responded to the earlier question with a strong sense that their ancestor was a victim of circumstance, or could be characterised as both a criminal and a victim of circumstance, with just 17 (18.7 per cent), declaring their ancestor to be a criminal. Those who had their attitude changed were less inclined to see their ancestor as an outright criminal. As will be seen below the discovery of a criminal ancestor for these respondents was a transformative learning moment. Their criminal ancestor opened up new ways of thinking about the past.

Table 5.1: Culpability of Ancestor/Attitudinal Change (n=464)

<b>Attitude Change</b>	<b>Victim of Circumstance</b>	<b>Criminal</b>	<b>Both</b>	<b>No Response</b>	<b>Totals</b>
<b>No</b>	114	104	122	12	352
<b>Yes</b>	27	17	46	1	91
<b>No Response</b>	4	4	5	8	21

In considering the criminal justice system, those that had experienced a change in attitude were also more likely to declare the criminal justice system, as experienced by their ancestor, to be harsher than the modern system. Over 81 per cent of those who declared a change in attitude were more likely to say the historical criminal justice system was harsher than the modern system. Whereas those who declared no change in attitude were three times more likely, than those who said they had experienced a shift in perspective, to say that the two systems criminal justice systems (historical and modern) were broadly comparable. Both groups gave a similar response to the categorisation of the historical and modern justice system as being 'about the same'.

Table 5.2: Severity of Justice System/Attitudinal Change (n=464)

<b>Attitudinal Change</b>	<b>Harsher</b>	<b>More Lenient</b>	<b>About the same</b>	<b>No Response</b>	<b>Totals</b>
<b>No</b>	234	29	75	14	352
<b>Yes</b>	74	9	7	1	91
<b>No Response</b>	10	0	2	9	21

Previous or existing knowledge was key to how individuals responded to the attitudinal question. Respondents offered evidence that their attitudinal shift was linked to their general knowledge about the past. Overall, those that answered ‘no’ to the attitudinal question answered other questions indicating that they felt they understood the historical context of their ancestors’ actions and the criminal justice system to which they were subject. This was also evident in their responses to the specific question about attitudinal change. As will be seen below many who responded ‘no’ indicated that they ‘already knew’ the realities of the historical criminal justice system, and so their attitude did not alter when they discovered a relative that was caught up by the criminal justice system. For those that answered yes to the attitudinal change the reverse was true, the discovery of a criminal ancestor supplied them with new information, not just about their ancestor, but about the past.

When asked if the discovery of a criminal ancestor prompted them to learn more about the history of crime, 213 of the 464 respondents said no, 189 responded yes, and 54 that they ‘intended to’, while eight respondents skipped the question. This response was teased out further by asking respondents about their activities after the discovery of a criminal ancestor. Those that reported no intention to discover more about the history of crime did offer that they ‘researched social climate of the time and place it occurred’ (22611665) or ‘had discussions of why crimes committed in the past and what constituted a crime (stealing bread, poaching etc)’ (22613402) and ‘read a book about

the prison to which he was incarcerated' (35583018). Therefore, while they may not have intended to do further in-depth research into the history of crime, they displayed a general curiosity about the circumstances and context specific to their ancestors. They were also prompted to discuss the nature of historical crime with others. Even if they did not continue with focused research, they did reflect on the past. Those that answered that they had, or intended to, do more research offered examples of books they had read and other sites they had utilised in order to further their knowledge. Many also noted that the discovery of a criminal ancestor prompted further genealogical research, rather than secondary or contextual reading. As genealogists their focus continued to be on the genealogical puzzle, and the events specific to their ancestor rather than necessarily engaging them in a desire for wider historical awareness.

What did emerge from the responses was a general sense of the past 'being the past'. When reflecting on their ancestors' actions, a number of the respondents who said their attitude had not been changed articulated thoughts and feelings around the past being different from the present. They drew attention to the differences between the present and the past to contextualise their feelings around crime and punishment. An event was characterised as 'of its time', and these respondents felt there was no change to their personal attitudes as a result. One respondent, whose 16-year-old male ancestor was charged with incest after impregnating his 14-year-old sister, made a general observation on the nature of crime and punishment in the past: 'Both crimes and punishment are defined by the people of the time. I'm ok with present definitions of crime (mostly) and can't pretend to understand the feelings of people of 100 years ago' (34394725).

Other respondents made similar comments about their attitude being informed by their understanding that the past was 'different', making comments such as: 'Just accepted that it was a long time ago' (40507560), or: 'It was "of its day"' (40070973); 'Times are different, laws and punishment are different and will be in the future' (22336387). One respondent, who gave details

of two ancestors imprisoned for burglary, and one who was acquitted for assault, quoted LP Hartley in response to the attitudinal question: 'The past is a foreign country - they do things differently there.' (35151746). Another paraphrased the famous quote, saying: 'The past is a different world, not comparable to today' (22849737). On the one hand, these sorts of responses may demonstrate an awareness of the need for objectivity, and an understanding of context when considering historical events, by the respondents. On the other hand, it could speak to an easy dismissal of the actions of their ancestors and the situations they found themselves in by simply declaring the past to be 'different'. By declaring the past to be different respondents avoided addressing the complexity of the past, and psychological discomfort brought about by their ancestors' actions and the outcomes of those actions. Their ancestors and their criminality were safely ensconced in the past and did not affect the present. In placing these events firmly in the past, the respondents balanced their claim on the ancestor as part of their family's story and distancing themselves sufficiently to avoid the discomfort of association. Their ancestors were theirs, in the possessive sense, but not them, in the sense of influencing their character. This tension between claiming ownership of an ancestor and keeping them at a safe distance has been seen throughout this study.

Some respondents, while commenting on the differences of the past did reveal something of their own attitudes in their commentary, albeit in responding 'no' to attitudinal change they did not link these beliefs to their discovery of a criminal ancestor. As one respondent, a genealogist with over twenty years research experience who had commented throughout the survey regarding historical context, said: 'I believe today's justice system is too soft but that's got absolutely /nothing/ to do with finding a criminal or six in the family! :)' (22849737).<sup>547</sup>

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<sup>547</sup> Emotive icons, or emojis as they are known, are used to convey emotion in the text-based environment of messaging and social media but are utilised elsewhere, :) indicates a smiling face. Here the user is indicating that they, and the reader, should be amused, or at the very least unperturbed, by their discovery of six criminal ancestors.

Although only overtly articulated in a few responses, there was evidence of feelings of declinism in the survey. The comments were made concerning the effectiveness of the modern criminal justice system. Despite feeling that the historical criminal justice system had unjustly or harshly treated their ancestors, respondents made comments regarding the laxity of the modern criminal justice system when compared to the past. A respondent, whose third great-grandfather was transported to Tasmania for life for theft said: 'My views are unchanged. Of course punishment was much harsher then but it was of its time. Today it is not harsh enough.' (40384316). Another respondent, reflecting on historical versus modern punishment considered the utility of harsher punishments: 'I understood that crimes in the past were harshly punished. Perhaps though not to the same extent we should bring in stricted punishments for current crimes' (4083294). For these respondents, nostalgia was imbued with the belief that society was more ordered and controlled in the past, and that modern society was more chaotic and permissive.

Other respondents who also declared no change in attitude said that their discovery and research reinforced what they already knew about historical crime and punishment. Australian respondents, drawing on examples of transported ancestors, said that their ancestors' stories reinforced what they already knew about the transportation system. This invariably focused on the harshness and disproportionate nature of the punishment, and the utility of the process for ridding Britain of undesirables. One respondent, whose ancestor was transported for seven years for burglary drew attention to the 'inappropriateness' of the sentences which he felt were a defining feature of transportation:

I was always aware of the inappropriate sentences handed out for minor offences (e.g. stealing a loaf of bread by a hungry young boy, sentenced to 7 years transportation). Britain introduced and used transportation to rid itself of some of the 'dregs of society', thankfully our system (although not perfect) is miles better in modern times. Britain's 'dregs of society' went on to help create modern day Australia and to some extent America. (52127271)

This response is a distillation of the popular view in Australia since the rehabilitation of transportees from the 1970s. The ‘loaf of bread story’ is centre stage, as are the dismissal from England and founding-father tropes, both of which are repeated time and again in narratives around Australian transportation. This respondent, in contrast to those above who displayed an attitude of declinism, imbued his response with ideas of progress. The criminal justice system, although flawed, had improved over time.

Other respondents who declared no change in attitude also said that what they had learned reinforced their beliefs around the illiberality of past societies, and the general inequality in the criminal justice system. One respondent, whose third great-grandmother was transported for theft, said, ‘thought it was unfair in eighteenth century, and still do so’ (22577564). Some respondents took this further. In declaring no attitudinal change, they drew on their political views and affiliations to explain their stance. One respondent, who described their great-grandfather’s conviction for fraud as a ‘shameful family secret’ said, ‘I am on the Left politically, always on the side of the criminal’. He had already declared a belief that the seven-year sentence his ancestor received in the 1870s, which he felt unduly harsh, was as a result of his being Jewish (22857333). Another respondent whose great-grandfather had received the death penalty for murder in the 1870s simply stated ‘against cap punishment’ (35333649). These respondents openly declared their bias and their predisposition to think well of their ancestors, seeing them as disenfranchised first, and criminal second.

For those that said their attitude towards crime had changed the majority commented on what they had learned about the past. From the responses made by these participants, it was clear that these respondents had not learned about the history of crime until it intersected with their own family. The discovery of a criminal ancestor was a learning experience. Several of the responses, which reflected a learning element, pivoted on the discovery that crimes against the person, such as assault



were less severely punished in the past than today, whereas crimes of property carried more severe sentences in the past. This reversal of punishment patterns took them by surprise and jarred with their understanding of what constituted a serious crime. As one respondent, whose ancestor was transported for the crime of rape commented, 'I did notice that certain crimes that would now be described as "petty crimes" carried very severe (sometimes death) penalties in the past' (50316494). As this respondent had already declared her ancestor's crime 'horrific', her commentary showed that she conducted some research beyond her ancestor's crime and read more generally about crime and punishment in the past. Another respondent drew attention to what they saw as a disparity in sentencing between crimes against the person and property crime. This respondent, however, did not appear to have educated themselves further regarding the law: 'I have read newspaper articles where, for example, convicted criminals have not been imprisoned for more serious offences, including assault' (41417276). This could be characterised as uncritical presentism on the part of the respondent. However, it is more likely that rather than imposing their views of the present on the past, they had simply not taken the time to inform themselves. In that sense, their 'presentism' amounted to not considering that the law might have been different in the past, merely that the punishments were harsher.

For the most part, respondents characterised the past as 'harsher', however one respondent, who discovered that their two times great-grandfather had spent time in prison in the 1870s for cruelty to an ass, commented: 'was surprised punished with imprisonment and fine for animal cruelty, a rather more enlightened outlook than I had expected' (40305598). The discovery of a criminal ancestor in this instance resulted in the respondent discovering that laws she thought to be evidence of an 'enlightened' modern society were in force in the past. This demonstrated, alongside other responses, that understandings of the past often carried with them assumptions around 'progress'. A cruel or harsh punishment came as less of a surprise to respondents than evidence of enlightened thinking. The past was expected to be harsher and more punitive. Other responses showed that a

history of progress, which has fallen out of favour with historians, still resonates with a section of the public. ‘It made me realise how hard life was in the nineteenth century - poor people could be sent abroad, unable to get back once their sentence was over or stuck in awful conditions in one of the gaols or on board a hulk’ (37030146).

The responses to the attitudinal question elicited several comments around the circumstances of an ancestors’ life. Respondents said that their change in attitude towards crime was as a result of better understanding the context of their ancestors’ lives. These responses drew primarily on issues of poverty and mental health, themes which were also seen in previous chapters. Respondents regularly demonstrated that they looked to the whole life course of their ancestor when considering their crimes. They posited that particular circumstances were disadvantageous, and potential triggers for criminal activity: poverty, illegitimacy, alcoholism or the death of a parent or spouse. These were cited as trigger events or contributing factors to their ancestors’ criminality. A respondent whose ancestor had been imprisoned for burglary in the 1890s as a juvenile, drew on his family life to explain his actions ‘I think part of the reason he turned to crime was due to his home life, following the death of his mother, and his father's mental problems’ (37965454). Respondents reflected on the forces at work in their ancestors’ lives and saw a causal link between poverty and crime. In common with what was seen in the narratives, ancestors were described as ‘desperate’ and ‘driven to crime’. Respondents were indignant on behalf of their ancestors and sympathised with their circumstances. The general sentiment was summed up by a respondent whose ancestor’s criminal career had started with the theft of peas: ‘I understood more about how people were driven to crime (or even the most petty misdemeanours) because of their poor living and working conditions and environment’ (40529430).

In other cases, respondents were prompted by what they discovered to consider their ancestors’ mental wellbeing and to consider the interplay between mental health and criminal acts. One

respondent whose female relative was imprisoned for murder in the 1960s commented: ‘mental health issues are prevalent in crime and are not addressed adequately’ (98667686). Another respondent whose four times great-grandfather was, in their words, ‘confined to an asylum’, after being convicted of murder in 1810, said: ‘It made me think about mental Health being a contributory factor and how this is thought about. Also about soldiers and how they are treated when suffering mental health issues’ (40098130). The respondent had earlier stated that their ancestor went on to become an advocate for the wrongly convicted, and for Chelsea Pensioners to receive full pensions. This led the respondent to believe that there was more to the case than they could readily discover. As with other respondents, this contributor did not see their ancestor’s crime in isolation. They contextualised it in terms of the individual’s whole life. However, by focusing on their ancestor, they were also apt not to look beyond their ancestor’s life to contextualise the story further. This meant that their ancestor was accorded special significance and what they experienced was somehow remarkable. Their ancestor’s crime therefore could be understood as a response to unfair circumstances or to mental health issues, which were assumed to be misunderstood in the past. This had the effect of engendering strong feelings in the respondents which they did not seek to assuage through further interrogation of the events, preferring instead to continue to see their ancestor as more victim than criminal. When looking to mitigating circumstances they failed to consider their ancestor’s agency or the possibility that an ancestor had knowingly broken the law, or negatively affected the lives of their victims.

Throughout this study, respondents reported an improvement of their attitude towards their ancestor and a more understanding view of their actions as they learned more about their life. The exception to this came when the perpetrator and the victim were both ancestors. In cases such as these, respondents were faced with either reconciling themselves to the actions of their perpetrator ancestor by looking to mitigating circumstances or evaluating the crime from their personal political and moral standpoint and sympathy for the victim. One respondent, whose ancestor had killed his

wife, articulated their shock at the sentencing: 'I was mortified to think someone charged with domestic violence murder was given a lenient sentence due to the conviction being downgraded from murder to manslaughter and reading the newspaper articles even in 1856 blamed the victim for her own demise' (36912734). From responses such as this one, it was clear that respondents blended historical knowledge with their personal political views to arrive at a conclusion about their ancestors' actions. Responses were shaped by not only by the events themselves, but also the punishment that was incurred, and the life experience and personal views of the respondent.

Notwithstanding the strong feelings they exhibited in their comments, very few respondents articulated a wholesale change to their political views or their attitudes towards modern crime. In fact, very few reflected on modern society or crime except where they drew comparisons with the past. These comments generally reflected on the laxity of the modern criminal justice system. Knowledge about the past did not prompt a critique of the present. This may partially have been due to the wording of the question which, perhaps, asked rather too much in a single question. Splitting the question in two, asking respondents to consider the past and present separately may have elicited different responses. Just one respondent, whose antecedent had been charged and subsequently pardoned for murder in association with a lynching, articulated very strong attitudinal changes.

It has changed how I vote for politicians, including judges who will be determining who goes to prison. I'm more critical in my reading, and in how I look at people who have served time. Several churches I've been involved with in the past have ministries with prisoners, including some who are currently incarcerated, some as they are released, and some attempting to keep them out of prison. Other volunteer efforts I've been involved with work with the homeless, many of whom, by circumstance, have been incarcerated.

I've also changed how I vote on issues that affect my own pocketbook. If we want less crime, we have to do more than do more punishment. We have to be more involved with people as people. I now live in an area with immigrants from all over the world. They have to be educated, and that costs money, as one example. (22613369)

While such profound attitudinal change was the exception, it did point to the potential for history, when blended with a personal connection to the actors and events, to be a powerful influence on an individual's understanding of the past, and their actions in the present.

Laurajane Smith's work on historical consciousness displayed by museum-goers offers a framework within which to analyse the responses from the survey.<sup>548</sup> In her work on the potential for museums to provide visitors with a 'transformative moment' Smith found that 'six per cent responded that their views had been changed, or that they had some other transformative or deeply engaged experience'.<sup>549</sup> In her study, Smith concluded that 'such moments appear to be relatively rare ... when they do occur they are based on a coupling of deep emotional engagement with the imaginative skills of emotional intelligence'.<sup>550</sup>

Smith's six per cent is significantly less than the 20.54 per cent that reported an attitudinal change in the present study. The greater level of attitudinal change reported by the descendants of convicts may, therefore, be explained by their familial and emotional connection to their subject. Within her work, Smith discovered that transformative moments were more frequently triggered by museums dealing with the histories that previously had not made their way into school curricula. These included exhibitions relating to the working classes or immigrants, and 'museums that explicitly challenge received historical narratives'.<sup>551</sup> Convict and crime histories fit these criteria. Convict narratives stand or have stood outside mainstream historical narratives. Notwithstanding the greater potential for a transformative learning moment in the case of less well known histories, Smith does not argue for the permanence of attitudinal change. She acknowledges that the

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<sup>548</sup> Laurajane Smith, 'Changing Views? Emotional Intelligence, Registers of Engagement and the Museum Visit' in Viviane Gosselin and Phaedra Livingstone (eds), *Museums as Sites of Historical Consciousness: Perspectives on museum theory and practice in Canada* (Toronto, 2016) pp. 101-121.

<sup>549</sup> *Ibid.*, p. 101.

<sup>550</sup> *Ibid.*, p. 102.

<sup>551</sup> *Ibid.*, p. 103.

transformative moment relayed by respondents to a survey may be precisely that, a ‘moment’.<sup>552</sup>

The response of one individual to Smith’s survey points to a fundamental difference between her respondents and those of the current study.

*Interviewer: Are you part of the history represented here?*

Am I a part of the history? Er, [pause] er, I felt an empathy with them as human beings. I can’t say I have any personal or family connection or anything like that.<sup>553</sup>

For family historians, the connection of the events with family and the, often twenty-year plus, engagement with their subject, created a greater potential for engendering changes in attitudes. They are ‘part’ of the history by virtue of their connection to their ancestor. Being ‘part’ of that history fundamentally changes how an individual engages with the past. The familial connection creates a strong emotional attachment which translates into a desire to understand, both their ancestor and to some extent the context of their lives.

### **Sharing Knowledge and Opinions via Social Media**

The permanence of beliefs or opinions formed by the public from historical knowledge is extremely difficult to ascertain. As Laurajane Smith has indicated, the response given to the question of the impact a museum exhibition on an individual may only have existed for as long as it was spoken. There is no way for the researcher to know if the articulated opinion or belief is sustained beyond that interaction. Social media offers a potential source for further insight in this regard. Social media permits researchers to eavesdrop on conversations previously confined to private settings. While there is not yet universal access to the internet on a global level, in the countries associated with the present study internet usage by the adult population is as high as 89 per cent.<sup>554</sup> The

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<sup>552</sup> Ibid., p. 105.

<sup>553</sup> Ibid., p. 107.

<sup>554</sup> Office for National Statistics, ‘Home internet and social media usage, 2018’, <https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2018> [accessed 8 November 2020].

democratisation of participation in debates wrought by social media also moves beyond the ability to participate. Within social media platforms, influence and reach are dictated by the number of followers an individual can garner. Their qualifications to comment on the matter under discussion are less important. As Graham Fairclough, a lecturer at Newcastle University who spent the majority of his career with English Heritage, concluded when considering the intersection of social media and heritage: ‘The opportunities created by social media are not mainly about the consumption of heritage offered by others (experts, politicians) but instead, allow (require?) people to create their own, shared heritage, culture and landscapes’.<sup>555</sup> Digitisation and online media moved the democratization of history well beyond simply broadening access. As Cayce Myers and James Hamilton observed in *Rethinking History*, social media changed the nature of historical debate: ‘social media dispense[d] with unity of interpretation in favor of plurality of comment’.<sup>556</sup> It is this plurality, the ways in which the public make use of history, and what they demonstrate of their understanding, and misunderstandings, that is of interest here. Posts to public fora, while having an element of performance, are free from the formality and potential for introduced bias seen in surveys. They give some opportunity to ascertain if the public bring historical knowledge to bear in peer-to-peer exchanges.

Social media and other interactive platforms form an important part of genealogists’ networks. As discussed in the introduction to the present work, family historians embraced online communities in their earliest days, creating newsgroups as early as 1983.<sup>557</sup> Across social media, family historians gather in virtual spaces to share knowledge and discoveries with fellow enthusiasts. The two main fora considered here are Twitter and Facebook. These were chosen as platforms which bring genealogists into contact not only with each other but with a wider public. Social media offers

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<sup>555</sup> Elisa Giaccardi (ed.), *Heritage and Social Media: Understanding Heritage in a Participatory Culture* (London, 2012) p. xvi.

<sup>556</sup> Cayce Myers and James F. Hamilton, ‘Open genre, new possibilities: democratizing history via social media’, *Rethinking History* 19.2 (2015), p. 232.

<sup>557</sup> The USGenWeb Project, <http://usgenweb.org> [accessed 8 October 2015].

closed communities, as seen below, but it also reaches a broader audience than niche spaces such as the comment section in a blog or a topic-specific discussion board. By posting to social media, genealogists are communicating with a wider audience. For those that are declaring their connection to a criminal ancestor this is significant, insofar as they are taking their story into a public sphere, away from the safety of their genealogy circle and family.

A theme of acceptance and celebration echoes throughout the web. There are the Pinterest and Twitter prompts #blacksheepsunday, which encourage those on social media to share images and blog posts. Users are advised, ‘To participate in Black Sheep Sunday simply create a post with the main focus being an ancestor with a “shaded past.”’.<sup>558</sup> Criminal ancestors are far from being an isolating shame to be kept secret. They are instead a common interest through which genealogists connect. Facebook groups also encourage sharing stories with fellow researchers. The internet permits genealogists to engage with one another, and others, on the topic of convict ancestry.

In forums and comments, the issue of convict ancestry is debated, and the community is quick to reassure fellow family historians and others that a criminal ancestor is to be cherished or celebrated. An exchange which typifies contemporary Australian feeling on the topic is illustrated by the following exchange made in the comments section of an article on the topic of the differences between American and British English. This exchange is particularly noteworthy as it did not take place between genealogists, and can be considered evidence of acceptance permeating mainstream ‘common knowledge’ while illustrating that some residual assumptions around shame remain.<sup>559</sup>

[User Max the Magnificent]: Shhh -- I thought we didn't talk about that [convict ancestry]-- although I've never been sure if that was (a) because it's not polite to imply that the majority of people in a country are descended from convicts or (b) they don't know, because this fact isn't exactly highlighted in Australian schools.

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<sup>558</sup> Geneabloggers on Pinterest, ‘Black Sheep Sunday’, <https://uk.pinterest.com/geneabloggers/black-sheep-sunday/> [accessed 26 February 2017].

<sup>559</sup> Max Maxfield, ‘What the English Say versus What the English Mean’, *EE Times Connecting the Global Electronics Community* 17 February 2017, [http://www.eetimes.com/author.asp?section\\_id=216&doc\\_id=1331369](http://www.eetimes.com/author.asp?section_id=216&doc_id=1331369) [accessed 18 February 2017].



[User David Ashton]: Heavens no! In Australia, being able to trace your line back to a convict ancestor is seen as a badge of honor. Because of long and large scale immigration. I think people with convict ancestry are very much in the minority now (hence its rise in social acceptability...).<sup>560</sup>

As of August 2020, there were over 16,400 English speaking groups dedicated to genealogy on Facebook.<sup>561</sup> The groups and pages ranged from the brand pages of commercial genealogy companies to regionally themed and ethnicity pages, and member-only pages of various societies. Family historians use these pages and groups to share discoveries and get assistance from fellow genealogists. Membership numbers range from dozens to tens of thousands. Participation and frequency of posting are likewise measured across a broad range, and many Facebook pages and groups lie fallow. On Twitter analytics showed the hashtag #genealogy is used on the platform, on average, four times every hour. Other genealogy-related hashtags such as #familyhistory and #familytree were used with similar frequency.<sup>562</sup> Hashtags such as #AncestryHour in the UK and #genchat in the USA connect family historians through moderated time-bound themed discussions. These conversations generate several hundred tweets over the course of an hour. Participants routinely post several tweets each, asking questions, seeking advice and sharing discoveries. Themed Q&A sessions run by moderators are used at specific dates to structure the discussions around particular themes, including criminal ancestry. This proliferation of networks is a natural continuation of the use of discussion lists identified by Veale as one of the first uses by genealogists of the internet.<sup>563</sup> It is also illustrative of the networks family historians have created to substitute for access to sources and resources available to professional historians and academics. As Wendy

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<sup>560</sup> Ibid.

<sup>561</sup> Katherine R. Wilson, 'Genealogy on Facebook List', *Social Media Genealogy*, <https://socialmediagenealogy.com/genealogy-on-facebook-list/> [accessed 8 November 2020].

<sup>562</sup> Ritetag, 'Popular hashtags for genealogy on Twitter and Instagram', <https://ritetag.com/best-hashtags-for/genealogy> [accessed 8 November 2020].

<sup>563</sup> Veale, 'Discussing Our Family Trees', pp. 1-23.

Duff and Catherine Johnson found family historians have ‘developed strong networks, which they rely on when seeking information... because the systems do not meet their needs’.<sup>564</sup>

There are several dedicated pages, groups and hashtags for those with criminal ancestry. Of the nineteen Facebook groups dedicated to sharing knowledge and stories around criminal ancestors which were utilised as part of the present research, all but three had an Australian focus.<sup>565</sup> The Facebook groups focused on convict or criminal ancestry may be divided into general discussion forums, such as Criminal Genealogy, and those which focus on specific individuals or groups, for example ‘Jewish Convicts to Australia’ and ‘Descendants of William Golding - Convict 191’. Such specialisation and bespoke names for groups meant that some groups devoted to niche topics likely eluded discovery. The majority of the Facebook groups dedicated to the discussion of convicts, criminals and felons are ‘closed’, a fact which added to the challenge of discovering them.

Facebook offers three levels of privacy for groups: public, closed and secret.<sup>566</sup> Closed groups only permit members who answer specific criteria, such as being directly related to the convicts under discussion. Where the group is dedicated to a particular named person or cohort, prospective members are asked for specific details of their relationship to the convict group or individual before their admission is approved. Figure 5.1 shows the question put to potential members of the ‘Jewish Convicts to Australia’ group. Prospective participants are asked to give ‘verifiable details of your Jewish convict’.<sup>567</sup> Despite asking for such specific details, which called for group members to be directly connected to the subject under discussion, it was unclear whether moderators actively blocked membership based on the answers to these questions, as it was possible to be approved without answering the questions. However, it is possible that the need to answer questions deterred

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<sup>564</sup> Wendy M. Duff and Catherine A. Johnson, ‘Where is the List with All the Names? Information Seeking Behaviour of Genealogists’, *The American Archivist* 66.1 (2003), p. 94.

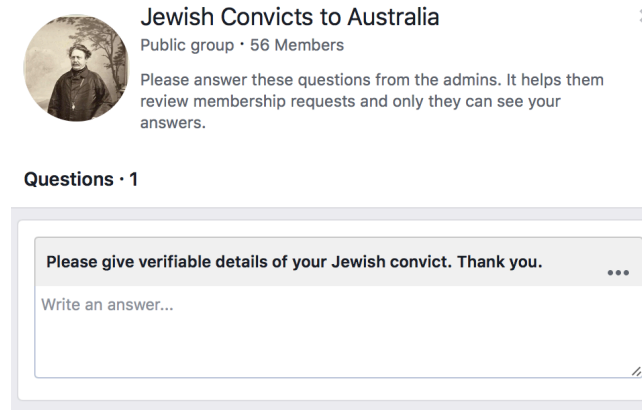
<sup>565</sup> See Appendix 5 for a full list of convict descendant Facebook Groups referred to in this study.

<sup>566</sup> Facebook, ‘What are the privacy options for Facebook groups?’, [https://www.facebook.com/help/220336891328465?helpref=about\\_content](https://www.facebook.com/help/220336891328465?helpref=about_content) [accessed 8 November 2020].

<sup>567</sup> Jewish Convicts to Australia, Facebook Group, <https://www.facebook.com/groups/461595380666228/> [accessed 8 November 2020].

casual membership, and prevented spammers from gaining entry to the group, particularly if they were using programmatic means to enter groups.

Figure 5.1: Question posed to prospective members of 'Jewish Convicts to



Other groups required that group members promise not to reveal details of posts. The Criminal Genealogy Facebook group, which had over ten thousand members in 2021, and upwards of ten posts per day, required prospective members to agree to the following clause before being admitted: ‘Do you agree to respect the privacy of others in group? ("There is [sic] sensitive subjects in this group") This group is private, no body [sic] can see these posts unless a member!’.<sup>568</sup> The emphasis on privacy was repeated in several groups, overtly by requiring users to adhere to rules, and implicitly by making the group closed or private. During this research, several of the Facebook groups dedicated to convict ancestry changed from public to ‘closed’, and at least one changed to ‘secret’.

Secret groups are wholly undiscoverable by non-members and require an invitation from an existing member to join. According to NBC News, ‘It’s unknown how many secret groups exist on Facebook; however, they tend to run the gamut from bachelorette party planning and local Mom

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<sup>568</sup> Criminal Genealogy, Facebook Group, <https://www.facebook.com/groups/206093116681587/> [accessed 29 Oct 2018].

groups to safe spaces for people tackling a shared challenge, such as depression or addiction'.<sup>569</sup> Making a group closed or secret achieves more than the creation of a safe space in which to discuss potentially shameful or private topics. A closed group within the vast expanse of social media creates a sense of belonging for members. They are part of something which is not well understood or appreciated by the general mass of users of the social media platform. By demarcating themselves as 'descendants of' a particular convict, or any criminal ancestor, they are taking possession of that individual and declaring a special connection. They wish to mix with others who understand what that type of connection and declaration means. While pride has replaced shame when speaking in general terms, many individuals retain the right to privacy around the topic of criminal ancestry. The present researcher gained entry to many of the groups before they shifted from public to private. Their private status barred the current research from making use of the substance of their posts. However, observations on the nature of the groups provided insight into their function for those wishing to discuss criminal ancestry.

These groups achieved further demarcation by grounding discussion firmly in the realm of genealogy and on events which are researched by examining historical documents, rather than living testimony. The Criminal Genealogy group informs prospective members that searches for living people are not undertaken. This clause dissuades prospective members who may be in search of information about living individuals. This clause also alludes to the practice, common in genealogy Facebook groups, of members researching on behalf of one another. Members share expertise, and, where practicable, do online and in-person searches of archives on behalf of other members who may be unfamiliar with or do not have access to the particular resources. This can include members doing searches on subscription sites for those without the means to subscribe for themselves.

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<sup>569</sup> Alyssa Newcomb, 'Who's Policing Facebook's Secret Groups?', *NBC News* 7 March 2017, <https://www.nbcnews.com/tech/social-media/who-s-policing-facebook-s-secret-groups-n729856> [accessed 8 November 2020].

These groups and pages offer descendant-specific information and a means to connect to family historians worldwide. They also encourage members to engage with the broader historical context. On Facebook the descendants of named convicts can gather in groups to compare research. The *Descendants of William Archer (convict)* page displays the following message which perfectly illustrates the willingness to share, within a community of fellow descendants, information that they do not wish to disseminate to a wider audience.

Descendants of William Archer (Convict) a closed group for descendants and family of William Archer, who owned land at Brushgrove in the Clarence valley of NSW. A secure place to share family history, pictures and stories that we do not want to share with the general public. We are not strangers just friends you have not met.<sup>570</sup>

These groups are safe places to share stories and ask for assistance with research. For those who are less concerned with privacy, there are more open fora in which they have the same conversations.

### **Celebration and Conversation**

Social media gives family historians access to a network of like-minded individuals on a global platform. Through the medium of social media, they connect with one another and discuss their discoveries. The celebratory tone around convict ancestors is readily apparent in their conversations. Users share stories about their deviant ancestors openly, showing no hesitation in aligning themselves to their criminal ancestors. ‘Too many criminals in the tree to mention!

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<sup>570</sup> Descendants of William Archer (Convict), Facebook Group, <https://www.facebook.com/groups/1676105315936804/> [accessed 8 November 2020].

Moonshiners, murderers, drunkards, and more, oh my! #genchat They're my favorite ancestors to research!'.<sup>571</sup>

One tweet, posted in response to an advice column in the *Seattle Times* entitled 'Is it better to gloss over the 'terrible' stories in family history?',<sup>572</sup> asserted the user's enthusiasm for their criminal connection. 'Should info about shady ancestors be shared? I find those the most colorful and don't hesitate to share that my 3x great grandfather was an axe murderer'.<sup>573</sup> While some may be sceptical about an individual's willingness to share such detail openly, there was no hyperbole intended by the mention of an axe murderer. The axe-murder is not a caricature or a trope. There was also no fabrication for shock value. The story was verified by querying it with the poster, and a search of their blog, which provided further detail.<sup>574</sup> The tweet prompted responses from fellow genealogists, who posted messages in support of the original poster, and the advice offered by the *Seattle Times*, which was that these events and people should be shared.<sup>575</sup> One user responded with an equally enthusiastic post about their own ancestor. 'LoL! My great great grandfather was a poisoner and a stabber! I feel the same as you...I am not one bit ashamed and find him one of my most interesting ancestors'.<sup>576</sup>

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<sup>571</sup> Melissa (@ggirltalks), 'A1: Too many criminals in the tree to mention! Moonshiners, murderers, drunkards, and more, oh my! #genchat They're my favorite ancestors to research!' [tweet] (3:08am, 9 December 2017), <https://twitter.com/ggirltalks/status/939330836452831233> [accessed 8 November 2020].

<sup>572</sup> Carolyn Hax, 'Is it better to gloss over the 'terrible' stories in family history?', *The Seattle Times* 4 December 2017, <https://www.seattletimes.com/life/is-it-better-to-gloss-over-the-terrible-stories-in-family-history/> [accessed 8 November 2020].

<sup>573</sup> Susan Peterson (@SoozGenealogy), 'Should info about shady ancestors be shared? I find those the most colorful and don't hesitate to share that my 3x great grandfather was an axe murderer.' [tweet] (12:53pm 29 December 2017), <https://twitter.com/SoozGenealogy/status/946725780318556162> [accessed 8 November 2020].

<sup>574</sup> Susan Peterson, 'What if your ancestor was an axe murderer?', *LongLostRelatives.Net* 31 January 2010, <http://longlostrelatives-smp.blogspot.com/2010/01/what-if-your-ancestor-is-axe-murderer.html> [accessed 8 November 2020].

<sup>575</sup> Hax, 'Is it better to gloss over the 'terrible' stories in family history?'.

<sup>576</sup> The Ancestry Place (@AncestryPlace), 'LoL! My great great grandfather was a poisoner and a stabber! I feel the same as you...I am not one bit ashamed and find him one of my most interesting ancestors.' [tweet] (4:09am, 30 December 2017) <https://twitter.com/AncestryPlace/status/946956381436960769> [accessed 25 November 2020].

The borderline flippant tone of these tweets could be jarring to those outside of the genealogy community, with their inclusion of internet acronyms such as LOL for 'laugh out loud' and light-hearted tone, even when discussing crimes which are as equally abhorrent and serious today as they were when they were committed. However, for the genealogists, the criminal ancestor is valued for their 'interest'. As has been seen throughout this study, the crime takes a secondary place to both the research process and the rich documentation that an ancestor's criminality generated. An 'interesting' ancestor, as discussed in the opening chapter to the present study, is one for whom documentation beyond birth, death and census can be discovered. The interest is generated from what can be learned about them that adds more dimensions to their existence beyond basic life events. This is particularly true when the information is revealed by further primary sources relating to the specific individual. While an ancestor might have an interesting occupation or lived during a historically significant period, most of what can be discovered about those aspects are contained in secondary sources, or sources which do not mention the specific ancestor.

Genealogists will often research the trades, professions and social milieu of their ancestors to a greater or lesser degree, but these general topics have less resonance for them than the documents which name their ancestors. As discussed above, for family historians, further research was often restricted to sources which would name their ancestor, rather than secondary or contextual reading. Their appetite was primarily for more information about their ancestor, to find their name in more documents, rather than to educate themselves about the history of crime or other aspects of that past that intersected with their ancestor. It would not be accurate to say they are wholly without an interest in the past, or history, but it holds more resonance for them if they can be confident that their ancestor was 'there' at the specific time and place. Where the ancestor goes, the genealogist will follow. An interesting ancestor is valued, as another tweeter alluded to, as much for the research journey they bring the researcher on as the substance of what is learned.

As one participant in a #genchat discussion shared with the group, ‘It was exciting to read through several articles. Murder committed in WV, fled to Ohio, found hiding in a barber shop, and taken back to WV. Interesting story! The articles even gave his physical description! #genchat’.<sup>577</sup> The criminal ancestor offered ‘several articles’, satisfying a hunger for sources and more information. In this case, the family historian was also rewarded with a physical description of their ancestor. The murderer can be visualised while their escapades are tracked. What is less in evidence is that this humanisation, as was also seen in the narratives analysed in Chapter Four, leads researchers to consider the actual crime their ancestor committed or its victims. These aspects are glossed over or ignored entirely, and the focus is invariably on the criminal ancestor as a novelty.

In common with the responses to the surveys and the narratives discussed in previous chapters a portion of posters to social media show concern for living relatives. Some responses to the Seattle Times question around glossing over criminal ancestry were more measured and reflected the balance seen in previous chapters. Some Twitter users suggested that temporal distance and privacy of the living should factor into sharing stories of convict ancestry. As one user, @blacksheep, advised: ‘My rule of thumb is to discuss with family members those sensitive findings but would never make them public unless it's far enough back not to be hurtful to anyone’.<sup>578</sup> This advice echoed sentiments also found in the narratives discussed in Chapter Four. Genealogists view themselves as mediators between ancestors and living family. They act as gatekeepers and take it upon themselves not only to research the events but to transmit them to their wider family, or not. They take it upon themselves to determine what should be shared, and with whom it should be shared. Descendants also use their knowledge and research to explain the motivations of antecedents and descendants alike, linking the generations through what they perceive as the

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<sup>577</sup> Melissa - Genealogy Girl Talks (@ggirltalks) ‘A7: Yes! It was exciting to read through several articles. Murder committed in WV, fled to Ohio, found hiding in a barber shop, and taken back to WV. Interesting story! The articles even gave his physical description! #genchat’ [tweet] (3:43am, 9 December 2017) <https://twitter.com/ggirltalks/status/939339734341636097> [accessed 25 November 2020].

<sup>578</sup> Laurie J Mazza (@blacksheep), <https://twitter.com/LaurieJMazza/status/947546163460190208> [accessed 1 January 2018] [account since deleted].



transmission of trauma down the generations. For some family historians, the convict ancestor becomes a repository in which they place all of the family's trauma, tracing the genesis of decisions and behaviours of family members to that traumatic event. Another tweet illustrated this role for both the genealogist and their discoveries, 'Can be very healing for those inheriting pain. I've found so much wisdom & forgiveness when I uncover the stories that shamed both sides of my family. I understand why my parents came together & see myself as a agent'.<sup>579</sup>

### **The Criminal Ancestor and Social Commentary**

Social media, in particular, affords an insight into how the public absorb and mediate history for themselves. In social media forums the public draw on their criminal ancestry to comment on both the past and the present. The relative anonymity offered by platforms such as Twitter, combined with the restricted word count afforded to posts, gives commentary around convict ancestry a directness and urgency not found in the more considered responses found in survey questions and narratives. While the contributors to forums on Facebook are more likely to be family historians, due to the active need to like a page, or join a group in order to participate in the conversation, on Twitter the conversation around convict ancestry draws in a wider pool of commentators, who can interject themselves into a conversation taking place between other users. Social media preserves the types of comments that may have previously been made orally at social gatherings. Tweets offer evidence of public uses of history in contemporary life, particularly concerning commentary on modern-day issues such as immigration, the status of refugees, reparations to indigenous peoples and the condition of women.

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<sup>579</sup> tmfinn (@tmfinnhead), 'Can be very healing for those inheriting pain. I've found so much wisdom & forgiveness when I uncover the stories that shamed both sides of my family. I understand why my parents came together & see myself as a agent' [tweet] (6:16pm, 29 December 2017), <https://twitter.com/tmfinnhead/status/946807230635978752> [accessed 25 November 2020].

There is also an element of publishing to social media what one might not say in person. The 280 character limit, which equates to about 56 words, makes posts on the microblogging platform open to decontextualisation and misinterpretation. Contributors utilise hashtags and emojis to clarify their intent and tone. However, the relative anonymity offered by social media platforms also permits users to voice unpopular or confrontational opinions. Professor Ralph Schroeder, of the Oxford Internet Institute, has considered the role of social media in the rise of right-wing sentiment in recent years and argues that digital media ‘bypassed traditional media gatekeepers’ and permitted the rise of a populist right.<sup>580</sup> James T. Campbell, the Edgar E. Robinson Professor in United States History observed, more generally, that ‘historical consciousness frequently manifests itself in malignant and unedifying ways.’<sup>581</sup> This view is somewhat balanced by Bridgette Wessels’ observation that: ‘Engaging through social media is a relatively convenient way for people to appear to participate, by expressing outrage about and/or support for an issue, without actually having to contribute any further involvement’.<sup>582</sup> Users may also consider Twitter ephemeral as tweets quickly ‘disappear’ from active view, but this is far from being the case. In that way, opinions which may have since changed appear fixed. The following tweets should be viewed in that context. On the one hand, social media appears to have become a platform for extreme views, on the other the views expressed may not translate to any action, or even a deeply held conviction, on the part of the poster. For this research, the interesting point is the ‘use’ of a criminal ancestor to reinforce or illustrate a point. The criminal ancestor is felt to be a valid reference point for inclusion in contemporary debates. They hold relevance for those who refer to them. Their situations are put forward as comparable, despite the often-significant temporal lapse and divergent context between the two events and circumstances.

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<sup>580</sup> Ralph Schroeder, *Social Theory after the Internet: Media, Technology, and Globalization* (London, 2018) p. 60.

<sup>581</sup> Cynthia Haven, ‘Historical consciousness’ can be double-edged sword, historian says’, *Stanford Report* (February 2009), <https://news.stanford.edu/news/2009/february25/james-campbell-history-022509.html> [accessed 25 November 2020].

<sup>582</sup> Bridgette Wessels, *Communicative Civic-ness: Social Media and Political Culture* (London, 2018), p. 63.

The experiences of convict ancestors, particularly those of transportees, are brought to bear on debates around immigration in Australia. Users debate with each other on what it means to be an immigrant, and the legitimacy of one group over another. In response to a tweet, ‘your ancestors were immigrants too’ one user retorted: ‘My ancestor was a convict forcibly transported to Australia against his will and forced into hard-labour for years just like a slave. Immigrants like you – especially – need to check your privilege, you were never slaves’.<sup>583</sup> As seen from this tweet, overt connections are made by individuals between transportation, indentured servitude, and the institution of slavery.<sup>584</sup> These tweets are usually posted by Australian or American users. What is most striking about these comments is the manner in which the contributors insert themselves into their ancestors’ narrative. For descendants, their descent from the convict is as meaningful as the convict’s own life. Their ancestors’ experience is their experience. They bestow themselves with a mantle of authority derived from their descent. The limited word count of the micro-blogging website leaves much unsaid, and caution must be used in interpreting users’ commentary, but many of the statements leave a vivid impression of the ownership felt by descendants, and a sense of experience and, even trauma, transmitted through the generations. The commentators believe in the veracity of what they are saying, and the claims for understanding that they are making.

One contributor, who described himself as being ‘anti left’ in answer to a now unavailable tweet, offered the following comment on convict descent, ‘ever been an ancestor of a white slave convict shipped to Australia from 1788?’.<sup>585</sup> With just 138 followers, and no posts since July 2018 his comments are unlikely to have reached a broad audience. Nevertheless, he is not alone in airing such sentiments, and at least one other user ‘liked’ his tweet. Neither was this his only comment on

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<sup>583</sup> Rufus (@Rufus\_Riprock), ‘My ancestor was a convict forcibly transported to Australia against his will and forced into hard-labour for years just like a slave. Immigrants like you – especially – need to check your privilege, you were never slaves.’ [tweet] (1:37am, 8 August 2018), [https://twitter.com/Rufus\\_Riprock/status/1026990636530974720](https://twitter.com/Rufus_Riprock/status/1026990636530974720) [accessed 25 November 2020].

<sup>584</sup> Twitter, search on ‘convict ancestor slave’; <https://twitter.com/search?q=convict%20ancestor%20slave&src=typd> [accessed 25 November 2020].

<sup>585</sup> Andrew Mc (@AnxrewM), ‘ever been an ancestor of a white slave convict shipped to Australia from 1788?’ [tweet] 7:19am, 13 February 2018), <https://twitter.com/AnxrewM/status/963311544120442881> [accessed 25 November 2020].

convict ancestry. In another tweet in response to @FoxNews on victim culture, he posted that he had ‘Moved on from being a white convict ancestor slave sent from Britain’,<sup>586</sup> the implication being that others should too.

In Australia, the debate around the ‘Stolen Generations’ and the financial compensation that may or may not be due to them,<sup>587</sup> also prompted responses from those descended from convicts on social media. Adopting the language of the Stolen Generations, they vented frustration at the proposed reparations. Posts on social media showed that those descended from convicts drew on what they believed to be similar circumstances to the Stolen Generations to comment negatively on the proposal. As one Twitter user asked, ‘So are us white Australians with convict blood getting reparations for our ancestor's getting stolen put in ships and taken to their death only to be used as slaves?’<sup>588</sup> Another declared, ‘I want a free loaf of bread a day in reparation for my then starving teenage irish ancestor who was whipped and imprisoned for stealing one’.<sup>589</sup>

Commentators of this type showed no evidence of being actively engaged in family history despite drawing on it to make their arguments. They also showed no other active engagement with historical topics. Their connection to a convict ancestor was utilised solely to comment on current events. Descendants of convicts commenting in this manner felt they too were descended from an ‘enslaved’ or disenfranchised group, but they did not cling to this trauma. The strong implication in these posts is that African-American and indigenous populations should ‘move on’ and not expect

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<sup>586</sup> Andrew Mc (@AnxrewM), ‘Moved on from being a white convict ancestor slave sent from Britain shipped to Australia yrs ago after Jan 26, 1788.’ [tweet] 10:43am, 17 February 2018), <https://twitter.com/AnxrewM/status/964812446090240001> [accessed 25 November 2020].

<sup>587</sup> Australian Human Rights Commission, ‘Reparations for the stolen generations - Government Responds - Philip Ruddock’ (December, 2012), <https://www.humanrights.gov.au/reparations-stolen-generations-government-responds-philip-ruddock> [accessed 25 November 2020].

<sup>588</sup> aSon (@aSonSpy), ‘So are us white Australians with convict blood getting reparations for our ancestor's getting stolen put in ships and taken to their death only to be used as slaves? Notice every government form asks if you are aboriginal on decent.. That's because they get more than the rest.’ [tweet] (11:36am, 12 February 2018), <https://twitter.com/aSonSpy/status/963014062266183680> [accessed 25 November 2020].

<sup>589</sup> Tony (@Sheasy64), ‘I want a free loaf of bread a day in reparation for my then starving teenage irish ancestor who was whipped and imprisoned for stealing one’ [tweet] (11:17pm, 9 February 2018), <https://twitter.com/Sheasy64/status/962103253981736960> [accessed 25 November 2020].

reparations for events that happened to past generations. There is, of course, a contradiction between convict descendants 'remembering' their ancestry and exhibiting strong emotion around it, while suggesting others not do the same.

## **Conclusion**

There are many challenges to discovering how the public engage with, and produce and react to history outside of their interactions with academic and GLAM sector led projects. The evidence is scattered in the activities of individuals and groups in their homes and their local community. The internet has expanded the outlets for the public to both interact with, and produce, their own histories. Surveys and Social media offer some visibility on this phenomenon.

What emerged from the present study is that for the majority, the discovery of a criminal ancestor was a self-contained research puzzle. Almost eighty per cent of respondents in this study declared no change in attitude to either the past or the present on the discovery of a criminal ancestor. Moreover, while there was some evidence of using knowledge of a criminal ancestor to comment on contemporary events, it was minimal and narrow in focus. Social media groups actively avoided contemporary crime in their discussions. Moderators were empowered to delete posts and remove members who persisted in posting about modern crimes involving living individuals. The discovery of a criminal ancestor did not prompt, except in one case, a wholesale change in attitude towards the modern criminal justice system.

In the United States and United Kingdom, family historians on social media were engaged mainly in conversation around their specific discoveries. They shared and celebrated their research and stories with one another. Social media for those users was an extension of discussions taking place in meetings and lectures and was centred mainly around sharing and debating genealogical best

practice. While some were inspired to take their research further and read secondary works related to the events of their ancestors' lives, their focus was relatively narrow. The discovery of a criminal ancestor prompted further research to discover more about the specific ancestor, and only occasionally the historical period in which they lived. However, it was not a profound transformative learning moment. It did not shift their perspective.

For family historians the focus is the family, not in generalised or abstract terms, but *their* family. Their connection is to other human beings with whom they share an inheritance, both genetic and experiential. They become invested in the events of their ancestors' lives and the events and institutions which intersected with them. Their ancestors' lives matter to them and connect them to the events of the past. It was evident from their responses to the survey and their contributions to discussions online that descendants claimed ownership of the events experienced by their ancestor. Through this connection, they claimed an authority to comment on the past and the present. Their comments were expressed in similar terms to that of eyewitnesses or participants and were imbued with an 'I was there' quality. Their interpretation of their ancestors' experiences was considered, by them, as legitimate knowledge on which to draw upon to comment on contemporary events. In doing so they were not drawing on the lessons of the past or generalised historical knowledge. The special authority they claimed to discuss the past, and loosely comparable events in the present rested on their personal connection to a convict ancestor. This connection was, for them, undiluted by the centuries or decades that lay between them, or the degree of their relationship to their ancestor. Many who commented were drawing on experiences dating to the late eighteenth and early nineteenth centuries, and an ancestor who was often one of dozens of direct antecedents in the generation to which they belonged. This claim of a profound and meaningful connection to such a remote ancestor harks back to the authority of pedigree on which traditional genealogy was based. Their claims to knowledge and authority were based on a special connection between antecedent and descendant. This was most explicitly brought to bear by Australians. In Australia, where the

convict narrative forms part of a wider national narrative, knowledge of convict ancestry was more likely to be used to comment on contemporary events. This commentary was usually voiced as opposition to modern migrant groups or modern marginalised communities. Commentators in Australia used their convict ancestry to reframe contemporary events through the lens of their understanding of a convict experience. Their ancestor had belonged to a migrant and marginalised group and had not received, what the commentators perceived to be, the special attention and accommodation, and most particularly reparation, that they saw being afforded to first peoples and migrant populations.

How far the behaviour of the subjects of this micro-study - genealogists with a connection to a criminal ancestor - can be considered representative of public engagement with history will be considered further in the conclusion to this thesis.

## Conclusion

In 2015 Jerome De Groot, in the UK, put forward that ‘as public historians we need to theorize the consequences’ of digitisation on the practice of genealogy.<sup>590</sup> That same year Tanya Evans in Australia wrote that ‘we have little concrete information about the make-up and motivations of genealogists’.<sup>591</sup> This thesis sought to bridge these gaps by examining the intersection of the practice of family history and the digitisation of records never intended for public consumption, those of the historical criminal justice system. This thesis asked if the unlooked-for discovery of a criminal ancestor, facilitated by large scale digitisation, had the potential to bring about a transformative learning moment. This thesis asked if the discovery of a criminal ancestor not only added to an individual’s knowledge about their ancestor, their family and the past, but also if the discovery impacted the researcher in significant and long-lasting ways. Specifically, this thesis asked whether the discovery of a criminal family member elicited a deeper engagement with the history of crime, or prompted reflection on crime in the present, and the modern criminal justice system. More broadly this thesis looked at how family historians, who act as a proxy for the wider public, engage with, absorb, transmit and use historical knowledge.

### Principal findings

In 2003 the launch of the Old Bailey Proceedings Online (OBP) demonstrated the potential for the records of the historical criminal justice system to have broad appeal and uses. Family historians were among, and remain, the site’s most enthusiastic users and ambassadors. Both the Old Bailey Proceedings Online and its sister site The Digital Panopticon were acknowledged in the academic sector as resources which successfully bridged the gap between academia and grassroots historians,

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<sup>590</sup> De Groot, ‘On Genealogy’, p. 102.

<sup>591</sup> Evans, ‘Secrets and Lies’, p. 57.



particularly genealogists. Speaking at RootsTech London in October 2019 Nick Barratt, Director of Learner and Discovery Services at the Open University, cited both sites as ‘two academic projects that very well serve genealogists when looking for family history or understanding their lives’.<sup>592</sup> National and state archives followed the example of the creators of the OBP and digitised their historical criminal justice collections, albeit often relying on subscription-based, commercial sites to serve them to the public. The existence of a market with the general public, represented in this instance by family historians who wished to make use of primary sources relating to a historical crime, was recognised and exploited. What had previously been unexplored was the ways they used these sources and, what if any, was the impact the discoveries they made had on their appetite for further historical knowledge. More specifically, the question remained if their discovery of a criminal ancestor led to the furtherance of their understanding of the historical criminal justice system, or caused them to reflect on modern criminal justice.

The research conducted for this thesis revealed that family historians have long been pragmatic in their approach to criminal ancestors. The evidence shows that they have encouraged one another to include them in their family trees from the earliest days of the hobby. Prevailing political agendas did not dissuade them in the pursuit of *all* of their ancestors. In the 1930s, when eugenic theories were being used to categorise some members of the population as degenerates, hobbyist family historians were counselled by their peers that their antecedents were a mix of good and bad and that they need not be unduly concerned about amoral or criminal ancestors popping up in their family tree. The advice given to them was that there was no taint of inheritance to be feared. In the 1960s and 1970s, when archives slowly permitted wider public access to material previously considered too sensitive to share, this increased access was reflected in articles and stories about criminal ancestry increasing in frequency in genealogy society newsletters. This was true even in Australia

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<sup>592</sup> Joe Boeren (@antecedentia\_nl), ‘Digital Panopticon and Old Bailey are two academic projects that very well serve genealogists when looking for family history or understanding their lives. Nick Barratt (@familyhistorysh) at #RootsTechLondon. #HistoriansCollaborate’ [tweet] (2:28pm, 26 October 2019), [https://twitter.com/antecedentia\\_nl/status/1188085000643760128](https://twitter.com/antecedentia_nl/status/1188085000643760128) [accessed 25 November 2020].

where institutions were reluctant to permit the public to have access to the records of the historical criminal justice system and had previously colluded to downplay the role of convicts in the early years of the foundation of the state. Family historians, however, were undeterred and continued their research. Throughout the 1960s they quietly integrated convict ancestry into their family trees, years before their transformation into 'Australian Royalty'. The 1980s saw the publication of substantial guides to UK archival collections which would be useful to those researching criminal ancestry. The archives themselves did not publish these, family historians were the compilers and authors. In due course digitisation and the internet became another platform for hosting and disseminating information about criminal ancestry. Family historians created websites and resources specifically addressing criminal ancestry. When academic projects published seemingly niche and specialised resources relating to the historical criminal justice system, the use of those sites revealed an existing appetite for the records, beyond academia, among family historians.

Family historians have never shied away from criminal or otherwise undesirable family members. Over the course of the twentieth century their quiet pragmatism was transformed into celebration. This shift owed much to large scale digitisation and the global access that publication to the web facilitated. Low-key acknowledgement, and discussion in safe spaces, was replaced by enthusiastic embracing and public celebration of the criminal ancestor. The criminal ancestor went from being included on the family tree for the sake of thoroughness and accuracy, to a desirable and publicly proclaimed connection. The criminal ancestor became an object of intrigue and delight. The criminal ancestor has real cachet. The criminal ancestor is now so desirable that researchers actively research a criminal who shares a surname, and geographic and temporal commonalities with their proven ancestors in the hopes of adding them to the family tree.

While the vast majority of family historians are delighted by the discovery of a criminal ancestor, their *significance* to the researcher varies. Many family historians are only interested in discovering

an interesting story, and much of the criminal ancestor's cachet can be linked to the relative abundance of information available about them when compared to the average ancestor. Criminal ancestors are differentiated from the mass of relatively anonymous ancestors, for whom little can often be discovered. The criminal ancestor offers two distinct advantages over those ancestors, first is the abundance of primary source material which gives the family historian something to engage with, and the other is the interesting story with which they can engage an often-disinterested family circle.

While revelling in the rich detail, which can include physical descriptions and reported speech, family historians can get lost in those details and the joy of piecing together a life course history. In the case of criminal ancestors, the focus on the research as an end unto itself can lead them to de-emphasise the crimes described within the records. Their concentration is on aggregating as much data as they can about an individual through those records. In this sense they are adept at reading against the grain of the records, focusing on the genealogical nuggets that can be revealed rather than the perpetration of a crime.

This tendency to focus on the biographical information rather than the details of the crime perhaps accounts for the survey results that showed that those that engage with criminal ancestry do not differ in any significant way from the main body of the family history community. Women, over the age of fifty-five, were in the majority. Their engagement with the hobby was long-term and often pre-dated the advent of the internet and web.

However, despite many having started with their family history off-line, digitisation played a significant role in the discovery of a criminal ancestor. Sixty-two per cent explicitly cited online sources as the sites of their initial discovery. Of those, sixty-seven per cent said the discovery of a criminal ancestor would be unlikely or impossible without recourse to online sources. Of the 464

respondents to the main survey, seventy-nine per cent indicated that they had no inkling of the possibility of a criminal ancestor before their initial discovery. Therefore, despite engagement with a serious leisure pursuit over several decades, almost half of all family historians would likely remain unaware of the criminal activities of their ancestors were it not for the digitisation of these records.

Traditional, core, genealogical records offer a narrow view of an individual's life. Unless an individual was incarcerated at the time of a census or their death was recorded in custody, or the cause of their death was some form of punishment, criminal activity which occurred in the intervening years could go wholly undiscovered. This was the sea-change that digitisation afforded. An individual need not know of a prior connection in order to indulge the possibility of a criminal ancestor. The internet has removed many of the barriers of access to complex archival material. The requirement for prior knowledge and, perhaps crucially, the requirement of knowing what to look for and where to look for it have been removed. A speculative name search is sufficient to assuage curiosity, the effort is minimal, and the rewards can be some of the richest documentation for non-elites available.

The answer to whether a criminal ancestor could offer more than a satisfying amount of documentation, or an intriguing story, was not clear cut. The potential for the discovery of a criminal ancestor to have a lasting impact as a transformative learning moment was layered with, and influenced by, other factors. The first was the effect temporal distance had on the reception of a criminal ancestor. The generation of great-grandparents, of whom there are potentially eight lines of enquiry, was found to be the generation with whom most researchers did not have a deeply personal connection. Their lack of personal, first-hand, interaction with these individuals made it possible for the researcher to treat them, as Ronald Lambert described them, as 'objects of quasi-

professional interest'.<sup>593</sup> The absolute passage of time did not necessarily determine how this distance was perceived. Whether these great-grandparents were active in the 1800s or the 1930s had less of an impact than the fact that they were three generations removed from the researcher.

Related to temporal distance was the distance afforded by relationship status. The actions of collateral ancestors were less keenly felt. A great-uncle's misdemeanours were not deemed as significant as those of a direct ancestor. They did not carry the same potential for transmission of traits, positive or negative. The 'wayward uncle' or the black sheep of the family is a character who stereotypically exists in all families, but who does not define the family. They are in their aberration a novelty, a party story. However, temporal and relational remove did not always dilute the potential for a transformative moment. As was explored throughout this thesis, other factors imbued an ancestor with significance which was layered with their crime which increased their impact on a descendant.

National differences emerged in marking out an ancestor for special attention. In Australia the criminal ancestor was the focus of the family tree, the apical ancestor, the progenitor of the family line. Despite being one of potentially sixteen, thirty-two or even sixty-four progenitors at that remove, they were afforded special significance. Criminal or otherwise their arrival to Australia would have marked them out for special attention. The emigrant ancestor's origin story was complicated or enhanced, depending on the researcher's response to their arrival into the country via a convict transport ship. In the other countries examined here, that same temporal remove, even of direct antecedents diluted their actions to a far greater degree. The criminal was now *just one* of sixteen, thirty-two or sixty-four. In both cases, it was the descendants who determined the relative importance of an individual. For those outside of Australia, who are without a national narrative around a convict population, the revelatory nature of the discovery held the impact for the

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<sup>593</sup> Lambert, 'Reclaiming the ancestral past', p. 117.

researcher. The sense of ‘how could I not have known?’. Researchers outside of Australia were more likely to feel a transformative impact of an event if it was more recent, yet unknown to them.

When analysing the responses of a diverse group, it would do them a disservice to engage in reductive generalisations about their experiences, and the contribution they make to understandings of public engagement with history. With regard to the discovery of a criminal ancestor, some observations may be made which apply, in varying degrees, to the group as a whole. While not distinct subsets, and therefore unquantifiable, family historians have a variety of approaches and output styles which can be grouped. Some overlap is inevitable; however, it is useful to consider family historians’ practice under the following labels: archivists, storytellers and rehabilitators.

In the present study, the broadest group were the archivists, who could also be referred to as collectors. While all family historians could be safely categorised as archivists or collectors, in the context of the present research it was the fact that their desire to collect overrode much of the substance of what they discovered that was of interest. For these individuals, their main intent was the execution of a thorough genealogy of their family. The pursuit of genealogy in its forms and structure was their main focus. In this context the criminal ancestor was one of many, differentiated only for an event which was documented in satisfyingly detailed ways which offered them the ability to fill in the years between birth, marriage, census and death. Their ancestor had a criminal ‘record’ stripped of any negative implications. The discovery of additional source material satisfied a desire for as complete a documentary record of their ancestor as could be aggregated. Their focus was wholly on ‘what else can I discover?’. The pursuit of the discovery, and the application of their genealogical skills, was the main focus of their research. That one or two, or a dozen, ancestors happened to be recorded in the records of the criminal justice system was gratifying but not necessarily cause for further investigation or reflection. In taking criminal ancestors in their stride these family historians did so within the bounds of their practice.

As archivist collectors they aggregated information but also acted as gatekeepers. They chose what to record, where and how to record it, and with whom to share it. They would, if they felt the need, refrain from sharing the details of ancestral indiscretions, particularly with older members of their family whose personal memories of an individual they did not wish to sully. Equally, they determined it was their right to disseminate details of a criminal ancestor in very public fora despite the potential for, or actual, objections by family members.

It was in this role that genealogists expanded their role to that of a storyteller. They sought to capture the essence of their ancestor for posterity. For the storytellers this meant something more than a notation on a family tree. They created narratives to contextualise their ancestor's actions and to explore motivations. The writings ran the gamut from terse factual paragraphs to flowing fictional accounts. In creating these accounts, they faced the same dilemmas as historians: what to include, what to omit, and how to interpret the evidence. As was seen in Chapter Four, the results could be uneven as they attempted to be factually accurate and yet convey their empathic sense of what occurred.

Within many of the narratives there was a strong thread of rehabilitation. As was seen in Chapter Four, these included those who sought to revise the history of convict transportation to Australia through personal accounts. The narrative was often one of triumph over adversity. More striking, were those whose discovery, made through genealogical research, affected them so profoundly that regardless of the actions of their antecedents they sought to rehabilitate them through their storytelling. The family had forgotten the story, and it could have remained untold, but as family historians they sought to uncover all they could and share that information. To do that in a way that did not prove entirely detrimental to their family, or their sense of self, they built a narrative around their ancestor which contextualised their actions and posthumously explained them in a sympathetic

way. As was seen in Chapters Three and Four, this was often achieved by an overemphasis on the effects of poverty, and the undue harshness of the judicial system. Family historians simultaneously sought to paint a rich picture of an individual's life, but in doing so stripped them of agency as they lamented the pressures which brought them low. In this way, the psychic discomfort brought about by the potential that their ancestor was a 'bad person' was assuaged by thinking of them instead as a victim of circumstance. Descendants were more inclined to look to the circumstances they believed had brought their ancestor to crime or the punishment they received. These were the defining aspects of their story, rather than their crime.

In this study, family historians exhibited a general tendency to be more excited by discovering, and aggregating information, than the implications of the discovery. For those studied here, the criminal ancestor was not necessarily the ancestor who sparked the most significant engagement with context, or with a specific topic. Their engagement with any one individual or family was balanced against the continued pursuit of more individuals and the desire to flesh them all out to some degree. Not all ancestors were of equal importance, but this was often based on what could be discovered about an individual. The criminal ancestor in offering rich detail gained prominence or was easily recalled, but the fact of their criminality did not necessarily loom large. Further research for family historians was more likely to be further genealogical research than historical research. Their focus was their family, and what could be learned about them. For the majority, additional research was of the 'just enough' variety. This was often confined to just enough to understand the documents in which their ancestor appeared.

Notwithstanding this tendency for narrow focus, the evidence of the present research confirms that by engaging with the past through the lens of their family, the public *are* more likely to experience a transformative learning moment, that affects not only their thoughts about the past but their attitudes towards modern processes and systems.



## **A Transformative Learning Moment?**

If the criminality of an ancestor does not loom large for the majority of family historians, does the discovery of a criminal ancestor result in a transformative learning moment? Does the discovery of a criminal ancestor have the potential to affect the researcher to the degree that it changes their perspective? The answer is, of course, a qualified, “sometimes”. In this analysis, twenty per cent of survey respondents said they experienced a change in attitude on the discovery of a criminal ancestor. When compared to studies of the GLAM sector over three times as many family historians felt a connection to the past events they discovered, via that medium, than those visiting a museum. Their familial connection played a significant part in their engagement, but given that it was still only one in five that reported a change, a family connection does not fully explain the reason for their shift in attitude. If a family connection were all that was required to trigger a meaningful impact, the rate would be one hundred per cent. For the connection to manifest as a more profound impact, the discovery must, in some way resonate with the researcher. For those that it did resonate with, the impact was undiluted by the degree to which they were removed from the individual, by time or relation, or shared life experiences. The impact was connected to the commonalities they saw, discovered, sought out or created between themselves and their ancestors. They perceived traits being passed down through the generations. They saw commonalities between the events in their ancestors’ lives and their own. They empathised and sympathised with their ancestors. They saw causal effects trickling down through the generations. The connection they perceived to an ancestor gave them a sense of superior understanding, not only of their ancestor and their actions, but of the time and place they occupied. The family historian developed a sense of ownership and authority. Their connection prompted them to assign more significant meaning to specific moments in history, by virtue of their ancestor having been present in that time or place.

For respondents in this study, their appreciation of what it meant to have a criminal in the family was diluted by the limits of the documentary record and their lack of exposure to comparable situations. Respondents demonstrated no direct understanding of what it meant to have a family member who had been labelled a criminal, incarcerated or transported. They reported no personal experience of the judicial system, or of having a living family member who was a 'criminal'. They showed little appreciation for the experience of the victims. Their focus was narrow, often only focusing on the criminal ancestor, occasionally broadening out to their immediate family. As such, the impact of their criminality was analysed only as far as it determined the outcome of the convict's life.

The public create history on their own terms. While some will delve into contextual information and read further into their topic, ultimately their opinions on historical events are coloured by their personal politics and opinions. A personal connection to an actor in a historical event increases engagement with that event and with the history of the event. However, that engagement is not objective. Engagement with a historical event by a family historian who has a proven connection to an individual to whom they may only be distantly related gives them a sense of ownership over that event which to them imbues them with authority to comment on the event which can be divorced from historical thinking. Each interaction and its outcome was unique, as it was based on the individual family historian's own life as well as the life of their ancestor.

For individual researchers the effects could be profound and tangible. For one family historian, researching her husband's ancestor, the nascent author was prompted to turn her hand to historical crime as her genre of choice. For one survey respondent the discovery of an ancestor who had been subject to the death penalty changed their support of the death penalty to being a critic of the punishment. Before discovering a connection to a family member, they had been unable to connect

to the human cost of the death penalty, beyond that of the criminal who was to lose their life. Finding an ancestor who had died in that way led them to reflect on the ripple effect of such a punishment on the family of the criminal. However, these specific cases were the exception. For most of the respondents who claimed to have had an attitudinal shift as a result of the discovery of a criminal ancestor, most of their reflections were on the past rather than the present. They reported being educated on the realities of the past, some to the point of outrage, but it did not translate to outrage about the present. They saw too many differences between the past and the present to take what they had learned and apply it to contemporary events.

Where knowledge of a criminal ancestor was overtly brought to bear on the present, it was not in connection to the modern criminal justice system. The events to which comparisons were made relied on a misinterpretation of both the past and the present. Most commonly transported convict ancestors were used to comment negatively on modern refugee or immigrant populations, or in an attempt to downplay or dilute debates around reparations for enslaved or marginalised first nations groups. Although articulated in very public forums, these opinions were those of a tiny minority and as such need not colour, or perhaps even be counted among the variety of responses family historians articulate on the topic of criminal ancestry.

The discovery of a criminal ancestor is now part and parcel of the pursuit of family history. For some, the discovery will be a transformative learning moment, for others an amusing story, and for most a check box ticked in their hobby. All responses to the discovery are valid and of interest. While the potential for a transformative learning moment remains, for most family historians the criminal ancestor has become normalised. There is a certain expectation that they will, at some point, add a criminal to their family tree, or a crime to an existing person in their family tree. They are primed and ready to add that person or notation. The specific discovery of a criminal ancestor does not, in and of itself, immediately engender a level of curiosity or engagement that prompts

further interest or research in the history of the criminal justice system for the majority of family historians. In the pursuit of their research, they will encounter such a broad range of individuals and life experiences that the impact any one of them can have on their thinking is diluted, and highly dependent on how that particular individual's story resonates with them.

### **Limits and Limitations**

This work was a broad survey of a niche aspect of a popular hobby. The nature of the hobby also ensures that the responses of individuals to discoveries are highly individualistic. With 464 responses to the main survey, the results can be considered broadly representative of those that have made a discovery, notwithstanding the somewhat inevitable preponderance of respondents from Australia - given the national narrative that surrounds convict ancestry, which ensures it is a topic of general rather than specialised discussion.

It must also be acknowledged that the majority of respondents were also female and willing to engage a survey of this type. The survey respondents were also weighted towards those who engage actively with family history, seasoned practitioners for whom family history is a long-term pursuit. Likewise, it must be noted that no respondents to the survey indicated that they felt shame regarding their ancestor. Only one private communication during the six years of research indicated that there are family historians who are not comfortable with the celebratory attitude around criminality within the hobby. Those who do not find criminal ancestors intriguing or 'fun', appear rare, or may be silent or silenced when faced with a general atmosphere of celebration.

The methodological approach of this thesis, described in detail in the introduction, drew on a broad spectrum of evidence types to counteract the limitations of any single source but can still in no way be considered comprehensive. Surveys, as discussed in Chapter Three, are particularly prone to

bias in their results. However, it is the contention of this thesis that the potential for other researchers to arrive at different conclusions is likely to be the result of their drawing on a different cohort, whose breadth and variety of potential, and probable interpretations and reactions, to criminal ancestry would take the research in a different direction. Individual responses to a given circumstance are a reflection of their unique life experience, which in turn influences their response to the discovery of a criminal ancestor. The variety and complexity of individualistic responses, however, need not dilute the significance of what was learned here about public responses to history. The public are deeply engaged with history, and given the opportunity are enthusiastic and dedicated researchers who gravitate towards subjects with which they see a personal connection.

With regard to the specific topic under consideration, that is criminal ancestry and its impact on an individual's and family's understanding of the past, while the potential exists for every family historian to discover a criminal ancestor, many have not, and others await the digitisation of records of their jurisdiction to permit speculative searches. As noted in the Introduction, the specific research topic was limited to family historians from English speaking countries with links to the British judicial system. The focus was also on those who practice a form of genealogy that relies on the records of government. There was limited consideration for the role oral histories play in the transmission of knowledge about the family.

### **Future opportunities**

The lacunae in the existing literature demonstrated that there is a rich seam of research that remains untapped regarding public engagement with the past. This thesis rested on the premise that an important strand of public history is the practice of history by the public. As the single largest user group for digitised archival sources, as evidenced by the dominance of genealogy websites in the digitised archives space, public uses of digital records offer promising avenues for investigation into

public engagement with primary sources. Family historians are practitioners of a broad range of activities that the public engage in when doing history for themselves. They produce databases, publish sources and resources for use within their community, share knowledge and document their ancestors' lives in published works. How the public are doing history for themselves has not been tackled at scale since Roy Rosenzweig and Robert Thelen's work in the mid-nineties.<sup>594</sup> The landscape has changed significantly in the intervening decades and is ripe for continued study.

The present work adopted interdisciplinary methodologies which drew from public history, digital history, a study of the practice of family history itself, and range of quantitative and qualitative methods. By adopting an interdisciplinary approach and mixed methodologies this thesis offered an alternative view of family history, and family historians. By following family historians to the spaces they inhabit, particularly on the internet the thesis revealed a spectrum of engagement and critical thinking in a population apt to be stereotyped as narrowly focused and narrow minded.

The current work should be of particular interest to those working in digital history and questions around open access, broadening the latter to specifically include public access and how digitisation is facilitating and shaping public engagement with the past. The work showed that the public, represented here by family historians, swiftly adopt and adapt technology to further their intellectual interests. They also use a variety of media and mediums to come to an understanding of their subject of interest and share their discoveries. They demonstrate an appetite to grapple with complex and nuanced histories. This has implications for how we present history to the public via digital platforms

However, any study looking at digital public history must remain mindful that digitisation does not equate to universal access. Individuals must have the necessary resources to access digitised

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<sup>594</sup> Rosenzweig and Thelen, *The Presence of the Past*, 1998.

materials and for many the barriers to access, often financial, remain high. The public are also more generally disadvantaged in their ability to access many primary and secondary sources, both digitised and hard-copy. Central to the intent of this research was a focus on the impact on public understandings of the past through the use of resources available to the general public, particularly primary sources. The impact of access is at the heart of this thesis. Both the shift in archival practice discussed in Chapter One, which permitted access to the public rather than just academic researchers, and the further broadening of access brought about by digitisation, as pioneered by the, publicly available, Old Bailey Proceedings Online in 2003, had tangible impacts on perceptions of criminal ancestry. As discussed in the introduction, this removed academic service providers from consideration. The public typically have no access to the materials digitised by providers such as Gale-Cengage or Adam Matthews. However, this necessary omission did not affect the focus on the present study on the digitised records of the historical criminal justice system as these have been digitised at scale and made available on several platforms accessible to the public, such as OBP, the commercial genealogy sites and Digital Panopticon. Were this study to have examined the impact of digitisation in general on the ability of the public to research historical materials, the inequalities of access would have been more pronounced. Many of the medieval, early modern and later resources made available via academic providers are wholly inaccessible by the general public. The public can only be their own historians if they are given access to sources. Where those sources were not compiled, did not survive, or have not been made available, particularly on publicly accessible websites, the public cannot engage directly with the past. Only with accessing to sources can the public engage with the complex legacies of empire and slavery, and hope to tell the stories of the hidden and disenfranchised.

Many of the negative assumptions surrounding family historians and their practices have been made without acknowledging the disadvantages facing the public in relation to access to the resources which are available to academia. It is well understood that history is apt to be rewritten when new

sources come to light. What is becoming apparent is that new histories can also be written when new audiences are given access to primary sources. This was clearly seen in the 1970s in Australia. Once public access to archives was a reality, family historians immediately began to break down the shame felt by previous generations in convict ancestry. With access to the primary sources, new stories can be told both about, and by, more representative groups of people.

The diverse interests of family history community suggest numerous potential avenues for further research. In genealogy DNA is now a well-established tool for discovering connections that go beyond the written record, and for connecting with far-flung cousins. Research on this topic has been started by Jerome De Groot.<sup>595</sup> But there is considerable scope for further research, as the commercial providers continue refine the accuracy of their analysis, and the public demand more stringent security around their personal data. As well as absorbing scientific methods into their practice these ‘hobbyists’ are embracing oral histories, and are actively engagement with diversity. They are learning to read against the grain to uncover obscured histories such gay and queer ancestors.<sup>596</sup> They continue to tackle difficult subjects, such as what it means to be the descendant of a slave owner.<sup>597</sup> These topics will bring to the fore issues of shame and pride even more sharply than convict ancestry.

There is a great deal of work to be done on the emotional connection genealogists have with their antecedents, beyond acknowledging its existence. Literature on the topic of ‘self-conscious

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<sup>595</sup> The University of Manchester, ‘Double Helix history’, <https://www.alc.manchester.ac.uk/english/research/projects/double-helix-history/> [accessed 20 February 2021].

<sup>596</sup> Leslie Turner, ‘Chasing Rainbows – In Search Of LGBT Family History’, *Archives +*, <http://www.archivesplus.org/news/chasing-rainbows-in-search-of-lgbt-family-history/> [accessed 25 November 2020]; FamilySearch, ‘FamilySearch Adds Ability to Document All Family Relationships’ 10 December 2019 <https://media.familysearch.org/familysearch-adds-ability-to-document-all-family-relationships/> [accessed 27 March 2021].

<sup>597</sup> John W. Miller, ‘My ancestor owned 41 slaves. What do I owe their descendants?’, *America, The Jesuit Review online* 28 November 2018, <https://www.americamagazine.org/arts-culture/2018/11/28/my-ancestor-owned-41-slaves-what-do-i-owe-their-descendants> [accessed 25 November 2020]; Ben Bennett, ‘Discovering my ancestor had slaves has given me new perspectives on the past and present’, *Findmypast Blog* 8 February 2021, <https://www.findmypast.com/blog/discoveries/enslaver-ancestor> [accessed 27 March 2021].



emotions’,<sup>598</sup> that is emotions that are generally considered to be felt on behalf of the self rather than others has the potential to offer insight into the connections and influences family historians see between themselves and their antecedents. Studies of group identification and kinship ties will also be invaluable in teasing out the relationships between family historians and long deceased family members.<sup>599</sup> Investigations into ‘the lengthy time over which individuals associate themselves with events which occurred generations earlier’ is one of the more compelling aspects of public engagement with the past which family historians are ideally placed to facilitate research.<sup>600</sup> There is also an important strand of research, yet to be explored in-depth, on transgenerational trauma, particularly when the knowledge is newly acquired through family research and retrospectively used to ‘explain’ a family’s present day situation. This was briefly touched on here in the chapters on narratives and in the example of Sean Hayes’ discovery of patterns of abandonment in his paternal line.

Upcoming national data releases in the UK, Ireland and the United States will offer public historians’ fresh impetus to examine the public’s engagement with the past through the lens of family history. The post-war, post-pandemic, 1921 census for England and Wales, and Scotland and the post-war 1950 census for the United States are due for release in 2022. The 1926 census of the newly formed Irish Free State (later the Republic of Ireland) could be expected to be made available in 2026. In England and Wales, the 1921 census will be the last census to be released for those countries before 2052, due to the loss of the 1931 census, and the lack of a census in 1941.<sup>601</sup> The release of these censuses will bring a new tranche of the public to the hobby of family history and will offer a singular moment to examine the phenomena of family history and its appeal to the

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<sup>598</sup> Alessandro Salice and Alba Montes Sánchez, ‘Pride, Shame and Group Identification’, *Frontiers in Psychology* 7 (2016) pp. 1-12.

<sup>599</sup> Eric Luis Uhlmann, Luke (Lei) Zhu, David A. Pizzaro and Paul Bloom, ‘Blood is thicker: Moral spillover effects based on kinship’, *Cognition* 124 (2012), pp. 239-243.

<sup>600</sup> Hareven, ‘The Search for Generational Memory’, p. 270.

<sup>601</sup> The 1931 census was destroyed in a fire in 1942, no census was taken in 1941 due to World War 2, therefore the next census available is that of 1951.

public. This new cohort will encounter the hobby for the first time entirely in the digital realm. It will offer a further opportunity to test if, for family historians their individual family's story acts a microcosm through which the broad sweep of history is more profoundly experienced and understood.

With regard to the specific question posed by this thesis, the United States presented an interesting case which merits more in-depth study. Despite being an important site for the transportation of convicts before the 1780s, family historians in the United States have not, as yet, visibly added criminal ancestors to their founding story. While estimates vary, upwards of fifty-thousand individuals were transported to that continent before the late 1780s. On a practical level, as the present research suggests, this story may remain untold due to a lack of access to primary sources, albeit it is also possible that the surviving records will lack the detail necessary to tell the rich stories possible with later antipodean records.<sup>602</sup> Another contributing factor may be the diffuse nature of convict transportation to the Americas. In Australia, the convicts were the first, and for a time, the majority population in the antipodes. In the Americas they were distributed over a wider geographic area, spread over a more extended period and were only a small portion of the diaspora which poured into the Americas between the early 1600s and the 1780s. Unlike Australian transportees neither were they the first to colonise that country. It may be that the continued digitisation of records pertaining to the early Americas will open up this avenue of research to North American family historians and it will provide an interesting contrast to the Australian case.

The possibility for collaboration and mutual learning between academia and genealogists continues to be explored. Social media appears to be a particularly promising medium for fostering collaboration. Initiatives such as #historianscollaborate which began in 2019,<sup>603</sup> encourage

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<sup>602</sup> The National Archives, 'How to look for records of... Criminal transportation', <http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/criminal-transportation/> [accessed 25 November 2020].

<sup>603</sup> *Historians Collaborate*, <https://nataliepithers.wixsite.com/historianscollab> [accessed 8 December 2019].

interaction between practitioners within the two communities. The potential for collaboration ranges from the generalised to the specific. Interacting with family historians may help to solve the conundrum of communication between the academy and the public. Family historians offer academic historians an insight into why particular topics and tropes capture the public imagination.

In more specific terms the descendants of particular groupings can be invaluable in rebuilding historical communities. Without needing to solicit such contributions, the Digital Panopticon website receives emails from descendants offering corrections and additional detail on those named in the database. Their contributions have the potential to enhance the work beyond the initial lifetime of the project and the capabilities of current matching algorithms, which still struggle to make connections based on pure data points. Websites such as Ancestry.com,<sup>604</sup> Findmypast<sup>605</sup> and Trove<sup>606</sup> also benefit from the user amendments to mis-transcriptions and OCR text every month. The benefit of working with family historians was also recently demonstrated in the work of Clare Anderson who worked with the ‘local born’ Andaman Islanders, descendants of convicts in her exploration of local, grassroots, understandings of the islands’ colonial past and the ‘past as manifested in society today’.<sup>607</sup> Likewise, Tanya Evans in Australia continues to draw on family historians to augment her work,<sup>608</sup> and is a strong proponent for the potential for family history to ‘trouble’ our understanding not just of the practices of family historians but the ‘impact this has had on the development of historical consciousness around the world’.<sup>609</sup>

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<sup>604</sup> Ancestry, ‘Correcting a Record’ <https://support.ancestry.com/s/article/Correcting-a-Record> [accessed 13 March 2021].

<sup>605</sup> Rootschat ‘Reporting a transcription error to findmypast’, <https://www.rootschat.com/forum/index.php?topic=822143.0> [accessed 13 March 2021].

<sup>606</sup> Trove, ‘Text correction’, <https://trove.nla.gov.au/help/become-voluntrove/text-correction> [accessed 13 March 2021].

<sup>607</sup> Clare Anderson, Madhumita Mazumdar and Vishvajit Pandya, *New Histories of the Andaman Islands: Landscape, Place and Identity in the Bay of Bengal, 1790-2012* (Cambridge, 2016), p. 156.

<sup>608</sup> André de Lemos Freixo, ‘Public History and its Multiple Engagings: Interview with Tanya Evans’, *Café História*, November 2019, <https://www.cafehistoria.com.br/public-history-engagings/> [accessed 13 March 2021].

<sup>609</sup> Tanya Evans, ‘Genealogy and Family History’ in David Dean (ed.) *A Companion to Public History* (Hoboken, 2018), p. 175.

## Reflections and Final Thoughts

Professor of biology Nathan Lents finds the connections revealed by family history to be ‘meaningless’ due to the complexities and the lacunae in the historical record, which open up the possibility of building entirely incorrect family trees.<sup>610</sup> Incorrect family trees are certainly a feature of the hobby. However, when considering family trees, their having inherent worth or accuracy is entirely secondary to the meanings descendants place on them and derive from them. Descendants learn about the past through the lens of family history. It is more interesting and important that family history facilitates engagement by individuals with the past than the accuracy of the individual tree. In answer to Lents’, perhaps rhetorical, question, ‘In order to celebrate our past, “is it really necessary to know who is descended from whom?”’,<sup>611</sup> the present work would suggest: yes. For the majority of the public, family history creates a connection and interest in the past that is not engendered by any other medium. Despite his critique of their methodologies, family historians would agree wholeheartedly with Lents when he writes: ‘The history of our culture is written in the sometimes-mundane, sometimes-heroic stories of our families. The stories are important and they belong to us all’.<sup>612</sup> It is in their role as family historians that they ensure that those stories are heard.

In their 1994 work looking at the public’s uses of history, Roy Rosenzweig and David Thelen wrote separate chapters to reflect on their discoveries and styled them ‘afterthoughts’ rather than conclusions. In doing so, they tacitly acknowledged that when dealing with the multiplicity of approaches to history evidenced by the public, there can be little consensus, and a variety of

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<sup>610</sup> Nathan Lents, ‘The Meaning and Meaninglessness of Genealogy’, *Psychology Today Blog*, <https://www.psychologytoday.com/ie/blog/beastly-behavior/201801/the-meaning-and-meaninglessness-genealogy> [accessed 25 October 2020].

<sup>611</sup> Ibid.

<sup>612</sup> Ibid.

interpretations are possible concerning any findings. Similarly, as researchers working on the psychology of family history, Moore, Rosenthal, and Robinson discovered that ‘family historians were not readily classifiable into motivational groups... neither did family historians fit particular personality profiles’.<sup>613</sup> As a group, they run the gamut from casual researcher to critical thinkers. For some the engagement is shallow and less than rigorous. For others it results in a change of career or a transformative learning moment. The potential for that transformative learning moment may only apply to a minority, but a family connection holds the potential for a far more significant impact than that experienced by the public when they visit museums and other heritage sites.

Every family historian researches the lives of hundreds, if not thousands of ancestors. Every ancestor, including the criminal ancestor, is a learning opportunity and conduit for engaging with history. Some, due to the paucity of surviving records, remain enigmatic and are reduced to points on a tree. They are recorded with only minimal detail, their dates of birth, marriage and death. The convict ancestor, by contrast, comes, from a family historian’s point of view, with a cornucopia of detail. Through a convict ancestor, a family historian can enter the past in a more meaningful way. Through the richer records of the criminal justice system, they are presented with a fleshed-out, albeit flawed, character. This individual, by virtue of their being more richly recorded than many in their family tree, permits deeper engagement. There is detail to tease out and investigate further. This ancestor provides another dimension to explore if the researcher is so inclined: the criminal justice system. For some, the engagement is shallow, and they report no impact from their discovery. For others, they learn about a history not taught at school. For others still, they experience a profound shift in their thinking, not only about the past but also about the present. For all, their family connection to historical events ensured they carry the knowledge of the past into

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<sup>613</sup> Susan Moore, Doreen Rosenthal and Rebecca Robinson, *The Psychology of Family History: Exploring our Genealogy* (London, 2020), p. 107.

their everyday lives. As de Groot described it, ‘Genealogy reinscribes the importance of the “ordinary” person, but only if they are “important” to the user’.<sup>614</sup>

As this thesis has shown, family history goes far beyond the creation of a family tree and gathering stories of the individuals discovered during research. Family historians gain skills as they conduct their research, they create and tap into knowledge sharing peer groups and networks; they join societies, attend conferences, contribute to journals, and publish databases. Genealogists are generally eager to share their findings and methodologies, and historians may be able to assist family historians in gaining access to sources and resources to expand their historical knowledge. However, with or without being observed by, or interacting with, academia, what is certain is that the public will continue to engage with the past. They will continue to gather what information is available to them, and with that information disseminate historical knowledge informally within their peer groups. A smaller proportion will engage deeper with the subject matter, and create their own works, seeking to create their own historical legacy. These origin seekers, in their roles as archivists, storytellers and rehabilitators will continue to delve into and share under-represented lives.

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<sup>614</sup> De Groot, *Consuming History*, p. 79.

## Bibliography

### 1. Archival Sources

Alice Kirk, death register entry via Findmypast 'England & Wales Deaths 1837-2007', Vol 9D, p. 259

<https://www.findmypast.co.uk/transcript?id=BMD%2FD%2F1935%2F1%2FAZ%2F000588%2F095> [accessed 16 December 2020]

Charles Kirk, death register entry via Findmypast 'England & Wales Deaths 1837-2007', Vol 93 p.258

<https://www.findmypast.co.uk/transcript?id=BMD%2FD%2F1937%2F3%2FAZ%2F000475%2F066> [accessed 30 December 2020]

The National Archives of Ireland, 'Dublin-Bridewell (Richmond) Prison, General Register 1882-1884' 1/13/38/2 via Findmypast 'Irish Prison Registers, 1790-1924'

<https://search.findmypast.co.uk/record?id=IRE%2FPRISR%2FRS00018280%2F4492669%2F00250&parentid=IRE%2FPRISR%2FRS00018280%2F4492669%2F00250%2F008> [accessed 28 December 2020]

The National Archives (UK), HO140/85 'A Calendar of Prisoners Tried at the General Quarter Sessions of the Peace', via Findmypast,

<https://search.findmypast.co.uk/record?id=TNA%2FCCC%2FHO140%2F085%2F00432&parentid=TNA%2FCCC%2FHO140%2F085%2F98496> [accessed 20 December 2020]

The National Archives (UK), HO47/16 James Kiss/Warwickshire Judges' Reports on Criminals 1784-1830 - Correspondence via Findmysat

<https://search.findmypast.ie/record?id=TNA%2FCCC%2FHO47%2F016%2F00554&parentid=TNA%2FCCC%2F2E%2FHO47%2F00004501> [accessed 28 December 2018]

The National Archives (UK), MEPO6/2 Habitual Criminal Register 1889 via Findmypast,

<https://search.findmypast.co.uk/record?id=TNA%2FCCC%2FMEPO6%2F002%2F00125&parentid=TNA%2FCCC%2F2B%2FMEPO6%2F00665371> [accessed 20 December 2020]

The National Archives (UK), RG09-RG14 England & Wales Census 1861-1911 via [www.findmypast.co.uk](http://www.findmypast.co.uk) [accessed 16 December 2020]

The National Archives (UK), RG101/3171B/022/20, Walter Kirk in 1939 Register via Findmypast <https://www.findmypast.co.uk/transcript?id=TNA/R39/3171/3171B/022/20> [accessed 11 December 2020]

### 2. Primary Sources

#### 2a. Books including Descendant Narratives and Grassroots Publications

Arons, R., *The Jews of Sing Sing Gotham Gangsters and Gouvim* (Fort Lee, 2008)

Aubrey, K., 'How to write a story of an Australian Female Convict', [www.colonialties.com](http://www.colonialties.com) [accessed January 2016]

Baxter, C., *Writing and Publishing Gripping Family Histories* (Bathurst, 2016)

- Blanchard, G., *Writing Your Family History: A Guide for Family Historians* (Barnsley, 2014)
- Brill, C.J., *Wicked: The Family of Lydia and Andrew Goodwin* Volume 3 (np, 2017)
- Brodie, N., *Kin: A Real People's History of Our Nation* (Richmond, 2015)
- Brownett, H., *A biography of Elizabeth Parker (per Friendship)* (2014), downloaded from Australian Female Convict Database <http://colonialties.com/> [accessed 7 July 2016]
- Busby, S., *The Cruel Mother: A Family Ghost Laid to Rest* (London, 2005)
- Campbell, A.J., *Fife Convict Transportees 1752-1867* (Buckhaven, 1998)
- Charlton, K., *Seeking our Eagle* (np, 2012)
- Creaney, T.C., *The Huddersfield Four*, <https://www.femaleconvicts.org.au/docs/convicts/TheHuddersfieldFour.pdf> [accessed 7 November 2020]
- Dobson, D., *A Directory of Scots in Australasia 1788-1900, Part One* (St Andrews, 1994)
- Dobson, D., *A Directory of Scots in Australasia 1788-1900, Part Two* (St Andrews, nd)
- Elkington, S., and Stebbins, R.A., *The Serious Leisure Perspective: An Introduction* (London, 2014)
- Files, B., *Eliza's Story: The Life and Times of Eliza Webb Dore 1829-1875* (np, 2012)
- Flynn, M., *A Biography of Maria Coverley and James Lord* downloaded from Australian Female Convict Database <http://colonialties.com/> [accessed 7 July 2016]
- Frost L. (ed), *Convict Lives at the Ross Female Factory*, (Hobart, 2011)
- Frost., L. Lucy and Hodgson A.M., (eds), *Convict Lives at the Launceston Female Factory* (Hobart, 2013)
- Gatenby, K., *Death or Liberty: Rose Lane Convict Burial Ground* (np, 2017)
- Grenville, K., *Search for The Secret River* (Edinburgh, 2007)
- Handler, S., *The Secrets They Kept: The True Story of a Mercy Killing That Shocked a Town and Shaped a Family* (np, 2013)
- Hardie, E., *The Girl Who Stole Stockings* (St Kilda West, 2014)
- Hawkings, D.T., *Bound for Australia: A Guide to the Records of Transported Convicts and Early Settlers* (Stroud, 1987)
- Hawkings, D.T., *Criminal Ancestors: A guide to historical criminal records in England and Wales* (Stroud, 2009)



- Hinds, P.J., *The Campbelltown Convicts* (Hazelbrook, 2012)
- Horne, D., *The Lucky Country* (Ringwood, 1964)
- Howard, P., *To Hell or to Hobart* (Kingston, 2012)
- Hyland, T.G., *Thanks a lot, Guv!* (Sandy Bay, 2004)
- Jacobus, D.L., *Genealogy as Pastime and Profession* (Baltimore, 1930), accessed via [hathitrust.org](http://hathitrust.org) <http://hdl.handle.net/2027/wu.89062938204> [accessed 12 November 2016]
- Jacobus, D.L., *Genealogy as Pastime and Profession* (Baltimore, 1968 Revised edition)
- Kean, H., *London Stories, Personal lives, public histories - creating personal and public histories of working-class London* (London, 2004)
- Kent, D., and Townsend, N., *The Convicts of the Eleanor: Protest in Rural England, New Lives in Australia* (London, 2002)
- Lape, D., *Looking for Lizzie: The True Story of an Ohio Madam, Her Sporting Life and Hidden Legacy* (np, 2014)
- McComb, S., *The Relative in the Cupboard: The Story of Jane Sefton alias Jane McCartney* (2014), <https://www.femaleconvicts.org.au/docs/convicts/JaneMacCartney.pdf> [accessed 7 November 2020]
- Morley, L., *Finding Thomas Dames* (np, 2015)
- Oates, J., *Tracing Villains & Their Victims*, (Barnsely, 2017)
- O'Neill, J., *Transported to Van Diemen's Land: The story of two convicts* (Melbourne, 1977)
- Paley, R., and Fowler, S., *Family Skeletons: Exploring the lives of our disreputable ancestors* (Richmond, 2005)
- Roberts, L., *Why my great great-grandmother is my heroine* (n.d.) <https://www.femaleconvicts.org.au/docs/convicts/JaneHuntingdon.pdf> [accessed 14 November 2020]
- Robertson, P.J., *Our Story* (np, 2010)
- Robinson, M., with Rudd, S., *Family Fables: How to write and publish the story of YOUR family* (Huddersfield, 2015)
- Serrano, R.A., *My Grandfather's Prison A story of Death and Deceit in 1940s Kansas City* (Columbia, 2009)
- Stapley, G., *Ann's Story: The Tucker branch of the family tree* (np, nd)
- Shapiro, K.J., *To Abolish Children and Other Essays* (Chicago, 1968)
- Swinchatt, S., *The Mariner's Daughter* (np, nd)

Troy, D., *Guide to convict records in the Archives Office of New South Wales* (Sydney, 1970)

Vickers, K., *Beyond the Seas: Convicts on the Hulk Justitia at Woolwich July 1824-June 1825* (Kolora, 2017)

Wade, S., *Tracing your Criminal Ancestors: A Guide for Family Historians* (Barnsley, 2009)

Williams, L., and Godfrey, B., *Criminal Women 1850-1920, Researching the Lives of Britain's Female Offenders*, (Barnsley, 2018)

## Articles

American Family Records Association, 'Don't overlook the Black Sheep', *Family Records Today* 7.2 (1986)

Anon, 'Lower court cases, a genealogist's tool', *National Genealogical Society Quarterly* 49.4 (1961)

Anon, 'So You Want to Write A Book', *Southwestern Genealogist* 3.5 (1965),  
<http://search.findmypast.ie/record?id=persi%2fswgn%2f36348%2f1636331> [accessed 28 December 2018]

Anon, 'Writing Your Family History', *White River Valley Historical Society Quarterly* 1.6 (1962),  
<http://search.findmypast.ie/record?id=persi%2fmowr%2f110389%2f1632981> [accessed 28 December 2018]

Anon, 'Remittance men-were they all black sheep?', *British Columbia Historical News* 10.2 (1977).

Genealogical Society Of Victoria, 'Earliest records of Australian convicts, resource guide, 18th-19th C.', *Ancestor* 9.7 (1973)

Lockport Area Genealogical & Historical Society, 'Notoriety Can Equal Records', *Lockport Area Genealogical & Historical Society Newsletter* Issue 75 (2008)

Morgan, G.G., 'And the Truth Shall Make You Free' *Der Ahnenforscher "The Family Researcher"* 112 pp. 10-11 (2007)

North Suburban Genealogical Society 'Ethics, Baa-Baa Black Sheep, Do I Dare Tell?' *North Suburban Genealogical Society Newsletter* 27.1 (2001)

Ontario Genealogical Society, 'Pursuing Elusive Black Sheep', *Families* 20.4 (1981)

Thompson, G., 'Convict Research in Australia', *The New Zealand Genealogist* 19.182 (1988)

Upper Ottawa Valley Genealogical Group, 'Making Your Black Sheep The Family Pet' *Timberline* 4.4 (1993)

## Websites – multiple citations from a single site are grouped under headings

## **Ancestry**

Ancestry, 'Criminal Records', <http://www.ancestry.com/cs/uk/criminal> [accessed 26 February 2017]

Ancestry, 'England & Wales, Criminal Registers, 1791-1892', <http://search.ancestry.co.uk/search/db.aspx?dbid=1590> [accessed 18 February 2017]

Ancestry Limited Liability Company (LLC), 'World Archives Project: UK Criminal Records', <https://support.ancestry.com/s/article/World-Archives-Project-UK-Criminal-Records> [accessed 19 August 2020]

Ancestry Limited Liability Company (LLC), 'Web: London, England, Proceedings of the Old Bailey and Ordinary's Accounts Index, 1674-1913', <https://search.ancestry.co.uk/search/db.aspx?dbid=70814> [accessed 1 November 2020]

Ancestry YouTube Channel, 'Bring Your Backstory to Life', 22 May 2019, <https://www.youtube.com/watch?v=Wnce5IgWb1w> [accessed 7 November 2020]

## **Claim a Convict**

Claim a Convict, <http://www.hawkesbury.net.au/claimaconvict/> [accessed 11 January 2017]

Claim a Convict, 'Details for the convict Jane Poole (1788)', <http://www.hawkesbury.net.au/claimaconvict/convictDetails.php?convictId=11033> [accessed 13 July 2020]

Claim a Convict, 'Details for the convict Thomas Baccon (1832)', <http://www.hawkesbury.net.au/claimaconvict/convictDetails.php?convictId=29401> [accessed 23 July 2020]

## **Colonial Ties**

Colonial Ties, 'How to write a story of an Australian Female Convict', <http://colonialties.com/new/> [accessed 18 September 2016]

Colonial Ties, 'Launch of the Female Australian Convict Database' 15 October 2014, via [web.archive.org https://web.archive.org/web/20160111034221/http://colonialties.com/](https://web.archive.org/web/20160111034221/http://colonialties.com/) [accessed 27 February 2021]

## **Digital Panopticon**

Digital Panopticon, <https://www.digitalpanopticon.org> [accessed 26 July 2020]

Digital Panopticon, 'About the Project', [https://www.digitalpanopticon.org/About\\_The\\_Project](https://www.digitalpanopticon.org/About_The_Project) [accessed 31 October 2020]

Digital Panopticon Blog, 'Barry Godfrey', <https://blog.digitalpanopticon.org/people/barry-godfrey/> [accessed 06/02/2021]

## **FamilySearch**

FamilySearch, 'Black Sheep Ancestors', <https://familysearch.org/blog/en/black-sheep-ancestors/> [accessed 11 October 2015]

FamilySearch, 'RootsTech 2018 Videos', <https://www.rootstech.org/rootstech-2018-videos> [accessed 7 November 2020]

FamilySearch, 'What is the Difference between Genealogy and Family History?', <https://familysearch.org/blog/en/difference-genealogy-family-history> [accessed 23 July 2020]

## **Findmypast**

Findmypast, 'A brand new look with a refreshed focus' <https://www.findmypast.co.uk/blog/new/new-brand> [accessed 14 July 2020]

Findmypast, 'Bestiality, Bigamy and Burglary, the most common crimes across the south' <https://blog.findmypast.co.uk/bestiality-bigamy-and-burglary-the-most-common-crimes-across-the-south-1406511437.html> [accessed 26 February 2017] now available via Wayback Machine at <https://web.archive.org/web/20150910112032/http://blog.findmypast.co.uk/2015/bestiality-bigamy-and-burglary-in-our-records-the-most-common-crimes-across-the-south-east-during-the-victorian-era/> [accessed 27 February 2021]

Findmypast, 'Company Timeline' <http://www.findmypast.ie/articles/company-timeline> [accessed 18 February 2017]

Findmypast, 'Crimes, Prisons & Punishment', <http://www.findmypast.co.uk/page/crime-prisons-punishment> [accessed 13 July 2020]

Findmypast, 'Crimes, Prisons & Punishment' <http://www.findmypast.co.uk/crime-prisons-punishment> [originally accessed 26 February 2017] now available via Wayback Machine at <https://web.archive.org/web/20170604042820/http://www.findmypast.co.uk/crime-prisons-punishment> [accessed 27 February 2021]

Findmypast, 'England and Wales, Crimes, Prisons & Punishments 1770-1935', <http://search.findmypast.co.uk/search-world-records/england-and-wales-crime-prisons-and-punishment-1770-1935>; Ancestry, 'About UK, Prison Hulk Registers and Letter Books', 1802-1849 <http://search.ancestry.co.uk/search/db.aspx?dbid=1989> [accessed 26 February 2017]

Findmypast, 'The Criminal Gangs of 19th Century Britain', <https://blog.findmypast.com/the-criminal-gangs-of-18th-century-britain-1406151569.html> [accessed 26 February 2017]

Findmypast, 'Manchester Prison Registers 1847-1881', <http://web.archive.org/web/20110924153454/http://www.findmypast.co.uk/search/manchester-collection/prison-registers> [accessed 18 February 2017]

Findmypast, 'Scotland, Court & Criminal Database', <https://search.findmypast.com/search-world-Records/scotland-court-and-criminal-database> [accessed 31 August 2020]

Findmypast, 'Surname', <https://www.findmypast.co.uk/surname/o'connor> [accessed 13 July 2020]

Findmypast, Periodical Source Index, all entries search result  
<https://www.findmypast.co.uk/search/results?datasetname=periodical+source+index&sid=103>  
[accessed 19 July 2020]

Findmypast, Prison Registers sub-category, [https://search.findmypast.co.uk/search-world-records-in-institutions-and-organisations/and\\_prison-registers](https://search.findmypast.co.uk/search-world-records-in-institutions-and-organisations/and_prison-registers) [accessed 13 July 2020]

Findmypast, Results for "Hulks" in 1851 UK Census showing initials only,  
[https://www.findmypast.ie/search/results?sourcecategory=census%2c%20land%20%26%20surveys&keywords=hulk&collection=census&eventyear=1851&eventyear\\_offset=2&sid=999](https://www.findmypast.ie/search/results?sourcecategory=census%2c%20land%20%26%20surveys&keywords=hulk&collection=census&eventyear=1851&eventyear_offset=2&sid=999) [accessed 25 April 2020]

Findmypast YouTube Channel, 'Your Family Tree - Findmypast TV Advert 2 | May 2020', 6 May 2020, <https://www.youtube.com/watch?v=I1RAgzsxSBg> [accessed 7 November 2020]

## **MyHeritage**

My Heritage, 'Media Kit', <http://blog.myheritage.com/media-kit-myheritage-com/> [accessed 30 January 2016]

MyHeritage, 'Subscription Page', <https://www.myheritage.com/products/229305971> [accessed 23 July 2020]

## **Office for National Statistics**

Office for National Statistics, 'Crime Survey for England and Wales, June 2018',  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/bulletins/crimeinenglandandwales/yearendingjune2018> [accessed 02 December 2018]

Office for National Statistics, 'Home internet and social media usage, 2018',  
<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/internetaccesshouseholdsandindividuals/2018> [accessed 8 November 2020]

Office for National Statistics, 'Public perceptions of crime in England and Wales',  
<https://www.ons.gov.uk/releases/publicperceptionsofcrimeinenglandandwales> [accessed 30 March 2019]

Office for National Statistics, 'Public perceptions of crime in England and Wales: year ending March 2016'  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/publicperceptionsofcrimeinenglandandwales/yearendingmarch2016> [accessed 30 March 2019]

Office for National Statistics, 'What other sources of information are available on perceptions of crime',  
<https://www.ons.gov.uk/peoplepopulationandcommunity/crimeandjustice/articles/publicperceptionsofcrimeinenglandandwales/yearendingmarch2016#what-other-sources-of-information-are-available-on-perceptions-of-crime> [accessed 30 March 2019]

### **Old Bailey Proceedings Online**

Tim Hitchcock, Robert Shoemaker, Clive Emsley, Sharon Howard and Jamie McLaughlin, et al., 'Research and Study Guides' The Old Bailey Proceedings Online, 1674-1913  
<https://www.oldbaileyonline.org/static/History.jsp> (www.oldbaileyonline.org, version 7.0, 24 March 2012) [accessed 26 February 2017]

### **Other Websites**

Ancestry Insider, 'ancestry.com at Banking Conference – Part 1' (2015)  
<http://www.ancestryinsider.org/2015/10/ancestrycom-at-banking-conference-part-1.html> [accessed 23 July 2020]

Australian National University, Australian Constitutional Referendum Study 1999,  
<http://aes.anu.edu.au/other-studies/acrs-1999> [accessed 23 July 2020]

Black Sheep Ancestors, <https://www.blacksheepancestors.com> [accessed 15 July 2020]

Black Sheep Index, 'Before you start',  
<https://web.archive.org/web/20101005021953/http://www.blacksheepindex.co.uk/starting.htm>  
[accessed 13 July 2020]

boards.ie, 'Bad Boys Lurking in Trees?' discussion thread,  
<http://www.boards.ie/vbulletin/showthread.php?p=99027912> [accessed 8 November 2020]

Bodleian Library, University of Oxford, The John Johnson Collection: An Archive of Printed Ephemera, <http://johnjohnson.chadwyck.co.uk> [accessed 08/10/2015]

Bristol and Gloucestershire Archaeological Society, 'Gloucestershire Record Series',  
<https://www.bgas.org.uk/volumes/gloucestershire-record-series-full-list-of-titles> [accessed 13 February 2020]

Cornell University, 'Trial Pamphlets Collection', <https://lawcollections.library.cornell.edu/trial>  
[accessed 14 July 2020]

Convict Women's Press Inc. A not-for-profit Organisation,  
<https://www.convictwomenspress.com.au> [accessed 14 November 2020]

Cyndi's List, 'Family History Publishers', <http://www.cyndislist.com/books/family-history-publishers/> [accessed 7 November 2020]

Dever, G., 'Criminals on your family tree?', *Genealogy a la Carte*, <http://carte.genealogyalacarte.ca/?p=10382> [accessed 23 July 2020]

Family Heritage Publishers, <https://www.familyheritagepublishers.com> [accessed 17 October 2020]

Federal Bureau of Investigation, 'Crime data explorer', <https://crime-data-explorer.fr.cloud.gov/explorer/national/united-states/crime> [accessed 8 November 2020]

Female Convicts Research Centre Inc. A not-for-profit organisation run entirely by volunteers, <https://www.femaleconvicts.org.au> [accessed 7 November 2020]

Gale, 'Crime Punishment, and Popular Culture, 1790-1920', <https://www.gale.com/intl/c/crime-punishment-and-popular-culture> [accessed 31 December 2020]

Gale, 'Historian Newspapers' <https://www.gale.com/intl/primary-sources/historical-newspapers> [accessed 27 February 2021]

Harvard Library, 'English Crime and Execution Broadside' [https://curiosity.lib.harvard.edu/crime-broadside?utm\\_source=library.harvard](https://curiosity.lib.harvard.edu/crime-broadside?utm_source=library.harvard) [accessed 14 July 2020]

History Pin, 'Our Criminal Ancestors' profile page, <https://www.historypin.org/en/person/94538> [accessed 13 April 2020]

History UK, 'Collaborative Case Study: Our Criminal Ancestors', <https://www.history-uk.ac.uk/projects/collaborative-case-study-our-criminal-ancestors/> [accessed 1 November 2020]

Irish Family History Society, <http://www.ifhs.ie> [accessed 23 July 2020]

Lost Cousins, 'Newsletter 19 November 2011', <http://www.lostcousins.com/newsletters/latenov11news.htm> [accessed 13 December 2016]

McGinnis Schulze, L., 'Got Blacksheep Ancestors? Join the PhD Study', 3 August 2015 <http://olivetreegenealogy.blogspot.com/2015/08/got-blacksheep-ancestors-join-phd-study.html?spref=pi> [accessed 30 December 2020]

National Archives and Records Administration (United States) 'National Archives History', <https://www.archives.gov/about/history> [accessed 31 August 2020]

National Archives of Ireland, 'About the National Archives', <https://www.nationalarchives.ie/what-we-do/about-the-national-archives/> [accessed 23 July 2020]

National Records of Scotland, <https://www.nrscotland.gov.uk> [accessed 7 November 2020]

New England Historic Genealogical Society, 'About', *American Ancestors*, <https://www.americanancestors.org/about> [accessed 23 February 2020]

The National Archives (UK) 'History of the Public Records Acts', <http://www.nationalarchives.gov.uk/information-management/legislation/public-records-act/history-of-pra/> [accessed 23 July 2020]

The National Archives (UK), HO140 Catalogue Entry, <https://discovery.nationalarchives.gov.uk/details/r/C9004> [accessed 13 July 2020]

The National Archives (UK), 'How to look for records of... Criminal transportation'  
<http://www.nationalarchives.gov.uk/help-with-your-research/research-guides/criminal-transportation/> [accessed 30 December 2020]

Olive Tree Genealogy, 'Got Blacksheep Ancestors? Join the PhD Study'  
<https://olivetreegenealogy.blogspot.com/2015/08/got-blacksheep-ancestors-join-phd-study.html>  
[accessed 31 December 2020]

Peterson, S., 'What if your ancestor was an axe murderer?', *LongLostRelatives.Net* 31 January 2010,  
<http://longlostrelatives-smp.blogspot.com/2010/01/what-if-your-ancestor-is-axe-murderer.html>  
[accessed 8 November 2020]

ProQuest, 'Criminal Justice Database', [https://about.proquest.com/products-services/pq\\_criminal\\_justice.html](https://about.proquest.com/products-services/pq_criminal_justice.html) [accessed 14 July 2020]

The Scottish Association of Family History Societies, 2018 Conference Site [no longer live],  
<https://safhs2018.fifefhs.org> [accessed 7 May 2018] archived

Secret Lives Conference site [no longer live] <http://www.secretlives.org.uk> [accessed 1 September 2018] archived version available via Wayback Machine  
<https://web.archive.org/web/20180905011623/https://secretlives.org.uk/> [accessed 13 February 2021]

Society of Australian Genealogists, 'Convicts Day' <http://www.sag.org.au/events/event-listing/icalrepeat.detail/2017/03/16/239/-/convicts-day.html> [accessed 28 February 2017]

Shergold, C., 'NSW Convict Records - Lost and Saved', New South Wales, State Archives & Records, <https://www.records.nsw.gov.au/archives/collections-and-research/guides-and-indexes/stories/new-south-wales-convict-records-lost> [accessed 19 October 2016]

Tarbert Bridewell, <http://www.tarbertbridewell.com> [accessed 1 February 2017]

The Irish Genealogical Research Society, 'Ireland Branch',  
[http://www.irishancestors.ie/?page\\_id=41](http://www.irishancestors.ie/?page_id=41) [accessed 23 July 2020]

Tim Hitchcock, Robert Shoemaker, Sharon Howard and Jamie McLaughlin, et al., *London Lives, 1690-1800* (www.londonlives.org, version 1.1, 24 April 2012).

The Society of Australian Genealogists, 'About Us', <https://www.sag.org.au/About-Us> [accessed 8 March 2020]

The Society of Genealogists, 'About the Society', <http://www.sog.org.uk/about/history-of-the-society/> [accessed 23 February 2020]

The USGenWeb Project, <http://usgenweb.org> [accessed 8 October 2015]

War Department Papers, <http://wardepartmentpapers.org/transcribe.php> [accessed 8 November 2020]



## **Broadcasts: Television, Radio and YouTube**

American Ancestors YouTube Channel, Penny Stratton, 'Ten Steps to Writing and Publishing Your Family History', 30 January 2014, <https://www.youtube.com/watch?v=uUpoVyZZrXs> [accessed 7 November 2020]

BBC One, *Murder Mystery and My Family*, <https://www.bbc.co.uk/programmes/b09ts770> [accessed 18 July 2020]

BBC One, *Who Do You Think You Are?*, <https://www.bbc.co.uk/programmes/b007t575> [accessed 20 July 2020]

BBC Two, *The Secret History of My Family*, <https://www.bbc.co.uk/programmes/b073lqfh> [accessed 19 July 2020]

*Dark Crimes* YouTube channel, *Murder Mystery and My Family* selection of episodes, <https://www.youtube.com/playlist?list=PLOnBqIDMUw1lhLPp3D2DbMZhfO93QZAjs> [accessed 17 August 2020]

Films Media Group, *The Gadbury Sisters—The Secret History of My Family: A Social History*, <https://www.films.com/ecTitleDetail.aspx?TitleID=127867> [accessed 17 August 2020]

Public Broadcasting Service (PBS), *Finding your Roots*, <http://www.pbs.org/weta/finding-your-roots/> [accessed 28 February 2017]

Public Broadcasting Service (PBS), *Genealogy Roadshow*, <http://www.pbs.org/genealogy-roadshow/home/>;

Public Broadcasting Service (PBS), Season 6, Episode 4 Sean Hayes, *Who Do You Think You Are?* (USA), first aired 29 March 2015, trailer <https://www.youtube.com/watch?v=4SR8VgWVtw4&list=PLC393132164302373&index=380> [accessed 7 November 2020]

Raidió Teilifís Éireann (RTE), *Genealogy Roadshow*, <http://www.rte.ie/tv/genealogyroadshow/> [accessed 28 February 2017]

Radio New Zealand, *Nine to Noon*, 'The Girl Who Stole Stockings', radio interview with Elsbeth Hardie 16 October 2015, <http://www.radionz.co.nz/national/programmes/ninetonoon/audio/201774907/the-girl-who-stole-stockings> [accessed 7 November 2020]

## **Newspaper Articles**

'The Burglaries by Hull Tradesmen', *Bridlington Free Press* 11 April 1885, p.5, via British Newspaper Archive <https://www.britishnewspaperarchive.co.uk/titles/bridlington-free-press> [accessed 10 December 2020]

'The Charge of Burglary Against Hull Tradesmen', *Yorkshire Post and Leeds Inteligencer* 5 March 1885, p. 6 via The British Newspaper Archive, <https://www.britishnewspaperarchive.co.uk/viewer/bl/0000687/18850305/097/0006> [accessed 16 December 2020]

Goddard, A., 'Who was your grandfather?', *The Sun*, 19 January 1947, p. 2, <http://trove.nla.gov.au/newspaper/article/230001312> , [accessed 25 February 2017]

Hax, C., 'Is it better to gloss over the 'terrible' stories in family history?', *The Seattle Times* 4 December 2017, <https://www.seattletimes.com/life/is-it-better-to-gloss-over-the-terrible-stories-in-family-history/> [accessed 8 November 2020]

Hill, A., 'Old Bailey opens its unseen files', *The Guardian* 27 April 2008, <https://www.theguardian.com/uk/2008/apr/27/law> [accessed 7 November 2020]

'Last of the Expirees', *The Mirror*, 27 August 1938, p. 22, <http://trove.nla.gov.au/newspaper/article/76057749> [accessed 14 February 2017]

'Mr Wentworth's Ancestors', *The Canberra Times*, 29 February 1968, p. 3 <http://trove.nla.gov.au/newspaper/article/131668350> [accessed 11 January 2017]

Rees, L., 'Our Convict Past. Are We Really Ashamed of It?', *The West Australian* 3 February 1940, p. 5, <http://trove.nla.gov.au/newspaper/article/46353523> [accessed 25 February 2017]

'Tracing the Family Tree', *Birmingham Daily Post*, Monday 22 September 1975 p. 12, <https://www.britishnewspaperarchive.co.uk/viewer/bl/0002135/19750922/351/0012> [accessed 7 November 2020]

'Was your Fife ancestor a convict?', *The Scotsman*, Tuesday 27 March 2018, <https://www.scotsman.com/lifestyle/was-your-fife-ancestor-a-convict-1-4713319> [accessed 7 November 2020]

### **Social Media Accounts** (see also Social Media Posts)

'Claim a Convict', Facebook Group, <https://www.facebook.com/ClaimaConvict/> [accessed 20 July 2020]

'Colonial Ties - Convicts of Australia', Facebook Page, <https://www.facebook.com/ausfcd/> [accessed 7 November 2020]

'Criminal Genealogy', Facebook Group, <https://www.facebook.com/groups/206093116681587/> [accessed 29 Oct 2018]

'Descendants of William Archer (Convict)', Facebook Group, <https://www.facebook.com/groups/1676105315936804/> [accessed 8 November 2020]

Facebook, <https://www.facebook.com/pg/facebook/about/> [accessed 8 November 2020]

Facebook, 'What are the privacy options for Facebook groups?', [https://www.facebook.com/help/220336891328465?helpref=about\\_content](https://www.facebook.com/help/220336891328465?helpref=about_content) [accessed 8 November 2020]

Genebloggers on Pinterest, 'Black Sheep Sunday', <https://uk.pinterest.com/genebloggers/black-sheep-sunday/> [accessed 26 February 2017]

'Jewish Convicts to Australia', Facebook Group, <https://www.facebook.com/groups/461595380666228/> [accessed 8 November 2020]

Mazza, L.J., (@blacksheep), <https://twitter.com/LaurieJMazza/status/947546163460190208> [accessed 1 January 2018] [account since deleted]

Twitter, search convict ancestor slave  
<https://twitter.com/search?q=convict%20ancestor%20slave&src=typd>

Vickers, K., Twitter profile, @kerrybv1 <https://twitter.com/kerrybv1>

## Social Media Posts

Andrew Mc (@AnxrewM), 'ever been an ancestor of a white slave convict shipped to Australia from 1788?' [tweet] 7:19am, 13 February 2018), <https://twitter.com/AnxrewM/status/963311544120442881> [accessed 25 November 2020]

Andrew Mc (@AnxrewM), 'Moved on from being a white convict ancestor slave sent from Britain shipped to Australia yrs ago after Jan 26, 1788.' [tweet] 10:43am, 17 February 2018), <https://twitter.com/AnxrewM/status/964812446090240001> [accessed 25 November 2020]

aSon (@aSonSpy), 'So are us white Australians with convict blood getting reparations for our ancestor's getting stolen put in ships and taken to their death only to be used as slaves? Notice every government form asks if you are aboriginal on decent.. That's because they get more than the rest.' [tweet] (11:36am, 12 February 2018), <https://twitter.com/aSonSpy/status/963014062266183680> [accessed 25 November 2020]

J Korff, 'Compensation for Stolen Generation members', *Creative Spirits*, <https://www.creativespirits.info/aboriginalculture/politics/stolen-generations/compensation-for-stolen-generation-members> [accessed 31 March 2019]

Joe Boeren (@antecedentia\_nl), 'Digital Panopticon and Old Bailey are two academic projects that very well serve genealogists when looking for family history or understanding their lives. Nick Barratt (@familyhistorysh) at #RootsTechLondon. #HistoriansCollaborate' [tweet] (2:28pm, 26 October 2019), [https://twitter.com/antecedentia\\_nl/status/1188085000643760128](https://twitter.com/antecedentia_nl/status/1188085000643760128) [accessed 25 November 2020]

Max Maxfield, 'What the English Say versus What the English Mean, EE Times Connecting the Global Electronics Community 17 February 2017, comment section, [http://www.eetimes.com/author.asp?section\\_id=216&doc\\_id=1331369](http://www.eetimes.com/author.asp?section_id=216&doc_id=1331369) [accessed 18 February 2017]

Melissa (@ggirltalks), 'A1: Too many criminals in the tree to mention! Moonshiners, murderers, drunkards, and more, oh my! #genchat They're my favorite ancestors to research!'[tweet] (3:08am, 9 December 2017), <https://twitter.com/ggirltalks/status/939330836452831233> [accessed 8 November 2020]

Melissa - Genealogy Girl Talks (@ggirltalks) 'A7: Yes! It was exciting to read through several articles. Murder committed in WV, fled to Ohio, found hiding in a barber shop, and taken back to WV. Interesting story! The articles even gave his physical description! #genchat' [tweet] (3:43am, 9 December 2017) <https://twitter.com/ggirltalks/status/939339734341636097> [accessed 25 November 2020]

Our Criminal Past @ourcriminalpast, 'Join us to celebrate the launch of our new website! Sat, April 21st, 10-12 noon @Hullhistorynews There will be tea, coffee and "criminal cake"! Book now:' [tweet] (10:55am, 12 April 2018) <https://twitter.com/ourcriminalpast/status/984369470322987008> [accessed 2 November 2020]

Rufus (@Rufus\_Riprock), 'My ancestor was a convict forcibly transported to Australia against his will and forced into hard-labour for years just like a slave. Immigrants like you – especially – need to check your privilege, you were never slaves.' [tweet] (1:37am, 8 August 2018), [https://twitter.com/Rufus\\_Riprock/status/1026990636530974720](https://twitter.com/Rufus_Riprock/status/1026990636530974720) [accessed 25 November 2020]

Susan Peterson (@SoozGenealogy), 'Should info about shady ancestors be shared? I find those the most colorful and don't hesitate to share that my 3x great grandfather was an axe murderer.' [tweet] (12:53pm 29 December 2017), <https://twitter.com/SoozGenealogy/status/946725780318556162> [accessed 8 November 2020]

The Ancestry Place (@AncestryPlace), 'LoL! My great great grandfather was a poisoner and a stabber! I feel the same as you...I am not one bit ashamed and find him one of my most interesting ancestors.' [tweet] (4:09am, 30 December 2017) <https://twitter.com/AncestryPlace/status/946956381436960769> [accessed 25 November 2020]

tmfinn (@tmfinnhead), 'Can be very healing for those inheriting pain. I've found so much wisdom & forgiveness when I uncover the stories that shamed both sides of my family. I understand why my parents came together & see myself as a agent' [tweet] (6:16pm, 29 December 2017), <https://twitter.com/tmfinnhead/status/946807230635978752> [accessed 25 November 2020]

Tony (@Sheasy64), 'I want a free loaf of bread a day in reparation for my then starving teenage irish ancestor who was whipped and imprisoned for stealing one' [tweet] (11:17pm, 9 February 2018), <https://twitter.com/Sheasy64/status/962103253981736960> [accessed 25 November 2020]

### 3. Secondary Sources

#### 3a. Books

Adair, B., Filene, B., and Koloski, L., (eds), *Letting Go?: Sharing Historical Authority in a User-Generated World* (Philadelphia, 2011)

Ahmed, W., Bath, P. and Demartini, G., 'Using Twitter as a Data Source: An Overview of Ethical, Legal, and Methodological Challenges' in Woodfield, K., (ed.) *The Ethics of Online Research* (Advances in Research Ethics and Integrity), (Brandford, 2017)

Anderson, C., Mazumdar, M., and Pandya, P., *New Histories of the Andaman Islands: Landscape, Place and Identity in the Bay of Bengal, 1790-2012* (Cambridge, 2016)

Ashton P. and Trapeznik A., (eds) *What is Public History Globally?* (London, 2019)

Ashton, P., Evans T., and Hamilton, P., *Making Histories* (Berlin, 2020)

Cohen, D., *Family Secrets: Living with Shame from the Victorians to the Present Day* (London, 2013)

Cauvin, T., *Public History A Text Book of Practice* (London, 2016)

Dean, D.M., (ed.), *A Companion to Public History* (Wiley Blackwell Companions to World History) (Hoboken, 2018)

Duff W.M., and Catherine A. J., 'Where is the List with All the Names? Information Seeking Behaviour of Genealogists, *The American Archivist* 66.1 (2003), pp. 79-95

Evans, T., *Fractured Families: Life on the margins in colonial New South Wales* (Sydney, 2015).

Giaccardi, E., (ed.), *Heritage and Social Media: Understanding Heritage in a Participatory Culture* (London, 2012)

Godfrey, B., *Crime in England 1880-1945: The rough and the criminal, the policed and the incarcerated* (London, 2014)

Gosselin, V. and Livingstone P., (eds), *Museums and the past constructing historical consciousness: Perspectives on museum theory and practice in Canada* (Toronto, 2016)

Hedges, M., and Dunn, S., *Academic Crowdsourcing in the Humanities: Crowds, Communities and Co-production* (London, 2017)

Hughes, L.M., (ed.), *Evaluating and Measuring the value, use and impact of Digital Collections* (London, 2012)

Hunt, C., *Transformative Learning Through Creative Life Writing: Exploring the Self in the Learning Process* (Abingdon, 2013)

Kean, H., and Martin, P., (eds), *The Public History Reader* (Abingdon, 2013)

- Lavrakas, P.J., (ed.) *Encyclopaedia of Survey Research Methods* (Thousand Oaks, 2008) via <https://methods-sagepub-com.sheffield.idm.oclc.org/reference/encyclopedia-of-survey-research-methods> [accessed 13 February 2020]
- Leffler P.K., and Brent, J., (eds), *Public History Readings* (Malabar, 1992)
- Lowenthal, D., *The Heritage Crusade and the Spoils of History* (Cambridge, 1998)
- Lowenthal, D., *The Past is a Foreign Country Revisited* (Cambridge, 2015)
- Maerker, A., Simon Sleight and Adam Sutcliffe (eds), *History, Memory and Public Life: The Past in the Present* (London, 2018)
- Moore, S., Rosenthal, D., and Robinson, R., *The Psychology of Family History: Exploring our Genealogy* (London, 2020)
- Nash, C., *Of Irish Descent: Origin Stories, Genealogy & the Politics of Belonging* (New York, 2008)
- Oxley, D., *Convict Maids: The Force Migration of Women to Australia* (Cambridge, 1996)
- Renders, H., and De Haan, B., (eds) *Theoretical Discussions of Biography* (Leiden, 2012)
- Robinson, P., *The Women of Botany Bay; A reinterpretation of the role of women in the origins of Australian society* (Sydney, 1988)
- Rosenzweig R., and Thelen, D., *The Presence of the Past: Popular Uses of History in American Life* (New York, 1998)
- Sayer, F., *Public History: A Practical Guide* (London, 2015)
- Schroeder, R., *Social Theory after the Internet: Media, Technology, and Globalization* (London, 2018)
- Shoemaker, R., 'Lessons from the Digital Panopticon', in Lana Pitcher and Michael Pidd, *Proceedings of the Digital Humanities Congress 2018* (n.d), <https://www.dhi.ac.uk/openbook/chapter/dhc2018-shoemaker> [accessed 31 October 2020]
- Smith, B., *Australia's Birthstain: the startling legacy of the convict era* (Crow's Nest, 2009)
- Tourneau, R., Rips, L.J., and Rasinski, K., *The Psychology of Survey Response* (New York, 2000)
- Trask, D.F., and Pomeroy III, R.W., (eds), *The Craft of Public History: An Annotated Select Bibliography* (Westport, 1983)
- Tebeau, M., *Public History for a Digital Age: The Art of Curation*, (listing only, not yet published) <https://www.amazon.com/Public-History-Digital-Age-Curation/dp/1138885487> [accessed 2 February 2019]
- Timothy, D.J., and Guelke, J.K., (eds), *Geography and Genealogy: Locating Personal Pasts* (Aldershot, 2008)

Turnbull, C., *Concise History of Australia* (New York, 1965)

Yagoda, B., *Memoir: A History* (New York, 2009)

Young, D., *Making Crime Pay: The Evolution of Convict Tourism in Tasmania* (Hobart, 1996)

Wessels, B., *Communicative Civic-ness: Social Media and Political Culture* (London, 2018)

Zerubavel, E., *Ancestors & Relatives: Genealogy, Identity, & Community* (Oxford, 2012)

### 3b. Articles

Barnwell, A., 'The Genealogy Craze: Authoring an Authentic Identity through Family History Research', *Life Writing* 10.3 (2013) pp. 261-275

Carletti, L., McAuley, D., Price, D., Giannachi, G., Benford, S., 'Digital Humanities and Crowdsourcing: An Exploration', <https://core.ac.uk/download/pdf/43093962.pdf> [accessed 19 August 2020]

Crone, R., 'Crime - and its Fabrication: A Review of New Digital Resources in the History of Crime', *Journal of Victorian Culture*, 14.1 (Edinburgh, 2009), pp. 125-134

Darby, P., and Clough, P., 'Investigating the Information Seeking Behaviour of Genealogists and Family Historians', *Journal of Information Science* 39.1 (2013), pp. 1-13

de Groot, J., International Federation for Public History Plenary Address: On Genealogy, *The Public Historian* 37.3 (2015), pp. 102-127

Dunn, H.L., 'Record Linkage', *American Journal of Public Health and the Nation's Health* 36.12, (1946), p. 1412-1416

Evans, T., 'Secrets and Lies: the Radical Potential of Family History', *History Workshop Journal* Issue 71 (2011), pp. 49-73

Fletcher, C., Jeremy Black, Matt Shaw and Llewelyn Morgan, 'Head to Head: Is Social Media Good for History?', *History Today* 70.2 (2020), <https://www.historytoday.com/archive/head-head/social-media-good-history> [accessed 25 October 2020]

Foster, M., 'Online and Plugged In?: Public History and Historians in the Digital Age', *Public History Review* 21 (2014), pp. 1-19

Godfrey, B., "'Dear Reader I killed him" Ethical and Emotional issues in researching convicted murderers through the analysis of interview transcripts' *Oral History* 31.1 (2017), pp.54-64

Hitchcock, T. and Shoemaker, R., 'Digitising History From Below: The Old Bailey Proceedings Online, 1674-1834', *History Compass* 4.2 (2006), pp. 193-202

Jackman, G., 'From Stain to Saint: Ancestry, Archaeology, and Agendas in Tasmania's Convict Heritage—A View from Port Arthur', *Historical Archaeology* 43 (2009), pp 101-112

- Lambert R.D., 'Reclaiming the ancestral past: narrative, rhetoric and the 'convict stain'', *Journal of Sociology* 38.2 (2002) pp. 111-127
- Lambert, R.D., 'Descriptive, narrative and experiential pathways to symbolic ancestors', *Mortality: Promoting the interdisciplinary study of death and dying* 11.4 (2006), pp. 317-335.
- Lowenthal, D., 'Fabricating Heritage', *History and Memory* 10 (1998) pp. 5-24
- Maxwell-Stewart, H., 'The State, Convicts and Longitudinal Analysis', *Australian Historical Studies*, 47:3 (2016), pp. 414-429
- Myers, C. and James F. Hamilton, 'Open genre, new possibilities: democratizing history via social media', *Rethinking History* 19.2 (2015) pp. 222-234
- Noiret, S., 'Public History and the Media', *International Federation for Public History* (2015) <https://ifph.hypotheses.org/352> [accessed 15 February 2020]
- Roued-Cunliffe, H. and Copeland, A., (eds), *Participatory Heritage* (London, 2017)
- Salice, A., and Montes Sánchez, A., 'Pride, Shame and Group Identification', *Frontiers in Psychology* 7 (2016) pp. 1-12
- Shoemaker, R. and Ward, R., 'Understanding the criminal: record keeping, statistics and early history of criminology in England', *The British Journal of Criminology* 57.6 (2017), pp. 1442-1461
- Smith, G., "Does gender influence online survey participation?: A record-linkage analysis of university faculty online survey response behavior" (2008), [http://scholarworks.sjsu.edu/elementary\\_ed\\_pub/4](http://scholarworks.sjsu.edu/elementary_ed_pub/4) [accessed 13 February 2021]
- Smolenyak, M., 'Who is the Genealogist Next Door?', *Ancestry* 21.5 (2003) via Google Books <https://books.google.ie/books?id=pOH-578rxqwC&pg> [accessed 5 September 2015]
- Tranter B. and Donoghue, J., 'Convict Ancestry: a neglected aspect of Australian identity', *Nations and Nationalism* 9.4 (2003) pp. 555-557, <https://core.ac.uk/download/pdf/33311687.pdf> [accessed 31 October 2020]
- Uhlmann, E.L., Zhu, L., Pizzaro, D.A., and Bloom, P., 'Blood is thicker: Moral spillover effects based on kinship', *Cognition* 124 (2012), pp. 239-243.
- Veale, K.H., 'A Doctoral Study of the Use of the Internet for Genealogy', *Historia Actual Online* 7 (2004), pp. 7-14
- Veale, K.H., 'Discussing Our Family Trees: A Longitudinal Analysis of Online, Community-Based Communication in Genealogical Newsgroups', *Interface: The Journal of Education, Community and Values* 4.4 (2004), pp. 1-23
- Yakel E., and Torres, D.A., 'Genealogists as a "Community of Records"', *The American Archivist* 70.1 (2007), pp. 93-113

### **3c. Theses (Unpublished)**



Little, H.M., 'Genealogy as theatre of self identity: a study of genealogy as a cultural practice within Britain since c. 1850', PhD Thesis (University of Glasgow, 2009), <http://theses.gla.ac.uk/1434/> [accessed 2 November 2020]

Wolter, M.R., 'Sound and Fury in Colonial Australia: The Search for the Convict Voice, 1800-1840', PhD Thesis (University of Sydney, 2014) <http://hdl.handle.net/2123/11682> [accessed 26/09/2015]

### 3d. Websites/Online Articles (Blogs)

Ancestry Corporate, <http://corporate.ancestry.com/about-ancestry/> [accessed 23 July 2020]

Australian Bureau of Statistics, 'Australia's Population reaches 19 million' (1999), <http://www.abs.gov.au/ausstats/abs@.nsf/mediareleasesbyTopic/6250C12F5E6334CBCA2568A900136348?OpenDocument> [accessed 14/08/2016]

Australian Bureau of Statistics, 'Demographic Estimates and Projections'. <https://www.abs.gov.au/ausstats/abs@.nsf/Latestproducts/81CA16F3C08ECE37CA25697E0018FC3A?opendocument> [accessed 25 July 2020]

Bennett, B., 'Discovering my ancestor had slaves has given me new perspectives on the past and present', *Findmypast Blog* 8 February 2021, <https://www.findmypast.com/blog/discoveries/enslaver-ancestor> [accessed 27 March 2021]

Broadcasters' Audience Research Board 'Weekly top 10 programmes on TV sets (July 1998 – Sept 2018)' <https://www.barb.co.uk/viewing-data/weekly-top-10/> [accessed 20 February 2021]

de Lemos Freixo, A., 'Public History and its Multiple Engagings: Interview with Tanya Evans', *Café História*, November 2019, <https://www.cafehistoria.com.br/public-history-engagings/> [accessed 13 March 2021]

Family Forest, 'How many ancestors do you have?', <http://familyforest.com/resources/51/ancestors-at-a-glance> [accessed 12 March 2017]

Family Tree Magazine, 'Advertise', <http://www.familytreemagazine.com/Info/Advertise> [accessed 23 July 2020]

FamilySearch, 'FamilySearch Adds Ability to Document All Family Relationships' 10 December 2019, <https://media.familysearch.org/familysearch-adds-ability-to-document-all-family-relationships/> [accessed 27 March 2021]

Fife Cultural Trust, <http://www.onfife.com/libraries-archives/archives> [accessed 7 November 2020]

Fitzsimmons, C., 'Australia is safer than it used to be but family violence persists', *The Sydney Morning Herald* 21 July 2018, <https://www.smh.com.au/lifestyle/life-and-relationships/australia-is-safer-than-it-used-to-be-but-family-violence-persists-20180720-p4zszy.html> [accessed 8 November 2020]

google-analytics.ie, 'How Does Google Analytics Track User Age and Gender?', <https://www.google-analytics.ie/blog/how-does-google-analytics-track-user-gender-and-age/> [accessed 26 September 2020]

Google Trends, <https://trends.google.com/trends/> [accessed 20 July 2020]

Immediate Media Company, 'Who Do You Think You Are? Magazine: Media Pack', <http://www.immediate.co.uk/brands/who-do-you-think-you-are/> [accessed 20 July 2020]

Intersoft Consulting, 'GDPR, The right to be forgotten', <https://gdpr-info.eu/issues/right-to-be-forgotten/> [accessed 2 December 2018]

Hinckley, K.W., 'A Century of Genealogy', [https://www.genealogy.com/articles/research/61\\_kathy.html](https://www.genealogy.com/articles/research/61_kathy.html) [accessed 7 November 2020]

James, E., 'Our family's criminal past', *The Guardian* Saturday 3 January 2015, <https://www.theguardian.com/lifeandstyle/2015/jan/03/our-familys-criminal-past-julie-shaw-crime-novels> [accessed 30 December 2020]

Leeds Beckett University, Our Criminal Past Network of Members, <https://www.leedsbeckett.ac.uk/school-of-cultural-studies-and-humanities/research/centre-for-culture-and-the-arts/our-criminal-past/our-criminal-past-network-of-members/> [accessed 13 April 2020]

Lents, N., 'The Meaning and Meaninglessness of Genealogy', Psychology Today Blog <https://www.psychologytoday.com/ie/blog/beastly-behavior/201801/the-meaning-and-meaninglessness-genealogy> [accessed 25 October 2020]

McGee, C. 'The Vast Majority of Genealogy Records Still Can't Be Found Online: Here's How to Locate Them', *Family History Daily*, <https://familyhistorydaily.com/genealogy-help-and-how-to/offline-research-necessary/> [accessed 25 July 2020]

Meredith, F., 'Naomi Wolf: 'Never before have I seen so many threats to free speech. It is chilling'', *The Irish Times*, Saturday 18 May 2019, <https://www.irishtimes.com/culture/books/naomi-wolf-never-before-have-i-seen-so-many-threats-to-free-speech-it-is-chilling-1.3890733> [accessed 23 February 2020]

Miller, J.W., 'My ancestor owned 41 slaves. What do I owe their descendants?', *America, The Jesuit Review online*, <https://www.americamagazine.org/arts-culture/2018/11/28/my-ancestor-owned-41-slaves-what-do-i-owe-their-descendants> [accessed 25 November 2020].

National Council on Public History, 'About the Field', <https://ncph.org/what-is-public-history/about-the-field/> [accessed 23 July 2020]

Newcomb, A., 'Who's Policing Facebook's Secret Groups?', *NBC News* 7 March 2017, <https://www.nbcnews.com/tech/social-media/who-s-policing-facebook-s-secret-groups-n729856> [accessed 8 November 2020]

Optimize Smart, 'How Google Analytics count New and Returning users?' <https://www.optimizesmart.com/understanding-users-in-google-analytics/> [accessed 20 July 2020]

Orde, S., 'Should you build your family tree online or offline', Findmypast Blog 1 April 2020 <https://www.findmypast.co.uk/blog/family-tree/offline-family-tree-genealogy-history-physical> [accessed 25 July 2020]

Ritetag, 'Popular hashtags for genealogy on Twitter and Instagram', <https://ritetag.com/best-hashtags-for/genealogy> [accessed 8 November 2020]

Rootschat, 'Reporting a transcription error to findmypast', <https://www.rootschat.com/forum/index.php?topic=822143.0> [accessed 13 March 2021]

Ruddock, P., 'Reparations for the stolen generations – Government Responds' <https://humanrights.gov.au/our-work/aboriginal-and-torres-strait-islander-social-justice/reparations-stolen-generations> [accessed 31 December 2020]

Russell, J.G., 'Criminal Ancestors? Your Voice is Needed!', *The Legal Genealogist*, <http://www.legalgenealogist.com/blog/2015/07/24/criminal-ancestors/> [accessed 30 December 2020]

Ryte.com, 'Encrypted Search' [https://en.ryte.com/wiki/Encrypted\\_Search](https://en.ryte.com/wiki/Encrypted_Search) [accessed 19 December 2020]

Shoemaker, R., 'Why Naomi Wolf Misinterpreted Evidence from the Old Bailey Online', *History Matters: History brought alive by the University of Sheffield*, May 2019, <http://www.historymatters.group.shef.ac.uk/naomi-wolf-misinterpreted-evidence-bailey-online/> [accessed 23 February 2020]

Smarty, A., "'Dwell Time': What is It and What is a Good "Dwell Time" as per Bing and Google', *Internet Marketing Ninjas Blog*, 26 January 2017, <https://www.internetmarketingninjas.com/blog/search-engine-optimization/dwell-time/> [accessed 28 December 2020]

Smith, W.G., 'Does Gender Influence Online Survey Participation?: A Record-linkage Analysis of University Faculty Online Survey Response Behavior' (2008), <https://files.eric.ed.gov/fulltext/ED501717.pdf> [accessed 16 August 2020]

Stalec, A., 'The decline of generic search and how to save your brand', *Medium*, <https://medium.com/@andrastalec/the-decline-of-generic-search-and-how-to-save-your-brand-58f94c0ab19b> [accessed 23 July 2020]

Statista, 'Retail website visit duration worldwide as of 1st quarter 2019, by device (in minutes)' <https://www.statista.com/statistics/568735/e-commerce-website-visit-duration/> [accessed 20 March 2020]

Sussex Humanities Lab, 'Old Bailey Voices', <https://oldbaileyvoices.org> [accessed 31 August 2020]

The National Archives (UK), 'Licensing our records', <http://www.nationalarchives.gov.uk/commercial/licensing.htm> [accessed 23 July 2020]

Trove, 'Text correction', <https://trove.nla.gov.au/help/become-voluntrove/text-correction> [accessed 13 March 2021]

Oxford English Dictionary Online "black sheep, n.". December 2016. Oxford University Press. <http://www.oed.com/view/Entry/288486?redirectedFrom=black+sheep&> [accessed January 29, 2017]

Story Corps, <https://storycorps.org> [accessed 8 November 2020]

Trove, 'Text correction hall of fame', <https://trove.nla.gov.au/newspaper/hallOfFame>

Turner, L., 'Chasing Rainbows - In Search Of LGBT Family History', *Archives+*  
<http://www.archivesplus.org/news/chasing-rainbows-in-search-of-lgbt-family-history/> [accessed 14 February 2021]

University College London, 'Transcribe Bentham', <https://www.ucl.ac.uk/bentham-project/transcribe-bentham> [accessed 19 August 2020]

University of Gronigen, 'Hans Renders', <https://www.rug.nl/staff/j.w.renders/> [accessed 7 November 2020]

University of Hertfordshire, 'The Old Bailey Online: Democratising access to social history'  
Research Excellence Framework 2014 Impact Case Studies  
<http://impact.ref.ac.uk/CaseStudies/CaseStudy.aspx?Id=44489> [accessed 21 May 2015]

The University of Manchester, 'Double Helix history',  
<https://www.alc.manchester.ac.uk/english/research/projects/double-helix-history/> [accessed 20 February 2021]

University of Tasmania, 'Writing Family History',  
<https://www.utas.edu.au/courses/cale/units/haa004-writing-family-history> [accessed 17 October 2020]

University of Waterloo, Daily Bulletin Monday, 6 March 2017 'Remembering Ronald Lambert'  
<https://uwaterloo.ca/daily-bulletin/2017-03-06#remembering-ronald-lambert> [accessed 23 August 2020]

Waterton, E., 'When it comes to heritage, family history trumps museums', *The Conversation*  
(October 2020) <https://theconversation.com/when-it-comes-to-heritage-family-history-trumps-museums-144507> [accessed 18 October 2020]

Watkins, E., *Forgotten Convicts*, <https://forgottenconvicts.wordpress.com> [accessed 10 October 2020]

*Who Do You Think You Are? Magazine*, 'Issue July 2012',  
<http://www.whodoyouthinkyouaremagazine.com/issue/july-2012> [accessed 17 June 2017]

*Who Do You Think You Are? Magazine*, 'Issue November 2009',  
<http://www.whodoyouthinkyouaremagazine.com/issue/november-2009> [accessed 17 June 2017]

*Who Do You Think You Are? Magazine*, 'Issue October 2015',  
<http://www.whodoyouthinkyouaremagazine.com/issue/october-2015> [accessed 17 June 2017]

Wikipedia, 'Genealogical Numbering Systems',  
[https://en.wikipedia.org/wiki/Genealogical\\_numbering\\_systems](https://en.wikipedia.org/wiki/Genealogical_numbering_systems) [accessed 30 December 2020]

Wilson, K.R., 'Genealogy on Facebook List' <https://socialmediagenealogy.com/genealogy-on-facebook-list/> [accessed 8 November 2020]

Zooniverse, <https://www.zooniverse.org> [accessed 8 November 2020]

## Appendix 1: Online Survey/Interview Questions

### Introduction

Thank-you for taking the time to participate in this survey.

By participating in this survey you will be assisting with my PhD at the University of Sheffield. My research explores how digital records are impacting our understanding of the history of crime. You will find more information about my research at [www.acriminalrecord.org](http://www.acriminalrecord.org)

This survey is designed to learn about how your family history research led you to discover an ancestor who was recorded in relation to a crime.

If you have more than one ancestor recorded in relation to a crime you may fill in a survey for each one, or use the [Multiple Ancestors Survey](#). Or get in touch by [emailing me](#) to participate in a more in-depth interview.

This project has received ethics approval from the University of Sheffield. If any of the questions cause you any emotional distress, you can withdraw from this survey at any time. This is done simply by closing the survey window. By closing the window you will remove yourself from the research, none of your responses will have been saved. You may also skip any of the questions.

Any data obtained during the process will only be handled by the researchers. No personal data is required that would reveal the identity of the participant and full anonymity is ensured throughout the survey and in data collection.

If you have any queries about your participation in this research, please do not hesitate to [contact me](#). You may also [contact my supervisor](#), Professor Robert Shoemaker if you have any concerns regarding the project.

**Section 1.** Please indicate your willingness to participate in this survey by clicking Yes below. Clicking No will exit you from the survey. \*

### Section 2. A little bit about you

2. What age are you? [Predefined age brackets are supplied]

3. Are you?

Male

Female

Prefer not to say

4. How long have you been researching your family's history? [Predefined durations are supplied]

5. How many ancestors do you currently have on your family tree? [Predefined ranges are supplied]

6. Which of these websites, if any, do you use to research your family tree? Tick all that apply.

- FamilySearch
- Findmypast
- Ancestry
- My Heritage
- Genes Reunited
- British Newspaper Archive
- Old Bailey Online
- Founders & Survivors
- blacksheepancestors
- Trove
- None
- Other (please specify):

### Section 3. The Crime Records

7. Where did you first find the crime record of your ancestor?

- Archive
- Library
- Online
- Other (please specify):

8. If you found the record online: have you since visited an archive/library to see the original document?

- Yes
- No
- I intend to
- Not applicable

9. If you found this record online: do you think you would have discovered this story about your ancestor by searching offline (archives & libraries)?

- Yes
- No

- Possibly
- Unlikely

10. Did you know about your ancestor's connection to a crime before you found this record?

- Yes
- No

Comments:

11. In what type of records have you found your ancestor? Tick all that apply.

- Court
- Prison
- Newspaper
- Petition
- Pardon
- Ticket of Leave
- Indent
- Census (where recorded in penal institution/as convict)
- Other (please specify):

12. What decade does the earliest crime record of your ancestor relate to? If your ancestor committed crime over a number of decades please include those decades in the other box. [Predefined boxes were supplied and an option for 'other']

13. What crime did the earliest record you have of your ancestor's crimes relate to?

- Assault
- Begging
- Burglary
- Infanticide
- Murder
- Pickpocketing



- Poaching
- Rape
- Theft (goods)
- Theft (money)
- Trespassing
- Vagrancy
- 

Other (please specify):

Comments:

14. What was your ancestor's role in the events recorded in the document you found?

- Prisoner
- Convict
- Defendant
- Reform School student
- Other (please specify):

15. Was your ancestor:

- Convicted
- Convicted of a reduced offence
- Acquitted
- None of the above
- Don't know
- Other (please specify):

16. What punishment did your ancestor receive? If your ancestor received a combination of punishments, tick the main one and include the other in the 'other' option.

- Fine
- Reformatory

- Imprisonment 1 month or less
- Imprisonment 2-11 months
- Imprisonment 1 year
- Imprisonment 2 years or more
- Transportation less than 7 years
- Transportation 7 years
- Transportation Life
- Death penalty
- Other (please specify):

#### Section 4. Your Ancestor

Specifics about your ancestor.

17. What was your ancestor's gender?

- Male
- Female

18. How are you related to this ancestor?

[To calculate cousins and uncles/aunts [Click Here](#)]

- Grandfather
- Grandmother
- Great Grandfather
- Great Grandmother
- GG Grandfather
- GG Grandmother
- Grand Uncle
- Grand Aunt
- Great Grand Uncle

- Great Grand Aunt
- GG Grand Uncle
- GG Grand Aunt
- Other (please specify):

19. What age was your ancestor at the time of the crime?

- under 18
- 18-24
- 25-34
- 35-54
- 55+
- Don't know

20. Where did your ancestor live at the time of the crime?

This list contains UK & Irish counties, and Australian States/Territories. Please use the Other box for locations outside of these countries. [Drop Down List Provided plus option for Other/Don't know]

21. Do you live in the same county/state as your ancestor?

- Yes
- No

22. Do any of your known living family members live in the same county/state as your ancestor?

- Yes
- No

### Section 5. Your research

23. Do you think of your ancestor as a criminal or a victim of circumstance, or both

- Criminal
- Victim of Circumstance
- Both

Comments:

24. Do you think the punishment your ancestor received was proportionate to their crime?

Yes

No

Comments:

25. Have you told family members about your ancestor's court appearance/criminal record?

Yes

No

I intend to

I do not intend to

Comments:

26. Has your discovery of an ancestor in a criminal record prompted you to learn more about the history of crime?

Yes

No

I intend to

27. After discovering an ancestor in crime record have you done any of the following?

Watched Who Do You Think You Are

Watched a documentary about a famous historic crime

Watched a historically inspired drama about crime e.g. Garrow's Law

Read books relating to the history of crime and punishment

Conducted further online research into the history of crime and punishment

None

Other (please specify):

Examples of books or websites (optional)

## Section 6. Online Sources & the history of Crime

28. Do you think the help and advice text about the records on genealogy websites gives enough information to help you understand the details recorded in historic crime records?

Yes

No

Comments:

29. Do you think the help and advice text on genealogy websites gives you enough information to help you understand the severity of a historic crime (at the time it was committed)?

Yes

No

Comments:

30. How do you think the justice system experienced by your ancestor compares to modern system of justice:

Harsher in your ancestor's time

More lenient in your ancestor's time

About the same

31. Did your discovery of a criminal ancestor and any subsequent research you conducted lead you to change your attitudes towards crime and punishment, either in the past or in the present? Please explain.

Yes

No

Comments:

## Appendix 2: Ancestry.com record sets

Datasets relating to the historical criminal justice system available on Ancestry.com as of January 2021. A record is a named individual whose entry has been transcribed, and who is considered the primary person to whom the document pertains. For records pertaining to the criminal justice system this means that recurring names such as those of such as magistrates and police officers are generally not transcribed.

Title	Records	Territory
Web: Australia, Convict Records Index, 1787-1867	134,409	AUS
New South Wales, Australia, Sheriff's Papers, 1829-1879	23,719	AUS
New South Wales, Australia, Convict Records, 1810-1891	158,731	AUS
Tasmania, Australia, Insolvency and Petty Sessions, 1829-1902	49,833	AUS
Web: Queensland, Australia, Prison and Reformatory Indexes, 1824-1936	25,939	AUS
Tasmania, Australia, Police Gazettes, 1884-1933	266,208	AUS
Western Australia, Australia, Convict Records, 1846-1930	682,508	AUS
Queensland, Australia, Police Gazette Index, 1881-1945	416,924	AUS
Victoria, Australia, Police Gazettes, 1855, 1864-1924	943,920	AUS
South Australia, Australia, Police Gazettes, 1862-1947	710,008	AUS
Tasmania, Reports of Crime, 1861-1883	99,449	AUS
Tasmania, Australia, Baptisms of Children of Convicted Women, 1833-1854	484	AUS
Tasmania, Australia, Convict Court and Selected Records, 1800-1899	184,771	AUS
Victoria, Australia, Selected Trial Brief and Correspondence Registers and Other Images, 1837-1993	0	AUS
New South Wales, Australia, Criminal Court Records, 1830-1945	318,666	AUS
New South Wales, Australia, Convict Applications for the Publication of Banns, 1828-1830, 1838-1839	3,309	AUS
New South Wales, Australia, Police Gazettes, 1854-1930	1,504,131	AUS
New South Wales, Australia, Convict Indents, 1788-1842	140,175	AUS
New South Wales, Australia, Colonial Secretary's Papers, 1788-1856	174,705	AUS
New South Wales, Australia, Wives & Children of Irish Convicts, 1825-1840	1,524	AUS
New South Wales, Australia, Tickets of Leave, 1810-1869	64,331	AUS
New South Wales, Australia, Gaol Description and Entrance Books, 1818-1930	985,082	AUS
New South Wales, Australia, Registers of Coroners' Inquests, 1821-1937	218,764	AUS
New South Wales, Australia, Certificates of Freedom, 1810-1814, 1827-1867	47,311	AUS
New South Wales, Australia, Convict Registers of Conditional and Absolute Pardons, 1788-1870	66,870	AUS
New South Wales, Australia, Registers of Convicts' Applications to Marry, 1826-1851	40,222	AUS
New South Wales, Australia, Convict Death Register, 1826-1879	7,176	AUS
New South Wales, Australia Convict Ship Muster Rolls and Related Records, 1790-1849	70,263	AUS
Australia, List of Convicts with Particulars, 1788-1842	21,393	AUS
New South Wales, Australia, Convict Savings Bank Books, 1824-1886	3,110	AUS
Australian Convict Transportation Registers – Third Fleet, 1791	1,924	AUS
Australian Convict Transportation Registers – Second Fleet, 1789-1790	1,253	AUS
Australian Convict Transportation Registers – First Fleet, 1787-1788	827	AUS
Australian Convict Transportation Registers – Other Fleets & Ships, 1791-1868	122,459	AUS

New South Wales, Australia, Settler and Convict Lists, 1787-1834	110,103	AUS
New South Wales and Tasmania, Australia, Convict Pardons and Tickets of Leave, 1834-1859	74,662	AUS
New South Wales and Tasmania, Australia Convict Musters, 1806-1849	277,066	AUS
Australia, Convict Index, 1788-1868	40,217	AUS
Ireland, Petty Session Court Registers, 1818-1919	23,236,569	IRE
Ireland, Prison Registers, 1790-1924	3,127,594	IRE
Ireland, Police Gazettes, 1861-1893	151,325	IRE
UK, Prison Commission Records, 1770-1951	1,089,129	UK
UK, Registers of Habitual Criminals and Police Gazettes, 1834-1934	258,911	UK
UK, Calendar of Prisoners, 1868-1929	803,980	UK
UK, After-Trial Calendar of Prisoners, 1855-1931	97,702	UK
West Midlands, England, Criminal Registers, 1850-1933	10,157	UK
London, England, Newgate Calendar of Prisoners, 1785-1853	257,953	UK
Fife, Scotland, Criminal Registers, 1910-1931	889	UK
Bedfordshire, England, Petty Sessions, 1854-1915	118,272	UK
Swansea and Surrounding Area, Wales, Gaol Records, 1877-1922	102,110	UK
Somerset, England, Gaol Registers, 1807-1879	101,284	UK
Gloucestershire, England, Prison Records, 1728-1914	236,710	UK
Web: London, England, Proceedings of the Old Bailey and Ordinary's Accounts Index, 1674-1913	1,246,537	UK
Cornwall, England, Bodmin Gaol Records, 1821-1899	36,362	UK
Truro, Cornwall, England, Police Charge Books, 1846-1896	9,624	UK
Yorkshire, England, Quarter Session Records, 1637-1914	331,599	UK
UK, Police Gazettes, 1812-1902, 1921-1927	117,119	UK
Surrey, England, Calendar of Prisoners, 1848-1902	25,846	UK
Lancashire, England, Quarter Session Records and Petitions, 1648-1908	1,218,050	UK
Web: Gloucestershire, England, Gaol Registers, 1815-1879	31,497	UK
England, Criminal Lunatic Asylum Registers, 1820-1843	613	UK
England & Wales, Criminal Lunacy Warrant and Entry Books, 1882-1898	4,332	UK
Web: Scotland, Prison Records Index, 1828-1878	14,280	UK
London, England, King's Bench and Fleet Prison Discharge Books and Prisoner Lists, 1734-1862	32,198	UK
London, England, Marshalsea Prison Commitment and Discharge Books, 1811-1842	28,849	UK
Dorset, England, Quarter Sessions Order Books, 1625-1905	115,173	UK
West Yorkshire, England, Prison Records, 1801-1914	336,448	UK
Web: England, Bedfordshire Gaol Index, 1770-1882	41,596	UK
Birmingham, England, Calendar of Prisoners, 1880-1891 and 1906-1913	6,429	UK
Celebrated Criminal Trials in Scotland 1536 to 1784	0	UK
Sumter County, Alabama, U.S., Circuit Court Files, 1840-1950	0	USA
New York, Auburn Prison Records, 1816-1942	98,694	USA
New York, Great Meadow Correctional Facility Records, 1911-1933	17,311	USA
New York State, Extradition Requisition and Mandate Registers, 1857-1938	7,575	USA
U.S., F.B.I. Deceased Criminal Identification Files, 1971-1994	19,807	USA
Idaho, U.S., Old Penitentiary Prison Records, 1882-1961	24,546	USA
Montana, U.S., Prison Records, 1861-1968	52,197	USA

Web: Chester County, Pennsylvania, U.S., Criminal and Prison Record Indexes, 1681-1911	42,093	USA
Pennsylvania, U.S., Prison, Reformatory, and Workhouse Records, 1829-1971	793,349	USA
Web: Cass County, North Dakota, U.S., Probate Index, 1876-1950	6,183	USA
Philadelphia, Pennsylvania, Runaway Servants, Convicts, and Apprentices, 1728-1796	12,232	USA
Web: Hibbing, Minnesota, U.S., Arrest Record Index, 1900-1939	24,876	USA
Web: Oshkosh Area, Wisconsin, U.S., Court Records Index, 1848-1977	43,624	USA
Arizona, U.S., State Prison Records, 1875-1929	9,660	USA
<b>Total</b>	<b>42,333,730</b>	



### Appendix 3 Findmypast record sets

Datasets relating to the historical criminal justice system available on Findmypast as of January 2021. A record is a named individual which has been transcribed, and who is considered the primary person to whom the document pertains. For records pertaining to the criminal justice system this means that recurring names such as those of magistrates and police officers are generally not transcribed.

<b>Title</b>	<b>Records</b>	<b>Territory</b>
New South Wales Gaol Photographic Description Books 1871-1969	29,275	AUS
Queensland, Inquests 1859-1897	14,980	AUS
Tasmania Convict Records 1800-1893	81,576	AUS
New South Wales, Butts Of Convicts' Certificates Of Freedom 1827-1867	31,795	AUS
New South Wales Registers Of Convicts' Applications To Marry 1825-1851	35,827	AUS
New South Wales, Convict Death Register 1828-1879	6,871	AUS
Australia Convict Conditional And Absolute Pardons 1791-1867	26,928	AUS
New South Wales Police Gazette	17,795	AUS
Queensland Criminal Reports	624	AUS
Queensland Police Gazettes	41,288	AUS
South Australian Police Gazette	8,336	AUS
Tasmania Reports Of Crime	2,066	AUS
Victoria Police Gazettes	13,845	AUS
South Australia Reports Of Crime	2,888	AUS
Australia Convict Tickets Of Leave 1824-1874	60,093	AUS
Victoria Register Of Prisoners Under Sentence Of Hard Labour 1847-1853	576	AUS
Victoria Petty Sessions Registers	3,095,843	AUS
Victoria Prison Registers	51,509	AUS
Tasmania Police Gazettes	6,604	AUS
Queensland Convict Register Index 1824-1839	2,605	AUS
Queensland, St Helena Convict Index 1863-1936	10,015	AUS
Queensland, Toowoomba Prison Records 1864-1906	4,939	AUS

Queensland Court Records	16,266	AUS
Australia Convict Ships 1786-1849	188,518	AUS
Convict Transportation Registers 1787-1870	125,350	AUS
South Australia Convicts	264	AUS
New South Wales And Tasmania: Settlers And Convicts 1787-1859	511,102	AUS
South Australian Ex-Convicts	39	AUS
Victoria, Convict Register 1842-1854	2,255	AUS
Irish Prison Registers 1790-1924	3,127,594	Ireland
Ireland, Petty Sessions Court Registers	23,437,915	Ireland
Ireland, Dublin Metropolitan Police Prisoners Books 1905-1908 And 1911-1918	29,619	Ireland
Ireland, Outrage Reports 1836-1840	18,157	Ireland
New Zealand Prisoners Pardoned 1860-1862	182	NZ
Prison Ship (Hulk) Registers	13,277	UK
City Of York Calendars Of Prisoners 1739-1851	24,628	UK
Middlesex, London, Old Bailey Court Records 1674-1913	788,627	UK
Britain, Newgate Prison Calendar Vols 1 & 2, 1780-1841	1,357	UK
Yorkshire, Sheffield Quarter Sessions, 1880-1912	11,896	UK
Surrey Quarter Sessions 1780-1820	47,543	UK
Wiltshire Quarter Session Calendars 1728-1890	67,156	UK
Bankrupt Directory 1820-1843	32,133	UK
Devon, Plymouth Prison Records 1832-1919	13,495	UK
Hampshire, Portsmouth Quarter Sessions Browse	-	UK
Scotland, Court & Criminal Database	324,524	UK
Surrey Court Cases 1391-1835	29,388	UK
England & Wales, Crime, Prisons & Punishment, 1770-1935	5,840,002	UK
England & Wales, Crime, Prisons & Punishment Browse, 1770-1935	-	UK
Texas, Nolan County Civil Court Minutes And Case Files 1881-1938 Image Browse	-	USA
North Carolina, State Supreme Court Case Files, 1800-1909 Image Browse	-	USA
North Carolina, Civil Action Court Papers 1712-1970 Image Browse	-	USA
Ohio, Jefferson County Court Records 1797-1947 Image Browse	-	USA

Georgia, Andersonville Prison Records 1862-1865 Image Browse	-	USA
Missouri, Judicial Index, 1804-1901	30,699	USA
Missouri, Coroners Inquest Index, 1842-1967	32,222	USA
Chicago, Illinois, Police Department Homicide Record Index, 1870-1930	12,702	USA
Nebraska, Prison Record Index, 1870-1990	51,212	USA
Chester County, Pennsylvania, Quarter Sessions Indictment Papers, Victims Index, 1681-1870	12,154	USA
Delaware County, Pennsylvania, Criminal Cases Index, 1790-1890	12,517	USA
York County, Pennsylvania, Desertion, Maintenance And Surety Of The Peace Index, 1876-1978	19,870	USA
Jackson County, Oregon, Circuit Court Judgment Roll Index, 1824-1944	10,387	USA
Colorado, State Penitentiary Prisoner Index, 1871-1973	42,741	USA
Chester County, Pennsylvania, Quarter Sessions Indictment Papers Index, 1681-1870	22,609	USA
New Jersey, Supreme Court Case Files Index, 1704-1844	48,527	USA
South Carolina, Criminal Court Records	9,942	USA
<b>Total</b>	<b>38,503,147</b>	

#### Appendix 4: Facebook Groups relating to convict genealogy

Member numbers correct as of October 2018.

Name	URL	Public/Closed	Members
Ann Forbes -First Fleet Convict	<a href="https://www.facebook.com/groups/annforbes/">https://www.facebook.com/groups/annforbes/</a>	Public	365
Australian & Hawkesbury Convict Families History Group	<a href="https://www.facebook.com/groups/448682998644672/">https://www.facebook.com/groups/448682998644672/</a>	Closed	485
Claim a Convict	<a href="http://www.facebook.com/ClaimaConvict">www.facebook.com/ClaimaConvict</a>	Public	2,891
Colonial Ties - Convicts of Australia	<a href="http://www.facebook.com/ausfcd">www.facebook.com/ausfcd</a>	Public	2,688
Convict Connections - Share a Convict	<a href="https://www.facebook.com/groups/1381350435473403/">https://www.facebook.com/groups/1381350435473403/</a>	Closed	1,788
Convict Records	<a href="http://www.facebook.com/ConvictRecords">www.facebook.com/ConvictRecords</a>	Public	5,734
Convicts and Free People 1792 to 1800 researchers	<a href="https://www.facebook.com/groups/1545455415685310/">https://www.facebook.com/groups/1545455415685310/</a>	Closed	322
Criminal Genealogy	<a href="https://www.facebook.com/groups/206093116681587/">https://www.facebook.com/groups/206093116681587/</a>	Closed	6,385
Descendants of Convicts	<a href="https://www.facebook.com/groups/1681361688853217">https://www.facebook.com/groups/1681361688853217</a>	Closed	9,900
Descendants of William Golding - Convict 191	<a href="https://www.facebook.com/groups/1682401025172026/">https://www.facebook.com/groups/1682401025172026/</a>	Closed	38
Descended from Australian Convicts & Proud of It	<a href="https://www.facebook.com/Descended-from-Australian-convicts-and-proud-of-it-182668188474484/">https://www.facebook.com/Descended-from-Australian-convicts-and-proud-of-it-182668188474484/</a>	Public	1,805
DNA Australian convict matches	<a href="https://www.facebook.com/groups/dna.convict.matches/">https://www.facebook.com/groups/dna.convict.matches/</a>	Closed	238
Fellowship of First Fleeters	<a href="https://www.facebook.com/FirstFleeters/">https://www.facebook.com/FirstFleeters/</a>	Public	1,521
Irish Convicts to Australia	<a href="https://www.facebook.com/groups/832674580116298/">https://www.facebook.com/groups/832674580116298/</a>	Closed	1,429
Jewish Convicts to Australia	<a href="https://www.facebook.com/groups/461595380666228/">https://www.facebook.com/groups/461595380666228/</a>	Closed	56
John Small & Mary Parker (First Fleet Convicts) - Descendants Group	<a href="https://www.facebook.com/groups/22996643331/">https://www.facebook.com/groups/22996643331/</a>	Closed	478

<b>Name</b>	<b>URL</b>	<b>Public/Closed</b>	<b>Members</b>
Killer Kin - Researching & Writing Family Crime Stories	<a href="http://www.facebook.com/groups/853203884738543">www.facebook.com/groups/853203884738543</a>	Public	459
Pioneer,convicts Families Reseach Group	<a href="https://www.facebook.com/groups/267981253554562/">https://www.facebook.com/groups/267981253554562/</a>	Closed	574
Tasmanian Convicts	<a href="http://www.facebook.com/Tasmanian-Convicts-1640790909506909">www.facebook.com/Tasmanian-Convicts-1640790909506909</a>	Public	1,413
The Convict Stockade	<a href="https://www.facebook.com/groups/1375038756097953/">https://www.facebook.com/groups/1375038756097953/</a>	Public	1,424
Tunks Descendants Association Inc	<a href="https://www.facebook.com/TunksDescendantsAssociationInc">https://www.facebook.com/TunksDescendantsAssociationInc</a>	Public	258