

SYNOPSIS

Criminal records as a source for family history research are neglected and underused. Information on criminal ancestors can be found in prison, court, police and justice records. In addition, witnesses, police, court and prison officials may be of interest to family historians. This essay highlights the value of these sources for family history research and describes the accessibility of these records in Queensland.

My interest in this topic arose from my work at Queensland State Archives when I compiled the **Guide To Prison Records Useful To Family Historians**. The latter is concerned solely with prison records and does not examine Court, Police or Justice Department records or newspapers. This essay explores a wider range of sources for researching criminal ancestors and as such, complements my earlier work.

I, Shauna Laurene Hicks, state that this is my own original work and that the material contained within has not been used for any degree or diploma, nor has it been published.

CRIMINAL RECORDS

A GUIDE TO SOURCES

IN QUEENSLAND

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Criminal Records : A Guide To Sources In Queensland

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INTRODUCTION

The potential value of criminal records for family history research is underestimated. Prison, police and court records, in conjunction with newspapers, can document an ancestor's wrongdoings. At the same time a clearer picture of their life is obtained, thus assisting descendants to appreciate the life and times of their ancestors.

The last two decades have seen an increase in the popularity of convict forebears. Family historians are now disappointed if there is not at least one convict somewhere in the family's past. On the other hand, there has not been a similar increase in the use of criminal records in Queensland. Family historians appear reluctant to find out about colonial wrongdoings. Admittedly it is more glamorous to have an ancestor come out as a convict and make good rather than one who arrives as an immigrant and ends up a criminal. Similar to convict records, criminal records can give extremely good information on people detained at His/Her Majesty's pleasure. Personal details on criminals can be found in a number of sources and this paper examines prison records for both prisoners and staff, court records, police and justice department sources and newspapers.

PRISON RECORDS - PRISONERS

In Queensland prison records are held at the Queensland State Archives or are still in the custody of the respective prisons. Not all records have survived, most are not indexed, but they should be considered as a possible avenue for research particularly for those ancestors who simply disappeared.

The unpublished **Guide To Prison Records Useful To Family Historians** (herein afterwards referred to as **The Guide**) should be consulted first to see what records are available.¹ It is an item by item listing of prison sources available for research, making no attempt to demonstrate how prison records should be used in addition to court, police, justice and newspaper sources for family history research on a criminal ancestor. If researchers only use prison records without seeking relevant information from other sources then the picture of their forebear will be one sided and incomplete as prison records reflect the harsh facts and not the reason why the person has been imprisoned.

The Guide is arranged alphabetically by the names of gaols/prisons for which State Archives hold some records. After the 1890 **Prisons Act**, gaols were

¹ Hicks, Shauna, **Guide To Prison Records Useful To Family Historians**, Queensland State Archives, Brisbane, 1989.

known as prisons, where prisoners with sentences exceeding thirty days were confined. Places included in **The Guide** are Ayr, Brisbane, Cairns, Charters Towers, Fortitude Valley, Mackay, Numinbah, Palen Creek, Rockhampton, St. Helena, Stone River, Thursday Island, Toowoomba and Townsville including Stewart's Creek.

There are chapters on staff in the various gaols/prisons and records relating to the remission of sentences and to prisoners under sentence of death. **The Guide** includes a brief history of prison legislation, a brief chronology and geographical listing of penal institutions in Queensland, a glossary of terms used, a list of Sheriff's of Queensland and Comptroller-General's of Prisons from 1857 onwards plus a list of all known criminal executions in Queensland. Capital punishment in Queensland was abolished by the **Criminal Code Amendment Act of 1922** which was passed on 31 July 1922. Finally, there is a brief account concerning male and female prisoners in Brisbane to determine which prison records to search.

Before starting a search of prison records it is necessary to know the person's name, an approximate date and a place. The date and place will help to narrow down the search. Appendix 2 of **The Guide** is a geographical listing of penal institutions in Queensland to be used in establishing where the person may have been imprisoned depending on the time period involved.

Another factor influencing where a person may have been imprisoned, was the nature of the crime and the length of the sentence received. Lockups were only used if the sentence did not exceed fourteen days while police gaols could hold prisoners for sentences not exceeding thirty days. Gaols (after the 1890 Prisons Act referred to as prisons) were for the confinement of prisoners with sentences exceeding thirty days. Therefore the type of crime is important in determining which records to search.

The Guide only mentions the most frequently used and most easily accessible records. The coverage of records held at Queensland State Archives for each gaol/prison ranges from extremely little to very good. Not all records have survived and there are frustrating gaps in some series.

Admission and discharge records of prisoners are the most frequently used series.

In general there are two types of admission registers. The first is usually called **Register of the Description of Prisoners Admitted**. In 1887 Adam Johnston was admitted to H.M. Gaol, Brisbane. The admission register describes him as a 44-year-old Irish labourer who arrived in Queensland in 1862 on the **Mangerton**. Johnston was Church of England, could not read or write, was just under 5 feet 6 inches tall, proportionate build with fair complexion, brown hair and eyes and with a scar on the right side of his head.²

² QSA, H.M. Gaol, Brisbane, Register of the description of prisoners admitted, PRI 1/5, No. 948.

The admission registers reveal the cosmopolitan nature of Queensland's early society. One page from a St. Helena prison admission register records prisoners' place of birth as diverse as England, Ireland, China, North and South America and closer to home, New South Wales.³ Occupations range from labourer, clerk, publican, sailor, fireman, digger and bushman.

It is obvious that these records are a virtual goldmine for family and social historians and if there are no surviving photographs of the ancestor in the family then these records provide a physical description that would not be found elsewhere. Also it is unlikely that scars, moles and tattoos would even show up in old photographs.

The second type of admission register is the **Register of Prisoners Admitted**. Information given in these include date, gaol/prison number, name of prisoner, when and where committed, offence, sentence, and how and when disposed of. These details are useful in determining which police or court records to search for more information. Newspapers should be consulted once the exact date and place of trial is known for any extra details.

From 1900 onwards these two types of admission registers are quite often combined in the one register making research even easier. This record series is referred to as **Reception Books** after 1925.

³ QSA, H.M. Penal Establishment, St. Helena, Register of the description of prisoners admitted, PRI/23, Nos. 41 - 56.

Health records of prisoners can be found in the **Medical Officers' Journals** or in the **Hospital Registers**. For H.M. Gaol/Prison, Brisbane the **Journals** date from 1889 - 1913 although there are some gaps in the series.⁴ John Honeywell was prescribed three quarts of milk when he was admitted on 14 December 1889 with fever.⁵

Usually the treatment prescribed for prisoners was written in Latin and abbreviated, thus making it difficult for non-medical persons to decipher what was prescribed. Thomas Bell, a prisoner on St. Helena, was admitted on 27 September 1890 suffering from a hernia. The remarks column states that Bell has had the hernia well kept up by a truss and had worked for the past six years.⁶

Some of the treatments described throw a disturbing light on past medical practices. On 11 October 1891 J.A. Ashton was admitted for what appeared to be mania. The doctor recommended that if he became noisy, he was to be placed in a cell with two other prisoners.⁷ How that would help Ashton's condition is not

⁴ QSA, H.M. Gaol/Prison, Brisbane, Medical Officers' Journals, A/4758-A/4764.

⁵ QSA, H.M. Gaol, Brisbane, Medical Officer's Journal, A/4758, p. 18.

⁶ QSA, H.M. Gaol, Brisbane, Medical Officer's Journal, A/4758, p. 70.

⁷ QSA, H.M. Prison, Brisbane, Medical Officer's Journal, A/4758, p. 126.

quite clear. Similarly, when T.D. Holt was admitted on 30 September 1891 suffering from the effects of old age, he was prescribed an extra blanket.⁸

The **Hospital Registers** cover a similar date range as the **Journals** and are incomplete.⁹ The **Registers** are much more informative than the **Medical Officers Journals** and give the following types of information. The prisoner's name, age, date and place of birth, religion, trade, last residence, date and place of marriage, name of spouse, number of children, names of parents, illness and finally the crime for which the patient was imprisoned. Unfortunately not every column in the registers is completed for each prisoner.

The **Hospital Registers** can provide information on prisoners following their discharge from the hospital. John Range was admitted from St. Helena on 15 January 1895. Following his discharge on 29 January 1895 he was forwarded to Toowoomba.¹⁰ On 21 May 1891 George Thorpe was admitted suffering from **febris** with a temperature of 101 degrees. He was discharged on 30 May 1891 with the remark that "det. came for him to go to England".¹¹

⁸ QSA, H.M. Prison, Brisbane, Medical Officer's Journal, A/4758, p. 126.

⁹ QSA, H.M. Gaol/Prison, Brisbane, Hospital Registers, A/4800-A/4803.

¹⁰ QSA, H.M. Prison, Brisbane, Hospital Register, A/ 4800, p. 70.

¹¹ QSA, H.M. Prison, Brisbane, Hospital Register, A/4800, p. 40.

Many of the entries refer to Brisbane's homeless people. William Fraser, while suffering from the effects of drink and covered with lice, was admitted on 11 October 1889.¹² John Fulcher, a rheumatic 85 year old, entered the hospital on 8 September 1893 and stayed there until his discharge on 17 November 1893.¹³ Epileptic Charles Gardner was in hospital for a week's observation in September 1892 but suffered no fits during that time.¹⁴

PRISON RECORDS - STAFF

Queensland State Archives holds information on staff employed in the various gaols and prisons in Queensland. Again not all records have survived but what is readily available is outlined in **The Guide**. One useful source is the **Register of Officials and Warders** which covers the time period 1865 to 1947.¹⁵ Alphabetically arranged, it is most useful in finding both male and female staff quickly and easily.

Gertrude Jane Brushe, born on 30 September 1883, was appointed a female warder in Brisbane on 2 May 1912. Her salary was £56 per annum during her probationary period and increased to £66 in her second year. Gertrude resigned

¹² QSA, H.M. Gaol, Brisbane, Hospital Register, A/4800, p. 7.

¹³ QSA, H.M. Prison, Brisbane, Hospital Register, A/4800, p. 65.

¹⁴ QSA, H.M. Prison, Brisbane, Hospital Register, A/4800, p. 58.

¹⁵ QSA, Sheriff's Office/Prisons Department, Register of Officials and Warders, A/19923.

on 30 September 1913 to marry John Murphy.¹⁶ He was 25 years older than Gertrude and a fellow prison employee.

Murphy was first appointed as a warder on 17 May 1881 at St. Helena. In 1892 he was a warder at Roma Gaol, becoming a senior warder in 1897. Murphy was promoted to Chief Warder at Stewart's Creek in 1902 and stayed until 1909 when he took up a similar position in H.M. Prison, Brisbane. It was here that he met his wife Gertrude Jane Brushe. In 1916 Murphy became Superintendent of H.M. Prison, Rockhampton and two years later moved to Stewart's Creek again. He remained Superintendent there until his retirement on 31 December 1924.

Murphy's salaries, details of leave granted and absences due to illness are all noted in the **Register of Officials and Warders**. In the general remarks it was noted that his wife Gertrude acted as Matron at both Rockhampton and Stewarts Creek Prisons. The lives of prison employees can be quite well documented although not all entries are as comprehensive as that of John and Gertrude Murphy.

Details of minor offences such as being late for duty, carelessness in duties or more serious offences are noted in the employment record of individual prison employees. David Suffern, a warder at St. Helena, was reprimanded and

¹⁶ QSA, Prisons Department, Register of Officials and Warders, A/19923, p. 99.

¹⁷ QSA, Prisons Department, Register of Officials and Warders, A/19923, p. 15.

cautioned on 15 November 1887 for allowing a prisoner to drink the dregs of spirit casks. On 7 February 1890 Thomas Coakley, a turnkey at Roma Gaol was reprimanded and cautioned for giving a copy of the book **Lost For Gold** to a prisoner.

Henry Aselford, a warder at Stewart's Creek allowed a prisoner Frederick Dunshot to escape on 18 January 1900. Aselford was in charge of a gang of eight prisoners at a quarry when Dunshot made his escape at about 2.30 pm. For this serious offence, Aselford was fined £5 and reduced from first to second class warder from 4 March 1900.

There is also a series of **Staff Files** for the period 1890 to 1920. The files are alphabetically arranged by surname and contain details on the person's name, age, height, weight, previous service in the army, navy, prison or police service, previous employment, references and some correspondence. This type of information is of great assistance to family historians trying to trace an ancestor's career.

¹⁸ QSA, Sheriff's Office, Register of Officials and Warders, A/19923, p. 26.

¹⁹ QSA, Sheriff's Office, Register of Officials and Warders, A/19923, p. 23.

²⁰ QSA, Prisons Department, Register of Officials and Warders, A/19923, p. 13.

²¹ QSA, Sheriff's Office/Prisons Department, Staff Files, PRI/11-PRI/12.

The application for employment is useful for establishing previous military service. William Armstrong, on his application form dated 2 May 1895, stated that he had spent ten years with the 3rd Manchester Volunteers in England and eleven years with the Moreton Regiment in Brisbane. Irishman Michael Clarke spent nearly twenty years in the British Army with seventeen years experience as a Sergeant in East India and fourteen months as Garrison Provost in Aldershot, England.

Section 49 of the **Civil Service Act of 1889** provided for officers currently employed to contribute to the Superannuation Account for their past services. This ruling meant that employees completed a very detailed form on their employment history. Ralph Fitzgibbon Lewis, Principal Gaoler at H.M. Gaol, Brisbane completed his form on 7 November 1889. He was born on 13 July 1827 and had joined the service on 26 April 1882. Positions held included Police Magistrate at Winton, Geraldton and Aramac. Salaries and allowances received were also noted on the form.

There are other staff records outlined in **The Guide** for the various gaols/prisons and covering different time periods. In addition, it is quite probable that further

²² QSA, Prisons Department, Staff Files, PRI/11, letter no. 1339 of 1895.

²³ QSA, Prisons Department, Staff Files, PRI/11, letter no. 3051 of 1895.

²⁴ QSA, Sheriff's Office, Staff Files, PRI/11, Lewis file.

information is held at Queensland State Archives on individual prisoners and staff members. This material can be found by using the finding aids in the Public Search Room at Queensland State Archives. In particular the general correspondence series of the Colonial Secretary/Home Secretary and the Departments of Justice, Police and Prisons are valuable for information on individual prisoners, staff and prisons.

The inwards correspondence registers of the Colonial Secretary's Office have a section entitled **Prisoners**. This section is roughly alphabetical by the first letter of the surname and the registers are chronological. If the date of an ancestor's imprisonment is known, then the register can be searched to ascertain if the prisoner wrote to the Colonial Secretary at that time. Perhaps the most frequent reason for writing to the Colonial Secretary was to seek a remission of sentence. These petitions can contain useful information which is not always found in the depositions presented at the trial.

The Colonial Secretary usually investigated the claims made in petitions and the subsequent police report can provide still more information. The policeman's observations can be revealing as to an ancestor's personality. An example of this is found in a policeman's report following his interview with Adam Johnston of Beenleigh.

On more than one occasion when conversing with him I arrived at the conclusion he was not quite right in his mind but could not trace his antecedents. I have no doubt when ever he leaves gaol he will rob his wife of everything and decamp.

It is a revealing if not appealing picture of this man. That particular police report reveals social attitudes towards women. The policeman investigating the assault by Johnston on his wife wrote that the case was dismissed "as the wife was not injured and the correction was not more than a husband is entitled by law to exercise". Someone has underlined that part of the report and written "What law?" in the margin.

COURT RECORDS

Once the nature of the crime has been established and the date and place the person was tried is known, it may then be possible to locate the actual trial record.

In Queensland there are a number of courts useful for family history research. The most frequently used with regard to criminal matters are the Supreme Court, the District Court and the Courts of Petty Sessions. Court files usually contain all the depositions which give background information on the person and the crime. Not all court records are held at Queensland State Archives. Some have simply not survived while a few courts still retain custody. The type of court depends on

²⁵ QSA, Colonial Secretary's Office, Inwards Correspondence, COL/A533, 30/1888 topnumbered to 923/1888.

²⁶ QSA, Colonial Secretary's Office, Inwards Correspondence, COL/A 533; 250/1888 topnumbered to 923/1888.

the date and the severity of the crime. An understanding of the court system in Queensland is useful in determining the right court to search.

Shortly after the separation of Queensland from New South Wales in 1859, the Supreme Court of Queensland was established under the **Supreme Court Constitution Amendment Act 1861**. In the beginning the Supreme Court held jurisdiction over all of Queensland. As the Colony became more populated it was necessary to set up other districts. The Supreme Court, Northern District, was established at Bowen in 1875 and later moved to Townsville in 1889. The Supreme Court, Central District, was established in 1896 at Rockhampton. Brisbane was the Registry for the Supreme Court, Southern District.

Queensland State Archives holds the criminal depositions of the Supreme Court, all three Districts, as well as Calendars of court sittings and Judge's notebooks. These can all be used to research serious crimes such as murder and rape.

The District Courts were set up by the **District Court Act 1858** and continued until they were abolished by the **Supreme Court Act 1921**. The District Courts held original civil jurisdiction up to £200 and original criminal jurisdictions except in certain cases of capital offences such as murder.

The District Court also held appellate jurisdiction in minor criminal matters and in civil matters of £10 and over.

²⁷ **Brief Guide To Court Records**, QSA, Brisbane, 1990.

Calendars of court sittings and depositions files for both civil and criminal cases are the two main series of records to search when looking for criminal ancestors. When the District Courts were abolished in 1921, their appellate powers were transferred to the Supreme Court. At the same time the Small Debts Courts were abolished.

The **Magistrates Court Act 1921** led to the establishment of Magistrates Courts which took over the original civil jurisdiction over minor matters from the defunct Small Debts Courts. In addition, the original civil jurisdiction up to £200 of the District Court, was handed over to the Magistrates Courts.

The District Court was re-established following the **Districts Courts Act 1958** and holds original criminal jurisdiction for cases where the maximum sentence does not exceed fourteen years.

Courts of Petty Sessions held original jurisdiction in minor criminal offences. The Court also served as a Police Court, Small Debts Court, Licensing Court, Children's Court or Coroners Court. Again it is the criminal and civil deposition registers that are of most interest to family historians.

In the past the archival arrangement and description of the Court of Petty Session deposition registers was not always standardised. It is possible to find the registers under such headings as - records of cases before the court; bench books; bench record and summons books; police summons books; registers of fines;

plaint books; watchhouse charge books; and minute books. Even if any of these sources are not the deposition registers, it is quite possible that they will have further information.

Queensland State Archives is aware of the discrepancies in the various record series of the Courts of Petty Sessions. To correct this situation is beyond their current resources and researchers need to make allowances so that no relevant source is overlooked.

When the Magistrates Courts were set up in 1921, the Courts of Petty Sessions retained original criminal jurisdiction over minor offences. For practical purposes the Court of Petty Sessions came to be divided into three sections. First there was the Traffic Court which dealt with criminal prosecutions arising from traffic offences. Secondly, the Summons Court had primary responsibility for criminal prosecutions started by persons other than the police. Finally, the Police Court had jurisdiction over criminal prosecutions started by police.

In 1965 the Courts of Petty Sessions were renamed Magistrates Courts under the **Justices Act Amendment Act 1964**, when they assumed the remaining functions of the Courts of Petty Sessions.

Queensland State Archives holds Court of Petty Sessions records from 1844 but unfortunately not all districts are represented and not all records have survived for those districts held. Appendix A is a list of all Court of Petty Session deposition

registers held at Queensland State Archives. It demonstrates the availability of this informative record source in Queensland.

For most family historians it will be the smaller crimes brought before the Courts of Petty Sessions that will, as Eve McLaughlin says, "bring our ancestors to life".

It was in the local Court of Petty Sessions that cases such as cattle stealing, drunkenness, disorderly conduct, using obscene language, assault, wife and/or child desertion, hawking goods without a license, theft, forgery, false pretences, insanity, unlawful possession of opium and ill treatment of animals were heard.

Researchers interested in a particular local area would be advised to read the deposition registers thoroughly. Even if their ancestor was not the one committing the offence, it is quite possible that they witnessed an offence. This is probable in cases of drunkenness or obscene language. There are usually a number of witnesses whose depositions have been carefully recorded. Names of witnesses are not indexed so there is no easy access to this wealth of material.

What kind of information can be found in a deposition? The following example dated October 1887 illustrates their value in establishing facts that might not be found elsewhere.

I am the wife of the defendant now before the Court. I was married to him on 12 December 1864 at Brisbane. I was living at Oxley when he left me for a year and ten months. I took out a summons before

²⁸ McLaughlin, Eve, **Family History From Newspapers**, FFHS, Birmingham, 1987, p. 13.

for maintenance at Ipswich about fourteen months ago. He was ordered to pay 10s a week he did not pay it. I have got seven children to support. One boy is working, three are able to do for themselves but four are not, my husband earns about seven shillings a day. My husband and I are not living together My sewing machine was stolen between 3 and 5 o'clock on Monday morning last I suspect my husband for taking it.

Details of wages earned, dates of separation, maintenance claims and stolen sewing machines are all pieces of information that would have been lost in the mists of time had they not been recorded for posterity in the Court of Petty Sessions deposition register. Within these Court registers it is possible to find examples of warrants, minutes of convictions and complaints. A selection of these forms have been used as illustrations throughout this paper as they are not usually retained by Queensland State Archives.

Once the Court, date and place have been established a search of the **Provenance Catalogue** and the **Registers of Series and Items** at Queensland State Archives will reveal if the records are held.

POLICE DEPARTMENT RECORDS

Queensland State Archives is the official repository for Police Department records as well as individual Police Station records. Some material is kept in the Police Museum.

²⁹ QSA, Court Of Petty Sessions, Beenleigh, Deposition Register, CPS 2C/5, pp. 245-246.

³⁰ Police Museum, Police Headquarters, Roma Street, Brisbane. It is not part of the Queensland State Archives.

Record series of particular interest to family historians include police station files, (1864-1969); police summons books; watchhouse charge books and murder files, (1884-1988). As with the court records, not all police station records have survived and some of the records are still held by the stations themselves. Such records are at risk as exemplified by the burning of Charters Towers Police Station on 13 May 1988. As well as the loss of the historic building, was the destruction of all the police records dating back to the gold rush days.

Police **Staff Files** for the period 1864-1992 are subject to a 65 year closed access period. There is an **Index To Staff Files**, 1864 to 1945. These staff files are for all police officers who joined the force, and resigned, retired or died prior to 1942. The date of 1992 relates to correspondence on retirement benefits and recent family history enquiries. Not all staff files have survived. The police officer who arrests an ancestor may be of interest because later in their career, they may have become an important figure in the Police Department.

A search of the **Provenance Catalogue** and the **Registers of Series and Items** at Queensland State Archives will reveal what Police Department records may be of interest in researching a criminal ancestor.

³¹ **The Courier Mail**, 14 May 1988, p. 15.

³² QSA, Police Department, Commissioner's Office, Staff files, 1864-1992, A/38706-A/38880, A/40048-A/41162, A/47921-A/48010.

³³ QSA, Police Department, Commissioner's Office, Index to staff files, 1864 to 1945, A/36264.

JUSTICE DEPARTMENT RECORDS

The Justice Department is an additional source for information on criminal matters. There are a number of record series including the **Registers of Criminal Depositions Received, 1861-1961** which list in chronological order cases referred to a higher court at a preliminary hearing. The registers give the name of the higher court and place of the trial. It is then necessary to check and see if Queensland State Archives holds that particular court's records for that time period.

An example from one of the registers is the case of Margaret Ann Tonges who was committed for perjury in Rockhampton Court of Petty Sessions on 29 August 1879. Her case was referred to the Rockhampton Circuit Court on 6 October 1879. Bail was refused and witnesses called included Lizzie Sommer, David Turnly, John Moran, Robert Hewitt, Franz Sommer, Stanley Hill and Patrick O'Sullivan. It can be difficult to find information on female ancestors but women were often witnesses to crimes or committed crimes themselves and can be found in this type of record source.

The Justice Department series **Calendars of Criminals Brought To Trial** is useful as it is arranged geographically by place. Calendars are held for varying

³⁴ QSA, Justice Department, Registers of Criminal Depositions Received, 1861-1960, JUS/S1-29.

³⁵ QSA, Justice Department, Register of Criminal Depositions Received, Dec 1865 - Feb 1885, JUS/S2.

time periods for each location. A list of calendars held at Queensland State Archives can be found in Appendix B.

The **Calendars of Criminals Brought To Trial** are important as a source of information on a person's imprisonment especially if the actual prison records have not survived. An example from Thursday Island clearly demonstrates the research value of the **Calendars**. Louis, a 22-year-old Buddhist from Ceylon worked as a steward on the **Scotland**. He was committed on 1 May 1888 on Thursday Island for inflicting grievous bodily harm. Louis was found guilty on 28 May 1888 and sentenced to four months hard labour in H.M. Gaol, Thursday Island. He was released on 28 September 1888. The prison records for Thursday Island have not survived but this **Calendar** provides details of Louis' imprisonment.

CAPITAL PUNISHMENT

At Queensland State Archives there are a number of record series relating to persons sentenced to death. Perhaps the most informative are the Prison Department **Correspondence Files** which are in alphabetical order by prisoner's surname. These date from 1880 through to 1925 and contain copies of

³⁶ QSA, Justice Department, Calendars of Criminals Brought To Trial, Normanton, 1888, JUS/036.

³⁷ QSA, Sheriff's Office/Prisons Department, Correspondence Files, 1880-1925, PRI/2-PRI/6.

depositions, correspondence and newspaper cuttings of both the trial and the execution. Files are not held for every person sentenced to death.

A similar series is held in the Executive Council records for the period 1868 to 1893. Files only exist for those prisoners whose sentence of death was reviewed by the Executive Council.

A further series for the period 1883 to 1913 is **Police Descriptions of Persons Executed With Photographs and Remarks**. The register is chronologically arranged and provides a useful biographical summary of the prisoner's life.

Ellen Thompson has the distinction of being the only woman hanged in Queensland. The register states that she was born in Ireland in 1846 and arrived in Queensland in 1857 on board the **Joshua**. Ellen was a Roman Catholic and had received no education and was simply referred to as "the wife of the murdered man". She stood 4 feet 9 inches tall, weighed 106 pounds and had grey hair and eyes.

³⁸ QSA, Executive Council, Papers relating to prisoners under sentence of death whose cases were reviewed by the Executive Council, 1868-1893, EXE/1-EXE/6.

³⁹ QSA, H.M. Gaol/Prison, Brisbane, PRI 1/22 - MF Z1493.

⁴⁰ QSA, H.M. Gaol, Brisbane, Police Descriptions of Persons Executed With Photographs and Remarks, PRI 1/22 - MF Z1493, 17 May 1887.

Ellen Thompson was tried for murder in Townsville on 27 April 1887 and received a sentence of death. The remarks shed some interesting light on how she felt as her life was about to end for a crime she denied having committed.

ACCESS TO RECORDS

As a result of their sensitive nature most prison and criminal court records have a 65 year closed access period in Queensland. All other records have the usual 30 year closure period except for Children's Court records which can be either closed or subject to a very long closure period.

Written authority from the Comptroller-General of Prisons is necessary before access can be given to records within the closed access period.

NEWSPAPERS

Newspapers provide additional information to supplement that found in court, police and prison records. Ellen Thompson has been of particular interest to journalists over the years and her story has been written a number of times. Having found the newspaper item, it is essential that researchers go back to the original sources to confirm what has actually been published.

In Queensland the John Oxley Library has an extensive ongoing program to microfilm early colonial newspapers. Jennifer Harrison's **Guide To The**

⁴¹ **Sunday Mail Magazine**, 29 October 1989, p. 58.

Microform Collection of the State Library of Queensland lists all newspapers available on microfilm and the date range of the microfilm for each newspaper. As new titles are continually being added to the collection, it is important to check the Library's computer catalogue for recent additions.

As well as Queensland newspapers on microfilm, the John Oxley Library holds a large number of Queensland newspapers in hard copy. These will all be microfilmed eventually. In the meantime researchers can have access to the originals provided that there is no paper deterioration. No photocopying of original newspapers is allowed but photographic copies can be made for a fee depending on the size of the article to be copied.

To establish what newspapers existed in a particular area there are a number of sources that can be used. **Newspapers In Australian Libraries**, published in 1985 is a good starting point but it is out of date and there are some inaccuracies.

Denis Cryle's **The Press In Colonial Queensland : A Social and Political History** and Rod Kirkpatrick's **Sworn To No Master : A History Of The Provincial Press In Queensland To 1930** are very useful in determining what newspaper was published when and where.

⁴² Harrison, Jennifer, **Guide To The Microform Collection Of The State Library Of Queensland**, 2nd. ed., Library Board of Queensland, Brisbane, 1990.

⁴³ National Library of Australia, **Newspapers In Australian Libraries**, NLA, Canberra, 1985.

The Appendix of Kirkpatrick's book lists Queensland provincial newspapers in print decade by decade for the period 1860 to 1930. He lists the place of publication, the short title of the newspaper, the year founded and the frequency of publication. Cryle, in Appendix 1 of his book gives a chronological list of Queensland newspapers at five year intervals for the period 1851 to 1871. In Appendix 3 there is a list of newspapers with missing issues for the period 1846 to 1871 plus a list of newspapers not located for the same date range.

One of the major problems when doing newspaper research is dealing with the numerous changes in newspaper titles. Kirkpatrick is particularly useful in determining the name of a newspaper between 1860 and 1930.

When an ancestor committed a crime or misdemeanour it would normally be reported in the local paper shortly after the crime was committed. It would then be listed in the Court Reports when the ancestor appeared before the Court. The more sensational the crime, the more there is likely to be reported.

⁴⁴ Kirkpatrick, Rod, **Sworn To No Master : A History of the Provincial Press in Queensland To 1930**, DDIP, Toowoomba, 1984, pp. 318-330.

⁴⁵ Cryle, Denis, **The Press In Colonial Queensland : A Social and Political History**, University of Queensland Press, Brisbane, 1989, pp. 165-166.

⁴⁶ Cryle, p. 168.

One of the most useful newspapers is the **Moreton Bay Courier** published in Brisbane for which there is a complete run from 1846 onwards. From 1860 this was known as the **Brisbane Courier** and from 1933 as the **Courier Mail**.

As Queensland's population grew and expanded out from the south east corner, so too did the number of newspapers being published. The majority of Queensland cities and towns had or still have their own newspaper. More importantly most of the major Queensland country towns and cities are fortunate in having their newspapers survive from earliest times. Small newspapers, particularly from mining areas, are harder to find still in existence. Not all papers have continuous runs and some have very imperfect holdings.

The extensive coverage of microfilmed newspapers in Queensland is reflected in the following examples of cities and towns and the earliest date held for each:- Bowen 1864; Gympie 1868; Ipswich 1856; Mackay 1867; Maryborough 1860; Rockhampton 1864; Stanthorpe 1873; Toowoomba 1858; Townsville 1866 and Warwick 1866.

The various finding aids make it possible to determine relevant newspapers when searching for criminal ancestors. It must be stressed that researchers should not believe everything printed in the newspaper as facts can and were reported wrongly, with names spelt incorrectly. Always check back to the original source if possible to confirm newspaper reports.

NEWSPAPER INDEXES

There are a number of newspaper indexes to events such as births, deaths, marriages, funeral notices and obituaries. There is no index to crimes or criminals which is why the court and prison records are necessary to establish dates and places.

DISCLOSURE OF CONVICTIONS

In Queensland **The Criminal Law (Rehabilitation of Offenders) Act 1986-1990**, makes it an offence to disclose the conviction of any living person convicted of a minor offence where the person either does not spend any time in custody or serves under thirty months in custody. A rehabilitation period of five years for a child and ten years for an adult applies from the date of conviction. Under the Act Queensland State Archives is allowed to produce any record in the Public Search Room. The onus is then on researchers not to copy or publish any relevant record that they may have seen. There is a notice in the Public Search Room warning researchers of their responsibilities under the Act.

CONCLUSION

Queensland criminal records are valuable for family history research. Those elusive ancestors in everyone's family may be there waiting to be reclaimed. There is the risk that researchers may not like what is found but at least further information is gained. Court, police and prison records can enrich a family history by making it more complete and certainly more human.

APPENDIX A

An alphabetical listing of Court of Petty Session deposition registers held at Queensland State Archives. Due to past inconsistencies in the processing of these records, it is possible that there are other Court of Petty Session deposition registers held at Queensland State Archives but not identified as such. Therefore the **Provenance Catalogue** and the **Registers of Series and Items** should also be checked for other records relating to a particular Court of Petty Sessions district.

COURT	DATE RANGE	LOCATION NO.
Adavale	14Jul1885 - 10Jun1890	CPS6A/U1
	15Jun1894 - 21Jun1905	CPS6A/U2
Aramac	19Mar1872 - Jul1895	A/5117-5120
Barcaldine	1Jan1889 - 16May1896	A/26198-26204
	29Jun1908 - 25Apr1910	A/26205
Beaudesert	26Mar1890 - 18Oct1904	CPS2H/P1-3
Beenleigh	9May1871 - 26Jan1875	CPS2C/1
	5Jan1875 - 29Dec1893	CPS2C/2-6
	2Jan1894 - 9Jan1911	CPS2C/8-10
Biggenden	14Jul1893 - 19Sep1911	CPS3D/P1
Birdsville	19Mar1885 - 23Jul1910	CPS9A/P1-4
	28Jul1886 - 16Oct1912	CPS9A/U1
Blackall	8Nov1875 - 12Sep1901	CPS8A/P1-12
Bowen	17Nov1879 - 18Oct1905	CPS11B/D1-9

COURT	DATE RANGE	LOCATION NO.
Brisbane	6Feb1846 - 20Oct1846	CPS1/AT1
	7Dec1850 - 30Dec1854	CPS1/AT2
	1Jul1858 - 31Mar1905	CPS1/AW1-131
Bundaberg	17Apr1872 - 29Nov1899	CPS3A/P1-28
Cardwell	8Apr1897 - 27Jul1925	CPS12J/P1-2
Charleville	18Apr1872 - 31Oct1906	A/23350-23368
Charters Towers	13Sep1872 - 20Aug1873	CPS11A/P1
	21Nov1876 - 10Jan1906	CPS11A/P3-38
	14Apr1886 - 12Nov1886	A/20792
	30Jul1891 - 17Oct1893	A/20793-20794
Chillagoe	2Jan1905 - 12Mar1909	A/34949
Croydon	10Sep1886 - 7May1912	CPS14A/P1-19
Cunnamulla	3Jan1882 - 5Mar1912	CPS6B/U1-11
Eton	29Apr1898 - 13Feb1905	CPS10E/P1
Eungella	19May1891 - 9Nov1891	CPS10A/P1
Gatton	28May1879 - 10Feb1910	A/25236-25238
Georgetown	16Sep1887 - 15Jul1891	CPS14B/P9-10
	5Dec1894 - 17Jan1897	CPS14B/P11
	24Feb1897 - 12Apr1901	A/13519
Gladstone	9Jul1863 - 18Apr1865	A/25631
	11Nov1869 - 19Jun1874	A/25632
Halifax	15Sep1896 - 18Oct1906	CPS12H/U1-3
Herberton	15Jul1881 - 5Jan1886	A/44540-44542

	13Sep1882 - 25May1883	CPS12A/P1
	6Jan1886 - 16Mar1899	CPS12A/P2-6
	4Sep1901 - 27Feb1909	CPS12A/P7-8
Ingham	10Feb1885 - 23May1888	CPS12B/U1
	12Sep1900 - 16Oct1906	CPS12B/U2
Innisfail	26Oct1897 - 6Apr1899	A/22440
Ipswich	22Jan1858 - 2Oct1858	CPS2E/U2
Irvinebank	14Sep1897 - 11May1910	CPS12C/P1-3
Isisford	3Jan1887 - 6Sep1898	CPS9B/4-5
	31Aug1900 - 17Apr1909	CPS9B/6
Jericho	11Sep1885 - 17Oct1888	A/48769
Leyburn	3Sep1870 - 19Dec1902	A/13396-13397
Mackay	1Mar1884 - 31Oct1905	A/38111-38118
Maryborough	5Jan1866 - 16Feb1911	CPS3B/P1-25
Maytown	21Sep1874 - 5Jan1884	CPS13B/P1
Millchester	21Aug1873 - 1Apr1879	CPS11D/P2-4
	1Jun1874 - 30Mar1875	A/20800
Mitchell	7Jul1884 - 3Dec1910	A/29169-29172
Montalbion	2Aug1889 - 10Jul1897	CPS12D/P1
Mount Morgan	14Nov1887 - 7Jul1905	CPS7B/P1-6
Mungana	18Nov1897 - 28Nov1900	A/34948
Nambour	29Apr1897 - 10Nov1899	A/13520
	14Nov1899 - 6Mar1907	A/25521
Nanango	12Apr1871 - 18Aug1896	A/26775

COURT	DATE RANGE	LOCATION NO.
Nebo	29Sep1886 - 10Nov1890	CPS10C/P1
Normanton	19Dec1876 - 21Jul1899	CPS14C/P1-6
North Pine	31Jan1887 - 9Mar1897	A/25520
Oakey	27Jan1903 - 4May1923	A/43684-43685
Port Douglas	11Feb1878 - 1Jun1895	CPS12E/P1-6
	3Sep1896 - 15Jun1910	CPS12E/P7-9
Ravenswood	28Jun1870 - 14Jul1911	CPS11C/P1-11
Rockhampton	22Apr1873 - 24Oct1873	A/41
	30Oct1874 - 31Dec1878	A/42-50
	2Jun1879 - 13Jun1885	A/51-60
Roma	10May1864 - 20Dec1909	CPS5A/P1-17
South Brisbane	8May1905 - 31Jan1906	CPS1C/P1
	15Aug1907 - 31Mar1910	CPS1C/P2-3
	3May1911 - 30Mar1912	CPS1C/P4
Southport	11Dec1886 - 4Jun1903	A/49297-49298
Springsure	4Feb1869 - 4Jan1910	A/28755-28759
Taroom	2Apr1858 - 26Feb1869	CPS7A/U1
Tenningering	1Jun1872 - 27May1913	A/4960-4966
Thursday Island	11Sep1877 - 2Oct1885	CPS13D/P1
	13Mar1888 - 31Dec1892	CPS13D/P2-5
	19Sep1894 - 5Aug1895	CPS13D/P6
	20Aug1898 - 22Jul1909	CPS13D/P7-13
Toowoomba	11Oct1860 - 31Dec1863	A/13555

COURT	DATE RANGE	LOCATION NO.
	30Jul1865 - 4Feb1867	A/13694;A/13556
	30Jun1869 - 1Mar1872	A/13557-13558
	26May1874 - 4Sep1905	A/13559-13580; A/13705
	31Oct1867 - 18Feb1878	A/13680
Townsville	31Jul1875 - May1876	CPS11E/P1
	17Mar1879 - 1Sep1905	CPS11E/P2-37
	11Jan1895 - 6Sep1895	A/48187
Veresdale	31Oct1877 - 29Jan1890	CPS2G/P1-2
Warwick	11Nov1874 - 18Sep1886	A/13296-13302
	20Sep1886 - 19Jun1888	A/13398
	20Jun1888 - 25Nov1904	A/13303-13309
Windorah	19Dec1898 - 2Mar1910	CPS9G/S1
Winton	25Apr1881 - 11Dec1909	CPS9H/P1-12
Woombye	25Apr1888 - 29Aug1888	A/25521
	26Sep1888 - 14Apr1897	A/13520

APPENDIX B

An alphabetical listing of Calendars of Criminals brought to trial held at Queensland State Archives.

PLACE	DATE RANGE	LOCATION NO.
Brisbane	1857 - 1960	JUS/O1-16
Barcaldine	1912 - 1919	JUS/O17
Blackall	1912 - 1955	JUS/O17
Bowen	1912 - 1960	JUS/O17
Bundaberg	1883 - 1960	JUS/O18-19
Cairns	1916 - 1960	JUS/O20
Charters Towers	1882 - 1888;1912 - 1923; 1954 - 1960	JUS/O21
Charleville	1888; 1915 - 1923; 1953 - 1959	JUS/O22
Clermont	1918 - 1923;1952 - 1959	JUS/O23
Cloncurry	1912 - 1923;1952 - 1959	JUS/O23
Cooktown	1883;1888;1912 - 1923	JUS/O24
Croydon	1888;1891 - 1901	JUS/O24
Cunnamulla	1912;1916 - 1923;1950; 1960	JUS/O25
Dalby	1912 - 1920;1952 - 1959	JUS/O26
Drayton	1860	JUS/O26
Georgetown	1912 - 1923	JUS/O27
Gladstone	1912 - 1923;1953 - 1960	JUS/O27

PLACE	DATE RANGE	LOCATION NO.
Goondiwindi	1916 - 1922;1952 - 1960	JUS/O28
Gympie	1912 - 1923;1952 - 1960	JUS/O28
Herberton	1888;1912 - 1923	JUS/O29
Hughenden	1888;1912 - 1923; 1952 - 1960	JUS/O29
Innisfail	1922 - 1923;1956 - 1960	JUS/O30
Ipswich	1860 - 1870 1871 - 1923;1950 - 1960	JUS/O30 JUS/O31-31(a)
Kingaroy	1922 - 1923;1952 - 1960	JUS/O32
Longreach	1912 - 1923;1953 - 1960	JUS/O32
Mackay	1912 - 1923;1953 - 1959	JUS/O33
Maryborough	1860 - 1879;1888 - 1960	JUS/O34-35
Muttaburra	1888	JUS/O36
Nanango	1912 - 1922	JUS/O36
Normanton	1888;1912 - 1920	JUS/O36
Port Douglas	1882	JUS/O36
Rockhampton	1863 - 1879;1888 - 1923; 1952 - 1960	JUS/O37-39
Roma	1871;1888 - 1923; 1953 - 1960	JUS/O40
Springsure	1888	JUS/O41
St. George	1891	JUS/O41
Stanthorpe	1922 - 1923;1958;1960	JUS/O41

Toowoomba	1860 - 1879;1888 - 1909; 1911 - 1923;1952 - 1960	JUS/O42-44
Townsville	1888;1912 - 1923; 1952 - 1960	JUS/O45
Warwick	1888;1912 - 1923; 1954 - 1960	JUS/O46
Winton	1917 - 1923;1954	JUS/O46

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Colonial Secretary's Office Inwards correspondence registers Inwards correspondence

Courts of Petty Sessions

Deposition registers

Executive Council

Papers relating to prisoners under sentence of death whose cases were reviewed by the Executive Council

H.M. Gaol/Prison, Brisbane

Hospital registers

Medical Officers' journals

Police descriptions of persons executed with photographs and remarks

Registers of the description of prisoners admitted

Registers of prisoners admitted

Justice Department

Calendars of criminals brought to trial

Registers of criminal depositions received

Police Department -	Index to staff files
Commissioner's Office	Staff files
Sheriff's Office/Prisons	Correspondence files
Department	Register of officials and warders
	Staff files

Newspapers

Courier Mail

Northern Miner

Sunday Mail

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