

G.L.H.S. report October 2019: Cross Border Crime in 18th and 19th centuries.

Members of Glendale Local History Society were intrigued to hear the meticulously researched accounts of Northumbrian criminals who, having crossed the border to commit their crimes and who, once apprehended, faced the wrath of the Scottish courts – which were presided over by Scottish Law Lords.

Speaker archivist, Margaret Fox, had studied hand-written, ancient, dusty papers and minute books, concerning 18th and 19th century criminal records and court cases, thus enabling case histories to be built. These historical records are to be found at the Scottish National Archives, Edinburgh (www.nrscotland.gov.uk). This well-known Adam building, we were told, had its foundation stone laid in 1774 and was the first Record Repository in the world!

Margaret explained the process by which an apprehension led to a conviction and then possibly to a sentence. Initially, the Lord Advocate (Crown Prosecution) prepared his papers for a prosecution case, sometimes requiring medical reports – or post mortem findings if injuries had led to a death. Circuit judges travelled to courts held at Edinburgh, Inverness, Glasgow, Ayr, Dumfries, Peebles, Jedburgh, Selkirk, Roxburgh and Berwick. Those on trial were not necessarily tried at the closest court to their crime or abode: travel, with poor roads, was difficult in that era.

Various examples of crimes – such as sheep stealing, illicit trading, “irregular marriages” (bigamy), theft, being drunk and disorderly, assault and homicide – led to an equal variety of sentences, ranging from imprisonment, hard labour, and banishment from Scotland to transportation to Australia, or execution (by hanging). Many of these sentences left the remaining families destitute. Occasional escapees received a sentence of “fugation” for absconding and, if insufficient evidence made cases “not proven”, suspects were let off.

Margaret illustrated her talk and gave added interest with many examples of individuals who came from this locality: Wooler, Chatton, Doddington, Kirknewton, Rothbury, Alnwick, Berwick, Coldstream (a Tweed Bridge incident), Lamberton (activities at an irregular Marriage House).

One example: in 1770 two individuals (from Rothbury and Alnwick respectively) were convicted of sheep stealing, imprisoned at Jedburgh Tolbooth for a month, tried by Lord Hume and sentenced to death by hanging.

A further fascinating example, in 1831, involved three lads, one of whom was a teenage sailor from Berwick who had survived a ship-wreck off the north-east coast of Scotland. Whilst making his way south, and homeward, he met with two brothers... They were apprehended in Cupar, Fife, and tried in Perth by jury but having no defence they were convicted of “Theft of Housebreaking”. This had involved the stealing of three silk handkerchieves, one pair of silk stockings, three shillings and half-a-crown. Their sentence: transportation to Tasmania for seven years. Initially they were held, with 221 other convicts,

caged in a hulk – languishing in unsavoury conditions – until the ship was ready to sail. Not only did our speaker discover the facts of that crime and subsequent sentencing but she followed it up with a search and found what had happened to the deportees in Tasmania and, it was noted, that according to the ship doctor’s medical journal one had died in transit from tuberculosis.

Our speaker, shared details of many other individual criminals and their subsequent sentencing, revealing how much the subject linked to the social and economic history of the era. Being an Archivist, involving precise investigation of facts, must compare with being a police detective!