

Jane Hardy per Mary 1823 - HO17/122/9

JANE HARDY

TRANSPORTATION 7 YEARS

AIDING THE ESCAPE OF HER HUSBAND

SOURCE - HOME OFFICE CRIMINAL PETITIONS - SERIES 1

SERIES - HO 17

PIECE NUMBER - 122

ITEM NUMBER - YH 9

JANE HARDY

YORK LENT ASSIZES - 1822

ESCAPE OF HER HUSBAND

TRANSPORTATION

York Castle
1 August 1822

Mr Hob[]
Sir

Inclosed I send you my list of the present number of Male Convicts in this Castle - from the state of our gaol being at present under repair (from the late escape of 5 men) I have to request the favour of an order for the removal of 11 of them for transportation if convenient.

I remain Sir
William Stanley

B

I beg leave to inform you that at this assizes JANE HARDY - [August] 26 - the wife of JOHN HARDY a convict onboard the BELLEROPHAN Sheerness for transportation for LIFE - was transported for 7 years, upon her own confession and afterwards strongly and earnestly solitited Mr Baron Wood to pass that sentence upon her in the hopes of going to the same place where her husband may hereafter be removed - the offence was for bringing and delivering unto her said husband STEEL SAWS and FILES in order to facilitate the escape of her said husband - she hopes she be forwarded in the next removal of females, if it should meet the appreciation of the Secretary of State Peel - she is a fine stout woman and healthy person and she has no family.

W Stanley

JANE HARDY to go to the Penitentiary

To the Right Honourable Robert Peel - His Majesty's Secretary for the Home Department

The Humble Petition of JANE HARDY

Sheweth,

That your Petitioner is now a prisoner in His Majesty's Gaol the Castle of York in the county of York being convicted at the last Assizes for the said county of a felony by your Petitioner committed within the said county and having been sentenced for seven years transportation beyond the Seas

Your petitioner most humbly prays your Honor will order that she may be so sent abroad along with the other female convicts who are now in the Castle of York under order to be delivered onboard His Majesty's Ship LORD SIDMOUTH lying off Woolwich.

Your petitioner humbly begs to suggest to your Honor that she expressed her earnest wish to the Learned Judge (Mr Baron Wood) before whom your petitioner was tried to be sent abroad and in consequence of such request His Lordship sentenced your petitioner accordingly.

And your petitioner believes that the Governor of the Castle of York would have received an order to convey your petitioner along with the convicts aforesaid but the Clerk of Assizes not having made a return to your Honor of your petitioners case is in your petitioners opinion the sole reason why she had not been ordered from hence.

Your petitioner humbly begs to submit her reason for being desvious to go abroad which is that her husband JOHN HARDY is now onboard His Majesty's Ship

BELLEROPHEN off Sheerness under sentence of transportation for LIFE asnd your petitioner having expressed to the Learned Judge her love and affectiopnm towards her said husband and her sincere wish and desire to share in his fate caused her Lordship to pass the sentence he was pleased to do (Not so, See Baron Wood's letter to Mr Capper)

Your petitioner therefore most humbly prays your honor will be please to order and direct that she may be sent abroad accordingly

And your petitioner will ever pray

JANE HARDY her mark

Carlisle
17 August 1822

Sir,

Mr [Newstead] has shewn me your letter of the 13th instant to JANE HARDY the wife of JOHN HARDY a convict under sentence of transportation for LIFE and which JANE HARDY was convicted before me as the last Assizes of York for conveying tools and instruments to her husband to enable him to escape out of prison and sentenced for transportation for 7 years according to the statute. You say Mr Peel of opinion it would be very dangerous in point of example of this woman by committing the crime of attempting her husband to escape should obtain her object of accompanying her husband to New South Wales, he has therefor declined her to be removed to the Pentitentiary at Milbank in lieu of transportation which will soon be asked upon unless any further representation should be made that may induce him to alter his decision. It must be admitted that there is great weight on Mr peel's opinion and the principle of which he founded it - I wish only to suggest whether this particular case there would be any im{ } ty in suffering the original sentence upon this woman to be carryed into effect. Its original object was not to accompany her husband to New Soputh Wales but that he kight escape and not be sent there at all I [ily] believe that had not the least [] what punishment she was subjecting herself to by the [] she did at the time she did it. The statute has presented a definate punishment of transportation for 7 years and the Judge has no disrection to vary it. When I passed the sentence upon her she thanked me as she wished to go with her husband - I was pleased with her [conjecal] affection and fidelity every body in Court seemed yo manefest the same feeling - she was a very decent well behaved woman and the gaoler informed me she had behaved very well sinceshe had been in prison. I was very gald the Law complelled me to gratify the womans wishes and I must own that from her good conduct and demeanour I [] a wish that she should go with her husband. I wish to submit to Mr Peel's Court whether it would not be better in Point of

Public policy to send her out of the country with her husband than to separate them and after conferring her awhile in the Penitentiary turning her out into the world where she may take to bad courses.

I am
Sir
Your most obedient servant
George Wood

Moor Grange
Near Bansley
6 September 1822

Sir,

I have received your letter at this place in relation to JANE HARDY. The principle on what Mr Secretary Peel judges on the checking and discouraging that which may have a tendency to induce the commission of crime, it must be admitted is a just one, you say he is quite ready to act upon an accomodation which I having all the circumstances within my knowledge MAY think it right to make - I am inclined under all the communications of her particulars can so reiterate my accomodation at the same time . I must own a human feeling for the poor [] weighs much with me. I do not exactly recollect what I wrote before on this occasion .

The sentence of transportation is the only sentence I could pass under the List of Parliament which includes the felony - I thought also it would be better to send her out of the country with or to her husband, that to have her hopeless [] here when she might take to bad courses - I have now no Law Books with me on this [] situation to refresh my memory by that I cannot say whether any or what commutation of punishment could be substituted in place of transportation.

I have the honour to be
Sir
your most obedient humble servant
Geo. Wood

Whitehall
13th August 1822

Sir,

I have to acknowledge the receipt of your letter of the 8th instant [] to JANE HARDY the wife of JOHN HARDY a convict under sentence of transportation for LIFE.

The Prisoner JOHN HARDY will shortly proceed to New South Wales pursuant to his sentence, but Mr Peel upon considering their case HARDY was of opinion that the object which she had contemplated by attempting her husbands escape from gaol ought not to be accomplished by her [] which would be in effect be so, if she should be allowed to proceed to join her husband at New South Wales. Mr Peel therefor directed JANE HARDY to be removed to the Penitentiary at Millbank in lieu of transportation which will soon be acted upon, unless any further representation should be made that may induce him to alter that decision

I am Sir
Your most obedient humbly servant
J Capper.

Newcastle
8 August 1822

Sir,

JANE HARDY aged 29 the wife of JOHN HARDY was convicted before Mr Baron Wood at the late assizes hold for the County of York of [] conveying files and saws being instruments into His Majesty's Gaol the Castle of York proper to facilitate the escape of prisoner and delivering the same to the said JOHN HARDY being a prisoner in the said gaol at that time under sentence of DEATH with felonious intent to and [] him to escape out of the said gaol and she considered the judgement of the Court [] by the Statute [] to be transported beyond the seas for the term of seven years - JOHN HARDY her husband is on onboard the BELLEROPHAN Hulk at Sheerness having received His Majesty's pardon on [] of being transported beyond the seas but I am not certain for what term.

Their Lordship is [ing] of being informed whether it is intended that JOHN HARDY is to be sent to Botany Bay or not and whether of he is it is certain that his wife will either be sent with him or to him afterwards in pursuance of the above mentioned sentence in order that in case she will not be so sent out she may be recommended for some mitigation of her sentence - permit me to beg the favour of an [] to this [] as early as possible addressed to me on the Northern Circuit Carlisle.

I am
Sir
Your most obedient humble servant
Mr Hewstead
Deputy Clerk to the Assizes

PS

I am desired by Mr Baron Wood to say that as the woman had behaved extremely well he is [desivery] that she should go with her husband

Yorkshire to [] At the assizes and general gaol delivery of the gaol of our Lord the King holden at thje Castle of York in and for the couty of York on Saturday 20th day of July 1822 before the Right Honourable Sir Charles Ablette Knight Chief Justice of our Lord King assigned to hold pleas nefore the King [] and the Honourable Sir George Wood, Knight one of the Barons of our Lord the King of his Court of Exchequer and this their fellow trustees -

Where as JANE HARDY the wife of JOHN HARDY at the Assizes and General Gaol Delivery above mentioned that been convicted of feloniously conveying into His Majesty's Gaol the Castle of York three steel files and three steel saws being instruments [] to facilitate the escape of prisoners and feloniously delivering the same to JOHN HARDY being a prisoner in custody in the said gaol upon and in execution of a judgment for a felony of which he was duly tried and convicted without the consent or authority of the gaoler may under [pen] of the same gaol with a felonous intent to aid and assist the said JOHN HARDY to escape and attempt to escape from and out of the said gaol and thereupon hath received the judgment of the Court to her transportation beyond the seas for the term of seven years.

This is therefore the persuassance of an Act of Parliment passed in the 24th year of the Reign of His Majesty King The Third []"Await for the effutual Transportation of Felons ".

By the Count [Riggi]

To the Sheriff of the County of York

An[Ali trated] Copy
William Stanley
Goaler