

Grace Scoullar ID12436 per *Tory* 1848

Grace Scoullar or Marshall aged 24

Ayr Circuit Court 27th September 1847, Theft by Housebreaking

7 years transportation, Victims Names – William and Jean Farquhar

Gaol Report – Character good up to this offence.

Series – HO 18, Piece Number – 250

The prisoner's father prays in consideration of her young family and good character that she may not be sent abroad.

To the Honourable Secretary of State for the Home Department.

The Memorial of the undersigned William Scoullar residing in Kilmarnock in behalf of his daughter Grace Scoullar or Marshall at present under sentence of transportation for seven years, which sentenced was pronounced on the 27th September last at the Circuit Court of Justice at Ayr.

Your memorialist humbly prayeth that you would grant that the said Grace Scoullar or Marshall; should be allowed to remain in this country and not be transported out of it. That she might have an opportunity of being restored to the bosom of her family and friends so soon as the ends of Justice have been served for the following reasoning.

First, that up to the time of the act for which she stands convicted she has always borne an unblameable character and has been industrious and steady in all her behaviour and honest in all her transactions.

Second, she has been separated from her young and rising family consisting of four children, the oldest only seven years of age and the youngest ten months which must be a very great loss to them and farther has entracted a very heavy burden upon me, being now far advanced in life which burden I feel myself totally unable to support.

May it therefore please your Honour to grant the prayer of your memorialist and your Petitioner as in duty bound will ever pray.

William Scoullar.

Kilmarnock

2nd February 1848

The forgoing Petition of William Scollar in behalf of his daughter Grace Scoullar or Marshall now under sentence of transportation for seven years is correct in the statement and I humble think that it would be a great boon to both father and daughter if she were to be detained in this country.

Robert Cumming

Provost.

Kilmarnock

12th July 1851

To the Honourable E P Bouverie MP

It may be in your recollection that in the beginning of the year 1848 that I made application to you through the Provost and Magistrates of Kilmarnock in behalf of my daughter Grace Scoullar at that time a convict under sentence of transportation for seven years but not removed from London. I do hereby return you my sincere thanks for the exertion you used on that occasion and although we were unsuccessful at that time in getting a mitigation of the sentence on

so far as not to have her removed out of the country, yet at a later period having had an interview with you in Kilmarnock on the subject, when you expressed your sorrow at not being successful and encouraged me to remain with you at some future time and now that three years and ten months have expired since the sentence was pronounced I take the liberty of once more approaching you on the subject and advice and consent of Provost Cummings if you would make an application at the proper quarter for her liberation, that she might have it in her power to return to her native country to take care of her destitute family. When you answer this application whether successful or not I would take it very kind if you could furnish me with the last return from the Colony and of any particulars respecting her.

That you will take the above into your consideration will much oblige your Petitioner and your Petitioner as in duty will ever pray

William Scoullar

Weaver

East Shaw Street

Kilmarnock

Grace Scoullar

2nd Application

In V.D. Land

Presented by E P Bouverie MP

The prisoner's father prays that her case may be reconsidered as she had now undergone 3 years and 10 months of her sentence.

15th February 1848

Sir

I have the honour to return a:

1. Communication respecting grace Scoullar transmitted to me by your direction for a report and to lay before you:
2. Copy [] against the party
3. A letter to me from Lord Cockburn before whom the woman was brought up for trial at Ayr in September.
4. That letter tho' dated the 12th I only received it yesterday on returning from the Court of Justiciary. The woman pleaded GUILTY. The crime was theft committed by means of housebreaking . The ground for application seems to be that the woman may look after her children, but it is very noticeable that this deliberate offence was committed through the instrumental of one of her children about 6 years old in circumstances which [] very directly to train and prepare that child for the trade of theft.

It the grandfather cannot support the children, the PARISH MUST. To this the Parochial Board may be disinclined and I believe the desire to avoid that burden accounts for many of the application which are sent to you and to the manner in which they are attested. The Provost of the town of Kilmarnock, the Parish Curate can have made no enquiring respecting the case when her attested this communication from the convicts father. Looking to the [] to which the Panel pleaded Guilty. I am under the [] of substituting that according to the best consideration I can give to the case no ground [] to use for suggesting any interference with the sentence pronounced.

I have the Honour to be

Sir

Your most obedient servant

John Hope

The Lord Justice Clerk submits that there is no grounds for interfering with the sentence in this case.

12th February 1848

To The Lord Chief Justice Clerk

My Lord

In answer to your Lordships application of yesterday about the case of Grace Scoullar tried before me at Ayr on the 27th last September I have to make the following statement:

From the indictment of which I send a copy your Lordship will perceive that she as accused of THEFT with HOUSE BREAKING she pleaded GUILTY – consequently there was no evidence gone into. In far as appeared it was the first offence and a certificate of good character was read, signed buy a Clergy and an Elder.

I sentenced her to seven years transportation.

Nothing is set forth in support of the present application to the Crown except, that she is of good character, and that she could be useful to her children and that she should be returned to the bosom of her family. My chief reason for pronouncing a sentence of transportation was founded on exactly the opposite opinion.

The indictment states that she had employed her infant child as the instrument of her crimes, by making an [] thro' which to put him, in order that he might open the house door to her []. I thought that the family had better be protected from such a mother.

I am of this opinion still.

Therefore whether she be transported or not, I humbly conceive that she should not be speedily restored to the “bosom of her family”.

I have the honour to be your Lordships most obedient servant

[F E] Cockburn

The Indictment

GRACE SCHOULLAR or MASHALL now or lately a prisoner in the prison of Ayr, you are Indicted and Accused at the instance of ANDREW RUTHERFOR Esq. Her Majesty's Advocate for Her Majesty's interest; THAT ALBEIT by the laws of this and every other well-governed realm, THEFT, especially when committed by means of HOUSEBREAKING, is a crime of an heinous nature, and severely punishable; YET TRUE IT IS AND OF VERITY that you the said GRACE SCHOULLAR of MARSHALL are guilty of the said crime, aggravated as aforesaid, actor, or at and part upon the 31st day of July 1847 (Saturday)

(By Keith: There is also a long list of Witnesses, giving their full names, occupations and addresses.)
