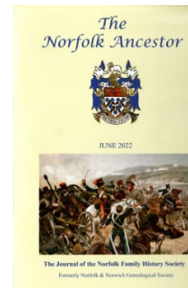


# Brothers in Crime



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**While researching his Yardy One-Name study, David Skyrme knew that Richard Yardy of Walpole St Peter had been transported to Australia in 1835. It was some years later before he realised that Richard was in his family tree!**

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One of the things I do when writing up my own family history is to add some local context. Several articles in the March 2022 edition of *The Norfolk Ancestor* emphasise this point. In this article I look into the background of two brothers who fell foul of the law and hopefully show how contextual information can turn dry facts into a memorable story.

A One-Name study is where you collect all instances of a name from a wide range of sources. Yardy was my maternal grandmother's maiden name, and surprisingly it is three times rarer than my own surname of Skyrme. In 2010, once I thought I had researched all I could about my own family (how naive I was at the time!) I started the Yardy One-Name study. The Yardys are clustered in Fenland - from Lincolnshire to Huntingdonshire via Cambridgeshire and of course Norfolk.

## Death for Stealing

It is often said that your forebears only get reported on in newspapers if they famous or infamous. The latter was the case for my Yardy ancestors of Walpole St. Peter. The British Newspaper Archive ([www.britishnewspaperarchive.co.uk](http://www.britishnewspaperarchive.co.uk)), also available to FindMyPast subscribers, is a good starting point to find more about your ancestor's lives. Local newspapers usually give good coverage of court cases. To ensure I don't miss relevant articles my search uses

just the surname and then a keyword such as "court", "assizes" or "charged". Here was the earliest entry I found for a Yardy in the *Bury and Norwich Post* of 25<sup>th</sup> August 1824. Its report on the Isle of Ely assizes at Wisbech included the following extract:

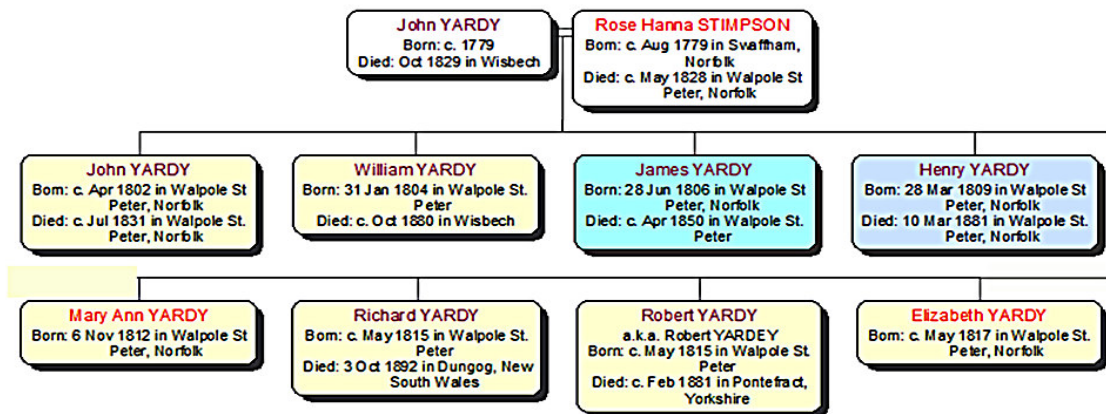
**sentence of death was recorded against Jas. Anderson, convicted of stealing a silver watch, a brass chain, two steel keys, and a small piece of silver attached, from the trowsers of John Yardy, of Walpole, Norfolk, at the New Inn, Wisbech, where the parties were drinking with a great many others, about two in the morning of Sunday the 14<sup>th</sup> of March last.**

The John Yardy was possibly my 3xgreat grandfather, but he was only a labourer. More likely it was his son John who married Sarah Tooke the year before. The Tooke's were a wealthy Norfolk family and it is possible that the silver watch was a wedding present. But this is all conjecture.

The thing that struck me was the death sentence for what today would seem a much less serious offence. In the late 18<sup>th</sup> century there were around 200 crimes that warranted the death sentence. In 1823 this was reduced by over 100 and in 1830 the death sentence for housebreaking was abolished. Between 1800 and 1900, 3,524 people were sentenced to death, but less than half were for murder. Unsurprisingly, a large number of these sentences were not carried out. Local magistrates recorded that they were, but then handed out a less serious punishment. However, those sentenced at the Old Bailey were less fortunate.

A namesake of mine, John Skyrme of Covent Garden, appeared at the Old Bailey in September 1744, He was indicted for stealing a tweezer case with a pair of scissors, a bodkin valued at 20s and a gold ring, value 20s. He was found guilty and sentenced to 7 years transportation along with 9 others who stood trial at the same time. In addition seven convicts, including three women, received the death sentence. Their crimes were typically housebreaking, assault and robbery but also included someone who should have been transported but “was seen at large in Great Britain, without lawful cause.”

It goes on to say that Richard Yardy, age 19, was charged on the oath of William Yardy of Walpole St Peter as to having broken into the home of William on the night of 23<sup>rd</sup> May and “stolen thereout a silver watch, one sovereign, and a doll’s frock.” Robert Yardy, also 19, was accused of being an “accessory before the fact to the said burglary, and having received the said stolen property well knowing the same to have been stolen.” The result of this episode was that Richard was acquitted and for Robert the case was “no bill”, meaning that there was insufficient evidence to bring a case.



### That Silver Watch

At the Epiphany sessions of the Isle of Ely in Wisbech in January 1834, the *Cambridge Chronicle* reported:

*Richard Yardy, of Wisbech St. Mary, was charged with stealing on the 14th November, 1833 a coat, waistcoat, small clothes and handkerchief, the property of John Slade.*

three months hard labour. As well as Richard was found guilty and sentenced to newspapers many court records are on commercial website like Ancestry and FindMyPast. Just eight months later we find this:

A CALENDAR of the Prisoners in the custody of the Sheriff of the said County, for trial at the Summer Assizes, to be holden at the Castle of Norwich, in the Shirehouse there, for the said County, on Saturday, the twenty-sixth day of July, 1834.

So was this the silver watch that featured in the case of John Yardy earlier? I had by this time found a joint baptism on 21 May 1815 in Walpole St. Peter of Richard and Robert as being the sons of John and Rosamond Yarvey [sic], and I have assumed that they were twins. It was only some years later when I was working on my Yardy ancestors that I was able to construct Richard and Robert’s immediate family (see chart above).

I believe that Henry Yardy was my 2x great grandfather although it was James who married to my great grandmother. James had joined the army and had died in 1850 but at that time a widow could not legally marry a deceased husband's brother. This only changed with the Deceased Brother's Widow's Marriage Act, 1921.

From the family chart you can see that whichever John Skyrme (father or son) had his watch stolen in 1824, that both were dead by 1833 and therefore it was the William of this family that inherited it. Brother rivalry and jealousy seems to feature in this reported event.

But the story of the brothers does not end there. In late November 1834 just a few months from their previous acquittal, the two brothers were caught again. This time on 7th January 1835, they were both found guilty as reported in the *Cambridge Chronical & Journal* of 16th January 1835:

**Robert and Richard Yardy were found guilty of stealing a great coat from Mr. Robert West jun., on the 18th November last. The prosecutor was ploughing, and hung his coat on a tree; the prisoners passing took it away; he and his brother watched them to a plantation six miles off, and saw them enter, one of them having the coat on, and return without it; they went to search and found it.— Robt. Yardy, 6 months' imprisonment, last month in solitary confinement; Rich. Yardy, 7 years' transportation. When the prisoner left the dock, he said to the Chairman, "Thank'ye, when I come back I'll bring you a ring-tailed monkey."**

Again Richard was seen to be the ringleader, being sentenced to transportation, whilst brother Robert got just 6 months imprisonment.

### Transportation

Aged just 20 Richard, 5ft 5ins, was moved on 15th January with five other prisoners convicted on the same day to the prison hulk Ganymede moored at Woolwich. He sailed with 305 other convicts on the Mary Ann on 6th July, arriving in Sydney, New South Wales on 31st October. 62 of the convicts had life

sentences. The voyage had an inauspicious start. In a stiff breeze, the Mary Ann collided with the Sunderland collier brig Eliza Ann on the River Thames. It was a while before the two ships disentangled, but the Mary Ann being 700 tons, was virtually unscathed whilst the Eliza Ann lost masts, had a broken side and was described as "presenting the appearance of a complete wreck".

Conditions on convict ships were harsh and usually there were several deaths on the journey. However, for this voyage the surgeon-superintendent Campbell France reported in his journal that generally the convicts were healthy, though there had been an outbreak of measles early in the voyage. One convict died as did two children of the soldiers who guarded them. There was also one birth.

Richard's record of his arrival lists his distinguishing marks. This included tattoos: "woman, James Yardy, aged 18, 1834, inside lower right arm; mermaid, BMRY, inside lower left arm." BMRY is a mystery to me, but as the family chart shows, James Yardy was one of his older brothers.

There were three ways a transported convict could get their freedom:

- Ticket of Leave – if a convict was well behaved they could apply for a ticket of leave after serving 4 or 5 years for a 7 year sentence; they had to remain in a specified area, could work and had to report regularly to the local authorities;
- A Pardon – these could be given to those servicing a life sentence; a conditional pardon meant that the prisoner had to remain in Australia, whilst an absolute pardon meant that they could leave;

- Certificate of Freedom – this was issued at the end of their sentence. This gave the prisoner freedom to travel anywhere, including back to England – if they could afford it!

Richard received his ticket of freedom on 30 April 1842. In May 1847 he married Irish girl Bridget Gorman with whom he had five children. He died in 1892 aged 77 in Dungog, New South Wales. I have been in touch with some of his descendants.

Meanwhile Richard's brother Robert remained in Walpole St Peter, living in Kettle Row with his sister Mary in 1841. Like most young men in the area he was an agricultural labourer. He must have got the wander lust and wanted to forget about his youth in Norfolk, because in December 1944 we find him in Lindsey jail in Lincolnshire. He was listed a vagrant "wandering and begging" and given a sentence of one month hard labour. But his criminal days were now at an end

since in 1846 he married Mary Pearce in Spilsby, Lincolnshire. The family returned to Walpole around 1860.

### **Conclusion**

Using a combination of records, both from England and Australia I have been able to piece together the story of two brothers (and my 3x great-uncles) in crime. Newspaper reports of trials add context to the raw data found in criminal records. Just as the British Newspaper Archive gives good background information for my English ancestors, the free Trove website (<https://trove.nla.gov.au>) of the National Library of Australia gives access to historic Australian newspapers.

### **Credits:**

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