

**A ROBBERY COMMITTED AT
WORTHINGTON IN 1843
PLUS SUPPLEMENTARY INFORMATION ON THE
SENTENCE OF TRANSPORTATION**



THE MALT SHOVEL AT WORTHINGTON IS ON THE RIGHT

BY SAMUEL T STEWART - JANUARY 2023

FRONT COVER PHOTOGRAPH

The photograph is dated 1906, and is taken from Town End looking back into the village down Main Street with Town End cottage immediately on the left. The Malt Shovel Public house referred to in the following story is the building on the right with Bull Hill lane running down the side of it. At this time, there were reported to be eight working farms in the village, of which three were on the main street.

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There follows information from a transcribed newspaper report of the trial of Thomas Smart and Thomas Cartwright at Leicester Lent Assizes on the Monday, 25th March 1844 before Chief Justice, Sir J. Tindall in the Crown Court, regarding the theft of three sovereigns, eight half-crowns, six shillings and three sixpences from Thomas Gibson of Belton on 6th October 1843 at Worthington. Notes in blue are from other newspaper reports.

The Leicestershire Mercury - Saturday 30th March 1844

THOMAS CARTWRIGHT, 22, (Reads and writes well) and **THOMAS SMART**, 17, (Reads well and writes imperfectly) were placed at the bar, charged with stealing from Thomas Gibson, money to the value of £4 7s. 6d. on the 6th October last, at Breedon on the Hill (should say Worthington).

Mr. White opened the case for the prosecution.

Thomas Gibson deposed that he was a labourer, and lived at Belton. He had received his wages the night previous to the robbery. He went to Ashby Races on the day in question, where the prisoners were. He returned in company with the prisoner Smart, and called at the Malt Shovel at Worthington. After they had been in a short time, the prisoner Cartwright came in. He had some ale (*Gibson*) for which he offered a sovereign by mistake, which the landlord gave him back. He then took a shilling out of his purse and paid for the ale. He had in it three sovereigns, eight half crowns, six shillings, and three sixpences. He left about eleven o'clock, and the prisoners left at the same time. When they had proceeded a short distance (*presumably towards Bull Hill*), the prisoners proposed going another road, which he refused. They then took hold of him by the shoulders and dragged him about one hundred yards, and laid him down on the ground, Cartwright holding his hands and attempting to throttle him, while Smart got upon him and rifled his pockets. Witness then cried out "Sam ?, don't take my money, when he replied, "I have got your money, and your money I'll have." The prisoners then ran away, threatening to ill-treat him, if he made any alarm. He went back to Worthington and gave information to the constable.

Examined by the judge - Had known the prisoner Smart several years, Cartwright about twelve months ; went out of the house about two or three times.

Examined by the prisoner ?? - Had but three penny worth of brandy. No woman was drinking with him or dancing with him. Did not have gin in every jug of ale he drank.

Mathew Richards, landlord of the Malt Shovel, remembered the prosecutor coming to his house on the 6th October. The prisoner also came in and shortly after Cartwright. They all seemed to be familiar and drank together, each paying in his turn. When Gibson paid, he pulled out a sovereign, which he returned, cautioning him to be careful of his money. They all left about eleven o'clock.

By the prisoners - Did not remember drawing the prosecutor any Gin ; would not swear that he did not ; never saw him leave the dancing room with a woman.

John Beale, policeman, deposed to the prosecutor making the charge the next morning, and to apprehending Cartwright at Packington on the 27th of October. When apprehended, the prisoner said he had £50 left him at his grandfather's death, and would give Gibson £5 to make it up.

Thomas Rose, policeman, deposed to apprehending Smart at Nuneaton on the 28th of October.

Prisoners denied the charge and had the publican recalled, whom they asked if he did not entrap people into his house to gamble, and when they had lost all their money, turn them out, and tell them to say they had been robbed, which witness totally denied.

William Pegg, of Melbourne, Miller, and for twenty years overseer of the poor, gave Cartwright a good character up to this time.

His lordship then summed up the evidence, observing, that the whole charge must rest on the evidence of Thomas Gibson ; and it would be for the jury to consider if he were in a state to be cognizant of what took place.

The jury found both the prisoners Guilty. A previous conviction for felony ([stealing a pair of skates at Packington](#)) was proved against Smart for which he had received six months imprisonment Sharp was transported for fifteen years, Cartwright given twelve months imprisonment.

Thomas Sharp was transported to the penal settlement in Van Diemen's Land, later renamed Tasmania. His convict record shows he was a rebellious prisoner receiving frequent lashings of 14 and 30 lashes or solitary confinement depending on the seriousness of his misdemeanour. Like numerous prisoners who tried to abscond he was always recaptures.

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SUPPLEMENTARY INFORMATION

SENTENCES

Before the middle of the 19th century, long prison sentences were not often used as a punishment. In fact, it was rare for anyone to be imprisoned for more than two years, except for debt. Instead, people found guilty of minor offences were fined or sentenced to some physical punishment, such as being put in the pillory, whipped or branded. Later in the Victorian Period this was replaced with **Penal Servitude**. Those who had committed more serious crimes were sentenced to transportation or death. Any criminal with a sentence of 7 years or longer could be transported

The death sentence was often commuted to the lesser punishment of transportation for life. Those who were transported might decide to return on the expiration of their sentence, although they had to pay for, or arrange their own passage back after receiving a certificate of freedom or ticket of leave. Very few, once free, returned to England and most wanted to stay, build a new life, marry and become respected citizens of Australia.

Sometimes, transported convicts managed to escape before their sentence was completed. If they were then recaptured, they were hanged.

TRANSPORTATION

Transportation was an alternative punishment to hanging. Convicted criminals were transported to the colonies to serve their prison sentences. It had the advantages of removing the criminal from society and being quite cheap - the state only had to pay the cost of the journey.

In 1787, transportation started to the first penal colonies in Australia, Van Diemen's Land (Tasmania). Up to 1868, about 162,000 people were sent there: men, women and children, sometimes as young as nine years old.

From Sentencing to Departure - Prison Hulks & Convict Gaoles



The sentence of transportation was usually carried out in three parts. Prisoners started their sentence in the local gaol, followed by a period in a convict gaol or on the prison hulks before finally being transported.

After Sentencing

Prisoners arrived at the convict facility with their 'caption papers' (Which stated the offence, the date of conviction and length of sentence). In the early 19th century, most prisoners awaiting transportation were sent to the '**hulks**' in London before being assigned to a convict ship and leaving England.

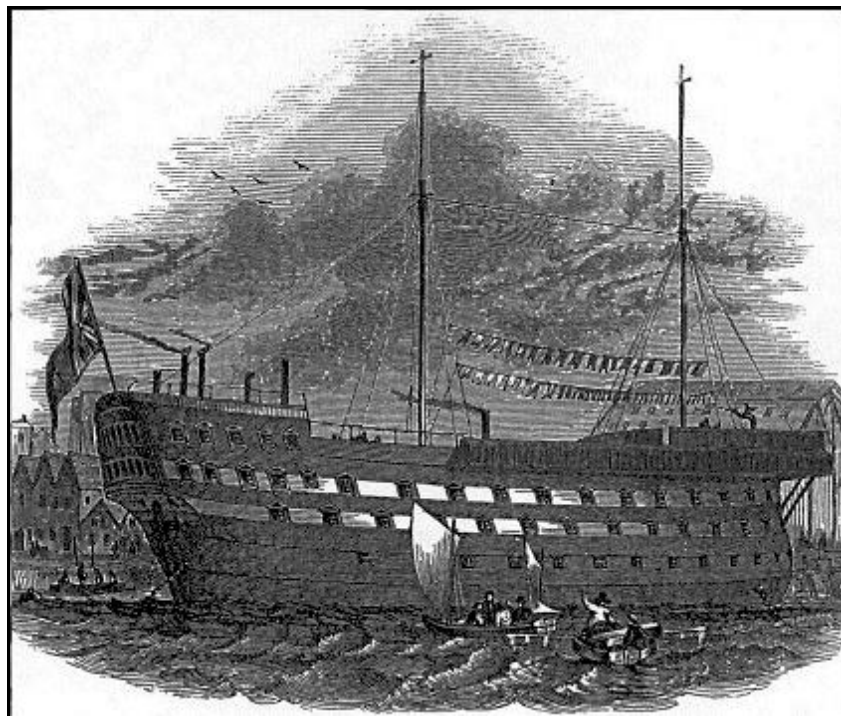
The Hulks

The hulks were old navy ships that has had their masts removed and were anchored along the banks of the Thames and at ports such as Portsmouth and Plymouth. As the prison population increased, it was decided to use them as gaols. Parliament authorised their use for a two year period in 1776; **they continued to house prisoners for 82 years!**

The conditions on the ships were terrible, especially in the early days, and far worse than in the prisons. The standards of hygiene were so poor that outbreaks of disease spread quickly. Typhoid and cholera were common and there was a high death rate amongst the prisoners.

In the day time the Convicts were put to hard labour on the docks or dredging the Thames. At night the prisoners were chained to their bunks to prevent them escaping ashore. Convicts could be punished for crimes on board by being placed in heavy irons or flogged.

Even though conditions slowly improved, they were still worse than in the prisons. In later years some prisoners carried out their whole sentences on the hulks in England, instead of being transported.



An old engraving of a typical Hulk