

Sheep stealing and its consequences

Comparing a similar offence and its consequences for those found guilty of the crime from the 17th and 19th Centuries reveals some changes in attitudes to punishment by the justice system. At the West Riding Quarter Sessions held in Barnsley on 17 January 1637/8 two Tickhill labourers Richard Wilton and Robert Marr both admitted their guilt having stolen a ewe worth 4/- from Anthony Spencer at Tickhill on 26 December 1637. As a punishment both men were whipped.

At the next Quarter Sessions held at Pontefract on 3 April 1638 another Tickhill labourer, John Montford, admitted stealing a wether sheep valued at 10/- from Sir Ralph Hansby at Tickhill on 29 January 1637/8. Montford pleaded 'benefit of clergy', not because he was ordained but because he could read. This mitigation could save people from capital and other punishments; they were usually 'burnt', that is branded on the left hand, as happened to Montford. The branding (T for thief, F for felon and M for murderer) was carried out by a gaoler in the courtroom. Once branded, people could not use 'benefit of clergy' a second time. In the 17th Century whipping and branding were regular punishments for theft as well as being fined.

Almost two hundred years later the *Doncaster Gazette* of 24 March 1834 reported that Samuel Kemp (25) of Tickhill and George Vickers (40) of Doncaster were convicted at the York Assizes of stealing a sheep belonging to William Wrightson of Cusworth Hall and were sentenced to be transported for life. George Vickers sailed from Portsmouth on the 'Hooghley' on 25 July 1834 and arrived at New South Wales with 259 other convicts on 25 March 1835. Samuel Kemp, however, did not leave England until March 1835. This was because of efforts to have his sentence reduced. His wife Mary and a group of tradesmen sent two petitions to Lord Melbourne, then Secretary of State for the Home Department, pleading for clemency.

Mary Kemp explained that she had bought joints of mutton for 3/- from Vickers' wife who had called to collect shoes and boots repaired by her cobbler husband Samuel. She did not know the meat had been stolen but had been told one sheep from a flock going through Doncaster had collapsed and had been taken by George Vickers. She finished by hoping 'your lordship may transact that good of tender mercy on Samuel Kemp'. Other tradesmen stressed that Samuel was of good character not having been in any trouble previously and that the sentence was a heavy one for a first offence. The petition concluded that the signatories 'trust that your lordship's urbanity will, in this instance, lead you to a merciful interference in the case of this young convict'.

This was all to no avail. Samuel was transported for life to New South Wales on the 'Marquis of Huntley' on 23 March 1835 along with 319 other convicts. Transportation as a punishment began in 1718 when America was the destination of convict ships. After the American War of Independence the British government saw advantages in sending convicts to Australia and so New South Wales and Tasmania became destinations for convicts from 1787 to 1857 when transportation stopped.

The consequences of Samuel Kemp's arrest were also considerable for his wife. Having no income she applied to overseers of the poor in Tickhill for parish relief. This was refused as Mary had not been born in Tickhill and her husband, who was born here, was no longer living here. On 4 February 1834, while Samuel was being held prisoner at York Castle, Mary was removed to Barnby Dun.

See *West Riding Sessions Records: Orders 1611-42, Indictments 1637-42* edited by John Lister, reissued by Cambridge University Press 2013. The two petitions for Samuel Kemp are held in the National Archives ref.: HO17/4 at 37.
Ordered home: Settlement removals 1679-1849 and examinations supplement 1782-1846 in the Archdeaconry of Doncaster, compiled by Pamela Lindley, Doncaster & District Family History Society, 2001.