

**John Martin and James Coley  
-a severe punishment for theft in 1839**

## John Martin and James Coley -a severe punishment for theft in 1839

The names John Martin and James Coley are part of the history of Newick. Their theft of food after Christmas in 1839 and their severe court sentences are well recorded.

John was 16 years old and James was 13. On the night of 28<sup>th</sup>/29<sup>th</sup> December they stole food from the baker's premises of James Jacob West on Newick Green. Those baker's premises are included in the mid 19<sup>th</sup> century painting (believed to have been painted by John Funnell) of Newick Green, shown below with a blue circle for clarity. Those premises stood where the modern community centre now stands.



Mid 19<sup>th</sup> century painting of Newick Green including the scene of the 1839 theft

In darkness, the pair broke a pane of glass in the shop window and stole one cake to the value of three shillings and six pence, eighteen buns to the value of eighteen pence and four pounds weight of bread to the value of six pence. They

were apprehended and came before the court at Lewes where their case was heard. John (a labourer) and James (a chimney sweeper's boy) pleaded guilty.

John Martin was living with his parents Thomas and Lydia and the rest of the large family in the part of Newick known as The Rough. Perhaps they were hungry when the theft of food took place after Christmas in the cold of winter. The family are referred to in the old Parish records as receiving poor relief. John had had an earlier conviction only two months earlier in October 1839 for stealing bread and other goods for which he had received a two-month prison sentence involving periods of solitary confinement and hard labour. The theft at Newick was only two weeks after his release, illustrating that his confinement in prison certainly hadn't had any deterrent effect towards crime! The court was made aware of this earlier conviction.

James Coley and his parents William and Elizabeth lived at a cottage at the northern end of Tilehouse Lane, near Oxbottom Lane (the cottage has since been replaced by the house 'Oxbottom House'). James certainly had a very dirty, unpleasant job having to climb up through sooty chimneys, in those days before legislation prevented such abuse of young children. There were four Coley families in Newick, living in the Oxbottom/Mitchelswood area, around the time of 1839/1841, with many of the Coley's recorded over the years as having committed crimes...stealing a horse, stealing wheat, one child of eleven years old having stolen a watch, etc. Some were described as paupers in the old Chailey Union documents 1836-39. In 1837 some of the Coley's are in the workhouse because of 'insufficiency of earnings'. James was therefore clearly from an environment that was conducive towards ending up in court.

At the court hearing the sentences given were fifteen years to John Martin and ten years to James Coley, both to be '*...transported to such parts beyond the seas as Her Majesty by the advice of her Privy Council shall order and direct for the several terms set against their respective names, and let them be severally committed to the said House of Correction in execution of such judgements*'. It was intimated that the government would probably send James Coley to an asylum for juvenile offenders in the Isle of Wight to undergo his sentence.

What happened to the two lads?

## John Martin

He was transported to Van Diemens land, now known as Tasmania, to serve his sentence. He embarked on the ship 'Mandarin' in February 1840 from Spithead, Hampshire, under Captain James Muddle with a total of 212 male convicts. These were mainly labourers and farm workers from different parts of the country. Five were from Sussex, including one 16 year-old from Brighton named Charles Edward Chaunt, convicted of burglary. The journey was via the Cape of Good Hope, Africa, taking 126 days and arriving on 30<sup>th</sup> June 1840.

The Tasmania State Archives has an original, handwritten document setting out the details of John's time there as a convict. The document explains that John was a farm labourer from Newick Sussex, aged 17 years, five foot three inches high, fair complexion, grey eyes, protestant religion and able to read, but not referring to whether he could write. The surgeons report stated that his general condition was good. John committed various offences while in confinement - disorderly conduct, disobeyed orders, idleness, absconding, creating a disturbance, neglect of duty and absence from his gang without leave etc. His sentences for these infringements included hard labour in chains, 25 stripes on back, 36 stripes on back and days of solitary confinement, etc. The last date written on the document was 1851. Is that when he was released ?

A *Mid Sussex Times* newspaper article dated 11<sup>th</sup> August 1994 refers to Mrs Jean Scouller, a Justice of the Peace from Australia, being the great granddaughter of John Martin. She had visited Newick to discover more about the village. Jean Scouller explained that when John Martin was freed at the end of his sentence he '*became a trusted citizen of Tasmania...a great help to the area, getting a church and a school... had a small business and obtained much land on which he farmed... married a settler's daughter whose family had emigrated from Somerset and the couple had 15 children... died in Australia aged 73... his descendants still farming today*'. Records show that his marriage to Edith Willey in April 1855 (when he would have been 32 years old) was in Essenden, near Melbourne in Australia, so it is assumed that it was in Australia where he spent most of his post-convict life. Further research could provide clarification.

## James Coley

As was intimated at the court hearing, James was sent to 'Parkhurst' on the Isle of Wight to serve his sentence for the theft. This was a young male offender's institution where the inmates were taught to read and write and were taught useful trades. James was taught to be a tailor, although this title may have meant little more than making uniforms for the inmates. A web site states that the prison report refers to James having 'been abused and neglected by his parents'.

The arrangement was that Parkhurst inmates could be pardoned if they agreed to go to New Zealand to live and work as directed on arrival. In 1842 James was sent to New Zealand on the ship 'Saint George' under Captain Surghrue with 92 others from Parkhurst. They landed at Auckland. James became an apprentice farm labourer. He married Rebecca Massey in 1848 in Auckland and they had many children. Over the years he had a variety of jobs including a carting business and a timber merchant and he experienced bankruptcy more than once. He served in the Waikato Maori Wars, attended church regularly, was a church bell ringer, was an experienced horseman, owned horses, became a councillor in 1879 and was a keen gardener. He lived in several different places over the years, on North Island and South Island. Below is a photograph of James and his wife Rebecca.



James and Rebecca Coley

He died in 1901 aged 73 years and his wife Rebecca died in 1908. They were buried in the town of Foxton on the west coast of North Island where they had spent many years of their life.

## **CONCLUSION**

Both John and James had a tough upbringing with the hardships of 19<sup>th</sup> century life with low wages in a Sussex village. They would have been familiar with other lads from the parish stealing and poaching to try to make life bearable. They experienced first-hand the trauma of the law in dramatic action, with the shock and fear of being forced to have their future life on the other side of the world. The unfamiliar and long sea trip had to be endured.

John withstood the hardships of convict life and its punishments while James would have probably been better treated. Upon final release, both then had the stigma of having been a convict or a 'Parkhurst Boy'. The life of James is very well recorded in a web site (see 'Information Sources' at end)

Their story is one of enduring hardship and achieving respectability.

## INFORMATION SOURCES

East Sussex Record Office at The Keep, Brighton has baptism register referring to Martin family and some Coley's (PAR 428/1), 'state book' for relief of poor in Newick parish (PAR 428/37/1/2, page 66), churchwarden assessments (PAR 428/8/1), Newick tithe map and associated schedule ('apportionments') 1840 indicating the premises occupied by James West the baker (plot 282) and the premises occupied by William Coley (plot 206) - TD/E 42/1, quarter sessions records (QO/56 and QR/866), land tax records (LLT/Newick), Chailey Union documents referring to some Coley's in the village as paupers (SAS HA 50/318), etc.

Contemporary newspapers - *Brighton Gazette* 2<sup>nd</sup> January 1840; *Brighton Herald* 4<sup>th</sup> January 1840; *Sussex Express* 4<sup>th</sup> January 1840; *Sussex Advertiser* 21<sup>st</sup> October 1839 and 6<sup>th</sup> January 1840

*Mid Sussex Times* newspaper 11<sup>th</sup> August 1994

National population census 1841, 1851, etc

Web site by Verna Dunn (nee Coley) the great great grand-daughter of James Coley (horowhenua.kete.net.nz) together with other web sites regarding family history, 'Parkhurst Boys', records of convicts and convict ships, Tasmanian Government archives, National Library of New Zealand, etc

The 19<sup>th</sup> century painting of Newick village green in possession of Newick Parish Council and hanging in the village hall. The 1994 *Mid Sussex Times* newspaper article referred to, states that this painting showing Newick Green with a boy running 'may depict the incident which led to John Martin to serve 15 years' sentence'. However, the original newspaper report of January 1840 referring to the incident states that the theft took place "on the night of Saturday 28<sup>th</sup> December or early on the following morning", which would not align with the content of the painting, showing a busy day-time scene with trees in full leaf.

*Newick Retold* by Tony Mayes 2002, page 37