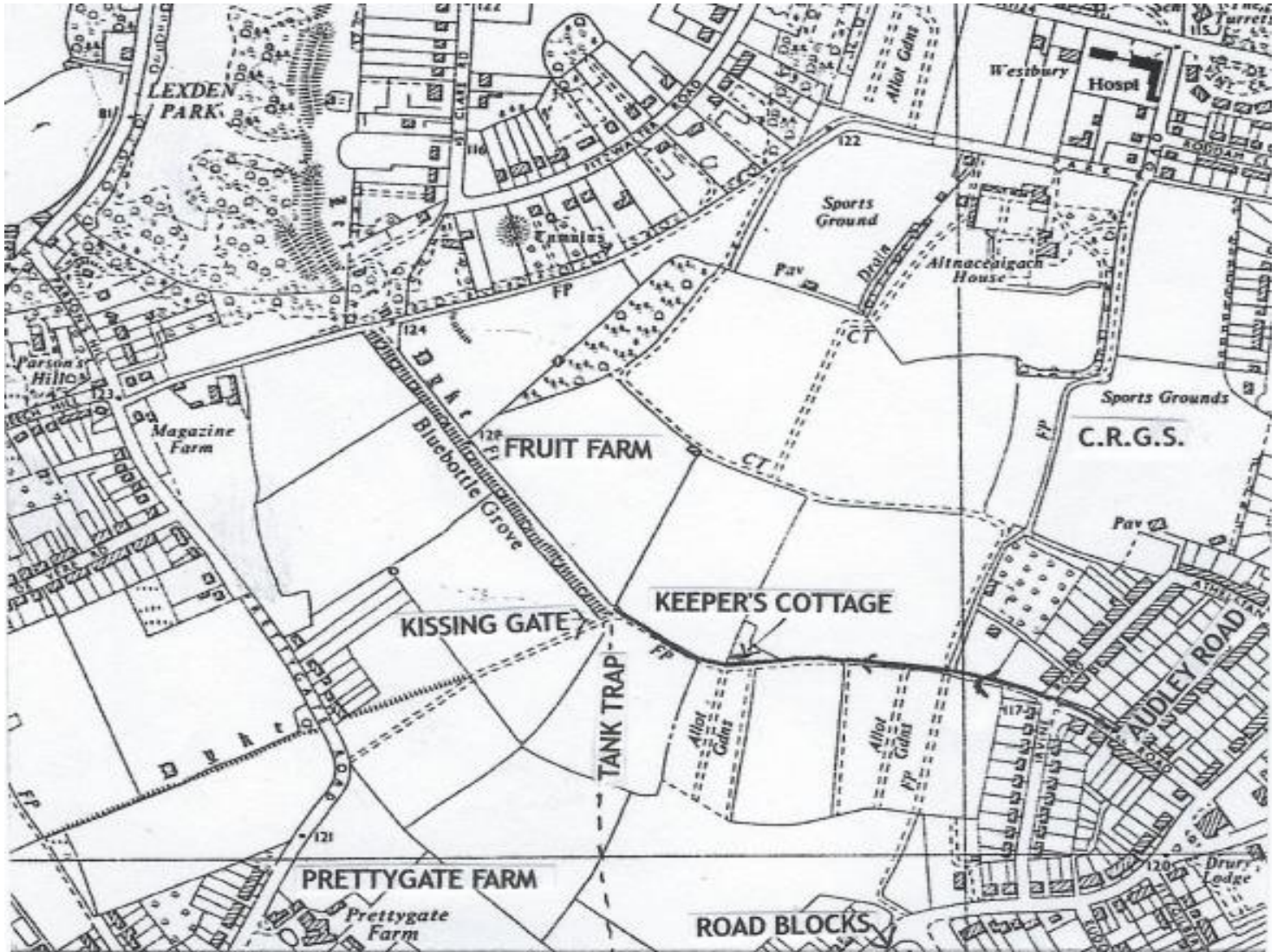


Lexden History Group



- Bluebottle Grove
- The Origins of some of Lexden's Street Names
- Tales from the Churchyard - The Family of Thomas Baker
- What happened after Baker Court Case in 1834?

Newsletter No 66 – Sept 2022
Website www.lexdenhistory.org.uk

As a young schoolboy in the 1930s living with my parents in Audley Road, my friends and I often played games on Bluebottle Grove (*right*) without realising its historical importance and the reason why it was there in the first place.



Iron Age Colchester (then known as Camulodunum) was protected on its western edge by a series of defensive earthworks known as dykes. A dyke is a bank formed from earth dug out of a defensive ditch. When first constructed, the banks reached up to 4 metres in height and the ditches 4.5 metres deep, so they made a substantial barrier. There were a number of dykes built around Colchester with three specific ones on the western side of the town – *Grymes Dyke* ran from the River Colne, through Stanway south as far as the Roman River by Heckford Bridge; the second earthwork was *Triple Dyke* on the Lexden Straight Road; and the third one Lexden Dyke, seen running through Lexden Park which extended south into Bluebottle Grove. Over time these forms of earthwork appear to have developed for different reasons. As well as being used to protect settlements from attack by warriors in chariots or from cattle raiders, the dykes were used to confine grazing animals. (*see map on front cover*)

Forward to 1939, before video game and mobile phones had been invented, there was time for exploring adventures on our bikes. Crossing Irvine Road on to the bridle way, with allotments on the left (they are still there) and a footpath on the right through to Park Road passing the Grammar School playing field and the Victorian house *Altnacealgach* (now redeveloped into Osborne House) which was about to be taken over by Civil Defence to store ARP equipment in preparation for possible war ahead. The area was surrounded by fields with grazing cattle belonging to Prettygate Farm, also a useful open place to fly kites.

Back on the bridle way we'd pass *Keeper's Cottage* which was occupied by an elderly gentleman, Mr Cook, no services laid on, but there was a well in the garden. He was remembered for riding an upright cycle with a double cross bar, giving a friendly wave to all walkers.

After the cottage there was a wooden kissing gate to open and pass through into Bluebottle Grove ready to play games such as Cowboys and Indians (a term that today is considered offensive) and hide-and-seek and to climb trees to launch home-made paper aeroplanes to see which one would travel furthest. On the right



side of the Grove was a footpath with a field full of fruit bushes, there was temptation to sample the berries! When hunger started it was time to pack up the bikes and return home for dinner. When war commenced in September 1939 an anti-tank trap was built from the southern end of Bluebottle Grove to run across fields to Shrub End Road, alongside were road blocks (*left*) to control traffic movements.

Now in 2022, several stretches of the Colchester Dykes are still accessible for all to walk through and enjoy – they are well preserved by English Heritage.

The Origins of some of Lexden's Street Names

I recently found a copy of the small book written in 1936 by Cllr E Alec Blaxill (*right*) which gives short explanations of the origins of street names in Colchester. Over 85 years later it is high time that this was updated!



It is always interesting to speculate who chooses our street names and why. They all have to be submitted to and approved by the Street Naming and Numbering Committee of Colchester Council. The Civic Society are also keen to be involved and have forwarded such names recently as Ruth King Close (off Park Road) near to Colchester County High School where Miss Ruth King was Headmistress from 1924 to 1952.

The name **Lexden** has its own history. The hundred of Lessendene was mentioned in the 1086 Domesday Book and has been known over time as Lessendon, and Laexendene - "Laexa's valley". Thomas Cromwell in his 1825 book "The History and Description of the Ancient Town and Borough of Colchester, in Essex" records that the most probable explanation is from Philip Morant's history: "that it is derived from the

Saxon *lac*, a stranger, and *dun* a hill, or more properly a fortification upon a hill” where the Romans, Strangers, had a fortified camp. In the past there was Lexden Hill, Lexden Street and now all are known as Lexden Road. London Road, of course, leads to London!

Church Lane, by St Leonard's Church in Lexden, and **Spring Lane** leading down to Lexden Springs and the gathering grounds off Cymbeline Way, are self-explanatory and the naming of streets in **Poet's Corner** is fairly obvious but was the area chosen after a few houses were built in the original Chaucer Way in the



early 1930s? It would also be interesting to know if the more prominent poets were chosen for the longer roads, ie, Marlowe, Shakespeare, and Wordsworth, leaving the shorter roads for the lesser known poets.

Colchester Borough had already built a few houses and flats in the area off Shrub End Road before the first large private estate was started in the late 1950s. This was on 260 acres of land from Home Farm and Prettygate Farm (left, including the 'pretty gate' on the right) and mainly developed by W A Hills & Son, a local firm. The main road through the estate was called

Prettygate Road and other roads were named after artists, eg, **Landseer**,

Munnings, and farm tools, eg, **Scythe Way**, **Hoe Drive**, which recognised the demolished farms. **Hills Crescent** was named after the builders and other names can also be attributed to the Hills family. **Ambrose** (Avenue) was a family name as was **Alan** (Way) and **Worthington** (Way).

Baker's Lane: this may have been named after Thomas Baker of Rampart Farm (see article on p 5) but Percy H Reaney suggested that it was after Ralph de Bakere in the 14th century or from a right of way over "Baker's Land" mentioned in the 1411-12 Court Rolls of Henry IV.

Colvin Close: Bazett Wetenhall Colvin (1830-1909) lived in Lexden Manor for several years. He was employed in the Bengal Civil Service and served as an Assistant Magistrate and Collector, on the Board of Revenue, and as Officiating Secretary in the North-West Province. He was appointed an additional member of the Governor-General's Council from 1877 to 1881. On his retirement in 1885 he returned to UK eventually renting Lexden Manor from the Papillon family. He died in July 1909 and his funeral at Lexden Church was attended by many well-known local people. He is buried in the churchyard as is his son, Lt Col John RC Colvin, Indian Army. The manor was sold in 1931 by David Papillon who built his new manor on some of the manor land, part of which is now **Lexden Grove** and **Colvin Close**.



It is possible, however, that **Colvin Close** was named after another member of the extended Colvin family, James Morris Colquhoun Colvin (1870-1945) (right), who in retirement lived for many years at Catchbells, 296 London Road, Stanway. He was awarded the Victoria Cross for service during the 1897 Mohmand campaign in North West India. He and Lt Thomas Watson, with a party of volunteers attempted to dislodge the enemy who were causing great losses to British forces at the village of Bilot. Lt Watson was badly injured twice and the citation states that Lieutenant Colvin, Royal Engineers, "continued the fight and persisted in two more attempts to clear the enemy out of the dark and still burning village. He was conspicuous during the whole night for his devotion to his men in the most exposed positions under a heavy fire from the enemy." Lt Watson was also awarded the Victoria Cross.

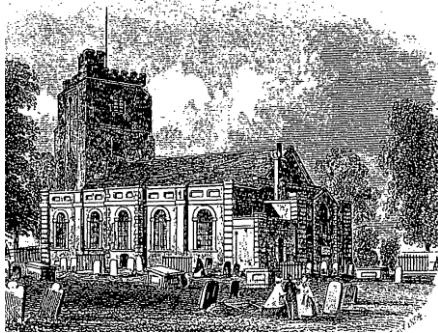


De Vere Road: E Alec Blaxill says that this road was named after Aubrey de Vere, the 20th and last Earl of Oxford (1627-1703) (left - portrait by Gerard Soest). The de Veres in the 15th century were one of the richest families, mainly through the wool trade and also from lucrative ransom payments after the Battle of Agincourt – this was a common practice. There were close family ties with many places including Hedingham, Lavenham, Coggeshall and Wivenhoe Hall, owning many properties throughout the east of England. He lived his earlier life in Holland, his family being involved in the Wars of Dutch Independence, but supported the Royalist cause during the English Commonwealth period and was imprisoned in the Tower twice for allegedly plotting against Oliver Cromwell, and his estates were confiscated. He played an important role in the Restoration of Charles II in 1660. He was,

however, actively disliked by the diarist Samuel Pepys who on 16th September 1660 erroneously, but hopefully, recorded "my Lord of Oxford is also dead of the small-pox; in whom his family dies, after 600 years having that honour in their family and name." De Vere was appointed Lord Lieutenant of Essex in 1660, a position he held until his death. In 1661 he accepted the colonelcy of a regiment which from then on was known as the "Oxford blues" and, having failed to be appointed Lord Chamberlain, he then took the post of Colonel of the Royal Regiment of Horse, second only to the Life Guards. It is thought that as the livery of the Earl of Oxford was blue this may be the reason why "the Blues" wore that colour.

He was appointed High Steward of Colchester by Charter in 1684 and in the same year he raised his own regiment of horse "excellently mounted the officers of which wore a red sash with gold tassels." He opposed the Catholic James II, and in 1688 led the meeting of William of Orange and James II which made James's daughter Mary and her husband, William, heirs to the throne – the Glorious or Bloodless Revolution. There is a story that at another meeting between the two royals at an inn in Hertfordshire Aubrey de Vere recorded the proposed Bill of Rights on a napkin, although the philosopher, John Locke, is credited with its formulation. He died in 1703 at 10 Downing Street, London, of which he was the last private owner, but as he had no male heir to inherit, the title became extinct. His only surviving daughter, Diana, became the wife of the 1st Duke of St Albans, the son of Charles II and Nell Gwynn.

Elianore Road: Joseph Elianore was a wealthy lawyer and MP for Colchester between 1313 and 1339. He was three times Bailiff of Colchester and in 1338 he "obtained licence to alienate 2 messuages, 102 acres, a



toft and 10s rent to two priests to say divine service" at St Mary-at-the-Wall's Church (*left c1864*). Ten years later he founded a chantry in the chapel of St Thomas the Martyr at the north east end of the church which he endowed with 100 acres of arable land and woods "within the liberties" and 100 sheep. Substantial property in town was also granted to the bailiffs for maintenance of the chantry which paid for two chaplains to say daily masses and prayers for him when he was alive and for his soul after his death. Also included in this endowment were his parents, Philippa (his wife), John (de Colcestre), Hubert (Bosse), and Elias (FitzJohn), "his

benefactors and all faithful Christians". The inclusion of the three men may be explained by the fact that Joseph, John, Hubert and Elias were at various times referred to by the de Colcestre surname implying that they were possibly from the same immigrant family. The date of the second endowment begs the question whether the chantry was set up to further protect Joseph Elianore and his family from the scourge of the Black Death that was rampaging through the country at this time. When he died (date unknown) the "advowson passed to the bailiffs and commonality" until Henry VIII's Reformation in 1535 and its value, 8s 6d, was used to found a grammar school.

As a clerk (someone who was literate and could act as a notary, secretary, accountant, recorder, etc) Elianore, often acted as pledge and attorney. He was also bailiff of the Colchester properties of the rector of Tendring, John de Colcestre, and in December 1312 he (Elianore) and Hubert Bosse acted together as pledges for dom – old English meaning judgment or law. In addition to his more formal duties, Elianore owned a tile-kiln and held considerable property in Greenstead, Ardleigh, Great Wigborough, Salcott and Layer Breton, as well as an orchard "in the suburbs". He also held some land of Elias FitzJohn and Warin FitzWilliam, as they did for him, a quite common arrangement at the time and maybe this was for tax purposes!

Years after the 1535 Reformation, Thomas Lord Audley ensured that the estates of the chantry were granted to Colchester Council in 1584/5 to enable the re-founding of the Grammar School. Joseph Elianore's name continues today in Colchester Royal Grammar School with No 16 Lexden Road, which was acquired in 1920, now being called Elyanore House. By 1714 St Mary-at-the Walls church was in a state of disrepair and together with chantry was demolished and rebuilt.

Fitzwilliam Road: Warin Fitzwilliam was a member of an old Colchester family and one of four prominent men of the late 13th century and early 14th century also including Hubert Bosse, Elias FitzJohn and Joseph Elianore. They depended on land for income, with subsidies granted for grain and livestock.

In 1306 Warin Fitzwilliam held 222½ acres of fields, woods and meadow in Colchester, Lexden, and Mile End (most of which had been held by his father). He also leased land in the borough fields. He had a shop in Colchester market but this was not unusual for land holders as they would have to sell their produce. Warin and Elias were two of the main parliamentarians of the borough of Colchester each serving as MP for Colchester many times between 1302 and 1332, although Elias may not always have lived in the town. Warin was also Bailiff 15 times between the same years and was a close friend of Joseph Elianore, who was some years younger.

..... to be continued

TALES FROM THE CHURCHYARD – The Family of Thomas Baker

The grave (*left*) in Lexden Churchyard commemorating Thomas and Hannah Baker is quite badly worn but fortunately the inscriptions in the churchyard were recorded in the 1990s and this one says: “Sacred to the memory of Thomas Baker many years alderman of the Corporation of the Borough of Colchester who departed this life January 31 1856 aged 71 years. Also of Hannah his wife who departed this life December 18th 1862 age 77 years”.


Thomas farmed 186 acres at Rampart Farm, Bakers Lane, nearly up to Braiswick, which was then called St Botolph's Hill. Ramparts Court is now built on the site of the farm and there is still the address of Ramparts Farm (with 's') at 27 Bakers Lane but it has been completely rebuilt.

Thomas Baker was baptised on 18th March 1784 in Colne Engaine, one of several children of Mary and Thomas. Colne Engaine was a small village and in 1790 it had just 76 houses or cottages. His father was probably a farmer at Elms Hall and his son later moved to Rampart Farm in Lexden. Thomas (junior) married Hannah and they had two children, Elizabeth born in 1816 and Hannah in 1822.

Rampart farm was arable and pasture and Thomas also kept sheep and pigs, which invited crime amongst the poor. It was reported in November 1831 that two sheep had been stolen and the skins and entrails had been left in a nearby wood. On 7th April 1834 he had about “500 feet” of wood stolen. About 80% of this was found and returned but the thief, Thomas Pooley, aged 24, was convicted of three charges of stealing a quantity of “21-foot deals, battens, scantlings, etc” and was sentenced to 14 years transportation. John Devall and Isaac Webb, “both men of property and respectability”, were also in court for allegedly receiving the property, knowing it to be stolen. The case at the Colchester Easter Sessions on 14th April was of great interest - the court was crowded - and it was reported fully in the local newspapers. A further court was held on 14th May to try the other two men. John Devall, a 54 year old bootmaker, was judged by the jury to be guilty of receiving stolen goods, the property of Thomas Baker. Although Thomas Baker begged for mercy to be shown to him, Devall was imprisoned for two months in Colchester Borough Gaol. A new jury was appointed to try Isaac Webb, also a bootmaker, but he was acquitted and left the court “much affected”. (See article on p8 for more details.)

In 1851 pig stealing from Rampart farm was reported when a shepherd on temporary loan from Lexden Lodge found a sack with three sucking pigs ready to be moved. In his haste, the shepherd accidentally locked the thief in a shed but he managed to escape through the roof and was never found!

Thomas Baker had been elected a conservative councillor to represent the 2nd Ward in Colchester in about 1835 and in August 1844 he was elected alderman to fill the vacancy created by the resignation of George Bawtree. The Municipal Corporations Act of 1835 had reformed 178 local councils, including Colchester, which created a national system allowing councils to become corporations with the right to levy taxes and oversee the spending on local services but insisted that these accounts had to be audited. A town clerk and treasurer had to be appointed, but these officers were not to be members of the council. Also Colchester now had an annually elected Mayor, six aldermen, with three elected or re-elected every three years by the council, and 18 councillors in three wards.. Six councillors retired every year enabling new blood to run the council. One of the first Mayors of Colchester elected under this Act was Samuel Green Cooke, (1791-1868) a magistrate, who had been proposed by George Bawtree and seconded by Thomas Baker.

CORONATION OF  **HER MAJESTY.**

The CONSERVATIVES of COLCHESTER
AND THE NEIGHBOURHOOD,
Intend to Celebrate the Coronation of Her Majesty, by a
PUBLIC DINNER,
At the Three Cups Hotel, on Thursday, the 28th instant,
WHEN THE
Friends of the Constitution
Are respectfully invited to join in their public manifestation of Loyalty on that important and interesting occasion.
THE WORSHIPFUL THE MAYOR IN-THE CHAIR.

STEWARDS.

Sir GEORGE HENRY SMYTH, Bart., M.P. CHARLES GRAY ROUND, Esq., M.P. GEORGE ROUND, Esq. THOMAS JOSEPH TURNER, Esq. FREDERICK NASSAU, Esq. FRANCIS SMYTHIES, Esq. WILLIAM HAWKINS, Esq. ROGER NUNN, Esq., M.D. ALLAN MACLEAN, Esq., M.D. THOMAS WHITE, Jun., Esq. GEORGE RAWTREE, Esq. HENRY VINT, Esq. D. A. B. HAYNES, Esq. HENRY SKINGLEY, Esq. JOHN B. ROYCE, Esq. WILLIAM FISHER, Esq. MARK LAY, Esq. WILLIAM HAWKINS, Jun., Esq. FRANCIS SMYTHIES, Jun., Esq.	— CHANTRY, Esq. JOHN POSFORD OSBORNE, Esq. BENJAMIN SMITH, Esq. SARJANT LAY, Esq. DANIEL OATHWAITE BLYTH, Esq. Mr. A. F. MILLER Mr. THOMAS CREEK Mr. JOHN THOMAS HEDGE Mr. JOHN G. CHAMBERLAIN Mr. J. H. THEOBALD Mr. BANISTER Mr. WM. F. HARRINGTON Mr. THOMAS SMITH Mr. THOMAS BAKER Mr. S. BURROWS Mr. THOMAS MAY, Jun. Mr. KIMBER Mr. THOMAS MARSHALL Mr. HENRY WOLTON.
--	--

TICKETS, 12s. each, to be had at the Bar of the Cups Hotel: an early application for Tickets is requested, that the necessary arrangements may be made.
Dinner at Four o'clock.

In 1838 the Mayor and Corporation attended a dinner at The Three Cups on Thursday 28th June for “Friends of the Constitution to join in their public manifestation of Loyalty on that important and interesting occasion to celebrate the coronation of Queen Victoria. It was a public dinner but at 12s a ticket very few common citizens would have been there. However, many well-known Colchester names can be seen on the Essex Standard announcement. (left).

Thomas Baker was amongst many who in March 1841 requested that the Mayor of Colchester should call a public meeting for the general improvement of the town especially by building a new Town Hall and a Museum of Natural History and Fine Arts. The following month proposals were passed arguing “That viewing the position which the Town of

Colchester occupies in the County of Essex in relation to its great natural advantages, its population so much exceeding that of any other Town in the County and its important commercial and local interests, it is the opinion of this Meeting that a commodious Town Hall or Court House, suitable for the transaction of public business, should be forthwith provided in this Borough”. Baker gave a 10gns subscription towards building of this new town hall and a total of £2,387 was donated at that particular time. (It was demolished at the end of the 1890s for the present town hall to be built.)

The 1841 Census records Thomas, farmer, and Hannah at Rampart Farm. With them is their youngest daughter, Elizabeth, aged 25, and Thomas Baker Harrington aged 4. Elizabeth Baker had married Charles Taylor of Fordham in November 1846 at Lexden Church, the service being conducted by Rev John Papillon, but young Thomas was the son of their other daughter, Hannah and her husband, Thomas Rawling Harrington. Thomas R Harrington was recorded in 1851 as a druggist, Inspector of corn returns, and recorder of births and deaths. They had three children and were living in Head Street opposite High Street, but by 1871 the family was living in Diamond Place, Maldon Road (right – now demolished). By this time young Thomas was a wine merchant’s clerk and his future wife, Emma Cressell, a farmer’s daughter, was visiting.



There were many reforms taking place in the country during the time that Thomas Baker was a councillor and so he was closely involved in local decisions. One of them was the Repeal of the Malt Tax which in 1850 acknowledged that this was “oppressive, obstructive and obnoxious” and that its repeal would give great relief to farmers and landowners. It would also improve the “morality of the people” as the price of beer would be reduced to 1½ d per gallon - if brewed at home, a reduction of 80%. In April 1850 Colchester agreed a resolution, proposed by Mr Hobbs, to petition the government and this was seconded by Thomas Baker who gave a spirited speech about the problems faced by farmers. Although the motion

was carried by a large majority the malt tax was not repealed for another 30 years!

Another much discussed subject was policing. The Colchester Borough Police Force was set up in 1836 but in June 1854 Viscount Palmerston's government proposed changes to the organisation of borough police arguing at length that the smaller boroughs should be amalgamated with the counties and that the county and borough police forces should also be combined. After hearing this Thomas Baker, together with other members of the council supported a letter saying that the council felt the report had been "grounded on insufficient evidence", was "a mischievous interference with the duties and responsibilities of the Watch Committee" and would "greatly impair the control and authority of the Borough Justices over the Police". Whether this letter had any real effect is not known but that particular Police Bill was withdrawn at the end of the month. The later 1856 County and Borough Police Act made it compulsory for each county to have a police force. It becomes increasingly obvious that politics hasn't changed!

Thomas Baker was a "much respected senior alderman" and his death "after severe affliction" was announced on 6th February 1856. A week later the Essex Standard reported that at the council meeting Alderman Edward Williams, a local consultant physician, said that before they elected his replacement they should acknowledge the important services rendered to the Town by him. He was the oldest member of the Town Council and "attained an age far beyond the ordinary run of human life"; his private character was exemplary and in his public capacity he was at all times ready to meet any exigency and maintain the dignity of his office". The following resolution was sent to his widow. "The Council deeply lament the decease of their late much-respected fellow townsman, the senior member of the Council of this Borough, and who for upwards of 20 years has been an efficient member of this corporation. They offer their since sympathy and condolence to his bereaved relatives".

However, problems did not stop for the family. A few days after Thomas's death it was reported in the Essex Standard on 15th Feb 1856, that Susannah Knights aged 45, wife of Thomas Knight of Dock Lane, and her daughter Emily aged about 12 years, were in court at the Town Hall charged with stealing from Rampart Farm. Mr Charles Taylor, the Baker's son-in-law, stated that Mrs Knights had been engaged to nurse Mr Baker at half a guinea a week. The local policeman was alerted to a theft and he watched the house from nearby and when Emily was asked what was under her arm she replied, "Nothing but what my mother gave me". The bag contained part of a loaf and a tea cake, and in her pocket was a piece of beef, 2 eggs, some butter, cheese, sugar and tea. He took her to the station house and returned for Susannah, who initially denied everything. Two towels were also found. "Robberies by servants were always very bad", said the magistrate Mr SG Cooke, "but to take advantage of family affliction and mourning ... was exceedingly culpable." The mother was given one month's hard labour in the Borough Gaol and the daughter discharged with a caution.



Only a few months after his death Thomas Baker's property was sold by auction on Friday 30th May 1856 at The Three Cups Hotel by Mr J G Fenn. The sale included 2 rented cottages at West Bergholt, one "advantageously near the White Hart Inn and opening on to the Common" with an annual income of £13. Another freehold timber and tile cottage with 1 acre of "excellent garden near Braiswick Lodge" about half mile from railway station and was rented at £10 pa. At St Peters, Colchester, near North Bridge, "a range of freehold substantial and well erected three sash fronted houses with extensive frontage (*left*) by the great thoroughfare leading to the railway station (then North Street now North Station Road) and about 1 acre of highly productive rich garden ground at the rear" brought in rents of £32 each year. These properties have all been demolished. John Green Fenn, (1797-1870) the auctioneer, was a farmer living at Ardleigh Hall.

After such a sale the 1861 Census records Hannah "farmer's widow" aged 75, was boarding with a retired bookmaker's widow at Trinity Place in Butt Road. This was a property near what is now Alexandra Road and close to the Butt Road windmill. Hannah died "rather suddenly" on December 18th 1862 age 77 years.

What happened after the Baker Court Case in 1834?

On 25th March 1834 Thomas Baker (see article on p5) had about “500 feet” of wood stolen from his land, Rampart Farm, in Baker’s Lane, Lexden. The thief, Thomas Pooley, appeared at the Easter Sessions in Colchester on 14th April. He was sentenced to 14 years transportation for this and other thefts, but two local men, John Devall and Isaac Webb, were also in court for allegedly receiving wood from Pooley on 5th April knowing it to be stolen. The case was reported fully in the local newspapers but it was referred to a further court hearing on 12th May 1834 which “excited great interest in the town”.

When the doors of the court opened at 10am the room was soon crowded and twelve jurors were sworn in. John Devall was a family man aged 54, a bootmaker of 132 High Street (a shop between East and West Stockwell Street) and well-regarded by many for he was a free burgess of the town, a Councillor, a High Constable of the Borough and respected parish clerk of St Runwald’s in the High Street.

He had many supporters who gave him good character references, including Sir George H Smyth, Bart, (*right*) MP for Colchester on and off between 1826 and 1850, who said that he had known John Devall for 20 years and would have heard if here was anything objectionable in his character. A similar character reference was given by Alexander Fordyce Miller, a local wool merchant, draper and principal tailor in the town employing about 40 men making regimental uniforms. Rev Edward Crosse, cleric at Berechurch and headmaster of the Grammar School from 1806 had known him for 27 years and had always considered his character “unexceptionable”. William White, a currier, of Rookery in St John’s Street, had known him for 19 years and agreed with others that he had always been an honourable and an honest man. Daniel Oathwaite Blyth, a local merchant and magistrate had known him for 20 years and agreed with the character references the others had given. Francis Smythies, Town Clerk and lawyer, had “never heard the slightest whisper against him”. William Chaplin, a butcher, who had lived next door to him for 30 years, declared he was an honourable man. George Doe Dennis, another bootmaker from Eld Lane, agreed with the previous references having also known him for 30 years. Many more witnesses were not called, such was the support for John Devall.



Evidence was brought that many people had seen Thomas Pooley hawking wood in the town saying he had bought it from a Mr Smith of Balkerne Lane, and another time from a man at Bergholt Heath. It was also noted that he had been before the court two years earlier for stealing 8lbs of mutton fat from the butcher, William Chaplin, one of Devall’s supporters. Thomas Baker reported to the court that he had seen Pooley “lurking about his premises” the previous fortnight and that Mr Devall and Mr Webb had appeared at his gate in a gig saying that they were the unfortunate men who had bought some of his boards and, as there was enough evidence against Pooley already, asked that their names not to be called into question. Mr Baker recognised the wood brought into the court, as did several local carpenters, and said that four-fifths of the wood had been returned and although he belonged to the association it did not advertise a reward for the return as he thought it “impolitic”.

Samuel Blyth, the Sergeant-at-Mace, had been into Devall’s shop saying he was “fatigued” as he was dealing with Pooley and the stolen wood, and Devall immediately said he had bought wood from Pooley, as had Isaac Webb, Mr Hutton and many others. Only then did Devall learn that it was stolen. John Devall’s



lengthy statement of defence was read to the court by his lawyer, Francis Smythies. In it he stated that he had been trusted with many important duties over the years and it was “a source of mortification to me to appear before you today to answer the charge made against me.” This he stressed was an unusual and unprecedented case and had “entailed upon me a very serious inconvenience and heavy expense”. He had bought the wood openly to repair some paling, and never denied buying it when he learnt it was stolen. He had also been held in the Borough Gaol since his indictment and wished to be restored to his family. Various tradesmen spoke in his defence, saying they too had bought wood from Pooley and one said that that he knew Pooley was a “Butcher’s slob” not a wood dealer. The recorder, Charles Gray Round (*left*) of Birch Hall, said he had seldom

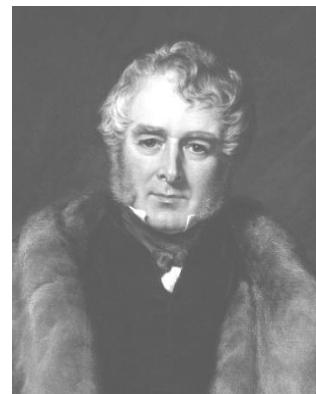
heard such character references. However, after half an hour's discussion the jury, despite all the evidence and support, brought in a verdict of guilty of receiving stolen goods, ie, parts of a deal batten and other wood value 7s 3d from Thomas Pooley at the Fish Market (east of St Runwald's Church), the property of Thomas Baker, but they "strongly" recommended mercy. Mr Baker "under much agitation" also begged for mercy but John Devall was taken from the court.

An unusual silence followed for a few minutes and then as the first case had caused such a furore, a new jury was appointed to try Isaac Webb. Similar evidence was produced and then Mr Webb read his own statement "in a firm tone of voice". He had been parish clerk of St James for 17 years, was now retired as a businessman and had hoped to continue his life in "calmness and serenity". He had bought the wood for fencing and erecting an outbuilding to help his tenants and had no suspicion that the boards had been stolen. "If I had I would not have risked my character for the sake of a few shillings". Many witnesses also gave Isaac Webb good character references, including some of those who had already spoken for John Devall, and he was considered to be "an honest upright and respectable man". After a few minutes the jury brought a verdict of Not Guilty and he left the dock "much affected, and was congratulated by his numerous friends".

John Devall was brought before the court again and convicted of receiving stolen goods, the judge adding that "in a moment of indiscretion, for the sake of trifling gain, you forgot what was due to yourself – to your family – to your station – to your office". "Our sentence is that you will be imprisoned in the Common Gaol of the Borough for the period of two calendar months."

However, the case did not end there for John Devall strongly believed that he had been unjustly accused and convicted whilst Isaac Webb had been found not guilty and others who had also bought wood from Thomas Pooley were not brought before the court. He appealed for a pardon saying that he was unable to bring his witnesses to court to disprove statements made against him, mainly by a certain attorney, Francis G Abell, who the professional advisor to Mr Baker, Francis B Philbrick, said was "maliciously endeavouring to prejudice the minds of the jury without regard of the oath he had taken". Devall's other arguments were that mercy was strongly recommended and that he was an upstanding member of the community evidenced by his public appointments.

The Colchester Benevolent Society petitioned Lord Melbourne (*right*), the Secretary of State, in favour of John Devall. Another petition was signed by 250 "inhabitant householders, including Sir G H Smyth", and delivered at the beginning of June 1834. On 13th June Lord Melbourne signed a free pardon and ordered that John Devall be "forthwith discharged out of custody". Shortly after Devall was granted a free pardon although the judge, Charles C Round, had only recommended a conditional pardon. Devall wrote to Viscount Melbourne to thank him for his pardon, asking how he could get the necessary document and if this would overrule his disbarment from public office.

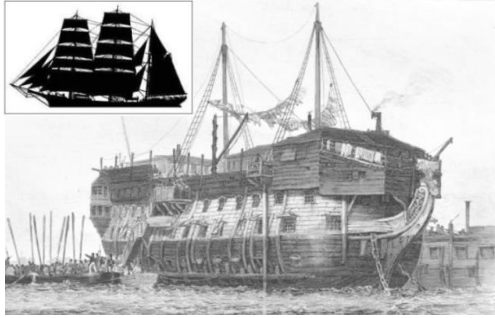


In theory John Devall could retain his place as a free-burgess and "those privileges and offices of which he might otherwise have been deprived", but he still had problems. It was noted in the Essex Standard of 2nd August that year that Nathaniel Hedge, a councillor, was appointed High Constable in the place of John Devall. (Nathaniel Hedge of 95 High Street, a jeweller, silversmith, clock and watchmaker, was a descendent of the renowned local watchmaker, also called Nathaniel Hedge.) Some continued to argue that as John Devall had been convicted he must register again at the courts for the Revision of Voters. It was counter-argued that a free pardon was unconditional and he should be again included on the register of voters. John Devall died in August 1849 and is buried at Holy Trinity Church, Trinity Street, Colchester.

Isaac Webb, a boot and shoe maker of Moor Lane (later Priory Street) and parish clerk of St James, had a hearing in January 1835 to reinstate him as parish clerk. He had stepped aside whilst the case was going on but had subsequently been asked to resign. He was then dismissed by the Rev John Dakins who charged him with extortion in respect of overcharging for funerals and, as sexton, for asking 3s to dig a grave and not 2s, although this problem had been sorted out at the time – three years earlier. It was decided a *mandamus* (an official order from a court of law stating that a person or organisation must perform a mandated or public duty)

should be issued to Rev Dakins to reinstate Webb but this then had to go to another hearing at the Court of the King's Bench in November 1835 and after great deliberation the rule was discharged. Isaac Webb died in June 1842 aged 56 and is buried at St James's Church, East Hill.

The criminal at the heart of the court case resulting in accusations against respected Colchester tradesmen was Thomas Pooley, a 24 year old known criminal from Great Wigborough. He was sentenced to 14 years transportation and also fined one shilling for each extra offence. He was confined in the Borough Gaol and then taken down to Portsmouth where he was held from 14th May with 100 other convicts on board the prison hulk *HMS Hardy*. The convicts were made to work on dredging, constructing breakwaters and jetties and



their work was carefully evaluated. They were entitled to keep 1d from each shilling they earned working for the government in this way. Each week they received a third of their earnings and the remainder was "left in hand" until they were discharged. This could be many years, if they even returned to the British Isles! On 27th September 1834 Thomas Pooley was put aboard the convict ship *Augusta Jessie*, a 385 ton barque newly built in Sunderland. 210 male convicts embarked (left) and sailed on the ship's maiden voyage for Van Dieman's Land (named Tasmania in 1856) arriving in Hobart on 22nd January 1835 after a journey of 115 days. Pooley survived the dire conditions on board although 3 men died during that voyage.

The arrival of the ship was recorded in the Hobart Town Courier with details of the young 23 year old Master, Capt Henry Edenborough, who by 1840 had settled with his wife in New South Wales; Royal Navy Surgeon James McTernan, an Irishman born in 1793, was responsible to the Admiralty for all convicts on board. He joined the ship before the convicts and held their records, supervising them, preserving discipline, inflicting punishments - usually lashes, adding these events to their records. As there was no chaplain on board he read prayers and could give a sermon on Sunday, depending on the weather. He did not leave the ship until all convicts and stores had been removed.

Lt Andrew Baxter, Lt James Weir and 29 rank and file guards of the 50th Regiment of Foot were responsible for guarding the prisoners on board and also in the prison camps. 15 women and children also travelled with them. This was the first voyage for this detachment of the regiment and they stayed until posted to India in 1841. Mrs Annie Maria Baxter, the 17 year old new wife of Lt Baxter, also sailed on the *Augusta Jessie* and kept a diary of the voyage, making almost daily entries, detailing the weather, sea sickness, the books she was reading to pass the time, her failed visit to the dentist for a tooth extraction and little quips about her new husband who was 21 on the voyage. Her experiences aboard the vessel were quite different from the convicts that also made the journey with her - she seldom mentioned them in her diary, only that at Christmas a group of them sang hymns at her door and that two convicts died.

Having disembarked at Hobart in Tasmania, the convicts were marched to the Prison Barracks to await processing. This was before fingerprinting and photography so each convict had his personal details and distinguishing marks noted for identification (right). Their skills and trades were assessed and each convict arriving before 1839 went through the assignment system which was considered to be effective for punishment and reform. Many were assigned to private individuals and others to work as blacksmiths, masons, bricklayers, carpenters, clerks, etc. Any breaching of the rules was treated harshly with fines, floggings, solitary confinement in the cells, treadwheel, public stocks, or their sentence could be extended. It was, however, thought to be inconsistent as the masters/landowners treated convicts very differently. Some landowners were too lax with their assignments who often enjoyed conditions better than in UK whilst others were too harsh, their treatment verging on slavery.

NAME	Pooley Thomas	No.	1485
Trade	Sub. Busher Wood Worker		
Height	without shoes	5 ft	St. Wigborough
Age	24		Essex
Complexion	Dark		
Head	Curl		
Hair	Brown		
Whiskers	none		
Visage	Curl		
Forehead	Curl, hollow back		
Eyebrows	Brown		
Eyes	Light grey		
Nose	Long		
Mouth	M. W.		
Chin	M. W.		
Remarks	None		

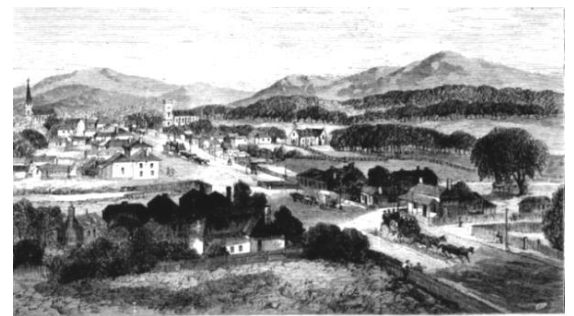


In its simplest form assignment provided convict labour to the free settlers/landowners of the colony. After 1816 the settlers had to pay their convicts about £10 per annum, but when George Arthur was Lt Governor from 1824 to 1836, convicts were not allowed any payment, but he did set up the Convict Savings Bank in Hobart (*left*) in 1828 and made it compulsory for any earnings to be paid in. It could only be withdrawn with George Arthur's permission.

The Assignment System was notionally beneficial to the government, the landowner and the convict, helping the emerging economy by giving employment and possibly reform to 'unwanted and unruly' convicts. Convicts were still nominally controlled by the colonial government but the clothing and food costs were met by the landowner. This reasonably successful system was replaced in 1839 by the new Probation System for which convicts were graded according to their crime and punished with hard labour combined with religious instruction and education. The Probation System was not a success for many reasons and although modified several times it was abandoned when transportation was abolished in 1853.

It is not clear exactly which Tasmanian penal settlement Pooley was sent to for many of these were still being constructed. He was probably considered a serious offender having been given a 14 year sentence and may have briefly briefly started at Port Arthur which had a harsher regime. It was a major industrial complex with a dockyard, sawpit, quarry, stone yards, a farm, lime kiln, timber felling, a giant treadmill to power the mill grinding flour, etc. Many convicts, however, lived in rented accommodation and frequented the local towns.

Pooley's conduct/behaviour record is difficult to decipher, partly because of faded ink and the shorthand used by the clerks. His Police Number was 1085, which was given on arrival in Tasmania, is prominent at the top left of the page and underneath is a large P which was added after the Assignment System changed to Probation in 1839. Each convict had to state his own crime. Pooley's report records that he was "Transported for stealing boards. Gaol report bad character. Several times convicted before. Hulk report good character." It was noted that he was charged with disorderly conduct and given "2 months", but the surgeon's report was "good". Compared to many other convicts, Thomas Pooley's conduct record was very short. Others had frequent and detailed reports such as sentenced to hard labour in chains for a number of months, or to receive many lashes, etc. Three years later, however, it was recorded that on 10th May 1838 he was charged with misconduct "in decoying a female servant away".



Pooley's skills as a butcher and stock-keeper were assessed and, as the writing is the same as the initial record, it appears that he was soon assigned to a Dr Turnbull. Adam Turnbull (1803-91), an Edinburgh surgeon, inherited capital entitling him to a land grant on the Elizabeth River in the Campbell Town district (*right*) in Tasmania between Launceston and Hobart which he took over in April 1825. It was named Winton after the estate from which he had benefitted. Winton Merino Stud was established in 1835, the year Pooley arrived, and is now recognised as the world's oldest registered stud.

One Tasmanian list records that Thomas Pooley was granted a Ticket of Leave in 1841, often granted to convicts before the end of their sentence which, with a Probation Pass, allowed them to find paid employment. Conditions included that they had to report to the local Resident Magistrate every month, attend Divine Worship weekly and they were not allowed to leave the area without permission and a pass. His sentence dictated that he could be granted this Ticket of Leave if he had served one master for 6 years so this could be when he moved from Winton to Fordon, an estate north of Campbell Town owned by Donald Cameron's family. Donald Cameron senior (1780-1857) was another Scottish surgeon who had been granted a 1,000 acre allotment in 1822 to encourage him to move to Tasmania. The family acquired by grant and purchase well over 3,000 acres of land. By 1840 these estates were run by his son, Donald, who became a well-known Tasmanian politician.

Most convicts were given a conditional pardon after serving half their sentence, which meant that they were free, as long as they remained in the colony under "Government limits" until the British imposed sentence had been completed. During this time they could not return to the British Isles. Any contravention meant that the pardon would be rendered void. Thomas Pooley was recommended for his conditional pardon on 20th October 1846 but it was not approved for another year. The final comment on the conduct report is "Cert 24/8/49" which meant he was given a Certificate of Freedom on that date.

This Certificate of Freedom was usually given to those who had served 7, 10 or 14 years and stated that the convict's sentence had been served. Although he was now free, the document had to be carried at all times and if it could not be produced he could be returned as a Prisoner of the Crown. Having received this Certificate Thomas Pooley could travel anywhere, including to the British Isles if he had the money to do so. It is disappointing that Tasmanian records have little more about him and, not being a landowner, he would only appear in the census details as an unnamed worker or servant. He was still comparatively young, so did he make the best of life over there or did he return to England? We shall never know.

FRED HAGON – Many of you will remember Fred, LHG member from the early days, and it is sad to report that he died in June. He was local policeman for many years, as was his father, and he could be very entertaining telling his stories. He will be greatly missed.

Your Committee

Chairman

Stan Kordys 01206 502282
s.kordys@ntlworld.com

Vice Chairman

Dick Barton 01206 573999
dickbartonlex@gmail.com

Treasurer

Melvin White 01206 575351
melvin.s.white@btinternet.com

Secretary

Liz White 01206 522713
alangwhite187444@hotmail.com

Membership Secretary

Jackie Bowis 01206 561528
jebowis50@gmail.com

Magazine Joint Editors

Liz White / Jackie Bowis
alangwhite187444@hotmail.com

General Member

Ian Bowis 01206 561528

Archivist and Refreshments Organiser - Positions Vacant

Forthcoming Meetings starting at 2.30pm at Lexden Church Hall

Wednesday 14th September

Life through the last century - Jackie Bowis

Wednesday 12th October

The Commonwealth War Graves Commission (CWGC)
- Peter Rowbottom and Barry Sears

Wednesday 9th November

Portrait of a Victorian Colchester- Patrick Denny

Wednesday 14th December

Christmas Party
Tickets £10 available October and November meetings