

Benjamin Stubbs, 2769, Sea Park

Marcia Watson

Dorset Intermediate Session, Dorchester, 27 November 1849.

Tuesday before Rev. Geo. P Cambridge

Benjamin Stubbs, Richard Race, George Walker, John Foley, and Thomas Jones, charged with having feloniously stolen one hog sheep, of the value of twenty shillings, the Moses Lillington, at Winfrith Newburgh—Ten years' transportation each.

Dorset County Chronicle - Thursday 29 November 1849, p4

EXTRAORDINARY CASE OF SHEEP-STEALING.

Benjamin Stubbs, Richard Race, George Walker, Jno. Foley, and Thomas Jones, were indicted for stealing one hog sheep, of the value of twenty shillings, the property of Moses Lillington, at Winfrith Newburgh. There were three counts in the indictment; the first charged them with stealing the sheep; the second with killing the sheep, with intent to steal the carcass; and the third with receiving the sheep, knowing it to have been stolen.

Thomas Somers, sworn, stated—At half-past one in the middle of the day, I drove the sheep from one end of the field to the other. They were all hogs. I told them, there were 108, counted them the following morning, there were then 107. On the 8th Nov., in consequence information I had received at half-past 7 o'clock the evening from George Paine, Wm. Toms, Wm. Miller, and Thomas Toms, I went with them to a pit in a rabbit warren, in the parish Charlton, where we saw a sheep partly skinned. There was a fire in the pit, the hinder part of the sheep was on the fire roasting on the coals. In the pit saw five men—I did not know the men—it was a deep pit, 5 or 6 yards deep, the men were sitting round the fire, they could not see us; I watched them 20 minutes, or half-an-hour; all that time they were roasting the meat, and sitting round the fire. I could not tell what they were roasting until we got down in the pit. We got all round the pit; some other men came us whom had sent for. We took the prisoners into custody; they were strangers, they gave their names; when took the men, we examined the sheep. They had eaten some, the whole skin was there. We did not then know whose the sheep was. I thought the sheep was ours by the colour and head. There was a mark, but it was nearly out. The mark would have been "L," if it had not been out. It was a hog sheep, the 108 sheep were marked with an "L" on the side. The other sheep Mr. Lillington were marked with a similar "L," in a circle, according to their age. The sheep killed was marked without a circle. I can't pretend say what the letter was on the sheep killed, but it was not in circle. The hogs folded were nearly quarter mile from the pits, the rest of the flock were nearer the pits, never missed any other sheep. We have got the skin here.

Geo. Payne, sworn—I am a mason and live at Chaldon. I rent a warren there. On the 8th November, the night, I was up in the warren, where we have house, and I have man to catch rabbits. I saw a fire down the lower pit the warren, went down to it. I there saw two men by the fire in a pit there, and three men further off in the pit. The three men were skinning something, and appeared as if they were taking the inside of a sheep out. I went off for more assistance to cottages near, got three men, and afterwards three more. I then came to the pit and took the men in it. There was a sheep there half skinned, some was roasting, the behind half the forepart was then not skinned. We took them to Mr Randell. Mr. Edward Randell took off the skin, and gave it to the shepherd.

Charles Meaden sworn, live at West Lulworth, on the 8th November, between eight and nine p.m, I was called up by Mr. Randell, and we went and took the prisoners, they were kept that night at my

sister's house. A skin of a sheep was given into my possession by Mr William Randell. I believe I took it to my sister's house. The next day we took the prisoners to Dorchester. I gave skin to Mr. Pouncey to take care as I was going to sleep at a public house; they were committed the next day. I took the skin to own house, and have kept it ever since. I produce it; it is the same I gave Mr. Pouncev.

Thos. Somers—This is the skin I gave the constable, and it is the same that was taken from the sheep in the pit, By Mr. Edward Randell. I saw it given to the constable at Mr. Randell's. The most I know it by the colour matching the other hogs. Our sheep which lay on the bill are darker than the others; these lay on a dark sand, the others on a red soil; this sheep had never been sheared. I call it teg wool: the other were nearly the colour of this. There is a little tar on it; there no mark left on it.

Mr. Pouncey—This is the skin delivered into my custody the constable, at Lulworth. I gave it back again the following morning. I know it to be the same skin.

The prisoners made no defence.

The Chairman summed up with great ability. He pointed out the law bearing upon the case, and commented upon the evidence a very lucid manner.

The jury found the prisoners 'guilty.'

The Chairman, in passing sentence upon the prisoners, said, the crime sheep-stealing had increased to a great extent: and that from the difficulty of tracing them, the expenses prosecution, and various other causes, a large number of the sheep were stolen which were never afterwards discovered. It was very bad when one or two men in the neighbourhood stole a sheep; but here they had one of the most remarkable cases which occurred to him since he had been engaged in the administration justice in this county. Here they found five able bodied men, travelling about the country without knowing where they were going next, meeting together, and after they had taken a sheep, were discovered eating it. It was a thing quite new to him, and must be visited severely. It was quite impossible for them to continue this country for some portion their lives, at least. The sentence the Court was that they should be transported beyond the seas for the space of ten years. One the prisoners on leaving the deck said, "I would sooner go there than starve."

Sherborne Mercury - Saturday 01 December 1849, p4

George Walker, 178, per *Mermaid*

Richard Race (Reece), 181, per *Mermaid*

John Foley, 182, per *Mermaid*

Thomas Jones, 179, per *Mermaid*