

## The Ballad of John Marron

A play written by Andy Booth in the early 2000's based on the story of convicted whip stealer John Marron described as a young man from Udale Street, Workington, convicted in August 1846, the whip being worth one shilling. Andy's play has John standing in the dock at Carlisle Crown Court, hearing the judge deliver his future "you will be transported to the far side of the world for 7 years". It tells of the poverty, injustice and harsh realities faced by then 17yo John.

The John Marron in the play is convict #3454 who arrived on the 1855 Adelaide, the play is based on his 1852 trial, John's history:

- 7 June 1829 John is christened Workington, Cumberland to Robert and Anne Marron
- 6 June 1841 Census Age 12 nearby Udale St Workington
- 4 August 1846 Sentenced Seven Years for larceny stealing a whip
- 18 December 1846 Sentenced to the Refuge for Destitute by conditional pardon
- 7 October 1847 Attempts suicide by hanging
- 15 July 1850 Sentenced to 1 months hard labour for stealing potatoes
- Between 1847-1851 Again attempts suicide by hanging
- 31 March 1851 Census Patient at Newcastle Infirmary
- 1851-1852 Possibly released
- **21 February 1852 Sentenced for 10 years at Carlisle Assizes for larceny**
- June 1852 Transferred from Carlisle prison to Millbank prison
- 27 January 1853 Transferred from Mill bank Prison to Wakefield prison
- April 19 1855 Adelaide departs from Portland to Perth WA
- 18 July 1855 Adelaide arrived Perth WA, John received Ticket of Leave
- 27 August 1859 Receives conditional pardon
- 1871 Still in WA, employs a "ticket of leave" labourer
- After 1871 whereabouts unknown

Attached is the play and local news for the time about the play.

## THE BALLAD OF JOHN MARRON

Judge  
John Marron  
Mother Mrs Marron  
Prosecution Mr Oliphant  
Defence lawyer Mr John Smith  
Clerk  
Edward Nicholson  
William Armstrong  
PC Dobson  
2 guards  
7 members of the jury who are the strong singers and musicians.

*(As the audience enter Mrs Marron sits alone in the jury box looking very upset and trying not to weep. John Smith enters.)*

SMITH: Ah. Mrs Marron. Apologies for my late arrival. There was not a carriage to be had in the whole of Carlisle.

MRS M: I am simply grateful, sir, that you are here.

SMITH: My fees, madam. You have succeeded in raising the money?

MRS M: John is everything to me sir. I will give you all that I have.

SMITH: I fear this business may need all that you have and more, Mrs Marron. Clerk!

*(Clerk enters)*

CLERK: Sir?

SMITH: Why has he not been brought up?

CLERK: It is customary practice to keep him below, in the cells.

SMITH: I will guarantee his good conduct. Tell the guards to bring him up, if you please.

CLERK: Are you sure?

SMITH: Yes. He will be less afraid if he is more familiar with the court before the trial.

CLERK: *(consults paper)* He's been in court before.

SMITH: But not this court, clerk. Now fetch him up, if you please. Time is short.

CLERK: Very well. Be it on your own head.

*(Clerk shouts down the stairs)*

CLERK: Guards! Bring the prisoner up, please.

*(John Marron enters, held roughly by two guards)*

MRS M: John!

SMITH: Let him go, please.

GUARD 1: Never. He's been nothing but trouble ever since we got him.

GUARD 2: So we'll just hang on to him. Sir!

SMITH: I said – let him go please.

GUARD 1: If you're sure, sir.

SMITH: I am. Release him.

*(Reluctantly the guards let him go and John immediately makes a bolt for the door. The guards run after him and capture him by the door)*

MRS M: John, stop this. You will not get away.

GUARD 1: Begging your pardon sir he should be back in his cell.

GUARD 2: It's more than my job's worth –

SMITH: *(Interrupts)* Yes, yes, of course. Just put him in the witness box. And stay close.

*(They do this, and one guard takes a stick out)*

SMITH: Leave him!

GUARD 1: He has the look of defiance in him, sir.

GUARD 2: It will go hard on him if he is found guilty.

MRS M: John. Stop this please.

SMITH: John, your mother is right. You must not try to run away. It is hopeless, and will not help your case. There are many in society who think that all young people are potential criminals. By acting like this you merely confirm their opinion. Now, tell me your side of the story.

JOHN: I'm innocent sir. I swear it. What else is there? And why am I brought here, to this place? It scares me, sir.

MRS M: John. Tell Mr Smith what happened.

*(pause)*

SMITH: Young man, I am appointed by your mother to conduct your defence. It is costing her all she has saved in this world. But I cannot help you if you will not help yourself.

*(pause)*

MRS M: Please John. *(pause)* Mr Smith, John has to do his father's rounds. His father has a bad back from pulling those heavy rubbish carts. John has to do it, it only brings in a few pennies but without it we should starve. If John goes to prison, what shall I do?

SMITH: You must be prepared for a prison sentence madam. But, with luck and the right attitude, we may shorten his sentence. John, I do not believe you are an unintelligent boy.

JOHN: He hates us young ones, sir. Calls us names and that. Accuses us of stealing from his cart. Once, I was doing my father's rounds and he comes up to me and says I've stolen fish from him. So he jumps onto my cart and starts throwing the rubbish into the street. Said he'd prove I was a thief.

SMITH: And what did he find, John?

JOHN: Nothing sir. But I had to pick up the rubbish again. He just left it.

SMITH: I see. And what of the day in question?

JOHN: Well, I saw him moving fast through the streets, whipping his poor horse and shouting at people to get out of his way. So I jumped on to the back of his cart, just for a laugh like, but then he flicks his whip at me and catches me full in the face. It fair hurt sir.

SMITH: I see. And is that mark on your face the result of being caught with the whip?

JOHN: Yes.

*(Smith walks across to examine it more closely)*

MRS M: That fishmonger hates the young ones, sir. Always flicking his whip at them, to “teach them manners” he says. Says they’re always up to no good.

JOHN: Aye, even the clever ones on their way home from the school.

MRS M: My John’s not bad, sir. Just naughty and high-spirited.

SMITH: I understand. But tell me truthfully, did you take his whip?

*(Pause)*

MRS M: Speak up, John.

JOHN: Yes sir. I was angry. He’d hurt me with it, and it was so unfair, what with him accusing me of stealing and all.

SMITH: I understand. But as a defence it is flimsy in the extreme. Our best hope is in a plea for leniency. Throw ourselves upon the mercy of the court.

JOHN: Never. That fishmonger’s hates us. He never found a thing on my cart. I wouldn’t steal his rotten stinking fish.

SMITH: Very well. You may plead not guilty if you wish. That, young man, is one of the few rights you have left. But I would advise you against it.

JOHN: I’m telling you, I won’t do it.

SMITH: Mrs Marron, in less than an hour a jury will deliver their verdict from the very spot where you are now. It will go easier for you if you saved everybody’s time.

MRS M: I fear his mind is set, sir. He is stubborn, like his father.

SMITH: Yes, I’m sure you’re right. *(To Mrs Marron)* Although he has a previous conviction I would hope his sentence is not too harsh.

MRS M: He won’t be transported will he? Most of them never come back.

SMITH: Good lord no. 6 months hard labour perhaps – 3 if he admits his guilt.

JOHN: I won’t do it. What about the way he treated me?

MRS M: Here is your money sir.

SMITH: You can pay me afterwards, Mrs Marron. I may call upon you both to testify. Understood?

MRS M: Yes sir.

JOHN: Yes sir.

*(The judge enters. He is taken aback by the presence of people in the court)*

JUDGE: May I ask what is going on.

SMITH: I am John Smith, your honour. I have taken on the defence of your next case.

JUDGE: I see. And who is he?

GUARD 1: John Marron, your honour. The accused in your next case.

JUDGE: But I have not yet called the court to order. What is he doing here?

GUARD 2: Mr Smith asked to see him, your honour.

JUDGE: What! You are using my court room to interview your client? You will confine him to the cells, where he belongs. Take him down.

*(The guards do this)*

JUDGE: And who is this?

CLERK: The accused's mother your honour.

JUDGE: Mr Smith, your contempt for the dignity of my court will count against you in this case. Get her out of here. And ask Mr Oliphant to come in will you.

*(The clerk does this. Mr Oliphant enters)*

JUDGE: Ah, good day to you sir. You are to conduct the prosecution?

MR O: Yes, your honour.

JUDGE: Excellent, Mr Oliphant. I always look forward to cases in your charge. You can be relied upon to be brief and to the point. And you shall need to be today. I have a lunch appointment with the mayor upon completion of this case. Mr Smith?

SMITH: Your honour.

JUDGE: Stick to the facts, if you please. Do not attempt to influence proceedings by emphasising poverty or lack of education. That is an insult to the law-abiding poor.

SMITH: Yes your honour.

JUDGE: If you delay my lunch appointment it shall go hard with you. Clear?

SMITH: Yes, your honour.

JUDGE: Court will begin in five minutes.

*(Judge exits. Everyone enters)*

SONG: THIS IS HIS DOMAIN etc

*After this song the Clerk says:*

CLERK: All rise for his honour Judge Franklin.

*(The judge enters)*

JUDGE: Be seated.

CLERK: The case of John Marron, your honour.

JUDGE: Bring the prisoner up.

*(John Marron is brought up by the guards)*

CLERK: You are John Marron of High Brewery, Udale Street Workington?

JOHN: I am.

CLERK: You are charged that on July 27<sup>th</sup> last you did steal a whip, value one shilling, the property of Edward Nicholson, a fishmonger, of Workington. How do you plead, guilty or not guilty?

JOHN: Not guilty.

JUDGE: Young man, I have read the facts of this case. You have three fine upstanding witnesses against you. Two are tradesmen much valued in the community and one is a police officer. Now, do you wish to alter your plea?

JOHN: Never.

JUDGE: *(Looks at his watch)* Be it on your own head. I fear you are ill-advised to pursue this course. My regrets to the jury, who will have to sit through the formalities of a trial. You may proceed, Mr Oliphant.

MR O: I call Mr Edward Nicholson.

CLERK: Mr Edward Nicholson please.

*(Edward Nicholson takes the stand and takes up the bible)*

CLERK: Do you swear by Almighty God that the evidence you shall give shall be the truth, the whole truth and nothing but the truth.

NICHOL: I do.

MR O: Good day to you sir. Now, please tell the court where you were and what happened on July 27<sup>th</sup> last.

NICHOL: I was in Workington on July 27<sup>th</sup>. Having stopped to make a delivery, I saw a boy near my cart.

MR O: Can you identify that boy?

NICHOL: Certainly sir. That boy was the prisoner at the bar.

MR O: And what happened then?

NICHOL: When I got back to my cart at about 10 o'clock the whip was missing. This caused me some bother, as my horse is old and lazy and frequently needs the whip to be stirred into action.

JOHN: *(Leaps up)* Your horse isn't old. Poor nag, you never feed it, with its ribs sticking out and all.

JUDGE: Guards!

*(The guards appear and manhandle him back to the bar)*

This is monstrous! Any more interruptions and we shall conduct your trial in your absence. Mr Smith, will you please control your client.

Proceed.

MR O: Mr Nicholson, could anybody else have taken your whip?

NICHOL: I did not see any other person near my cart other than the prisoner at the bar.

MR O: Thank you. No further questions.

JUDGE: Mr Smith?

*(Mr Smith shakes his head)*

MR O: I call Mr William Armstrong, also a fishmonger.

*(He comes to the stand)*

CLERK: Do you swear by Almighty God that the evidence you shall give shall be the truth, the whole truth and nothing but the truth.

ARMSTR: I do.

MR O: Please tell the court where you were on July 27<sup>th</sup> last.

ARMSTR: I was also in Workington on the day in question. I saw the prisoner with a whip in his hand. I thought this was unusual.

MR O: Why?

ARMSTR: Well, a street boy like him, badly brought up, what would he be doing with a whip?

JUDGE: A very good point Mr Armstrong. I direct the jury to take note.

ARMSTR: Thank you your honour. So I took the whip from him, examined it and recognised it as belonging to Mr Nicholson. I put it back in Mr Nicholson's cart.

MR O: What happened then?

ARMSTR: Well the cheeky young devil takes it a second time and goes off with it. Well I had my rounds to finish, so I left it but told the next police officer I saw, who happened to be Mr Dobson here.

MR O: Thank you Mr Armstrong. That will be all.

JUDGE: Mr Smith?

SMITH: Nothing, your honour.

MR O: I call Richard Dobson, police officer.

*(He comes to the stand)*

CLERK: Do you swear by Almighty God that the evidence you shall give shall be the truth, the whole truth and nothing but the truth.

DOBSON: I do.

MR O: Please tell the court where you were on July 27<sup>th</sup> last in Workington.

DOBSON: I was patrolling the streets, as the young ones of Workington seem to have been bothersome of late, when Mr Armstrong's cart stops next to me and Mr Armstrong informs me of a robbery which had just taken place.

MR O: And what did you do?

DOBSON: I ran immediately to where I was directed and saw a boy near a fishmonger's cart. The handle of the whip was in his possession, and the thong was lying on the ground not more than a yard from him.

MR O: Can you identify that boy?

DOBSON: It was the prisoner at the bar sir.

MR O: And can you identify the whip?

DOBSON: Oh yes sir, it was that one there lying on the table.

MR O: Thank you. What did you do?

DOBSON: Well, I challenged the boy to say whether the whip was his. He said it was, but he was obviously a little liar so I took him into custody, and locked him in the jailhouse. He had not only stolen the whip, he had broken it into the bargain.

JUDGE: And may I commend you for your prompt and correct course of action, officer Dobson.

DOBSON: Thank you your honour.

JUDGE: With more officers such as you, our streets would be safer.  
Mr Oliphant.

MR O: Nothing further sir. That concludes the case for the prosecution.

JUDGE: An excellently presented case, Mr Oliphant.

MR O: Thank you your honour.

SONG: HEY JOHN MARRON IT'S NOT YOUR DAY.

JUDGE: Well, Mr Smith, it's your turn. But be brief. You will have to be very persuasive to convince the jury of your client's innocence.

SMITH: I would like to call the boy's mother, your honour.

JUDGE: Can she prove the boy's innocence?

SMITH: No, your honour. But she can shed some light on the material circumstances of the case.



JUDGE: *(Looks at his watch)* I do not take kindly to wasting court time.  
If you insist.

CLERK: Call Mrs John Marron.

*(Mrs Marron comes to the stand)*

CLERK: Do you swear by Almighty God that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

MRS M: I do.

SMITH: Mrs Marron. Tell me something about your husband, John's father.  
Tell the court what you told me on our first meeting.

MRS M: John's father is sick sir. Even today of all days he cannot get up from his bed. He's hurt his back, and we can't afford a doctor. He was a husbandman when we married, working the land, and then he started working the carts. But those carts are so heavy. John has to do my husband's rounds sir. Otherwise we could not eat. Without John I do not know what I should do.

SMITH: Thank you. Mr Oliphant?

MR O: I have no questions for the witness, your honour. But I do not understand what the material circumstances of the accused have to do with the facts in this case.

JUDGE: Thank you Mr Oliphant. I believe it is my role to interpret the law for the jury.

MR O: My apologies your honour.

JUDGE: Accepted with good grace Mr Oliphant. *(To the jury)* You will disregard that evidence. The material circumstances of the family are not your concern. If poverty was to be made an effective defence against crime our jails would be emptied. And what a nightmare vision that would be, our streets teeming with thieves, robbers and murderers. *(To Smith)* Mr Smith, I warned you.

SMITH: Yes, but I would like to call John Marron, your honour.

JUDGE: What! Are we to allow this young whippersnapper to speak to us?

SMITH: He has a right to put his side of the story, your honour.

JUDGE: *(Bangs table with gavel)* Do not presume to lecture me on the rights of the accused Mr Smith! I shall hold you in contempt!

SMITH: My apologies your honour.

CLERK: I call John Marron.

*(John comes to the stand)*

CLERK: Do you swear by Almighty God that the evidence you shall give shall be the truth, the whole truth and nothing but the truth?

JOHN: *(very quietly)* I do.

CLERK: Speak up, boy.

JOHN: *(Shouts as is defiant)* I do.

SMITH: John, tell the court about Mr Nicholson's behaviour to young people on his rounds.

JOHN: He hates us young ones, sir. Calls us names and that. Accuses us of stealing from his cart. Once, I was doing my father's rounds and he comes up to me and says I've stolen fish from his cart, jumps onto mine and starts throwing the rubbish into the street. Said he'd prove I'd taken something. I had to clear it all up a second time sir.

SMITH: And what did he find, John?

JOHN: Nothing sir.

SMITH: So Mr Nicholson made false accusations against you?

JOHN: He did sir. But my mother's brought me up properly. I'm not a thief.

SMITH: Go on.

JOHN: Well, on the day in question, I see him moving fast through the streets, whipping his horse and shouting at people to get out of his way. So I jumped on to the back of his cart, just for a laugh like, but then he flicks his whip at me and catches me full in the face. It fair hurt sir.

SMITH: I can see that. Turn your face to the jury. Go on.

JOHN: Well, he stopped just up the street and that's when I took his whip.

SMITH: So you admit you did take the whip in question?

JOHN: Yes sir, I'm sorry sir, but I was just angry what with him accusing me of stealing his fish and all.

SMITH: Thank you. Mr Oliphant.

MR O: I do not see the need for any questions your honour. The boy has just admitted his guilt.

JUDGE: I agree. Gentlemen of the jury, take note that the prisoner has admitted his crimes. Take him away.

*(John taken down by guards to the cells)*

SONG: HE'S ONLY A POOR BOY FROM A POOR FAMILY.

JUDGE: Gentlemen of the jury. It now falls on you to make your decision. I need hardly remind you of its importance. What kind of world would we be living in if honest tradesmen could not go about their lawful business? An appalling vision! I must direct you to ignore the other circumstances of the case and impress upon you your duties to ensure our streets are safe from crime.

Gentlemen, we shall leave you. Be brief.

*(Exit everybody but the jury, who spread out over the court room and make their decision in song)*

SONG: THE JURY DECIDES.

CLERK: *(Enters at end of song)* Have you come to a decision?

JURY: We have.

CLERK: Court will be back in session please, to hear the verdict.

*(Court reassembles – including John - and the judge enters)*

CLERK: Gentlemen of the jury, have you now come to a decision?

JURY: We have.

CLERK: How say you, is the prisoner guilty or not guilty?

JURY: We find the prisoner guilty.

CLERK: And is that the opinion of you all.

JURY: It is.

CLERK: Thank you.

JUDGE: John Marron, you have been found guilty of a very serious offence. Whilst I admit the sum involved is not substantial, nonetheless you have clearly started off in a life of crime. I read in my court papers it is proved you have a previous conviction?

JOHN: What! I was caught scrumping apples that's all.

JUDGE: John Marron, once again you admit your guilt. But, as your second offence I fear we must nip your behaviour in the bud. I am minded to make an example of you. Had you pleaded guilty to your crimes I might have gone easier with you but I can see you are defiant.

Very well, you must learn what this brings. And be careful, young man, where you are going you face a life in chains and you will very quickly learn that defiance brings you 20 lashes. That scar on your cheek will be as nothing compared to the scars on your back.

You will be transported to the far side of the world for 7 years.

*(The judge bangs his gavel and starts to exit)*

JOHN: *(Shouts)* You call that justice?

JUDGE: *(Turns)* Yes I do. And the fact remains that you are going to hell for seven years whilst I *(looks at watch)* – I am going to lunch with the mayor.

*(The court is cleared apart from Mrs Marron and John Smith. Mrs Marron weeps and John Smith goes up to her)*

SMITH: I am very sorry. I did warn him.

MRS M: You did what you could.

SMITH: Arguing the case only made matters worse. I fear you will never see your son again.

MRS M: It is very harsh. What will become of us, with his father bedridden?

SMITH: There are people trying to put some fairness into this world. But they were not here today, in this court.

*(He turns to go)*

MRS M: *(Holds up purse)* Your fee sir.

SMITH: *(Shakes his head)* I cannot accept it. I have failed you.

MRS M: No. No – you did what you could.

SMITH: Nonetheless I shall not take your money. You have more need of it than me. Good day to you madam.

*(Cast re-enter)*

SONG: THE BALLAD OF JOHN MARRON

*(At the end of the song the audience are ushered out down through the cells. When they are all down there the lights are dimmed – apart from in the cell - and they hear the following from inside the cell. It will probably be pr-recorded)*

GUARD 1: You're guilty mate.

GUARD 2: Been a naughty boy, haven't you.

GUARD 1: So you're going to Australia.

GUARD 2: Where you'll see nothing but naked blacks.

GUARD 1: You'll work from sunrise to sunset. 20 lashes just for being careless.

GUARD 2: Or cheeky. It's very hard.

GUARD 1: That's if you survive the journey. Lots of 'em die and they're just chucked overboard.

GUARD 2: Fed to the sharks. 'Ere, do you think he's going to survive the journey?

GUARD 1: He might stand a chance. If he's toughened up a bit.

GUARD 2: And how can we do that? Oh what a good idea.

GUARD 1: Prepares him for what's to come, like. Gives him a little taste of it.

*We then here the sounds of John being whipped and screaming.  
At the end the two guards come out of the cell, one of them carrying a whip, the other a lantern.*

GUARD 2: *(To audience)* What you looking at? You've no business here.

GUARD 1: Clear off, the lot of you.

**THE END**

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## AND KIDS THINK ASBOS ARE GRIM

Published on 15/07/2006

It is difficult to imagine how John Marron must have felt. Standing in the dock at Carlisle Crown Court, did he have any idea of the severity of sentence the judge was about to impose, or the kind of hellish future a small misdemeanour had earned him?

John, a young man from Yewdale Street, Workington, had just been convicted of stealing a whip worth one shilling.

The judge looked down at the accused and delivered his future in five words: seven years' transportation to Australia.

It was August 1846 and John Marron was just 16 years old.

Did John struggle to escape? Did he collapse in shock or shout in defiance? Did he survive the journey to Australia or die on the way, as many did?

No one knows what happened to John Marron after sentence was passed.

But 160 years later his fate seems extraordinarily harsh. Even those who long for a return to the days of the short, sharp shock might draw the line at shackling a 16-year-old in chains and sending him to the other side of the world for seven years' hard labour.

Justice was uncompromising in 19th-century Cumberland. The legal system did not offer community rehabilitation orders or Asbos.

It's a time that has just been revisited by pupils of Caldew School, Dalston. They have spent the past week reliving John's ordeal in *The Ballad of John Marron*; a musical play which was performed at Carlisle Citadel, the former crown court where John was tried.

Eighteen year nine drama students worked with the Penrith-based Quondam Theatre Company on the project.

The last of six performances for local schools and parents took place yesterday.

Watching the play, it was eerie to think that John Marron stood right here, in this ornate room with its wood-panelled walls and its domed ceiling, looking around at the benches housing the press, the public, the judge and the jury.

The Caldew pupils' version of the trial was based on the only surviving evidence: a few paragraphs from an August 1846 edition of the *Carlisle Patriot*.

The bald facts of this court report leave plenty of room for interpretation. The *Ballad of John Marron* was written by Quondam's director Andy Booth, with plenty of input from the cast. The songs and music were by musical director Russell Burbush and the costumes by designer Celia Pugh.

In the play John is supported by his mother and his lawyer but treated with contempt by guards, witnesses and the judge, who dismisses the prisoner with the words: "You are going to hell for seven years while I am going to lunch with the mayor."

After the dress rehearsal, Andy Booth surveyed the court room. "This is the best theatre I've ever been in," he said. "It's where real drama took place."



No mercy: Daniel Spencer as John Marron protests as he is sentenced, flanked by guards Chris Deboise and Joseph Pattinson  
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"The whole thing was designed to show that the rich are in charge. They are up on high, the accused are down below.

"John Marron had a previous conviction. As far as the judge was concerned that was him destined for a life of crime and only a stiff sentence would do.

"When John walked up from the cells below the court room he must have thought 'What the hell is happening to me?'"

The cast of 13- and 14-year-olds seemed to agree. John Marron was played by Daniel Spencer, who imbued him with a cocktail of anger, fear and defiance.

Daniel said: "It was really harsh. It was not fair on John to get sent away for a whip that wasn't worth anything. They all ganged up on him."

And how does he think he would have reacted in John's situation? "I'd have curled up and just died. I don't think I could have lived with it."

Andy Booth quipped: "If Daniel went to Australia for seven years he'd end up on the cast of Neighbours.

"Now kids think of Australia as Ramsay Street and a pint of Foster's. In Australia John Marron would have been breaking rocks. He would have got 20 lashes for being impertinent."

Stephanie Park, who played prosecution witness Edward Nicholson, said: "The ruling people didn't like the poor people. John Marron probably really felt scared. He didn't have a leg to stand on."

Chris Deboise, who played a guard, also thought John's seven-year sentence was extreme.

"I'd heard of transportation before but I thought it was just for murders and stuff," he said. "He knew he was going down because he was poor."

Chris is glad that the legal system has become more lenient, although he added: "I think now they get too many chances. They've taken it too far."

Andy Booth had the idea of bringing John Marron into the 21st century. The Heritage Lottery fund had money available for schemes that encourage young people to explore the past, and Andy thought recreating a trial in the old crown court would fit the bill.

He spent an afternoon in Carlisle Library, looking through ancient copies of the Carlisle Patriot for an eye-catching story on which to hang the project. And he discovered John Marron.

John's case helped to secure a grant of more than £17,000 from the Lottery Fund to stage the production and produce a booklet and DVD.

Quondam Theatre Company has worked with Caldew School pupils before and Caldew's head of drama Helen Openshaw was happy for them to be involved.

The students visited Carlisle's modern crown court to see the contrast between 1846 and 2006.

They travelled to Workington's Helena Thompson museum to learn what John Marron's home town would have been like when he was growing up and they saw the remains of the jail on Ritson Street where John was held before being tried at Carlisle just a few days after stealing the whip.

"It's a way of getting young people, particularly teenagers, to understand the heritage of their environment so they don't just see it as bricks and mortar," said Andy Booth. "What was Workington like? What was John's dad like?"

Andy's research has revealed that John's parents married in 1826 and the family

lived at the High Brewery buildings off Yewdale Street.

The trail goes cold after John was led from the dock. A John Marron, aged 26, is reported to have been on a prison ship which sailed from Dorset to Australia in 1855, having been given a 10-year term after being tried at Carlisle in 1852. The dates don't tally with the "other" John Marron, but it's an intriguing coincidence.

If John did go to Australia he is unlikely to have returned. Those who survived the disease-stricken ships and years of hard labour had to pay their own way back, an option few could afford.

In The Ballad of John Marron, John struggled with the guards when he heard his sentence before being dragged downstairs to a cramped and windowless cell.

What would he have thought about this place now echoing to the sound of song, with lyrics like "He's just a young man with attitude, he hasn't done any harm – don't be too hard on the boy"?

There could hardly be a greater contrast between these young people being paid Lottery money to express themselves and the 16-year-old who was treated so brutally by the establishment of the day.

But things were changing even then. If John Marron had stolen the whip just a few years later he would probably have been transported no further than Stanwix, where a workhouse for young men was opened in the 1850s.

"It's a different world now," said Andy Booth. "Nowadays he'd be on Ritalin and diagnosed with attention deficit disorder."

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