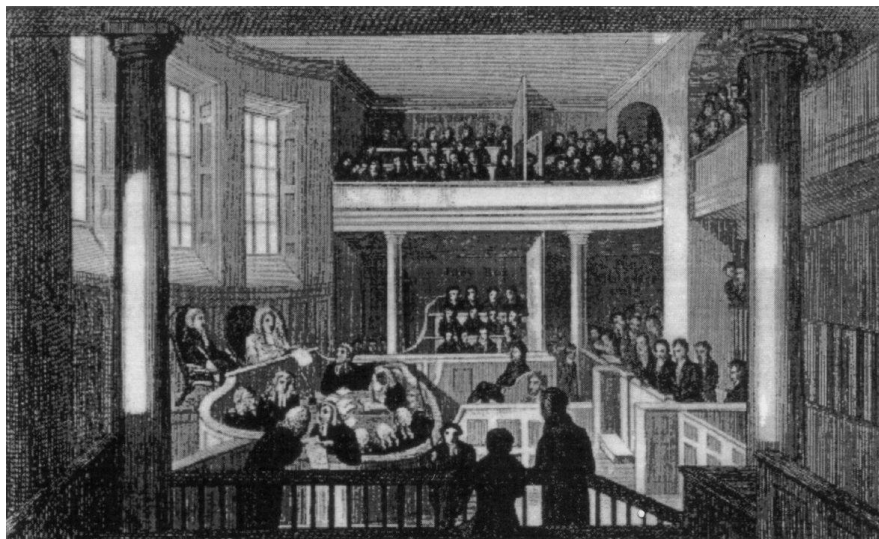


High Wych History: Crime and Punishment

Theo van de Bilt

Grace Dunn, an early chronicler of our village, wrote that High Wych was known as 'little hell'. Crime was rife. Was it? Grace was a policeman's daughter and may have overheard stories told by her dad. Her claim is, anyway, impossible to verify. Up to 1901 our village was part of Sawbridgeworth, so there are no separate statistics. In fact, most 'crime' concerned poaching, an activity many a poor farm worker engaged in just to feed his family.

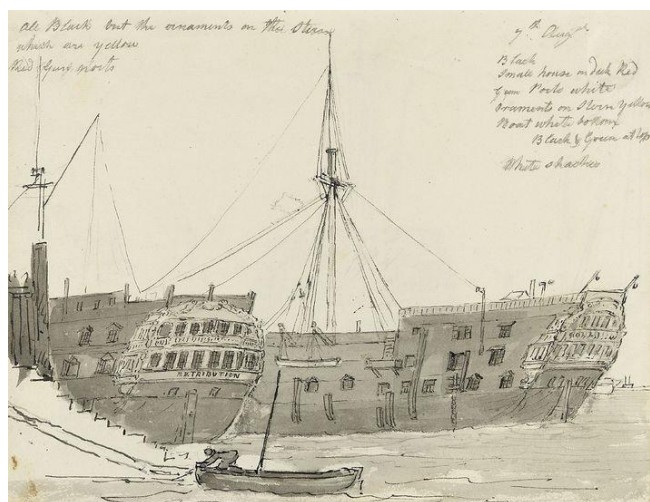


From Ken Griffin's book, Transported beyond the Seas: Hertfordshire assizes in session in 1823.

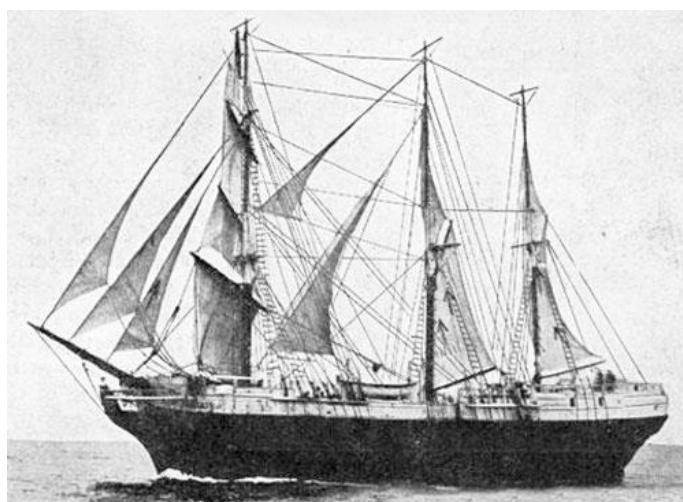
Ken Griffin, in his excellent book, does tell us about crime and its consequences. He lists nearly 2,000 criminals from Hertfordshire who received transportation sentences between 1784 and 1866. Of those, 21 came from Sawbridgeworth, three from Eastwick and one from Gilston. The same author also contributed two crime-related essays to *An Historical Atlas of Hertfordshire*, a book I just cannot recommend more heartily. Ken's research shows just how harshly those who strayed from the 'right path' were treated in those days. That right path was, of course, mainly defined by the land owners and all those belonging to the ruling classes at the time. Punishments were severe. At some point there were 220 crimes punishable by death, including 'being in the company of gypsies for one month', 'strong evidence of malice in a child aged 7–14 years of age' and 'blacking the face or using a disguise whilst committing a crime'.

The first 'criminal' on record, who can be identified as a High Wych man, was James Blackaby, who was born in Widford in 1785, the son of John Blackaby and Mary. In 1803, at Great St. Mary's Sawbridgeworth, he married Mary Morris, with whom he had three sons: John, born in 1808, Joseph, born in 1810 and James, born in 1813. The couple settled at Beanfields and James earned a living as a farmhand. It was during Mary's third pregnancy that James appeared at Hertford Assizes, accused of stealing and killing a sheep, the property of William Norris. He was convicted and sentenced to death. That sentence was later reduced, and he was selected for transportation to Australia. Whilst awaiting his departure, James and his fellow convicts were kept on board the *Retribution*, a 'prison hulk', a converted old warship, which was moored at Woolwich. Months later, on 26 August, along with 297 other convicts, he then set sail on a voyage which would last 165 days. They journeyed on the *General Hewitt*, a sailing ship built in 1812 in Calcutta.

Standards on board the *General Hewitt* for that particular journey were below even what was expected at the time: 34 prisoners, James Blackaby amongst them, did not survive. An inquest was held afterwards, during which Richard Hughes, the ship's surgeon, was questioned at great length. 'Why was it that such a high proportion of convicts died on the journey?' Wet weather was blamed, and the report speaks of bedding thrown together, then heated and afterwards slept on by prisoners. Prisoners also went for a long time without washing and were not given fruit. Questioned on the causes of death Hughes said 'most died of Dysentery, four of Typhus, two of apoplexy, two of remitting fevers, and two of extreme debility without apparent disease'. Hughes was found at fault, but it is not clear whether any action was taken against him. The surgeon's report, meanwhile, is not on record. Can that be a coincidence? James Blackaby died aboard ship at some time between August 1813 and February 1814. His wife and three young sons had to carry on without him. What a price to pay just for stealing a sheep!



The Retribution prison hulk.



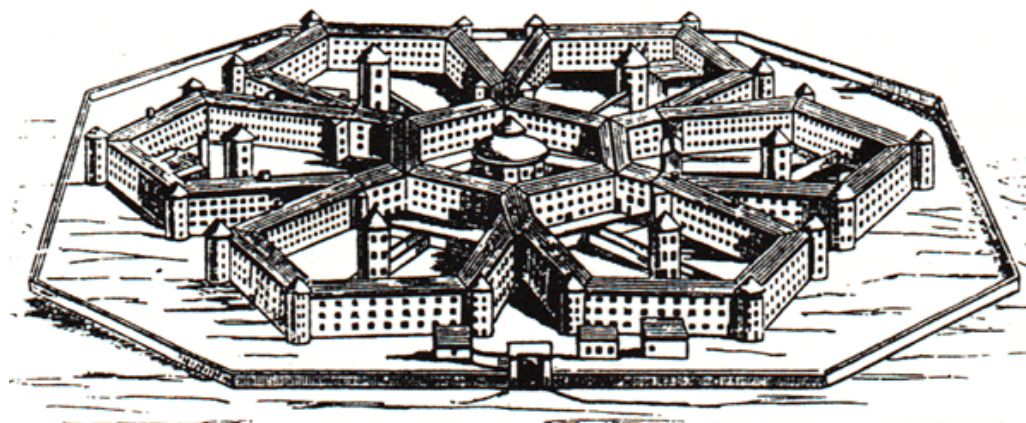
A convict ship.

Daniel Cakebread was born around 1813. In 1837, in Bishop's Stortford, he married Ellen Patmore. In 1839, their daughter Sarah was born. In 1840, Cakebread, described as a jobber, together with William Turner, a labourer from Sawbridgeworth, was in court accused of stealing 20 bushels of barley from Thomas Nathaniel Williams. Williams was at that point resident at Grove Lodge, in other words, the Manor of Groves. A major landowner around these parts, he built or remodelled that house in 1823. The *Hertford Mercury* reported on the case. Witnesses put both Cakebread and Turner at Penny's farm, the scene of the crime, at the appropriate time. Mr. Williams, upon discovering he had been robbed, obtained a search warrant and went to Cakebread's house in the company of a policeman. Four bushels of barley were found on the premises. Cakebread was put in handcuffs and told what he was accused of. 'If you came by the barley honestly I would like to know'. The culprit claimed he had bargained for it (the barley) with his father-in-law, who lived at Stark Hill. Joshua Patmore, the father-in-law, later confirmed the story in court. It did not help. Daniel Cakebread was convicted and sentenced to transportation and seven years.

What then happened is unclear. Cakebread's name does not appear on any convict ship list and not on any Australian genealogy website, either. Ellen Cakebread in 1841 was resident at Hand Cottages with the Brace family. There is no record of daughter Sarah.

In 1843, a Daniel Cakebread, together with a John Pyor, appeared at Bishop's Stortford Petty Sessions, accused of poaching. Pyor is just given a reprimand; Cakebread is fined 40 shillings. Is this the same man? I imagine it probably is.

Ken Griffin, the author mentioned above, reckons it is likely that Daniel Cakebread was taken to Millbank prison, another place from where some inmates then went on to be transported to Australia. Millbank Prison, originally constructed as the National Penitentiary, was in Pimlico. It opened in 1816 and closed in 1890. Ken Griffin tells me it was not uncommon for prisoners to be released early from Millbank prison for good behaviour. Is that what happened to Daniel? It is plausible, even likely, but we cannot tell for certain.

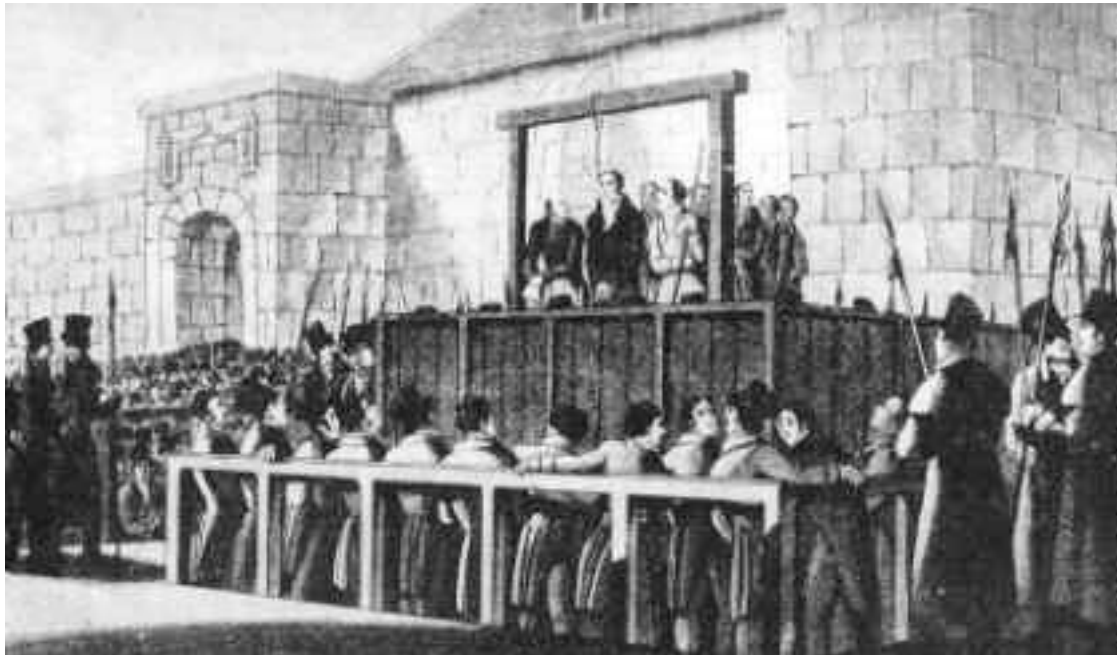


Millbank Prison.

Another example of 'local' crime occurred in 1844, when Ann French, a widow of Eastwick, was robbed, and violence committed against her. The perpetrators were Henry Toogood (18), Philip Burton (17) and William Holden. The *Hertfordshire Mercury* reported extensively on the crime, which was indeed horrific. It wrote about 'ruffians brutally ill-using the aged occupant'. At half past eleven at night, Mrs. French woke up in her upstairs bedroom, got up, looked down, and saw three men coming up the stairs. 'For God's sake what do you want?' she exclaimed. 'We have come for the barley money you old '*****', they said. Mrs. French assured them she had no money. The three insisted she did, and went into the room; one of them then held her whilst another punched her in the face. She was held down and sat upon, whilst two of the men ransacked the house downstairs. When they did not find the money, one man, the tallest, then told the others 'to bring the white handled knife and cut the old b*****'s throat'. His friends, however, 'objected to this extreme of violence'. The men then left, after telling Mrs. French not to raise the alarm. After a while, though, she screamed for help. Neighbours, amongst whom was a David Maskell, came to the rescue and went to get medical assistance. Later, at Hertford Assizes, it appeared that Philip Burton, despite his tender age, was the ringleader. All three, however, were condemned to death which was then commuted to transportation. Burton and Toogood got life, Holden got 15 years. Holden and Toogood subsequently left on the *Mayda* on 27 August, which landed at Van Diemen's Land on 8 January 1846.

Philip Burton sailed on the *David Malcolm* on 13 May 1845, together with 219 other convicts. On 25 August of that same year he arrived at Norfolk Island.

20 years later, in April 1864, the *Mercury* newspaper from Hobart in Tasmania, reported on a court case involving Michael Langley and Philip Burton. They were charged, and subsequently convicted, for assaulting and robbing Patrick Lacey. Burton had not changed his ways very much!



The execution of John Thurtell, outside Hertford Gaol in 1824.

Finally, one Sawbridgeworth crime resulted in the death penalty. This concerned Charles Lee (31) who appeared at Hertford Assizes in the summer of 1822, in the company of two accomplices, Henry Saggs and Joseph Giffen. *Jackson's Oxford Journal* described the three as 'bargemen from Bishops Stortford who have for some years past been a terror in the neighbourhood'..... 'Against the prisoner Lee the Grand Jury found no less than six bills of indictment for various felonies, for three of which he was now brought to trial'. Lee was accused of 'burglariously breaking and entering the dwelling house of Thomas Poole of Sawbridgeworth and stealing therein a silver pint mug and other articles his property'. Lee had already been implicated in another burglary, when his accomplice was a man called Phipps. Other indictments against him concerned burglary at the house of Henry Amey and 'stealing a pestle and mortar, some candle sticks and other items of kitchen garniture' from the Misses Langton at Bishop's Stortford. Lee was condemned to death and executed outside Hertford Gaol on 31 July 1822. Hertford Gaol was in the Ware Road, now opposite Tesco's car park.

Sources for this article were: Ken Griffin, Richard Maddams, Eric Willison, *Jackson's Oxford Journal*, *The Hertford Mercury*, *An Historical Atlas of Hertfordshire*, *Transported Beyond the Seas*, www.jenwilletts.com, <https://murdermedia.org>, <https://www.wikipedia.org>, and, as always, Hertfordshire Archives and Local Studies.