

Timeline

Date	Event
Jun 1831	tried at the Old Bailey for stealing a horse and chaise, life sentence
Feb 1832	arrived in Sydney on the <i>Asia</i> and assigned to John Eales later that year
	disappears completely from the records, no TOL, no death record etc

Other (source, details)

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Keywords

mystery

Proceedings of the Old Bailey (www.oldbaileyonline.org)

JOHN SHEARMAN, Theft > animal theft, 30th June 1831.

First London Jury, before Mr. Recorder.

1190. JOHN SHEARMAN was indicted for stealing, on the 23rd of May, at St. Giles without, Cripplegate, 1 gelding, price 20l.; 1 chaise-cart, value 10l.; 1 set of harness, value 3l.; 1 whip, value 2s. 6d., and 1 horse cloth, value 1s., the property of John Macbeth.

JOHN MACBETH. I keep a livery-stable in Eagle-street, Holborn, and have no partner. On the 3rd of May the prisoner came to me, and hired a horse and chaise-cart, which I let him, and he took them away the same day - the horse was property harnessed; he said he wanted it to go to Chelmsford, to the election, and he should be back in seven days - he agreed to pay me seven guineas for the week, and said if I went to the Bull, at Aldgate, he should get some money from the committee to pay for it - I agreed to let him have it for the week for seven guineas; he said his expences would be paid by the committee, who sat in Whitechapel, who would advance him the money - he had the horse, cart, harness, and a whip to drive with. I never saw him again till the 23rd of May, when he was at Worship-street - he was to have been back on the 10th; I made inquiry after him, but heard nothing of him - he gave me his card as living at No. 75, Aldersgate-street; I inquired for him there, and found he had lived there, but had left there some time - it was not his address at the time he hired the horse and cart; I saw him at Worship-street on the 23rd - the cart and horse were there: I had advertised them, offering 5l. reward, and found him in custody two days after - my horse was worth 20l., and the chaise-cart 12l., including the harness.

Prisoner. I wish him to produce the advertisement. Witness. Here it is, in the Morning Advertiser of the 21st of May.

Prisoner. Q. Was I not in treaty between two and three years ago, to purchase the horse and cart of you? A. It may have been nearly two years since I saw him; after I bought the cart he came and asked if I would part with it, and I never saw him afterwards - there was no bargain about it - he only hired it for a week; I have a memorandum here in his own writing - he gave it to me at the committee-room; I saw him write it - (read) - "Mr. Macbeth, I agree to pay seven guineas for the hire of the horse and cart for one week, Thomas Shearman, Stretton Arms, Carthusian-street, Charterhouse-square;" I inquired there, and found he had lodged there, but not at the time - here is another note, which he wrote to me from Chelmsford; I cannot swear it is his writing.

Prisoner. I admit the letter, and wish to have it read;(read.)

To Mr. Macbeth, stable-keeper, Great Red Lion-street, Holborn, London. Chelmsford, 7th of May, 1831. SIR, - The election is all over at Colchester, and I am here; there is an old gentleman here, who has taken a fancy to your old horse, and if you will set the lowest price you will take for him, you may have a customer for the set-out altogether, and I will give you an order for the money on a house in Lombard-street - send an answer by return of post, directed to me, to be left at the Post-office here till called for. SHERMAN.

JOHN MACBETH . I sent no answer to that letter, but went down to Chelmsford; I could not find him there, nor hear any thing of him at the Post-office, or of the horse and cart; I made inquiry about him from time to time, without success.

Prisoner. Q. Do you ever get tipsy, and forget what you do? A. I always attend to business first.

WILLIAM WILLIAMS. I am ostler to Mr. Macbeth. I saw master and the prisoner go out of the yard together in the cart, and on the 23rd a man came and gave information that he knew where the horse and cart were - I went and found the horse in Moor-lane, at Salt's livery-stables; the prisoner was not there - I saw him at Worship-street; the same horse and cart were there, and the same harness, except the collar, which was changed - the breeching was gone, also the whip and horse-cloth; the whip had the name of Charles Fowler on it - I have since seen the whip in the Policeman's hands.

JOHN MOYE . I am an oilman and grocer, and live at Hornchurch, in Essex, about fifteen miles from London. -I saw the prisoner first about three weeks before he offered this horse and cart for sale - he then told me he had been down to Essex, to an election; and I think about a week before I saw him in custody he drove up to my house, No. 8, Church-street, Mile-end New-town - he said he had been to Chelmsford and Colchester elections, and had driven up two or three publicans - I said, "Is this your horse and chaise-cart?" he said Yes, it belonged to him - I said I wanted one, and asked what he wanted for it; he asked thirty-four guineas - I called out a friend who was a judge of it; he thought it would suit me, and I was to meet the prisoner at the Grey Hound, Smithfield, to go to Hampstead-road, where he was going - I was to go there to see how the horse would go; I said I wanted to go to Webber-row, Blackfriars - he said he wanted to go to Hampstead-road, and said he would drive me round there; I was to meet him at three o'clock on the Sunday following, to try the horse and, drive there - I did not go, as a person stepped up and said I had better have nothing to do with him, and the bargain went off; as I did not go to the Grey Hound, the prisoner called at my place about nine days afterwards, on a Friday - I was not at home, but heard he had called.

Q. When did you hear the prosecutor had lost his horse and chaise? A. On the Sunday - I was at Hornchurch, and when I returned my wife told me of the advertisement; I went to Machin's stable, in Fann-street, Aldersgate-street - I made inquiry, but did not see the horse and cart there; I went to Macbeth's on the Monday, and told him what had passed between me and the prisoner; I afterwards saw him at Worship-street, and am quite sure of his person - I took Macbeth's ostler and three Policemen, and found the horse at Salt's livery-stables, Moor-lane, and the cart and harness in a court in Whitecross-street, in possession of two men named Page and Crowder; they were moving it away while I was in the yard - I offered to buy it, to stop its being carried away, and Crowder offered it to me for 12l.; when the Policemen came up, I said I would have nothing to do with it - I had watched them remove it from Salt's stables to Whitecross-street.

Prisoner. Q. How many men have you hailed above in a night at Sergeant's Inn, in Term time? A. None at all - I have justified bail three times; I never bought any stolen blue; I was never advertised as a swindler.

COURT. Q. You have said you are an oilman and grocer, at Hornchurch - do you carry on any business there? A. Yes, I bought the lease of the house - I live there, and carry on business.

Prisoner. He goes by the name of Smith, a notorious swindler. Witness. John Moyer is my name - Edward Smith had the shop before me, but I never went by his name; the prisoner was not intoxicated - I asked what he wanted, and he said thirty-four guineas.

Q. Did you not offer to pay me in brick-dust and sawdust, which your stock consists of? A. I offered you the money if the horse would suit me; a person stepped up, said you had been in the pillory, and told me to have nothing to do with you - I had not a farthing for bailing the three men; they were customers of mine.

JURY. Q. Have you a residence at Mile-end? A. I lived there at the time the prisoner made me this offer, as well as at Hornchurch - I left Mile-end about a week ago; my family have gone down there - I carried on the oil and colour trade in Church-street, but I carry on that and the grocery business too at Hornchurch.

TRUEMAN MACHIN. I keep stables in Fann-street. The prisoner brought the horse and cart to my stables on the 10th of May, and took them away on the 18th - they were within a mile and a half of the prosecutor's all that time; he did not say who they belonged to - he paid for the keep; he only went out with them once, and returned in the evening; he never used them again till he and another person took the horse and chaise away - he paid for the keep, as if he was the owner; I did not know that they were the prosecutor's at that time.

CHARLES CROWDER. I am a publican, and live at No. 45, Golden-lane - I have known the prisoner some time. On the 18th of May he came to my house, and told me he knew of a horse that would suit me - he took me to Machin's stables, the White Horse, in Fann-street; I saw the horse and cart there - he asked if I thought the horse would suit me; I said I did not know till I rode it - I lent him 2l. to pay for the keep at the livery-stable; Machin would not let it come out without - I then drove it to my house, and went from there along Old-street; I observed the horse was lame, and told him it would not suit me - no price was set on it; he told me to take the horse, cart, and harness to my stables till he paid me the 2l. - he did not mention Macbeth's name to me; I was to work the horse for its keep - I drove it to Epsom races, and the following Monday the prosecutor claimed it; the prisoner was then at my house, and I sent for him to answer for himself; I was where the cart was found, and directed my servant to go and have him apprehended - it was done.

Prisoner. Q. I believe I asked you to lend me the money till I could make my payment good for the hire of it? A. I knew nothing of his having hired it - I supposed it to be his own; I lent him the money to pay for the keep - he never told me he had hired it.

Prisoner to TRUEMAN MACHIN. Q. Did you object to the horse and cart coming away till the keep was paid for? A. Yes - I make it a rule that the keep should be paid for before 1 part with a horse.

JESSE TUSTIN . I am a Police-constable. I received information, and found the horse in Crowder's stable - I took possession of it; it was claimed by the prosecutor.

JAMES GRADY . I am a Police-constable. I took the horse and cart in charge - it was afterwards claimed by the prosecutor, and produced at Worship-street.

GEORGE GREEN. I am a hair-dresser. The prisoner wanted to borrow 2l. of me to release the horse and cart from Machin's stable - I knew him before; I did not advance it.

WILLIAM PATEMAN. I am a cheesmonger. I took the prisoner in charge in Crewder's house, Golden-lane; I told him it was about a horse - he said nothing.

JOHN MACBETH . The horse and cart are still in my possession - the cart had my name and address on it in full when it went out, but when it came back it had no name, nothing but the number.

Prisoner. Q. Did you not rub out the City Arms and your name yourself, for fear of being informed against for lending them out without a stamp-ticket? A. No - the City Arms were on it when I bought it, but they have been taken off these two years, as I am not free; I did not know of the name and address being off till it was at Worship-street - I did not ask fourteen guineas for the week's hire; I agreed the week before to let it to you for 3l., but you did not tell me where it was going - when I let it you were to pay seven guineas.

Prisoner's Defence. My intentions were truly honourable; the committee did not settle with me, so I could not settle with him, which was the reason of my delay -

I paid 3l. 10s. for the keep of it; if the Committee had settled with me I should have paid him honourably.

Prisoner to JOHN MOVE . Q. I believe you are to have 5l. for coming here, and 5l. more if I am convicted? A. I have not had a farthing to give evidence, and do not expect a farthing on his conviction; I have received the reward which was advertised for the discovery of the property.

[July 1.] GUILTY - DEATH . Aged 56.

General information

This document is part of research undertaken by Brian Walsh on the convicts assigned to John Eales and the ticket-of-leave holders who worked for him. Please do not email or upload/post this document online without acknowledgement. For further information and contact details see:

www.patersonriver.com.au/ealesconvicts

A book on John Eales' convicts titled '*Toil and Trouble from Maitland to Moreton Bay*' is available from Paterson Historical Society, see:

www.patersonhistory.org.au