

The Dead Boy on the Heath



Appledore Local History Society

2023

Foreword

This story is reconstructed from contemporary newspaper reports, with additional information from genealogical databases and other internet resources. The story was told around the country, so there are often several reports of the same events. The local courts were not attended by reporters from all over the country, and it is apparent that some reports were drawn from other more substantial and often more accurate reports. The lesser reports sometimes contained simple and innocuous errors, but their authors were also less assiduous in distinguishing between what a person did or said, and what they were reported to have done or said. Generally, it's not hard to apply a credibility filter to these reports, but not everything can be nailed down as a hard fact - especially when a policeman has a particular goal in mind, or wants to make an impression on a judge or a jury.

The story involves several local people and a few familiar places, and we hear people speak, and we hear how they spoke. The story also shines a light into some of the darker corners of life in the nineteenth century, and we learn that Appledore (and other places like it) was in some ways quite backward.

The main location of the events no longer exists, although there may still be a memory of it, and it is evident on maps, and on the ground. Satellite images suggest the location of former buildings. Dig down a couple of feet and you could probably find some foundations. You might even find a few small remains of the dead boy on the heath.

Alan Tribe

Appledore, 2023

The Last Deep Snow

15th January 1867

His name was George, he was twelve years old, and he came from London, and that's all that was known about him. His body was partially eaten by rats when it was found at the back of the barn.

Samuel Martin was a travelling chimney-sweep. Travelling with him was Caroline Buckman, who had met him at Ticehurst, eight or nine months before. Caroline was "not exactly right", according to her mother. George had joined them when they were hop picking at a farm between Ticehurst and Wadhurst, and had been with them through the autumn and into winter. George didn't know his last name, and might have been an orphan. George went up chimneys, knocking down soot, and he was thin and pale, and he looked ill. It was January 1867, and sending boys up chimneys was illegal, and had been since 1840. The law was largely ignored in Kent and Sussex, and was no impediment to Samuel Martin as he travelled across the two counties.

On the afternoon of the day in question, Samuel Martin swept the chimney of Harriet Coleman, wife of Richard Coleman, an agricultural labourer. Richard and Harriet were a young couple, just over two years married, and they lived on the Heath.

George hadn't wanted to go up the chimney. Harriet said: "Martin was very cross to the boy. He swore at him and said if he did not go up the chimney he would beat him." George had said that the chimney was too small, and cried. Harriet didn't want him forced up the chimney, but Martin said he knew what chimneys were, and it was quite large enough. "It doesn't do to pity him, for I have to keep and clothe him, and he is obliged to work." Martin said that the reason George didn't want to go up the chimney was that his knees were sore. Harriet said the boy looked very ill.

The boy went up two chimneys, and the sweep and his boy left the house. Samuel Martin was to have been paid the next day, but didn't come.

Richard Job Bourne saw Samuel Martin and George in a field as he was walking to Woodchurch. Richard was about the same age as George, and he was the son of Frederick Bourne, an agricultural labourer. The Bourne family lived in the Poor Houses on the Heath:

"I live with my father. On January 15th I went to Woodchurch. I saw the prisoner, in the next field to the barn in Appledore parish, knock the boy down. I saw Martin and the boy up the road with a woman on the day before. There was snow on the ground; it was between three and four o'clock. I could see them plainly. I saw the man knock the boy down with his hands, and kick him and snatch him along after he got up. I saw the man and boy go over the fence into the next field, and I saw no more of them. I know it was the 15th January, because that day I went to Woodchurch. It was on Tuesday. I went to carry a rabbit to my aunt. The prisoner kicked the boy in the front part."

John Wraight and Henry Green were out shooting blackbirds, and saw the man and boy just after Richard Bourne. John Wraight was Appledore's miller and lived at Mill House on the Heath. Henry Green was a market gardener, or that was how he described himself at the time. At other times he was an agricultural labourer. Like Richard Bourne, he lived at the Poor Houses on the Heath.

Wraight and Green saw the boy being beaten in a field, from a distance of around 60 rods, and they heard screams. "What's that?" said Wraight. "Why, it's the sweep," said Green. "For God's sake let us go round; he will kill the boy." According to Wraight, "There were twenty blows struck at least, perhaps more. I could see the stick go up as the blows were being struck."

Green said they heard the screams of a child, and the sound of blows, before they could see the source of the commotion. The noise came from Shirley Moor Lane. They went towards the spot, and when they got past one field they saw a man with a stick. "I saw the stick go up in the air and heard the strokes. We drew towards the spot as fast as we could walk. Before we came within 10 or 15 rods, the man left off. When we got there I saw Samuel Martin and the woman Buckman and the boy. The boy was leaning against a fence. He looked thin and pale."

Henry Green heard at least twenty tremendous strikes. He had never heard such strokes before on a human being. He was near enough to recognise the boy, who he had seen before. Green said to Wraight: "We will give them a reprimand," and Wraight said: "They will only swear at us." Green was later to say that he had hesitated in going up to Martin, and now blamed himself for it. John Wraight and Henry Green had been out shooting, so they had at least one gun, and there were two of them, but Samuel Martin might have been a forbidding prospect.

Continuing on their way, Wraight and Green saw the three again, by the road at Moor Lane. They were sitting by a fire and all was quiet as they passed.

George Fowle saw a man, woman and boy in a field near Little Hornbrook Barn. George Fowle was twelve years old, and was the son of Henry Fowle, a shepherd at Little Hornbrook Farm. George Fowle saw the man strike at the boy, but was too far off to see whether the blow landed. He saw the woman again in the evening, when she asked for a night's lodging. He brought a key and showed the man and woman to the barn, but the boy was not there. He was going to lock the barn, but the man said that his boy was down at the fire, and he was cross and sulky. He would tie the door with his handkerchief.

George had been beaten again at the fire.

According to Caroline Buckman, they were all three at a fire in a bye lane at Appledore, and had supper together, on the evening before the last deep snow. Martin struck the boy twice with a small stick. Martin said the boy had misbehaved, and hadn't fetched wood for the fire. Martin said the boy was not to come near where he was any more, if he could not behave better. Caroline had seen no misbehaviour. The stick had been cut from a hedge, and had been used to hold the kettle above the fire.

Caroline and Martin went to sleep in the barn, leaving the boy at the fire, and she did not see him again. She had expected him to come into the barn. In the morning, Martin woke her up and said he would go out and look for the boy. He woke her up again a little later, and said, "What do you think? I have found the poor boy dead. I have put him at the other end of the barn, and covered him up as well as I could." As they walked away in the snow, towards Woodchurch, Samuel Martin said: "I daresay somebody will find him and bury him before long."

The pair went to Orpington, where they visited Samuel's brother Peter, and then they continued on their round of the countryside, sweeping chimneys. Martin told Caroline she should never speak of what had happened. Caroline was fearful that Martin would make away with her if she did.

Constable Betts at Tudeley

10th June 1867

Five months later, in June, PC Valentine Betts went to a house at Five Oak Green, in Tudeley near Tonbridge. He was stationed in Tudeley, and had received a report from Ann Stevens, wife of a labourer. Ann Stevens was 50 years old, and was the mother of Caroline Buckman, who had been born before her marriage to John Stevens. Caroline had run away from Samuel Martin and he had come looking for her.

Caroline and her mother had been walking by a shaw, a strip of woodland and bushes bordering the road. Samuel Martin jumped out from where he had been hiding. To the pair of them, he said: "Oh, I have been miles after her, be you coming along with me." Caroline didn't go along with him, and he struck her under the chin. As she tried to run away, he struck her again. Caroline wasn't sure what he hit her with, but it was either his fist or a hoe. "He knocked me all a rod, right into the hedge." He stopped, turning his attention to Caroline's mother, and Caroline ran away home.

PC Betts found Caroline at the house of Sarah Bowles, wife of a carpenter. She was bleeding and had a wound on her head. It wasn't the first time Martin had hit Caroline. She had run away from him three or four times. On one occasion, young George had been sent to look for her in Tudeley, but her mother had denied that she was there.

Ann Stevens had asked Caroline about George. "She said she did not like to tell me, and then that he was in London. I questioned her further, and she said they had left him in a barn at Appledore. She said that Martin and the boy had been out at their work in the day, and came to her in the evening. The boy had been poorly, and Martin had beaten him with a stick, and left him by a fire at the roadside, and went into a barn to sleep. Martin woke up and felt uneasy about the boy, but it was quite morning when he went out to him. When he came back he told her he had found the boy dead, and that he had brought him to the barn and covered him with straw."

Ann Stevens had said, "Oh dear, I wish you had not told me." The story had put her out and made her quite ill, but she couldn't keep it in, and she told PC Betts. Caroline said: "I have not told of this before because I was afraid he would do me an injury. I knew if I got out of his way he would find me again, and in a strange place I did not know what he might do."

Constable Betts was then on the lookout for Samuel Martin, and soon saw him in Tudeley, and arrested him. He marched him into Tonbridge, where he was received by Constable George Tucker. Martin was cautioned by PC Tucker, and in the presence of PC Betts he said: "I did not kill the boy, he was frozen to death, and I took him from the fire in the lane where I had left him, and took him to the barn, and covered him over there with some straw, and left him." PC Tucker took down a written statement.

Samuel Martin was taken to the police station at Ashford, which was responsible for Appledore. He was taken before the magistrates and charged on suspicion with the wilful murder of a boy, at present unknown, at Appledore. Martin was described as a dirty-faced, ill-looking man, dressed in shabby clothes. Martin said: "I did not kill the boy, and I shall not show you where the boy is unless you apprehend Caroline Buckman. She is as deep in the mud as I am." He was remanded in custody.

The following day, Martin was brought before W. P. Burra, Esquire, Magistrate. W. P. Burra was William Pomfret Burra, a prominent local banker, and a benefactor of Ashford Grammar School. Later, he was to become the Conservative Member of Parliament for Ashford. Caroline Buckman gave evidence, but was discomfited by the presence of Samuel Martin. Caroline was described as a swarthy girl, of gipsy appearance, although there is no evidence of her being a gipsy. Martin was now happy to go down to Appledore, and he would show where he had left the boy in the barn.

The Body in the Barn

17th June 1867

Superintendent Dewar took Samuel Martin down to Appledore. Martin showed him to the barn at Little Hornbrook Farm. The place was a somewhat lonely one, with no house near the house occupied by Henry Fowle. They went inside the barn, where there was a place called 'the granary'. Martin said: "This is where I laid the boy, in here." He removed six trusses of straw, and then said: "Here is the boy."

The boy was in a very decomposed state. The flesh was eaten off his face, and the arms and legs were eaten bare. Henry Fowle, the shepherd, had come into the barn with Dewar and Martin, and he could see enough to identify him. The clothing helped, which was a black velvet jacket, dark waistcoat, black trousers with a black patch on the knee, dark comforter around his neck, and a brown cloth cap. Henry Fowle said that nothing in the barn had been moved since winter.

Dr Terry was called from Wittersham to examine the body. The feet and hands were missing, presumably gnawed off and taken by rats. There was scarcely any flesh on the body, except for a little under the arms. It was impossible to establish a cause of death. Dr Terry didn't think that death had been caused by blows, as spoken of by Caroline Buckman. There were no fractured bones, and no marks on the skull.

A Coroner's Inquisition was convened in Appledore. The Coroner was H.J. Farrar, Esquire, Coroner for West Kent. When not acting as a coroner, Henry J. Farrar was a solicitor with Neve, Wilson, and Farrar in Cranbrook. A "very respectable" jury was sworn in, with E. Cock, Esquire, chosen as foreman. E. Cock was Edwin Cock, a farmer at Court Lodge in Appledore. The Coroner and jury viewed the remains of the boy, which were lying in the granary, and inspected the barn.

Caroline Buckman had also viewed the body, and identified George by his cap and jacket, and by the patch on his trousers. She had previously given evidence to the magistrates at Ashford, but that had been in the presence of Samuel Martin, and she had been hesitant, and hadn't said any more than she had to. Martin had been trying to prompt her with significant glances and little signs. Here, Martin was excluded while she gave evidence, and she said she was too frightened of Martin to get away from him. She had to follow him. She also said a little more about George.

George wasn't an orphan. Caroline didn't know his full name, or which part of London he came from, but he had a mother. His father was dead, but his mother had re-married, and his step-father did not behave well to him. He had been led away from home by a lad, Caroline had cooked supper "on a beautiful clear night", but then "a dreadful deep snow came on in the night, and it was nearly as deep as me." Martin woke her up in the morning and said the boy had frozen to death. "I never saw the boy. I asked Martin where he was covered up, and he told me the other end of the barn. I wanted to go and look at him, but he said: "No, I was not to go." We then went to Tenterden, but first to the place before you get there (Woodchurch). I have broke away from Martin three times since, and gone home to my mother. Each time the prisoner has come after me and made me go with him again. The first person I told about this was my mother. I should not have told of this, only Martin knocked me down."

Caroline said that Martin received the boy's earnings and spent them on beer. The boy had not said anything after Martin knocked him down and beat him with a stick, but he did not seem very well that night. He was sitting by the fire when they left him, and he was fit enough to have got up and joined them in the barn. Martin had said he should stay away from them, and had threatened him in this regard - although she denied that part after Martin was called in to the hearing and was read her testimony. The stick used to beat the boy was about the size of a finger.

Samuel Martin said he had nothing to add to the statement he had already made. George Fowle gave evidence, and the court considered statements from the other witnesses who had seen Martin and the boy.

Ann Stevens confirmed her daughter's account of events, adding: "My daughter I know has had very bad usage from the man Martin, but she won't own it all to me." "It's a falsity about ill-usage", interjected Martin. "It is not necessary for you to make any remark", said the Coroner.

The Coroner said that the only evidence of negligence on the part of Samuel Martin was that he had left the boy by the fire on a very inclement night. He attached importance to the evidence from George Fowle, that Martin had told him not to lock the barn because the boy would come in later. Martin was very much to blame for the manner in which he disposed of the body, but the jury should only be concerned with the cause of death. Was the boy an employee, or did Martin stand in the place of a parent or guardian? The cause of death could not be related to the blows the boy had received. According to the statement by the woman, Martin had risen to bring him in, and it seemed probable that he found him dead from the cold.

The jury deliberated for two or three hours, and they couldn't decide whether Martin was guilty of negligence or criminal negligence. The Coroner instructed them on parts of the evidence. While this was going on, Samuel Martin said he wished to give evidence and was called back.

Samuel Martin was keen to show his considerate side. Before leaving the boy at the fire, he had tied up some food in a package, in case he decided to go on the road. Alternatively, "You can come with me to this barn, and go on the road in the morning". When George Fowle went to lock the barn, he said: "Leave the barn open, for our little boy is at the fire, and he is sulky. I expect he will come in presently." The next morning, "I took him up in my arms, and I lost my way going across the marsh, and crying, I knelt on my knees and prayed to God to show me the way, and a large cloud broke in the west and I could see the barn." "Now, we don't want any of that you know", said the coroner.

The jury agreed to an open verdict: "That the deceased was found dead, but there is no evidence to show how he came by his death."

Ashford Police Court

24th June 1867

At his first magistrates hearing, Samuel Martin had been facing a charge of murder. Following the open verdict of the Coroner's Court, Superintendent Dewar brought him forward again, this time seeking a trial for manslaughter. Captain Billington considered the case. John Wyndham Billington was a magistrate, and was formerly a Captain in the Royal Horseguards. He was also a significant landowner, with farms in Hinxhill and Sevington.

The evidence previously given to the magistrates was repeated, together with the evidence from the coroner's inquisition. George Fowle and his father were called, as was Superintendent Dewar. Captain Billington retired to consult with Mr. Creery, solicitor and clerk to the court.

On returning into court, Captain Billington said: "Samuel Martin, I don't see sufficient evidence to send you for trial for manslaughter." "Thank you sir." said Martin. "I don't think a jury would convict you. Still, I think it was shameful conduct on your behalf to leave the poor boy by the roadside in this way." "Well, sir, I did not intend to sleep so long." said Martin. "It appears you have committed two assaults on these women, and I shall remand you to Tonbridge to answer these charges." Samuel Martin, quite gleefully, said: "Oh yes sir, then I shall go back to Tudeley. I don't mind going to Tudeley."

Samuel Martin, who had occasionally manifested much impertinence of demeanour, was then removed. Superintendent Dewar would not have been best pleased. Samuel Martin must have thought that after some fairly brief inconvenience in Tonbridge, he would be on his way, sweeping chimneys, with no further charges to answer.

In the *East Kent Journal*, and immediately above the report of Samuel Martin's court appearance, there was a report of a cricket match -

GRAND CRICKET MATCH

The match of cricket between the South of England Eleven and Twenty of Ashford and District commenced on Thursday, when the South of England went in, and succeeded in scoring 179. On Friday, the Twenty of Ashford went in, and were soon out for 78. After dinner they went in again, and came out with a score of only 73 runs, leaving the South of England the winners in the first innings.

The umpires were Julius Caesar and J. Durtnall.

Was there really a cricket umpire called Julius Caesar? Yes, there was, and before he retired, he had played cricket for England. He turned to drink and died at 48.

Tonbridge Petty Sessions

25th June 1867

The Tonbridge Magistrates heard the case the next day. The magistrates were Major Scoones and A. Pott, Esquire. Major Scoones was Edward Scoones, and at 21 he had been an officer at the Battle of Waterloo. In 1828, he became a Major 'by purchase'. A Pott, Esquire was Arthur Pott, one of the wealthiest men in the County. He was Lord of the Manor of Southborough, and he was to become High Sheriff and Deputy-Lieutenant of Kent. The Pott's wealth came from the brewing of vinegar in Southwark.

For Caroline Buckman and her mother, this was their third trip to a magistrates court in eleven days. A newspaper reporter thought that Caroline was "a girl of rather weak intellect". Her mother said she was not "exactly right". She was 21, but had no occupation other than seasonal work on farms.

Caroline and her mother told the story again. Martin had jumped out of a hedge, and then struck Caroline with a violent blow to her face, and at the back of her head. After striking her, he threw her into a ditch, and the blood came flowing out of her ears and mouth. He delivered another blow to her head, and swore he would be avenged if he got transported for it. He also struck at her mother, and tried to force an entrance into a cottage where she had been taken. Johnana Knotts gave corroborative evidence.

Samuel Martin said he had walked fifty miles to see Caroline, but they hadn't received him very cordially. Caroline's mother had laughed at him, and they had brought this charge against him out of envy. At one point, Martin said: "They told me I wouldn't be charged with this." This comment just hangs in the narrative, with no explanation.

The Bench said this was undoubtedly a very serious case of assault. Martin might have been sent to prison for a considerable time, but they had determined, however, to inflict a fine of £2 and costs, or in default one month's imprisonment. Samuel Martin said he would go to prison.

On the same day, two little boys, named John and Hugh Callagher, were charged with begging on the common. They pleaded guilty, and were sentenced to seven days' imprisonment. In answer to questions from the Bench, they said that they had come from Yorkshire, and had neither father or mother. Hugh was eight, born in Rotherham. John's birth doesn't seem to have been registered.

It was boys like this who could find themselves going up chimneys. There were plenty of them.

Captain Ruxton

23rd July 1867

Samuel Martin was about to be released, after a month in prison, and Superintendent Dewar had been in correspondence with Captain Ruxton, the Chief Constable.

Formerly an army captain in the King's Regiment, Ruxton was said to be a formidable character. He had twice been in charge of convict ships to Australia, where he set up the settlements for the convicts, arranged barracks for the soldiers under his command, and built prison blocks for the transportees.

The Kent Constabulary was just ten years old, and Captain Ruxton was its first Chief Constable. Together with Superintendent Dewar, he was now paying attention to the case of Samuel Martin.

Superintendent Dewar made a special application to the Ashford Magistrates, and his application was heard by E. C. Dering and G. E. Sayer.

E. C. Dering was Sir Edward Cholmeley Dering, Baronet of Surrenden Dering. He was also the Member of Parliament for East Kent. Dering lived at Surrenden Manor, on the estate of Surrenden Dering in Pluckley. G. E. Sayer was George Edward Sayer, Esquire, of Pett Place, the family estate at Charing.

Superintendent Dewar had new evidence, and he wanted a warrant to arrest Samuel Martin when he came out of prison. He had spoken to Superintendent Dance at Tonbridge Division, who said that Martin had stated to him that he did not know if the boy was quite dead when he put him under the straw. The boy was limp, and he had groaned.

The magistrates consulted with Mr. Creery, solicitor and clerk to the court, who briefly stated the former proceedings. They also read the correspondence between Superintendent Dewar and Captain Ruxton, the Chief Constable. The magistrates said the additional evidence which could be given by Superintendent Dance was not sufficient to justify the re-apprehension of Martin.

Samuel Martin left prison and went about his business. Captain Ruxton didn't give up.

Captain Ruxton again

The Kentish Express - Saturday, August 17, 1867

The announcement in full, because we will be coming back to it -

"CAPT. RUXTON, the chief of the county constabulary, has not let the Appledore affair rest, and notwithstanding the difficulties with which the case was surrounded, and the several rebuffs the police have met with, he has by means of Supt. Dewar raked up additional evidence, and again pressed to have Martin sent for trial. The circumstances are so recent as to be doubtless within the memory of most of our readers.

Samuel Martin is a sweep who travels about the country, and early in January he had a small boy with him, whom he employed in climbing chimneys. In June last a young woman named Caroline Buckman, who had been cohabiting with Martin, having quarrelled with him, made a statement to her mother respecting the boy, which statement the mother very properly repeated to a policeman. Martin was apprehended, and he then stated that the boy was left out of doors at the side of a fire on the night on which the heavy fall of snow occurred in January last, and that when he brought him into a barn early in the morning the poor lad was dead or nearly so."

“He went on to say that he buried him under a quantity of straw at one end of the barn and went away; and he repeated before the magistrate on more than one occasion that he did not think the boy was quite dead when he so left him.

Capt. Ruxton no doubt felt that a fellow who could bury a poor lad up in this way, and coolly leave him to die, was culpable in a very high degree; and the clerk of the peace on being appealed to by Captain Ruxton, considered that Martin in doing what he had stated had been guilty either of murder or manslaughter.

The result of the investigation on Friday is that Martin is committed for trial for the latter offence.”

Ashford Magistrates Court

19th August 1867

The magistrates were Captain Billington and W. P. Burra, Esq. Captain Billington had considered the case of Samuel Martin before, and had said: “I don’t see sufficient evidence to send you for trial for manslaughter. I don’t think a jury would convict you.” W. P. Burra had also considered the case before. He had seen the evidence gathered by the Tonbridge police, and he had heard the testimony of Samuel Martin, Caroline Buckman and Superintendent Dewar in Ashford. Billington and Burra were aware of the new evidence presented by Superintendent Dewar a month before, which had been adjudged insufficient, and now they were to hear the same new evidence again.

The difference was Captain Ruxton, living up to his reputation of being fearsome and formidable. Captain Ruxton had made his appeal to the Clerk of the Peace, who was attached to the Assize courts, rather than the Magistrates’ courts. Ruxton was going over the heads of the magistrates in Ashford, and he was going over the head of Mr. Creery, the solicitor and clerk to the magistrates. If necessary, the Ashford magistrates were reminded of this fact when they opened their copy of the *Kentish Express*, two days before the trial.

Caroline Buckman was the first to give evidence. She described the events in Appledore as she had done before. At the fire, Martin had told the boy he should go away, as he was getting too old to go up chimneys. She confirmed that Samuel Martin had woken her up, saying: “What do you think? I have found the poor boy dead.” She also said that the events happened in March.

Superintendent Dance gave evidence. He had interviewed Martin at Tonbridge Police Station, and he recalled Martin saying: “I don’t know whether the boy was quite dead or not when I put him under the straw. He was quite limp and he groaned.” Dramatically, Superintendent Dance acted out Martin’s words -

Martin: *“He went like this - ‘Oh!’”*

Supt. Dance: *“That don’t look as though he was quite dead.”*

Martin: *“That’s how he went - ‘Oh!’”*

“I never said so”, said Martin. “Speak the truth.”

Superintendent Dance said that Constable Betts wrote it all up in a statement. He later discovered that the Constable had omitted the part about the boy not being quite dead. Not realising this at the time, he thought there was no occasion for him to appear before the magistrates as he was going on leave of absence.

Constable Betts gave evidence, saying that he had written down the statement of the prisoner at the police station in Tonbridge. The original was lost, but he could remember what it said. Martin had told the boy he should not go with them any more because he was getting too old. He said that when he found the boy at the fire in the morning, he didn’t know whether he was dead or not.

Superintendent Dance and his constable hadn't quite got their stories lined up. The magistrates didn't notice, or didn't remark on it if they did.

Constable Betts continued with his account of Martin's statement. Martin had left the boy in some straw at the south end of the barn, and he and Buckman then went away to the prisoner's brother at Orpington. He had told no one of it till he told the policeman then. The boy was about twelve years of age, and he hit him with a little stick.

Harriet Coleman gave evidence about the sweeping of her chimney. Richard Job Bourne gave evidence about seeing the man kicking the boy in the field.

John Wraight and Henry Green described the tremendous blows that they had heard and seen. Samuel Martin disputed their account: "As you heard the blows sound so much, surely you can say how big the stick was. I know it was not bigger round than that pen." Green said: "It was much bigger than that. It was a great deal bigger than I should like to beat one of my children with". Martin also disputed the sound of the blows: "If you hit a person on the coat it will sound very loud without the blows being very hard."

George Fowle, who had previously testified that Martin told him not to lock the barn because the boy would come in later, was not called to give evidence.

Caroline Buckman was recalled and asked why she had said the date of the events was March, when she had previously said that it was after Christmas, in January. Caroline said that it might have been in January for all she knew, because she didn't know when Christmas was. There was laughter in the court.

Samuel Martin was asked whether he wished to say anything in his defence. Martin said he had made a statement once, and that was quite enough. He would make his defence somewhere else, and there was nothing for him to be "afeard" on. It looked as though Martin knew he was going to be sent for a further trial

Captain Ruxton was in court, and addressed the Bench. He explained that he was simply there as Chief Constable, and might be considered the prosecutor in the case, because it was a police prosecution, although he did not attend in the capacity of a prosecutor. With that procedural logic firmly in place, Ruxton was a little less bullish than he had appeared to be in the previous weeks.

From the evidence he had heard that day, Ruxton asked the court to commit the prisoner for manslaughter rather than wilful murder. He asked that the boy Fowle be included in the witnesses bound over to appear at the Assize Court. Fowle hadn't been called to give evidence that day, and his evidence would show that Martin had asked for the barn door to be unlocked so that the boy could come in. Nevertheless, Captain Ruxton thought the bench would have no hesitation in saying that it was a most aggravated case of manslaughter.

The prisoner was committed for trial for manslaughter at the next assizes.

Maidstone Spring Assizes

11th March 1868

From the The Canterbury Journal and Farmer's Gazette -

"The Commission for these Assizes was opened on Monday afternoon, by Mr. Justice Byles. His Lordship arrived in Maidstone by the 4.15 train, and was met at the station by the High Sheriff, S. M. Hilton, Esq., the Under-Sheriff, R. Furley, Esq., &c. His Lordship then proceeded to the Assize Court, and, having formally opened the Commission, attended Divine service at All Saint's Church. The sermon was preached by the Reverend H. Montagu Villiers, the Sheriff's chaplain, from Jeremiah viii., 22 - *"Is there no balm in Gilead; is there no physician there?"* The Mayor and Corporation were present."

What his Lordship had for dinner is not recorded.

Mr Justice Byles was Sir John Barnard Byles, a barrister, judge and author of books on law and the economy. He published an influential book on bills of exchange, commonly referred to as 'Byles on Bills'. When not acting as a circuit judge, Byles heard cases at the Old Bailey. Originally from Norfolk, he was said to be 'old school', frequently employing old-fashioned sayings and proverbs. He was a stickler for proper black clothing in court, once remarking, "I always listen with little pleasure to the arguments of counsel whose legs are encased in light grey trousers." He rode an old white pony of "sorry appearance" that was a source of amusement to his colleagues. Whatever his official engagements, he contrived to find time for a daily ride to Regents Park and back. The pony was called 'Business', so that his clerk could say "he's out on business" when people were looking for him. Respected for his expertise in commercial law, he was less well regarded in other branches of law, where he was said to lack 'breadth and clear-sightedness'.

The proclamation against vice and immorality having been read, Mr Justice Byles opened the Spring Assizes by noting and criticising the recent absence of Winter Assizes in Maidstone. Those found to be innocent would have been remanded in prison for a long time.

There were four cases heard on Tuesday -

William Barwick, 18, a servant, was indicted for forging a £5 post office order in Walmer. It was the first prosecution under the Post Office Savings Bank Act. Barwick was 'a smart young fellow' who had forged his sweetheart's signature. She was 'a very good looking and apparently respectable girl' who still loved him, and couldn't believe that he had intended to defraud her. The Post Office had brought the case to court. Guilty. Five years penal servitude.

George Frederick Gay, 20, a letter carrier, was indicted for stealing 241 postage stamps and two money orders from letters in Birling. George Gay had previously been a papermaker, but had lost his right arm. Gay had returned all of the money, and the Rev. J. J. Carey gave the prisoner a very good character reference. Guilty. Eighteen months hard labour.

William Hillyer, 23, a miner, pleaded guilty to night poaching at Sevenoaks. He was armed with a gun and used violence. Guilty. Nine months hard labour.

Thomas Cain, a Sergeant of Marines, was indicted for detaining a girl under 15 from the lawful custody of her father in Chatham. The father was blind, and had sent her out on an errand in the evening and she hadn't come back until seven in the morning. She had been with Thomas Cain, a married man, and she had been seeing him for two months. The judge advised the jury that they would need to be sure that the defendant knew that the girl was under 15. The girl had said that the man knew her age very well, but she didn't know he was married. Thomas Cain was the only defendant to have had a defence lawyer. Not guilty.

'Penal servitude' included hard labour, and was a fairly recent term for sentences that previously resulted in transportation. Hard labour could include working a treadmill, or moving cannonballs from one pile to another. One-armed George Gay would have struggled with the cannonballs.

The case of Samuel Martin was heard on Wednesday morning. With the court assembled, Justice Byles summarised the case they were about to hear.

“As he understood the facts, the boy was about fifteen years, or a little more. The boy had been with the prisoner, and a woman who lived with him as his wife, for some time. He picked him up in this neighbourhood, and took him about the country sweeping chimneys and lying out all night, and there was no doubt he was very scantily fed. Shortly before the day in question, the boy was taken to sweep some chimneys. They were narrow and he complained of sore knees and objected to go up. This seemed so reasonable to the person at whose house they were, that he rather supported the boy’s objection.”

“The man and his apparent wife and the boy used to lie about on the roadside or to get into barns as they could - for they had no settled habitation, and the man on that night got the boy into a lane where they had their supper, and he then took a stick and beat him in a most unmerciful manner. There were witness who would describe the nature of the stick and the nature of the blows. It seemed that the prisoner had some misgiving as to what he had done, for he awoke in the night and said: “he would go and see after the boy.” The boy was then dying.”

“At first sight one would be disposed to enquire whether it was not a case of wilful murder; but looking into all the circumstances he thought the magistrates had done perfectly right in taking the course they had done, as it was evident the prisoner did not intend the death of the boy. If he had done it would have been murder, or if he had struck the boy with any deadly weapon, such as a sword, or a dagger, or a poker.”

Following this mistaken summary of the facts, including one that was pre-judged, witnesses were called. The newspaper reports contained very little of what Samuel Martin and Caroline Buckman said in court. Most of the evidence presented in court came from the police, who reported what Martin had said when previously questioned, either in police stations or courts. There is a sense of briskness in the court procedure.

Caroline Buckman confirmed the basic facts of the time at the fire, and of Martin waking her in the morning. She said that Martin had told her the boy was frozen to death. One newspaper reported her as saying that the boy was alive when Martin brought him to the barn, but she didn’t say that, and she couldn’t have known. Samuel Martin made one of his rare reported remarks, and said she had beaten the boy too, at various places.

Harriet Coleman gave the same account as before, of having her chimney swept, and of the boy being reluctant to go up the chimney because of his sore knees. Richard Job Bourne spoke of seeing the man and boy in a field, while he was on his way to his aunt in Woodchurch with a rabbit. John Wraight and Henry Green spoke of the twenty tremendous blows, with Wraight saying that the stick was as big as a ‘binder’, or a hedge stake used for hops, nearly as large as a man’s wrist. Previously, he had said the stick was about as large round as a man’s thumb.

There were no reports of George Fowle giving evidence. A newspaper mentioned that a George Powell had seen the three in a field, and had shown Samuel Martin and Caroline Buckman to the barn, with the boy being absent. This was said by Superintendent Dewar, summarising George Fowle’s previous evidence to the magistrates, and Dewar didn’t say anything about Martin not wanting the barn locked because the boy would be coming later. The mis-spelling of George Fowle’s surname might be an indication of him not being included on the list of witnesses, with the reporter mis-hearing Superintendent Dewar. Maybe George Fowle did give evidence, but it didn’t fit with the narrative of the story being told in the newspapers.

The substance of the Coroner’s inquest was read out, and the court noted that the body was too decomposed to show signs of injury.

Superintendent Dance said that he directed the prisoner to be apprehended on the 17th June (it was the 10th). He saw him at the station that day. He told him he would be sent to Ashford, as the offence was committed in that division. He had asked Martin if he knew what he was charged with, and the prisoner replied that he supposed it was something to do with a boy.

A statement had been taken, in which Martin said he did not know if the boy was dead or not when he brought him to the barn. The boy was quite limp and he groaned. On this occasion, Superintendent Dance didn't give his dramatic re-enactment of Martin's words.

The remainder of the evidence was provided by Superintendent Dewar, in the form of evidence that was 'proved' at previous courts. He made several references to Martin not knowing if the boy was dead when he brought him back to the barn, and that the boy was limp and groaned.

There is no record of what Martin said in response to the witness statements, except in the case of Caroline Buckman, when he said: "You can't say you behaved well to the boy. You beat him before at several places. You beat him with the kettle stick." One report said that he had put questions to the witnesses "but had failed to elicit any fact that appeared to be favourable to him." He had wished to call his brother, Peter Martin, but he could not be found in Court.

Following the evidence from witnesses, Samuel Martin was asked if he wanted to say anything in his defence. Most of the newspapers didn't report his words. Martin said that the "little lad" did the small chimneys and he did the big ones. He had asked the boy to help light a fire, and he had refused. "I took a little twig and beat him." He then asked the boy to come into the barn, and he refused. Martin told him to go home, and not be with them any more, but he assumed the boy would join them in the barn when he got over his temper. He tied some food up in a package, in case the boy decided to go on the road.

In the morning, seeing the amount of snow that had fallen overnight, Martin was concerned for the boy. He went first to the cow barn where they had slept the night before, and then to where they had lit a fire by the road. He was frightened when he couldn't find the boy, and thought he might be in the snow. He dug into the snow and found him frozen to death. He lost his way returning to the barn and fell into a snow-filled ditch. When he carried the boy into the barn, he thought, "Oh, Lord, shall I ever be froze to death like this poor child?" He had himself experienced many hardships, having been "no-one's boy" since he was five years of age. and he felt very much for the boy. He told Caroline Buckman that "poor George" was frozen to death, and asked her what he should do. Caroline didn't know, and as he had no money or means to bury the boy, he thought the best thing to do was to put him under a truss of straw. Before long, someone would find him when they came to collect fodder for the cattle. The boy would soon be buried. He couldn't sleep any more, and he and Caroline left, and went on their way.

One newspaper drew attention to the fact that in his statements to the police, Samuel Martin had said that the boy was still alive when he put him under the straw, and had groaned. The clear implication was that the statements he made in his defence were untrue.

Justice Byles said there were three possible grounds for a conviction of manslaughter. One, that the boy died as a consequence of the beating the prisoner gave him. Two, that he had died of the cold to which the prisoner had exposed him. Three, that he died because he was abandoned by the prisoner when he was still alive under the straw.

After a brief consultation, the jury found the prisoner guilty. Samuel Martin said he was innocent. Justice Byles said: "That is an asseveration contrary to the truth and the judgement of everyone who has heard the case. It is a case of death caused by tyranny and cruelty - such a case as is seldom heard in a court of justice. Indeed, it approaches very nearly to a crime of deeper dye."

Samuel Martin was sentenced to twenty years' penal servitude. On being taken from the dock, he said: "Thank you, my lord; and I hope you may sit there till I come back."

Press Reaction

The trial was reported around the country. In Leeds, Derbyshire and Norwich, they were surprised to learn that 'climbing boys' still existed -

"Most people must have thought that the race of little chimney-climbers had happily disappeared from the face of the country. This is not correct, however, if we may judge by a truly horrible story which has just been told in the Maidstone Assize Court. Climbing boys like "little George," whose death was the subject of investigation, are still employed in some parts of the country, in defiance of the law."

Samuel Martin was a "ferocious human beast", continued the report, and it was an awful story to narrate, "both against the brute most to blame, and the society in which an English lad can thus fall aside from all love and pity, to be tortured to death."

The *Reuters Telegraph* hoped and trusted that "this beast" would sweep no more chimneys with living brooms, "But we should like to know if there are any other little Georges surviving the law. Are the village constables so absorbed in looking after the squire's game preserves and the poachers that they don't notice these trifles? The life and death of this child is a story which could not be matched for misery and helplessness in many a savage country. Those may hope who dare that it is unique in England."

The Liverpool Weekly Courier was none too impressed with John Wraight and Henry Green. "One witness said he saw the stake go up and down, and heard the blows sixty rods off. He never heard such blows, the poor boy was lying down, his face was as white as a sheet." Why on earth, we should like to know, did not the witnesses rush at the brute, and lay the hop stake about his villainous head? They were men - at least the report says so, but little George had no friends then or at any time."

Chimney Boys and the Law

There had been disquiet about boys being sent up chimneys since the 1760s. Jonas Hanway, a wealthy London merchant and philanthropist, campaigned widely to improve working conditions for sweeps' apprentices. Eventually, an Act of 1788 specified a minimum age of eight years old for apprentices, but this and other regulations were never enforced.

In the early 1830s, Parliament became more preoccupied with the exploitation of child labour, and the Chimney Sweeps Act was passed in 1834. It outlawed the apprenticeship of any child below the age of ten. Furthermore, no child under the age of fourteen was allowed to go up chimneys.

In 1840, a revised Chimney Sweeps Act raised the minimum age of apprenticeship to sixteen. As with earlier legislation, this was largely ignored due to the absence of any means of enforcement. In some parts of the country, children younger than ten were still being made to climb chimneys.

In 1863, *The Water-Babies*, a novel by Charles Kingsley, raised public awareness of the issue through its central character, Tom, a child chimney sweep. Parliament responded the following year with a new Chimney Sweepers Regulation Act, which was ineffective.

In 1875, the Chimney Sweepers' Act required sweeps to be licensed, and made it the duty of the police to enforce all previous legislation.

So in 1867, when George went up Harriet Coleman's chimneys, he was doing something that had been illegal for thirty-three years, and he was doing it against his wishes.

There was another George who went up chimneys - George Brewster, the last 'climbing boy' in England. George Brewster was born around 1863, in London. His mother became ill, so his married brother William adopted him, and subsequently passed him on to another married brother John, who allowed him to be illegally apprenticed to William Wyler, a master chimney sweep.

William Wyler was contracted to sweep the flues of three boilers at the Fulbourn Asylum, near Cambridge. In February 1875, George, who was about twelve years old, was sent up a flue that was 11' long, with a door measuring 12" x 6". After about fifteen minutes, George got stuck and ceased communicating back down the flue. The entire wall had to be pulled down to get him out. He was half-choked with soot, and died soon after. Wyler was convicted of manslaughter, and was sentenced to six months in prison with hard labour.

The newspapers covered the story, and thanks to the Earl of Shaftesbury, the Chimney Sweeper's Act was pushed through Parliament in the same year. Finally, there were no more 'climbing boys'.

Why did it take so long for the law to be enforced? Hardly anyone with money cared about people without it. Orphan beggars were sent to prison. Attendance at school wasn't compulsory until 1876, another piece of legislation pushed through Parliament by the Earl of Shaftesbury, the year after the Chimney Sweeper's Act. Chimneys of the day could be complex, partly because of previous taxes on fireplaces. The number of fireplaces you had was counted by the number of chimneys, so if the flues of several fireplaces went into one chimney you might avoid some tax. There were bends and gradients, and a small boy navigated them better than a brush on a stick. Typically, the mansions of country landowners had complex chimneys. In rural Kent, and similar places, the magistrates probably had their chimneys swept by small boys.

At no point in this story, until the newspapers commented after the event, was there any mention of the illegality of boy sweeps. Harriet Coleman had misgivings about George climbing her chimneys, but only because he was ill and had sore knees. The Coroner, the Tonbridge police, the Ashford police, the magistrates... their silence seems to suggest that boy chimney sweeps were entirely normal and unremarkable. Captain Ruxton, determined to build a case against Samuel Martin by any means necessary, didn't include the illegal exploitation of a boy sweep.

Justice Byles would have known that Samuel Martin was operating illegally. Byles was a 'learned judge' who heard cases at the Old Bailey in London, where young boys hadn't been allowed up chimneys for more than twenty-five years. At the commencement of Samuel Martin's trial, Justice Byles said that George was fifteen, or a little more. Was this a mistake? - because fifteen or more was very nearly legal, even if a boy of that age might have been too big for Harriet Coleman's chimney. Justice Byles had no interest in lessening the charges against Samuel Martin, but he might have been a pragmatist who had no interest in drawing attention to the failings of law enforcement in Kent.

There were a lot of chimney sweeps with the surname of Martin, and those in Kent were probably related. They may have ventured into Essex. They came from the northern fringes of the county - Woolwich, Bexleyheath, Bexley and Bromley. Some had migrated south to East Sussex. In Bexley, in 1851, the Martin sweeps were so numerous that they lived in Sweeps Lane... In 1851, there was a Peter Martin (not Samuel's brother) in Sweeps Lane who had sons of 13, 8 and 6, who had the occupation of chimney sweep. They were his own children, it was illegal, and there was apparently no problem with putting it on a census form.

The Martins in north Kent had London on their doorstep, but may have preferred to operate in rural Kent and East Sussex, where the law was not a hindrance. Samuel Martin walked fifty miles to sweep chimneys in Appledore. If the law had been enforced in Kent, by the village constables and their Superintendents, and by the Chief Constable and the Magistrates, George wouldn't have been a climbing boy, and he wouldn't have died.

'Getting back to Victorian values' is a recurring mantra in British politics. It wasn't all about *Rule Britannia*, and bridges and railways, and booming international trade. It was horrible and savage.

A Question of Evidence

Did Samuel Martin ever say that the boy might have been alive when he put him under the straw? He might have said it once, when first brought before the magistrates, and then thought better of it. At that hearing he said something that appeared to be contradictory, if the report is accurate. He said: "Gentlemen, he was frozen to death. I went out in the morning after him. I picked him up and brought him into this barn; whether he was quite dead or not then I won't be sure."

I brought him into this barn? Samuel Martin was in the magistrates court at Ashford, not in a barn. The Coroner's inquest seems to have been held in the barn, so maybe this statement was made there. The reporter may have covered both events, and there are other examples of newspapers being liberal with timelines and compressing several events into one. All the same, Martin seemed to be saying that the boy was dead, and that fifteen minutes later he might not have been dead.

Martin might have said something that was misconstrued or mis-represented. One newspaper, in an early report of the case, quoted him as saying the boy "made a little noise inside of him" when he picked him up. These words, which sound authentic, didn't appear in later reports, and were replaced with: "I wasn't sure if he was quite dead, and he moaned."

A body is quite likely to make a sound when you pick it up. Bodies contain gas and fluids, which can be expelled, or can drain. If Martin made the remark before the Coroner, the Coroner would have understood the context. The Coroner told the jury that the boy probably died of cold at the roadside, and he didn't think there was sufficient evidence to say that he had died because of Martin's negligence.

If the statement was made at the Coroner's inquest, it makes sense of a question by Mr Cock, the farmer at Court Lodge, who was otherwise the first to mention the possibility of the boy not being dead. In questioning Caroline Buckman, he said: "Suppose this boy was alive when he put him under the straw?" Caroline replied that Martin had said that he was dead. Martin was equally straightforward at other points in the Coroner's inquest. "The boy was dead when I picked him up." Later, when he got to the barn, he had said: "Poor little George is dead." Martin also said he was frightened and panicky when he found the boy.

What if Samuel Martin had said something like this, and it was faithfully recorded (and not lost):

"He was frozen stiff when I found him under the snow, and he was dead. A little noise came from his body when I picked him up, and for a moment I thought he might still be alive, but he wasn't, he was dead. I didn't know what to do. I didn't have the money for a funeral, and I knew it would look bad on me, so I left him. I should have reported it to the police, and I wish I had, but I was shocked and scared, and I didn't. The death of poor George has been troubling me ever since. I did beat him that day, but not in the way that people have said. Every time they tell the story the stick gets bigger. George wasn't a bad lad, but that day he was very surly and wouldn't do his work. I was sure he would come into the barn, but he didn't. He must have fallen asleep, as did I. All I can do is tell the truth about it now."

But Samuel Martin may not have been equipped to say that, and he had no defence counsel to say it for him.

Martin certainly didn't say that the boy's body was limp. When Inspector Dance reported him as saying: "*He went like this - 'Oh!' That's how he went - 'Oh!'*", with Dance saying: "*That don't look as though he was quite dead,*" Martin's response was: "I never said so. Speak the truth."

One thing is certain. Anything said by a policeman in one court was a proven fact in the next. For Justice Byles, at the Assize Court, it was an established fact that the boy was alive when he was put under the straw, and he seems to have said that to the jury at the start of the trial. Samuel Martin had freely admitted this important fact on any number of occasions. But he hadn't. What Samuel Martin had said, in every court, was that the boy was dead, frozen to death in the snow.

Did Superintendent Dance even interview Samuel Martin at Tonbridge? According to Constable Betts of Tudeley, he marched Martin to Tonbridge, where he was handed over to Constable Tucker. Martin was cautioned by Constable Tucker, and Martin said: "I did not kill the boy, he was frozen to death, and I took him from the fire in the lane, where I had left him, to the barn." Constable Tucker wrote it all up in a statement. There was no mention of Superintendent Dance.

Superintendent Dance later told the magistrates that he had cautioned and charged the prisoner himself, and Martin had gone on to say that he didn't know if the boy was quite dead. Dance said that Constable Tucker wrote up Martin's statement, but had forgotten to include the bit about the boy not being dead. Superintendent Dance said he hadn't checked the statement, and he hadn't previously given evidence before the magistrates because he was going on leave. Subsequently, the statement was lost.

When happened to Samuel Martin's Tonbridge statement, and what did it say? It probably said, with little room for doubt, that the boy was dead when Martin found him. The statement accompanied Martin to Ashford, because it was handed to the magistrates, who read it, but it was not read aloud. Martin made three appearances before the Ashford magistrates, and his original statement appeared to be present and correct. On at least one occasion, Martin said he had nothing to add to it. Superintendent Dance was not present at these hearings, and didn't need to be, now that the case was being handled by Superintendent Dewar. At the conclusion of the last of these three hearings, Captain Billington said: "Samuel Martin, I don't see sufficient evidence to send you for trial for manslaughter."

Superintendent Dewar then entered into correspondence with Captain Ruxton, and when Martin next appeared in court, the statement was lost. Superintendent Dance was called as a witness, because there was new evidence.

What new evidence? This was actually the second time that Inspector Dewar had presented new evidence. Dewar had made a special application to arrest Martin on his release from prison, after serving his sentence for assault. The magistrates, after consulting with Mr. Creery, the clerk to the court, had said there was insufficient evidence to justify his re-arrest. The same new evidence was presented again, with Superintendent Dance as an additional witness. There was no new evidence, and Martin ended up being tried for the same crime three times.

Let's go back to the *Kentish Express*, and the article that preceded Martin's final appearance before the Ashford magistrates. After congratulating Captain Ruxton for not letting the matter rest in the face of adversity (i.e. the magistrates and the coroner), the article says that Ruxton, by means of Superintendent Dewar, has "raked up additional evidence". The new evidence was in the article as well - the boy wasn't quite dead when Martin left him in the barn. But then the article takes a logical tumble by saying that Martin had given this evidence to the magistrates on more than one occasion. The article concludes by saying that "a fellow who could bury a poor lad in this way, and coolly leave him to die, was culpable in a very high degree." He was guilty of murder or manslaughter, according to the newspaper, but was committed to trial for the latter offence. Martin's assault on Caroline Buckman, which could have killed her, was described as "a quarrel", as it was in many newspapers.

What was the source of this article and what was its purpose? The source can only have been Superintendent Dewar, and the purpose was to tell the world at large, and maybe the magistrates in particular, that Martin shouldn't be let off again.

If Martin's fate wasn't already sealed, it was when he walked through the stone arch of the Assize Court at Maidstone - or more likely, when he was brought through from the prison behind it. In the courtroom that was later to become the council chamber of Kent County Council, he was given twenty years with hard labour. Justice Byles would have thought that was fair, because to him Samuel Martin's crime was almost murder. William Wyler got six months for the death of his chimney boy, but then that was for manslaughter rather than aggravated manslaughter.

In the same period, it was said that a wealthy person didn't go to prison for anything less than murder. They could pay a fine instead. Bankrupts managed to keep some of their money, and were permitted to rent a house near the prison, rather than go into it.

Samuel Martin was a bad lot, but he said he told the truth, and it's entirely possible that he did. He didn't deny threatening to beat the boy if he didn't go up the chimney. He didn't deny beating the boy in the field or at the fire, or the number of times he beat the boy, only questioning the size of the stick. He said he had told the boy to go away, before leaving him alone on the coldest night of the year. He probably did expect him to come into the barn when he had stopped sulking, and he left it unlocked for that reason. He probably wasn't expecting the weather to be so bad, with deep snow through the night. Above all, Samuel Martin was probably stupid, and he lived in a world where boys were beaten, and where eight-year-old orphans were sent to prison for begging.

Who was Samuel Martin?

Samuel's bother Peter is easier to find in the records, because he had a settled life in Orpington and appeared on census returns. Peter was born on 23rd February 1840, in Woolwich. His father Samuel was a sweep. Samuel junior's birth record cannot be identified, but he was said to be 29 when appearing in court, so would have been born in 1839, give or take a year. At one of his court appearances he was said to be living at Bexleyheath.

A Samuel Martin who might have been the father of Samuel and Peter, died in Bexleyheath in 1848, aged 28, when the boys would have been 10 and 8. He might well have been the Samuel Martin, born in 1820, who was a convict, imprisoned on the prison hulk *Warrior* in 1841. The *Warrior* was moored at Woolwich. If he was recently imprisoned, Samuel junior could have been 4 years old when his father was taken away, which would fit with his passing remark of having been "no-ones boy" since he was 5. His mother probably died in 1845, when Samuel was 5 or 6.

Samuel Martin is hard to find for several reasons. He may not have had a permanent address, he was in prison when he was most likely to have left a trail, and there were a lot of chimney sweeps with the surname of Martin. Most of them were in Kent, and more than a few were called Samuel. It does look as though Samuel and Peter didn't have a settled family life when young. For much of the time they were probably travelling with other Martin chimney sweeps. They may have been in the workhouse. Peter married young and settled in Orpington, Samuel kept travelling. He was said to be living at Bexleyheath, but that could have been a nominal or temporary address. It was almost certainly the home of another Peter Martin in Sweeps Lane (!). That Peter had a son of 6 who was a sweep, and it is very likely that Samuel and Peter had also been boy sweeps.

Caroline Buckman is also hard to pin down with absolute certainty. She was 21 at the time of the events in Appledore. By all accounts, she was none too bright, and when eighteen she had no occupation, other perhaps than seasonal work like hop picking. She was living with her mother in the household of a man who wasn't her father. If George was a vulnerable child, Caroline was probably a vulnerable adult. Like Samuel Martin, she left no further trace in the records.

To end on a lighter note, there was a Samuel Martin, chimney sweep, in Essex in 1901. It could be our man, aged 62 and choosing not to return to Kent, but it's just as likely to be somebody else -

At Chelmsford County Sessions, on Friday, Samuel Martin, chimney sweep of East Hanningfield, was summoned for having been drunk while in charge of a horse and cart, at Woodham Ferris. P. C. Arnold deposed to seeing the defendant endeavouring to get into his cart, and he was only able to do so with considerable difficulty. Seeing his condition, the witness got into the cart with the defendant to take him home. Half a mile along the journey, the defendant got out to ask a passer-by if he was drunk. The man said, "Yes." (Laughter), and the defendant refused to get back into the cart. The witness drove on with the defendant's cart, put it up, and then walked back, and met the defendant staggering along the road. As soon as he saw P. C. Arnold the defendant stopped him and complained that some policeman had taken his cart away. (Laughter) The defendant also said he should find out what policeman it was, and charge him with stealing it. (Loud Laughter)

Defendant, who did not appear, was fined 10s., and 17s. 6d. costs.



Probable location of Little Hornbrook Farm.