

Thomas Smithurst was born about 1812, probably in Nottinghamshire, England.

Nothing is known of Thomas until he appeared at the Nottingham Sessions on 28 June 1841. Thomas Smithurst, 29, read and write imperfectly, was convicted of larceny and sentenced to three months.<sup>1</sup>

He was again in court, at the Shire Hall, Nottingham, on 22 March 1843.

Thomas Smithurst was committed by Charles Paget Esq to the county jail, for trial at the next sessions, for having feloniously stolen a number of articles from the garden of Col. Wildman at Newstead.<sup>2</sup>

At his trial, held at the County Sessions Nottingham on 3 April 1843:

Thomas Smithurst, aged 31, (read and write imperfectly), of stealing at Newstead on 21 February 1843, one strap and other articles, the property of Thomas Wildman Esq. A previous conviction having been proved against the prisoner, he was sentenced to be transported for seven years.<sup>3</sup>

Thomas was received at the *Justitia* hulk at Woolwich in the April quarter of 1843, where he was recorded as:

Thomas Smithurst, 31, was convicted of stealing 1 trap, a strap, and other articles on 3 April 1843 in Nottingham and sentenced to 7 years. Thomas stayed on the hulk until 27 June 1847, when he was pardoned.<sup>4</sup>

He returned to Nottinghamshire, but appears to now live at Worksop, about 40km north of where his previous crime was committed. He was in trouble again in 1848:

On 27 September 1848, during the absence of the inmates, who had gone to Worksop market, the house of Thomas Stubbings at Holbeck Woodhouse was broken open and two hams, a smock-frock, a pair of half-boots, and other articles of wearing apparel were stolen. Two men named Thomas Smithurst and John Rogers were seen about the premises in the afternoon.

On the return of the wife of Stubbings, the robbery was discovered. It appeared that the house had been entered through the kitchen window. Information was sent to Curzon, the police officer at Worksop (and who merits great praise for his admirable mode of procedure in capturing the rogues), and at twelve o'clock at night, Thomas Smithurst was apprehended. A watch was set upon the house of Geo Scott, in Worksop, and about five o'clock the next morning, Rogers and Scott were arrested. In a pigstye adjoining Scott's house, two hams and a bundle were found, which contained a smock-frock and a pair of boots, the same which had been stolen from Stubbings's house. A hole was discovered in the gable-end of Scott's house, through which it was supposed the hams and bundle had been put into the pigstye.

All the prisoners were taken before Rev George Mason at the next sessions at East Retford the next day and committed to take their trial.<sup>5</sup>

At Retford Michaelmas Quarter Sessions, on 23 October 1848:

Thomas Smithurst 35, John Rogers 22 and George Scott 26 were charged with feloniously breaking and entering the dwelling house of Mr Thomas Stubbings of Holbeck Woodhouse; and stealing therefrom 2 hams and other articles. Mr Barker prosecuted and Mr Denison defended the prisoners. Smithurst and Rogers were charged with breaking into the house and committing the robbery, and Scott with receiving stolen goods.

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<sup>1</sup> The National Archives (TNA) UK: HO27/64, p400

<sup>2</sup> Nottingham Review, 24 March 1843, p4

<sup>3</sup> Nottingham and Newark Mercury, 07 April 1843, p3

<sup>4</sup> TNA, HO8/76; HO8/92

<sup>5</sup> Nottingham Review, 06 October 1848, p5

The Prosecutors wife proved that on 27 September, she left home about a quarter before one, and left the house quite safe.

Mr George Radford went by her house at about 6 o'clock and saw that the window was broken and the flower pots had been removed. He also saw a quantity of dirt and the print of a man's foot under the window.

Mrs Frost keeps a public house in Holbeck Woodhouse. She proved that on the day in question, Smithurst and Rogers called at her house, and had some ale, between 1 and 2, she saw Rogers and Smithurst, looking in at an out-house, belonging to the prosecutor. Smithurst had his hand on the door, the witness's house is on the opposite side of the road to the prosecutors, and in a minute or two after she saw Rogers further down the lane, Smithurst joined him as he (Smithurst) saw the witness; he jumped over a gate.

Mr George Christopher Taylor, lives with his father at Holbeck Woodhouse, on 27 September - I saw Rogers and Smithurst, they were going down the lane, witness accompanied the constable to Worksop the same evening, and on seeing Smithurst witness said, I have seen you before today at Holbeck Woodhouse, and he answered, "yes". On examining the premises of the prisoner Scott, they found in a pigstye, 2 hams and a bundle.

Mr Abraham Lockwood, constable and watchman, Worksop, proved that on the night of 27 September, he watched Scott's house, and in a hole leading to the pigstye, he found along with last witness, 2 hams and a bundle, and a little before they were found, he heard some one come down the house stairs, and on speaking to Scott, he said, he and Smithurst had been at work together all day at Mr Cooks.

Mr John Cooke, farmer of Worksop, proved that on 7 October he found in his field, 2 hams and a bundle, which he gave to the constable. Scott worked in the same field that day.

Mr William Curzon, constable of Worksop, said that when he apprehended Smithurst, he said he had not been at Holbeck that day. Witness took him to the lockup, and then went to Scott's house, where Lockwood was watching. On witness telling him that Smithurst had said he had been at Holbeck, Scott replied he was a l----, as he had been working with him all day. It was half-past two when the witness went first, and then again at five, when he got into the house; and while there, Lockwood came in with the hams. Scott, on being asked if he knew Rogers, denied him; but when Lockwood came in, he said, "if it's come to that, Rogers is in my house now"; and the witness searched and found him. Witness produced the hams and bundles.

Mr Thomas Stubbing, the prosecutor, proved, on the 27 September, about six o'clock in the evening, found that his house had been broken into, and identified all the articles produced as being his property.

Mr Denison, in a long and able speech, addressed the jury, and designated the evidence as mere circumstantial against his clients. Guilty. A former conviction was proved against Smithurst at the April Sessions of 1843, Nottingham, when he was transported. Smithurst is to be transported for seven years; Rogers is to be imprisoned for one year with hard labour, last week in solitary; and Scott is to be imprisoned for eighteen months, last week in solitary.<sup>6</sup>

12 June 1849. Warrant to remove Thos Smithurst and others to Wakefield House of Correction was issued.<sup>7</sup>

Prison Registers show Thomas Smithurst, 36, **married with one child** <sup>8</sup>, labourer, convicted 23 October 1848 at Retford Sessions of housebreaking and stealing hams etc. and previous conviction, was sentenced to seven years. He was received at Wakefield Prison on 19 June 1849 from Nottingham Prison. His prior convictions were in 1841, 3 months and April 1843, and he was

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<sup>6</sup> Nottingham and Newark Mercury, 27 October 1848, p3

<sup>7</sup> TNA, HO12/97, p109

<sup>8</sup> No marriage found.

transported for 7 years. Thomas was removed to the *Warrior* hulk at Woolwich on 19 June 1850. From here, he boarded the *Pyrenees* on 5 March 1851 for the voyage to Western Australia.<sup>9</sup>

On arrival at Fremantle, Western Australia, on 28 June 1851, Thomas was assigned number 428, issued with a Ticket of Leave and a physical description was recorded.

428. Thomas Smithurst, 37, 5'7<sup>1</sup>/<sub>8</sub>", light brown hair, blue eyes, long face, fair complexion, small lump on left elbow, and bald, kitchen gardener, **single**. He was a very well-behaved man.<sup>10</sup>

The Superintendent's Journal shows:

1 July 1851. Fifty prisoners from the *Pyrenees* were received at the Prison and located in division No. 3, including 428 Thomas Smithurst.<sup>11</sup>

16 July 1851: 40 men from the *Pyrenees*, with their beds, blankets, knives, spoons, plates, rations etc proceeded to North Fremantle Station, including 428. Thomas Smithurst, Gardener (Agricultural).<sup>12</sup>

On 2 December 1851, Thomas worked for Walter Padbury of Perth.<sup>13</sup>

While in the Perth district, Thomas was convicted of drunkenness on 2 October 1851 and fined 5s.<sup>14</sup>

On 20 April 1852, he began working for S. Parker of York.

Thomas received a Conditional Pardon in November 1853. His sentence expired in June 1856, and he decided to leave the colony.

According to the *Convicts of Western Australia* book, Thomas left for South Australia per *Swallow* in April 1857. The list of passengers in South Australian newspapers shows the vessel left Fremantle on 30 April, arrived on 25 May at Encounter Bay, and Adelaide on 27 May 1857. Thos **Smithers** travelled in steerage. Several other convicts were on the same vessel.<sup>15</sup>

**Wedne-day, May 27—The brigantine Swallow, 124 tons, T. Allen, master, from Swan River April 30, Encounter Bay May 25. Pas-engers—Mr. Andrew Shields, and Mrs. Allen and child, in the cabin; Thos. Smithers, Chas. Freeman, Wm. Ayres, James Hill, Margaret Tierman, Wm. Marsh, George Porter, George Brain, Char-**

No further information found.

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<sup>9</sup> TNA, HO23/14; HO8/107

<sup>10</sup> SROWA Acc 128/32, Acc 1156/R1A-R1B

<sup>11</sup> SROWA, Superintendents Orders, So1-So3, p46.

<sup>12</sup> The Perth Gazette and Independent Journal of Politics and News, 25 July 1851, p2

<sup>13</sup> Rica Erickson Collection on Ancestry.com

<sup>14</sup> Inquirer, 8 Oct 1851, p3

<sup>15</sup> Adelaide Observer, 30 May 1857, p4