

Notes on the family of Robert Bagley and Saibereni Smith.

Contents

1827 MANSLAUGHTER OF JOSEPH SMITH BY THE BAGLEY FAMILY.....	3
1847 SHEEP STEALING BY THE BAGLEY FAMILY:	4
THOMAS BAGLEY – MANSLAUGHTER, SHEEP STEALING, AND TRANSPORTATION.....	8
BENJAMIN BAGLEY – SHEEP STEALING AND TRANSPORTATION.	9
RECONCILE BAGLEY – RAPE AND DRUNKENNESS.	11
CHARLES BAGLEY SMITH – MANSLAUGHTER, SHEEP-STEALING AND MURDER.....	13
1887 EDITED NEWSPAPER EXTRACTS – THE MURDER OF LUCY SMITH BY CHARLES BAGLEY SMITH.....	14
CINDERELLA BAGLEY SMITH – SHEEPSTEALING AND FIGHTING.	28
PRISCILLA SMITH BAGLEY SMITH	29
APPENDIX 1 - 1827 MANSLAUGHTER OF JOSEPH SMITH BY THE BAGLEY FAMILY	31
APPENDIX 2 - 1847 BAGLEY AND SMITH SHEEPSTEALING,	34

Robert Bagley and his wife Saibereni or Sybellina or Sabrina or Silylyena or Sybil had an interesting family, to say the least. ¹ Their daughter, Priscilla, married two members of my own direct smith family and settled in Headington Quarry outside Oxford. Full details of her life there are to be found in the document about Thomas Smith, but these notes are intended to discuss her own “interesting” family.

Robert and Saibereni’s eight known children (Bagley alias Smith) also had “interesting” lives and appear in many court cases and newspaper references which are examined below:

c 1790	Father Robert and Mother Saibireni,		<p>1790 approximately – Saibereni born at Andover. 1805 daughter Lisha born place unknown. 1807 son Thomas born place unknown 1818 daughter Priscilla baptised at Brackley. 1818 son Vantino born place unknown 1822 son Benjamin born place unknown 1823 son Reconcile bapt CHAVLAVE Oxon. 1825 son Charles baptised at Barford St Michael. 1827 daughter Cinderella born place unknown</p> <p>1827 Robert present at manslaughter in Marston lane, Oxfordshire. Saibereni convicted of manslaughter and given 1 one month imprisonment.</p> <p>1847 Robert convicted receiving stolen meat at Great Barford.</p> <p>1881 Census has Robert living at Neithorp in Banbury with Hutt family.</p>	
1805	1. Lisha		<p>1805 birthplace unknown</p> <p>1827 One of 7 children in reports present at Manslaughter. Possibly aged 22.</p> <p>1887 referred to in 1887 Murder case: “one sister living at Marston, ”. Jackson's Oxford Journal of the 26th Feb 1887</p>	
1808	2. Thomas		<p>1807 birthplace unknown</p> <p>Convicted 1827 of manslaughter – one month imprisonment.</p>	1846 Dd East Maitland NSW

¹ Her Father Robert had been a Baker and then a Travelling “Tin man”.

Notes on the family of Robert Bagley and Saibereni Smith.

			One of 7 children present. Possibly aged 19. Transported in 1829 for sheepstealing. ? May be some confusion with another Thomas Bagley here.	
1818	3.Vantino		1827 One of 7 children in reports present at Manslaughter. Possibly aged 9.	
1819	4.Priscilla	Bn Brackley	1827 One of 7 children in reports present at Manslaughter. Possibly aged 8. Priscilla married into the Headington Thomas Smith Family.	1884 Dd Headington
1822	5.Benjamin (possibly "Buzi")		1827 One of 7 children in reports present at Manslaughter. Possibly aged 5. Convicted 1847 sheep- stealing - transported.	1884 Dd Sydney NSW
1823	6.Reconcile		1827 One of 7 children in reports present at Manslaughter. Possibly aged 4.	1898 Dd
1825	7.Charles	Bn Barford	1827 One of 7 children in reports present at Manslaughter. Possibly aged 2. Convicted 1847 receiving stolen meat. 1887 Hanged at Oxford Prison for murder of his wife.	
1827	8.Cinderella		1827 manslaughter case - possibly not yet born and so not in the 7 children reported present. Convicted 1847 receiving stolen meat. 1871 a court case in Headington Quarry assaulting her niece with bellows. 1887 referred to in Murder case as "one sister ... at Headington Quarry. " Jackson's Oxford Journal of the 26th Feb 1887	1901 Dd.

Notes on the family of Robert Bagley and Saibereni Smith.

1827 Manslaughter of Joseph Smith by the Bagley family

The first case that comes to notice was reported in the Oxford Journal July 7 and 28, 1827, and Oxford University and City Herald, July 28.

... this family had long frequented the district. It was in the lanes between Headington and Marston that Saibi in (5th July) 1827 quarrelled with another Gypsy, Joseph Smith, who was camping alongside of them, and when he struck her started to throw stones at him and called on her oldest boy Tom, then aged 26 to do the same. Tom then threw a stone weighing 5lbs which hit Joseph on the head and killed him and both Tom and Saibi were sentenced to a month for Manslaughter. Oxford Journal July 1827 ”

Here is a factual summary of the manslaughter case, and the newspaper extracts can be seen in an appendix. ²

- Wednesday 5th June 1827. Joseph Smith, a travelling chair-bottomer, razor grinder, and chimney-sweep aged 36 years, (bn c. 1791) was killed in Marston Lane, Marston, near Oxford. They were *trampers*, or travelling grinders.
- Victim Joseph and family (wife and 5 children) had been travelling around for about a month with Robert and Saibi/Sybilla/Sabrina Bagley, and their seven children. ³
- During the day in question, Thomas and Joseph had been mending chairs together in Oxford,
- At half-past 9 o'clock in the evening in Marston Lane, Marston, Joseph was returning home in a state of intoxication, and that on passing the place where the prisoners, who are gipsies, were encamped, he addressed some abusive expressions to them.
- A dispute broke out between Saibi, Joseph and Thomas over money received by Joseph that Thomas Bagley laid a claim to.
- Joseph Smith struck Saibi with a small tent-stick on the shoulder, after she dared him to do it, she said if he did she would have his life
- Saibi snatched the stick and struck him over the eye with it.
- Saibi picked up several large stones by the side of the road and threw them at Joseph.
- Smith's hat was off.
- Saibi told her 16 year-old son Thomas to throw stones at him. *"Do you pick up a stone and fling as well as me."*
- He began to do so and struck him on the right-side of the head with a 5lb stone, about the size of a 2d loaf.
- Joseph fell to the ground immediately, and while he was lying, supported by his wife and son, in a senseless state, Saibi exclaimed *"If he gets up again, I'll make him die."* Deceased son reported she said: *"if Smith did not die from that blow, when he got up she would give him another that would make him die."*
- Joseph lay on the ground for several hours dying.
- Saibi made use of very violent expressions at him, too embarrassing to print.
- Smith died about 8 o'clock the next morning.
- Some milkmen from Marston found him dying and went for a doctor, but he died before help arrived.
- Joseph's head was opened on the 6th by Dr. Charles Wingfield who stated death was due to the blow. The skull was fractured, a blood vessel was ruptured, and a large suffusion of blood had followed, which compressed the brain, and was sufficient to occasion death.
- Sabrina Bagley said the deceased had begun first, and had hurt her very much; what she had done she did in her own defence; and that the deceased had sworn he would murder her.
- The case was heard at Berkshire Assizes in Abingdon on the Oxford Circuit. Tom Bagley *guilty* - Sabrina Bagley *guilty of aiding and abetting*. - *One month's imprisonment each.*

² Summary from newspaper reports of: *The Jackson's Oxford Journal*, 7 July 1827, page 3. *The Oxford University and City Herald*, 7 July 1827, page 3. *The Oxford University and City Herald*, 28 July 1827, page 3. *The Jackson's Oxford Journal*, 28 July 1827, page 3. Full transcripts of the sources can be seen in Keith Chandler's *"Gypsies, Hawkers and Other Travellers"* pages 5, 6 and 7.

³ Editor: 1827 Seven children - Lisha 1805, Thomas 1807, Vantino 1818, Priscilla 1819, Benjamin 1822, Reconcile 1823, Charles 1825 and Cinderella – not yet born in 1827.

Notes on the family of Robert Bagley and Saibereni Smith.

1847 Sheep stealing by the Bagley Family:

The second case involving this family is that of sheep stealing. It involves a Benjamin Smith of the family of Thomas Smith of Headington, related to Priscilla's husband.

“At a fatal Assize in 1847 the two families figured largely together in the calendar, Saibi's son Benjamin Bagley and old Tom Smith's son, Benjamin Smith, both receiving ten years transportation for the theft of two sheep at Great Barford, and Bob Bagley and his son and daughter, Charles and Cinderella, six months imprisonment for receiving part of same sheep – which family tradition says were given to them by the chief witness against them.⁴

The members of the Bagley family were:

Father Robert Bagley, aged 55, six months imprisonment with hard labour
Son Benjamin Bagley, aged 25, transported for 10 years
Son Charles Bagley, aged 22, 6 mos imprisonment with hard labour.
Daughter Cinderella Bagley aged 20, six months imprisonment with hard labour.
Brother in law Benjamin Smith, aged 25, transported for 10 years.

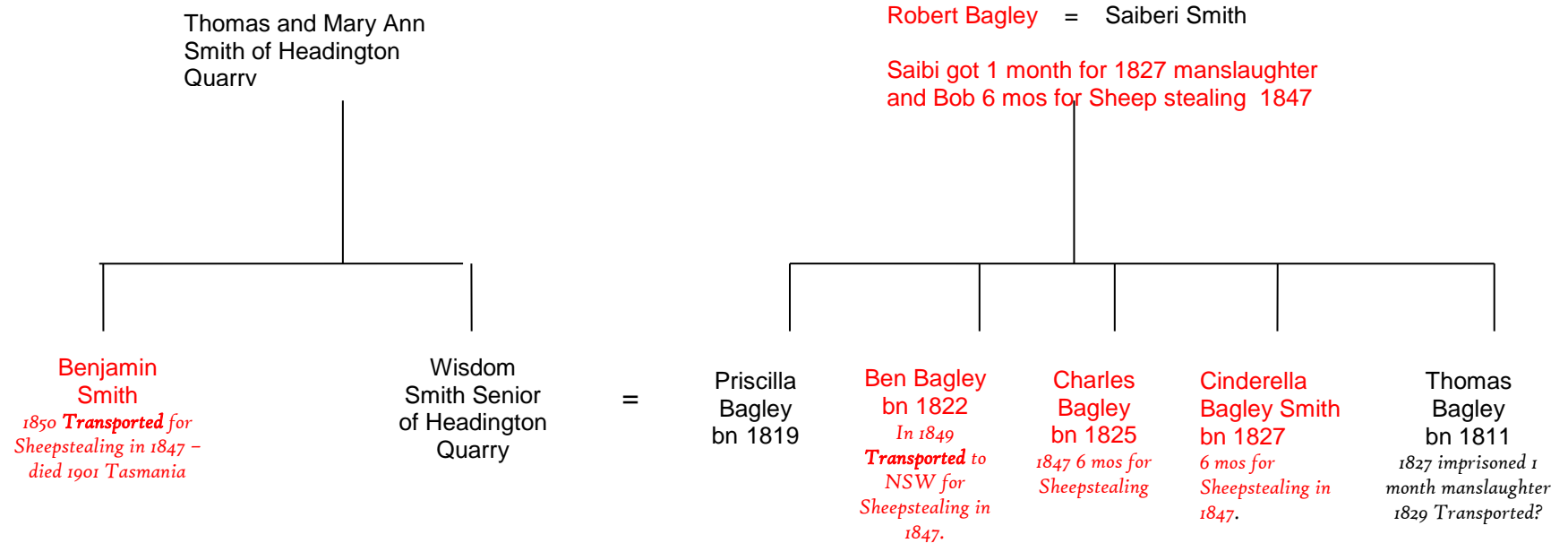


Places associated with the 1847 Sheepstealing case

⁴⁴ Oxford Journal Feb 6, March 6 and 13, 1847. Banbury Guardian March 11 where ages are given..Ben Smith 23, Rob Bagley 55, Ben Bagley 25, Cinderella 20 and Charles 17 (actually 22)

Notes on the family of Robert Bagley and Saibereni Smith.

This diagram shows the inter-relationships of the Bagleys and Smiths in the two court cases described. There were other cases described below which involved the family.



Notes on the family of Robert Bagley and Saibereni Smith.

This summary of dates and movements may help to explain the newspaper extracts which are given in the appendix below.

Summary of sheep-stealing case of 1847

24/1/1847 Sunday	<p>Gypsies Robert Bagley 55, his three children Benj. Bagley 25, Charles Bagley 17, Cinderella Bagley 20, and his absent daughter Priscilla's brother in law Benjamin Smith 23. "These were a set of tramps or travelling gypsies following no kind of work, but going about the neighbourhood and country selling skewers and other trifling articles, and living about in lanes and places wherever they happened to be at night. "</p> <p>Rained hard and cleared tracks on the ground.</p> <p>Richard Buswell, Bailiff of Ledwell Farm, gave permission for them to sleep in a hovel on Ledwell Farm.</p>
25/1/1847 Monday	<p>7 miles away from Ledwell Farm, at Rignall Farm, the Shepherd John Timms counted the (Mr Irons) 32 sheep.</p> <p>During this day or evening 2 ewe sheep were killed at Rignell Farm, valued at 50s each (£2.50 each). This making 8 sheep stolen in the district in a similar way.</p> <p>The five Gypsies had permission to sleep again at Ledwell Farm.</p>
26	<p>Rignall Farm Shepherd John Timms counted again on the Tuesday, and found 2 gone. He followed the footsteps of two men and two sheep, traced them across some turnips to a clover rick in the same field; (about 100 yards) and found the skins and entrails near the clover-rick. He then followed the tracks to a lane, where parts of the mutton were found in the possession of the prisoners, who were all sitting round a fire.</p> <p>"Richard Buswell, bailiff to Mr. Rose, of Ledwell Farm; later said he lost a sheep; gave the legs and shoulders to his shepherd for his dog, and part to the gypsies; they helped the shepherd skin the sheep; the skin was sold to a butcher. Benjamin Smith later said he had blood on his coat from this.</p>
27	<p>Mr. W. Hoar, chandler; at Lower Heyford; remembered Benjamin Bagley and Benjamin Smith coming to shop on the 27th of January; they brought some fat melted down; gave them 4d. per pound for it; there were 13 ½ pounds.</p>
30 Saturday	<p>Constable George Morgan of King's Sutton made first visit to scene of crime at Rignall Farm. He examined the footmarks of two men and two sheep; they went in the direction of a clover rick; judged from the marks that the sheep were pushed along by a man's knee. The two marks went parallel to each other.</p> <p>First Report in Jackson's Oxford Journal of killing, Mr. Irons and the Deddington Association for the Prosecution of Felons, issued handbills, offering a reward of 15l. (£15.00)</p>
31 Sunday	<p>Constable Morgan visited the Lane near Rignall Farm & found all the prisoners; they were sitting round a fire; The nearest building was the farmhouse, within 300 yards; there is another farm about half-a-mile off; there is a church;</p> <p>He told Charles he was going to arrest them, and saw blood on Ben Bagley's coat. Bagley unsolicited began talking about a sheep slaughter from Ledwell Farm. Cinderella had some mutton under her gown and talked about selling 5s. of fat. They had meat from 2 sheep with them.</p> <p>He compared shoe marks with the tracks and found they matched.</p>

Notes on the family of Robert Bagley and Saibereni Smith.

	It was about ten o'clock when he took the prisoners.
1/2/1847 Monday	<p>“Gang” remanded in custody by Rev. Risley JP at Deddington. Ben Bagley and Ben Smith charged with feloniously stealing two sheep worth £10.00, and Robert, Benjamin and Cinderella with for receiving parts of the same, well knowing them to have been stolen. Mr. Iorns was too ill to attend.</p> <p>Morgan had them later in custody at his father’s house and overheard a “knife” conversation. Robert Bagley said that Constable Morgan’s Father had discharged him, and he left him alone when gone to investigate. Bagley ran for it, with crutch, and was chased down two miles later in a ditch near Dun’s Tew, threatening to knock him down with the said crutch.</p> <p>Butcher Mr French of Deddington stated the meat was from 2 sheep and it had not died of disease. It should produce about 10 or 12lbs of fat. Mr Buswell’s sheep skin would only produce about 6lbs of fat. Richard Buswell, the Bailiff of Ledwell Farm stated saw some mutton it could not have been part of the sheep he gave to the gipsies.</p> <p>They were cautioned, made a statement, & “signed” it.</p>
2 Tuesday	“Gang” brought before Rev. Risley JP second time at Deddington and committed to the Assizes.
3	
4	Date of Report from Magistrates Chamber at Deddington.
5	
6/2/1847 Saturday	Second Report in Jackson’s Oxford Journal of remand.
6/3/1847	<p>Oxford Assizes - report in Jackson’s Oxford Journal of Kalendar.</p> <p>All the above evidence given again. Prosecuted by Mr Pigot. Case defended by Mr Williams who said it was impossible to have committed the crime by ten in the morning when the whole village was about as they were sleeping 7 miles away.</p> <p>Benjamin Bagley and Benjamin Smith – each to be transported for 10 years. Each of the others to be imprisoned and kept to hard labour six calendar months.</p>
11/3/1847	Full Report in Banbury Guardian of Case at Oxford and Sentences.
13/3/1847	Short Report in Jackson’s Oxford Journal of Case at Oxford and Sentences.

Notes on the family of Robert Bagley and Saibereni Smith.

Thomas Bagley – manslaughter, sheep stealing, and transportation.

In 1827 at the age of 20 Thomas had been convicted of the manslaughter of Joseph Smith, along with his Mother Saibi. They both received 1 month in gaol. (See full details above)

He was apparently transported for sheep stealing according to the JGLS entry below, (as his little brother Ben was to be in the 1840s), but the details are not yet known. 1829 June 18th he was apparently resident in Sydney NSW, as a [goal description and entrance book](#) records a Thomas Bagley having arrived on the “Granada” and having run away from an “I gang) being given another 4 months on his sentence. His home was Parramatta. We cannot be sure that this is the “correct” Thomas Bagley. 1846 he may have died at [Black Creek](#), Bolwarra, Cloden, East Maitland, New South Wales according to the Australian Death index on Ancestry.com and may have been buried 7 June 1846 at the [Glebe Cemetery](#) in Maitland, NSW.

Figure 1: sheep stealing - Tom Bagley

“But Tom Bagley soon followed his brother Ben for the same reason”...”Cinderella West married her cousin Alfred Bland, [a son oftransported Tom](#) and his wife Ann Bland, whose other children, Tom, Harry, Barthenia and Rosena – all went by their Mother’s name, and most of them settled at Headington or somewhere round the neighbourhood of Oxford... Alfred and Cinderella ... had a child baptised at Headington Quarry in April 1872. JGLS

His reputed wife, Ann Bland, was producing children in his absence and occasionally referring to him as their father. On his step-son Alfred's marriage certificate in 1881 he is described as Thomas Blann. (Bland)

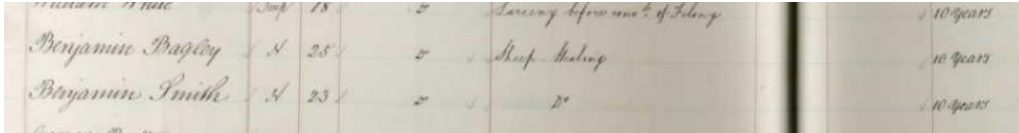
Notes on the family of Robert Bagley and Saibereni Smith.

Benjamin Bagley – sheep stealing and transportation.

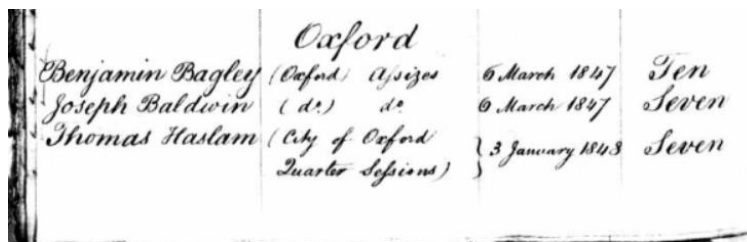
1827 5th June – Benjamin was present, aged 5, when his Mother Saibi and brother Tom killed Joseph Smith in Marston Lane, Oxford. (See above.)

1847 25th January – Benjamin was involved in Sheep stealing at Rignall Farm, near Great Barford. (See above.)

1847 6th March – Benjamin was convicted at Oxford Assizes, aged 25, with his “brother in law” Benjamin Smith, of stealing 2 sheep. His father and 2 siblings were imprisoned for 6 months. He was sentenced to 10 years transportation.



1849 8 August “Adelaide” transport ship departed London. Route via Portland, 303 embarked.⁵ Here he is shown in the Australian Convict Register for the [Adelaide](#):



1849 13 December “Adelaide” arrived Port Philip. Convicts not allowed to disembark.

“Adelaide” disembarked [259 convicts](#) at Sydney.

1849 24th December the “Adelaide” arrived at Hobart to land 40 convicts.

1849 Dec 30 Benjamin (Prisoner 49/200, convicted 6 March 1847 at Oxford & arrived on the Adelaide 1849) received his Ticket of Leave in the [“Illawarra” district](#)

TICKET OF LEAVE
No. 149/257 30 Dec^r. 1849.

Prisoner's No. 149/200
Name Benjamin Bagley
Ship Adelaide
Master H. Carlton
Year 1847
Native Place
Trade or Calling
Offence
Place of Trial Oxford Assizes
Date of Trial 6 March 1847
Sentence 10
Year of Birth
Height
Complexion
Hair
Eyes
General Remarks.....

Allowed to remain in the District of Illawarra
On recommendation of _____ Bench,
Dated _____



⁵ [The Convict Ships by Charles Bateson 1988](#) 1849 journey London to Hobart 104 days. (Page 280)

1849 Arr 24 Dec in Hobart, ship, 640 tons, Calcutta 1832, 17.8.1849. London to Hobart via Pt Philip 129 days (Page 356)

1849 Portland to VDL in 104 days.

1849 arrived Port Phillip 13 Dec in 118 days. Prisoners not allowed to disembark. Sent to Sydney.(page 372)

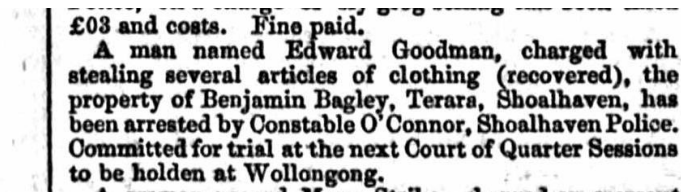
Embarked 303 m 3 re-landed, 1 male death, 259 landed at Sydney, 40 landed at Hobart. (Page 394)

Notes on the family of Robert Bagley and Saibereni Smith.

1865 8 March [NSW Police Gazette](#), theft from a Benjamin Bagley of TERARA, Shoalhaven, NSW., which is some 200kms further south towards Sydney than Illawara.



Figure 2: 1865 Theft from Convict Benjamin Bagley in NSW.



The image is a black and white photograph of a newspaper clipping. The text is as follows:
£03 and costs. Fine paid.
A man named Edward Goodman, charged with stealing several articles of clothing (recovered), the property of Benjamin Bagley, Terara, Shoalhaven, has been arrested by Constable O'Connor, Shoalhaven Police. Committed for trial at the next Court of Quarter Sessions to be holden at Wollongong.

Figure 3: NSW Police Gazette - Benjamin Bagley

1884 [Reference 158/1884](#) A "Bagley, Benjamin, aged 50, died Sydney" (document can be purchased). I cannot be sure of this as this would make him born 1834 when "our" Ben was born c. 1822.

Notes on the family of Robert Bagley and Saibereni Smith.

Reconcile Bagley – rape and drunkenness.

1827 Was probably one of the children referred to witnessing his Mother and brother's manslaughter of Joseph Smith at Marston, near Oxford (see above). He would have been aged c. 4 years of age.

In 1847 he was accused of raping his sister Priscilla's sister-in-law, Lucretia Smith, at Tackley.
Figure 4: rape case - Reconcile Bagley on Lucretia Smith

"...while another son, Reconcile Bagley, was accused of committing rape on Lucretia Smith, old Tom's daughter. ⁶ The latter, tradition says, was a put up job, and so badly managed that Lukresia swore to the wrong date. Anyhow, Reconcile was acquitted and continued to wander barefoot around the district.

This occurs in 1847 in Jackson's Oxford Journal as: ⁷

"OXFORDSHIRE LENT ASSIZES. ...The calendar presents the following list of prisoners for trial:- ..Reconcile Bagley, charged with having, at Tackley, violently assaulted Lucretia Smith.

OXFORDSHIRE ASSIZES. WEDNESDAY...No bills were found against Reconcile Bagley, for an assault on Lucretia Smith..."

1861 is resident next to the Smith family in Headington in 1861.

Reconcile (this time named Smith) also had disagreements with his nephew Gustin Smith in 1884, as shown below.

Figure 5: 1884 Reconcile and Gustin arguing

"Abingdon and Reading Herald. 18 October 1884. Bullingdon Petty Session, County Hall. Saturday. A row at Forest Hill. Reconcile Smith, labourer Headington, was summoned for assaulting Augustine Smith, at Forest Hill on the 6th inst.

Defendant, in answer to the Clerk said – Well I am guilty.

Complainant, whose face was covered with bruises, said that he met the defendant at Forest Hill, and had a drop of beer with him. After staying at a public house for about 20 minutes, they both started across some fields. When they had passed over 2 fields, and were crossing the third, near the highway, defendant began quarrelling with him, got him to the ground, and said he would do for him. Defendant tried to kick him when he got up, and followed him, shouting that he would serve him worse next time.

*By Defendant, He did not want him to sing at Watts public House, and he did not say to him, where did you get that ****wood from ?*

By Chairman – Defendant was civil with him till he got to the third field.

By defendant – He had no conversation with him about the wood he was carrying on his back

Defendant to the Chairman. I have some witnesses if you wish to adjourn the case until next week.

Complainant – there was only one man present who backed him up Sir.

⁶ Oxford Journal Feb 6, March 6 and 13, 1847. Banbury Guardian March 11 where ages are given..Ben Smith 23, Rob Bagley 55, Ben Bagley 25, Cinderalla 20 and Charles 17 (actually 22)

⁷ Both these references are from Keith Chandler's research. Jackson's Oxford Journal, 6 March 1847, page 3 and Jackson's Oxford Journal, 13 March 1847, page 1.

Notes on the family of Robert Bagley and Saibereni Smith.

In defence, Reconcile Smith said complainant struck him first, and aggravated him, after which he lost his temper, and assaulted him. Complainant kicked at him three times and said – I will ruin you for life. When they parted, complainant said – I will get someone from Watts' to do for you – it's all lies, sir, I did not say anything.

The defendant and complainant then changed places. Augustine Smith Being charged with assaulting Reconcile Smith at the same time and place. Defendant pleaded not guilty. Complainant said the dispute arose about a bundle of wood he was carrying.

Clerk: how is it that thee are no bruises on your face, the defendants face being almost black? Defendant – I was struck on the side of my head and was too quick for him.

Clerk – you are a bigger and stronger man.

The Chairman. Both cases dismissed each to pay his own costs.”

Notes on the family of Robert Bagley and Saibereni Smith.

Charles Bagley Smith – manslaughter, sheep-stealing and murder

In later life Charles seems to have reverted to his Mother's name of Smith.

1827 He was probably one of the children referred to as being present during his Mother and brother's manslaughter of Joseph Smith at Marston, near Oxford (see above). He would have been aged c. 2 years of age.

1847 March 6th. Was convicted at Oxford for receiving meat from a sheep stolen by his brother Benjamin and brother in law Benjamin Smith. Received 6 months imprisonment. He was aged c.22. (see above).

1854 child John apparently born in Farnham in Surrey.

1858 child Elizabeth apparently born in Yarnton or Cassington in Oxfordshire.

1861 resident at Liddington in Wiltshire. 37 year old basketmaker with wife Lucy and 2 children.

1861 December 9th, married wife Lucy Austin in Thame.

1863 daughter Licia born in Hale in Surrey.

1870 daughter Ochennia/Ocean born Moreton Fields, Thame, Oxfordshire.

Figure 6: The 1871 census for Charles and Lucy Smith.

1871 Camped in Mr Bond's barn, Banlands, Thame: 50 year old Peg and Wire Skewer maker.

1871 Census, Thame, Oxon, camped in Mr B..... ords, B....., Banlands.					
Charles Smith	Head	Married	50	Peg Maker & Wire stands	Bn ?Barber, Oxon
Lucy Smith	Wife	Married	40	Chairbottomer	Bn Hanaton, Wilts
Licia Smith	Dau	Unm	18	Bird minding	Bn Hale, Surrey
Elizabeth Smith	Dau		13	Bird minding	Bn Caseington, Oxon
Ochennii Smith	Dau		8m		Bn Moreton Field Oxon
Charlotte Austin	Mother	Widowed	68	Net maker	Bn Iver, Wilts.

1876 son Albert (?Prince Albert?) born Common, B?.

Figure 7: The 1881 census for Charles and Lucy Smith

1881 In a Shed at Watlington, Oxfordshire, a 67 year old Hawker.

1881 census, Shed, Watlington Village, Oxon.				
Charles Smith	Head	67	Hawker	Bn Barford, Oxon
Lucy Smith	Wife	57	Hawker's wife	Bn Tetsworth, Oxon
Albert Smith	Son	5		Bn Commons, Bucks ?
Ausey Smith	Dau	11		Bn Thame, Oxon.

1883 Cumnor Four year's residence until 1887 according to trial evidence. In a tent possibly at Hunger Hill. They had a house at Bampton before that.

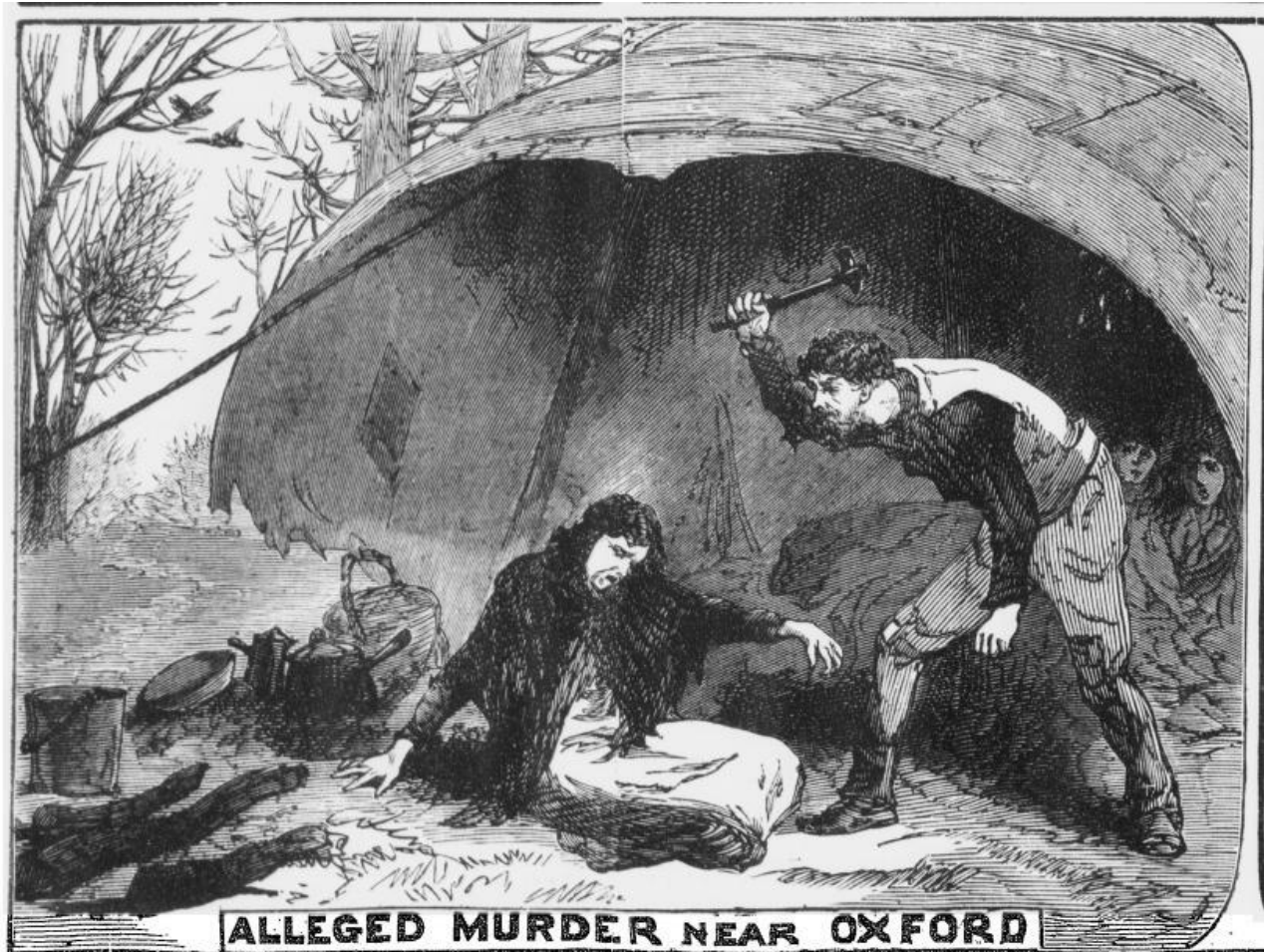
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1887 Murder whilst travelling from Witney to Open Brasenose Common, Oxford.

Charles, was hanged for the Murder of his wife in 1887 according to the same Journal entry:

Figure 8: 1887 murder case - Charles Bagley/Smith

“Sixty years later, another of Saibi’s sons, Charles Bagley or Smith, murdered his wife Lucy Austin with a hammer on Brasenose Common, between Headington and Cowley, and coolly put his head out of the tent in the morning and informed a passing policeman that he had “got a dead ‘un for him”⁸



His inquest was reported on 9 May 1887 after his execution in Oxford Gaol.⁹

1887 Edited Newspaper extracts – the murder of Lucy Smith by Charles Bagley Smith

This picture comes from the Illustrated Police News of March 5th 1887, and shows in typical Victorian style the gruesome murder of Lucy by her husband, Charles Smith (alias Bagley). It also shows their children, Ocean and Prince Albert, watching in horror from the back of the tent. My interest comes in the marriage of one of Charles Smith’s sisters to a distant relative.

This picture at left, however, comes from the “Romany Genes” website, and although it is a 20th century photograph of New Forest Gypsies, it perhaps shows a little more realistically the situation that the family were living in.

⁸ Oxford Journal Feb 26 March 5th, May 14 1887.

⁹ Romany Routes Magazine – April 2006

Notes on the family of Robert Bagley and Saibereni Smith.

Information for this article comes from two editions of the Illustrated Police News (26 Feb 1887 & 5 March 1887), two editions of the Jackson's Oxford Journal (14 May 1887 & 26 Feb 1887) and on-line census, vital records and baptism information.¹⁰



¹⁰ All four of these sources were accessed through www.galegroup.com and the online collections of British 19th century newspapers held by the British Library.

Notes on the family of Robert Bagley and Saibereni Smith.

Events leading to the murder on Saturday February 19th, 1887.

Jackson's Oxford Journal of 14th May 1887 begins the story with some family background:

"It appears that in early life Smith followed the calling of an ordinary labourer in various parts of this county, and at Tetsworth he met with the woman, whose name was said to be Austin, whom he was convicted of murdering, and married her. A large family was born to them, of whom only four grew up; one of these died a few years ago, and Elizabeth aged 29, Oceana aged 17, and a boy of the name of Prince Albert aged 11, are still living.

They travelled about the country for years, finding such shelter as a blanket stretched on four sticks, which served them as a tent, could afford, and pitching this on any waste piece of land or common that presented itself.

For years Smith had been in the habit of ill-treating his wife, and latterly his treatment had become intolerable; the poor woman was hardly ever without a black eye or some other mark of his brutality, and he is reported to have said that he did it through jealousy on account of something which happened 30 years ago.

The Journal of the 26th also reports about his family and his wife's good character:

It has since been ascertained that his age is about 68, and that the deceased was about ten years younger ... Smith has several relatives in this locality, one sister living at Marston, another at Headington Quarry, and a third who is dead, was the wife of Mr Wisdom Smith, of Barton near Headington. " Jackson's Oxford Journal of the 26th Feb 1887

The deceased's Mother died two or three years ago at the great age of ninety, and as regard the poor woman's conduct, the is nothing apparently for which she could justly be called to account for by her husband, and her character maybe judged to some extent by the fact that she regularly had her children to say their prayers, she herself having taught them to do so.

Also, his daughter Oceana's evidence at the inquest further revealed:

... We used to sleep in a tent, and did so when my father killed my mother. We only lived in a tent lately. We had a house at Brampton, and we used to live near Cumnor, which was the last place we came to before we came to this side of Oxford. We had a tent at Cumnor, and were there a long time, and on leaving there on Saturday week we came to Open Brasnose, near to this public-house. My father used to make pegs, skewers, baskets, toasting forks, and meat stands. (Report 26th May)

¹¹ Mrs Priscilla Smith, illegitimate daughter of Saibi Smith, 1818-1884. "Hawker of Baskets".

Notes on the family of Robert Bagley and Saibereni Smith.

The week preceding the murder

Saturday, 12 February



Figure 9: OS map 1886/87 showing Open Brasenose and Bullingdon Green.

The family left Witney or Cumnor and arrived at Brasenose - the Journal of May 14th reported:

In the course of their wanderings the unhappy couple pitched their apology for a tent on a sheltered part of the Common at Open Brasenose, near to a ditch containing running water, and close to a field in the occupation of Mr Eeley.

Sunday 13 February

Oceana stated at the inquest:

"On Sunday week, the day after we got to Open Brasenose, my father began quarrelling with my mother. He has been quarrelling for five years or more. From Sunday' week to Saturday morning he quarrelled every day and he struck my mother with his big walking stick, but I never saw my mother strike him.

... He had been quarrelling for five years, and on Sunday week he hit me on the side of the face (pointing to her left cheek bone) with his fist.

... My father beat my mother every day while we were at Open Brasenose with his stick and fists, and she had bruises on her face and body. (Report May 26th)

He hit also Oceana on the head and bruised her, according to her later evidence at the inquest.

The eleven year old Prince Albert Smith also gave evidence to this effect at the Inquest:

We came near to Brasenose Wood last week, and during the week he was knocking my mother about with a stick. He has been knocking my mother about pretty nearly all his life. He used to use his fists and his walking stick. I do not know what made him do it, and my father never told my mother the reason.

Wednesday 16 February

Neighbour George Smith later reported to the Inquest that:¹²

I saw the deceased on the previous Wednesday, with the little girl, and she had then a black eye, and the girl said that her father had been beating her mother for three days and nights. I did not know that he used to ill-treat his wife so badly, or I should have called the attention of the police to it.

¹² Although in the newspaper report it is attributed to Police Sergeant Quarterman.

Notes on the family of Robert Bagley and Saibereni Smith.

Thursday 17th February.

For a whole week persons who happened to pass the place heard Smith abusing his wife, and only on the night before the fatal occurrence he drove her from the tent and she remained outside only partly dressed for hours. (report 14th May)

Friday, 18 February

George and Kate Smith, neighbours from Bullingdon Cottages visited because of the violence and noise.

George Smith reported to the Inquest:

On Friday-last I said to my wife, " Let's go up to the Common, and see that old man, and woman," and on going there, I saw the deceased, her husband, and I the two children.

My wife spoke to the deceased a few yards from the tent. I did not exactly catch the words she said, but I believe she said, "Why don't you go to the tent?" and that deceased replied, "He won't let me" The deceased was sitting on the ground, but he did not see that she was crying;

Kate Smith reported:

The deceased was about six or seven yards from the camp, walking about with her arms folded and all of a tremble. Her husband was making a fire close to the tent. I asked her what was the matter, became her face was black with bruises on both sides, and how they came there, and she said her husband had done it, and had beaten her very much with a stick on the head, and she added "Look how the blood has run."

I asked her what made her tremble so, and she said she had been sitting outside the tent all night almost naked, and that her husband had driven her out, and that she was afraid to go in.

I told her to come to the fire and have a warm, and I would not let him hit her again, and she came with me, but there was not much fire, and my husband got some dry pieces of wood and made a fire, and the deceased warmed herself, and drank a cup of hot tea. The deceased asked for a bit of tobacco. When my husband's back was turned the deceased pointed to a stick in the tent, which she said her husband hit her with.

George Smith continued:

I went to the tent, and spoke to the old man. I said, "How are you getting on?" He was outside making a fire with some green bushes and I said, "The fire don't seem to burn". The old man replied that he had moved his tent a few yards on account of the damp.

I got some dry sticks and made up a fire because I could see that the deceased was in a queer state. The old man then began complaining of his wife, saying that he was jealous of her thirty years ago, meaning something that happened then. I told him to forget that, and think no more of it. He said he could not. I said, "Look to the Lord and forgive her, if you don't forgive her how can you expect to be forgiven."

As soon as the fire was burnt up my wife got the deceased to the tent and told her to go inside, but she would not, saying that she dare not for fear he would hit her.

The teapot stood by the fire, and the deceased appeared as if she would like some tea, but she dare not touch it on account of her husband and she pointed to a blackthorn stick with which she said her husband used to strike and beat her. She spoke these words (in) "cant," which I understood.¹³ My wife poured out a cup of tea, which the deceased took, and she then asked for a bit of tobacco, but her husband would not give her any ; my wife asked her husband for some tobacco, and after some hesitation he gave it to her and she gave it to the deceased, and I gave the boy (Prince Albert) a penny to get her a bit more tobacco.

Kate continued:

They stood about an hour with her, and when they were going away the deceased said her husband would hit her again after they had left. I said "I don't think he will, he looks a bit good-tempered now," but she again said he would do so. The deceased appeared to be in great fear of him.

George finally reported:

When I left with my wife I saw the deceased walking away with the teapot under her arm apparently as if she was afraid to stop with the old man.

When they got farther away my wife told him she saw the girl (Oceana) pointing, and I subsequently understood that after we had left the old man had knocked the deceased into a furze bush with a blow on the head with his stick.

Later that day Prince Albert went to sleep in the early evening according to his Inquest evidence:

¹³ Is this "cant" the slang dialect or perhaps the Romany language?

Notes on the family of Robert Bagley and Saibereni Smith.

On Saturday morning last I was sleeping in the tent with my father and mother. I went to bed between five and six o'clock on Friday evening, ...

Events of Saturday February 19th, 1887

The Journal of the 26th of February reported the 17 year old Oceana's testimony to the committing magistrates about the events of the fateful night. This is combined and re-arranged with information given in the same edition to the Coroner at the Inquest. (Note that she is constantly being interrupted by her father during the hearing.)

She is first talking about events before or around 2am (according to the Coroner's inquest)

"My father struck her more than twice on Saturday morning, but I have not seen him do so before.

He kept quarrelling up to two o'clock. I knew it was that time because I heard Horspath clock strike and I counted. "

... My father threatened on Saturday morning to chuck my mother in the ditch and stamp upon her; this was before he struck her with the hammer.

She then moved on to talk to the Magistrates about events around 4am (Committal proceedings):

The Magistrates Clerk — When did you see your mother last in good health? — this morning.

She was alive then? — Yes.

She said at the Inquest:

"My mother was in the tent lying down at first, and then she sat up, and I was sitting between my father and mother. We were on a bit of straw on the ground in the tent.

Also:

My brother was in the tent lying in front of my father ... The front of the tent was towards the ditch, and my mother lay first, I second, then my father, and next to him my brother, and all our feet were towards the ditch.

And to the Magistrates:

What time did you see anything happen between your father and mother? — About four o'clock.

What, in the morning?— Yes, Sir. (The prisoner here struck the floor violently with his stick.)

Were they in the tent? — Yes, Sir.

How came you to notice them at the time? Was anything going on? — Yes, Sir.

Tell the Magistrates what. — He was knocking my mother about.

Did you hear cries? — Yes.

Were you awoke by them? — Yes.

Young Prince Albert was also awoken by the cries, as he reported to the Inquest:

... was awoke by my father knocking my mother about. It was not quite daylight. I do not know what time my father came to bed, as I was asleep, and I was awoken by my mother screaming out. I do not remember what my mother said. My father spoke about two words. I do not remember what the words were.

My mother was lying down in bed behind my sister's back. The quarrelling went on for about two hours after I woke, and my father was be knocking my mother about all that time. My mother did not say anything; she was only crying. I saw him strike my mother with the hammer ten or a dozen times. There was no light in the tent; the stars were shining, and it was not quite dark. I could see the hammer.

Oceana continued to the Magistrates:

The Warden of Merton — Were your father and mother quarrelling?—Yes, Sir; I was awakened by their quarrelling.

The Magistrates' Clerk - Did you hear either of them say anything? Tell the Magistrate the first thing you heard and the first thing you saw. — I heard them speaking and, and I saw father hit her.

What did your father say before he struck her? — I heard something said, but I did not take notice of what it was.

The Warden of Merton - You did not hear what they said? - No, Sir.

The Magistrates' Clerk—Well, what did you see either of them do? — I saw my father strike my mother.

What with? — With this here hammer (pointing to the hammer lying on the table.)

Where did he strike her? — Over the lower part of the body and over the head, and that.

The prisoner— Oh, oh.

The Clerk-What do you mean by "and that?" In other parts of the body?—Yes, all over the body.

The prisoner—Oh dear, you wicked wretch.

The Warden of Merton — you saw him strike her more than once? — Yes.

On the head? — Yes

Notes on the family of Robert Bagley and Saibereni Smith.

She states this more forcefully at the Inquest:

I saw my father strike my mother eight or nine times with the hammer (produced) on the bottom back part of her body, on the head, under her ear, on her back, and all over her legs. He hit her all ways over the head. He hit her more than three or four times on the head.

My father said he would kill her, and he dared her to halloo out.

Prince Albert stated to the Inquest:

When my father was beating my mother with the hammer I heard him say three times that he would kill her; she was then bleeding. ... I did not see my mother strike my father; she was not able. I have never seen her strike him.

The Committal account by Oceana continues:

Did she fall down? - She went out of the tent for water, and when I went out she was dead.

The prisoner— Only let her tell the truth.

The Clerk told the prisoner that he was not being tried, and that he would come up before the Magistrates again.

(To the witness) - You are sure he struck her on the head more than once? - Yes.

Did he not say anything all the time? - No, your Honour.

Was anyone else present?— Only my little brother.

How old is he? - 11 years.

What is his name? - Prince Albert.

The Warden of Merton - He is 11 years of age? - Not quite 11.

The Clerk - When will he be 11? - Come his next birthday.

When will that be? - I don't know.

Did anyone hit your father? - No, your Honour.

Prince Albert reported to the Inquest that:

After he had struck her she crawled on her hands and knees out of the tent for a drink of water at a ditch; there was running water in it, and we had been in the habit of using that water. My mother said nothing when she crawled out, she was crying. My father said he would hit her again with the hammer...

I only sat up when my mother crawled out; ...

Oceana to the Magistrates again:

You said something about your mother leaving the tent? - She went to get some water ; the cup stood by the ditch.

Did she say so?—Yes. My brother asked for a drop of water, and when I went out she was dead.

Did you see her drop down? — No, your Honour. My brother asked for a drop of water, and when I went out she was dead.

Did you see her drop down? - No, your Honour. My brother asked mother for a drop of water, and she took a cup and crawled to the ditch.

What do you mean by crawled? Do you mean that she went out on her hands and knees? - Yes, she went on her hands and knees out of the tent.

The Inquest also examined this moment:

The ditch was about a couple of yards from the tent. She "scrawled" out of the tent and did not walk, and she had slipped her old shoes on.

The Magistrates continued:

Was she bleeding from the head?—Yes, your Honour.

The prisoner — Oh dear, oh dear! You nasty bad child! I never done anything.

The Clerk - Could you see where she went to? - Yes, your Honour.

While you remained in the tent? - I did not go out for a smart bit.

You mean you found her when you went out? - Yes.

Some time after she had gone you went outside? - Yes.

The Warden of Merton - After your mother went out of the tent, how long was it before you went out? - A smart bit afterwards.

A few minutes afterwards? - Yes, your Honour.

The Inquest continued:

I went out of the tent because I halloaed and could not make her hear. My father told me to go out to her.

Then the Magistrates again:

Notes on the family of Robert Bagley and Saibereni Smith.

The Clerk – when you went out where did you find your mother? - Her feet were in the ditch, your honour, and she was laid on the bank.

Was she still bleeding when you went out? – She was not then bleeding.

Did she groan or speak? – No, she was dead and stretched out when I got out, your Honour.

The Prisoner – Oh dear, dear, you nasty wicked wretch!

The Inquest continued:

She was dead before I got out, because she never drew breath, and did not reply when I spoke to her.

My father went out after I and my little brother went out. ... I first found out that my mother was dead, and I told my little brother, and he told my father.

Prince Albert told the Inquest:

... my sister went out first and came back and said my mother was dead, and I then went out, and we two children got her back into the tent.

When my sister told my father that mother was dead, he replied, "I don't care whether she's dead or alive." My father went out then and "just drew" my mother as we were for getting her into the tent.

Oceana continued to the Magistrates – notice that she is unsure who helped drag her Mother's body back into the tent, and contradicts her brother above:

When my father came out he saw my mother lying there, and he kept halloaing to her, saying "My wench."

... My father and I put my mother into the tent. My father asked me to do so before I went to Mrs. Smith's. I caught hold of her feet, and my father took my mother by the head and shoulders. My brother did not help. I left my brother ¹⁴when I went to Mrs. Smith's calling out to my mother. We laid my mother in the same place in the tent where she had been before.

He told me to go down to Mrs. Smith, who lives in a cottage at Open Brasenose, to tell her my mother was dead. I went there, and saw Mrs. Smith, who was in bed when I went. I called her up, and her husband went with Mr. Surman to where my father was. I stopped at their cottage ¹⁵ for fear my father should hit me. ... Mr. Surman lives next door to Mr. Smith; I remained at the cottage with Mrs. Smith.

Mr George Smith testified to the Inquest:

On Saturday morning, about a quarter past four o'clock, I heard a dreadful noise of the children ¹⁶of the deceased crying in the garden, and I heard the girl say, "Missis, Missis, my Mammy's dead; he's been and killed her with, the hammer." I did not stop to put any clothes on, but went out at once and brought the children ¹⁷ indoors; I got a candle and lucifers and called my neighbour Surman, telling him that the old man had killed the old lady.

We went together straight to the tent, and I halloaed out "Smith, what's up?" and he replied, "My old woman's dead," He was outside the tent when he said this; I got through the hedge and said "Let's see her; where is she?" and the old man I replied, "Here she is." He found her, on striking a light, in the tent by the side of her husband. She was lying on a bit of straw, and there was no one else in the tent. I said, "Let's look at her" and the husband turned her over. I opened her eyes, and tried if she breathed, but she was stone dead. The husband said the deceased had fallen down outside the tent. I said, "It's a bad job," and the old man said, "Yes, what's to be done now "I said, "I will go and fetch someone to you as quick as a flash—the doctor, and somebody else." He said, "Send one of the children ¹⁸ down to me for company", he knew that they were at my house, I said, "Yes, I will," but I did not mean to do so.

I then went to Police-sergeant Quarterman, and knocked him up.

Police-Sergeant Quarterman said at the Inquest:

On Saturday morning, at 25 minutes to six o'clock, I was aroused by George Smith and Thomas Surman, and in consequence of what they said I accompanied them to Open Brasenose with P.O. Sly.

George Smith continued:

When we got back to the tent with Quarterman, about 6.30, the husband of the deceased was picking up sticks, to light the fire, if there was nothing the matter.

This is confirmed by Quarterman who testified:

¹⁴ Here Oceana implies she was the only one to go to Smith's cottage.

¹⁵ Here Oceana implies she was the only one to go to Smith's cottage.

¹⁶ Here both children seem to be at the Smith's cottage.

¹⁷ Here both children seem to be at the Smith's cottage.

¹⁸ Here both children seem to be at the Smith's cottage.

Notes on the family of Robert Bagley and Saibereni Smith.

I saw Charles Smith (husband of the deceased) about 40 or 50 yards from his tent gathering fuel. I said 'Good morning, Smith.' I have known him by sight for 40 years.

He replied "Good morning, we've got a dead 'un I this morning; my old woman is dead." I walked towards the tent, and said "Where is she, let me see her," and he pointed to the tent and said "There." I removed a portion of the tent, so as to see her head, and from what I saw I turned to him and said "Smith, I must charge you with the wilful of murder of your wife, and take you into custody." I cautioned him in the usual way, and through what I had heard I said "Where's the hammer you hit her with?" He said "I have no hammer; she fell down in the ditch of water."

There was a ditch of water within about two yards of the tent. ... I was present when the husband pointed to a place in the ditch where he said the deceased had fallen in. That was evidently where the death blow was given, and the husband had evidently dragged her inside the tent beside him. There were no stumps or stones at the place pointed out in the ditch.

I directed P.O. Sly to remove the tent and pull it down before a search could be made, and I saw the hammer produced lying among some straw close to the body of the deceased. The husband held out his hand and said, "That is my hammer that I make pegs with, my peg hammer," and I said, "O, I'll take care of that" and I put it in my pocket. On the handle of the hammer there were stains of blood, which were on it when I picked it up. There were two stains of blood on Smith's coat which he was wearing, and apparently were splashes. I called his attention to them at the Police-station.

Oceana stated at the Inquest:

When I got back with Mr. (George) Smith my father had got the tent down, and he was standing near with his walking-stick in his hand.

George Smith also stated that:

... I saw some blood on the hammer. The deceased was warm, and blood was just trickling. The worst wound was under the ear apparently.

The Journal of the 26th reported that on the Saturday morning:

Smith, who at first said he was 81 years of age, was removed to the police station in Magdalen-road, and by nine o'clock he was in the County Police-station in Oxford.

Also:

In order to prevent the tent and the contents (which were very few, and barely worth a shilling) from being interfered with by persons who out of curiosity might be attracted to the spot, Sergeant Quarterman wisely removed them and retained possession of them.

Also:

The body was removed to the "Original Swan" public-house, Temple Cowley where it was cleansed from the blood which smothered it, and was placed in a upstairs room, the door of which was secured with a padlock, and the key was taken possession of by Sergt. Quarterman. Magistrates - Oxford County Hall, 12 o'clock, Saturday 19th February.

Jackson's Oxford Journal of February 26th and The Illustrated Police News of March 5th continue the narrative (with re-ordered text):

The Journal of 26 February:

Shortly after 12 o'clock the prisoner was brought up, at the County Hall, before the warden of Merton and A.R. Tawney, Esq. On being placed at the rail, which serves the purpose of a dock, he fainted, and was lifted into the adjoining room. Some brandy and water was obtained and given to him, and his head bathed. In a very short time he revived, and was it determined to take sufficient evidence in this room to justify a remand. The only persons present were the Magistrates, the Clerk, Capt. Owen, the police, the representatives of the Press and some of the prisoner's relatives.

He was charged "that on the 19th of February, in the parish of Cowley, he did feloniously and with malice aforethought, kill and murder his wife, Lucy Smith."

In reply to the charge the prisoner said - No such thing; I never hit her at all.

The prisoner was placed in a chair, and allowed to sit at the table. He seemed fully to realise the serious nature of his situation, and exhibited extreme nervousness. Whilst his daughter, who is 17 years of age but apparently much younger, as she is small in stature, was giving her evidence, and describing the attack on her mother, the old man got very excited; he rapped the floor vigorously with his stick, and vehemently denied it.

Oceana Smith was then sworn. She said - I am the daughter of the prisoner and the deceased was my mother. I am 17 years of age next August. I have been living with my father and mother in a tent at Open Brasenose Common, Cowley...

Notes on the family of Robert Bagley and Saibereni Smith.

Note: All through her testimony she is constantly being interrupted by her father calling out and banging his stick on the floor. Her actual evidence reported in the Journal at this point in the hearing is reproduced above in the section describing the events of the murder.

(The) Clerk informed the prisoner that he was entitled to ask the witness any questions. He should remember that he was not now being tried, and it was for him to consider whether it would be wise or assist him to ask questions.

The prisoner said he wished to ask whether the girl saw him strike his wife with a hammer this morning?

Witness — Yes, in the tent.

The prisoner — No, no. No such thing, my dear child. I have done.

Witness — I must speak the truth. I was “sot”¹⁹ between father and mother.

In addition, the Clerk, Mr. C. M. Owen:

“said Sergt. Quarterman had seen the body and it was badly cut about the head. The inquest would be held at eleven o’clock on Monday.”

The Journal of the 26th ends the report with:

The deposition was then read over, and, as the girl could not write, she made a cross.

The Prisoner, who again asserted that he did not touch the deceased was remanded for a week, and was removed to the Prison.

The children were removed by Mr, Draper to the Headington Union Workhouse.

During the Saturday afternoon the body was examined in some detail according to the Journal of the 26th:

During the afternoon an examination of the body was made by Mr. George Hitchings, surgeon, Holywell-street, and the results of his investigations were duly noted down for the purpose of being related subsequently before a Coroner’s Jury.

The Journal report of the 26th commented on the ghouls of the locality visiting the site on the Sunday, the day after the murder:

On Sunday large numbers of people paid a visit to the scene of the murder, but there was nothing to indicate that so fearful a tragedy had so recently taken place.

Coroner’s Inquest - “The Original Swan”, Cowley Monday the 21st Feb 1887

The Journal of the 26th reported:

The inquest on the body was held on Monday morning at the “Original Swan” public-house, Cowley, before W. W. Robinson, Esq., County Coroner, and Mr. John White being the Foreman of the Jury.

The Coroner said he supposed the Jury must all know the reason why they were summoned here. It was in consequence of a woman who was a stranger—at least not an inhabitant of this parish—being found dead a short distance from this place. There was reason to believe that the cause of death was wounds on the head, and he thought they would have no difficulty, when they heard the medical evidence, in coming to a conclusion. Then they would have to inquire how those wounds were caused, whether by her own act or the act of some other person, and, the circumstances under which they were inflicted. He did not know sufficient of the facts to say anything more at present.

The Jury then proceeded to view the body, which lay in an adjoining room ; the head and face presented a shocking appearance, the forehead being cut open, the skull being fractured at the back, and there being cuts and bruises about the face, the black eye which she had during the week being still visible.

The witnesses were daughter Oshey (Oceana) Smith, the Surgeon – Mr George Hitchings, son Prince Albert Smith, the un-related neighbours George and Kate Smith, and finally Police Sergeant Quarterman.

Oshey’s evidence is repeated in the proper place in the narrative above, along with that of her brother and the Police Sergeant, but the surgeon stated in the Inquest that:

Mr. George Hitchings, surgeon, Holywell, Oxford, said — I examined the body of the deceased on Saturday. She was between 60 and 60 years of age. I found a contused wound three inches in length on the right temple; one about two inches in length at the back of the head over the occipital bone; two smaller contused wounds over the left temple; a contusion of the right eye, the lower lid being discoloured; and also a small contusion on the left cheek just below the eye. On removing the skull I found a considerable effusion of blood at the base of the brain, and fracture of the orbital plate

¹⁹ This apparently means between them.

Notes on the family of Robert Bagley and Saibereni Smith.

of the frontal bone on the right side. There was no injury on any other part of the body of any serious nature. From my examination I say that death arose from fracture of the skull and effusion of blood at the base of the brain, caused by exterior violence. The injuries were certainly caused by some blunt instrument. They were not clean incised wounds. They were such as might be produced by a hammer, such as the one produced, which would be quite capable of causing such wounds. The body was fairly well nourished. (Report of the 26th)

The Coroner summed up the case as follows:

P.C. Sly has possession of the deceased's bonnet, which was smothered with blood. The Coroner said he did not think the Jury required that before them. This seemed to him a very clear case, and he did not think the Jury would have any difficulty in arriving at a conclusion. They had actual evidence as to how the injuries were produced. If they believed the little girl, it was quite clear the injuries were inflicted by the husband of the deceased. The doctor said they were such as would be caused by a hammer, and a hammer was found which was stained with blood. The question was whether at the time he inflicted the injuries the man intended to kill the woman.

What the man's intention was they could only judge from his acts. He seemed to, have said three times that he would kill her, and he seemed to have carried out his intention. There did not appear to be anything to reduce it to manslaughter, or any justification for the act at all; if there had been a quarrel and they had been fighting it might have been reduced to manslaughter, but there was no evidence at all of that.

This was not a final enquiry. The matter would have to go before the Assizes, and another Jury would have to enquire into it. The man would then have the benefit of legal advice, and a Judge to protect if necessary. He thought it was clearly the duty of the Jury to return a verdict of wilful murder. (Report of the 26th)

The proceedings then terminated and:

The Jury then returned a verdict of "Wilful Murder," and the Coroner made out his warrant accordingly.

The enquiry lasted rather more than three hours.

The deceased was buried on Monday afternoon in Cowley Church-yard, the Guardians of the Headington Union providing the coffin, &c. (Report of the 26th)

Lucy was buried on Monday afternoon, 21 February at Cowley Churchyard

Trial for murder – Reading 22nd April 1887



The Jackson's Oxford Journal of the 14th of May 1887 described the next steps in the story as the trial took place at the Assizes for Oxford and Berkshire, before Mr Baron Huddleston (see photograph at left) ²⁰ at Reading on the 22nd of April. There was a long repeat rehearsal of the events of the murder and inquest and then:

On this array of stern facts against him, Smith was convicted of murder and sentenced to death and the Judge ordered the High Sheriff of Oxfordshire to see that sentence was carried out. The trial took place, the 22nd ult, and on the following day the culprit was brought from Reading to Oxford prison and placed in the condemned cell.

²⁰ The infallible Wikipedia has: http://en.wikipedia.org/wiki/John_Walter_Huddleston

Notes on the family of Robert Bagley and Saibereni Smith.

In the condemned cell at Oxford Castle Prison. 22 April – 9 May 1887

After his condemnation, which Smith at first, there is no doubt, very imperfectly, if at all, realised, he received the best attention from the Chaplain of the Prison. The Reverend ... (...ht Newton), but his complete ignorance and animal condition rendered the task of the Reverend Gentleman to ... his mind with even a glimmer of the sense of ... idea of the gravity of his position, and of ... his crime, one of extreme difficulty. That ... last few days of his life approached, ... the earnest, faithful and conscientious ... as a Christian minister.

In addition, ... the consolation in which he was able to offer to ... excited the aid of his Diocesan, and with ... devotion to the duties of his high office, ... of the many and heavy calls upon his time ...therewith , he most readily complied, and ... to render spiritual health.

His relatives of ... time visited him, but if the accounts of their ... which have been published are correct he paid little heed to them and one extraordinary statement said to have been made by his eldest daughter, was that when he was a drunkard there was not a kinder man living, that something or somebody turned him into a teetotalter, and from that time he had been a cruel wretch. An assertion made by her also to the effect that he took up the Bible while she was on a visit to him in his cell, as if with the intention of throwing it at her, we have been assured was wholly devoid of foundation.

The culprit ate and slept well, and his general health and spirits were good. For some few days, he seemed to be buoyed up with an idea that his life would not be forfeited and there dawned on him that if an appeal was made to her Majesty to spare him it would be successful, and this had a cheering effect, so to speak, upon him, but as the end of the week drew nearer, the slender and elusive hope vanished, and became aware that his fate was inevitable.

It was then that the exhortations of the Chaplain had a perceptible effect and he partook of the Holy Communion and joined the prayers with more earnestness. Portions of the Scriptures and prayers which he had committed to memory he was in the habit of repeating.

It is of course not been possible that a man of so low a type should be brought to his fate fully resigned to it and in thorough repentance, and his behaviour towards the last justified the hope that that was so. Neither of the children who gave evidence against him saw him after his condemnation, and it is a great satisfaction to know that through the noble hearted philanthropy, of Miss Skene, of this City, the girl Oceana has been placed in a Home in York, and boy the Prince Albert, through the same thoughtfulness, will also be brought up to acquire the means of earning an honest livelihood.

Execution at Oxford Castle Prison – Monday, 9th May 1887



The execution, as we have said, took place on Monday morning last. The arrangements for it were vastly improved upon, so far as the gallows was concerned, upon those previously in existence. On former occasions of private executions the criminals had to walk a long distance after being pinioned and for some 40 or 50 yards the repulsive object was in full view of the condemned; it was then erected in the Deputy-Governor's garden under the north wall of the Castle Tower, where the boundary wall joins it, and it had to be ascended by a ladder of seven steps, a much too trying an ordeal for the unfortunate person going to their doom in the last few moments of their existence.

Two years ago, when Boddington was under sentence of death for the murder of Beckley in Blenheim Park, the authorities had constructed, inside the prison, a new scaffold on the latest approved principles, and everything was then in readiness for the execution. However, the prisoner was reprieved, and the apparatus, on being wanted at Worcester, was removed thither and quite recently a fresh one was made.

It is in a part of the old buildings of the Prison, where apparently two cells have been knocked into one, and the trap doors when open disclose a pit 12 or 14 feet deep, which formerly contain a boiler. The beam overhead is fixed to the wall and is painted black, and in the centre is an iron band from which depends a ring, through which the rope is passed.

The instrument was inspected by the authorities and the executioner, Berry of Bradford, (see left) on Saturday, and was found to work the easiest possible manner. Berry was accommodated in the prison during his stay here, and on Sunday, walked around Iffley and about the localities: he is a man of about 5'7", fair hair, and slight whiskers, beard, and moustache, of fresh complexion, and full face, and he was attired in a rather light coloured suit with a still lighter helmet shaped cap.

Notes on the family of Robert Bagley and Saibereni Smith.

Precisely at a quarter to eight o'clock, mournful tones of the prison bell struck the hour, and at that moment the three representatives of the local press presented their orders of admission at the gate and were admitted to the entrance lodge.

The culprit had partaken of the Holy Communion in the chapel at half past seven, and on returning to his cell, the Chaplain, who had remained in the prison through the night, engaged in prayer with him.

There the reporters remained until five minutes to eight, and then, they proceeded to the steps of A block, just inside which Berry was observed, leaning against an iron railing with his pinioning gear in his right hand.

It had then wanted three minutes to eight o'clock, and Berry remarked to the Governor in a cool and businesslike manner, "I am ready." Mr Davenport, the Under-Sheriff, consulted his watch, as did several others gathered around, and at one minute to the hour Berry he was told to proceed with his work.

The cell in which the culprit was confined was within a dozen yards, and on his entrance the Chaplain quitted the place and remained standing in the corridor until the execution had adjusted the belt around the body of the prisoner.

He first of all shook hands with Smith, and while putting on the straps he said, "You've no need to put these things on me; I'll give you no trouble."

This occupied about a minute and the procession to the place of execution, then moved across the corridor along a dark passage for a distance of about 20 yards in all in the following order: First, the Chaplain in his surplice, the chief warder (Mr Riordan), the culprit, surrounded by warders, the Under-Sheriff, the Governor (Lieutenant Colonel Isaacson), the surgeon (Dr Spencer), the Sheriff's Officer, (Mr. H. Ives), the representatives of the Press, and more warders.

The chaplain immediately the procession started, commenced reading the opening sentence of the Burial service, "I am the resurrection and the life, saith the Lord. He that believeth in Me, though he were dead, yet shall he live: and who so ever live in and believe in Me shall never die."

The condemned man walked without assistance, and then sharply turning to the left in about three paces, he stood under the beam. Berry placed him on the required spot on the drop, and while putting a strap on the convict's legs, he experienced a slight difficulty, owing to the left leg being drawn up through disease of the hip, and thus causing him to walk lame. The executioner made a remark, and the culprit said, in a tone just above a whisper, "I can't." The strap was however quickly buckled and then Berry produced a carefully folded white cap from his pocket, and while drawing it over the head of the criminal those who stood nearest hears him faintly ejaculate, "Oh, dear".

The chaplain had directly on entering the place gone round to the edge of the drop, where he knelt in front of the condemned man, and prayed in an intensely fervent manner, saying, "Oh Lord, have mercy on this man's soul" "Oh holy and blessed and glorious trinity, three persons and one God have mercy on this man's soul". The impressiveness of the prayers thus being offered and the awfulness of the moment affected the bystanders to a great degree

Berry reached down the end of the rope, which had been put up on the ledge of one of the grated windows, and put the noose around the prisoner's neck, paying particular attention to placing the ring through which the rope worked under the left ear, and having drawn it rather tightly, motioned to the two warders who were supporting the culprit to stand clear. They moved away, and Berry grasped the handle of the lever, and although scarcely a moment of time had elapsed, the hapless man fell sideways to the right and backwards in a dead faint. Berry had allowed, according to government regulations, a drop of only 4 feet, and as Smith had fallen nearly to the floor the slack rope had nearly all been used, as it were, but the flaps then opening, the body fell, and with a violent side jerk it was brought into a perpendicular position.

There were some slight convulsive quivers of the shoulders, the death must have been instantaneous, and even if it were not, the fact that he had fainted, had, in the opinion of the surgeon, the same effect as if he had been under the influence of chloroform. Thus, being insensible, he met with a painless death. The movements of the shoulders, the executioner afterwards remarked, were such as were always nearly always noticeable and were merely the death quiver which passed through the body.

As the body disappeared, the chaplain said: "Oh, Lord, have mercy upon him," and he engaged in silent prayer for a few moments immediately the dreadful tragedy had been enacted. When he rose, the surgeon reached down into the pit for the purpose of ascertaining if there were indications of life by feeling the pulse of the suspended man, but as the hands were too low down, a ladder, standing close by, was put into the pit, by which he descended, and he then pronounced life to be extinct.

Notes on the family of Robert Bagley and Saibereni Smith.

The execution are certainly performed his up abhorrent duties with expedition, and the rope that was used was the same with which he hanged Rudge, one of the Cumberland burglars, at Carlisle. The body was left hanging for an hour. Those who had witnessed the execution having retired directly it had taken place, and at the end of that time it was lifted up, the rope taken off, and it was then laid alongside the drop, on the floor, to await the inquest.

A crowd, estimated at about six or 700 persons, congregated in the New Road, and when the drop fell a black flag was hoisted to the top of a pole in the front of the prison, to signify that the law had been carried out.

The representatives of the press are under a great debt of obligation to the Under-Sheriff, the Governor and other officials of the Prison, for their courtesy in the discharge of a painful but necessary duty.

The culprit left behind no confession of any kind, written or otherwise: in fact, it is understood that he to the last denied that he had ever had any premeditation in his mind, or intention whatever to take his wife's life.

At several of the churches and chapels in the city on Sunday, reference was made to the approaching execution, and prayers were offered on the half of the unhappy man. At Merton College Chapel, the Rev G. Noel, the preacher of the day, made mention in his sermon of the Bishop, as a former Postmaster of the College, sacrificing all other considerations to a high sense of duty in visiting the condemned man.

Special communion services were held at St Paul's and St Barnabas' churches at the time of the execution, and intercessory prayers were offered, and the beautiful hymn, "Rock of ages", was sung by the communicants.

Before leaving the prison those who had witnessed the execution signed the usual certificate, posted outside the entrance gate in the New Road at nine o'clock., under the provisions of the Capital Punishment Amendment act, 1868."

The newspaper account continues:

The inquest on the body was held at 11 o'clock in the new visiting Justices committee room of the prison.

The Jury then viewed the body, which was placed coffin-less on the floor of the room in which the execution had taken place, and alongside of the drop, the flat doors of which were opened, and the apparatus was examined by the jury. The neck cloth of the culprit was removed at the request of the coroner and Jury and a slight mark only was visible on the neck. The eyes and the mouth were open but there was no perceptible change in the features or the countenance generally from what they were during life

... Dr Spencer, the surgeon of the prison said, "I identified the body as that of Charles Smith. He has been under my care during the whole time he has been in prison, and I have seen him nearly every day. He was suffering from the disease of bone of the left hip of old standing, I have very little to do with that, but he was suffering from great discharge, and required extra diet. I was present this morning at eight o'clock and saw him hanging. He was hanged by a rope fixed by have been in a cell, which went around his neck. The execution was carried out satisfactorily, and he was dead almost instantly. The fainted on the drop, and instantly the drop fell, so that he could have had no sensation. I felt the body within about a minute of the drop falling was then dead. A ladder had to be fetched by which I could get down to the body stop. I do not know the length of the drop, but it was short."

... Immediately, the inquest was concluded the body of the culprit was removed to the place assigned for the burial of such criminals, namely, near to the old place of execution, in the part known as the deputy governor's garden, under the castle tower, where it was interred, and where doubtless the letters C. S. carved into the stonework of the wall, will be all to indicate the spot where the remains were placed. The previous execution was on the first of April 1878. "

Cinderella Bagley Smith – sheepstealing and fighting.

In 1871 Cinderella got involved in a fracas with her nephew Gustin's wife:

Figure 10: 1871 Cinderella & Sarah Smith - assault case.

“Abingdon and Reading Herald. 1 July 1871. Bullingdon Petty Sessions. County Hall. Quarrelsome Neighbours. Cinderella Smith, ²¹a lady who travels with “three sticks a penny” was summonsed for assaulting Sarah Smith, at Headington, on the 21st inst. Complainant said that on the day defendant came to her door and began swearing at and threatening her before she was up, and dared her to come out of her house.

While witness was dressing her child soon afterwards, defendant ran in and pulled her down by the hair of her head, which complimentary proceeding was returned by the prosecutrix, who “fetched” defendant down on the ground alongside herself.

Cinderella then pinched Sarah's hand and the latter amicable person snatched up the bellows. At sight of which formidable weapon of offence it seemed the defendant “hooked it”, or in other words, took to flight.

In defence, Cinderella said that on the day before the fracas occurred, she and her husband went with their cocoa-nuts &c. to Iffley Feast at which place a quarrel arose between them and Sarah and a man named Buckingham, as to the position at which they pitched their apparatus. She asserted that prosecutrix seized her by the head first, and called Prudence Smith, who said she lived close to the parties. On the previous Wednesday, she, in consequence of hearing a disturbance, entered Sarah Smith's house where she found prosecutrix striking the defendant with a pair of bellows.

As the bench held the no doubt correct opinion that it was a case of “six to one and half a dozen to the other” they dismissed the case.”

Sarah was the wife of Cinderella's nephew Augustin Smith, and the Prudence mentioned was probably the daughter of cousin by marriage Lucretia Smith Webb.

²¹ This may be the Cinderella Smith referred to in “Gypsy Folk Tales” (1899 Francis Groome) as: *“Meanwhile I will merely remark that in 1871-72 I frequently saw an old Gypsy house-dweller, Cinderella Petuléngro, or Smith, at Headington, near Oxford. From her I heard the story of 'Fair Rosamer,' so fair you could see the poison pass down her throat. She was turned; it seems, after death into a Holy Briar, which, being enchanted, bleeds if a twig be plucked.”*

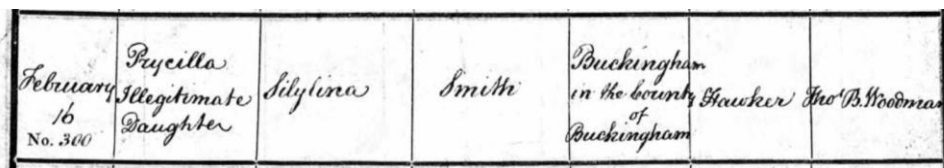
Notes on the family of Robert Bagley and Saibereni Smith.

Priscilla Smith Bagley Smith

The Journal :²² (JGLS 3rd Series, 1928 No 1)

“Wisdom had married Priscilla Bagley, widow of his cousin Henry ²³(son of old Arti” Smith of Tadmarden) – another of Tom’s brothers, by whom she had one son, Gustin (Augustin – Ed) who joined the Headington Colony and who is my chief informant about them. Priscilla was daughter of Saibireni Smith ²⁴ and Bob Bagley a Giorgio with travelling connections ²⁵ from the neighbourhood of Banbury

1818 Feb 16 baptised at Brackley as Prycilla Smith of Silylyena Smith:



1827 present as an 8 year old when her Mother and brother killed a man with a rock in Marston lane.

1828

1829 Brother Thomas transported for sheepstealing.

1830

1841 census not found yet – birth of ‘Gustin Smith – child of Priscilla and Henry Smith.

1842

1843 child Samson at White Cross Berkshire.

1844

1845 child Anne Selina at Glympton.

1846

1847 child Patience at Chesterton of “Wisdom and Priscilla” and brother Benjamin transported for Sheep stealing. Wisdom’s brother Ben Smith also transported for same offence which proves a relationship at this date.

1848

1849

1850 Child Ocean at Headington.

1851 census not found yet.

1852 Child Lucretia at Headington.

1853 Child Jane at Charleton, according to later 1871 census.

1854 Child Wisdom at Charleton in - Wisdom Smith senior a “camp-travelling chair-seat flagger”

1855 Child George at Charleton, according to later 1871 census.

1856

1857 Headington death of Charles Smith, is this her first husband? Henry was the son of Hercules and grandson of Jasper Smith. He was the father of ‘Gustun Smith. Child Mary Anne at Headington.

1858

1859

²² JGLS 3rd Series, 1928 No 1

²³ Between these two marriages she lived for a little while with Christopher/Kristopol/Krisn Smith. JGLS 3rd Series, 1928 No 1 Page 59.

²⁴ For Siabi and her brother Vantino JGLS Third Series I 77 and ii 37

²⁵ Gustun only knew of a sister Charlotte who travelled but others appear in registers and records - JGLS Third Series i 87, and ii 33

Notes on the family of Robert Bagley and Saibereni Smith.

1860 Jan 9 - Marriage to Wisdom Smith at Headington, who was the first cousin of her late husband Henry Smith. Between marriages she apparently lived with Christopher Smith/Kristopol/Krisn. ²⁶ Child Elizabeth at Headington, according to 1871 census. Jemima baptised at Headington, 20 May 1860.

1861 Census at Headington Quarry.

1862 1st Feb. Priscilla in a fight with her daughter in law at Headington. LOOK UP

1866 mysterious Headington baptism of Coralina Patience Smith, daughter of "Priscilla Smith, Singlewoman"

1871 Census at Headington Quarry. A court case about a fight with some bellows.

1881 Census at Headington Quarry

1884 Sept 3 - Priscilla Smith, Littlemore asylum - admission 95402 23 Jan 1883, death 3 Sept 1884.

²⁶ *JGLS 3rd Series, 1928 No 1 Page 59.*

Appendix 1 - 1827 Manslaughter of Joseph Smith by the Bagley family

Jackson's Oxford Journal, 7 July 1827, page 3.

OXFORD.

On Thursday last an inquest was commenced at Marston, and continued by adjournment on the following day before Mr. Cecil, coroner, on view of the body of Joseph Smith, a travelling chair-bottomer and razor grinder, aged 36 years, who died the previous night in Marston-lane, from blows he received in the head.

It appeared from the evidence adduced, that Smith, with his wife and 5 children, had been travelling for the past month in company with Robert Bagley, Sibyl his wife, and son Thomas, and six other of their children; ²⁷ that on Wednesday morning last the deceased and Thomas Bagley were mending chairs together in Oxford, and at about nine in the evening a long dispute took place in Marston-Lane, between the wife and son of Bagley with Smith, respecting some money he had received, which the two Bagleys laid a claim to; Smith the deceased struck the wife of Bagley with a small stick he had in his hand; she then snatched the stick from him and struck him with it on the eye, and afterwards took up several large stones which lay on the side of the road and threw at him; Smith's hat was off at this time, and Sibyl Bagley told her son Thomas to throw stones at the deceased, which he did, one of which struck him on the right temple, and he fell immediately.

He lay several hours on the ground in a dying state, during which time it appears that the wife of Bagley made use of very violent expressions towards him, which we refrain from repeating, that the prejudice of the public might not be excited against her. Some milkmen coming from Marston found Smith in a dying state, and went for medical assistance, but before it could arrive he was dead.

The head of the deceased was opened by C. Wingfield, Esq. surgeon, who was decidedly of the opinion his death was occasioned by the blow from the stone on the temple. The Jury, after a short deliberation, returned a verdict of Manslaughter, against the wife and son of Robert Bagley; and the coroner issued a warrant, upon which they have been committed to our county gaol for trial at the next Assizes.

Oxford University and City Herald, 7 July 1827, page 3.

On Thursday last, an inquest was commenced at Marston, and continued by adjournment on the following day, before Mr. Cecil, coroner, on view of the body of Joseph Smith, a travelling chair-bottomer, razor-grinder, and chimney-sweeper, aged 36 years. It appeared by the evidence that Smith, with his wife and five children, had been travelling the last month with Robert Bagley, Sybil his wife, his son Thomas, and six other children; that on Wednesday morning last, Smith and Thomas Bagley were chair-bottoming together in Oxford; that about half-past nine in the evening, a long altercation took place in Marston-lane, between Mrs. Bagley and her son Thomas, with Smith, respecting some money Smith had received, which Thomas claimed, and Smith denied to belong to him, and refused to give up; that Smith had a small stick in his hand, which Mrs. Bagley dared him to strike her with; that Smith at length struck Mrs. Bagley with the stick; that Mrs. Bagley then

²⁷ Editor: although seven children are here referred to, we know of eight - Lisha 1805, Thomas 1807, Vantino 1818, Priscilla 1819, Benjamin 1822, Reconcile 1823, Charles 1825 and Cinderella 1827.

Notes on the family of Robert Bagley and Saibereni Smith.

took the stick from Smith, and struck him with it in the eye, and afterwards took up several large stones, which lay by the side of the road, and threw at him; that Smith's hat was off his head; that she told her son Thomas to throw stones at him, that he did so, and a stone struck Smith on the right temple, and he fell immediately and died.

Smith's head was opened yesterday morning, by Charles Wingfield, Esq. of Oxford, surgeon, who was of opinion that his death was occasioned by the blow he received from the stone. The Jury, after a short deliberation, returned a verdict of Manslaughter against Sybil and Tom Bagley, and the coroner issued his warrant, and they are committed to our county gaol for trial at the Summer Assizes.

We understand that Mrs. Bagley made use of some very violent expressions both before and after Smith had received the blow from the stone, but we abstain from stating them, in order that the public may not be prejudiced against her.

Jackson's Oxford Journal, 21 July 1827, page 3.

OXFORD CIRCUIT. - The Assizes for Berkshire will commence on Monday next, at Abingdon...Thursday morning, when the following prisoners will take their trials, viz. ...Sabrina Bagley, and Thomas Bagley, charged with feloniously killing and slaying Joseph Smith, at the parish of Marston...

Jackson's Oxford Journal, 28 July 1827, page 3.

OXFORD. CROWN COURT. MANSLAUGHTER. - Sabrina Bagley, and Thomas Bagley her son, aged 16 years, were charged with the manslaughter of Joseph Smith, at the parish of Marston. It appeared that the deceased was returning home in a state of intoxication, and that on passing the place where the prisoners, who are gipsies, were encamped, he addressed some abusive expressions to them. The woman replied and he took up a stick and struck her on the shoulder. She retorted by flinging a stone at him, and on stooping to pick up a second, called to her son, "Do you pick up a stone and fling as well as me." The son, thus instructed, picked up a stone weighing upwards of 5lbs. and flinging it at the deceased, struck him on the temple. He instantly fell, and while he was lying, supported by his wife and son, in a senseless state, the female prisoner exclaimed "If he gets up again, I'll make him die."

The Jury found the male prisoner Guilty of Manslaughter, and the female prisoner of aiding and abetting. The Judge sentenced each of them to 1 month's imprisonment.

Oxford University and City Herald, 28 July 1827, page 3.

SUMMER ASSIZES. Oxford, July 26th, 1827. Sabrina Bagley and Thomas Bagley, her son, were indicted charged on the Coroner's Inquisition, with feloniously killing and slaying Joseph Smith, on the 5th of July last, in the parish of Marston.

Joseph Smith, son of the deceased, said, that about 9 o'clock on the evening of the 5th of July last, the prisoners, together with the husband of the female prisoner, were encamped in Marston-lane, in this county; the prisoners and his father were trampers, or travelling grinders; his father and mother entered the lane for the purpose of encamping for the night; some words took place between the female prisoner and his father; she dared him to strike her; she said if he did she would have his life; he then struck the female prisoner with a tent stick; she then took the stick from him; she hit [sic] him over the eye; she then picked up a stone and threw it at him; they both then threw at him, struck him over the temple, and

Notes on the family of Robert Bagley and Saibereni Smith.

knocked him down; the female prisoner then said, "if Smith did not die from that blow, when he got up she would give him another that would make him die." The stone that struck him was about the size of two-penny loaf; Smith died about 8 o'clock the next morning.

Mr. Wingfield, a surgeon of Oxford, examined the body of the deceased; the skull was fractured, a blood vessel was ruptured, and a large suffusion of blood had followed, which compressed the brain, and was sufficient to occasion death.

Thos. Bagley denied hitting the deceased. - Sabrina Bagley said the deceased had began first, and had hurt her very much; what she had done she did in her own defence; and that the deceased had sworn he would murder her.

Mr. Justice Littledale stated this was an indictment for manslaughter. The Learned Judge then proceeded to detail the evidence, and, in conclusion, left it to the Jury to say whether the circumstances, as related by the witnesses, were sufficient to warrant a conviction for manslaughter.

Tom Bagley guilty - Sabrina Bagley guilty of aiding and abetting. - One month's imprisonment each."

Notes on the family of Robert Bagley and Saibereni Smith.

Appendix 2 - 1847 Bagley and Smith sheepstealing,

DEDDINGTON. SHEEP STEALING.²⁸

"We regret to have to record another case of sheep stealing in our neighbourhood. In the night of Monday last the 25th instant some persons killed two ewe sheep at Rignall Farm, in the parish of Great Barford,²⁹ near this town, the property of Mr. Wm. Iorns. It is supposed the sheep were afterwards taken away in a cart, the skins, heads, and entrails being all that could be found. Mr. Iorns and the Deddington Association for the Prosecution of Felons, of which he is a member, have issued handbills, offering a reward of 15l. (£15.00) to any person who will apprehend the guilty parties, and we sincerely hope soon to hear of their capture and conviction. This makes eight sheep that have been killed in a similar way near our town within a very short period."

DEDDINGTON, FEB. 4. - MAGISTRATES' CHAMBER³⁰

Tuesday last Robert Bagley, Benjamin Bagley, Charles Bagley, Cinderella Bagley, and Benjamin Smith, all belonging to the gipsy tribe, who were remanded on Monday, were again brought up this day, before the Rev. W.C. Risley, charged with stealing two ewe sheep, from Rignall Farm, Great Barford, near Deddington, and after a lengthened investigation were all fully committed to take their trial at the next Assizes.

The thanks of the public are due to Mr. George Morgan, constable of King's Sutton, through whose indefatigable exertions the gang were apprehended. The Bagleys are all of one family, and the father of them, Robert Bagley, though a cripple apparently, and who has travelled about this part of the country for many years with iron skewers, actually made his escape, (being allowed, in consequence of his walking with a crutch, rather more latitude;) and, having half an hour's start before his absence was discovered, gave his pursuers some trouble to re-capture him, throwing his crutch aside, and leading them a regular steeple chase from Deddington to Duns Tew, near which latter place he was re-taken in a ditch, and again brought to Deddington.

OXFORDSHIRE LENT ASSIZES.³¹

...The calendar presents the following list of prisoners for trial:- ...Robert Bagley, Benj. Bagley, Charles Bagley, Cinderella Bagley, and Benjamin Smith, charged with having, at Great Barford, stolen two ewe sheep, value 50s. each, the property of William Iorns.

OXFORDSHIRE ASSIZES.³²

Benjamin Bagley and Benjamin Smith, indicted for having, in January last, killed and stolen two ewe sheep, the property of William Iorns, of Great Barford; and Robert Bagley (the father of the first prisoner), Charles Bagley (another son), and Cinderella Bagley (a daughter), were all charged with receiving a part of the same sheep, well knowing it to have been stolen.

These prisoners were a set of tramps or travelling gipsies following no kind of work, but going about the neighbourhood and country selling skewers and other trifling articles, and living about in lanes and places wherever they happened to be at night. The case was one requiring a number of witnesses to bring the theft home to the prisoners. The constable Morgan took a prominent part in bringing the matter to light, and took the prisoners into custody. After the case for the prosecution was closed, Mr. Williams addressed the Jury at considerable length on behalf of the prisoners, and strongly contended that the evidence had not borne out the charge even against the two principals, much more the other three, who were indicted as receivers; after which his Lordship summed up, when the Jury shortly returned a verdict of guilty against all the prisoners. Benjamin Bagley and Benjamin Smith – each to be transported for 10 years. Each of the others to be imprisoned and kept to hard labour six calendar months.

"Sheep Stealing at Great Barford by a Gang of Gipsies".³³

"OXFORDSHIRE LENT ASSIZES. Benjamin Bagley, aged 25, and Benjamin Smith, aged 23, charged with having On the 25th of January last, at Great Barford, feloniously stolen two ewe sheep, value 50s. each, the property of Mr.

²⁸ Jackson's Oxford Journal, 30 January 1847, page 3. Found by Keith Chandler.

²⁹ Also known as Barford St Michael

³⁰ Jackson's Oxford Journal, 6 February 1847, page 3. Keith Chandler

³¹ Jackson's Oxford Journal, 6 March 1847, page 3. Keith Chandler

³² Jackson's Oxford Journal, 13 March 1847, page 1. Keith Chandler

³³ Banbury Guardian, 11 March 1847, page 2. Found by Keith Chandler.

Notes on the family of Robert Bagley and Saibereni Smith.

William Iorns; and Robert Bagley, aged 55, Charles Bagley, aged 17, and Cinderella Bagley, aged 20, for receiving parts of the same, well knowing them to have been stolen.

Mr. Pigott, in addressing the Jury, said the prisoners were a gang of those wandering people, the gipsies, who for some time past had been encamped in the neighbourhood of the prosecutor's farm. They would hear, by the evidence he should adduce, that on the 25th of January last, the prosecutor missed two ewe sheep from a flock of 32, which were afterwards traced by foot-marks to a clover rick in the same field, where the skin and entrails were found, and from thence to a lane, where parts of the mutton were found in the possession of the prisoners, who were all sitting round a fire. The facts of the case were few, and he should therefore proceed to call the witnesses.

John Timms (*said*) - Am shepherd to Mr. William Iorns; counted the sheep on the 25th of January, there were 32; counted them again on the following day, Tuesday, found 2 gone; and footsteps of two men and two sheep, and traced them across some turnips to a clover rick in the same field; found the skins and entrails near the rick;

Morgan the Constable examined the footsteps; took the skins before the Magistrates, when they were compared.

(*Morgan said when questioned*) By Mr. Williams - It was on the Monday when I first counted the sheep; the rick is about 100 yards from the fold.

George Morgan - Am constable of King's Sutton; on the 30th of January went to prosecutor's; went to the fold; examined the footmarks of two men and two sheep; they went in the direction of a clover rick; judged from the marks that the sheep were pushed along by a man's knee. The two marks went parallel to each other.

On the Sunday went to a lane; found all the prisoners; they were sitting round a fire; told Charles that I was constable, and should take him into custody; saw blood on Benjamin Bagley's coat; Benjamin Smith said, "I dare say you would like to know how that come [sic] there;" he said, "Mr. Buswell, Mr. Rose's bailiff, gave us a sheep last Tuesday, and that was done bringing it away; I had not said anything about sheep before that; saw some mutton under the gown of Cinderella; it was very fat mutton; there were several parts. I said, "It is nice fat mutton;" they said, "yes, it was, for they had got fat enough out of it to sell for 5s."

Took the shoes off Benjamin Bagley and Benjamin Smith; compared them with the footmarks, and found them to correspond; one of the toes of Benjamin Bagley's was askew; some of the nails were gone; have no doubt but that the shoes I now produce, are the same; took the mutton before the Magistrates; it was compared with some skins there by Mr. French, a butcher; it corresponded; there was a small piece of skin left on the mutton; there was a hole in one of the skins, which agreed with the piece on the mutton. (The mutton was introduced.)

(*Morgan said when questioned*) By Mr. Williams - There were parts of two necks, parts of a breast, and other parts; it was not all cooked. Ledwell Farm is about 7 miles from Mr. Iorns; seized all the cooking utensils of the prisoners. It rained hard on the Sunday previous to the sheep being lost; did not examine the right shoe with the right footmarks. It was about ten o'clock when he took the prisoners. The nearest building is the farm-house, within 300 yards; there is another farm about half-a-mile off; there is a church; did not see more than two skins compared with the mutton.

Mr. Richard Hall, nephew of prosecutor, compared the footmarks with the shoes, and found them to agree; the sheep are worth 50s. each. Mr. Iorns is too ill to attend.

Mr. W. Hoar - Am a chandler; live at Lower Heyford; remember Benjamin Bagley and Benjamin Smith coming to my shop on the 27th of January; they brought some fat melted down; gave them 4d. per pound for it; there were 13 ½ pounds.

John French - Am a butcher; live near Deddington; went before the magistrates; was shown some mutton; two best ends of the neck and part of a breast; compared them; the necks were from different sheep; one was much larger than the other; these are the same skins as I saw before the magistrates; one of the skins had been cut; and part of it left on the part of breast of mutton. Am certain that part of the meat had not died from any disease; it was firm, fat meat; if it had died of a disease called red water, the flesh would have been red; should say such a sheep would produce 10 or 12lbs. weight of fat; the other, which they had from Mr. Buswell, would not produce 6lbs.

Cross-examined - There is a disease called the white water; if the sheep had died from that, it would have the same effect as the red.

Notes on the family of Robert Bagley and Saibereni Smith.

Richard Buswell - Am bailiff to Mr. Rose, of Ledwell Farm; on the 26th of January lost a sheep; gave part of it to my shepherd, and part to the gipsies; it was very poor; on the Thursday afterwards saw some mutton before the magistrates; it could not have been part of the sheep I gave to the gipsies.

(Buswell said when questioned) By Mr. Williams - Have seen the prisoners before; gave them leave to sleep in a hovel on the Sunday night, and again on the Monday night. The legs and shoulders were given to the shepherd for his dog; the rest were given to the prisoners; they helped the shepherd skin the sheep; saw them go away; saw nothing with them but the mutton I gave them; the skin was sold to a butcher.

George Morgan recalled *(when questioned by ?)* - Had the prisoners in his custody, and was present when there was a conversation respecting a knife; had Robert Bagley in custody at his father's house, he got away by saying that the gentleman had discharged him. In consequence of what he said, left the prisoner in the room and went to inquire of his father; when he came back, the prisoner was gone; went out and in about two miles found the prisoner in a ditch; he would not come out, but said, "If witness touched him, he would knock him down with his crutch."

Mr. Samuel Field, magistrates' clerk, said - That he was present when the prisoners were brought before the magistrates; they were asked if they wished to say anything, and were cautioned that what they said would be taken down, and produced in evidence against them. They then severally made a statement, in which they said that they had received the mutton from Mr. Buswell, the bailiff to Mr. Rose. It was taken down and signed by each of the prisoners. This was the case for the prosecution.

Mr. Williams, for the defence, was most eloquent. He contended that the case was not clearly made out against the prisoners, and it was next to impossible that they could be the parties who committed the crime which they were charged with; if they were, it must have been done by ten in the morning, when the whole of the people of the village were about, as they were sleeping in the hovel seven miles away, when the sheep was alleged to have been lost.

The learned Judge having summed up, the Jury returned a verdict of Guilty against all the prisoners. - Benjamin Bagley and Benjamin Smith were then sentenced to ten years' transportation each; and the other prisoners to six months' imprisonment, with hard labour.