



Insolvency & Seduction of a Young Girl

Insolvency Case – Wiltshire County Court Re: John Trubridge

The insolvent, who described himself as of no occupation, applied for his discharge from gaol under a judgement obtained against him by Frederick Shergold, innkeeper of Wishford, for the seduction of his daughter. The debt and costs were entered on the schedule as £206 8s., and there was no other creditor. Mr. Lock supported, and Mr. Whatman, solicitor, Salisbury, (formerly of Reading) opposed. The insolvent was examined by Mr. Whatman.

He believed his age was 25, but was not sure. Didn't know when he came of age, as his birthday was never kept. Had known the plaintiff and his daughter for many years, and had been in the habit of frequently going to the house. Couldn't state the age of Miss Shergold. Mr. Landon thought her age was about sixteen, but couldn't say. Could not say when he seduced her; and did not know the age of her child. It had been stated that he seduced her at the age of fourteen, but he understood that she was more than that. Had known her ever since she was a child in arms. He was in London himself, and was present in court when the case was called. Counsel appeared for him. By consent a verdict was taken for the plaintiff for £150 and costs. The costs were taxed at £56 6d. He recollected the Bath races, which took place in May. He attended those races, and paid the railway fare himself. Couldn't tell how much money he won there. Won £7, by backing one horse, but then lost on others. As far as he could recollect, he confined himself to three bets. He might have won more than £7, as he played at snuff-boxes for half a crown or five shillings. He kept no accounts. He kept no betting book.

Mr. Whatman: Did you go to Ascot?

Insolvent: Yes, went there by rail. Spent a day there; slept at a friend's house in Reading. Lost a sovereign or two there. Looked at his balance-sheet, but didn't read it thoroughly.

The Insolvent then proceeded to state that when at Reading, he slept at the house of a Mr. Jesse, who was a first cousin of his. He only staid there one night, and slept one night at Radley's Hotel, Southampton. He left Wishford on a Wednesday, and returned on the following Friday. Was away for six weeks while the action was pending. Went to a Mr. Thatcher's, at Kintbury Holt, near Newbury. Went

there by invitation, and paid nothing during his stay. Mr. Thatcher said he might stay as long as he liked. There was some donkey racing at a place called Ansted, near Kintbury Holt, which he attended. The parties were principally gipsies, and he might have given a shilling or two to get up a race. Didn't then bet sovereigns on horses, as he had no money to bet. Had been brought up as a farmer. Used to superintend his father's farms. Had no salary, but got a little pocket money from time to time. His father had supported him since his arrest. Sometimes he had had hot dinners, sometimes cold.

The Judge: But it has been no great punishment to be in gaol?

You can judge for yourself what punishment it is to be shut up.

I have never been shut up, sir; I am asking you.

Of course it is a punishment.

Has your father ever said he would put you in business?

He might have done so. He might have said that if I went on well I should have a farm at some future period.

By Mr. Lock: I was charged with being the father of Miss Shergold's child the day after its birth. I had received no previous intimation, either from the girl or her father. The first intimation after that was the service of the writ. I received no letter. The damages were laid at £1000. I have offended my father very much over this affair. I used to go to the plaintiff's house every day and continued my visits up to the birth of the child. Neither the father nor the daughter said anything to me.

Mr. Whatman submitted that the insolvent had clearly rendered himself liable to two years' imprisonment.

A young man, 25 years of age, with opportunities of daily frequenting the plaintiff's house, and mixing with his family had taken advantage of a child, 14 years of age, whose prospects in life he had utterly blasted. And what had been his further course of proceeding? He made no defence to the action, but at last gave notice of his intention to appear by counsel at the assessment of damages; and then just as the case was about to be called on, consented to a verdict for £150.

Mr. Lock hoped to be able to satisfy his Honour that the circumstances were such as to justify him in passing a mild sentence. The action was brought for a large sum of £1,000, and if the case had been so flagrant and hard as Mr. Whatman had put it, would the jury not have given a verdict for the whole amount? But if there were circumstances which came out before the hearing of the case, to justify the acceptance of smaller damages, he could well understand the willingness of the plaintiff to accept a compromise.

His Honour said the insolvent was clearly liable to be imprisoned for any period not exceeding two years, and the only question was, whether there were any circumstances to lead him to reduce the proper punishment for such an offence? It was a case of seduction of a child of 15, but it was not for him to go into the insolvent's conduct previous to the action. A verdict, however, having been taken by consent for £150, ought not that £150 to be paid? Why not? The insolvent could not pay it; he was of no profession; he had no means of raising the money himself; he could only rely upon his father and friends; but there was an old rule of law which he was bound not to overlook, namely, that the man who could not pay in purse must pay in person. If, therefore, his father would not come forward and pay £150, and costs for his son under these circumstances, he must be content to see him lie in gaol. If the father so pleased, he would remain in gaol for a protracted period of time. As soon as the plaintiff had received his damages and costs, a discharge would be sure to be given. Why, then, should he pass a lenient sentence upon a young man placed in such a position? He could see no reason for doing so. He was quite ready to admit that a young man of 25 was not quite in the position of a person of more mature age, but still he had taken advantage of a mere child – of a child who had not attained to the years of discretion, and who,

©Wiltshire OPC Project/2017/Maureen Withey

therefore, was completely in his power. He (the Judge) must therefore order that the insolvent be not discharged until he had been in prison for the space of 12 months from the date of his vesting order (12th July last), and he would be so imprisoned for being indebted in damages recovered in an action for the seduction of the daughter of the detaining creditor.

Berkshire Chronicle, Saturday, 24 August 1861

OPC Note:-

John Trubridge Shergolds' birth was register in the March Quarter of 1861 in the Wilton Registration District. His death was registered in the March Quarter of 1862 in the Wilton Registration District