

Ellen Cook ID 12172 per *Tory* 1845

4-1 Petition

I have read all the Papers in this case.

There can be no doubt, that if some of the statements transmitted had been proved at the trial, particularly those made by Susan Taylor and Ann Carver the Prisoner ought to have been acquitted. But to review these statements now, after the trial, would be to retry the case upon exparte, **unexamined** unsworn evidence, in the Home Office. I think this should

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not be done.

Looking at the Evidence given at the Trial, as reported by the Recorder, I think the Evidence of the Principal Thief must be taken to stand unconfirmed; for there seems to me not to be any confirmation in the Evidence of the accomplice. In that view of the case, the soundness of the Verdict might be questionable; tho' undoubtedly it is for the Jury in such a case to make their own conclusion.

I w'd be inclined under all the circumstances to consider the Case as one in which the question of Mercy might be raised, provided clear and strong testimonials, (**resached** by the Magistrates), can be transmitted upon the subject of the Prisoner's general good character – with respect to which, it is remarkable no witnesses appear to have been called on her behalf at the Trial.

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Write to Mayor of Hull and request him to inform me what has been the character of Ellen Cook before this conviction. MGG

4-4 Petition

(Report of Trial). Hull Sessions. Michaelmas 1844

Ellen Cook, indicted for receiving articles of wearing apparel knowing them to be stolen, the property of Ann Brownrigg.

Mary Brownrigg. I live in Hull. My sisters name is Ann. In the beginning of September, a fortnight before Elizabeth Whelpton came to lodge at my house, my sister had left a box there containing a shawl, petticoat, night gown and other articles now produced by Morrith the policeman. Whelpton lodged with me for a week.

Elizabeth Whelpton. I am nearly 18. I went to lodge with Mary Brownrigg in September. While I was there I saw a box unlocked in my room. I took something out when I had been there two nights; it was a shawl. Next day I took out a flannel petticoat, chemise and night-

gown. I took them to Prisoner that same morning. She was at her own house. She had desired me to get her a shawl and she afterwards told me to get her anything when I could.

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When I brought her the things, she said she would make it up with me afterwards. I had known her about 3 weeks. She made my acquaintance. She began talking to me in the street as I was going on an errand from Hull College, where I was then in service.

Cross examined by Prisoner. I took the shawl into your house two nights before I took the other things. I have never received one farthing from you for them.

Examined by me. I came from Laceby in Lincolnshire. My father is a labourer there. I had been in Hull two nights before I knew Prisoner. I was a servant at the Hull College, when I became acquainted with her. Before I had come to Hull I had been in a farmer's service for a year and a quarter. I left when my time was out. I first met Prisoner in the street. She asked me to go to her house several times. I did go. She gave

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me liquor. I went home for a week as I was ill. When I returned I met Prisoner and she asked me to go to her house again. I did not return to my place but went to lodge at Brownriggs. Prisoner knew that I had gone there, and she asked me to get her the things. When I brought them, I told her where I had got them. She never gave me a farthing for them, but said she would make it up to me afterwards.

In answer to further questions from Prisoner, Whelpton said 'I did go and sleep with a sailor at Taylors house. You brought him to me at your house. You gave me liquor first, and you know you have ruined me in every way. I had got you five shillings from my cousin's before I bought you the things from Brownriggs and I told you where the five shillings came from.

Margaret Crowdace – Pawnbroker. Prisoner came to our shop on the seventeenth and eighteenth of September. She pawned

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all the articles produced by Morrirt.

Cross-Examined. She is a married woman. I had known her before. She has come to our shop many times.

Joseph Morrirt Policeman. I received all the things at Crowdases (petticoat, shawl, bed-gown, chemise). I took Prisoner on the 4th October at her own house. I said "I have come for you" She said "I know all about it; you have come concerning that girl". I had never mentioned any girl.

Mary Brownrigg and Ann Brownrigg identified the property.

Defence: The girl said her cousin had sent them to pledge, and wished me to do so for her. I did not know they were stolen. She has told nothing but lies. I have never had any charge made against me before. I own I carried the things to pledge, but I did not know they were stolen.

Guilty

Transported 14 years.

4-8 Petition

? Launceston, Feb 27 1845

Sir,

I have the honour of transmitting for your perusal a copy of the evidence given on the trial of Ellen Cook, who was convicted of receiving stolen goods at the last Michaelmas Sessions for the Borough of Hull.

The case, as it appears upon that evidence, seemed to me one of great aggravation, calling for the infliction of the highest penalty known to the law. It was that of an elderly woman who had tempted a young girl to steal whatever she could lay her hands on, and had afterwards received property so stolen and turned it into money for her own profit.

Had the cases depended entirely upon the evidence of the girl

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Whelpton I should have told the Jury that they ought not upon the unsupported evidence of the second thief, to convict the prisoner. There was, however, some confirmation in the Evidence of Morrith, the Police-Officer. I carefully read over the whole to the Jury, impressing upon them the necessity of caution in acting upon the testimony of Whelpton. The prisoner did not call a single witness either to facts or to character. The Jury almost immediately returned a verdict of guilty. The demeanour of Whelpton was calculated to produce a strong impression in her own favour; her appearance was that of a simple country girl, 17 or 18 years old, and she answered every question in a manner apparently the most ingenuous and straight forward.

I have read with the greatest attention the documents which have

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been just forwarded from Hull to the Home Office upon this subject, and which you have done me the honour of transmitting to me. Neither the Jury nor myself had the means of knowing any of the circumstances spoken to by the various witnesses who have been recently

examined before the Hull Magistrates. Two of them Susan Taylor and Ann Carver (pp 17, 21 of the Documents) speak not only to the character of the prisoner, but to facts of a kind so remarkable that it is difficult to understand why neither of these persons appeared as a witness at the trial, - especially when it is remembered that they (like all the other witnesses to character now brought forward) were friends and neighbours of the prisoner, and that the trial took place in Hull where they all resided at the time. I ought, however, to add, as it lessens to a certain extent the force of this observation, but the

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Prisoner had not the benefit of any professional assistance either at the trial, or, so far as I know, at any time before it.

With regard to the character of the girl Whelpton, there is certainly much evidence given on the recent inquiry before the Hull Magistrates to show that from about the middle of September last, - which, however, is about the same time when her acquaintance with the prisoner began, she had been conducting herself in an immodest and dissolute manner. And there are two witnesses, whose testimony, in my humble judgement, is much more important, because it applies to a period antecedent to the girl's acquaintance with the prisoner, and also because one of the two at least is a person upon whom there can be no possible **misotation**. I mean the Rector of Laceby, Whelpton's native place.

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(p. 9) and Mary Whelpton, the girl's relation (p. 27). The latter was in Court at the trial but was not called as a witness; indeed she came only for the purpose of accompanying the girl. When the trial was over, I called her to the Panel for the purpose of requesting that she would take care to see the girl safely returned to her father's house in Lincolnshire; and I inquired, for my own satisfaction, what kind of a character she had been before her acquaintance with the prisoner. Mrs Whelpton certainly then said that the girl's character had always been good. Her evidence (p 27) is now not so favourable. The circumstances spoken to by the Clergyman, as the result of his enquiries at the place where the girl had resided all her

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- life till May last, are such that if they had appeared before the Jury on her cross examination or otherwise, they would probably have returned a different verdict. Certainly I should have thought it most unsafe to convict in a case depending mainly upon the evidence of a person whose habits of falsehood and pilfering are such as the information obtained by the Rev Mr Nisbett represents Elizabeth Whelpton's to have been. As it was I saw no reason to think the verdict wrong.

I take the liberty of most respectfully submitting the foregoing remarks for your consideration, and I have the honour to be, Sir

Your most obedient and humble servant,

M T Baines

Recorder of Hull.

The Right Hon Sir James Graham

Her Majesty's Principal Secretary State To the Home Department.

4-15 Petition

Report on the case of

Ellen Cook.

I will thank Mr Phillips to read the Evidence in this case with this report and to favour me with his opinion.

MGG

The Recorder of Hull states that had the Evidence now brought forward as to the Char^{ter} of the principal Witness been produced at the Trial, the Jury would probably have returned a different verdict; and that he should have considered it unsafe to convict on the Evidence of such a person.

Ans^d 22 March 1845.

4-16 Petition

Hull 18th Feb 1845

Sir

By the direction of the Justices of the Borough I most respectfully call your attention to the case of Ellen Cook who was convicted at the last Michaelmas Session for this Borough of receiving from one Elizabeth Whelpton certain articles of wearing apparel well knowing they had been stolen. For this offence she was ordered to be transported for 14 years. Some of the Justices having reason to doubt the correctness of the verdict instituted enquiries the result of which I have the honour to lay before you.

It will be observed by the information taken before the Justices on Cook's instruction (pp 1,2,3,4 enclosed) that Elizabeth Whelpton the thief was the chief witness and that upon her evidence alone rested the Guilty knowledge of the prisoner – she states that their acquaintance commenced prior to her leaving the premise of a Mr Mortimer who lived at the

College. She left this place on the 6th Sept to go into Lincolnshire for the benefit of her health and returned to Hull on the following Sunday which was the 8th Sept. She ought to

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have returned to her place on the following morning and it does not appear why she did not. She further states that prior to the said 7 Sept Ellen Cook urged her to rob and bring her the produce. She most strenuously denied all knowledge of her prior to the 16th Sept. Her statement is confirmed by Ann Carver (page 21) who details her meeting with Whelpton on that day and her subsequently introducing her to Cook. It is further confirmed by Susan Taylor (page 19) who heard of her being with Cook on the following morning and enquired if she knew her. She replied that she had only delivered a message from her mother's neighbour to her and knew nothing more about her.

Whelpton moreover stated that she had been induced to prostitute her person for Cook's pecuniary benefit. Her account in the Examination is widely different from that previously given to the Justices (page 7). The two accounts are quite inconsistent. In the one (page 3) she says the sailor took her to a house where she slept with him and that Cook came in to her own house as they went out. In the other that Cook took her to the house. In the one she says she gave Cook the money (the price of her prostitution /page 3) on the following morning. In the other that Cook took the money from the sailor. She stated that this prostitution took place at the

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House of Susan Taylor (pages 7 & 25). This is directly contradicted by Susan Taylor herself (page 17) who states that Maria Fox bought her there – and by Maria Fox who declares that Whelpton was enquiring for lodgings and she took her first to a person named Hardie, but her lodgings being full she took her to Taylors'. The witness's testimony was apparently confirmed by Cook's admission to the policeman who apprehended her (page 4) but if the statement of Susan Taylor (page 19) is compared with that of Jos^h Morrill (page 23, 24) it will be evident that Cook was referring to the girls having stolen things from Taylor, as to what 'she knew all about' and not to the things stolen from Mary Brownrigg. An unfavourable impression was produced by the great number of pawn tickets found in Cook's possession – But this impression is removed by the well ascertained fact that she was in the habit of taking her neighbours things to pledge for them. Indeed a favourable inference may be drawn from this viz that it confirms the statement of Ann Carver who says that Cook gave Whelpton the ticket and desired her to take care of it – that ticket was not found on Cook.

Great pains have been taken to learn the previous character of Whelpton and it has been found that so far from

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her having been honest and virtuous up to her acquaintance with Cook, she was long previously dismissed from the service of Mrs Borman for lying and general bad conduct (page 9) and afterwards for stealing from the Missionary Box (page 10). That she had

previously stolen pence from Mary Whelpton's children (page 27) and if the account of Ann Carver as to the first meeting of Cook and Whelpton (page 21) is believed, of stealing 5/- from Mary Whelpton's relative (page 27). Her character as to chastity is most questionable (pages 27 and 14, 15) See also her own statements as to drinking with soldiers and accompanying them to the local public houses. (pages 17 & 18).

There is no doubt of the girl's character since the transaction above detailed. It has been of the most **abom....** description. She is now the lowest of prostitutes. She was apprehended for a felony on her parole but it is understood it was compromised or withdrawn. That occurred in Lincolnshire and enquiries about it have caused great delay in this application.

The Justices felt it their duty to submit the whole case to you and leave it for your decision.

I am Sir

Your obedient servant

W^m Ayre

Clerk to the Justices.

The Right Honourable

Sir James Graham, Bart

Her Majesty's Principal Secretary of State

Home Office, London

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152/73

Ellen Cook 54

Hull Qt Sess

Oct 1844

Recs Stolen Goods

14 Years Trans^t

Goal Rep^t Chatⁿ Not known.

Open to the Recorder who tried the prisoner. MGG

The Magistrates of Hull have made enquiries into this case and transmit several depositions with a view of shewing [sic] that the Evidence of the principal Witness (by whom the property was stolen) was untrue in many important particulars, and especially with regard to the guilty knowledge of the Prisoner

Ans^d 22 March 1845

Hull 15th March 1845

Sir

In pursuance of your letter at the instant, I have made thro' our Police Enquiries as to the character of Ellen Cook prior to her conviction at our last Michaelmas Sessions and I now inclose [sic] the result.

I have the honour to be

Sir

Your Obed^t Servant

Jas. Jones ...

Mayor of Hull

The Right Honourable

Sir James Graham, Bart

Her Majesty's Principal Secretary of State

Home Office

London

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Patrick Couleham. Inspector in the Hull Police force, states that he has known nothing of the Convict Ellen Cook prior to her apprehension, but from enquiries made by him in the neighbourhood of where she resided, he learned that she bore a very good character, in as much as she had been intrusted [sic] with various Articles at different periods to Pledge, the whole of which were punctually accounted for and tho' she was in the habit of taking liquor, the neighbours never saw her drunk.

Joseph Morrith, Police Constable No 24 in the Hull Police force confirms the above and further states that he was ordered to make especial enquiries respecting the Convicts character, but found of nothing to her prejudice.

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Report of character of

Ellen Cook

On the whole I cannot interfere with the sentence in this case.

MGG

(in a different hand)

It does not appear that any thing is known to the prejudice of this woman.

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Borough of Kingston upon Hull.

Joseph Morrirt of Nicholas Place, Porter Street in the parish of Holy Trinity in the same Borough. Police Constable being produced and examined before me,

Thomas Newmarch Esquire one of Her Majesty's Justices of the Peace in and for the same Borough, the eighth day of February 1845 declares and avers as follows:

In September last I was employed as a policeman to investigate a felony committed in the house of one Mary Brownrigg. I first went to Mrs Pickards pawn shop to ascertain if certain articles had been pledged by Ellen Cook. I found two parcels of goods which were identified by Mary Brownrigg, had been pledged by Ellen Cook. I therefore went to her house and apprehended her. That was on Friday night the fourth of October last. I rapped at the door and asked if Mrs Cook lived there. She said 'Yes'. I said 'you are Mrs Cook'. She said 'Yes'. 'I know what you have come for. I know all about it. Have you taken the girl. I am very glad if you have taken the girl. I believe she is a very bad girl and a very mean girl.' She asked if the girl was at the Station house. I believe I said 'no'. She put on her shawl and went readily with me to

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Mrs Pickards. She (Ellen Cook) said Mrs Taylor had lost some things. Some calico and a turnover shawl and she wished the girl to be taken into custody. She added that she had got these out again by which I understood she had redeemed them from the pawn brokers. Mrs Pickard identified Mrs Cook as the woman who had pledged the goods there. Cook said without hesitation "oh yes Mrs Pickard I did pledge them". I then took her to the Station House. I believe she thought the girl was at the station house for when she got there and saw the Brownrigg's there, she turned and looked at the youngest and said 'that is not the girl'. The inspector on duty told Cook she was charged with pledging the goods at the Pickard's knowing them to be stolen. She said 'Yes I pledged them but the girl bought them to me and I did not know they were stolen'. She said also, she was very sorry for what she had done, if she had known she would have had nothing to do with them. She expected they were the girls' own. She stated further that she had pledge goods for other people many times, but never got into trouble before. She said she had given the girl the tickets for the goods pledged for her. We enquired and found many places where she had pawned goods and found all the tickets, fourteen in number, upon her excepting those given to the girl. All the owners of the goods mentioned in these fourteen tickets claimed them and stated

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that they had authorised Cook to pledge them.

I knew Elizabeth Whelpton while she was in Custody. She said Cook had taken her to Susan Taylors to sleep with a sailor and she (Whelpton) was to have five shillings. I went to Susan Taylor's to make enquiries. She said "a bad girl she has slept in my House and stole a turnover and calico but never with a sailor". That one night when she came she was partly intoxicated and sat on a chair and fell asleep. I have been employed to make enquiries as to the characters of the parties giving evidence in this matter and believe Susan Taylor to be a decent honest steady woman. She keeps a mangle. Maria Fox is a decent poor woman and keeps a small shop. Ann Carver is a decent woman. She maintains herself by washing. I found Cook had pledged articles for her. Mary Brownrigg bears a decent character now. The neighbours say they know nothing against her. She takes in servant girls to lodge but they never saw men go there. I have made particular enquiries as to the character of Elizabeth Whelpton since the time she was in custody. Her character has been very bad indeed. She has been known as one of the worst of common prostitutes. I have seen her with soldiers in the street behaving as a disorderly prostitute. I did not know her before she was taken into custody. I know the Stag Inn. It was a place where girls and

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soldiers used to resort to. That was in September last. It is improved now. Mary Whelpton bears an excellent character and has a very respectable furnished house for working people. It is superior to most people's houses of her station. Her husband is a journeyman bricklayer.

Declared before me

Tho^s Newsmarch

Joseph Morritt.

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Borough of Kingston upon Hull.

Mary Whelpton the wife of George Whelpton of Commercial Buildings, Waverley Street in the said Borough, Plasterer, being produced and examined before me – George Cookman Esquire, one of Her Majesty's Justices of the Peace for the said Borough the eighteenth day of February One Thousand eight hundred and forty five declared and said as follows.

My husband is own cousin to Elizabeth Whelpton the Witness against Ellen Cook. I never saw her but once until she came to live at the College in Hull. While she was living there she came to my house one Sunday Evening and brought a common soldier with her. Thinking the soldier was her brother (who had enlisted as a soldier) I admitted them but soon dismissed them and forbid her ever bringing soldiers to my house again. From her giddy talk and conversation I was afraid of her and talked seriously to her about her conduct. On several occasions I discovered that she had taken pence from my children. Once after she had left the College she stole five shillings from a relative of mine who was staying at my house. I

believe from what I have since heard that was after she became acquainted with Ellen Cook. After Elizabeth Whelpton left the College she went into Lincolnshire for a day or two and after her return she slept one night at my house. I believe that was Sunday the Eighth day of September last. It was between nine and ten o'clock at night when she came to my house. I could smell she had had some drink and asked her where she had been she said she arrived by the packet about Five or half past and she had been with a young girl to the girl's aunt's in High Street. Once when Elizabeth Whelpton was at my house she saw a policeman pass and asked me if a policeman would make

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her a good husband. I replied that a policeman would not think of her. She then said a soldier had come to her when she lived at the college and she loved both in her heart. I attended with Elizabeth Whelpton at the Trial of Ellen Cook and was called up to speak to the Recorder after she was found guilty. I believe Elizabeth Whelpton returned to her friends in Lincolnshire after the Trial. I saw her go on board the packet on Tuesday afternoon which was the day after the Trial. She came again to my house on the Saturday following and I immediately ordered her out. I have not seen her since.

Ma Welpton (signature)

Declared to be true before me Geo Cookman.

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Borough of Kingston upon Hull

Ann Holmes the wife of George Henry Holmes living at No 177 High Street in the Borough of Kingston upon Hull personally appeared before me James Henwood Esquire one of Her Majesty's Justices of the Peace for the said Borough of Kingston upon Hull and solemnly and sincerely declared as follows.

Some months ago I lent Ellen Cook a number of articles for the purpose of pledging them to raise some money to meet some payments which she stated she had to make. I lent her a many articles at different times for the same purpose. Some she took out of pledge and returned to me and other articles which I lent her are still in pledge. She has promised a many times to get me the articles now in so pledge but has never got them. Sometime ago I lent a counterpane to Ellen Cook's sister who was ill at the time for the purpose of putting it over the Bed when the Doctor came. Ellen Cook's sister sent the counterpane back to me by Ellen Cook and she afterwards told me she had pawned it but would return it to me. Ellen Cook was in the habit of getting drink but I never knew any thing worse of her.

Ann Holmes (mark)

Taken before me the 7th November 1844.

Jas Henwood.

George Stockdale of West Street in the Borough of Kingstone upon Hull, Flax Dresser, who appeared before me – William Baldwin Carrick

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Esquire, one of Her Majesty's Justices of the Peace for the Borough of Kingston upon Hull and solemnly declared as follows. I have known Ellen Cook for about ten years. She was always addicted to drinking. We had a man in Messieurs George Cross & Sons Factory, Waterhouse Lane in Hull named John Hollowell who afterwards commenced the pawn broking business. Ellen Cook received Hemp from the Factory of Messieurs Cross and Son to spin at home. She has often told me she was in the habit of going to Hollowells shop to pawn articles. I have not known anything of Ellen Cook for the last year or years and a half. I never knew anything worse of her than getting drink. She was always considered very honest and very industrious. She supported by her labour in a great measure her old mother. I once recommended her to let her mother go into the Charity Hall or Parish Workhouse but she replied that she would rather work her fingers-ends off than let her mother go there. I believe that she occasionally received small sums of money for pawning goods for other people. I heard a woman say so sometime since.

George Stockill (signature)

Taken before me the eighth November 1844

W B Carrick, Mayor.

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Borough of Kingston upon Hull

Maria Fox the wife of John Fox of High Street in the Borough of Kingston upon Hull, mariner, being produced and examined before one of the Justice of the Peace for the said Borough the ninth day of November 1844 and solemnly and sincerely declared and said as follows.

I live in Lambs Court next door to Ellen Cook. I have known her four years and have lived next door to her during all that time. I keep a small shop and she has dealt with me. I believe her strictly honest. I have never seen any thing disorderly in her house or conduct. I don't think her capable of inducing Elizabeth Whelpton or any other female to prostitute herself. She is a hard working woman and maintains herself by going out to work and clean. The worst I ever knew of her was getting drink occasionally.

Maria Fox (her mark)

Taken and declared before me

Thos Thompson

(In pencil) This is the woman who took Whelpton to Susan Taylors to lodge. All this Declaration page 13 taken at greater length.

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Borough of Kingston upon Hull

Sarah Boulton wife of George Boulton of 174 High Street in the said Borough, Tailor and Grocer, being produced and examined before me a Justice of the Peace for the said Borough, the ninth day of November 1844 who solemnly and sincerely declared as follows.

I have known Ellen Cook two years and upwards. She has lived all that time in Lambs Court close to me. She has dealt with me all that time and I believe her strictly honest. I have trusted her as much as two pounds seventeen at one time and she always paid me honestly. From what I have seen of Ellen Cook and I have been in and out of her house many times, I could not believe that she could induce any female to prostitute herself. Her character was quite the contrary. She has many times gone to pledge small articles for neighbours and always acted most honestly. I believe she occasionally was paid a few half pence for such errands. Ellen Cook's husband is a very steady man that generally spends his evenings at home so that any disorderly conduct either by his wife or in his house could not be

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carried on without his knowledge and I am sure he would not permit anything of the kind.

Sarah Boulton (Signature)

Taken and declared before me

Wm Thompson.

Borough of Kingston upon Hull

William Barnes of Wards Entry, High Street in the said Borough being produced and examined before me one of Her Majesty's Justices of the Peace for the said Borough solemnly declared and said as follows.

I have known Ellen Cook above four years. She was a neighbour of mine. I believe her to be upright and honest. I never saw or heard anything wrong of her. She was in the habit of getting liquor at times. I have lent her articles to pawn she has always got them back within an hour of the time promised. I believe Ellen Cook to be quite incapable of inducing Whelpton to prostitute herself. I saw Whelpton on many times whilst she was lodging at Susan Taylors out at untimely hours at night.

William Barnes (signature)

Taken before me and declared to be true the ninth November 1844.

Tho Newmarch.

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Maria Fox

Sarah Boulter

Wm Barnes

As to character only.

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Borough of Kingston upon Hull

Susan Taylor of Wards Entry in High Street in the Borough of Kingston upon Hull, Widow, being produced and examined before me Thomas Firbank Esquire one of Her Majesty's Justices of the Peace for the said Borough the seventh day of February One thousand eight hundred and forty five solemnly and sincerely declared as follows-

I know Elizabeth Whelpton. On a Thursday night about the twelfth day of September last between ten and eleven o'clock Maria Fox brought her to my house and asked for lodgings for her saying she had been enquiring for lodgings and was a stranger in Hull. She was quite alone except Maria Fox and asked permission to sleep in my house for one night. I consented to her doing so and she remained. She afterwards said she was a Farmer's Daughter and had come to hull for pleasure. After that she said she came to see some soldiers. She first said she had not been in Hull before but afterwards that she once had been there about a month before and was enquiring for lodgings and got into a bad house where there was a lot of bad men and girls. She also said she had some relations named Brownrigg but they were bad people and her mother begged her to keep off them. She was as I soon found out somewhat in liquor. Next day she did not get up until between twelve and one o'clock while I was gone to the Factory with my child's dinner. When I came back she was gone out. I saw no more of her until Sunday night. When I got home from the Factory I found some things that had been left

to be mangled laid on the drawers they had evidently been pulled about. I mangled them and took them home and then found three articles were missing. I thought at the time the child who brought them had lost them but now

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believe Whelpton stole them. On the Sunday night Whelpton came about the same hour at night. She asked permission to sleep there again she said she had been home to Grimsby and her parents had sent her back to Hull to the soldier to see if she could persuade him to go home, he lived a few yards from her father who was a farmer and her mother had given her money to come. She appeared to be quite fresh in liquor. She said she had been at the Nag's Head drinking brandy with soldiers and had some spice buns. She got up about nine o'clock the next morning and said she would go and get change and pay me. I suspected she was not a modest girl and said I would not have her any more. At night however, between ten and eleven o'clock she came again. I would not receive her at first, however afterwards I thought if any thing should happen to her from want of lodgings I should regret it and said you may come to the fire and allowed her to remain. She said she had been with the soldier whose parents lived next to her and they would have to be asked at the church. The next day she went away about nine o'clock. She did not pay me. She returned again between ten and eleven o'clock at night she said they (by which I understood she and the soldier) have been at the Nags Head drinking brandy and water. She said he treated her every night. She also said the police insulted her several times in going to the Barracks to him. She was rather in liquor. She went out at nine o'clock the next morning and returned at night and slept at my house until Wednesday. After she had gone to bed on Wednesday I missed a calico petticoat and silk turnover and an apron. I went up stairs and looked in her pocket for the things or the pawn ticket for them but could not see anything.

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I thought she might have pawned them. In the morning I told her of it. She denied having taken them and said she always gave such poor people as me something instead of taking from them and should when she went bring my little girl a new frock. When she went out she said King (meaning the soldier) was going to be paid up that day and she would call and pay me. I never saw her again. On the Tuesday morning I said to her 'you told me you did not know anybody here. You know Ellen Cook you were talking to her last night'. She said she told her mother she had slept with me and told her where I lived. A neighbour had come in and said that was next passage to where Ellen Cook lived and that she (Whelpton) was to give her best respect to her. That she (Whelpton) had met her in the street and given the respects to her. That was why she talked to her and was all she knew about her. I asked Ellen Cook after I missed my things if she knew the girl and told her I had missed the articles she

said directly. "Oh Lord, the girl has robbed you and brought the things to me to pawn" She said have you lost a cape, a dark brown one trimmed with velvet. I looked in my drawer and found I had. She said 'she brought one for me to pawn but I did not'. Cook cried very much and went to seek the girl. She begged I would give her in custody of a policeman. I said "now if I meet the girl I'll give her into custody". She said "do and if I meet her first I'll give her into custody". Ellen Cook brought me the silk turnover and some white calico in it about ten minutes after I told her. Ellen Cook appeared very much to wish the police to be fetched to take the girl. She was never in my house during the time Whelpton was there. I have a small

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sitting room in which I keep a mangle and a lodging room in which I sleep with my daughter who is sixteen years of age. When I have a lodger I make up a bed on chairs. A girl who works with my daughter at the Factory sleeps with her and me. I have known Ellen Cook two years and believe her thoroughly honest.

Susan Taylor (her mark)

Taken before me the same having been read over to her in my presence.

Thos Firbank.

21

4-40

Borough of Kingston upon Hull

Ann Carver of Duke Street in the Borough of Kingston upon Hull Widow having been produced and examined before me Thomas William Palmer Esquire one of Her Majesty's Justices of the Peace for the said Borough the sixth day of February One thousand eight hundred and forty five declared and said as follows.

On a Monday afternoon between three and four o'clock on the 16th day of September last I was with Ellen Cook in High Street at Salthouse Lane and looking at the Shepherds Club coming from the bridge. During the time that Cook was in a shop buying a cake Elizabeth Whelpton came up to me she had a letter in her hand and a small basket on her arm. She asked me if I knew where there was a pawnbroker's shop. I said what pawnbroker do you want. She said she did not know she was a stranger in the place but she was stopping with a cousin in Mason Street and she had sent her to pawn a shawl for she had a child ill and could not go herself. She said she had been to one pawnbroker's shop in Chapel Lane and they had refused to take the shawl in as she was a stranger. While this conversation was going on Ellen Cook came out of the shop and I told her what the girl had asked. Ellen Cook and Whelpton were perfect strangers and treated each other as such. Cook said to Whelpton as you are a stranger here I'll go take it for you. Cook then asked me to wait and watch for her husband and she would take the shawl for the girl. The girl pulled the shawl from under her arm and

under her own shawl. Cook asked how much did she want. Whelpton said three shillings
Ellen Cook took the shawl

22

4-41

into the pawnbrokers shop and returned and said they would only lend one shilling as it was an old shawl. Whelpton said she was to take it. Ellen Cook said what name was she to pawn it in. Whelpton said she was to pawn it in the name of Elizabeth Whelpton Mason Street. Ellen Cook pawned the shawl and gave Whelpton the shilling and the duplicate and told her to take care of it and give it to her cousin. The girl said I have not anything to give you marm for your trouble. Cook replied I don't desire anything my love you are a stranger and it is our duty to do so to strangers when we meet them. I am quite sure Cook and Whelpton were strangers at that time. I saw the same girl about an hour after in the market place. On the following Sunday night I saw the same girl pass with a soldier, she had hold of his arm. I saw her again on the following Thursday with a soldier in Drypool they crossed over to the Albion Tavern but there was nothing unsteady in her manner. I gave information about this pledging to the police. I have known Ellen Cook for about six years and believe her to be honest. I have lent her articles to pawn. She generally got them back except a bed tick which was in pawn when Cook was taken. She has been in great distress in consequence of her husband falling into a ships hold and being unable to work for several months. The neighbours all esteemed her very much and were very kind to her.

Ann Carver – her mark.

Taken before me the same having been read over to her.

J W Palmer.

21

4-40

Borough of Kingston upon Hull

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4-41

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Ann Carver – her mark.

Taken before me the same having been read over to her.

J W Palmer.

4-42

Borough of Kingston upon Hull

The several informations of Mary Brownrigg of Robinsons Square in Princess Street in the parish of Sculcoates in the said Borough singlewoman, Elizabeth Whelpton of Laceby in the County of Lincoln singlewoman, Margaret Ann Crowdace of Salthouse Lane in the parish of Saint Mary in the said Borough Assistant to Mrs Pickard pawnbroker Joseph Morrirt of Jarratt Street Station House in the parish of Sculcoates aforesaid Police Constable and Ann Brownrigg of Robinson's Square aforesaid singlewoman

Taken upon Oath, the fifth day of October 1844 at the Town Hall in the Borough of Kingston-upon-Hull, before me William Baldwin Carrick Esquire Mayor one of her Majesty's Justices of the Peace for the said Borough, in the presence and hearing of Ellen Cook now charged before me the said Justice with feloniously receiving of and from the said Elizabeth Whelpton one flannel petticoat the property of the said Ann Brownrigg she the said Ellen Cook well knowing the said flannel petticoat to have - stolen - contrary to the form of the statute in such case made and provided.

And the first Informant Mary Brownrigg upon her oath saith I am a singlewoman and live in Robsinson's Square in Princess Street in the parish of Sculcoates in this Borough. Six weeks yesterday (ie 24th Aug) my sister left her box in my house. It was unlocked. About a fortnight after (ie 6 Sept) after the box had been left at my house a person brought the witness ElizthWhelpton to my house to ask me to allow her to lodge in my house. I allowed her. She said she only wanted lodgings for one night. She stayed a week all but one night at my house. At the end of that time I set her to the packet to go home. I expected she had gone. During the time she was lodging in my house she slept in the same room where my sister's box was. While the ~~prisoner~~ (Whelpton) was in my house I missed a neck handkerchief and a silk handkerchief but I did not say any thing. Three days after the witness Whelpton had left my

4-43

House my sister returned (ie Monday 23 Sept). In consequence of something I heard, my sister searched her box and missed a new chemise, a night gown, a flannel petticoat and black turnover and a dark shawl. I also missed besides the two handkerchiefs a pair of lambs wool stockings. The neck handkerchief and the pair of lambs wool stockings produced by the policeman are the same that I missed.

Mary Brownrigg

And the informant Elizabeth Whelpton on her oath saith I am a Domestic Servant. My parents live at Laceby in Lincolnshire. I have been living servant at Mr Mortimers at the College. It is a month yesterday (ie 6th Sept) since I left. One evening while I was at Mr Mortimers I was going an errand and met the prisoner Ellen Cook. She was quite a stranger to me. She asked me how I was. I told her. She said when did I get out. I said Sunday night. She said would I go to her house she lived in Lambs Court in High Street. I went to her house the next Sunday night. The prisoner was in. There was a young girl there also. After I had been there a short time the prisoner asked me to have a glass. I took it, it was brandy. I sat there half an hour and then went to my cousins and stayed a short time and then went to my place. The prisoner asked me to go again. In a few days I was ill. I went home. I returned on a Sunday. I went with a girl that I knew to her aunts. I left there and was going down High Street. I met the prisoner she said would I take a glass. I did so. She gave me threepennyworth of brandy. I was with her about ten minutes. I then went to my cousins to stay that night. I was to go to my place the next morning. The next morning while my cousin was out I took five shillings belonging to my cousin. When my cousin was out I left the

house and went to the prisoner's house and took the five shillings and gave her it. She had asked me on the Sunday night if I could do anything for her. The prisoner laughed and said 'there's a good girl when I gave her the money. The prisoner fetched me threepennyworth of rum and gave it to me. I had something to eat. The prisoner paid for it and the rum. I went out and had a walk and returned to the prisoner's house about dinner time. I had some broth. I stayed in her house. During the afternoon the prisoner said did I want a sweetheart. I said I did not mind for a few minutes the prisoner went out and returned with a sailor and

4-44

Said 'Now I have brought thou one' I said 'Have you;'. It was about four o'clock. The prisoner went out and left me and the sailor alone. He offered me five shillings to go to another house with him and sleep with him. I consented. The prisoner came back just as we were going out. He took me to a house and I slept with him that night. In the morning I went to the prisoner's house. She was in. I told her what had passed. She asked me for the five shillings. I gave her it. She fetched two shilling's worth of brandy with it and gave me half to drink. At night I went out. The prisoner asked me where I was going. I told her I did not know. When I was out I was seeking lodgings (Thursday 12th) a person took me to Mrs Brownriggs. I slept with her, the next morning I took a stone coloured shawl out of a box that was unlocked in Mrs Brownriggs rooms. I put it in my basket and during the morning I took it to the prisoner. I gave it to her she took it to pawn and kept the money. She said I was to get whatever I could for her. The next morning I took a flannel petticoat, a chemise and a night gown out (pledged 17 Sept) of the same box in Mrs Brownrigg's house and took them to the prisoner and said I had stole them. She said I was not to mind. I was to get some more she had some payments to make up. She took the things and pawned them. She did not give me the money. On the Monday morning I took a black shawl from the same box. I gave it to the prisoner and she said thank you, get more if you can or something like that, she said she would make it up. The next day I took two handkerchiefs and a pair of lambs wool stockings (pledged 18th Sept) from Mrs Brownrigg's house. I gave them to her. I told her I had stole them too. She said I was not to mind. She would make it up afterwards. The articles produced by the police are the same that I stole and gave the prisoner

Elizabeth Whelpton (her mark).

And the informant Margaret Ann Crowdace on her oath saith I am Assistant to my sister Mrs Pickard and live in her house in Salthouse Lane in Hull. On the 17th and 18th September last the prisoner pawned the articles produced by the policeman She pawned the night gown, the flannel petticoat and the brown handkerchief together and the stockings, the chemise and the turnover together. I lent her six shillings on them altogether. The prisoner has been a constant visitor at our shop for some years. She said she had brought the articles for some other

4-45

person. I gave the articles to the policeman.

Marg^t Ann Crowdace.

And the informant Joseph Morritt on his oath saith I produce a flannel petticoat, a chemise, a night gown a pair of stockings, a black turnover and one handkerchief which I received from the last witness Crowdace. I told the prisoner when I took her I was going to take her into custody. She said ‘ I know its concerning that girl. I know all about her.

Joseph Morritt

And the informant Ann Brownrigg on her oath saith I am a singlewoman and live with Mary Brownrigg. I know the chemise the flannel petticoat the black turnover and the night gown produced by the Police Constable, they are mine. I left them in a box in my sister Mary Brownrigg’s House and missed from there. I made them myself.

Ann Brownrigg (her mark)

Taken upon oath before me

W B Carrick.

4-46

Extract from Minutes of Proceedings in

The Police Court Hull.

Friday 27th Sept 1844.

Present

The Mayor

Thomas Firbank Esquire

Thomas William Palmer Esquire.

Elizabeth Whelpton – Felony

Ann Brownrigg (sworn). I live with my sister. The prisoner has been with my sister during my absence. When I came back I missed a chemise a shawl and other articles. I have been absent a month. I don't know defendant took them.

Mary Brownrigg (sworn) Defendant came to lodge at my house for two nights and then I let her stay Sunday over and until Tuesday (17 Sept) when I went out to work and requested her to take charge of my boy. She did not come home on Tuesday night. She came back on Wednesday (18 Sept) I missed half a dozen things. She left me on Thursday morning the 19th instant. I heard of her being at the garrison and went and taxed her with taking my sister's things. She said she had left them at her mothers.

Remanded for a week.

Saturday 5th Oct 1844.

Present

Thomas Newmarch Esquire

William Baldwin Carrick Esq (Mayor)

Thomas Thompson Esq:

George Cookman Esq.

4-47

Ellen Cook charged with receiving stolen goods.

Mary Brownrigg (sworn). I live in Princess Street, Mason Street. I lost a shawl. Elizabeth Whelpton came to reside at my house on Thursday the 12th September last. Before she left my house I missed a gentleman's cashmere handkerchief. During my sister's absence Whelpton was living in my house. The handkerchief and stockings produced are mine.

Ann Brownrigg (sworn) I am sister of last witness. I was residing with her about 5 weeks ago. I left my clothes in a box unlocked. I returned on Monday the 23rd September last. I missed a black cashmere turnover. A brown shawl, a flannel petticoat, a chemise & a night gown. I have seen all the articles but the brown shawl since (articles produced) I made them myself. They are mine.

Elizabeth Whelpton (sworn). I know the prisoner. I lodged with Mrs Brownrigg a week. She took me out of charity. I met the prisoner as I was coming from the college. I went to prisoner's house and got six pennyworth of brandy. She asked me if I would get her something. I went on the Thursday after the Sunday to Brownriggs. I took the things. I took at

first a shawl. I took the flannel petticoat and the chemise the second time. I took all the articles produced and gave them to prisoner. I told her I had stolen them. She took them all and gave me some drink. She said will you go half with me, and I said I would. She brought 2/- worth of brandy and gave me half. There was another girl in the house

4-48

Cross examined by the prisoner. I was coming down High Street when you was coming over the bridge. I did not ask where there was a pawn shop. I did not say my cousin wishes you to take these things.

By the court. The prisoner took me to a house of an improper description. I stayed all night and the prisoner took the money. I slept at Mrs Taylors who kept a mangle.

The above is faithfully extracted from the Minutes Book kept by me at the Police Court, Hull.

Wm Dyre ds

Clerk to the Justices

Hull 15th Feb 1845.

9

4-49

Laceby Rectory Nov 2^d

1844

My dear Sir,

In reply to yours of yesterday's date, I beg to say I have enquired into the character of Eliz^h Whelpton and find it very far from satisfactory. Sometime ago she lived in the capacity of nurse-maid with Mrs Borman of this parish and was, I understand, dismissed for lying and general bad conduct. Recently, that is, last May Day, she was hired by Mr Rannard of Weelerby and after being there but a very short

4-50

time was detected in stealing money from the Missionary Box kept on the mantelpiece.

Comment therefore is unnecessary

I may however add, that her mother, as well as some other members of the family, have not conducted themselves in the most unexceptionable way.

I remain, yours

My dear Sir

Very faithfully

J Birkett (Rector of Laceby).

Addressed to

J W Palmer Esq

Visiting Justice of the Hull Court

13

4-51

Borough of Kingston upon Hull.

Maria Fox the wife of John Fox of High Street in the Borough of Kingston upon Hull mariner being produced and examined before me Thomas Firbank Esquire one of Her Majesty's Justices of the Peace for the said Borough the seventh day of February One thousand eight hundred and forty five solemnly and sincerely declared and said as follows.

I know Elizabeth Whelpton. One night about the twelfth day of September last between ten and eleven o'clock she came to my shop and asked if I could tell her where she could find lodgings for one night. I took her first to Mrs Starkies but she was full. I then took her to Mrs Taylors. She was quite alone. She said she had come to a situation but as it was so late she could not go until next morning. I afterwards saw her several times coming out of Mrs. Taylors. Mrs Taylor is a hard working respectable woman. She is very poor. I live in Lambs Court next door to Ellen Cook. I have known her four years and have lived next door to her during all that time. I keep a small shop and she has dealt with me. I believe her strictly honest. I have never seen anything disorderly in her house or conduct. I don't think her capable of inducing Elizabeth Whelpton or any other female to prostitute herself. She is a hard working woman and maintains herself by going out to wash and clean. The worst I ever know of her was getting drunk occasionally. I never saw her in such a state as not to be able to manage her affairs and walk about.

Taken and declared before me the same having been read over to her in my presence.

Maria Fox (her mark)

Thos Firbank.

14

4-52

Borough of Kingston upon Hull

James Cole of Adelaide House in the parish of Holy Trinity in the Borough of Kingston upon Hull Police Constable being produced and examined before me Esquire one of her Majesty's Justices of the Peace for the said Borough the day of February 1845 solemnly and sincerely declared and said

I am a police constable and on the first Monday in September last and until the first Monday in October I was stationed in the Garrison Gates in the said Borough to keep disorderly prostitutes out. On a Sunday night early in September and either the first Sunday or the second in September I saw Elizabeth Whelpton quarrelling with another prostitute about a soldier of the 70th Regiment who was then stationed at Hull. I interfered to part them. I knew Whelpton well. She several times tried to get into the Garrison but I turned her back. Several times she succeeded in getting in by means of accompanying a girl named Dalton who took such into that Garrison. They went thro' Delapole Place and so escaped me. She was generally with soldiers and disorderly girls every night. I believed she was a common prostitute and treated her as other prostitutes. I have seen her talking with several soldiers but more with one than any other. I am sure I have seen Whelpton about the Garrison as early as the twelfth of September when

4-53

information was given of the robbery at Mary Brownriggs. I told them where Whelpton was to be found and took her into custody. She was then talking to a soldier. She and two or three score girls whom I know to be prostitutes – one is a more disorderly prostitute. She said the Brownriggs were her relations. She denied stealing the things at first but when Mrs Brownrigg said to her 'You know Elizabeth you have got them' She said 'What things I have got some at my mothers at Laceby' I was not examined before the Magistrates by reason of my having to go to York with witnesses.

James Cole

Taken and declared before me

Jrs. Jones Snr

Documents in the order extracted, not necessarily in chronological order

4-1 to 4-2

Home Secretary's opinion of the case after reading the various papers.

4-3

Note by Home Secretary that a letter be sent to the Mayor of Hull requesting details of her character

4-4 to 4-7

Report of the trial

4-8 to 4-13

Letter from Matthew Talbot Baines QC., the judge in the case

4-14

No page – error in numbering - tc

4-15

Summary of Judges letter by a clerk in the Home Office

4-16 to 4-19

Letter from the magistrates of Hull.

4-20

Home office summary of magistrates' letter.

4-21

Letter from the Mayor of Hull, enclosing police report

4-22

Police report

4-23

Home Office summary of Mayor's letter & police report

4-24 to 4-27

Statement by police officer

4-28 to 4-29

Statement by a magistrate

4-30 to 4-31

Statement/s by a magistrate

4-32

Statement by a magistrate

4-33 to 4-34

Statement/s by a magistrate

4-35

Header sheet

4-36 to 4-39

Statement by a magistrate

4-40 to 4-41

Statement by a magistrate

4-42 to 4-45

Statements of witnesses

4-46 to 4-48

Summary of original magistrates hearing

4-49 to 4-50

Character reference for Elizabeth Whelpton by the vicar of Laceby

4-50 to 4-53

Statement by a magistrate

Sourced by T Creaney and transcribed by S Rackham

