

MARY BIRD - HO17/43/124 - Per Hindostan

SOURCE - HOME OFFICE CRIMINAL PETITIONS - SERIES 1

SERICES - HO 17

PIECE NUMBER - 43

ITEM NUMBER - FZ 31

2nd [APPEAL]

OPPOSING MITIGATION

The prisoner MARY BIRD being a domestic servant, as cook in the employ of the Rev. Samuel Edmund Hopkinson (Vicar of Morton and Hacconby United Vicarage and a County Magistrate) who is 85 years old and rendered very infirmed by paralysis both in mind and body was convicted at last Michaelmas Sessions at Bourne held for the parts of [teven] in the County of Lincoln of feloniously stealing a quantity beef and mutton, cooked and uncooked, three pounds of butter, 23 lbs weight of wheaten flour on the 5th September , her mistress Mrs Hopkinson having died on the 3rd and then lying in the house.

The porsecution was carried on, in defence of his fathers property and with a due sence of what was from him to the Public, by Mr William Hopkinson of Stamford, who has been Clerk to the County Magistrates at Bourne for 32 years, and who begs to submit this statement.

This woman had been 10 months in her service - soon after she came (with a high character from Mrs (Blom]) her last mistress, Mrs Hopkinson discovered thgat she had a sister SARAH GLENN and niece S GLENN's daughter of most infamous characters living in the adjoining village of Hacconby (1 mile distant) but in the same vicarage. This sister was a noted theif - and Mrs Hopkinson distincetly discharged MARY BIRD from having any commumication with her, and at the same time told the same to the other servants, five in number.

Her master (Mr Hopkinson) was seized with paralysis and apoplexy in February and his life was in great jepardy - this matter required additional nurses etc, and the constant anxious attention of Mrs H, until July 15th when her own constitution

gave way and she died as above on Monday 3rd September. In April last, in the midsts of her cases in her husband, sick chamber Mrs H explained to her son that she could not strictly mind her kitchen and her strong suspicions that MARY BIRD robbed her weekly, and particularly mentioned that more soap was used in the frequent washed, an enormous quantity of flour, butter, meat etc, and that she could not make it out, altho' she strongly suspected that the sister at Hacconby was the medium of conveyance.

W H did not enter into these suspicions at the time, and as he thought his father's dissolution as likely to take place, he pointed out the inconvenience of changing servants in that precarious state of things and indeed, from the civil behavior of MARY BIRD, was himself deceived, and belived her incapable of such ingratitude towards the kindest of mistresses, so that his mind was prejudiced in her favor. On 5th September (2 days after his mothers death) conviction of her guilt was forced upon his mind by the accidental discovery of the articles in question - he at the same time discovered that she had been in the habit thro' her sister of purchasing wearing apparel with the produce of her plunder.

She was apprehended at 8 in the morning on the charge of which she was convicted on trial. She was taken by the constable thro' Hacconby to the magistrate at Rippingdale 1 mile beyond Hacconby at 11 o'clock in the morning. At 12 the same day the sister from hacconby is seen at Morton inquiring about her sister - and at 1 she is seen going from her house at hacconby woth abundle in a direction towards a small piece of land (1 mile distant) she had up the parish, which had been wheat and was then shorn and in sheafs.

At 4 that afternoon two bundles are found under one of her wheat sheaves - they consisted of 22 pieces of soap (matching with [] store of soap cut up in like spiced in Mrs Hopkinson store room) three pieces of bacon (matching with the flitch in her kitchen) a quantity of beef (matching and forming part of a round of beef then in use - total weigh 45 pounds) a blue handkerchief (which could have been proved to be the daughter's of this sister) and a cook's cloth marked HC + 5 and which on looing into the laundry of W H matched with the only one remaining. (of an old set) marked H C+6 and which also tallied with Mrs H's linen book where the marks and stock were inserted, when she took her yearly account of linen in 1837.

The sister at 6 o'clock and again at 9 o'clock in the evening of finding the things, called upon the man who found them and wanted to get hold of them. On the 7th September MARY BIRD was committed for trial for stealing in both instances and the sister was committed for receiving in the last instance. MARY BIRD was convicted on trial for the first offence and sentenced by a full Bench of which [General JOHNSON MP] was the respected Churchwarden of Morton and Mr H herewith transmits the answer which he has received from Mr Baker's son.

By this letter it appears that Mr Lawrence the principle parishonier of Hacconby where Sarah Glenn resides, refused to sign and that none of the other parishoniers in Hacconby or Morton have signed, with the exception of Rev J E Hopkinson whose

state has been already described, and Miss E Hopkinson who, with a womanly feeling of confusion and dread of the word "transportation" which has pushed her judgment, has obtained the signature of her father, which act Mr W H has good reason for knowing that his father now sincerely laments.

Then having got the names, the respected name of this aged and venerable man, to her petition the woman goes to Mrs Osborne of Bourn the former mistress of MARY BIRD and obtains her signature, and why does Mrs Osborne sign it Upon this Mr WH begs to submit the following curious facts:-

In the first place instead of 28 WH firmly believes that 38 is much nearer the mark of MARY BIRD's age.

Why did she quit Mrs Osborne's service

Answer - She was with child and as she alledged by Mrs Osborne's son

Upon MARY BIRD's committal for trial. Mr John Osborne Chief Constable for Aveland and a large farmer, and the husband of Mrs Osborne, confessed his great satisfaction at the detection of her conduct. He told Mr William Hopkinson not only that her conduct was immoral with other men and that she had drawn his son into the snare, but that he had found out that she had been in the habit of handling the ale out of his cellar and that the consumption of the ale had much diminished since she was discharged his service, and that he believed her to be for for nothing. In this age of [p n] sensebility on behalf of felons convicted upon a fair trial, there appears to be an absence of what is due to one's neighbour and one's country, and the excuses people form for lending their names to petitions to defeat public justice and most extraordinary.

Mrs Osbourne's excuse can surely only be, a feeling of confusion for one who may or whom may not be the mother of her son's child.

Mr W Hopkinson knows and apects that Mr Dodsworth's (the Curate of Bourn) have been added falsely because the Rev. W H's and Mr Osborne (the former ministers) names appeared on the petition and that he Mr Dodworths is now throughly ashamed that his name was so falsely lent.

The other names in Borne are added for like reason with the additional one that thir own clergyman's name has seen to it.

It is not going to far to aspect that the exposure and defeat of such a petition will give as much satisfaction to those, who have thus been led to sign it, as to those respectable persons in Morton and Hacconby (the scene of guilt) whop have consistently and conscientiously refused. Amongst the last the name of Mr Arden, a most honorable and influential man, mentioned in young Baker's letter, is particularly deserving of notice.

Considering the situation the Rev, H has held for 40 years as a magistrate and that of Clerk to the County Magistrates Mr WH has held, the latter agrees in Mr Arden's definition of this petition "as a very bad thing", and as opening a door for the encouragement of domestic robbery.

That this may be noticed without decay, Mr W H gas taken the liberty of hastily

putting down the facts and observation as they occur to him at the moment whilst he is in London and without having any papers to refer to; but if further information is required, Mr W Hopkinson is ready to offer it on his return to Stamford tomorrow.

If Mr W Hopinson's recollection serves him right, the following were amongst the Magistrates on the trial;

General Johnson MP

Gilbert John [Neathiate] MP

General Birch [Neynardion]

Sir John Trollope

Rev W Hildyard

Rev. W Waters

Rev Brownlow Villgins Layard

10 New Ormond Street

30 November 1838

NB

It is notorious, and proved in that part of the County that the Bench at Bourn are lenient in the sentences and offer every chance for reformation in offenders.

Mr Hopkinson

at "Jenkins and Co"

8 New Inn

London

Morton

24 November 1838

Sir,

On Saturday morning I went over to Mr Lawrence to learn the particulars of SARAH GLEN'S petition, but he, refusing to sign it, knew nothing about it. I afterwards saw SARAH GLEN who asked me whether I thought Mr W Hopkinson would do anything for her, she said the petition was drawn up by Mr Standland of Boston, addressed to Lord John Russell, praying for a mitigation of her sisters sentence. The first signature is the Rev. E Hopkinson, who has repeatedly said he did not like to do it - next the Rev. J Dodsworth of Bourn. Mr Osborn - Mr Phillips, - Mr William Layton - Mr William - Mr William Harvey, - Mrs E Thorpe - Mrs Osborn - Mr J Osborn - Mr Todd Mr Thistleton - Mr Clifton and most of the respectable inhabitants of the place.

Not one in Hacconby or Morton have signed save Mr and Miss E Hopkinson who are quite well. I gave your letter to Mr Arden on Friday morning who was sorry to say

is very unwell, but thought the petition is a very bad thing, and advised me to glean all the information I was able.

Sir

Yours most respectfully

J Baker

PS

Dr Hopkinson was with my brother this morning and hopes there is a chance of his recovery.

Answer 31 December 1838

Boston

22 December 1838

My Lord

About a month since a memorial was forwarded to your Lordship by the Rev. Dodsworth, Vicar of Bourne in Lincolnshire, signed by a great portion of the respectable inhabitants of Borne and the neighbourhood, including the Prosecutor (the Rev, E Hopkinson one of the County Magistrates) praying for a mitigation of the sentence of transportation passed on MARY BIRD convicted at the last Quarter Sessions of the Peace held at Bourne for the pasts of Hesteven on a charge of felony.

Mr Dodsworthy not having received any communication from your Lordship on the subject and the meorialist fearing the prisoner may be sent out of the country, may I request that your Lordship will at your earliest convenience consider the memorial and favour me with your determination thereon.

and I have the honor to be

my Lord

your Lordships humble servant

[land]

MARY BIRD'S PETITION

Sir

I now send you the statement counter to this, which I think it just and necessary to make, and which I respectfully offer to the due consideration of Her Majesty's Home Secretary.

I am
Sir
Your obliged humble servant
William Hopkinson of Stamford
10 New Ormond Street
30 November 1838

J H Capper Esq
Home Office

Bourne 15 November 1838

MARY BIRD supPLICATOR lived servant with me for ten years during which time I
belived her to be sober and honest

Mr J Osborne

BORNE NOVEMBER 17 1838

MARY BIRD lived servant twelve months in my service during the time she lived
with me, she was a good a servant ever [came in a pair of doves] as steady and as
honest

George [Hiesetton]

MARY BIRD - AGED 28

LINCOLN QUATER SESSIONS BOURN OCTOBER 1838

7 YEARS TRANSPORTATION

GAOL REPORT - CHARACTER - VERY GOOD - RESPECTABLE

To the Right Honourable Lord John Russel Secretary of State for the Home
Department.

We the undersigned inhabitants of Bourne and the neighbourhood thereof in

the County of Lincoln beg to lay before your Lordship the following statement and to claim your Lordship's favourable consideration of the same.

At the last Quarter Sessions of the Peace holden at Bourne in the said county MARY BIRD a domestic servant in the establishment of The Rev. E Hopkinson of Morton was indicted for stealing from him several pieces of meat, butter and a small quantity of flour.

On the trial it was proved that these articles had been [secretered] by the prisoner in a tub in the diary with the intention of appropriating the same faudulently to her own use and the Jury being satisfied of this convicted the prisoner and she was sentenced by the court to seven years transportation.

We do not complain to your Lordships either of the verdict or the sentence the former having been given on satisfactory evidence the latter passed doubtless from the feeling that the prisoner being a servant of the Prosecutor her offence [m] a severe punishment. Although the fact did not appear on the trial yet it is a notorious that the prisoner was induced to commit this theft at the instigation of those whose duty it was to discourage and prevent her committing the crime and as the prisoner's character previously to the confession of this offence was [un] having lived twelve years in the service of her two former Masters, we are induced to hope your Lordship will think this a case on which to interfere and direct a investigation of the sentence, and should your Lordship accede to our request we have every reason to hope that the prisoner sensible of her own disgrace and grateful of your Lordship's clemency will become a reformed and respectful member of society.

Samuel Hopkinson - Vicar of Morton
James Dodsworth - Vicar of Bourne
WH Phillips - Overseer
William Layton - Churchwarder of Bourne
James Clifton - Merchant
Charles Robertsd - Grocer - Bourne
William Todd - Mercer
Thomas Chamberlain - Innkeeper - Bourne
George Hiselton - Farmer - Bourne
Robert Buld - Innkeeper - Bourne
Thomas Shipley - Butcher
James Crosbie - Tea Dealer - Bourne
William Mullett - Druggist - Bourne
James Osbourne - Glaizer - Bourne
E M Halford - Butcher - Bourne
Joseph Thorp - Innkeeper
Joseph Sims - Innkeeper
John Sherwin - Publican
Elizabeth Hopkinson - daughter of the Prosecutor

William Major - Innkeeper
Thomas Walker - Sherriffs Officer
John Swift - Glover

(Note that there are over 150 signatures on this petition and many were illegible)