

Emily Witheridge ID3364 per *Cadet* 1848

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The prisoner is stated to have borne a good character and to be subject aberration of mind. Her husband prays for a mitigation of her sentence on the grounds of her children.

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Report on the case of Emily Witheridge

The Chairman of the Devon Sessions sends the evidence and states that the prisoner was convicted on 3 indictments the Court considered it necessary to pass a sentence of transportation.

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Wednesday February 24<sup>th</sup> 1847

1<sup>st</sup> Charge

Emily Witheridge – for stealing 1 sheet, 3 Petticoats, the goods of J Scote at Stoke Damerall on 30<sup>th</sup> November 1846

Frances Scote -- I am the wife of I Scote I live at Stonehouse. In the latter end of November last I hung out several articles to dry, among them 3 petticoats and 1 sheet. I hung them out between 10 and 12 o'clock on that day. I returned that evening and they were gone. The prisoner lives near me. I saw the articles again for the first time since I lost them at Mrs [A ] the Pawnbrokers I saw them there this month.

R.[Rider] I am a Publican living at Stonehouse. I showed Mrs Scote 2 Petticoats I received as a pledge from the prisoner on 30th November last I advanced her on them and other things 5/- . I gave then to the Constable.

William Linden -- I am a Constable. I produced two petticoats I received from Mrs [ ]. I have had them ever since.

Ellen Cooper -- Last Monday fortnight the prisoner gave me a parcel to take to the Barbers shop. Mr Scote is a barber I took there , he kept it there.

I Scote -- The last witness brought a parcel to my shop, it contained a sheet which I produce.

Mrs Scote -- recalled -- These are two other petticoats I lost. I know them (the marks were explained) I also know the sheet.

The Jury found the two prisoners GUILTY.

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2<sup>nd</sup> Charge

Emily Witheridge

For stealing shirts the good of Mr [Fox] at Stoke Demeral on the 9<sup>th</sup> December 1846.

Sarah Fox -- I live at Stoke deneral on the 9<sup>th</sup> December last I huing out some clothes to dry, and among the aricles were 4

shirts, which I afterwards indentified – I saw them again at Mrs [ ] the Pawnbroker.

Mrs [Reader] I produced 4 shirts which I showed to Mrs Fox. I received them in pledge from the prisoner on the 12<sup>th</sup> December last.. I gave them to the Constable.

J Peck -- I am the Constable. I received the shirts from Mrs Rider which I now produce.

Mrs Fox (recalled) I know these shirts. They are the shirts of persons who gave them to me to wash. (Marks were explained to the Jury)

The Jury found the prisoner GUILTY.

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3<sup>RD</sup> Charge

Emily Witheridge

In stealing a pair of boots the goods of Mrs Davies on Tuesday 29<sup>th</sup> December last.

Mary Davies -- I am the wife of W Davies and on 29<sup>th</sup> December last the prisoner came to our shop and asked to look at some boots -- after selecting a pair she said they were not for herself -- but for an acquaintance, she said will you let me take them with me, and your child to go with me - I told her the child should take the boots with her -- I put up two pairs in a parcel and gave it to the little boy and told him he was to bring back two boots or the money. The boy is

about 10 years old the boots were in a handkerchief. Shortly after my boy came back crying and he did not bring back either two boots or the money.

Cross Examined by the Prisoner: --

I did not give the boots into your hands but into the boys, and told him not to part with them.

William H Davies -- I am the son of the last witness, my mother called me and gave me a bundle and told me to go with the woman – I went with her and carried the bundle, when we came to [Scholes] she took the bundle from me and went away – but she never came back again, she took the bundle out of my hands. I did not give it to her , I went back and told my mother.

Mrs [Rider] -- I produce a handkerchief which the prisoner pawned with me.

J [Lindon] -- I am a Constable. I produce a pair of boots. I found them on the prisoners feet when I took her up.

Mrs Davies (recalled) -- This is one pair of the boots and the handkerchief. They are mine. The other pair of boots have not been found.

Sentence: -- Guilty -- Imprisonment for one week for each of the two convictions and transported for 7 years at a time later.

Had the prisoner been tried at different Sessions, she would be able probably have been [ ] on a charge of felony after from [ ] and it was two opinions of the Court that as she had been convicted on three separate indictments of offences on three different occasions that a less punishment than transportation for 7 years ought not to be inflicted. Upon reflection I am not prepared to alter that opinion.

There was no appearance of a weak mind manifested in the past on her trial, she said however very little and asked two questions. The question put by the prisoner to the boy Davies was suggested to her by a question from myself as I inquired if the Prosecution had [parted] [unto] his [profession] to the prisoner. No witness was called to her character the Court was aware that she was a married woman with a family but as she seemed to be addicted to theft and in the case of the boots, practiced it with some cunning, we thought it would be better for her children that such a mother should be removed from them.

According to my recollection the Constables spoke of the respectability of the husband.

Montague B Bere

Chairman.

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Exeter

12<sup>th</sup> March 1847

Sir

In reply to the inquiry as to Emily Witheridge tried at the last Sessions for the County of Devon, I enclose at your request a copy of the evidence given at the Trial and my observations thereon. I also return the memorial and case.

Your obedient servant

Montague B Bere

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Devonport

4<sup>th</sup> March 1847

[                    ]

The enclosed papers have been handed to me with a request that I would lay a merciful consideration of the case. I would but only to state that the parties who testified are suspectable and thin (*by Keith three lines of writing cannot be read*) in his wife I know nothing personally.

I remain

Your [                    ]

[                    ]

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Devonport

2<sup>nd</sup> March 1847

Sir

At the request of friends of Abel Witheridge I have made every inquiry in my power and are convinced that the statements contained in his Petition are correct and believe his wife to be worthy of your merciful consideration.

I am

Sir

Your obedient servant

John Thomas Tourer

To the Right Honourable Sir George Grey.

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We the undersigned Burgesses and Inhabitants of the Borough of Devonport sympathizing with the Petitioner (Abel Witheridge) in behalf of his wife, do firmly believe up to the time of her committing these offences she had always conducted herself as an honest sober and industrious woman and we strongly recommend her to the kind consideration of Sir George Grey.

William Jefferies.

1<sup>st</sup> March 1847

W Carne

Joseph Duer

William Williams

And another 88 signatures.

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To the Right Honourable Sir George Grey Secretary of State  
for the Home Department

The humble Petition of Abel Witheridge of Devonport Devon  
– Mason.

Most humbly Sheweth

That your Petitioners wife Emily Witheridge tried and  
convicted at the last General Quarter Sessions of the County  
of Devon upon 3 indictments : 1<sup>st</sup> for stealing a shirt and two  
petticoats. 2<sup>nd</sup> for stealing a pair of boots. 3<sup>rd</sup> for stealing 4  
shirts and sentenced to 3 and 6 months imprisonment and 7  
years transportation consequently your Petitioner is now left  
in the care of 4 helpless infants who without the protection  
of a mother must necessarily be exposed to, many  
hardships in this injurious world particularly 2 who are  
exceedingly delicate and afflicted and being suckling at the  
time of their mothers apprehension.

That your petitioner has always borne the character of an  
honest man and so had his unfortunate wife up to this  
present lamentable transaction as will appear by the  
accompanying certificate.

That your Petitioner firmly believes that his wife must have been labouring under some affliction of the “mind” at the time of the committal of those offences from the fact of his wife having before been subject to fits of the like description and which would have been proved at the trial but for the very great expense of so doing but which is now certified to have been the case therefore your Petitioner most earnestly implores you to be pleased to take the circumstances into your merciful consideration and recommend a mitigation of the sentence and that she be not sent out of the country but removed to one of the Home Establishments that your Petitioner and his little family may thus have some alleviation of their affliction by having the opportunity of communicating with his unhappy wife.

And your Petitioner has in duty bound will ever pray.

Abel Witheridge

38 Monument Street

Devonport

5<sup>th</sup> March 1847

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aged 32

Devon Quarter Sessions February 1847

Larceny

7 years transportation

Gaol Report – Not known here

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