

The Proceedings of the Old Bailey – London’s Central Criminal Court, 1674 - 1913

Extract: MARY WADE, JANE WHITING, Violent Theft > highway robbery, 14th January 1789.

Reference Number: t17890114-58
Offence: Violent Theft > highway robbery
Verdict: Guilty
Punishment: Death

155. MARY WADE and JANE WHITING were indicted for feloniously assaulting Mary Phillips , on the King's highway, on the 5th of October , and putting her in fear, and feloniously taking from her person, and against her will, one cotton frock, value 3 s. one linen tippet, value 2 d. one linen cap, value 2 d. the property of John Forward .

MARY PHILLIPS .

Court. How old are you? - Eight years old.

Do you know what you are come here for, child? - Yes.

What are you come here for? - About my frock.

Will you tell me the truth about it? - Yes.

Do you know the difference between what is true and what is false? - No.

Let us try if we cannot go on without her. Call the next witness.

JANE FORWARD sworn.

I am wife of John Forward . When I came home from my labour, on Friday, I enquired for my child, and a boy told me he sent her to the Treasury for a bottle of water; that was the 5th of this month. I came home at half after five; I live in Charles-street, Westminster; the child was not at home.

Does she live with you? - She is my child; she is eight years old next April.

Is she a sharp child of her age? - Yes.

Have you taught her anything? - She has been in the country from me four years; I fetched her home in August last.

Have you taught her to say her prayers? - Yes, she can say her prayers.

Have you taught her to say her catechism? - Yes. I sent the boy to look for her; he went, but could not find her: then I went myself. When I came to the door, to go out, I met her at the door crying, saying, mother I have been robbed. She had no frock, no cap, no tippet. I asked her where; she said at the privy, in the Treasury . And I asked her how she came home; she said, there was a gentlewoman came with a light, and two boys; then she knew where she was. The boy's name is John Phillips .

JOHN PHILLIPS sworn.

I am brother to the girl. She went out, that afternoon, a little before five; my mother came home about half after five. The girl went out for a bottle of water; I sent her out: she had a frock, cap, and tippet on. I saw her no more, before my mother came home; I saw her afterwards, without her frock and cap.

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CATHERINE M'KILLAN sworn.

I was standing at the bottom of New Pye-street, Perkins's Rents, where we live. At the bottom of New Tothill-street I met the two prisoners; and we used to go to the Treasury very often, to get two or three halfpence; and I asked them why they did not go; and the big one made answer, I will not go for this good while; and the little one said she would not. Then I asked them what they had done, and they said, nothing; but I promised them I would not tell; and they told me they took a frock, a tippet, and a cap, off a little girl, in the Treasury. And says the little one, (that is, Mary Wade) here is the cap and the tippet; and she said the frock was at Mr. Wright's, in the Almonry, in pawn for eighteen-pence, and she had tore the duplicate; I did not see the duplicate. Then Wade said, I wish I had not done it, to the big one; and the big one said, it was your own fault. Then the little one said, I was in a good mind to have chucked the child down the necessary; and I wish I had done it.

How long have you known these two girl s? - I have known the little one a twelvemonth, and the other about ten months. The little one was taken up before, for stripping a child, and chucking her into a ditch; only she was too young. This was the Monday evening, the Monday before last, between six and seven o'clock; it was the same night it was done.

Did they give you any part of the eighteen-pence? - No, Sir; I never had a farthing.

When did you tell of this? - The Saturday.

Who did you tell it to? - This gentlewoman; I went to her.

How came you to go to her? - They told me the child lived in Charles-street, at the shoemaker's; and there is but one shoemaker's in Charles-street.

Had you and they quarrelled between that day and the Saturday? - No, Sir; we did not quarrel at all.

How came you to go? - I only went because I thought the gentlewoman would have her property again, the child's frock, and cap, and tippet.

Had you no other reason for going than that? - No, Sir.

Who advised you to go? - Nobody advised me to go, and nobody told me; but the woman that took the cap off her head, that little one, robbed her of everything she had; and Mrs. Matthews took the cap off the little one's head, and said she would ask the gentlewoman. Them two girls, and a boy that was in Bridewell, were telling of it; and Mrs. Drummond, Mrs. Matthews's mother, heard them talking of it; and when they robbed her, she went to the board to try to get a shilling or sixpence; and she tied a string about her door, and the little one owned she untied it and took her things; then Mrs. Drummond asked her where they were, and she would never tell; so she told me; both the prisoners, and another boy that is in Bridewell, told Mrs. Drummond themselves; and when the little one would not pay Mrs. Matthews a shilling, she took the cap off her head, and said she would tell this prosecutrix. I know Mrs. Matthews; she did not advise me to tell the woman in Charles-street.

MARGARET TINDALL sworn.

I was getting things ready for washing, and I took a light down to the wash-house, that joins to the privy; there were two children, one ran by me. I went into the yard to see if there was any water, and I heard a child cry, and I went into the privy, and there I saw a child stripped of her frock, tippet, and a cap. I asked the child how she

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came there, she told me a girl brought her there and stripped her; I told her I thought she knew them, and belonged to them; she said she did not; I let her out of the place, and told her to be a good girl and go home. There was a girl run out by me very quick.

JAMES KIMBER sworn.

I took the frock in pledge on Monday, the 5th of January, in the evening, between six and seven; I think it was a person like the tall prisoner, but I cannot swear positively to the person; it was pledged in the name of the shortest, Mary Wade ; I do not recollect seeing any more than one, nor I cannot recollect the person.

Do you recollect the dress and appearance of the person who pledged it? - No.

A stranger to you? - Yes.

Are you a servant to Mr. Wright? - Yes.

What kind of a frock was this? - Here it is, a dark cotton.

Was it a young person? - Yes; a young person, and like the tall prisoner.

Look at Catharine M'Killan ; was it her? - No, it was not.

Was it a decent person, or a ragged person? - I cannot recollect; I could not recollect when I was before the magistrate.

Do you make a point of taking in every thing, from every body? - No; we ask them many questions when we take them in; it being a week afterwards, I could not recollect the person; I endeavoured before?

Court. In the way you carry on that business, it is a very dangerous one to the publick; your house may become the repository of all the stolen goods in the town.

JOHN TAYLOR sworn.

I am an officer of St. Margaret's parish. This M'Killan, and this little girl, came to my house about a quarter past ten last Saturday night, and M'Killan telling me the story she has related, I said, are you sure you are right; she said I will shew you. I went to apprehend the parties. I went to the woman that had the cap, the corner of the court, just by where the other girl lived; I do not know her name; then I went to the lodgings of the little prisoner, thinking to get it out of her; there I found the child's tippet in the room; from there, the girl went along with me, and we apprehended the tall prisoner; and the little prisoner told me, that the big one wanted her to put the child down the necessary. I put them both into Bridewell. I went to the pawnbroker's that night, and saw the frock.

(The things deposed to.)

To the child's mother. I suppose your child at present is maintained by your husband? - Yes. They are all the things that she lost that night.

Court to the child. Has your mother taught you to say your prayers? - Yes.

And your catechism? - No; I cannot say my catechism.

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You have told me, do not you know, the difference between telling a lie, and telling the truth? - Yes.

Will you be sure to tell me the truth, to tell me all you know about this? - Yes.

You know, when you say your prayers, you pray to God to take care of you, and to protect you? - Yes.

Well, and he will be good to you, if you speak the truth? - Yes.

And if not, you must expect to be punished? - Yes.

Now, remember, you are going to promise before God, that you speak the truth? - Yes.

Court. Give her the oath.

(Sworn.)

Now tell me how you lost your frock, and your cap, and your tippet? - John sent me to the Treasury-yard for a bottle of water, there I saw these two girls, and they asked me to fill the bottle for me, and so they broke it; and they took me into the necessary, both of them, and said they would get me another bottle, and bid me not cry; and the little girl pulled off my clothes, and the biggest girl staid with the boy; and the little girl pulled off my petticoats, and put them on again; and the great girl staid till the boy came with the bottle of water.

Had you ever seen the girls before? - I saw the little girl sweeping the streets.

How often? - A good many days; almost every day I went to the Treasury.

Had you ever seen the great girl? - No.

You did not know her? - No.

Do you know either of them now? - I know the little girl.

When did you see them afterwards? - Not for a good while.

Did you ever see her again? - No.

Was you before the Justice? - Yes; and the big girl too.

Were the two girls that were before the Justice either of them that stripped you? - There was the little girl that stripped me.

Was that the same little girl that you saw before the Justice that stripped you? - Yes.

As to the great girl, you do not know anything about her? - No.

How came you to let them strip you? - I did not know but they would give me another bottle; they bid me not cry; the little one did.

But you knew very well they had no business with your clothes? - Yes.

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Why did you let them? How came you to let them take away your clothes? - I thought they were going to put on my clothes again; and they ran away with my clothes instead of putting them on again.

How came you to let them take them off? - I did not know they were going to strip me.

But you know they did take off your frock? - Yes; and they took off my two petticoats, and my pocket, but they put them on again.

That was all that they did to you? - Yes.

Nobody beat you? - No.

Nobody hurt you? - No.

Court to Mary Wade . How old are you? - Going of eleven.

Are not you older than that? - No.

Have you no friends? - Yes.

Are they not here? - No; they live at Westminster; they was here to-day, only they could not come in to me.

PRISONER WHITING's DEFENCE.

I am going in fourteen: I have no friends.

Have you a mother? - Yes; she lives at Westminster, in Peter street.

- WADE.

Are you the mother of that child? - Yes, I am indeed; she was ten years old last December. I have a husband, he is a drover.

Court. I hardly can ask you how your child has behaved; for I am afraid you are as much in fault as she is, by not taking proper care of her, and keeping her at home, and making her industrious; letting her run about the streets, was the sure way to lead her to the place where she is now; therefore I ought rather to ask you, what you can say for yourself then for her? - It is the other girl that induces her out, when my back is turned, to go a begging with her. I never brought her up to go a begging; all the butchers know me well. I have a great family of them.

I hope you will take better care of the rest, or else they will all come to the gallows.

Court to Jury. Gentlemen, I am distressed how to state to you, that this is a less crime than robbery; because, though there is no such violence as would affect the constancy of a grown person, or alarm them; yet the very circumstance of such a child falling into the hands of two strangers, young as they are, standing over her and stripping her, does seem to me to be equivalent to holding a pistol to the breast of a grown person; therefore, I cannot state it to be anything less than robbery; the consequence of that is, that they must answer it with their lives. Therefore you are to consider, whether the fact is sufficiently established against both or either of these prisoners. Now, that this child was drawn away into this privy by somebody, and was there stripped of her clothes, stands so clearly established, that there can be no doubt about it, upon the evidence of Mrs. Forward.

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Here the learned Judge summed up the evidence, and then added -

For the sake of example, I cannot recommend to you, if you should be of opinion that the crime is sufficiently fixed upon them, I cannot recommend to you to say, it is of a less degree of atrociousness than robbery: the tender years of these persons may be a circumstance to be attended to in other views; but as to the denomination of the crime, I think it would be a dangerous thing to society, if you were to be induced, by any humanity, to lower the offence at all below the rank of actual robbery. So that if you say, that they are both, or either of them guilty, I think you must say they are guilty of the crime for which they stand indicted, robbery, and not larceny.

MARY WADE , JANE WHITING ,

GUILTY , Death .

Tried by the first Middlesex Jury before the LORD CHIEF BARON.