

The Death of
Prudence Hughes
at
The Jolly Crispin Inn, Upper Gornal
24th September 1844

With thanks to David Fuller, the three times Great Grandson
of Prudence Hughes and Joseph Penn, for his generous help.

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The Inquest

Chester Chronicle 18/10/1844
(from the Stafford Advertiser)

“ALLEGED MURDER AT GORNAL.

An inquest has been held on the body of a woman named Prudence Hughes, who had lived at Sedgley, and whose death, it was supposed, was occasioned by ill-treatment from a man named Joseph Penn, who cohabited with her. The deceased, who was 35 years of age, was about six months advanced in a state of pregnancy, and her death, it is presumed, was caused by kicks from Penn, with whom she had left Dudley, late on the night of Monday the 23rd ult. to return to her home at Sedgley. The inquest commenced on Tuesday the 24th ult., and after being adjourned to the Tuesday following, was resumed on Friday last. Martin Carter stated that he lived at Gornal, and knew the deceased who obtained her living by selling coal for Joseph Penn. She lived at Sedgley. At about two o'clock on the morning of the 24th ult. he heard a scream from the turnpike-road, and got up, and drew up the blind of his room when he saw a man dressed in a white smock frock near to a female. He said to her, 'You d___d bitch, I've been watching you.' She did not reply, and the man immediately got up his fist and struck her somewhere behind. She reeled, the man struck her again, and she fell under witness's window insensible. Witness spoke to the man, but he did not reply. The man arranged the woman's clothes, and then dragged her along in the direction of Sedgley. She wanted to stop saying, 'It's no use; I can't go any farther.' The man, however, persisted in dragging her along. In the morning witness found a quantity of blood where the woman had been lying, and also about twelve yards further on, in the direction of Sedgley. Some persons passed while the man was dragging the woman, and he (witness) then went to bed. He had known Penn and Hughes many years, and he believed that they were the persons under his window. It was a light night, and the parties were about four yards from witness's window. Isaac Tomkinson stated that he was a police officer, stationed at Coseley. Gornal was within his beat, and at about two o'clock on the morning in question he was proceeding through Gornal, with another policeman named Eager, when they heard a groan from a person in the road. They saw a female lying on the road, and a man in a white smock frock standing near her. The man was Joseph Penn, and the woman was Prudence Hughes; she was insensible and unable to speak. Witness asked Penn the cause of the blood, and he said Hughes was his wife, and was miscarrying. He also said that she lived with her mother near the Old Bush, Sedgley, and witness fetched her mother. On their way back they met Ann Slater, and desired her to fetch Mr. Ballenden, a surgeon. Witness then obtained an ass and cart, for the purpose of removing the woman to her own house; but upon getting to Gornal found she had been removed to the Jolly Crispin, and was unfit to be removed further. Mr. Ballenden was in attendance upon the deceased from that time till about seven o'clock, and then he left. In about an hour and a half or two hours afterwards witness fetched Mr. Browne, another surgeon, but upon returning with him Hughes was dead. There was a great quantity of blood upon the woman's clothes; there was blood also upon Penn's smock. Penn was taken to the Coseley station. John Hill, a stonemason, stated that he knew Hughes and

Penn, and saw them together at Dudley, on the 23rd ult. when Hughes appeared to be in good health. Witness and Slater were with them at the Hare And Hounds, Dudley, until about twelve o'clock, when they left, all quite sober. When they were near the gate at Shaver's End, Hughes said that Penn has struck her and cut her lip. The witness then detailed at great length their progress on the road, and stated that he saw Penn and Hughes together on the road opposite Mr. Cartwright's malthouse, but before he could get up to them Penn had left Hughes and gone in the direction of Dudley. Hughes was sobbing and crying, and said Penn had kicked her three times, besides beating her with his fists. In about a quarter of an hour Penn returned, and went past witness and Hughes in the direction of Sedgley. Witness subsequently saw Penn and Hughes together, as he believed, near Sedgley. Maria Cartwright stated that she kept the Post Office, and on the morning of the 24th ult. heard talking opposite her house, and a heavy blow struck, which was repeated; when she heard a moan, and a third blow. The person who received the blow was a female, and cried out faintly 'Murder'; she did so with difficulty, and the cry, witness was sure, was a stifled cry. Francis Eager, a police officer, gave testimony similar to that of Tomkinson, and spoke to an attempt by Penn, when in custody, to get rid of an apron which was stained with blood. Ann Slater gave a long account of the proceedings of the parties at Dudley, and on the road so far as they fell under her observation, but did not see Penn strike Hughes. Maurice Costello, a police officer, narrated a statement made to him by Penn, in which he admitted that he might have struck Hughes, but he was tipsy, and did not know. Col. Hogg spoke to finding marks of blood on the shirt of the prisoner, who repeated to him (Col. Hogg) that he never beat or ill-treated the woman. Mr. John McNab Bellenden, surgeon, residing at Sedgley, stated that he attended the deceased, whom he found in an apparently dying state. He administered some medicine, and found the deceased was pregnant, and had not miscarried. He found some marks of severe external violence: the upper lip was cut, there was a severe bruise upon the back of the right thigh, and the private parts were much bruised. The deceased had evidently bled very much. He made a 'post mortem' examination, and was of the opinion that death was caused by the rupture of the uterine vessels producing haemorrhage. Several kicks or blows would cause such appearances, and he was of opinion they could not have been caused otherwise. The prisoner after being cautioned, made a long statement, in which he denied striking the deceased, and alleged that the deceased complained of 'stitches', said she was going to miscarry, and fell down. The blood upon his clothes, he said, was caused by helping to carry her to the house. The coroner having gone through the evidence and pointed out its bearings, the jury returned a verdict of 'wilful murder' against John Penn. The jury at the same time expressed their unqualified approbation of the conduct of the two police officers. Tomkinson and Eager, on the morning of the unfortunate occurrence, in promptly procuring the attendance of a surgeon for the deceased, and yielding her every assistance in their power; and they therefore recommended them to the attention of Col. Hogg; and the jury also begged to tender their best thanks to Col. Hogg for his valuable assistance in getting up the evidence, and to Mr. Ballenden, surgeon, for his unremitting attention to the deceased. The coroner also complimented the police for the vigilance and attention they had shown in the case."

The Trial

London Morning Chronicle 20/12/1844

“OXFORD CIRCUIT – Stafford, Dec 18.

[Before Mr. Justice Coltman.]

Joseph Penn, aged 52, was indicted for the wilful murder of Prudence Hughes on the 24th of September last, in the parish of Sedgley, in this county.

Mr. Yardley and Mr. Huddleston conducted the case on the part of the prosecution; and Mr. Allen (with whom was Mr. Keyson) appeared for the prisoner.

The prisoner, whose occupation was that of drawing coals, resided at Caddick’s End, near Dudley; and it appeared that an illicit connection had for some years existed between him and the deceased, who lived at Sedgley, and that by her he had several children. On the night of the 23rd of September last the prisoner and the deceased were at a public-house in Birmingham Street, Dudley, called the Hare And Hounds, where there was a woman named Ann Slater, who lived with the deceased, and three men, Hill, Walker, and Ball. At about midnight the prisoner, the deceased, Ann Slater, and Hill, left the Hare And Hounds, and proceeded along the road towards Sedgley. There was much discrepancy in the testimony of the witnesses as to the state in which these four persons were at that time, some declaring that neither of them were sober, and the others positively denying that any one of them was in the slightest degree intoxicated. Slater and Hill walked first, and the prisoner and the deceased followed. After they had proceeded some distance along the road the deceased came up to Ann Slater and Hill and showed her lip, which was cut through and slightly bleeding; at this time the prisoner was about five yards behind them. Shortly afterwards Ann Slater stopped at the house of a Mr. Cartwright, which was on the road, and the deceased and Hill went on about forty yards, when the prisoner came up with them. Hill walked after this time as far as a public-house called the Green Dragon, and on turning and retracing his steps in about ten minutes, saw the prisoner and deceased on opposite sides of the road, and heard him say to her ‘d—— your eyes, you ought to be ashamed of yourself.’ The prisoner then went towards Dudley, and Hill immediately approached the deceased, who was crying, and he remained with her for about ten minutes, and just before she parted from him he noticed the prisoner walking on the opposite side of the road, in the direction of Sedgley, and about five minutes afterwards the deceased left him and proceeded on her way home. Hill and Ann Slater went along a different road. The prisoner was dressed in a white smock-frock. About two a.m. on the 24th, that is on the same night, or rather following morning, a man, named Carter, who lived at Gornal, hearing a scream proceed, as he thought, from a woman, rose up, and going to his window, saw a man in a white frock, and a woman with him. The man said to the woman ‘You d—— b——, I’ve been watching you,’ and then struck her with his fist between the shoulders, but rather lower down on the back. The blow sent her reeling. The woman said nothing then. The man then struck her again with his fist in nearly the same place, and she fell to the ground. Carter, on seeing this, opened his window, and cried out, ‘My man, you had like to have done it,’ but received no answer. The woman said, ‘It’s of no use, I cannot go any farther.’ Carter then heard a trickling, as of water. The man laid hold of the

woman’s left arm and helped her along. Carter saw another man, and then a man and a woman pass his window. At seven o’clock Carter got up, and saw on the road under his window, where the woman had been lying, some blood, and about twelve yards further on, found traces of blood, and in one spot the track was about one foot in width. The woman had on a dark shawl, and this the man removed and threw over his own shoulder. Maria Cartwright, the post mistress of Gornal, on the morning of the same day, heard under her window, which fronted the road, a man’s voice in anger, and heard a blow, in a moment afterwards she heard a second blow, and a stifled cry of oh, in a female voice. She described it as if the person who uttered the sound had her mouth covered with the hand. Mrs. Cartwright heard a third blow, which was followed by another stifled cry, in a female voice, of ‘murder.’ This occurred at about two o’clock. Two policemen, Isaac Tomkinson and Francis Eager, who were on duty that morning, found on the road near a field, the prisoner and the deceased. The deceased was lying across the side of the path, and resting on a bundle containing blankets, and the prisoner was standing beside her. Tomkinson asked the prisoner what was the matter, and he said that she had been drinking in Birmingham Street, and was intoxicated. Tomkinson, however, perceiving some blood, inquired what was the meaning of that; when the prisoner stated that the woman was his wife, and was miscarrying. Tomkinson then went for a cart, and meeting Ann Slater, sent her for a surgeon. While Tomkinson was absent, Eager (the other policeman), with the assistance of the prisoner and of a man named Wilcox, carried the deceased to a public-house called the Jolly Crispins, and soon after the surgeon’s arrival and the return of Tomkinson, conveyed the prisoner to the station at Coseley. Both the policemen stated that the prisoner had on a white smock-frock, and the deceased a dark-coloured shawl. There were marks of blood on the prisoner’s dress, which however might, as it was suggested, have been received while he was assisting in the removal of the deceased, and holding her legs, as during that time she was bleeding profusely. While at the station-house at Coseley, the prisoner made a statement to Maurice Costello, a policeman there, the substance of which was that he accidentally came into the company of the deceased and Ann Slater at Dudley - that they partly forced, partly induced him to go and drink with them at the Hare And Hounds. That he wished the deceased to go home and mind her children, and watched her on the road to see whether she would do so. That at Gornal he went into a dark corner to see whether she would go home, and in a few minutes, on coming back, saw her leaning against a wall, and a man kneeling or sitting within a yard of her. The prisoner further stated that he then asked her why she did not go home, and put his hand to her and pushed her. That he might have struck her, but that he did not think he had done so, and that he was very tipsy at the time. Having said this, the prisoner began to cry, and expressed a hope that Costello would do the best he could for him. The prisoner appears to have supported his children to the best of his ability, and it was proved that he rendered every assistance in carrying the unfortunate woman from the road into the Jolly Crispins. On the other hand, it was stated by Walker and Ball, the two men who were at the Hare And Hounds on the same night as the prisoner and the deceased, that he had said respecting her ‘She is a rum one, and I’ll make a rum one of her; I’ll commit a hard by murder before I go

to bed.’ The injuries were described by Mr. Ballender, the surgeon, who was called upon to attend the deceased on the morning of the 24th of September, as of a very serious nature. The deceased stated to Mr. Ballender, that the injuries were not done to her by the prisoner, but caused by a fall, and this statement she made very soon after he was called in, but he gave it as his opinion that they could not have resulted from a fall. The immediate cause of her death, which took place at nine o’clock on the same morning, was hemorrhage, produced by the rupture of two arteries, one of which, however, the surgeon considered, could not have been injured by the external violence alleged to have been used towards the deceased.

Mr. Allen addressed the jury on behalf of the prisoner. The learned Judge summed up, and after a short deliberation, the jury returned a verdict of manslaughter. The sentence was deferred.”



Green Dragon 1996

The Sentence

Staffordshire Advertiser 21/12/1844

“OXFORD CIRCUIT – Stafford, Dec 20.
CROWN COURT.

[Before Justice Coltman.]

At the sitting of the court, this morning, the learned judge directed Joseph Penn (who, on Wednesday last, had been convicted of the manslaughter of Prudence Hughes, at Sedgley) to be placed at the bar. Whereupon his lordship said, ‘You have been found guilty, upon the clearest possible evidence, of the manslaughter of Prudence Hughes. The jury, by their verdict, have evidently taken a most merciful view of your case, and have acquitted you of the more serious crime of murder. The sentence of this court is, that you be transported for the term of ten years.’”



Jolly Crispin 1901

The Death of Joseph Penn

Staffordshire Advertiser 7/3/1846

“Joseph Penn, who was convicted at the last Spring Assizes for this county of the manslaughter of Prudence Hughes, and who was sentenced to ten years transportation has recently died at one of her Majesty’s hulks. It will be remembered that the unfortunate woman (with whom Penn had cohabited) was kicked and beaten by him on the road from Dudley to Gornal and died shortly afterwards,”



Jolly Crispin 2014

Footnote

Joseph Penn was apparently transported on the SS Theresa on 28th of March 1845, and arrived at Van Diemen’s Land (Tasmania) on 3rd of July 1845. He may have died on one of the ships moored in Hobart harbour which were used as prison hulks. Apparently many convicts were held on them and were taken ashore to work in chain gangs etc.

Joseph Penn	do	16 December 1844	Ten
Charles Heywood	Stafford Quarter	30 December 1844	Fifteen

Court Sentencing Record 1844