

Hannah Heath per Majestic 1839 - ID 7942

Seabridge
Newcastle
Staff
28th April 1838

My Lord

I have been informed today by Mr Passman an attorney of Stafford and by the female turnkey of Stafford Gaol that Mr Barber an attorney of Stafford had undertaken the defence of HANNAH HEATH and also ANNE WYCHERLEY both indicted for MURDER at the last Assizes at Stafford , but that he left them undefended at the trial when they were both convicted. Having also been informed that Petitions have been presented to your Lordship in favour of one or both of these prisoners, I think it right to make this statement as there is an impression amongst those who witnessed the trial that HANNAH HEATH would if defended have been acquitted and both prisoners must have been taken by surprise and so prejudiced by the neglect of the person who had promised to attend to their defence - This promise had induced HANNAH HEATH to give up the service of Mr Passman whom she had previously engaged, and it probably prevented ANNE WYCHERLEY from taking such steps for her own defence as she otherwise would. I have the honour to be your Lordship's obedient humble servant
H A Wedgwood.

Returned 28 May 1838
"Not Known"

Whitehall
30 April 1838

Sir

Having laid before Lord John Russell, the documents which you presented on behalf of HANNAH HEATH a convict under sentence of DEATH in the gaol at Stafford. I am directed to acquaint you that it has been reported to his Lordship that the Judge before whom the prisoners were tried has granted her a Reprieve with a [vicu] of recommending her to the Royal Mercy.

I have the honour to be Sir
Your obedient servant

[J M] Phillips

22 May 1838

My Dear Phillips

I mentioned the case to Lord John Russell on the Birthday and it was arranged that I then write the in[]d letter

I am

very [] []

J Gurney

Lincoln Inn Fields

22nd May 1838

My Lord

A woman of the name HANNAH HEATH was convicted before me at the last assizes of the County of Stafford of the MURDER of a child. I was not sufficiently satisfied with the conviction to permit the Law to take its course but have respected it until His Majesty's pleasure shall be signified.

I beg leave to recommend that mercy be extended to her on condition of transportation for life.

I have the honour to be

my Lord

Your Lordships obedient servant

J Gurney

Hanley

27th April 1838

My Dear Friend

Thy note of the 31st inst was not opened until the 20th inst from an accidental course. I immediately went to the Under Secretary of State J M Phillips at Whitehall. He suggested the propriety of further enquires into the circumstances in question connected with the case of HANNAH HEATH . A letter was dispatched to Stafford , the answer induced me to go thither as soon as I had obtained some introductory letter . I saw both the Chaplain and the Governor of the Prison. They privately stated that they entertained very great doubts upon the case, which one

of them had communicated in the proper quarter. Their remarks suggested a more particular investigation on the spot, Baddeley Grum where the woman had lived. I therefore came to Hanley most unexpectedly found a valued member of the Society of Friends resident there kindly disposed to unite in the investigation. I refer to John P Milner (late of Warrington) personally known to thee, I understand. He is Son in Law of Robert Alsop and a friend whose cooperation would be cordial in any undertaking.

We have jointly seen several persons separately, and without the knowledge of each other. Their statements establish the important facts that in HANNAH HEATH's cottage, where she administered something to the deceased infant (her grandchild) some fluid used for the tooth ache, was kept: that this fluid was procured from a party who sold something that was corrosive in its action upon linen and was some acid; that its colour was nearly like that of a medicine therefore used by herself (mother of the deceased infant); that both this latter medicine and the toothache remedy had been procured of a travelling quack doctor a good while before; that neither of the vials was labelled and that the vial produced in court upon the trial, was that in which the toothache remedy had been kept. We further were told by the young HANNAH HEATH that her mother (the convict) had been uniformly kind to her and the infant, that the three slept in one bed, that the grandmother (the convict) had for several proceeding nights carried the infant down stairs to feed it, as the mother's (her own) nourishment was insufficient. and, what is of great importance, she added that the grandmother would not let the infant remain during sleep in her (the mother's) arms, because she (the mother) slept so soundly that there was danger of its being overlaid. This is a material fact, because had the crime of infanticide been contemplated by the grandmother, it might obviously have been accomplished without recourse to poison. With facts like these, a conviction would have been impossible if the poor woman had been able to employ Council.

The great distance to the nearest Magistrate has not permitted us to get depositions in time from the different parties; indeed it was no trifling matter to get to these different parties and to elicit from them what we have done. We endeavoured to conceal from them the real object, and permitted our visit to Baddely Green to assume the character of prosecuting it, resembled a monthly meeting appointment, in that we were associated together in its progress. If however depositions be required the executive may of course obtain them from the witnesses whose readiness we furnished. If in so doing, it is thought advisable to have the assistance of our valued friend, John P Milner, his address is Hanley, Staffordshire and he resides within a few miles of the several parties. If it is deemed advisable that I should again return here, I am willing to do so (not withstanding the additional expense of money and time it costs me) and in such case be pleased to send a line to me at the Post Office Stamford (not Stafford) Lincolnshire by return of post. If later pray address it to Post Office Beccles Suffolk.

I hope all thought of executing ANN WYCHERELY (the other woman at Stafford) will be given up when the Home Secretary learns as he will probably have done ere this through an official channel, that this wretched young woman had had a miscarriage which is attributed to her excited feelings since the trial which took place about six weeks ago.

I remain

My dear friend

Very sincerely thine

John F Barry

The execution day is tomorrow week for both.

Subjoined are the individual statements within referred to being those of 1st Charles Heath son of the convict, 2nd Hannah Heath daughter of the convict, and mother of the deceased infant, 3rd Dorothy Dale a neighbour, 4th the woman (Nanny Booth) in whose house had lodged the travelling quack doctor that sold the fluid for the cure of toothache.

Substance of the:

Statement of Charles Heath (aged about 24) made to J T Barry at the colliery (about a mile from Baddeley Green where he lived with his mother in the cottage where the infant died). When enquired of whether he had procured anything for the toothache, when and from whom, he said;" It was many months ago, and long before his sister's laying in; that a quack doctor who came that way gave him a small quantity in a vial, for which having no money he agreed to exchange a show buckle, and that he was directed to apply this remedy on lint which he forced into the hollow tooth. J T Barry was then shown the hollow tooth on the right side of the lower jaw, being the anterior molar tooth, he (Charles Heath) did not know the name of the quack doctor, but he lived at Nanny Booths Golden Hill, and used to travel on foot carrying his medicines in a box at his back suspended from a stick cross his shoulder.

Substance of the younger HANNAH HEATH's statement:

We next proceeded to Baddeley Green, and of the cottage of the prisoner found her daughter HANNAH HEATH mother of the deceased infant and sister of Charles Heath, she is aged about 19. Without her knowing that we had seen her brother Charles Heath relative to the remedy for the toothache, she answered our inquiries in a way that fully corroborated his account and pointed to the shelf on which the vial (of tooth remedy) had stood, saying it was the same vial as that produced in Court on the trial. She added that the same quack doctor had supplied her with medicine in another vial and told her to take thirteen drops in water at a time. (Respecting at fact of this medicine having supplied see the statement of Dorothy Dale, hereto annexed) She (HANNAH HEATH junior) told us that this medicine and the toothache remedy were nearly alike in colour, and that neither had any label.

That previous to the trial the prisoner (her mother) denied having administered anything, but upon visiting her lately in gaol she admitted that she had given the child something from one of the vials in the hope it would do it some good, as the child (said the prisoner) was "stuffed up". She showed the deceased infants apparel which had since been washed. It was burnt into holes in some parts, as if by the destructive action of sulphuric acid. She said that her mother (the prisoner) had been a kind mother to her, and to them all, that she had appeared very fond of the child, and used to take it down stairs every night to feed it, as she herself could not nourish it from the breast, that the three (grandmother, mother and infant) all slept in one bed and the grandmother used every night to take the child to lie in her arms, in order to prevent it being overlaid by her, (the mother) as she slept very soundly.

Dorothy Dale:

We next stepped into Dorothy Dale (who had been a witness at the trial). Her cottage is close to HANNAH HEATH'S. She gave us some particulars without knowing what we had already heard. She remembered seeing the quack doctor when he supplied some medicine to the younger HANNAH HEATH it was a liquid in a vial.

Nanny Booth:

We then proceeded across the county and through Burslem to find out the quack doctor said to reside at Nanny Booth's, the midwife at Golden Hill. This last named person was at home. She is an aged woman. She said that the quack doctor had left her house many months ago, and gone to Newcastle, that he moved about, on being asked whether he had cured the toothache she said he sold some kind of stuff for that purpose - that she thought it was some kind of vitriol it was of a burning nature but it had not cured her toothache . When asked his name she said it was William; that he stopped only a few days at a time. She was not able to give us any means of finding him. (Our object in making the inquiry was quite unknown to Nanny Booth who seemed to suppose we had come to purchase some of the toothache remedy) On being asked how this "Doctor" travelled she said On foot and how he carried his medicine she said in a box on his back.

P.S.

I find that this communication is too late for today's mail and cannot be delivered in London before the 10th - it will therefore, I fear, be too late to offer my further services, as it is hardly probable that letters would reach me in time at Stamford or Beccles, as proposed above.

J T B

John T Barry presents his respects to S M Phillips and being uncertain whether his friend Joseph Pease is in London, takes the liberty, under the urgent circumstances of the case, to transmit direct to himself the foregoing which

originally was intended to be sent to the member for South Dumhome for the purpose of being laid before Lord John Russell.

Hanley Staffordshire

27th of the 4th month 1838.

To be handed immediately to S M PHILLIPS, Undersecretary of State of the Home Department, Whitehall, London

HANNAH HEATH

STAFFORD 1838

MURDER

DEATH

SOURCE - HOME OFFICE CRIMINAL PETITIONS - SERIES 1

SERIES - HO 17

PIECE NUMBER - 86

ITEM NUMBER - PY 33

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HANNAHN HEATH - AGED 56

STAFFORD LENT ASSIZES MARCH 1838

MURDER - DEATH

SENTENCE COMMUTED TO TRANSPORTATION FOR LIFE 26 MAY 1838