

Susan Hamilton ID2180 per Asia 1847

Susan Hamilton or Kain aged 24

Ayr Circuit Court 14th October 1846

Culpable Homicide

7 years transportation

Gaol Report – Character Good.

Received into Millbank Prison from Stranaer on 5th December 1846.

Series – HO 18

Piece Number – 195

The prisoner states that she was advised to plead GUILTY but that she is intirely innocent of any Culpable neglect of her child. She prays for detention in this country.

To the Right Honourable Sir George Grey Her Majesty's
Principle Secretary of State for the Home Department.

The Petition of Susan Hamilton a prisoner in Millbank Prison.

Humbly Sheweth

All the grounds for leaving such crimes to my charge was, when taken prisoner and examined I simply said perhaps the want of particular care might have been the means of my child's death,so before I was called to trial the Council told

me that owing to me saying so I would be condemned and that I had better plead guilty to Culpable Homicide so accordingly I took his advice and I got the painful sentence of seven years transportation. I never meant to say that I was the cause of my infants death, by wilful neglect. I do truly certify that if neglect really was the reason of its death it was by accident. I think it consists with reason at the end of six days after being delivered I was ratherly unable , onboard the ship of taking very particular care that an infant of its weakness required, needessity was the reason of my venturing to go home so soon but I shall confess the truth after I found that it really was dead I am guilty of trying to conceal the dead body of my child. And had I been imprisoned according to law for concealment I would acknowledged justly deserving. I never broke the just laws of my country before, neither have I been in the habit nor practice of committing such aggravating sin until this unhappy time, I have been religiously trained by pious respectable parents all who are in life now sadly mourns both on account of my greivous sin and also for my present situation, and surely in every respect I this day much more lament. I humbly beg your Honour would please take my case into consideration and do not put me away altogether out of Britain but if spared let my punishment be imprisonment until such times as it might please your Honour to grant my liberty that I once more have an opportunity of doing well in my native land amongst my affectionate respectable friends who would willingly receive me. And I do promise with humble dependence upon Divine Aid, to redeem my character that it may be for my future welfare to which I

have neglected. Should it please your Honour to grant my request your Petitioner will ever pray.

Susan Hamilton

Declaration of Susan Hamilton or Kain

At Stranraer the 14th day of June 1846

In the presence of Alexander McDouall Esq. one of her Majesty's Justices of the Peace for the County of Wigtown.

Compeared Susan Hamilton or Kain (wife of John Kain, Cook on board Her Majesty's Steam Vessel "Firefly" residing at Hobbs Point South Wales) and at present residing at Stranraer, Parish of Stranrear and County of Wigtown, who being duly admonished and cautioned, and thereafter examined and interrogated declares as follows:

I am a native of the Parish of Wigtown, am 23 years of age, married and have no family. I sometime ago became pregnant to William Agnew, Hostler at the Buckshead, Stranraer, and I went from home, passing under a false name, that I might have the child unknown to my husband, I was delivered in Ayr by Dr. Ronald of a female child on Saturday week past. I returned to Stranraer by the Albion Steam Boat yesterday, carrying the child under my plaid. The people on board the boat gave me whiskey, and I did not take proper care of the child, which was weakly, having been borne before its time – six weeks before its time. I shewed the child to Esekial Bates, who said he thought it was dead. After I landed at Stranraer I had occasion to go back to the Steam Boat for a little shawl which I had forgot in the Pilot's Room. I got the shawl, and I then discovered that the child was dead. There was no person near me when I made this

discovery and I thought to myself that it would be no sin to throw it into the sea as it was dead, and I accordingly did so at the Quay of Stranraer. The child was not properly dressed when I left Ayr, and it dropped out of its clothes after I landed at Stranraer. I saw the child today, in the possession of Superintendent Mann. I wish to explain that I did not take the child out of the shawl when Bates looked at it. He merely lifted the corner of my plaid, looked in at the child's face, and said her thought that it was dead. I said that it was not, but I did not say that it was my child, for I wished to conceal that, intending to give the child to its father when I reached Stranraer. All which I declare to be the truth.

(signed)

Susan Kain

A McDouall JP

Alex McNeal Laird

Murd. Jeffery

Crown Appeals Chambers

Edinburgh

9th March 1847

My Lord

I beg leave to return to your Lordship the Petition of Susan Hamilton convicted of Culpable Homicide at Ayr last Circuit, praying for mitigation of her sentence, and, having inquired

into her case, and advised with Mr Deacs, the Crown Counsel who had charge of it, I have to report as follows:

The Prisoner was indicted alternatively for murder, or Culpable Homicide of her own child. She pled guilty to the minor offence and in the opinion of Crown Counsel was well advised in so doing as if the trial had proceeded, he thinks it would probably have resulted in a severe sentence. Your Lordship had been previously consulted as to the propriety of the Crown accepting such a plea, if offered, and it was accepted under your Lordships instructions.

No explanation having been made to the Court on her behalf, Crown Counsel voluntarily suggested the possibility of the child having been smothered through mere neglect, while the prisoner was in a state of intoxication, being by far the most favourable supposition which it was possible to make for her: and thereupon the Court though apparently with some hesitation, restricted the period of transportation to the term of seven years.

The child of whose culpable homicide the prisoner was convicted was admittedly not her husbands, the prisoner having left him, with the view of concealing its birth, and in Crown Councils opinion there existed strong grounds for suspecting that she had dropped it, into the sea, when returning, and probably while under the influence of ardent spirits.

But assuming this suspicion to be well founded I am informed by Crown Counsel who had charge of the case, that it, notwithstanding, was and is his impression that the prisoner of habitually temperate, might under favourable

circumstances, become a good member of society. Her manner and appearance at the trial are stated to have created a favourable impression.

I have the honour to be

My Lord

Your Lordships most faithful and obedient servant

John Brodie.

By Keith: There are many newspaper cuttings detailing the Court case, an inventory of all clothing, and a list of witnesses and the names and addresses, occupations of the Jurors
