

The important results of an elaborate investigation into the mysterious case of Elizabeth Fenning: being a detail of extraordinary facts discovered since her execution, including the official report of her singular trial, now first published, and copious notes thereon. : Also, numerous authentic documents; an argument on her case; a memorial to H.R.H. the Prince Regent; & strictures on a late pamphlet of the prosecutors' apothecary / by John Watkins, LL.D. ; With thirty original letters, written by the unfortunate girl while in prison; an appendix, and an appropriate dedication.

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Publication/Creation

London : William Hone, 1815.

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Med. Leg. Tracts.
Vol. 40

34

340. 6(MLT 40)



SL 122-4-C-24

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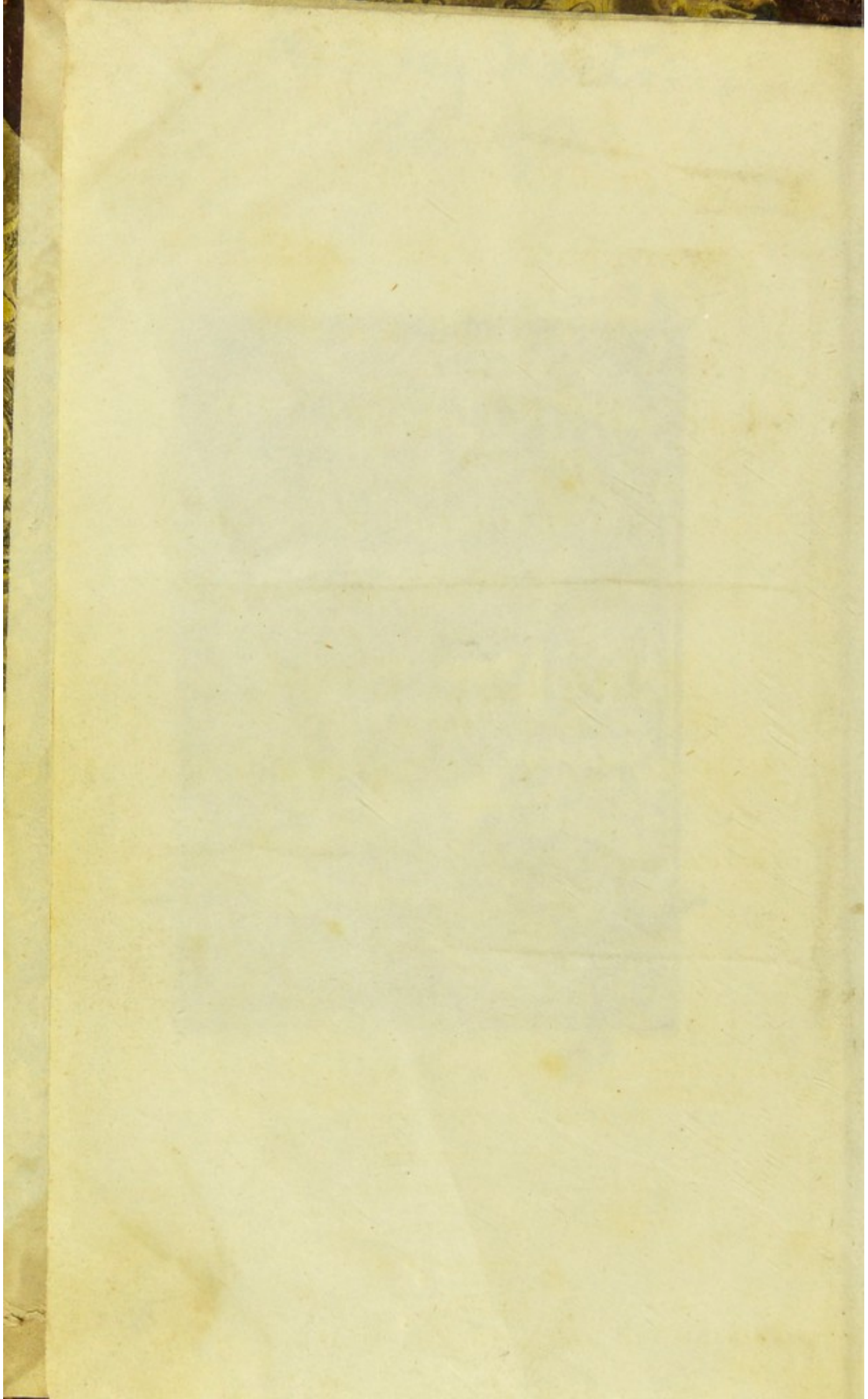
COMMISSIONERS OF THE

LAND OFFICE

ELIZABETH PENNINGTON

General Agent

NEW YORK



J.H.W.

THE
IMPORTANT RESULTS
OF AN
ELABORATE INVESTIGATION
INTO THE
Mysterious Case
OF
ELIZABETH FENNING:
BEING A
DETAIL OF EXTRAORDINARY FACTS
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ALSO,
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HER CASE; A MEMORIAL TO H. R. H. THE PRINCE
REGENT; & STRICTURES ON A LATE PAMPHLET
OF THE PROSECUTORS' APOTHECARY;

BY JOHN WATKINS, LL.D.

WITH
THIRTY ORIGINAL LETTERS, WRITTEN BY THE UNFORTU-
NATE GIRL WHILE IN PRISON; AN APPENDIX, AND
AN APPROPRIATE DEDICATION.

" If imputation and strong circumstances,
" Which lead directly to the door of truth,
" Will give you satisfaction, you may have it."

SHAKESPEARE.

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1815.

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TO
THE RIGHT HONOURABLE
THE LORD MAYOR,
TO
THE WORSHIPFUL
THE ALDERMEN,
TO
THE HONOURABLE
THE COMMON COUNCIL,
AND TO
THE WORTHY
LIVERYMEN AND CITIZENS,
OF
THE CITY OF LONDON,
THE ENSUING
REPORT
OF
THE FATAL PROCEEDINGS
BEFORE
Their Recorder,
IN THE CASE OF
ELIZABETH FENNING,
AND OTHER
CIRCUMSTANCES CONNECTED THEREWITH,
IS
MOST RESPECTFULLY DEDICATED,
BY
THE EDITOR.

ROYAL COLLEGE
OF
PHYSICIANS
OF
LONDON

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ERRATA.

P. 28. To Question 70 the following words are *omitted*, "used for Sir?"
P. 60. A slight *transposition* is required. The *last* name in the LIST OF THE JURY should read thus:—"EDWARD BEESLEY, of Charles Street, Bottle Dealer, who was DEAF, and obliged to have part of the EVIDENCE which he COULD NOT HEAR related to him by his brother Jurymen."

PREFACE.

THE extraordinary interest taken by the Public in the very peculiar and affecting Case which constitutes the subject of these sheets, is at least an honourable proof, that, however lax may be the practice of virtue, the principle still continues to be the National Character. A more striking evidence of this can hardly be adduced than the spontaneous movement occasioned by the prosecution, condemnation, and execution, of the unfortunate young woman, in whose lamentable fate all classes and descriptions of persons seemed to be animated by a common feeling of pity and indignation. It is observable, that the sensibility thus excited did not break forth into a strong expression of compassion and resentment, merely from that ordinary spring of humanity which is apt to commiserate even the wretchedness of the guilty; but the sentimental tide which flowed on this occasion arose from the purest of all sources, —a lively perception of the hardships of the Case, and a jealousy lest that which has hitherto been our bulwark and our pride, should be converted into an engine of oppression, and an instrument of vengeance.

The reflection, that all the Institutions of man are liable to abuse, operates as a standing lesson to make us watchful over the forms of law and the proceedings of Courts; that what was established by the integrity and wisdom of our

Ancestors, may not be injured by our folly, or perverted to an evil through our remissness. There is a blind confidence which infects the best minds, and induces them to rely so much upon the intrinsic excellence of legal institutes, and the solemnity of judicial proceedings, as to think that they are secure from corruption, though occasionally liable to suffer from the infirmity of erroneous administration. But, this yielding to official authority, and trusting to the abstract purity of venerated establishments, has a very dangerous tendency ; inasmuch as it puts those arms, which were designed for the use of the virtuous, and the protection of the helpless, into the hands of the crafty and vindictive. Whenever, therefore, this indifference to the privileges which belong alike to every man, shall become general among a People, the decay of that State has begun, and the period is not distant when its degradation will be completed ; for, *Quid cum illis agas ; qui neque jus, neque bonum aut æquum sciunt ? Melius, pejus, prosit, obsit, nil vident nisi quod lubent.* “ What can you do with those who are totally ignorant of justice, goodness, or equity ? Right or wrong equally influences them, since they distinguish nothing but as they are pleased.” It is, therefore, a mark of providential care, that instances now and then occur to rouse men’s fears, and to awaken in them some regard to their rights and their duties. The sufferings of the innocent, and the insolence of the oppressor, may be productive of good, if they shall bring those to think who have hitherto been supine with respect to the trust reposed in them, and shall animate the most efficient to adopt the means best calculated to remove existing grievances, and to prevent the recurrence of the evils which have occasioned inquiry.

No greater folly can be committed by men, than to rest satisfied with a general complaint against public abuses, without endeavouring to prevent their increase, and to expose their pernicious influence. When attention has been once excited, and the reality of great enormities has been sufficiently proved, an obligation is imposed on every member of society to pursue investigation with keenness, and to call upon others for their assistance. Amidst the habits of luxury, the cares of business, and the spirit of curiosity, ever inquisitive after novelties, cases of the most urgent import, and abuses of the most flagrant nature, are too often suffered to pass unheeded or uncorrected. A remarkable instance of cruelty, perhaps, chances to bring a train of grievances to view which the world at large never thought had an existence. Conversation then becomes general and loud upon the subject for a few weeks, but at length something new arises to engage public attention, and, in a little time, that which was considered as of universal import, and calling for immediate redress, is either totally forgotten, or remembered only as a tale that was told.

To guard, as far as possible, against this common weakness, by which practical reform is so often frustrated, is the design of the present Publication ; wherein are exhibited the details of one of the most extraordinary Cases that ever happened in a civilized State ; and if human life be worth protection, or laws are to be considered as the equal right of the poor and the rich, it is one that sensibly touches the national interest and the national honour. The circumstances here recorded shew, beyond all doubt, how liable the best things are to be perverted, and that while we have every reason to make our boast of a Constitution

intrinsically excellent, and of a body of jurisprudence as valuable as human wisdom and experience can digest, errors in practice do much oftener arise from the bad passions of the powerful acting upon the carelessness of the community, than the most virtuous and enlightened could easily bring themselves to imagine.

This Collection, therefore, must be considered as a memento, to draw the fixed attention of every individual to the administration of those laws in which he has an interest, and upon which in some capacity or other, either as a witness or a juror, he may be called to act according to the discharge of his conscience and his judgment. Let no man say that the Case, though melancholy, is now irremediable, and therefore should be forgotten: on the contrary, the perusal of all the facts must convince those who have any sense of moral feeling, that though the fate of the unfortunate girl has been decided, her History should not be forgotten. Every part of the Narrative rings an alarm to the present, no less than a warning to future generations, not to trust to presumptive evidence, and to put little confidence in the reasonings of fallible Magistrates, who have grown old in the ministration of death, or in the testimony of Witnesses who are actuated by their prejudices.

Though the Publication has been retarded by a variety of causes, it is hoped that Truth and Justice have gained by the delay; and that something more beneficial will be produced by it, than the gratification of a momentary curiosity—that every individual in the community, from the highest to the lowest, will be impressed with a sense of the dangers to which he would be exposed, if sus-

picious circumstances alone are to be combined into a charge that shall affect his character or his life.

21st October, 1815.

P. S. The *Editor* has to acknowledge the favour of many liberal and unsolicited communications while engaged in this painful inquiry : but the Letters of Dr. *Watkins* are, with his permission, given entire ; and of their value the Public will form a proper estimate.

ADVERTISEMENT.

FURTHER information respecting the Case of *Elizabeth Fenning* is respectfully solicited, and will be thankfully received, by the *Publisher*.

55, Fleet Street, 21 October, 1815.

Important Results

ON

AN ELABORATE INVESTIGATION

INTO

THE CASE

OF

ELIZABETH FENNING.

WILLIAM FENNING was born the 27th of March, 1753, in Angel Street, Hadleigh, in Suffolk, of Protestant parents. His father, **THOMAS FENNING**, who has been dead about twelve years, was a gardener: his mother, **MARY FENNING**, is living, and resides at Hadleigh Green. At seventeen years of age he became a soldier in the 15th regiment of foot; a detachment of which was recruiting at Hadleigh. He joined the regiment at Beverly, in Yorkshire. On the 6th of May, 1787, the regiment being quartered at Cork, he there married, by license, **MARY SWAYNE**, a Protestant, who was born there, and baptized at Christ Church; and whose mother, **MARY SWAYNE**, had died about a year before, having been left a widow about three months from the time of her daughter's birth. **GEORGE SWAYNE**, the father of **WILLIAM FENNING**'s wife, was a slater in Cork, and son of Mr. **SWAYNE**, a respectable silversmith in the Strand. **WILLIAM FENNING** and his wife, whose parents were both English, and Protestants, were married at

St. Finbarry's Church, by the Rev. Mr. THOMPSON. In 1790 he sailed with the regiment from the Cove of Cork for Barbadoes, and from thence to the Island of Dominica, where their daughter, ELIZABETH FENNING*, the subject of the present publication, was born on the 10th of June, 1793. She was christened at Rousseau, in that island, by the Rev. Mr. MARGARET, the Protestant Minister; where, at about a year and a half old, in the middle of the night, whilst her mother was sleeping, she pulled the rushlight from the bedside, which setting fire to herself and the bedclothes, awakened the poor woman just time enough to save herself and her daughter from the misfortune that threatened them †. In 1796, or 1797, WILLIAM FENNING came home with the regiment to Portsmouth. The skeleton that arrived consisted of about fifty, including officers, subalterns, and privates. Mrs. FENNING was one of seven women who returned to England, out of one hundred and two women who went out with the regiment. After recruiting in various places in England and Scotland, the regiment was quartered at Dublin, where, in 1802, WILLIAM FENNING solicited and obtained his discharge with the following *Certificates* :

(COPY.)

“ By *Lieutenant-Colonel* BARRY, commanding his Majesty's 1st battalion of the 15th regiment of infantry, whereof *General* HENRY WATSON POWELL is colonel, These are to certify, that the bearer hereof, WILLIAM FENNING, has served in the afore-said regiment for the space of *twenty years and four months*, is, for

* She has usually been called *Eliza* Fenning; her baptismal name was *Elizabeth*.

† From this incident arose the *Report* that *Eliza* Fenning had set fire to her mother's bed, as she lay in it, with the intention of burning her mother alive. This report has been most gravely used as an instance of her *early depravity*.

the reason below mentioned, discharged from the said regiment, he having received his pay, arrears of pay, clothing of all sorts, and all other just demands, from the time of enlisting into the said regiment to the day of his discharge; and by order of the commander of the forces he is discharged at his own request. And to prevent any ill use that may be made of this discharge, by its falling into the hands of any other person whatever, here follows a description of the above-said WILLIAM FENNING: he is aged about 38 years, five feet six inches high, of a dark complexion, hazle eyes, round visage, and black hair; born in the parish of Hadleigh, in the county of Suffolk; by trade a labourer.

" Given under my hand and the regimental seal, at Dublin, the 21st of March, 1802.

" H. G. BARRY, Lieut.-Col. 15th Foot."

(COPY.)

" To all concerned,—Serjeant W. FENNING served in the 15th Foot for upwards of *twenty years*. He was for some time MASTER OF THE BAND; *is a good musician, and always conducted himself as a steady, honest, and sober good man.*

" H. G. BARRY, Lieut.-Col. Commandant, 15th Foot.

" Dublin, March 26, 1802."

In a few weeks after receiving his discharge, FENNING and his family arrived at Bristol, from whence they departed in the London waggon, and stopped at Bath* for one night on their journey.

Arriving in London, WILLIAM FENNING went into the service of his brother, a potatoe dealer, at No. 15, Red Lion Street, Holborn, with whom he remained upwards of three years, and has been ever since servant at the potatoe warehouse, No. 18, Red Lion Passage; the business of which house has in that time passed into the hands of three successive persons, in whose different em-

* This was the only time that Elizabeth Fenning was at Bath.

ployments WILLIAM FENNING has conducted himself honestly and diligently, to the satisfaction of his masters.

His wife has, for the last five years, worked as upholstery woman for Mr. NORRIS, upholsterer, No. 55, High Holborn.

From the age of about fourteen years their daughter, ELIZABETH FENNING, has been out in servitude; and in the latter end of January, 1815, being hired as cook into the family of Mr. ORLIBAR TURNER, at No. 68, Chancery Lane, in about seven weeks from that time the circumstances unhappily arose which led to the unfortunate creature's being charged with an attempt to murder Mr. TURNER's family.

The following is a Correct Copy of the COPIOUS REPORT of ELIZABETH FENNING's *Trial*, from the notes of the shorthand writer* to the Corporation of London. It differs most *materially* from the SESSIONS' PAPER REPORT; which, although the fullest hitherto published, is not only *much shorter*, but is *garbled* essentially in the Evidence. A corresponding Copy of the present *official Report* is in the possession of the Right Hon. the Secretary of State for the Home Department.

* Mr. Job Sibly, the Reporter, is since dead.

[COPY.]

THE KING
versus
ELIZA FENNING. } PROCEEDINGS on the
TRIAL of this Indict-
ment, at Justice Hall,
Old Bailey, before the
HONOURABLE MR.
RECORDER, Tues-
day, April 11, 1815.

ELIZA FENNING* was indicted for that she, on the 21st day of March, feloniously and unlawfully did administer to, and cause to be administered to ORLIBAR TURNER, ROBERT GREGSON TURNER, and CHARLOTTE TURNER his wife, certain deadly poison (to wit arsenick), with intent the said persons to kill and murder.

Second Count, that she did cause to be taken by the same persons, arsenick with intent to kill and murder them.

Third and Fourth Counts, as in the first and second counts, only charging the offence to be committed against ROBERT GREGSON TURNER only, and another count against CHARLOTTE TURNER only.

The Case was stated by Mr. GURNEY.

* Although the Prisoner's *baptismal* name was ELIZABETH, she was indicted, it appears, by the name of *Eliza*.

Mrs. CHARLOTTE TURNER *Sworn.*

Examined by Mr. GURNEY.

1. Q. You are the wife of Mr. Robert Gregson Turner?

A. I am.

2. Q. He is a law stationer, in Chancery Lane?

A. He is, sir.

3. Q. I believe, madam, your husband's father, Mr. Orlibar, is a partner?—he lives at Lambeth?

A. He does.

4. Q. At what time did the prisoner come into your service?

A. About seven weeks before the accident, as cook.

5. Q. Had you occasion to reprove her?

A. I had, about three weeks after she came.

6. Q. What was the occasion that you reproved her?

Q. 1. The mischievous practice of putting words into the witnesses' mouths; or, in technical language, putting *leading questions*, appears to have been exercised without restraint, during the whole of this extraordinary trial.

Q. 5. The first question put for the purpose of obtaining proof of the prisoner's presumed *motive* for her alleged *poisoning*. Mrs. C. Turner's answer assigns the period about a month before the affair, but she does not state one angry word between her and the prisoner afterwards; on the contrary, the witness admits, on her cross-examination, that she had no other cause of complaint except *that* she forgave her. It is to be remarked, that *neither* of the other persons, who, according to Mrs. C. Turner's testimony, must have been present on the occasion of the girl's fault, were examined as to that point.

Q. 6. If Mrs. C. Turner saw the prisoner go into the young men's room, was she not *watching*? What was the motive for Mrs. C. Turner, from her chamber on the second floor, *watching* the servant on the attic. If she was watching, was there no other cause for *Mr. Robert Turner's* wife's vigilance, than ordinary

A. I observed her one night go into the young men's room partly undressed ; it was very indecent of her to go into the young men's room thus undressed.

7. Q. What age were the young men ?

A. I suppose seventeen or eighteen years old.

8. *Court.* Two of them, were they ?

A. Two ; I reproved her severely the next morning for her conduct ; the excuse was, that she was going to fetch the candle. I threatened to discharge her, and gave her warning to quit ; but she shewed contrition. I forgave her for it, and retained her.—That passed over.

9. Q. What was her deportment after that, for the remaining month ?

A. I observed that she failed in the respect that she before paid me, and appeared extremely sullen.

curiosity, as to the conduct of the girl with the *boys* ? Lastly, if she saw the prisoner go into the boys' room, why did she not *instantly* inquire into the circumstances ?

Q. 8. [*In the SESSIONS' PAPER REPORT of this Trial Mrs. C. Turner's account of the Prisoner's EXCUSE for going to the boys' room is wholly OMITTED.*]

Q. 9. The witness's attempt is to prove the *continuation* of the prisoner's motive. Her failure in respect to Mrs. C. Turner *for a whole month*, and her "extreme sullenness" during that time, must have been observed by Mr. R. Turner, Mr. O. Turner, Mrs. M. Turner, Roger Gadsden, and Sarah Peer, or some or one of them ; yet not one of these witnesses was examined in corroboration of Mrs. C. Turner's evidence upon this point. THOMAS KING, who was NOT a *Witness*, could probably have deposed somewhat upon this head. If, however, the prisoner had a *grudge* against the family, it is extraordinary that she did not execute her *purpose* of poisoning *immediately*—whilst her supposed resentment was strong upon her. The means were as much within her reach *then* as at any subsequent period. But would she have remained in Mr. Turner's service for a whole month, for the purpose of poisoning a family that she might have *quitted* at any time that she pleased ?

10. Q. Did she, after this, say any thing to you upon the subject of yeast dumplings?

A. She did, a fortnight before the transaction; she requested me to let her make some yeast dumplings, professing herself to be a capital hand. That request was frequently repeated.

11. Q. On Monday, the 20th of March, was any thing said to you upon the subject of yeast?

A. She came up into the dining-room, and said the brewer had brought some yeast.

12. Q. Had you given any orders to the brewer to bring any yeast?

A. Oh no! I told her I did not wish to trouble the man; that was not the way I had them made; I generally had the dough from the baker's; that saved the cook a great deal of trouble, and was also considered the best. Having this yeast, I said it was of no consequence, as the man had brought a little, the

Q. 10. The prisoner's request to be allowed to make yeast dumplings, as sworn to by Mrs. C. Turner, tends to impress the jury with the idea that the prisoner had, for a whole *fortnight*, determined to mix poison with *yeast dumplings*. But were not the Turners accustomed to have yeast dumplings? and had they not been talked about, so as to induce in the prisoner a wish to show her skill in that kind of cookery? If she had resolved to commit the crime, how strange that she should have selected *yeast dumplings* as the best medium of poisoning with *arsenick*; and have deferred the criminal purpose *for a whole fortnight*, whilst, as cook, she had so many other readier and more secret means of effecting it. It is remarkable, by the bye, that the prisoner made this request in the *middle* of the remaining *month* of alleged *sullenness*, "professing herself," as Mrs. C. Turner swears, "to be a capital hand, and that that request was frequently made." A capital hand! Is this the language of sullenness?

Q. 12. Mrs. Charlotte Turner swears that she did not wish the girl to leave the *kitchen*; that she did not wish her to leave the *dough*. Some explanation is here requisite. Of the *reason* for this wish there is no information whatever. What *necessity* could

next day she might make some, I told her. On Tuesday morning, I, as usual, went into the kitchen. I told her she might make some; but, before she made the dumplings, to make a beef steak pie for dinner for the young men. As she would have to leave the kitchen to get the steaks, I did not wish her to leave the kitchen after the dumplings were made. I told her I should wish the dough to be mixed with milk and water. She said she would do them as I desired her; this was about half past eleven. She carried the pie to the baker's before kneading the dough commenced. I told her I wished her not to leave the dough, that she might carry the pie to the baker's.

exist for it? What were the motives for these strongly expressed, and peculiar wishes of Mrs. Charlotte Turner, concerning *these* yeast dumplings? As Mrs. C. Turner *usually* had the common baker's dough for yeast dumplings, what could have occasioned her extraordinary solicitude, and repeated cautions, that after *this* dough was to be made, *it should never be left* by the particular person who was to make it? The operation of fermentation or *rising*, as it is called, is spontaneous, and requires very little attention: the preparation for it is technically termed by bakers *setting sponge*, which, when done, they go to sleep, and leave the *rising* wholly to itself. Why, after she had told the girl that as the man had brought the yeast she might make some dumplings the next day, did Mrs. Charlotte Turner go into the kitchen the next day, and *again* tell her she might make some; but, instead of allowing the girl to try her professed "capital hand" at these yeast dumplings, *herself* step in, and assume the direction of their manufacture, ordering *milk and water* to be used in their mixture? What was there peculiar in the management of *these* yeast dumplings, that Mrs. Charlotte Turner should not only deem her own presence and superintendence requisite, but the absence of the prisoner improper, and make precise arrangements to prevent it, as she considered, during the whole process? What, connected with these dumplings, occasioned such extraordinary precaution and caution? In particular, why did Charlotte Turner not wish the girl to leave the kitchen—*why?*—*WHY?*—*WHY?*

13. Q. At about what time did she carry the pie to the baker's?

A. I suppose near twelve.

14. Q. How soon after twelve did you go into the kitchen again, after she had been to the baker's?

A. I gave her directions about making the dough. I said, I suppose there was no occasion for me stopping. She said, Oh no, she knew very well how to do it; and then I went up stairs.

15. Q. How soon after that did you go into the kitchen again?

A. Not more than half an hour. I then found the dough made: it was set before the fire to rise.

16. Q. What other servant had you?

A. We have one more, a house-maid, Sarah Peer.

17. Q. Where was she at the time the dough was made?

A. I had given Sarah Peer orders to go into the bed-room, to repair a counterpane.

18. Q. Then during the time that the dough was made, was any person in the kitchen but the prisoner?

A. I am certain there could be no body.

Q. 13. Mrs. C. Turner swears, that at "near twelve" the prisoner took the pie to the baker's: did not this absence afford opportunity for any person in the house to adulterate the flour with arsenick without her knowing the circumstance?

Q. 17. Mrs. Turner swears she gave Sarah Peer orders to "go into the bed-room, and mend a counterpane." Sarah Peer, on her examination, swears that she went up stairs "to make the beds." (See Q. 106.) Is it usual for a *house-maid* to be employed at that time of the day at her needle?

Q. 18. Mrs. Turner swears that she is certain there could be no body in the kitchen but the prisoner during the time the dough was made; although, in answer to Q. 14, she swears that she went up stairs: and it appears by her answer to Q. 15, that she was absent half an hour. How could she be certain that no

19. Q. This was about half past twelve?

A. I suppose it might be half past twelve. We dine at three, the young men at two.

20. Q. In the interval between half past twelve and three, were you again in the kitchen?

A. I was in the kitchen two or three times, until the dough was made up into dumplings.

21. Q. Where was the dough?

A. That remained in a pan before the fire for the purpose of rising, but I observed the dough never did rise.

person but the prisoner was in the kitchen, two stories below, during the time; when either of the family on the ground floor could have gone into the kitchen without her knowing any thing about it, unless Mrs. Turner was watching the staircase and door; and if she was watching, *why* did she watch?

Q. 20. In the interval between half past twelve and three, she swears she was in the kitchen two or three times; hence she must have been absent as many times; and, if so, for how long? During these times, if the prisoner was occasionally absent, might not the dough have been strewed or sprinkled with arsenick; and, in that state, as arsenick is of the colour of flour, have been divided by her into dumplings?

Q. 20, 21, 22, 23, and 24. What could be the *motive* for Mrs. Turner's minute and frequent examination of the dough?—her remarks upon “its not rising,” its *singular shape*, its *singular position*, her *confident* assertion of its *not having been meddled with*? What could be her reasons for this extraordinary *peering* into the dough-dish, and repeatedly observing the heaviness and position of the dough? Had Mrs. Turner any suspicion that all was not *right*? If she had, why did she not send the girl away whilst she examined? Yet what else could be Mrs. Turner's motive? (See Q. 35.)

Mrs. Turner swears the shape of the dough was singular *until the last*, until divided into dumplings, not rising at all, and is *confident* it never was meddled with. In her answers to Q. 24 and 25, she also swears to *the time* the dumplings were divided, although she was *not present* when they were divided, *nor* had she seen the dough *within half an hour* of the time.

22. Q. Did you take off the cloth to look at it?

A. I did ; my observation was, that it did not rise : and it was in a very singular position, in which position it remained until it was divided into dumplings ; it was not put into the pan, as I have observed dough ; its shape was singular ; it retained the shape till the last.

23. Q. It remained heavy all the time?

A. Yes, not rising at all. I am confident it never was meddled with, after it was put there.

24. Q. At about what time was the dividing of the dumplings to put them into the pot?

A. About twenty minutes before twelve. I was not in the kitchen at the time.

Mrs. C. Turner's *confidence* is so remarkable, that it excites *astorishment*. She has *so much* confidence, that even the *prisoner's counsel* has not ventured to put a question as to the *features, countenance, or general likeness* of the face of the dough, at which Mrs. C. Turner looked so much, and swore to : yet it cannot be too often inquired, *how* it is possible that she *could* swear *confidently* to the dough not having been meddled with, after it was put down to the fire to rise? Did not *Sarah Peer*, before she went to fetch the milk, *dine in the kitchen with the prisoner*? (See Q. 103.)

Q. 24. The time mentioned in the answer to this question might almost be taken for a mistake, were it not for other glaring inconsistencies in the evidence.

Taking these answers together, and coupling them with the answers to Q. 13, 14, and 15, it may be asked, with reference to the different periods of time spoken of, how such direct contradictions, and glaring inconsistencies, can be reconciled with that established principle of watchfulness and jealousy, which usually does, and always should, attend the *connexion* of presumptive evidence in its most minute points ; it being clearly held, that the least break in that chain which is to connect the evidence, shall throw *discredit* on the *whole mass*. Was there not in *these answers alone* enough of defect to have induced an anticipation of such a result?

25. Q. How late before had you seen it?

A. About half an hour of that time.

26. *One of the Jury.* Did you remark to her the singular appearance of the dough?

A. I did not remark to her the singular appearance. I told her it had never risen. The prisoner said it would rise before she wanted it.

27. Q. How many dumplings would there be?

A. Six.

28. Q. It was afterwards divided into six dumplings?

A. Yes.

The oftener these answers are read, and the closer they are examined, the more surprising does it appear that the *counsel for the prisoner* should not have *rigidly cross-examined* Mrs. Charlotte Turner on this part of her evidence.

Q. 25. The times respectively mentioned in the answers to the present question, and Q. 13, 14, 15, and 24, are strangely irreconcilable.

Q. 26. Why did not Mrs. C. Turner remark to the *prisoner* the *singular appearance* of the dough, which so much attracted *her* notice and curiosity, as to induce her repeatedly to lift up the cloth to look at it?—for the dough was covered with a cloth, (see Q. 22.) and every time Mrs. C. Turner saw it, she must have removed the cloth, on purpose to see it. It must have been some time before the dividing of the dough that Mrs. C. Turner remarked to the girl, that it had not *risen*, because the girl answered, it would rise before she wanted it? How long before the dividing, were this remark and answer made? How many times, *after* the girl gave this answer, did Mrs. C. Turner again lift the cloth, and again see the *singular appearance* without remarking it to Elizabeth Fenning, the principal person interested in the dumplings looking well? What was there so particular in this dinner that required Mrs. C. Turner's particular and unre-mitted attention to it? It was a dinner of beef steaks and dumplings for *three*.

Q. 27, 28. Mrs. Turner swears that the dough was divided into *six* dumplings. She was not present when it was divided. (See Q. 24.) How then did she ascertain the number, to enable her to state to the jury, upon oath, of her own knowledge, that it was divided into *six* dumplings?

29. Q. About three o'clock did you sit down to dinner?

A. I did: these six dumplings were brought upon the table.

30. Q. Did you make any observation upon their appearance?

A. I did. I told the other servant they were black and heavy, instead of being white and light.

31. Q. Who sat down to dinner with you?

A. My husband, Robert Gregson Turner; his father,

Q. 30. Where was Sarah Peer when Mrs. C. Turner mentioned to her the blackness of the dumplings? Mrs. C. Turner's answers are to prove that the dough was *heavy and did not rise*, and seem to have been considered as also proving that *arsenick* was in the dough, and made it *black*, and *prevented it from rising*. Why were not the medical men who attended the family examined as to the effects of *arsenick* upon *dough*? Were they not able to have corrected the *ignorance* that prevailed on this point? Yeast dumplings *that do not rise*, no matter from what cause, are always *blackish*, as well as *heavy*. Could the Turner family have been in communication with Mr. Marshall, their regular medical attendant, from the time of the poisoning, without having often adverted *in his presence* to the heaviness of the dough, and its not rising, as facts, proving, in their estimation, that *arsenick* was in the dumplings? Was it not the duty of the *Recorder* to have corrected the *ignorance* of the counsel and witness who exhibited *such* evidence of the presence of *arsenick*? Ought any chemical effect to have been taken as *granted*, from persons obviously *wholly unacquainted* with the nature of chemical combinations and affinities? The heaviness of the dough might have been occasioned by a very simple accident, that of what is called *scalding* the yeast; that is, by using water in the mixing too much warmed, which will so effectually destroy the fermenting power of yeast, that dough made therewith will not rise. To this circumstance, perhaps, may be attributed the heaviness of the dough on the day of the poisoning; which being made of the same flour and yeast as that of the night before, when the dumplings were white and light, ought to have produced dumplings of equal goodness. However, whether caused by the *scalding* of the yeast or not, the heaviness *could not* have been occasioned by *arsenick*.

Q. 31, 32. A lady in a mixed party may suddenly get up from table without speaking, and, agreeably to propriety of man-

Orlibar Turner. I helped them to some dumplings, and took a small piece myself.

32. Q. How soon afterwards did you find yourself ill?

A. I found myself affected in a few minutes after I had eaten. I did not eat a quarter of a dumpling. I felt myself very faint, and an excruciating pain; an extreme violent pain, which increased every minute. It came so bad, I was obliged to leave the table. I went up stairs.

33. Q. I believe you ate nothing else?

A. Yes, I ate a bit of rump steak.

34. Q. Who had cooked that?

A. Eliza. When I was up stairs I perceived my sickness increased, and I perceived my head was swollen extremely. I reached very violent.

ners, withdraw unnoticed; but that Mrs. C. Turner in a few minutes after eating *a small piece* of dumpling should be "affected"—"feel very faint"—"an excruciating pain"—"an extreme violent pain"—"feel it increasing every minute"—become "so bad as to be obliged to leave the table:"—that Mrs. C. Turner, far advanced in pregnancy, should rise in such extremity, and go up stairs without saying any thing to the two persons whom she was dining with, and helping, two such near relatives as *her husband*, and *father-in-law*, is a marvellous circumstance.

Q. 34, 35. That Mrs. C. Turner should in silence go up stairs, "*perceive* her sickness increase"—"perceive her head swollen extremely"—"retch very violently"—remain there half an hour—wondering that no body came to her assistance, is *very* marvellous:—that she should continue retching and swelling for half an hour, without alarming her husband, or father-in-law, who remained *eating the poisoned dinner*, in the room below, for some time afterwards; that she should not ring her bed-room bell, or, if there was no bell, that she should not call or cry out, or stamp with her foot: that she should wonder nobody came,—without being alarmed; that she could have expected assistance,—without having intimated, either before she went up stairs, or whilst she remained there, that she was indisposed,—is *astonishingly* marvellous.

35. Q. How soon after you had been up stairs did you find any of your family ill?

A. I was half an hour alone, and wondered they did not come to my assistance. I found my husband and father very ill, both of them. I was very ill from half past three, until about nine; very sick and ill, retching from three till nine. The violence abated, but did not cease. My head was swollen, and my tongue and chest were swollen. We called in a gentleman who was near, and afterwards Mr. Marshall, the surgeon.

Q. 35: If the arsenick was mixed with the flour previously to, or at the time of making the dough, the poison would be pretty fairly intermixed; and, in that case, the quantity of poison taken would be in proportion to the quantity of dumpling eaten: but it is remarkable that Mrs. Turner should have been affected so seriously in the space of a "few minutes," by eating only "a small piece," not "a quarter of a dumpling," and that her husband, and Mr. Robert Turner, who ate "a dumpling and a half," or *six times that quantity*, were not affected until half an hour afterwards. The usual operation of this most active and deadly poison appears, on this occasion, to have been reversed. According to its customary operation, Mr. R. Turner, who was previously helped by his wife, Mrs. C. Turner, to six times as much dumpling as she ate herself, it is natural to expect would have been affected much sooner than *she* was.

Mrs. Turner's extreme anxiety respecting the dough, whilst it was before the fire, is wholly unaccounted for. Did it arise from suspicion at the time of making the dough that *the prisoner was poisoning it*? If it did not, what was Mrs. Turner's reason for so repeatedly looking at it? so minutely remarking it? But surely Mrs. Turner *did not suspect the prisoner*, or she would not have eaten any herself; she would not have helped her husband and his father; or, having done so and gone up stairs, upon becoming ill, she would not have remained there for half an hour, getting worse, without apprising them of what had been her suspicions. And yet it does appear unaccountable that Mrs. Turner should so anxiously visit and revisit the dough at the fire, and note its singular position, having previously, as she says, provided against the prisoner being out of the kitchen during the whole time.—(*This remark should have appeared to Q. 25.*)

36. Q. You applied for the nearest assistance you could get?

A. Yes.

Cross-examined by Mr. ALLEY.

37. Q. This happened about six weeks after the girl came to live with you?

A. Yes.

38. Q. You had no other cause of complaint except that you forgave her?

A. No.

39. Q. On that day the coals had been delivered, had they not?

A. I do not think it was that day; the girl is here

Q. 36. Mrs. C. Turner says, we called in *a gentleman* who was near, and afterwards Mr. Marshall the surgeon. Why not *name* the *gentleman*? Did she not recollect his name? Mr. Gurney puts an easy colloquial kind of question, implying, "Ay! Ay! we *know* that." Mr. Gurney politely and familiarly says, "You applied for the nearest assistance you could get?" and the lady of course, as was true, answers, "Yes." But why did not Mr. Gurney inquire the *name*? Had the learned counsel no instruction that would have enabled him to say to Mrs. Turner, "You called in your neighbour, Mr. Ogilvy, the surgeon, of No. 23, Southampton Buildings?"

Q. 38. Mrs. C. Turner swears that she had no other cause of complaint, except *that* which occurred four weeks before the 21st of March, and which was forgiven on the following day: what then becomes of the girl's alleged failure in respect for that month, and appearing "extremely sullen" during that time? Were *these* not causes of complaint?

Q. 39. MRS. TURNER swears that THE COALS WERE NOT DELIVERED THAT DAY: she says, "It *could not* be that day."—Why? Why could it not be *that day*? Why does she go on to say that the prisoner "*had no occasion* to receive the coals?" Mrs. Turner was not asked if the prisoner *had* occasion to receive them. What inference did Mrs. Turner imagine would be drawn from the supposition, if it existed, that the prisoner *might have had occasion* to receive them? Why did she *volunteer* a remark extraneous to the question? *It is a serious and confirmed FACT, to the absolute CONTRADICTION of*

that received them: it could not be that day,—she had no occasion to receive the coals.

Mrs. Turner, as also of Sarah Peer, her housemaid, (See Q. 110.) that THE COALS WERE DELIVERED ON THAT DAY; consequently neither Mrs. Turner nor Sarah Peer spoke true upon their oaths. In proof of this are subjoined copies of Mr. Wood's Coal Account, against Mr. Turner, for 1815, and of the Coal Meters' Ticket.

EXTRACT from the *Ledger* of Mr. WOOD, of Eaton Street, Pimlico, Coal Merchant, which is in conformity to his *Day-Book*,

[Copy.]

MR. ORLIBAR TURNER.

1815.		£.	s.	d.
Feby. 14.	1 Chaldron Coals at 65s.....	3	5	0
	Shooting and Meting	0	1	11
MARCH 21.	1 Chaldron Coals at 65s.....	3	5	0
	Shooting and Meting.....	0	1	11
April 25.	3 Chaldron Coals at 65s	9	15	0
	Meting 1s. 6d. Shooting 4s. 3d.	0	5	9
July 29.	5 Chaldron Coals at 60s.....	15	0	0
	Meting 2s. 6d. Shooting 7s. 1d.	0	9	7

[Copy.]

WESTMINSTER LAND COAL-METERS' OFFICE,
Northumberland Street, Strand.

JOHN BAKER,
AND
ALEXANDER TULLOCK, } PRINCIPAL METERS.

THIS is to certify, that the under-mentioned Quantity of Coals are entered in the Books of this Office, and were measured under the Inspection of the sworn labouring Land Coal-Meter, whose name is under-written.

1815. Coals Meted for *Mr. J. Wood.*

To Mr. Turner.

March 21st, Twelve Sacks.

Carman, Benj. Edwards.
Meter, William Brown.

Examined at the Office the 28th August, 1815, by *John Brookes.*

40. Q. The prisoner herself was taken very ill, was not she?

A. I have heard so.

ORLIBAR TURNER *Sworn.*

41. Q. You are the father of Mr. Robert Gregson?

A. I believe I am.

The words printed in *Italics* in the above Copy of the COAL METERS' TICKET, are written with ink in the original.

Q. 40. Mrs. C. Turner, when asked if the prisoner herself was not taken very ill, answers, "I have *heard* so." A most curious answer from such a witness as Mrs. Charlotte Turner, who could swear positively in two instances as to *what was going on in the kitchen whilst she was up stairs*, when those answers tended to criminate the prisoner; but now, when a positive answer would have been favourable to the unhappy girl at the bar, Mrs. C. Turner can only say, "I have *heard* so." To be sure, she does not swear that she did *not* know so; but if she did know so, she did not give the prisoner the benefit of her knowledge when she was asked if she did know: and it is not easy to conceive, without Mrs. Turner's explanation, how she could have avoided *knowing*, as well as *hearing*, that the prisoner was ill; was, in fact, *as ill as the rest*.

Q. 37 to 40. [*In the SESSIONS' PAPER REPORT these Questions and Answers, being THE WHOLE OF MRS. TURNER'S CROSS-EXAMINATION, and including the remarkable Inquiry respecting the COALS, are entirely OMITTED.—The WHOLE OF SARAH PEER'S CROSS-EXAMINATION, including her CORROBORATIVE TESTIMONY of Mrs. Turner's Evidence as to the COALS, is also OMITTED in the SESSIONS' PAPER REPORT. (See Q. 110, &c.)*]

Q. 41. The first question Mr. Orlibar Turner is asked is, *if he is the father of Mr. Robert Gregson Turner?* and he answers, "I BELIEVE I AM." A most remarkable answer of a prosecutor on the trial of a prisoner arraigned at his instance on a charge of attempting to murder him and his son, another prosecutor, the object of the question. It is often said, that it is a wise child who knows his own father; but here Mr. Orlibar Turner does not pretend to the knowledge of his reputed son being his own child! It might have been a drolling according to the dull pleasantries of

42. Q. On Tuesday, the 21st day of March, were you at your son's house in Chancery Lane?

A. I was; I dined there.

43. Q. Your dinner consisted of yeast dumplings, beef steaks, and potatoes?

A. It did.

44. Q. After some time, did Mrs. Turner leave the room indisposed?

A. She did, sir.

45. Q. After she was gone up stairs you did not know that she was ill?

A. Not at the time that she left the room.

pot-house parlance; but it ill suited the awful solemnities of a court of criminal justice, sitting on a trial for the life or death of a human being. The answer either indicated great levity, a sporting with the sacred considerations of an oath, as odious and disgusting as it was unfeeling, or it was a most strict, an extraordinarily strict attention to the nature and obligations of the most awful appeal to the Almighty in the power of man to make!

[In the *SESSIONS' PAPER REPORT*, Mr. Turner is made to swear positively that he is his Son's Father—the Answer to the question is, as there reported, "YES."—Why was he there made to *PLUMP* his Answer if he really swore *CAUTIOUSLY*?]

Q. 44. Mr. Orlibar Turner appears to have deposed to the indisposition of Mrs. C. Turner on leaving the room, and after her being up stairs, without having just then that strict view of the question and the oath which it is presumed he had, when he a minute before swore only as to his belief of his being the father of his own son.

Mrs. C. Turner swears (Q. 35.) that she found her husband and father sick and ill, without saying where they met; nor does Mr. O. Turner's evidence at all state where the meeting took place, nor whether she sought them, or they her.

Q. 45. Mrs. C. Turner helped her husband and his father to "some dumplings," of course before she helped herself to the "small piece," "not a quarter of a dumpling," which occasioned her to leave the table a few minutes after she had eaten it. Notwithstanding, however, that Mr. O. Turner and his son ate so much more of these dumplings than Mrs. C. Turner, and ate before she began her dinner at all, they were not taken ill until some time after she had retired, nor until some time after they had themselves *finished dinner*. (See Q. 95.)

46. Q. Some time afterwards did your son leave the room and go down stairs?

A. He did, sir; and I followed him very shortly. I had gone into my parlour below. I came into the passage. I met my son in the passage, at the foot of the stairs; he told me that he had been very sick, and had brought up his dinner. I found his eyes exceedingly swollen; very much indeed. I said I thought it very extraordinary. I was taken ill myself in less than three minutes afterwards. The effect was so violent, I had hardly time to go into my back yard before my dinner came up. I felt considerable heat across my stomach and chest, and pain.

47. Q. Was the vomiting of the common kind?

A. I never experienced any before like it; for violence before: it was terrible indeed.

48. Q. How soon after did you observe any other of the family ill?

A. It was not more than a quarter of an hour when my apprentice, Roger Gadsden, was very ill, in a similar way to myself.

49. Q. Was your son sick also?

A. He was.

Q. 48. Mr. O. Turner's evidence, that Roger Gadsden, in a quarter of an hour afterwards "was very ill in a way similar to himself," is not consistent with Roger Gadsden's evidence, who was not so bad as to prevent his being sent to Lambeth for Mrs. Orlihar Turner, and did not vomit until after he left the house. Where was the apprentice THOMAS KING, who being the only one of the family who had not eaten of the dumplings, and who, not being ill, seemed most eligible as a messenger? Why was Gadsden, who was ill, selected to go for Mrs. O. Turner, in preference to *Thomas King*? How long was it before he was despatched on his errand; it appearing by the answer to Q. 50, as if he was for a long time at least in the kitchen?

50. Q. And while you and your son were sick, and Gadsden were sick, where were you?

A. I was repeatedly in the parlour and the back yard. My son was up and down stairs at intervals. Gadsden, I believe, was in the kitchen below.

51. Q. Did you observe the prisoner? Did she give you any assistance?

A. Not the smallest. We were all together alarmed. It was discovered that she did not appear concerned at our situation.

52. Q. I need not ask you whether the appearance of you and your son, and all of you, must not be most distressing?

A. It was; more so than ever I witnessed in my life.

Q. 51. Mr. O. Turner swears that "*it was discovered* the prisoner did not appear concerned at our situation." *Who* discovered it? What *evidence* is there of it in the whole trial? Why was such an answer suffered to go to the jury without animadversion or caution? The witness in effect swore, that *he* knew nothing of the prisoner's indifference, but that some other person did. It would not have been irregular, if the witness, when he talked of the *discovery*, had added, that it was *likewise discovered* that the girl herself was as bad as the rest of the family. Did not the witness's answer tend to impress the jury with a belief that the girl herself was *not* ill, and that her not attending to them was the result of her own *will*, and not of her *inability*? "Did you observe the prisoner? did she give you any assistance?" was the counsel's question. Would not the fair charitable answer have been, "I did not observe the prisoner; I *could* not observe the prisoner; I understood she was as bad as the rest."

Q. 52. A most *lack-a-daisical* question and answer—mere *gossip*—a sort of *aside* condolence—well adapted for *effect*.

[In the SESSIONS' PAPER REPORT, the above, as Mr. Gurney deems it, NEEDLESS Question, and the Witness's EVIDENCE thereby obtained, are OMITTED—Surely they were as readable as hearable.]

53. Q. Did you observe the prisoner eat any of the dumplings that she had made?

A. I did not.

54. Q. I take it for granted that you had suspicion of arsenick?

A. I had; I made a search the next morning.

55. *Court.* Q. You expected it was poison?

A. I did.

56. MR. GURNEY. Q. Did you observe the brown dish or pan in which the dumplings had been mixed?

A. I did on the next morning, on the Wednesday morning.

57. Q. Did you find any thing remaining in that pan that appeared to be the leavings of the dumplings?

Q. 53. *What* a question! Never let it escape recollection! "Did YOU OBSERVE the prisoner eat any of the dumplings that she had made?"—Now read the answer. "I DID NOT!!! Could such a question have been put:—could such an answer have been given, without remark by the Recorder? And yet what *inference* was sought to have been established by this question and answer? Was it to disguise the fact of the girl having herself partaken, largely partaken of the poisoned food? There is no evidence whatever that Mr. O. Turner was in the kitchen at all, and yet he is asked if he observed the prisoner eat of the dumplings? and Mr. Orlibar Turner, the prosecutor of a fellow creature standing within a few feet of him, whose life depended upon the event of this trial, has the *nerve* to answer the question nakedly in the negative, without stating the *impossibility* of his observing whether she ate of them or not. Unless the prisoner had been accustomed to take her meals in the witness's presence, or he had followed the remains of the dish of dumplings down stairs into the kitchen, both question and answer were of the most horrible tendency.

Q. 56. How long was it before Mr. Turner took the pan in which the poisoned dumplings were made, into his possession? Was there not sufficient opportunity from the time of the making of the dumplings till he found it, for the girl, if she was guilty, to have washed it? Had no one tampered with it in the interval?

A. I did: it sticked round the pan. I put some water into the pan, and stirred it up with a spoon, with a view to form a liquid of the whole. I found, upon the pan being set down for a moment or two, or half a minute, upon taking it slowly and in a slanting direction I discovered a white powder at the bottom of it. I showed it to several persons in the house. I kept it in my custody.

58. Q. Did you show it to Mr. Marshall?

A. I kept it in my own custody for that purpose. I locked it up until Mr. Marshall came. No person had access to it.

59. Q. Had any arsenick been kept in any office in the house?

A. It had.

60. Q. In what place?

A. In a drawer in the office, fronting the fire-place in the office.

61. Q. What was it in?

A. In two wrappers, tied round very tight: the words "Arsenick, deadly poison," wrote upon it.

62. Q. Do you happen to know whether the prisoner can read?

A. I believe she can both read and write.

Q. 58. Mr. O. Turner only proves that no person had the vessel from the time he found it till he showed it to Mr. Marshall; but it does not prove that some person might not have put arsenick into it after the making, and before he took possession of it. Was not the dish shown to *Mr. Ogilvy*? If it was, why is his name concealed? If it was not shown to him, why was it not?

Q. 59, 60, 61. Is it pretended, that because Mr. Turner carelessly put a paper with arsenick in a drawer in his office opposite the fire-place, that the person whose duty it was to light the fire was the culprit?

Q. 62, 63. Mr. Turner swears to his belief, and Mrs. Turner swears positively, that the prisoner could read and write very well;

63. Q. [To Mrs. Turner.] Is that so, Mrs. Turner?

A. Yes, she can read and write very well.

64. Q. Mr. Turner, was that drawer locked or open?

A. It has always remained open: any person might have access to it.

65. Q. Who lit the fire, do you know?

A. It was the prisoner's duty to do so.

66. Q. Would she probably resort to there for paper to light the fire with?

A. She might resort to that drawer for loose paper that was kept in that drawer: she might properly resort to it to light a fire.

but there is no proof whatever, that she ever saw the paper in which the arsenick was enclosed with the inscription "Arsenick deadly poison" upon it.

Q. 64. Mr. O. Turner swears, that "the drawer in which the arsenick was kept had always remained open,—any person might have access to it." What wanton, wicked, criminal negligence!

Q. 66. Probably *this* is a question unmatched in the history of English jurisprudence. Mr. Gurney is made to have asked Mr. O. Turner if the prisoner "would *probably* resort to the drawer (in which the arsenick was kept) for paper to light the fire with?" Could the Court have allowed a question to elicit the witness's *opinion of a probability* against the prisoner standing upon her trial for life or death, to have been put and answered. Surely such a question has never been suffered to be put by a counsel, and answered by a witness, since the period when *Judge Jefferies* was Recorder of London.

Mr. Turner says that the prisoner "*might* resort to that drawer for loose paper that was kept in the drawer:" but how was it *proved*, except by the extraordinary and *uncorroborated* answer of Gadsden, to the question put by the Recorder, (See Q. 141,) that the prisoner *did* go to the drawer? Who *informed* the prisoner that the drawer was a *waste paper* drawer? If she had been informed, it was very easy of *proof*. Did either of the prosecutors, who were witnesses? or Gadsden, or Sarah Peer, who were also witnesses? or *Thomas King*, who was *not* a witness, inform her? The *proba-*

67. Q. Had that parcel of arsenick been missed before that time?

A. I had seen it there on the 7th of March: not since that time. Before the 21st of March, I heard of its being missed about a fortnight.

bility of the prisoner resorting to the drawer is all that is sworn to, excepting by Gadsden. But is it probable that a servant would go to a drawer in an *office* for *waste* paper, without being *informed* that it was a *proper* place for her to go to? Could *Thomas King* have sworn this? Why was not THOMAS KING examined on the trial? Surely the Case was not so *superabundant* in proof, that the *evidence* of a credible witness would have been rejected. Did *Thomas King* really witness any of the circumstances? As Gadsden swears afterwards that *Thomas King* actually *saw* the prisoner go to the drawer many times, his seeing her was known *before* the trial, and apparently he was a *desirable* witness for the prosecution. Is it pretended that feelings of tenderness to the prisoner prevented the prosecutors from producing *Thomas King* as a witness?—The prisoner herself appearing to have expected him there, earnestly begged he might be called, in order that he might give evidence *for her*.—Why was not THOMAS KING a witness? *Would* his evidence have been *in favour of the prisoner*? Considering how PECULIARLY this young man was circumstanced as to the rest of the family on the 21st of March, it surely requires some explanation, Why THOMAS KING was *not* a WITNESS?

Q. 67. Mr. O. Turner swears that he had seen the arsenick there on the seventh of March, not since that time; before the twenty-first of March he *heard* of it being missed about a fortnight. What reason has Mr. O. Turner to recollect that he *saw* the arsenick on that particular day? Roger Gadsden swears (Q. 75,) that *he* also saw it on that day. How came both these witnesses to recollect that they each saw it *on the same day*? Did they both swear to seeing it on that day, when before the magistrates? Upon the extraordinary circumstance of the arsenick being missed, did Mr. O. Turner inquire what became of it? Did he inquire of his clerks in the office where it was kept? of his apprentice, R. Gadsden, who was a witness on the trial? of the apprentice *Thomas King*, who was *not* a witness on the trial? of the witness Sarah Peer, the housemaid? of the prosecutor his son, Robert Gregson Turner? of the other prosecutor, Charlotte Turner, his son's wife? of the prisoner, Elizabeth Fenning? If he did inquire of them, what was their respective answers? If he did not inquire of all of them, whom did he omit to inquire of? and why? If Mr. O. Turner did not

68. Q. Did you make any observation about the appearance of the knives and forks?

A. I did, which we ate the dumplings with. I have two of them in my pocket now, to show; they have been in my custody ever since. I saw them with that blackness upon them the next day: it appeared upon them then: there is some little rust upon them now.

inquire of all these persons, was it from his attaching no importance to the sudden disappearance of a paper of deadly poison, which he kept loose in a drawer, "that had always remained open, and to which any person might have access?" or if he omitted to inquire at all, and not for that reason, for what other? But, was Mr. Orlibar Turner able to state, on his examination at Hatton Garden, that he had seen the arsenick *since* the prisoner had come to reside with the family?

Q. 68. Mr. O. Turner is asked, "Did you make any observation about the appearance of the knives and forks?" He answers, "I did, *which* we ate the dumplings with. I have *two* of them in my pocket now, to show; they have been in my custody ever since. I saw them with that *blackness* upon them the next day; it appeared upon them *then*; there is some little rust upon them now." This answer is materially defective.—Ever since *when* were they in Mr. Turner's custody? How long time elapsed *before* he took them into his custody? Is he sure that they *were* the knives used to eat the dumplings with? If they were, might they not have been used between the dinner time, and the time of his finding them? There were *three* persons up stairs at dinner, why did he not produce the *three* knives? Who used the knife that was *not* produced?—Had *that* knife no blackness upon it, like the other *two*? Was it the knife used by Mrs. Turner, who ate "only a small piece," "not a quarter of a dumpling?" or the knife used by her husband, Mr. Robert Turner, who had "eaten a yeast dumpling and a half," *without sauce*? Were the knives used to eat the dumplings with, used to eat the rump-steaks with afterwards? If so, was there no *made-gravy* to these steaks? no catchup? no walnut liquor? or other sauce compounded with *acid*? Was not the sauce used with the dumplings *sweet* sauce? made with sugar; and, if so, does not Mr. Turner know that there is an acid in sugar? But the question should be unequivocally answered, *whose* knife was that which Mr. O. Turner did not produce in court? was there any appearance of *blackness* on it? why did he *not* produce it?

69. Q. Did you, either on the day that this took place, or afterwards, speak to the prisoner about these yeast dumplings—what they were made with?

A. I did the next day. I asked the prisoner how she came to introduce ingredients that had been so prejudicial to us? She replied, it was not in the dumplings, but it was in the milk that Sarah Peer brought in. I had several discourses with her *that day* upon this subject; during the whole of which she persisted that it was in the milk, as before described.

70. Q. What had that milk been? *used for Sauce*

A. The sauce only. The prisoner made the dumplings with the refuse of the milk that had been left for breakfast.

71. Q. Did the prisoner tell you what use had

Q. 69. When Mr. O. Turner asked the prisoner the next day how she came to introduce *ingredients* so prejudicial, what did he mean? did he not *name* the ingredients to her? if he did, he ought to have stated what he said? Did he mean the *arsenick* that was missed between the 7th and 21st of March? The girl's reply that it was not in the dumplings, but it was in the *milk* that Sarah Peer brought in, and her persisting in the several discourses that he had with her that day, that it was in the milk, amount to nothing more than a consistent persistence in her denial of having introduced the poisonous substance into the dumplings, and an attempt to account for its being in them at all.

Q. 70. Mr. O. Turner swears that "that milk had been used for the sauce only; the prisoner made the dumplings with the refuse of the milk that had been left for breakfast." Why, how could *he* possibly know any thing about what either the *refuse* milk or the *fetched* milk was used for? *He*, who if Mrs. C. Turner swore true, could not have been in the kitchen at all, during the making of the dough. Yet this is the witness who, only a few minutes before, swore, with such extremity of tenderness, merely to his *belief* of his being the father of his own son! If, however, Mr. O. Turner really did see to what uses the two milks had been respectively applied, what becomes of the evidence of Mrs. C. Turner? (See Q. 18.)

Q. 71. "Did the prisoner *tell* you what use had been made of

been made of the milk that had been fetched by Sarah Peer?

A. She did not. I asked her if any person but herself had mingled or had any thing to do with the dumplings? She expressly said, no.

Cross-examined by MR. ALLEY.

72. Q. In the conversation you had with the prisoner, did not you tell her that two months before you had missed the poison?

A. I did not.

73. Q. You say it was her duty to light the fire in the office; did the clerks keep the door locked when they were not there?

A. I do not know.

ROGER GADSDEN *Sworn.*

74. Q. You are an apprentice to Mr. Turner?

A. I am.

the milk that had been fetched by Sarah Peer?" Mr. O. Turner's plump assertion to the last answer, seems to have induced this cautionary question from his learned counsel, which Mr. O. Turner thus answers: "She did not;" and then goes on to say, "I asked her if any person but herself had mingled, or had any thing to do with the dumplings, she expressly said no!" This answer of the girl's rather implies innocence than guilt; the guilty are usually more cautious than to make such sweeping admissions: she evinces no wish to implicate any one in the making of the dumplings, nor to soften any suspicion that might have attached to herself in consequence of her making them. Her admission is even *too* unguarded. When she was present, she might speak with every thing but positive certainty; yet, even then, so short a time would have been necessary to mix or *strew* the arsenick, that if her back was turned for a moment, it might have been done. But when she was away, was there no opportunity?

75. Q. Do you remember seeing in a drawer in the office a paper with arsenick?

A. I do, with "Arsenick, Deadly poison," upon it. The last day I saw it was on the 7th of March. I missed it in a day or two after.

76. Q. Did you mention it in the office that you had missed it?

A. I did, sir.

77. Q. On Tuesday, the 21st of March, did you between three and four go into the kitchen?

A. I did, sir. I had dined at two.

Q. 75. Roger Gadsden is asked if he remembers seeing the paper of *arsenick*? He says he does, and that "the *last* day he saw it was on the 7th of March—he missed it in a day or two after," yet he states no reason for his recollecting that it was on *that* day more than any other day, nor is he *asked*. It should be observed, that *the witnesses were in court* during the trial; that this boy heard his master depose to seeing the *arsenick* on the 7th of March, and that he himself is so eager to make his own statement about the 7th of March, that, without waiting for the question, he volunteers the assertion, which is admitted without further inquiry, that he last saw it on that day. (See Q. 67.)

The examination of witnesses in the presence, or hearing of each other, cannot be too much reprobated.

Q. 76. He says, "he mentioned it in the office that he missed the *arsenick*." To whom did he mention it? It is a mere assertion, upon oath it is true, but unsupported by corroborative testimony upon oath, which it was capable of receiving, if he swore truly. Did he mention it to his fellow-apprentice, *Thomas King*, who was *not* a witness on the trial?

Q. 77, 78. Gadsden says, that "when he went into the kitchen, he observed a dumpling and a half in a plate; he took a knife and fork up, and was going to cut it to eat of it, the prisoner exclaimed, 'Gadsden, do not eat that, it is cold and heavy, it will do you no good.' He ate a piece about as big as a walnut, or bigger. There was a small quantity of sauce in the boat; he took a bit of bread and sopped it in it, and ate that. This might be 20 minutes after 3." The girl's expression to this liquorish lad, considered alone, was very natural, amounting to no more than the common admonition of all the good mothers, wives, and nurses in the kingdom,

78. Q. When you went into the kitchen did you observe any thing there that came from the parlour table?

A. I observed a plate there ; in it was a dumpling and a half. I took a knife and fork up, and was going to cut it, to eat of it. The prisoner exclaimed, Gadsden, do not eat that ; it is cold and heavy ; it will do you no good. I ate a piece about as big as a walnut, or bigger. There was a small quantity of sauce in the boat : I took a bit of bread and sopped it in it, and ate that. This might be twenty minutes after three.

on the well-known bad effects of eating cold dumplings. To make any thing more of it there should have been shown that something beyond these mere words of course had been used to prevent him from eating ; such, at least, as the removal of the dish and dumplings. But if the girl's persuasion had been ever so strong, it could not, in charity, have been interpreted against her : for *yeast* dumplings, when *properly* made, if not eaten quite *hot*, are considered every way disagreeable ; and, when *cold*, are always *heavy* : but *these* yeast dumplings, which Mrs. C. Turner described as being black and heavy when *hot*, (Q. 30,) must have been very bad eating indeed when cold ; and, therefore, the girl's caution might have proceeded from mere good nature. But was not the girl herself actually suffering from the effect of the poison in her own stomach when Gadsden came into the kitchen ? At the examination at Hatton Garden, Mrs. C. Turner was stating to the magistrate that the girl told Gadsden if he ate the dumplings it would *make him sick*. This the girl herself corrected, by appealing to Gadsden, who was in the office, if she had ever used the words, and whether when he was going to take some, she did not tell him that he had better not eat them, for that they were cold and heavy, and that *they did not agree with herself*. Gadsden admitted that *she did say so*. It likewise appeared, on the same examination, that *two dumplings and a piece* went down from table to the kitchen. If Gadsden, when he went into the kitchen, *saw only a dumpling and a half* in the dish, what became of *the other dumpling*, if the prisoner had not eaten it ? It also appeared that, after the girl herself was taken ill, *the dumpling and a half still remained*, consequently she *must* have eaten the poisoned dumpling, that occasioned her own illness, *before* Gadsden went down into the kitchen.

79. Q. How soon after that time did any of the family become ill?

A. I went into the office. Mr. Robert Turner came into the office about ten minutes after, and said he was very ill. They were all up stairs in the parlour. Not the least alarm of any body being ill then.

80. Q. How soon were you taken ill?

A. About ten minutes after that: but not so ill as to vomit. In consequence of the distress of the family, I was sent off for Mr. Turner's mother. I was very sick going and coming back. I thought I should die.

Q. 79. After coming from the kitchen, Gadsden went into the office. "Mr. R. Turner came into the office ten minutes after, and said he was very ill"—"they were *all up stairs* in the parlour." *Who* were? and how could *he* possibly know it?—"Not the least alarm of any body being ill *then*." *When*? This is incomprehensible, and not reconcileable with the evidence of Mrs. C. Turner, (Q. 35.) and Mr. O. Turner, (Q. 46.)

Q. 80. Gadsden swears he was "taken ill, but not so ill as to vomit, until after he set off to Lambeth." This does not agree with Mr. O. Turner's evidence, who was taken so violent, that he "had hardly time to go into his back yard, before his dinner came up," (Q. 46.) who swears that Gadsden "was very ill in a way *similar to himself*," (Q. 48.) and that he believed Gadsden was in the kitchen below. (50.) *Who* sent Gadsden to Lambeth? *At what time* did he go? Where was *the other apprentice*, THOMAS KING? Why was not *Thomas King* sent? It does not appear that *Thomas King* ate any of the dumplings; *who* sent Gadsden, who was ill, in preference to *Thomas King*, who was *well*? Was not *Thomas King* the *only* person in the family who did *not* eat of the dumplings, except Sarah Peer who was out? Did *Thomas King* offer to go, or to stay, or what did *he* do? What was the *reason* for retaining *Thomas King* at home, who was *well*, in preference to Gadsden who was *very ill*, and was sent, *ill as he was*, to Lambeth? Every *Witness* as to the early indisposition of the family was a party *poisoned*, except *Thomas King*, who was *not ill*, and *was not a witness*. If at home, *Thomas King* could have deposed to the situation of the persons poisoned. Mr. Gurney could have asked *Thomas King* whether the appearance of the family was not *most distressing*? (See Q. 52.) Where was *Thomas King* when the family was first taken ill? Was it *Thomas King* who discovered that the prisoner did

81. Q. Had the prisoner made any yeast dumplings for you the night before?

A. She had, for supper. I, and the other maid, and herself, partook of them: they were quite different from these dumplings in point of colour and weight, and very good.

82. Q. [*By one of the Jury.*] When the poison was missed, did you make any inquiry about it of the prisoner?

A. I did not.

not appear concerned at their situation? (See Q. 51.) Did not *Thomas King* eat, the night before, of the "very good" dumplings made by the prisoner, though *he did not eat* of the *poisoned dumplings*? Why was not *Thomas King* a witness? Were *THOMAS KING*, and *Mr. OGILVY*, the Surgeon, who were *NOT WITNESSES* on the Trial, *EXAMINED BEFORE THE PRIVY COUNCIL*?

Q. 81. Gadsden says the dumplings the prisoner made the night before were *very good*, they differed in *colour and weight* from those of the next day. This bears her out in her previous recommendation of herself as a "capital hand" at making them, when left to herself. Did not *Thomas King*, the other apprentice, partake of these "very good" dumplings? If he did, why was he not named by the witness?

Q. 82. A very proper question. Gadsden admits that when the poison was missed he did not inquire of the prisoner respecting it. He does not appear to have been *more* indifferent to the loss of it than his master. (See Q. 67.) But if the prisoner "would *probably resort* to the drawer, in which the poison was kept, for waste paper:" (See Q. 66.)—if "her going to that drawer would not strike the witness as any thing extraordinary:" (See Q. 86.)—if Gadsden, "and his fellow-apprentice, *THOMAS KING*, who was *NOT A WITNESS*," had seen her go to that drawer many times, (See Q. 141.) why did he not mention *to the prisoner* the extraordinary circumstance of the loss of the arsenick from that drawer?

[*In the SESSIONS' PAPER REPORT the above very IMPORTANT QUESTION by one of the JURY, and the Answer, are OMITTED.*]

Cross-examined by MR. ALLEY.

83. Q. Do you usually keep the door locked when you are out of the office?

A. No.

84. *By MR. GURNEY.* Q. Who made the fire in the office?

A. The prisoner. No person could go into the office until I did. Any person might go in and out, in the day. At night it was locked.

85. Q. What was kept in that drawer in which the arsenick was kept?

A. Paper.

86. Q. *Court.* Then your seeing her go to that drawer it would not strike you as any thing extraordinary?

A. No. I should not watch her, to see what she did there.

MARGARET TURNER *Sworn.*

87. Q. Upon this melancholy occasion you was sent for?

A. I was.

88. Q. When you arrived, you found your husband, son, and daughter, extremely ill, did you not?

A. I found them extremely ill.

89. Q. I believe, madam, you found the prisoner ill, and vomiting?

A. Very soon after I was there she was ill.

Q. 83. As the office door was not kept locked when the office was unoccupied, during the day, *any* person might have got at the arsenick.

90. Q. Did you say any thing to her while you were there that day respecting the dumplings?

A. I exclaimed to her, Oh these devilish dumplings! supposing they had done the mischief. She said, "Not the dumplings, but the milk, madam." I asked her, "What milk?" She said, "The half-penny worth of milk that Sally had fetched, to make the sauce."

91. Q. Did she say who had made the sauce?

A. My daughter. I said, that cannot be, it could not be the sauce. She said, "Yes, Gadsden ate a very little bit of dumpling, not bigger than a nut, but licked up three parts of a boat of sauce with a bit of bread."

92. Q. [*To Mrs. TURNER, Junr.*] Was any sauce made with the milk that Sarah Peer fetched?

A. It was. I mixed it, and left it for her to make.

ROBERT GREGSON TURNER *Sworn.*

93. Q. Did you partake of the dumplings at dinner?

A. Yes I did.

Q. 90, 91. The prisoner's answers, referring the mischief to the *milk* which composed the sauce, and imputing the illness of Gadsden to the "three parts of a boat of sauce that he had licked up," are strictly consistent with the girl's answer to Orlibar Turner, (see Q. 69.) as it was natural for her to conclude that, as Gadsden had eaten so *small* a quantity of dumpling, and so *large* a proportion of sauce, that the poison was in the sauce, and not in the dumpling. (See Q. 69.) The extreme illness of Gadsden may easily be accounted for, notwithstanding he ate so small a quantity of dumpling, from the circumstance of his not receiving any medical assistance, until after his return from Lambeth, thereby affording time for the poison to operate on the coats of his stomach. But, after all, *might not the poison be in the milk, as well as the dumplings?*

94. Q. Did you eat any of the sauce?

A. Not any portion of that whatever.

95. Q. Were you taken ill, sir?

A. Soon after dinner I was, sir. I first felt an inclination to be sick: I then felt a strong heat across my chest. I was extremely sick.

96. Q. Did it produce any swelling in you?

A. I was exactly as my father and wife were, except stronger symptoms. I had eaten a dumpling and a half. I suffered more than any person.

97. Q. Were your symptoms, and that of the others, such as could be produced by poison?

A. I should presume so: all taken in the same way, and pretty near the same time.

SARAH PEER *Sworn.*

98. Q. You are a servant to Mrs. Turner?

A. Yes.

99. Q. How long have you lived in the family?

A. Near eleven months.

100. Q. Do you recollect the circumstance of warning being given to the prisoner some time after she came?

A. I do, sir.

101. Q. Did you hear her say any thing after that respecting your mistress?

A. I heard her say that she should not like Mr. or Mrs. Robert Turner any more.

Q. 94. Mr. Robert Gregson Turner swears that he ate "not any portion of the sauce whatever" with the dumpling and a half.

Q. 96. A *yeast* dumpling and a half without sauce!—a dry morsel this, and more than some people can swallow!

Q. 101. *When* did Sarah Peer hear the prisoner say she should not like Mr. or Mrs. Robert Turner any more? upon what occa-

102. On the morning of the twenty-first of March did you go for any milk?

A. Yes, after two o'clock : after I had dined.

103. Q. What had you eaten for dinner?

A. Beef-steak pie. I had dined with the prisoner.

104. Q. Had you any concern whatever in making the dough for the dumplings?

A. No, sir.

105. Q. Or the sauce?

A. No, sir.

106. Q. Were you in the kitchen when the dough was made?

sion? how long after the affair of the prisoner and the boys? was it not *the same day*? was it not *before the reconciliation on the same day*? Where is the corroboration of Mrs. C. Turner's evidence of the girl's extreme sullenness *for a month*? did that witness's testimony need no corroboration? If it could have been corroborated, why was not the prisoner's fellow-servant, the witness Sarah Peer, examined in corroboration? Could it have been corroborated? Was the prisoner extremely sullen to her mistress for a month, *without a single complaint made by her mistress*?

Q. 102. Sarah Peer swears that she went for the milk "*after two o'clock*," after she had dined *with the prisoner*. WHERE did Sarah Peer *dine* with the Prisoner? As the family did not dine until three o'clock, and as yeast dumplings do not take more than ten minutes or a quarter of an hour's boiling, THE DOUGH MUST HAVE BEEN AT THE FIRE *when Sarah Peer dined with the Prisoner*. If Sarah Peer, therefore, dined with the Prisoner in the kitchen, *did not SHE have access to the dough as well as the Prisoner*? For how long time, *before and after dinner*, was Sarah Peer in the kitchen?

Q. 103. Sarah Peer proves that she and the prisoner dined together at 2 o'clock; consequently she would have had a good excuse to have avoided partaking of the poisoned dumplings. But the prisoner *did* eat of them, and if she ate of them, *knowing them to be poisoned*, and that a whole dumpling at the least, she must have had motives for poisoning herself as well as the family: what malice could she have had against herself?

Q. 106. If Sarah Peer had stopped after her direct negative

A. No, sir. I never meddled with it, or put any thing to it. I never was in the kitchen until I went up to make the beds, a quarter after eleven, until I came down again.

107. Q. You, I believe, had permission of your mistress to go out that afternoon?

A. It was directly after I took up the dumplings, and then I went out directly. I came home at nine o'clock exactly. I ate none of the dumplings myself.

of being in the kitchen, her evidence would have been conclusive upon that point; but she afterwards proceeds to state, what, according to the short-hand writer's notes, is whimsically inconsistent. It would appear that she was in the kitchen while she made the beds; and afterwards—that she was not in the kitchen from the time she left it until the time she came back again! implying that she was never in the kitchen before a quarter after eleven o'clock!

Q. 107. It appears that *the apprentices* dined at two o'clock, and therefore need not have partaken of the dumplings; that the witness, *Gadsden*, happening to see them in the kitchen, ate a piece of dumpling, and largely of the sauce; and that *the other apprentice*, THOMAS KING, who was NOT a witness on the Trial, did not eat of them at all. It further appears that there were six dumplings, and that *four dumplings and a half* were eaten previous to Gadsden's beginning to eat. *Robert G. Turner* deposes that he ate a dumpling and a half, and *Charlotte Turner* deposes that she ate a small piece, not a quarter of a dumpling, which leave *two dumplings and three quarters* to have been eaten by *Orlibar Turner* and *Elizabeth Fenning*. If, therefore, neither of them spared in eating their share of the dumplings, *Orlibar Turner* and *Elizabeth Fenning* ate one dumpling and three eighths of a dumpling each, which is within one eighth of a dumpling of the quantity deposed to have been eaten by *Robert Gregson Turner*, whose wife, *Mrs. C. Turner*, consequently did not eat one fifth of the quantity eaten by either of the others, Gadsden excepted. If any unfavourable inference, therefore, was to be drawn from either of the parties abstaining from eating the dumplings, there could be none of that sort AGAINST THE PRISONER.

108. Q. In eating of the beef-steak pie had you partaken of any of the crust?

A. Yes. I was not at all ill. I had eaten some dumplings she had made the night before. I never tasted any better. They were all made out of the same flour.

109. Q. Had you had any difference with your mistress any time?

A. No.

Cross-examined by MR. ALLEY.

110. Q. Was not the coals delivered in the house that day?

A. No.

Q. 108. Sarah Peer appears to have deposed with *eagerness*. She is asked if she ate any of the pie crust; and is not content with simply answering, Yes, and that she was not ill, but she goes on to say that she ate some of the dumplings the prisoner made the night before, which she was not asked; and further, that she never tasted any better. It is very true, that having been sworn to declare the truth, the *whole* truth, and nothing but the truth, she was not only justifiable, but praiseworthy, if she proceeded with her evidence from a due sense of the nature and obligation of the oath she took. It, however, happens that she goes on still further, and swears that "they were *all* made of the same flour." *All!* All what? If she means the dumplings that disagreed with the family, it must be recollected that, in her last answer but one, she swore she was not in the kitchen when the dough was made, and therefore *could not possibly* KNOW any thing about the matter. Now this is the witness who CORROBORATES *her mistress's testimony*, that the COALS were *not* delivered that day, when it is shown (See Q. 39.) that they actually *were* delivered that day. Hence the reader will judge whether she swore *more* or *less* than the whole truth, and whether she swore *nothing* but the truth!

Q. 110. Sarah Peer swears that *the Coals were not delivered that day*. This is in *corroboration* of HER MISTRESS, who swore to the same effect. BOTH MISTRESS AND MAID SWORE TO WHAT WAS NOT TRUE. (See Q. 39.) It must

111. Q. Then it is not true that you were set to watch the coals coming in?

A. No.

112. Q. As the dumplings were taken out of the pot you went out?

A. Yes.

113. Q. Had the prisoner and you been upon good terms?

A. At times, sir.

114. Q. When was the last quarrel?

A. Two or three days before she had taken something out of my drawer for a duster. I said, I did not like to lead that life, without she altered her temper.

115. Q. How long before that had you quarrelled with her?

A. About a week, or a week and a half.

116. Q. What might that quarrel be about?

A. I cannot say.

117. Q. Was it the habit of your house for the servants to take it turn about to go out of a Sunday?

A. Yes.

be again repeated, that these witnesses were in Court and *heard each other give evidence.*

Q. 112. Who took the dumplings up stairs *to table* if Sarah Peer went out as soon as the dumplings were taken out of the pot? *When* and *where* did Mrs. Turner tell Sarah Peer the dumplings were black and heavy? (See Q. 30.) Did Sarah Peer inform the prisoner what her mistress said? If she *did*, what was the prisoner's answer? If she did *not*, what was her reason for not doing it, her duty being to have informed the prisoner if there was any complaint? But *where* and *when* was Mrs. Turner's complaint made?

Q. 114. Sarah Peer's *evidence* as to the quarrels between her and Elizabeth Fenning, certainly proves that Sarah Peer might have had malice against Elizabeth Fenning, but by no means proves that Elizabeth Fenning had malice against Sarah Peer.

118. Q. Who did you go to visit on Tuesday?

A. My sister, at Hackney.

119. Q. When had you been to your sister's before that?

A. About a month.

120. Q. Whose turn was it to go out before this Tuesday?

A. Mine.

121. Q. The prisoner lived seventeen weeks in your master's house. Did it happen that you ever went to visit your sister but on a Sunday?

A. Never, except on that day.

122. Q. I suppose you occasionally went into the office where these young men were?

A. Very seldom.

123. Q. You knew the waste paper was kept in the office?

A. Yes: but mistress always kept it up stairs in the dining-room for my use.

124. Q. You knew there were waste paper in the office?

A. No, sir. I never touched any there. I did not know it for a certainty. There might be waste paper there, but I never touched it.

125. Q. Did you not know there was poison kept there?

Q. 123. Sarah Peer, when asked "if she knew the *waste paper* was kept in the office?" says "YES:"—"but," says she, "my mistress always kept it up stairs *in the dining-room* for my use."

Q. 124. On the question being immediately repeated, "You knew there was waste paper in the office?" she swears "NO. I never touched any there," &c. The *negative* in this being a direct *contradiction* to the *affirmative* in her last answer.

A. No. I never went to the drawer in the office, nor never knew there was poison kept there to kill rats and mice.

126. Q. MR. GURNEY. You went to see your sister, that lived at Hackney?

A. Yes.

127. Q. And the reason you went away as soon as you took the dumplings up was to arrive there and see your sister in time?

A. Yes.

128. Q. Was the yeast dumplings made the night before different or not?

A. Very different, and good, and of a different shape.

MR. ORLIBAR TURNER.

129. Q. Did you keep this arsenick to poison the mice, that infested the office?

A. Yes: it was only to be used in the office to destroy the mice, and for no other purpose. This poison had not been used before for a year and a half.

Q. 128. The mistress, in her evidence, takes exception to the shape of the *dough*, before it was divided into dumplings; but her housemaid and fellow-witness, Sarah Peer, takes exception to the shape of the *dumplings*!

Q. 110 to 128. [In the SESSIONS' PAPER REPORT *these Questions and their Answers, being Sarah Peer's entire CROSS-EXAMINATION, including, of course, her quarrels with the prisoner, and her CORROBORATIVE TESTIMONY of HER MISTRESS'S Evidence as to the COALS, are WHOLLY OMITTED. Mrs. Turner's Evidence as to the COALS was LIKEWISE OMITTED in the Sessions' Paper. See Q. 39.*]

Q. 129. Mr. O. Turner keeps this *arsenick* "only to poison rats and mice," and it was so seldom in use, that "it had not been used for a year and a half!" Its remaining in the open waste paper drawer unused for that length of time, and accessible to every person in the house, is a *negligence* of the most *unpardonable* kind.

WILLIAM THISSELTON *Sworn.*

I am an officer of Hatton Garden Office.

130. Q. Did you take the prisoner into custody?

A. I did, on the 23d of March, the day before Good Friday.

131. Q. While she was sitting in the room in the office, did she say any thing respecting the poison or the yeast?

A. I asked her whether she suspected the flour? She said she had made a beef-steak pie of the flour that she made the dumplings with; that her, and her fellow-servants, and one of the apprentices, had dined off the pie. I then observed, if there was any thing bad in that flour, it must have hurt them as well as her. She said, she thought it was in the yeast; she saw a red settlement in the yeast after she had used it.

The mind is never so prone to mischief as when unemployed; and the vacations between the terms, afford a law-stationer's office many long days, and even weeks of leisure. To the apprentice, whose daily industry is interrupted by frequent and tedious hours of idleness, a paper of arsenick is neither an agreeable nor a useful subject for contemplation; and the master deserves something more than mere reproach, who could expose half-employed and thoughtless youth to the temptation of untying a paper of deadly poison, and examining, playing, and making experiments with its contents. To the mischievous it presented facilities which are too dreadfully obvious from the circumstances which gave rise to this trial.

Q. 131. Thisselton, the officer who took the prisoner into custody, swears that she told him she saw a "*red*" settlement in the yeast. Did he not swear before the magistrate that she told him it was "*WHITE*?" Thisselton's conversation, however, with his prisoner, even as stated by himself, tends to exculpate her from all *appearance* of guilt. Her answers seem simple and natural, and have the semblance of ingenuousness. But was it necessary to the strength of the prosecutor's case that *this* man should have been put up into the witnesses' box? That a *thief-taker* should have been transformed into an *evidence*?

JOSEPH PENSON *Sworn.*

132. Q. You are a servant to Mr. Edmonds the brewer in Gray's Inn Lane?

A. Yes.

133. Q. Were you in the habit of leaving table beer at Mr. Turner's?

A. Yes.

134. Q. Had the prisoner made any application to you respecting yeast?

A. Yes; she asked me on Thursday. I told her, if I came that way on Saturday, I would bring her a bit; if not, on Monday. I brought the yeast on Monday morning. I took it out of the stilliards where the casks lay; out of the yeast what the bakers have.

Cross-examined by MR. ALLEY.

135. Q. When you brought the yeast to the house, you gave it to the last witness, not to the prisoner?

A. I gave it to the house-maid: she brought me a pot, I put the yeast into it.

SARAH PEER.

136. Q. What did you do with the yeast?

A. I emptied it into a white basin. I told Eliza that the brewer had brought the yeast. She took the basin. I saw no more of it.

Q. 132. Mr. Edmonds's yeast is celebrated amongst bakers for its superior quality to that of other brewers' yeast. How this superiority is acquired is a *secret*. Probably some other ingredient being chemically combined with yeast contributes to its improvement. Bakers seem to think that its better quality is owing to its scientific management. Mr. Edmonds's yeast, as well as other yeast, deposits a *red* sediment.

MR. JOHN MARSHALL *Sworn.*

137. I am a surgeon. On the evening of Tuesday, the 21st of March, I was sent for to Mr. Turner's family. I got there about a quarter before nine o'clock. All the symptoms attending the family were produced by arsenick. I have no doubt of it, by the symptoms. The prisoner was also ill, by the same I have no doubt.

138. Q. Did Mr. Orlibar Turner show you a dish the next morning?

A. He did. I examined it. I washed it with a tea-kettle of warm water. I first stirred it, and let it subside. I decanted it off. I found half a tea-

Q. 137. How did it happen that Mr. Marshall, of Halfmoon Street, Piccadilly, the only medical man whom it was deemed proper to *examine* on this most important trial, should not have seen the family till five or six hours after the affair? How did it happen that Mr. Ogilvy, of Southampton Buildings, Chancery Lane, the only medical man who saw the family as *soon* as they became indisposed, was *not* a witness on the trial?

Q. 138. Mr. Marshall deposes, that there was in the remains of the dough, sticking round the dish in which the Turners' dumplings were made, half a tea-spoonful of arsenick. If the arsenick was mixed with the flour at the time of making the dough, it was doubtless spread and incorporated throughout the whole mass in uniform proportion. Every one in the habit of going into the kitchen, knows about how much dough is left in a dish after making dumplings; if collected, it would scarcely exceed the size of a walnut, or one eighth of a dumpling. If, therefore, there was in that quantity half a tea-spoonful of arsenick, which it has been ascertained would weigh *at least* 50 grains, there would have been, in the four dumplings and a half actually eaten, a quantity of arsenick weighing 1,800 grains. Now, as five grains of arsenick would destroy any human being who swallowed it, the quantity in Mrs. Turner's quarter of a dumpling was equal to the death of 10 persons; that in her husband's dumpling and a half would have killed 120; and, if Mr. O. Turner and Elizabeth Fenning's proportions of dumpling were alike, each of theirs held a portion equal to the death

spoonful of white powder. I washed it the second time. I decidedly found it to be arsenick.

of 110 persons; so that the quantity of arsenick in the four dumplings and a half would have destroyed 360 people! The large portion of arsenick, therefore, in the small quantity of dough remaining in the dish after the making of the dumplings, is only to be accounted for by supposing that a portion of *arsenick* was sprinkled or strewed upon the surface of the dough whilst in the pan or dish before the fire; in which case, upon making the dough into dumplings, although the greater quantity would be incorporated, yet a considerable portion would fall off into the dish. But, after all, was it not possible for any person to have put arsenick into the dish after the boiling of the dumplings, previous to the finding of the dish by Mr. Turner?

Mr. Marshall says he "examined the dish *the next morning*; he washed it with a tea-kettle of warm water. He first stirred it and let it subside: he decanted it off: he found *half a tea-spoonful of white powder*. He washed it the second time. He decidedly found it to be *arsenick*," but he has not stated how he *knew* it to be so? Did Mr. Marshall, by mere *inspection*, find it to be so? or did he *find* it to be so upon the authority of any other person? Did he *test* it? and when? What *tests* did he use? What *became* of the arsenick? Why did he not produce it in Court? Did he think it *ought not* to have been produced in Court? Or was it because he had parted with it out of his own possession, and could not identify it? Was the *dish* the only vessel, except the flour-tub and yeast-basin, that Mr. Marshall examined? Did it not occur to him to examine the pot in which the dumplings were *boiled*? What became of the water they were boiled in? Was there any more arsenick held in solution in that water, after a quarter of an hour's boiling of the dumplings, than would have escaped from them? Did Mr. Marshall inquire where the water was got from that the dumplings were mixed with, and did he inspect the vessel it was fetched in? Did he examine the *milk-can*, that *hung in the kitchen*? and the salt vessel, from which the salt was taken for the dumplings? Did he examine the SAUCE?

Mr. Marshall does not say one word about arsenick in the *dumplings*; all that he deposed to was the presence of arsenick in the remainder of the dough in the dish the dumplings had been made in. What experiments did he use to discover that there was *poison* in the *dumplings*? Was any of the remaining dumpling and a half given to a cat or dog, or other animal? Were the contents discharged from the stomachs of any of the family given to an animal, examined, or analyzed? THERE IS

139. Q. Will arsenick, cut with a knife, produce the appearance of blackness upon the knife?

A. I have no doubt of it.

140. Q. Did you examine the remains of the yeast?

A. Yes: there was not a grain of arsenick there; and I examined the flour tub, there was no arsenick there.

Mr. GURNEY. That is the case on the part of the prosecution.

NOT THE LEAST EVIDENCE, THROUGHOUT THE WHOLE TRIAL, THAT ARSENICK, OR ANY OTHER POISON, WAS IN THE DUMPLINGS! In vain is such proof looked for from the first to the *last* witness—the medical man.

Q. 139. Mr. Marshall is asked, If arsenick, cut with a knife, will produce the appearance of *blackness* upon the knife? He immediately answers, "*I have no doubt of it.*" Was Mr. Marshall aware that he was giving evidence and opinions upon oath, which from him, *as a professional man*, the jury would assume as true; but which, if they had been uttered by a man not professional, would have had no weight with them? Did not Mr. Marshall know, when he swore he had *no doubt* arsenick would turn a knife black, that the jury would believe upon that oath that arsenick *would* turn a knife black?

Mr. Marshall's notion that arsenick would turn a knife black, is destitute of that *experimental proof* which the ingenious *chemist*, whom that gentleman is known to have consulted upon other matters connected with this affair, would probably have considered it required, if Mr. Marshall had mentioned it to him before he gave his *notion* as *evidence* on the unfortunate girl's trial. IT IS NOT TRUE that arsenick will produce the effect of BLACKNESS upon a knife; it will not, it CANNOT produce it. And yet, upon Mr. Marshall's swearing ALONE, the PRESUMPTION appears to have rested of ARSENICK *having been in the DUMPLINGS* with which the family were poisoned.

Q. 140. Mr. Marshall swore, that "ALL THE SYMPTOMS attending the family WERE PRODUCED BY ARSENICK: he had no doubt of it—BY THE SYMPTOMS!" (Q. 137.) He likewise swore that the white powder in the dish he decidedly FOUND to be ARSENICK; and he also swore—that he had *no doubt* ARSENICK would BLACKEN a knife!

PRISONER'S DEFENCE.

I am truly innocent of the whole charge. I am innocent ; indeed I am ! I liked my place. I was very comfortable.

[Gadsden behaved improper to me ; my mistress came, and saw me undressed : she said she did not like it. I said, " Ma'am it is Gadsden that has taken liberty with me." The next morning I said, " I hope you do not think any thing of what passed last night." She was in a great passion, and said she would not put up with it. I was to go away directly. I did not look on Mrs. Turner as my mistress, but the old lady. In the evening the old lady came to town. I said, " I am going away to-night." Mrs. Turner said, " Do not think any more about it : I don't." She asked Mrs. Robert Turner if she was willing for me to go ? She said, " No, she thought no more about it*."]]

As to my master saying I did not assist him, I was too ill. I had no concern with that drawer at all : when I wanted a piece of paper, I always asked for it.

COURT, to ROGER GADSDEN.

141. Q. The prisoner lit the fire in the office ?

A. Yes. I and my fellow-apprentice have seen her go to that drawer many times.

* [In the SESSIONS' PAPER REPORT the whole of the unhappy PRISONER'S DEFENCE within parentheses [thus] is OMITTED.]

Q. 141. " The prisoner lit the fire in the office ?"

" Yes ; I and my fellow-apprentice have seen her go to that drawer many times."

The prisoner called FIVE WITNESSES, who gave her the character of a good-natured, and amiable disposition.

GUILTY. DEATH.—Aged 20.

After the evidence was closed, and the prisoner's defence made, this most extraordinary question was put by the *Recorder*. When *the apprentice* was called to speak to this point, why was not THOMAS KING, the apprentice called for, brought up? Was he not there? Did it suit the prosecution better that *Thomas King* should not be brought into the box? Was it "*discovered*" that *Thomas King's* nerves were too weak to bear the scrutiny that would have followed his appearance? This fellow-apprentice of Roger Gadsden, this *Thomas King*, who is not once mentioned by name throughout the whole trial, who, with *Sarah Peer*, the house-maid, *did not eat* of the dumplings; who, if he was at home, remained in the house and saw their effects on all who did, except on Roger Gadsden; who, though he had eaten of them, was sent *ill* to Lambeth: this *Thomas King* was NOT A WITNESS: that is, *he* was not an evidence upon the trial. But Gadsden swears that *King* was qualified for a witness. "I, and my fellow-apprentice," says Gadsden, "have seen her go to that drawer many times," quoting, as it should seem, *Thomas King* as a corroborative evidence of his own testimony. Though *Thomas King's* non-attendance in Court was known not only to the witness Gadsden, but to the *Recorder*, the Court itself, yet it does not appear that either Counsel or *Recorder* checked the witness, Gadsden, for swearing as to what another person saw, or that he was desired to confine his testimony to what he himself knew. It is to be observed, by the bye, that although Gadsden swore that he and *King* saw the prisoner go to the drawer, he does not swear whether it was *before* or *after* the poison was missed.

But it is very important to observe at *what period* of the trial Gadsden gave THIS evidence. It was after the prosecutor's Counsel had declared that the case on the part of the prosecution was closed:—after the prisoner had been called upon by the Recorder for her defence:—AFTER THE PRISONER HAD MADE HER DEFENCE—and—AFTER THE PRISONER'S WITNESSES HAD BEEN EXAMINED:—at *this* period of the trial the unhappy girl anxiously desired that *the OTHER apprentice* might be called, "for he will not dare," said she, "to deny the truth; he will say I always asked for paper when I wanted it." Roger Gadsden, who had been the third witness for the prosecution, again stepped forward. The

Tried by the second Middlesex Jury, BEFORE
MR. RECORDER.

I do hereby certify that this is a true copy.
Witness my hand.

(Signed) JOB SIBLY.

prisoner said "it was not *him*, it was the *other* apprentice, *Thomas King*, that she wanted." The Recorder, although the prisoner persisted against Gadsden, and insisted upon *King*, put this question to *Gadsden*: "The prisoner lit the fire in the office?"—"Yes," said Gadsden: "I and *my fellow-apprentice* have seen her go to that drawer many times." The prisoner still earnestly entreated that *Thomas King* might be called; she implored that *Thomas King* might be sent for: but the Recorder still said it could not be done; it was too late.

Thus it appears that the prisoner had fully declared that her *object*, when she asked for *the other apprentice*, without mentioning his name, was to obtain from him exculpatory evidence as to her alleged going to the drawer; and from *Roger Gadsden*, whom she had *not* called, to whom, when he came, she put no questions, but who she declared *not* to be *the apprentice* she wanted; from this boy, whom the prisoner had just implicated as the occasion of her imputed *grudge*, did *the Recorder's* question elicit such an answer as, from Gadsden's views and feelings at *that* moment, might have been anticipated. It must have been a death-blow to the hopes of the miserable girl. She called on the Recorder for *the apprentice*, THOMAS KING, with the apparent hope, that, in the last moments of her extremity, HE could, by his *evidence*, have assisted to save her; and *the apprentice*, Roger Gadsden, a witness *against* her, being immediately *questioned by the RECORDER*, and swearing *for himself* AND THOMAS KING, at "one fell swoop," destroyed in the minds of the Jury whatever expectation existed there of *Thomas King* being able to depose any thing in the helpless creature's behalf.

"What man is there of YOU whom, if his son ask BREAD, will he give him a STONE? or, if he ask a FISH, will he give him a SERPENT?"

PROCEEDINGS ON THE TRIAL

Not Reported

BY THE

SHORT-HAND WRITER TO THE CORPORATION;

WITH

COLLATERAL CIRCUMSTANCES.

IN addition to the Proceedings in the foregoing *copious* Report of the Trial, some important circumstances remain to be stated, which do not appear in the short-hand writer's notes.

It is to be lamented that the Speeches of the Counsel for the prosecution are not within reach. Mr. Sibly did not take them; nor does it appear that he took notes of the evidence in defence of the prisoner, nor of that *most important* portion of the Trial, the RECORDER'S *summing up* and CHARGE to the Jury. Every means have been adopted to supply these latter deficiencies from authentic sources.

It appears then, that the following were WITNESSES sworn and examined on *behalf of the Prisoner*.

JOHN WOODDERSON, of No. 44, Eagle-street, Red Lion Square, deposed, that he had known the prisoner upwards of eleven years, and that she was an honest, sober, industrious, good girl.

Mrs. HUTCHINSON, of No. 19, Little Queen-street, late of Red Lion Passage, and in whose service William Fenning lived, previous to the business being taken by Mr. Rabbeth, his present master, deposed that she had known the prisoner several years, and gave her an excellent character.

Mrs. HINSON, of the Orange Tree, in Orange-street, Red Lion Square, deposed, that she had known the prisoner between eight and nine years, and in speaking to her good character generally, observed, that she had been attended by her whilst ill, and that she could not have received more attention from one of her own children.

RICHARD MAZE, of No. 6, Orange-street, Red Lion Square, also deposed to his knowledge of the prisoner, and her good character and disposition.

JOHN SMITH, of No. 8, in the Colonnade, Brunswick Square, deposed, that he had known the prisoner well for several years, and particularly as to her good character and behaviour during the time he had known her, from his intimate acquaintance with her parents.

This witness was proceeding to relate a conversation with the prisoner, two or three days before the poisoning, which was considered as *counter-circumstantial* to certain testimony delivered upon oath for the prosecution, and in particular that he had met the prisoner on the Saturday preceding the day of the poisoning, which was on a Tuesday, and asked her where she lived, and how she liked her place; and that she told him, and expressed her entire satisfaction with her situation: —

The RECORDER would not suffer the witness Smith to *proceed*—he would not *hear* him—he said it was NOT EVIDENCE.

The tendency of William Smith's *rejected testimony* was to this effect—that two days after the *circumstance*

of the ordering of the yeast for the purpose of making the dumplings, the prisoner, on being *accidentally* met by this old acquaintance, declared, with emotions of seeming pleasure, that "she had never been more comfortably off, since she had been out at service, than she was in that very family;" for the purpose of *murdering* whom, she had, it appears, by *conjectural testimony*, purloined *arsenick* eleven days before; and that this same family, with respect to whom she had testified such apparent *liking* and *good will*, she attempted to murder, together with *herself*, *three days* afterwards upon a *mortal grudge* of a month's standing!

This was the nature of the testimony that the *Recorder* refused to hear, at the same time declaring that *it was NOT EVIDENCE*.

The *circumstance* of this good-humoured interview, which, after the witness had been sworn on behalf of the prisoner, and after he had given other testimony, he was proceeding to relate *in her favour*, until stopped by the *Recorder*, has been since deposed to by the witness in the following

AFFIDAVIT.

JOHN SMITH, of No. 8, in the Colonnade, Brunswick Square, Glutweigher at His Majesty's Custom House, maketh Oath and saith, That he this deponent well knew, for upwards of seven years last past, the late Elizabeth Fenning, who was executed, after being tried before the Recorder, on an indictment for poisoning the family of Mr. Turner, of Chancery-lane; and that three days previous to the said poisoning, that is to say, on the evening of Saturday, the eighteenth day of March last, this deponent met the said Elizabeth Fenning, near Hand-court, in Holborn, who stopped deponent, and inquired of him how he did?—Deponent, not having seen her some time before, after answering her, and inquiring her health, asked her where she was going? and she said, with her usual good temper and cheerfulness, she was

going on an errand; deponent then asked her where she lived, she said at Mr. Turner's in Chancery-lane; deponent then inquired what sort of a place she had, and she answered in the following words, or in words to the following effect; "A very good place—I like my place very much—I have never been more comfortably off since I have been out to service;" after which deponent and the said Elizabeth Fenning continued to converse together in mutual good humour for a short time, and then parted.

JO. SMITH.

Sworn at the Mansion-House of
the City of London, this 30th
Day of August, 1815.

GEO. SCHOLEY, Ald.

Whilst the Trial was proceeding, *William Fenning*, the father of the prisoner, went to the *Pitt's Head* public house in the Old Bailey, opposite the Sessions' House. He was anxious to get the statement that follows committed to paper, but being unable to do it himself, from the agitation of his mind and his hand trembling very much, he there asked the witness, *John Woodderson*, to write for him, who, from the same causes, being equally incompetent, Fenning applied to another person in the room, a *stranger*, and asked him if he could write: he said he could, and then, upon the solicitation of Fenning, wrote in ink, on both sides of a small scrap of paper, which Fenning gave him, to the following effect:—"That *he*, William Fenning, in consequence of being sent for by his daughter, the prisoner,* in the afternoon that the affair happened, went to Mr. Turner's between nine and ten o'clock in the evening. He had intended to go before, but forgotten it, and had gone home after shutting up shop,

* The prisoner herself went up to her father's master's, in Red Lion Passage, and left the message some time between twelve and two o'clock.

when recollecting himself, he said to his wife, Eliza had sent for him, but he had forgotten to go, and would go then. He accordingly went to Mr. Turner's and rang at the bell, and the *house-maid* came to the door, and said, 'I suppose you want Eliza : ' he said, ' No, I don't want to see Eliza, I understand my daughter wishes to see me.' She replied, ' No, you cannot see your daughter, for she is sent out upon a particular message for my mistress : ' upon that Fenning observed, ' it was of no consequence, that his daughter knew where to find him if she wanted him, and probably he would call again to-morrow,' and then went away."

When the note was written, it was given into court to be handed to Mr. *Alley*, the Prisoner's *Counsel*.

Mr. *Alley*, after reading the paper, stood up on tiptoe on the seat, and *shewed it to the Recorder*, who leaned over and looked at it, and they appeared to be consulting upon the contents of the paper.

No further notice was taken of this paper, either by the Recorder or Mr. *Alley* ; and, soon afterwards, upon the prisoner requesting *the apprentice* to be brought forward, *Gadsden* went up into the witnesses' box ; whereon the Prisoner energetically exclaimed, " No, my Lord, it's not *that* apprentice boy—it's not the *younger* apprentice that I want—it's THOMAS KING that I want—the *elder* apprentice,—who *knows* that I never went to the drawer in my life, for when I asked for paper *he* always gave it me, and if HE was here he *dare* not deny the truth to my face, and I wish him to be sent for."

The *Recorder* said, " You should have had him here before."

The Prisoner replied, " My Lord, I desired him to be brought, and I wish him to be sent for now."

The *Recorder* said, "No, it's too late now—I cannot hear you."

The *Recorder* then put the REMARKABLE QUESTION that appears *last* on the Trial. (Q. 141.)

William Fenning, the Prisoner's *Father*, greatly agitated, stepped up into the witnesses' box, and said, "I am the *father* of the unfortunate girl, my Lord: if you won't hear *her*, I hope you will hear *me*."

He was then proceeding to relate, amongst other *circumstances*, his having been denied access to his daughter, in the manner mentioned in the note delivered to Mr. *Alley*, and shewn to the *Recorder*; and to state that his daughter, when he was denied, was laying in great agony, below stairs, from the effects of the poisoned dumplings—

The *Recorder* would not suffer the prisoner's father to go on—he put his hand out and motioned him to leave the witnesses' box—he told him "he could not *hear* him—it was too late—he must go down."

Finding that the *Recorder* would not hear him, and being ordered down, the *father* left the witnesses' box—

The *Recorder* proceeded to sum up the evidence and charge the jury.

Before the summing up, Mr. ALLEY, the PRISONER'S COUNSEL, left the Court.

The *Recorder*, in *summing up* the evidence, made remarks as he went on, and dwelt particularly on the prisoner's declaration to Sarah Peer that she should not like Mr. and Mrs. Turner any more—on her repeatedly requesting her mistress to let her make yeast dumplings; particularly her telling her mistress, when she complained they did not rise, that they "would rise time enough;" and on her telling Gadsden not to eat of the dumplings that had come down stairs; that they were cold and heavy, and would do him no good.

The *Recorder* observed, that vellum and parchment being very valuable, arsenick was kept to preserve these valuable things from the vermin, called rats and mice; and that it was evident that the prisoner at the bar could not be ignorant of the poison, because it was written on "arsenick deadly poison," and as this girl had an education, and could read and write, she could not be ignorant of the poison.

The *Recorder* concluded his CHARGE in the following words, or in words to the like effect :

"Gentlemen,* you have *now* heard the evidence given
 " on this trial, and the case lies in a very narrow com-
 " pass. There are but two questions for your considera-
 " tion, and these are, *the fact of poison having been*
 " *administered, in all, to FOUR† persons, and by what*
 " *hand such poison was given.* That these persons were
 " poisoned, appears certain from the evidence of Mrs.
 " Charlotte Turner, Orlibar Turner, Roger Gadsden
 " the apprentice, and Robert Turner; for each of these
 " persons ate of the dumplings, and were all more or
 " less affected; that is, they were every one poisoned.
 " That the *poison was in the dough* of which these dump-
 " lings were composed, has been fully PROVED, I
 " think, by the testimony of *the Surgeon who examined*

* That portion of the *Recorder's Charge* which follows the mark (*), referring to *this note*, has been furnished to the editor by a gentleman who was in court and took short-hand notes.—The *hiatus* where the *Recorder* attempted to impress on the minds of the jury "why *circumstantial* evidence was often more conclusive than the most positive testimony," was occasioned by the short-hand notes having been taken down in *pencil*; and that part, which was very short indeed, was found to be so much obliterated by friction, that the stenographic abbreviations could not possibly be deciphered.

† It appears from Mr. *Marshall's* pamphlet and evidence, that he is at variance with the *Recorder*, as to the number of persons poisoned. Mr. *Marshall* says there were FIVE cases of *recovery*; consequently *five* persons were, in *his* judgment, poisoned. The *Recorder* says FOUR.—Mr. *Marshall* was a *witness* sworn on the trial, and the RECORDER officiated as judge. Were they both right?

“ the REMAINS of the dough LEFT in the dish in
 “ which the dumplings had been mixed and divided ;
 “ and he deposes that the powder which had subsided
 “ at the bottom of the dish was *arsenick*. That the arse-
 “ nick was not in the flour, I think appears plain, from
 “ the circumstance that the crust of a pie had been made
 “ that very morning, with some of the same flour of
 “ which the dumplings were made, and that the persons
 “ who dined off the pie felt no inconvenience whatever :
 “ that it was not in the yeast, nor in the milk, has been
 “ also PROVED ; neither could it be in the sauce, for
 “ TWO of the persons who were ill never touched a
 “ particle of the sauce, and yet were violently affected
 “ with retching and sickness. From all these *circum-*
 “ *stances* it must follow that the poisonous ingredient was
 “ in the dough alone ; FOR, besides that the persons who
 “ partook of the dumplings at dinner were all more or
 “ less affected, from what they had eaten, it was observed
 “ by ONE* of the witnesses, that *the dough retained*
 “ *the same shape it had, when first put into the dish to*
 “ *rise, and that it appeared dark and was heavy, and*
 “ *in fact never did rise.*† The other question for your
 “ consideration is, by what hand the poison was adminis-
 “ tered ; and although we have NOTHING before us
 “ but *circumstantial evidence*, yet it often happens that
 “ circumstances are more conclusive than the most positive
 “ testimony, and I will tell you why :—A fabrication
 “ may”

* * * * *
 * * * * *

* * “ The prisoner, when taxed with poisoning
 “ the dumplings, threw the blame first on the milk, next
 “ on the yeast, and then on the sauce ; but it has been

* MRS. C. TURNER.

† What had the dough retaining its shape to do with the supposed poisoning ? *Arsenick* would not have prevented its rising. It was not from the dough not rising, therefore, that the presence of *arsenick* was to be *inferred*.

“ PROVED, most satisfactorily, that *none* of these con-
 “ tained it, and that it was *in the dumplings* ALONE,
 “ which no person but the prisoner had made. Gentle-
 “ men, if poison had been given even to a dog, one
 “ would suppose that common humanity would have
 “ prompted us to assist it in its agonies : here is the case
 “ of a master and a mistress being both poisoned, and no
 “ assistance was offered.* Gentlemen, I have now stated
 “ all the facts as they have arisen, and I leave the case
 “ in your hands, being fully persuaded, that whatever
 “ your verdict may be, you will conscientiously discharge
 “ your duty both to your God and to your Country.”

After the charge, the jury in a few minutes brought in a verdict of *Guilty*, and the miserable girl was carried from the bar convulsed with agony, and uttering frightful screams.

The RECORDER passed *sentence of DEATH* upon her.

CORRECT LIST OF THE JURY†.

WILLIAM BENT, of Parliament-street, coal-merchant,
 (*Foreman*).

JACOB JEANS, of Bridge-street, hatter.

WILLIAM BELL, of Bridge-street, mercer.

* Was the *Prisoner* poisoned also, or was she not? If she was *not* poisoned, Mr. Marshall, who swears she *was*, is perjured. If she was poisoned, how could she render assistance to her master and mistress?—the latter of whom, however *much* she stood in need of assistance, yet preferred stopping up stairs for “ half an hour,” with, as she swears, increasing sickness and her head swelling, to calling in the *assistance* of her own husband, or her father-in-law; both of whom she had left in the dining room below; or the prisoner, who was in the kitchen.

† In the SESSIONS’ PAPER REPORT, the list of the *Jury* is incorrect. Eight persons named in that list, as jurors, were *not on the jury* who tried Elizabeth Fenning. The Sessions’ Paper List is as follows. The eight *erroneous* names are in italics.—William Bent, (*Foreman*), *Anthony Assereti*, William Worley, *Robert Chadwick*, *William Lardner*, *Thomas Gadier*, *George Tweedy*, *Edward Smith*, William Crawford, John Wilkinson, *Joseph Cooper*, *John Lering*.

WILLIAM BARNETT, of Bridge-street, sadler.

FRANCIS MACKLEY, of Bridge-court, gentleman.

THOMAS CLOSE, of Manchester-buildings, coal-merchant.

WILLIAM WORSLEY, of Charles-street, vintner.

WILLIAM CRAWFORD, of Charles-street, cutler.

JOHN WILKINSON, of Charles-street, pawn-broker.

JAMES WOOD, of Charles-street, huckster.

THOMAS GULLAN, of Manchester-buildings, gentleman; and,

EDWARD BEESLEY, of Charles-street, bottle-dealer,
*who was DEAF and obliged to have part of the
 EVIDENCE related to him by his brother jurymen,
 which he COULD NOT HEAR.*

Mr. GURNEY was *Counsel* for the *Prosecution*.

Mr. SHEARMAN, *Clerk to the Magistrates, at the
 Police Office, Hatton-garden, where the Prisoner was
 examined, and who took the Depositions upon her Exa-
 mination,* was the ATTORNEY for the PROSECU-
 TION.

Mr. ALLEY was *Counsel* for the *Prisoner*.

Illustrations of the Evidence

UPON

THE TRIAL.

[*General Remarks.*]

It appears that, after the conviction of Elizabeth Fenning, several respectable individuals who had perused the *Sessions' Paper Report* of the Trial became interested in her fate. That Report, though mutilated, garbled, and dispossessed of most material parts in the evidence *favourable to the prisoner*, yet furnished abundant materials for *doubt* as to her guilt *. The short-hand writer to the Corporation of London was applied to for a copy of his notes, which he furnished, and these strengthened the persuasion that the case of Eliza Fenning admitted of still further investigation. The proceedings, which wore an unexpected complexion, were not upon that account less subject to remark.

The following interesting Paper was drawn up by a respectable Solicitor, wholly unconnected with Elizabeth Fenning, merely from having read the Trial, and was transmitted by him soon afterwards to the Right Hon. *Lord Sidmouth*, Secretary of State for the Home Department.

* The OMISSIONS, &c. in the SESSIONS' PAPER REPORT of the Trial are so *numerous*, and so *extraordinary*, that they could not be properly particularized without greatly increasing the size of this publication.

[COPY.]

Observations on the Trial of ELIZA FENNING.

“ 1st CHARGE is feloniously administering arsenick, with intent to kill.

“ 2d CHARGE is, that she did cause to be taken arsenick, with intent to kill.

“ The EVIDENCE which probably interested the Jury was,

“ 1. The sullenness of the prisoner, after her mistress had rebuked her about her conduct as to the apprentices.

“ *Ans.* This, called sullenness, was more probably shame; as there is no evidence that her contrition was not sincere, for she never repeated the offence.

“ 2. The singular appearance which the prosecutrix swears to.

“ *Ans.* Yet, she says, she did not notice this singular appearance to the prisoner. This was, it must also be observed, in answer to a question put by one of the jury, and is therefore the more particular.

“ 3. The prosecutrix yet swears she observed *to the other servant*, the dumplings were black and heavy, instead of being white and light.

“ *Ans.* Yet she never noticed this to E. Fenning. In this part of the case, the feelings of the jury, &c. were overcome by the effects of the arsenick; without reflecting, perhaps, that there was no evidence to affect Fenning in the least. The effects of the poison were, of course, incident, but are no other part of the case; their effects naturally raise the passions.

“ 4. By the cross-examination, this happened six weeks after the girl came to live with prosecutrix. The fault as to the apprentices, three weeks. And no other fault was found with Fenning.

" 5. The prosecutrix states, she heard the prisoner, who had eaten of the dumplings, was ill.

" 6. No evidence whatever exists, as to any prejudice against any person; and yet *four* persons were poisoned. This proves that what the prisoner felt (as to Mrs. Turner, jun.) was *shame*, and not sullenness, as malignity is no where proved, either in character or manners; nor is any one act of sullenness proved.

" 7. Mr. O. Turner's evidence, that the girl gave no assistance, requires explanation, it is too naked: and yet this is, perhaps, one of the most important points of the case.

" If the girl had been attentive, it would have been construed to have been subtilty, induced by guilt.

" If she had appeared agitated, it might have been ascribed to affectation.

" By the evidence of O. Turner, he states a contradiction; he and his family were altogether alarmed; yet he states, amid all this distress and terror it was *discerned that Fenning did not appear concerned* at their situation.

" Now this is a fact sworn to, as observed at the time: but it is contrary to the nature of things, and it seems more the effect of reflection after they had recovered from danger.

" The girl saw that the eating of food of some kind had produced ill effects; but whether it arose from her cookery, or the food itself, she perhaps was in that kind of state which a person is, who does not know whether from accidental (but perfectly innocent) circumstances, they have been the cause of evil or not: it brings the mind to a state which, in our language, cannot be better expressed than by the word "*astounded*" or *stupified by alarm*; and from the evidence this appears the conclusion, but surely infers no guilt.

" 8. The evidence of Mr. O. Turner keeping poison in an open drawer in his shop, is an unpardonable thing.

How many female servants can neither write nor read! the cover, therefore, might be no security.

"The evidence as to the prisoner's *reading* is very defective, and yet exceptionable. The prosecutors' counsel asked, "Do you happen to *know* whether the prisoner can *read*?" The prosecutor, Orlibar Turner, (for observe, there were no less than three persons who appear as prosecutors, viz. Mr. Gregson Turner and his wife, and Mr. Orlibar Turner,) answers, "I *believe* she can both read and write." This is not an answer to the question, and yet it is more: he *believes*. This is not evidence in a civil case, and of course none in a case of life and death! and Mrs. Turner, though she says she can read and write well, yet states no one fact to prove it.

"As to the looking in the drawer where the arsenick was for paper; the evidence does not prove she ever did so, but she *might* do so. Surely this is very defective. Mr. Turner swearing that he saw it the seventh of March, is not corroborated by any fact, to show why he should select that particular day.

"He then says, that on the twenty-first of March he *heard* of its having been missed about a fortnight. What! can it be supposed that the Recorder suffered *hearsay* evidence in so solemn a case?

"9. As to the evidence of O. Turner, relating to Fenning's declaring that it was in the milk, it is natural she should have said it was not in the dough, and that it must therefore have been in the milk; and as the milk had been used for sauce, it was as reasonable to conclude it was from the one, as from the other: for the cause of disapprobation as to the conduct of the prisoner about the young men, was removed almost as soon as it happened, though she was there six weeks afterwards; and there is no proof of either malice or of design: on the contrary, the prisoner admits she had no aid from any one in making the dumplings.

" 10. By the evidence of Gadsden, he says he saw the arsenick on the seventh of March, and yet no corroborating fact appears, to show that he and his master should both see it on the same precise day: nor is there any evidence of the person to whom he says he mentioned it.

" 11. By the evidence of Sarah Peer, she does not state why she did not stay to eat of the dumplings: it is singular that she went out *directly* afterwards.

" It is in her evidence also, that she was in the habit of quarrelling with the prisoner, and had several quarrels. Sarah Peer was the person who bought the yeast: never went to visit her sister on a week day, except that day; the day of the injury by eating the dumplings.

" She swears, '*she never went to the drawer in the office, nor never knew there was any poison kept there to kill rats and mice.*'

" Yet she says, in answer to prior questions, that she knew the waste paper was kept in the office, but she never touched any there: she *repeats* the words, "*I never touched it;*" yet, in answer to another prior question, she sometimes, though very seldom, went into the office.

" Here it must be observed, that she must have known of the drawer; and if so, of the poison, if she could read.

" She had been there near eight months before Fenning went to live there; and is it to be supposed that she did not know every part, and every piece of furniture, and every way of the house, better than Fenning? If she *seldom* went into the office, she had eight months more time than Fenning had.

" It is not with a view of criminating the witness Peer that these remarks are made, but to show how human nature acts to its own impressions. No doubt, like her master, she had received the impression, *however preposterous*, that Fenning premeditated the murder of Mr. and Mrs. R. Turner, and all her answers are therefore calculated to omit all that could leave any doubt upon a positive fact tending to conviction, and to establish any as-

sertion which tended to make her evidence consistent, as she knew any one considerable inconsistency would destroy the credibility. This is human nature, unassisted at the time by the Power by whom witnesses swear to the truth of their narrative. In this part of the evidence O. Turner was called in again, and said, the poison had not been used *for a year and a half*, and yet without explaining *how* or *why*. Mr. O. Turner before swore, that he saw it the seventh of March. Surely if a parcel or pot of this nature was for eighteen months unused, it did require some explanation, how he happened to notice it the seventh of March, unless he wanted it for *mice*, but which is not stated.

“ Neither is the height of the drawer from the ground stated by any witness, nor how deep the drawer is; so that it does not appear whether Fenning was tall enough to look into it without a stool or chair. Such a circumstance as its being too high, even for Mr. Turner, would tend to show that the poison was not often seen; and that if Mr. Turner had occasion to see it on the seventh of March, it must have been for some cause which ought to have been shown to the jury.

“ 12. Thisselton swears that the prisoner said there was a *red* settlement in the yeast; from which, she thought, the injurious quality must be in the yeast. This, however, amounts to nothing; the redness proves nothing, as yeast may be tinged with the articles put into beer by brewers, and which are numerous.—The slightest circumstances are material.

“ As to the prisoner's defence.

“ 1. It is natural.—2. It is not inconsistent.—3. It is reasonable, and particularly as to the reconciliation.—4. That she was too ill to assist her prosecutors; and this shows the propriety of the observation made, as to the *discernment* of the prisoner's being unmoved at their situation, when it is reasonable to conclude they could *discern* nothing, but were afraid every moment of dying.

" Five respectable witnesses were called to her character and disposition. Mr. Sibly should have stated their names and residence.

" Thus far the evidence for both sides.

" The Remarks (exclusively of what is above stated from evidence) are :

" That killing cannot be, by our law, without malice or aforethought to make it the crime of *murder*. It must be expressly proved, or presumed from the facts. There is not the least *proof* of malice; nor do any of the facts raise the least presumption. Fost. 256. 2 Roll. Rep. 461.

" There is not any evidence to show malignity of any kind: the girl was there nine weeks. The being undressed in the apprentices' room, was three weeks after she first went to her place: then, to raise the presumption of malice, she must have been six weeks in contriving the dumplings, and yet she was a cook maid, and might in tea, coffee, gruel, milk, and a number of other foods, have contrived to poison, as any of us could, if we have *malice aforethought*, and yet not one fact is proved. The girl's character is not malicious; she seems more fond of pleasure than of malice, or she would not have been trifling with the boys; for in all this there is not one iota of ill-humour."

About the same time that the preceding paper was sent to *Lord Sidmouth*, one of much greater length, and embracing a series of observations upon almost every point of the evidence, by another gentleman of long standing in the profession, was sent, from motives of humanity, to the Secretary of State's office, for his Lordship's consideration. It presented a body of fact, remark, and inquiry, of the utmost importance*.

* The Editor regrets that a recent *positive refusal* at the Secretary of State's office to return the above-mentioned paper, of which its writer retained no copy, deprives him of the means of presenting it to the public.

Effects of Arsenick upon Yeast Dough.

That part of the evidence relative to the weight and colour of the dumplings, and particularly of Mrs. *Charlotte Turner's* evidence, manifestly tended to persuade the jury that their heaviness and blackness were in consequence of arsenick being in the *dough*; a persuasion, the effect of most loose and erroneous reasoning, and entirely devoid of rational support.

If the dumplings were *poisoned* at all, and there is NO EVIDENCE that they were—if they were poisoned with *arsenick*, and no witness proves that there was *a single grain of arsenick* in the *dumplings*:—but admitting that they were, the reasonable presumption is, that the *arsenick* was not incorporated in the dough at the time of the making, but that it was sprinkled or strewed on, after the dough was put before the fire to *rise**.

Now, it is by no means difficult to incorporate *arsenick* with dough, prepared for dumplings, commonly called *yeast dumplings*, after the first mixing of the ingredients, so as to render the dough poisonous to any person who may eat of it. The colour of *arsenick* is not different from the colour of *flour*: one resembles the other so closely, that none but a person acquainted with the peculiar characteristics of *arsenick* can distinguish it from flour, even when *casually* sprinkled, still less when the two substances are mixed together.

Arsenick mixed with dough containing *yeast*, will not prevent the mixture from *rising*, ALTHOUGH the quantity of *arsenick* EXCEED TWO THIRDS of the mass. It is generally known that *yeast* contains a large quantity of *carbonic acid gas* in a concentrated state: the effect of heat extricates the bubbles of *gas*, and in the act of extrication distends the dough, until all further attraction for

* See Note on Q. 138.

caloric, or heat, ceases, by the total absence of *gas*. In this state, if the mass be confined at its sides, its surface will become elevated, and present the appearance of what is termed *rising*.

It is evident, that to prevent dough from *rising*, the extrication of *carbonic acid gas*, by *caloric*, or heat from the fire, must also be prevented; and this can only be done by saturating the *gas* with an *alkali*; thereby breaking down the chemical *aggregation*, which is produced by the affinity of an acid to an alkali.

Arsenick not being an alkali, and therefore incapable of saturating *carbonic acid gas*, it cannot prevent dough, or any other matter containing *carbonic acid gas*, from *rising*, when exposed to the action of *caloric*, or heat*.

Hence it is clear, that so much of the RECORDER'S charge to the jury as instructed them that the heaviness and black appearance of the dumplings were occasioned by the arsenick, was nugatory, and unsupported by fact or experience.

Effects of Arsenick upon the Knives.

That arsenick did not blacken the *two* knives produced by Mr. Orlibar Turner on the trial, out of the *three* used up stairs at dinner, is as certain as that Mr. Marshall swore it would blacken them †.

* A variety of chemical experiments, as to the effects of arsenick upon dough, were made by a medical gentleman, and detailed at considerable length in a paper, which was also sent in to the office of the Secretary of State for the Home Department, about the same time as the preceding papers: the *results* of those experiments were as above stated. Numerous applications by the gentleman himself, and at his request, both in writing and by attendance, have been made at Lord Sidmouth's office for those experiments, but without effect. If procured, they would have been published here; but neither the original paper, nor a *copy* of it, could be obtained.

† The impossibility of blackening knives with arsenick, was also amongst the experiments submitted in the last-mentioned paper to the Secretary of State.

A yeast dumpling, compounded with a very large proportion of arsenick, was boiled, and afterwards cut to pieces with a knife purposely cleaned. The knife was carefully put by, with whatever of the dumpling remained on its sides after the cutting: when dry, the crumbs were removed, and there was not the least blackness on the knife.

A gentleman of chemical eminence, in the city, put more arsenick into a pint of water than could be held in solution, and boiled it at a sand heat. A clean knife being placed in the water whilst hot, remained there until it was cold. The knife was then taken out wet, and remained untouched until the blade became perfectly dry. It was in no way whatever discoloured.

Arsenick, moistened with water, has been formed into a sort of paste, and placed upon the blade of a knife to dry there, without producing any discolouration on the surface of the blade.

Arsenick, moistened with water, has been *rubbed* upon the blade of a knife with the fingers, and suffered to dry on without changing the colour of the steel.

The production of the *two* blackened knives, therefore, was no more proof of the presence of arsenick in the dumplings than Mr. Marshall's testimony to that effect.

MEANS TAKEN TO SAVE ELIZABETH FENNING'S LIFE.

After the unfortunate girl's unexpected conviction, she was induced to apply to the fountain of mercy for a remission of the sentence of death, and the following Petition to the Prince Regent was forwarded to the proper authorities, for the purpose of being submitted to his Royal Highness's inspection.

[COPY.]

*To HIS ROYAL HIGHNESS the PRINCE REGENT,
in Council Assembled.*

"The humble Petition of Eliza Fenning, a Prisoner now under Sentence of Death, in Newgate,

"SHEWETH,

"That your petitioner, who is only of the age of 20 years, about the commencement of the month of January last, lived in the character of cook with Mr. Orlibar Turner, of Chancery Lane, Law Stationer, whose family consisted of himself, Mrs. Margaret Turner his wife, Mr. Robert Gregson Turner his son, and Mrs. Charlotte Turner his son's wife, with two apprentices, and two female servants, one of whom was your petitioner.—That on the 21st of March last, your petitioner made some yeast dumplings, in which it was proved at the trial of your petitioner, that the poison of arsenick was contained, and that Mr. Orlibar Turner, his son, his son's wife, Gadsden, one of the apprentices, and your petitioner, all ate part of those dumplings, and were severally taken ill by the effect of the arsenick contained in them.

"That your petitioner being the cook-maid, who made the dumplings, was suspected by her master of having by design put the arsenick into the flour, and was accused at the Police Office, Hatton Garden, before the magistrates; by whom, after two examinations your petitioner was committed to Newgate.

"That your petitioner was indicted at the last Old Bailey Sessions, charging her, that on the 21st day of March last, she feloniously and unlawfully did administer to, and cause to be administered to, Orlibar Turner, Robert Gregson Turner, and Charlotte Turner his wife, certain deadly poison, called arsenick, with intent the said persons to kill and murder.

"That your petitioner most solemnly declares, in the presence of that Being, whose omniscience prevents all

concealment, that she is totally innocent of the crime laid to her charge.

“ That your petitioner has been applied to, and solicited by some of her nearest friends, to declare her guilt, if she really were guilty ; but as your petitioner is totally unconscious of any crime, she could only declare her innocence : — that from whatever causes her indisposition proceeded, it extended to her master, the son and his wife, and the apprentice Gadsden.

“ That your petitioner, who, by the sentence of the law, is condemned to enter into an awful eternity, would have gladly confessed her guilt, if she had offended, as she knows that contrition is the sure ground of that humility, without which she could not expect the pardon of an offended God. But your petitioner, in sacred truth, has nothing to confess on the accusation against her, but is utterly innocent of the crime laid to her charge.

“ And your petitioner most humbly hopes that she may receive the Royal pardon from the conviction under which she had been sentenced, and that she may be restored to society, and to those friends who have kindly interested themselves for her ; and your petitioner shall ever pray for the gracious providence of Almighty God upon your Royal Highness and your Royal Family.”

It was likewise judged proper that she should address the Right Hon. the Lord Chancellor, praying his Lordship's consideration of her Case ; and a letter was accordingly addressed by her to his Lordship, of which the following is a

[COPY.]

“ *To the* LORD HIGH CHANCELLOR OF GREAT
BRITAIN.

“ MY LORD,

“ When the life of an innocent person is at stake it needs no apology for intruding upon your Lordship's

invaluable time: I therefore, with all humility, submit my Case to your Lordship's humane consideration, which cannot be doubted.

" I protest, before God and man, that I am not guilty of the crime charged to me, although I feel the great difficulty of proving my innocence.

" Mrs. Turner swore that I carried a pie to the baker's about 12 o'clock; that she went into the kitchen after my return, and gave directions to make the dough, which she found placed before the fire to rise, half an hour after such order; and further, that she saw the dough two or three times between half past twelve and three o'clock, until it was divided into dumplings; that it did not rise as usual, but kept a singular shape to the last; while, in another part of her evidence, she swore the dough was divided into dumplings 20 minutes before 12 o'clock.

" Other instances might be mentioned to prove many mistakes, especially on the part of Mrs. Turner.

" The particular and unusual orders Mrs. Turner gave not to leave the kitchen, and her assertion, that she was sure no one was there, are circumstances your Lordship may think worthy of notice.

" Thomas King (one of the apprentices, who was not examined on the Trial,) was in the front kitchen while I was in the back room cleaning the knives: I thought it was my mistress; but as I was going into the kitchen I met him, and asked what he had been doing. To which he made no reply, but went up stairs. Now, God forbid that I should impeach any person, I only relate this circumstance, as I am informed that arsenick, merely sprinkled over the dough, would infuse itself through the whole; and it appeared that the arsenick was put by Mr. Turner in a place open to any body.

" It was stated by Mr. Turner, and Gadsden, the apprentice, that the arsenick was missed a fortnight before the occurrence: but, surely, if it had been me, the person who was most likely to be accused, I should not have

made any dumplings of the over-night, thereby inducing the apprentice to eat again; neither should I have omitted cleaning the utensils; and, least of all, to have eat of them myself, whereby I was affected as much as any of the family, as could have been corroborated by Surgeon Ogilvy: but although he attended the family five or six hours before Mr. Marshall, and might have stated other favourable circumstances, yet he was not examined on the Trial.

“ However eager I feel to live, and, above all, to avoid unworthy ignominy, I know not how to prove my innocence, most humbly craving your Lordship’s humane attention, which I doubt not will cause investigation to be made in my unfortunate Case.

“ I am,

“ MY LORD,

“ Your Lordship’s unfortunate servant,

(Signed) “ ELIZA FENNING.”

“ Newgate, 12 June, 1815.”

She also wrote the following Letter to the Right Honourable Lord Sidmouth, his Majesty’s Secretary of State for the Home Department.

[COPY.]

To LORD SIDMOUTH.

“ MY LORD,

June 27, 1815.

“ With deference I humbly beg leave to address your Lordship, at the same time am at a loss how to dare to venture such a presumption: but your Lordship’s well known goodness and mercy, which has been repeatedly extended to many miserable creatures under calamities like myself, encourages me with all submission to state my real situation to your Lordship. I most humbly beg leave to inform your Lordship that I am under the awful

sentence of death, on suspicion of poisoning Mr. Turner's family; which heinous crime I never was guilty of, I most solemnly declare to a just God, when I must meet my blessed Redeemer at the great and grand tribunal, where the secrets of all hearts will be known. Innocence induces me to solicit a fuller examination. I am the only child of ten; and to be taken off for such an ignominious crime, strikes me and my dear parents with horror. I therefore most humbly beg leave to solicit your Lordship's merciful interference in my behalf, to spare my life; and my parents will, with me, ever be bound to pray for your Lordship.

"With due submission, I am your poor, but innocent servant,

"ELIZA FENNING."

She had previously addressed the following to Mr. Turner about the end of *April*.

[COPY.]

To MR. TURNER.

"HONOURED SIR,

"With due submission I most earnestly entreat of you to sign my petition, to save my life, which is forfeited for what I am not guilty of. Honoured sir, I do here most solemnly declare I never meant to injure you or any of your family. Picture to yourself the distressed mind of my dear parents, to see their only child suffer such an ignominious death; but innocent I am. May the blessed God give my ever dear parents strength to bear the dreadful affliction to see their only child suffer; but may you never feel the pangs of a broken heart, which your unfortunate servant endures. Prayers for you and your family.

"ELIZA FENNING."

"P. S. If your goodness will comply with my request, I shall ever be bound to pray for you."

There were various applications made on her behalf, particularly a Petition, signed by the *Rev. Griffith Williams*, and the most respectable Members of Gate Street Chapel. The *Rev. Dr. Adam Clarke* also addressed the Secretary of State respecting her. Applications for mercy were likewise made from different quarters by persons wholly unconnected with, and unknown to, each other, and of whose exertions even the prisoner herself was ignorant; and the representations were of such a character, that it was declared, by an official personage, there were more favourable circumstances in the case of Elizabeth Fenning than he ever remembered in that of any other convict.

Amongst the other efforts to save the unhappy girl's life, Mr. ———, the gentleman whose chemical experiments were sent to the Secretary of State, deemed it necessary that a petition should be obtained with the *Prosecutors'* signature; for the purpose of procuring which, and in order to demonstrate to the Prosecutors that the result of many experiments he had made proved the possibility of the poison having been added by another person than Elizabeth Fenning, Mr. ——— proceeded to the house of Mr. *Turner*. He saw Mr. *Orlibar Turner*, who ushered him into the front drawing-room. Mr. ——— there detailed his experiments to Mr. *Turner*, and the result of them, and produced a dumpling which he had made, and on which, when in the state of *dough* left before the fire to rise, he had hastily sprinkled arsenick in the absence of, and unknown to, his servant; which she had, without knowing it contained arsenick, made up into a dumpling in the usual manner; and which, on being cut, exhibited, as Mr. *Orlibar Turner* admitted, the exact appearance of those that had been eaten by the family; viz. grains of arsenick visibly dispersed in the substance of it.

Whilst they were thus engaged, Mr. *Robert G. Turner* entered, and expressed himself to be of the same opinion

as his father with respect to the appearance of the dumpling.

Immediately afterwards, *Mr. Marshall*, the Surgeon, came in, to whom Mr. ——— likewise exhibited the dumpling, and detailed the nature of his experiments. *Mr. Marshall* did not stop many minutes; but, previous to his departure, he said, the experiments were ingenious, and tended to operate in the girl's favour.

After *Mr. Marshall* was gone, Mr. ——— commented strongly and at length on the possibility of the girl's innocence. *Mr. O. Turner* and *Mr. R. G. Turner* both acknowledged that Mr. ———'s efforts were very praiseworthy; that the girl was much indebted to him; and *Mr. O. Turner* declared, that *any* paper which Mr. ——— would draw up he should be happy to sign: concluding with this positive assurance, "*If there is any thing which I can do for her, I will go to the top of the ladder to do it.*"—"Well, then, sir," said Mr. ———, "you will sign a petition for a remission of her sentence?"—"I will with pleasure," was his reply: "and so will I," said *Mr. Robert G. Turner*.

These words were scarcely uttered, when *Mr. RECORDER* was announced.

The *Recorder* entered the room, and inquired of *Mr. Orlibar Turner* whether he thought this girl had any associates? *Mr. O. Turner*, in his reply, proceeded to enlarge on what he was pleased to consider her "different positions," the particulars of her equivocation, &c. in which he was seconded by the *Recorder*.

Mr. ———, finding that his efforts were likely to be frustrated by the impression made on the Messrs. Turners by the *Recorder*, remonstrated with the *Recorder*, and showed him the experiments he had made; nay, even told him of his, the *Recorder's*, observations on the trial as operating to the poor girl's prejudice.

Mr. ——— represented to the *Recorder*, that *he*, the *RECORDER*, had stated on the trial two things which were erroneous.

The *Recorder* inquired what he had asserted?

Mr. ——— answered, that he had said, “ arsenick would prevent the dough from rising.”

The *Recorder* said, “ Well, he knew he had,” and inquired, “ what then?”

Mr. ——— replied, that what he, the *Recorder*, had asserted was not true, for arsenick would not prevent dough from rising; on the contrary, two thirds of arsenick compounded with one third of dough, would rise as well as if there were no arsenick in it; and that so far from arsenick having any effect in producing blackness upon the knives, such an effect was totally impossible.

Mr. ——— further stated to the *Recorder*, that experiments of very great length, and with the most minute attention to correctness, had been made to verify these facts, and could be repeated to his, the *Recorder's*, complete conviction, and that of any other person whatever.

The *Recorder* hastily expressed his disbelief of this, and said, “ *he should inquire of HIS COOK!*”

To all other representations the *Recorder* turned a deaf ear; and, from the determined manner in which he spoke, and the impression he made on the minds of his hearers, Mr. ——— clearly perceived there was no probability of his making any impression on the *Recorder's* mind. The *Recorder* appeared tremblingly alive to any thing which might agitate or throw doubt upon the matter. He left the house, and Mr. R. G. Turner saw him to the door.

Mr. ——— remained in the room with Mr. O. Turner. “ I am glad, sir,” said he to Mr. O. Turner, “ that I have seen the *Recorder*, for now I know that with *him* she,” meaning Elizabeth Fenning, “ stands no chance; he is quite inexorable!”

During the time Mr. ——— was speaking, Mr. R. G. Turner returned, and expressed himself to this effect to his father:—

“ THE RECORDER SAYS YOU MUST NOT SIGN ANY PETITION—if you do, it will throw suspicion on the rest of your family!”

Here was a death blow to Mr. ———'s hopes, who, addressing himself to Mr. O. Turner, said, "Then, sir, you will *not* sign a petition for her?"

Mr. O. Turner's reply was, "*I CANNOT, sir; you hear what THE RECORDER says.*"

Thus ended the interview.

The purpose of the Recorder's mind appears to have strengthened as the applications on behalf of the convict increased. At length the Report came down authorizing her execution. It is not too much to say, that it greatly surprised thousands and tens of thousands, who only knew her case through the medium of the newspapers; and that those who knew it more intimately were astonished.

Applications for mercy redoubled as the poor creature's fate approached: and one of these to the *Recorder* for a *respite* being characterized by very remarkable circumstances, it is deemed proper to particularize.

The day of execution was fixed for Wednesday, the 26th of July: and on Monday, the 24th, Mr. and Mrs. Turner prepared to visit Elizabeth Fenning at Newgate. A gentleman, who is well known in public life, an eminent Member of the respectable Society of *Friends*, and who had not seen her, accompanied Mr. and Mrs. Turner in their visit to the poor creature's cell. He had endeavoured to prevail on his friend and relation, Mr. CORBYN LLOYD, of Lombard Street, Banker, and who likewise had not seen her, to go with them; but Mr. Lloyd preferred waiting at a coffee house until the return of his friend from Newgate. After having witnessed the interview between the two prosecutors and the prisoner, and an extraordinary address of the girl to her mistress, Mr. Corbyn Lloyd's friend quitted the Turners and joined him; and the result of their conference, in consequence of the scene at Newgate, was, that Mr. Lloyd should wait on the *Recorder* and solicit a short *respite* for Elizabeth Fenning. The following Letter from Mr. Corbyn Lloyd to Mr. James Bevans, another of the Society of *Friends*, relates what took place between the *Recorder* and Mr. Lloyd.

[COPY.]

“ SIR,

Lombard Street, August 17, 1815.

“ In the interview I had with the *Recorder* the Monday evening previous to the execution of *Elizabeth Fenning*, I stated to him, that a friend of mine, *who knew the Turner family*, and had been with the unfortunate girl that morning in Newgate, did particularly wish that her *execution* might be **SUSPENDED A SHORT TIME**, as there had yet been no proof of *her* poisoning the dumplings, as *it was possible* some other inmate of the house might have mixed the poison at the time she happened to leave the kitchen. The *Recorder* then said, ‘ that he was surprised that any individual *should presume* ‘ *to offer an opinion* so contrary to that of twelve jurymen, ‘ and two or three judges; and that *myself and my friend* ‘ *had done a great deal of harm* by interesting ourselves ‘ about the girl, as it caused her to persist in denying her ‘ guilt; and the **REASON** *we felt so much* **INTEREST** ‘ *about her was* **ONLY BECAUSE SHE WAS A** ‘ **PRETTY WOMAN**; and *he* felt so perfectly satisfied of her *guilt*, (**THERE NEVER BEING A** ‘ **CLEARER CASE**,) that *he* knew no possible reason ‘ for *delaying* the execution.’

“ I am,

“ Your’s truly,

Mr. James Bevens,
14, Gray’s Inn Square.

“ CORBYN LLOYD*.”

Without questioning the Recorder’s *legal* proprieties, the mind is at a loss to determine how the Recorder, considered as an impartial and virtuous judge, could venture to surmise such motives as he expressed for the interfer-

* The *Editor* has taken the liberty of causing those parts of Mr. Corbyn Lloyd’s important Letter to Mr. Bevens, which seemed most to require attention, to be distinguished by *Italics* and **CAPITALS**.

ence of a most respectable individual in behalf of the helpless being under sentence of death.

In Mr. Corbyn Lloyd's interview, the Recorder's fondness for a display of the high authorities of the Old Bailey Sessions' Court was not for the first time exhibited. In a letter of the Recorder's written some years ago, he declares, that "the commission of gaol delivery at that place" is constituted of the *highest* and of *all* the law authorities "in the *kingdom*—the twelve judges of England, and the "whole magistracy of the city, besides *other* great and "respectable names therein." But, alas! nothing is more imposing than *names*, and nothing more delusive than Mr. Recorder's literary employment of them; seeing that this boasted commission, so *nominally* constituted of all the high legal authorities of the kingdom, and city to aid them, was, *on the trial of Elizabeth Fenning*, so dwindled down, as *then* actually to amount to no more than MR. RECORDER, and ONE ALDERMAN in silence beside him. Besides, it is one thing for a man to talk of high legal authorities*, and another for him to prove himself better or worse by their precedent, example, or instruction. Without having personally witnessed the unfortunate Elizabeth Fenning's *prettiness*, as Mr. Recorder unquestionably did when she was personally on her trial before him, it cannot be expected that those who are sincerely earnest in the exercise of their judgment upon her case should think, with the Recorder, that nothing but a woman's *prettiness* could be a motive for humanity towards her: and it is not from any thing favourable in Elizabeth Fenning's *person* that those gentlemen, who, like Mr. Corbyn Lloyd, never saw her, have interested themselves in her *Case*.

* A noble and learned lord, (Lord Kenyon,) who once constituted one of the high law authorities of whom Mr. Recorder speaks, expressed himself to this effect; viz.—"If, on the trial of a person convicted of a "capital crime, circumstances came out which warranted the judge to "suppose that the conviction was founded on erroneous principles, it "became his duty to respite the convict: this has been done from time "to time, from year to year: if he neglected this duty, the convict was "not butchered but murdered; which was, in the contemplation of "law, a much higher offence: and the judge guilty of such an act of "criminal neglect, instead of being suffered to go in state to West-

On *Monday* evening, before the execution, a conversation took place at Mr. *J. M. Richardson's*, in Cornhill, between a Mr. *Blathwaite* and another gentleman, wherein the circumstances hereafter mentioned were stated by Mr. B., with his persuasion of the innocence of the girl. Mr. *Richardson* finding that no steps were taken to make these circumstances properly known; and though, until then, wholly ignorant of the case, thought it his duty to write immediately to the *Secretary of State*, the *Sheriffs*, and the *Recorder*, briefly stating the facts; and the next morning, *Tuesday*, Mr. *Richardson* addressed a letter to Mr. *Basil Montagu*, entreating that gentleman instantly to interfere with the *Recorder* on behalf of the unhappy girl, whose execution was fixed for the *next morning*. The strong ground of that interference, and the *Recorder's* answer to Mr. *Montagu*, will appear from that gentleman's letter to Mr. *Richardson*.

[COPY.]

“ SIR,

“ I am to apologize for my apparent inattention to your Letter respecting *Elizabeth Fenning* by stating, that the instant I received it I waited upon the *Recorder*, and informed him of the communication you had kindly made to me; and, as I was wholly ignorant of the merits of the case, I requested the *Recorder* to inform me, ‘ whether any alteration could be formed in the opinion respecting the propriety of her execution, if satisfactory evidence were adduced that there was an insane person in the Turners’ house, who had declared that he would poison the family,’ as it appeared by your Letter that such evidence could be produced. The RECORDER assured me that the PRODUCTION OF SUCH EVIDENCE would be wholly USELESS. I therefore retired. I, at

“ minster Hall the next morning, ought to be seized in his fur robes, “ dragged from the seat of justice, and hurried to that dungeon in which “ the unfortunate sufferer had lingered the last hours of existence!” — *Parl. Debates*, Jan. 1789.

that time, had not read the trial of this unfortunate young woman: and she was executed early the next morning.

" I am very sensible of your kind exertions, and I trust you will forgive my apparent neglect.

" I am, Sir,

" Your faithful servant,

" To Mr. J. M. Richardson,
Cornhill."

" B. MONTAGU *."

" Lincoln's Inn,
August 10, 1815."

Mr. Richardson's Letter to Mr. Montagu, and that gentleman's application to the Recorder on *Tuesday*, were in consequence of information received only the night before, that circumstances of a nature tending to throw *great doubts* on the guilt of *Elizabeth Fenning* had been publicly stated, and that those circumstances could be clearly *proved* by most respectable persons. Upon this information, the following proceedings were likewise adopted:

Application being made to appoint a meeting of the parties at Newgate, at a meeting which was held in Mr. *Newman's* house, Mr. *Gibson*, of the house of Corbyn and Co., Chemists and Druggists, No. 300, Holborn, stated the circumstances alluded to in the presence of the

* Mr. Montagu's permission to print his Letter in this Publication was obtained in consequence of the following Note.

[COPY.]

" SIR,

" Several most respectable friends, who have taken the trouble of investigating the circumstances connected with the case of Elizabeth Fenning, are very desirous that the Letter of the 10th instant, which you did me the honour of writing, in reply to my application to you in behalf of that unfortunate young woman, should be published along with the other information which they have been enabled to collect on that subject. I therefore take the liberty of entreating your permission to lay it before the Public. Your compliance will much oblige,

" Sir,

" Cornhill,

August 22, 1815."

" To Basil Montagu, Esq."

" Your humble Servant,

" J. M. RICHARDSON."

Rev. Mr. *Cotton*, the *Ordinary*, the Rev. Dr. *Perkins*, Chaplain to H. R. H. the Prince Regent, Mr. Under-Sheriff *Leigh*, and several other gentlemen. It was then agreed, that the proper course to be taken was to lay the circumstances before the Under-Secretary of State for the Home Department, *Lord Sidmouth*, the Secretary of State, being out of town. Accordingly, between three and four o'clock in the afternoon, Mr. *J. B. Sharp*, Mr. *Ogle*, Mr. *Blathwaite*, Mr. *Aberdour*, and Mr. *Gibson*, waited upon Mr. *Becket*, at the Secretary of State's office, and Mr. *Gibson* stated to that gentleman the circumstances as hereafter particularized. After listening to them, Mr. *Becket* recommended Mr. *Gibson* to attend at the *Recorder's* house, in Bloomsbury Square, the same evening at eight o'clock; and before they separated it was agreed that one other person should attend also. At eight o'clock, Mr. *Gibson*, and Mr. *J. B. Sharp*, attended at the *Recorder's* house, and there met the *Recorder* and Mr. *Becket*, to whom Mr. *Gibson* made a statement of facts in the following words, or words to the following effect:—

“ About the month of September or October last, to
 “ the best of my recollection, Mr. TURNER, *junior*,
 “ called at our house, and appearing in a *wild* and
 “ *deranged* state, I invited him into a back room, or
 “ counting house, where I detained him, whilst Mr.
 “ *Crockford*, another gentleman in Messrs. *Corbyn's*
 “ house, went to his father's. In this interval, Mr.
 “ *Turner, junior*, used the *most violent and incoherent*
 “ *expressions*—such as, ‘ *My dear Gibson, do, for*
 “ *GOD's sake, GET ME SECURED OR CONFINED, for,*
 “ *if I am at liberty, I shall do some mischief; I SHALL*
 “ *DESTROY MYSELF and MY WIFE: I must and*
 “ *shall do it, unless all means of destruction are removed*
 “ *out of my way; therefore do, my good friend, have me*
 “ *put under some restraint: something from above tells*
 “ *me I must do it, and unless I am prevented, I certainly*
 “ *shall do it.*’ ”

Mr. Gibson, to whom Mr. Robert G. Turner thus addressed himself, also stated to the Recorder and Mr. Becket **OTHER CIRCUMSTANCES** exhibiting the *general symptoms of a deranged mind*. He further stated, that Mr. Crockford, a gentleman associated with him, could confirm the fact of his, Mr. Robert G. Turner's, *mental derangement* at more periods than the instance then alluded to: but that Mr. Crockford was unfortunately at that time out of town. Mr. Gibson concluded by stating, that, in the interval between Elizabeth Fenning's apprehension and her trial, he waited on Mr. Turner, sen. and strongly urged the *impropriety of proceeding with the trial*, entreating him "*to consider the state of his son's mind, and the language he had used, and trusting that the consideration of these circumstances would induce them not to press the trial. He acquainted Mr. Turner, sen. that these were not alone his sentiments; but that some mutual friends of the Turners' family and himself had mentioned the impropriety of Mr. Robert G. Turner's being at large under the circumstances with which he was afflicted.*"

In the course of the conversation with the Recorder and Mr. Becket, it was mentioned by Mr. Gibson, that the arsenick had been purchased some time previous to the conversation with Mr. Robert G. Turner above mentioned: and on leaving the Recorder's house, Mr. Gibson, with the same laudable and honourable anxiety that he had shown during the whole of that day, expressed his sincere hopes that the knowledge of these circumstances would lead to an extension of mercy to the poor girl—at least *a respite* until some further inquiry should be instituted.—In twelve hours afterwards **ELIZABETH FENNING WAS EXECUTED.**

It is highly essential that the statements asserting that the Lord Chancellor was present at the meetings on *Tuesday* should be contradicted.—**THE LORD CHANCELLOR WAS NOT PRESENT** at either of the meetings above mentioned.

PARTICULARS RELATIVE TO THE EXECUTION.

From the moment that *Elizabeth Fenning* was first charged with the poisoning, she affirmed her innocence. However, or by whoever questioned, she never faltered in her denial of the crime. She talked on the subject freely with every one who saw her: and strangers, who went to see “a *sullen* and *reserved* wretch of a gloomy *mind* and mysterious carriage,” found a lively, open, communicative girl, willing to answer every question put to her, and who rather courted than shunned an investigation of her case. To all she admitted that she was the sole maker of the dumplings, but alleged her utter ignorance of the method by which the family were poisoned.

On *Thursday*, the 20th of July, when the Report came down, in which Elizabeth Fenning's name was included amongst those appointed to die on the *Wednesday* following, her feelings were violently affected, but her firmness of mind remained unshaken. She announced her coming fate to her parents by an emphatic Letter, in which she declares that she is murdered*; and she persisted in asserting her innocence with unabated resolution†.

* The hand-writing of this letter betrays great agitation: a Copy of it is given in the very interesting “Correspondence” published herewith. It is remarkable, that out of a great number of her letters, this hurried note is the only one to which the Editor finds her baptismal name, *Elizabeth*, subscribed at length. She usually signed *Eliza*, or the initial *E*.

† She had, soon after her conviction, expressed a wish to be prayed for by such congregations as the person who undertook to carry her desire into effect should think proper. She said: “Tell the minister he wont pray for a *guilty* character, but for one who is totally innocent; for if I was guilty, I deserve to suffer if I had ten thousand lives to forfeit.” Copies of the following Note were accordingly transmitted to the Rev. Mr. *Greig*, Minister of the Scots Chapel, Crown Court; the Rev. *Griffith Williams*, Minister of Gate Street Chapel; the Rev. Mr. *Ivimey*, Minister of the Baptist Congregation at Eagle Street; and to the Officiating Minister at *Queen Street* Chapel.

“SIR,

“Your prayer is earnestly requested for a young woman under sentence of death, that the Lord would have mercy upon her soul, and fit her for her awful change, and bring her to confess the crime she is charged with; but if she is innocent, which she persists she is, that in mercy the Lord would bless the means resorted to set her at liberty.”

Mr. ———, the gentleman whose Experiments* upon arsenick and yeast dumplings were sent to the Secretary of State, had first seen Elizabeth Fenning, about a month after she received sentence of death, in order to obtain from her a confession of the crime. The earnest manner in which she declared her innocence alarmed him. She could not brook direct imputations of guilt; but she readily detailed circumstances, and explained and answered questions with an aptitude and consistency that induced him and others, who he discovered had interested themselves in her behalf, to communicate the circumstances which had come to their knowledge, to the Secretary of State. Having, as they considered, made out a *very strong* case, they were surprised, *four months* subsequent to her conviction, by an order for her execution.

On the morning after the Report arrived, she told Mr. ——— † her mind was very unhappy at the thought that she was to suffer *innocently*. He had long had her confidence, and he considered that she communicated with him freely; but he now earnestly exhorted her to confess the crime: she was much distressed, and wept a great deal, but solemnly protested her innocence, and exclaimed, that “it was a cruel thing to suffer for the guilty!” She had desired of the keepers, that Mr. ——— might be the only one permitted to see her, on religious subjects; and, at her request, although not a minister, he consented to

* The results of these Experiments are given at p. 68.

† Mr. ——— is the author of “An Authentic Narrative of the Conduct of Elizabeth Fenning, from the Time the Warrant arrived for her Death, till her Execution, with Copies of Original Letters, &c. By the Gentleman who attended her during the whole period.” Third Edition, 8vo. Published by Messrs. Ogles, Duncan, and Cochran, 295, Holborn, and 37, Paternoster-row. *Price One Shilling*. The Editor of these sheets earnestly recommends Mr. ———’s pamphlet to the perusal of the reader, for a very particular and detailed account of that gentleman’s attendance upon the poor girl; and he deems it his duty further to state, that Mr. ——— and Messrs. Ogles, Duncan, and Cochran, have humanely and liberally determined to apply the profits arising from the Sale of their interesting Publication, to the relief of the DISTRESSED Parents.

attend her until the execution. She decidedly disliked the visits of the Rev. Mr. *Cotton*, the *Ordinary*, "because," she said, "he always urged her to confess herself guilty; and as she knew herself innocent, and he, whenever he saw her, treated her as if she was guilty, she could not bear to see him." Being aware, too, of the Rev. Mr. *Cotton's* intimacy with Mr. *Turner's* family, she considered him her enemy—her decided and avowed enemy—and she positively refused to hear him.

As she was to receive the sacrament in the chapel, on *Sunday*, previous to her execution, Mr. ——— prayed with her, and endeavoured to ascertain her notions respecting that ordinance. "I found them," says he, "such as might be expected in one, who, though possessed of a shrewd mind, was unfortunately uncultivated. She freely forgave all who had given evidence against her, but *she could never forget the sense of what she considered the INJURY DONE HER, AS AN INNOCENT PERSON.**

* "On Sunday last, being the day appointed for the *condemned sermon*, an immense concourse of spectators assembled at the doors of Newgate, anxious to be present at the awful ceremony. At ten o'clock the avenues leading to the chapel were thrown open, and in a few minutes the chapel and galleries were crowded to a degree almost unprecedented.

"The congregation having arranged themselves in a decorous manner, the prisoners under sentence of death, to the number of twenty-one, were brought in by the respective gaolers and turnkeys, and placed on the left of the pulpit. Every eye was now fixed upon the black pew in the centre of the chapel, the place set apart for those doomed to undergo the awful sentence of the law: silence pervaded every quarter—it was soon broken by the sighs of the auditory at seeing the unfortunate young girl, *Elizabeth Fenning*, enter the chapel, attended by three other unhappy victims in floods of tears. The Rev. Mr. *Cotton* commenced the prayers of the day, in which he was joined most fervently by the prisoners. When he came to that part of the service where "the prayers of the congregation are desired for those about to suffer," *Fenning* fell into strong hysteric fits. The text selected by the *Ordinary* on the occasion, was, "What fruit had ye then in those things whereof ye are now ashamed? for the end of those things is death." Romans, c. vi. v. 21.

"Mr. *Cotton*, in alluding to *Fenning*, said she had *revenge* in view, and *Satan* persuaded her that *revenge was sweet*; that he would protect her; but immediately after she had perpetrated the act he *left* her, and that covert in which she thought herself secure soon proved the

On *Tuesday* morning she took her last farewell of her Father, who exhorted her to meet death with fortitude; and by the firmness of his manner, under the dreadful circumstances of their separation, he exemplified the courage which he wished his child to sustain upon the scaffold. The parting scene with her mother was heart-rending. They were separated from each other in a state of dreadful agony. Soon afterwards Mr. ——— prayed and read with her from four till six o'clock, and then left her: she continued praying and reading* until eight o'clock. About nine o'clock she went to bed. Mr. ——— called at *eleven* o'clock—she was then in a profound sleep. There was much agitation in the prison during the night.

Bar of her Tribunal; for the penetrating eye of Providence was like the lustre of the noon-day sun, and discovered every secret act of man. [Here the *unfortunate girl* again fainted, and did not recover for a long time.]—At the conclusion of the service the whole of the prisoners went to the altar and received the Sacrament, *Elizabeth Fenning* continuing to protest that she was innocent."—*Morning Advertiser*, 25th July, 1815.

* After her conviction she perused several books with great earnestness and edification. Amongst them were the following, which were lent her by a friend, to whom she occasionally communicated her remarks and opinions, as she read.

Mrs. Rowe's *Friendship in Death*.

Drelincourt on Death.

Sherlock on the Happiness of Good Men, and the Punishment of the Wicked, in the next World.

Dr. Dodd's *Prison Thoughts*—Thoughts on Death—and Sermons.

Certain Sermons, marked by her friend, by Bishop *Porteus*.

Hannah Sowden's Discourses.

She very anxiously entreated the same friend to procure for her a treatise, which she called the "*Cry of Jesus, the Son of God*." Much inquiry was made for it, in consequence, amongst the booksellers, but it could not be met with, and it is believed she did not get it. The *Editor* remembers a little old work, entitled "*Lami-Sabacthani—or the Cries of the Son of God*," which is probably that which she desired.

To the same friend she sent a small volume, entitled, "*A Selection of Psalms and Hymns, for the use of Percy Chapel, Charlotte-street, Fitzroy Square*." By the Rev. James H. Stewart, A. M. London, 1813. Within is this inscription in her own writing—"Pleas to except of this book as a token of Respect from ELIZA FENNING, who may soon be no more.—Don't be offended at it."

To another friend she presented a Copy of Dr. *Watts's* *Lyrical Poems*.

A reprieve was very confidently expected for her, and the prisoners in the other cells were restless in anticipation of its arrival. In the mean time *she slept sound until four o'clock* in the morning, when she arose and washed herself; and, in particular, she washed her feet very carefully. She gave each of the women, who attended her, a lock of her hair, "to keep," she said, "in remembrance of her." It had been the wish of some of her friends that she should be attended on the scaffold by the Rev. Mr. *Sutcliffe*, but by some accident that gentleman did not arrive, and the Rev. Mr. *Vazie*, in the same connexion, by desire of the Sheriffs, was introduced to her, early on the fatal morning. At six o'clock Mr. ——— found Mr. *Vazie* with her. She was seated on the bench, against the partition of her cell, with her elbow on the table, and her head reclining on her hand, exceedingly dejected, and unable to speak; and she appeared insensible of Mr. ———'s approach. Mr. *Vazie* withdrew, and Mr. ——— prayed for her, and read applicable passages to her from the book of Job, until near *seven o'clock*. Whilst in prayer the Ordinary entered; and, on its conclusion, he by kind language endeavoured to get her to speak, but she was faint and exhausted. About *seven*, she said, "she was *bewildered*, and that it all appeared *like a dream* to her."

She was now left to be dressed in the clothes she was to suffer in. On being re-visited, in about half an hour, her dejection had diminished, and she seemed resigned. Mr. ——— prayed fervently, and she clasped her hands, and looked upwards: not having done so before, he exhorted her to pray. "I cannot *speak*, sir," said she, "but I pray from my *heart*." Her countenance became tranquil and serene, and she observed, "I wish to leave the world—it is all vanity and vexation of spirit. But it is a cruel thing to die *innocently*: yet I freely *forgive* every one, and die in charity with all the world, but *cannot forget my injured innocence*."

The clock struck *eight*. Mr. ——— suggested prayer

for the last time. She anxiously asked, "We have not *time*, sir, have we?" Before she knelt, she deliberately removed her gown that it might not be soiled. During prayer, the officer tapped at the door: she approached him smiling, and inquired if he was ready. As she departed, she lifted up the sash of the window, and looking through upon the prisoners, who remained locked in their cells, but who had mounted up to their different windows to see her go out to die, she kissed her hand to them, and said cheerfully, "Good bye! good bye! to all of you." She leaned on Mr. ——'s arm, and *for a moment* he perceived that the weakness of human nature prevailed—she staggered, but recovered instantly, and passed on to where the criminals are *bound*.

Whatever resolution the wretched convict may have previously manifested, yet when the arms and hands are fastened, and the fatal cord is placed round the body, firmness usually leaves the most firm.

Elizabeth Fenning walked to the spot steadily. The officers of the Sheriff and the prison, and several spectators, were awaiting her appearance. *Oldfield*, who was to suffer with her, was already there. He had, two months before, written her a letter of solemn exhortation and fervent piety. When she saw him, she exclaimed, "Oh, *Oldfield*! you are going to heaven." The hangman approached her: he bound her arms, by the elbows, to her body, and tied her hands together in front—she stood erect and unmoved: he then wound her halter round her waist. At this ceremony her fortitude was astonishing, even to those who had been accustomed to witness these appalling preparations of the living for premature death. No tear started from her eye; her lip did not quiver for an instant; not a feature changed; not a muscle of her countenance moved.

Mr. —— *then*, in the hearing of all present, addressed her in these words:—"Elizabeth! I most solemnly adjure you, *in the name of that God*, before whose presence you

are about to appear, if you know any thing of the crime for which you are about to suffer, make it known." She replied in these words, distinctly and clearly, "*Before God, then, I die INNOCENT !*"

The cavalcade then, preceded by the Sheriffs and their officers, with Lord Yarmouth and the other spectators, moved slowly through the dark passage, the walls reverberating the Ordinary's distinct enunciation of the words, "*I am the resurrection and the life, saith the Lord,*" and other portions of the burial service appointed to be said. When he pronounced, "*I know that my Redeemer liveth,*"—Oldfield exclaimed, "*So do I.*" Mr. ——— inquired if she too believed it: she replied, "*Yes, and I feel happy.*"

She walked with a steady and firm step to the awful platform, at the door of which Mr. ——— stopped her, and again addressed her in the same words that he used when she was bound; observing, it was *the last moment* they should be together: she replied—

"I am going to *die*; and, as a *dying* person, I declare to that God before whom I shall appear very shortly, I DIE INNOCENT; and, mark my words, sir, God will convince you," addressing herself to Mr. ——— and those around her, "by a circumstance this day."

"What circumstance?" said Mr. ———.

"By a circumstance to-day, sir," she answered, "God will convince you I die innocent."

"How do you *know*," Mr. ——— again said to her, "that God will convince us to-day by a circumstance?"

"I *hope* God will do it, sir," she replied.

"Yes," replied Mr. Cotton, "you *hope*, but you said God *would* make it known."

"Well, then, [sir," said she to him, "I *hope* he may, I *wish* he may."

This latter sentence was uttered under the evident confusion of being questioned so closely by Mr. Cotton and Mr. ———. The whole of this conversation occupied

not more than TWO MINUTES. Mr. ——— then bade her an eternal farewell.

She ascended the scaffold with firmness and even energy, and was the first of the three unfortunate convicts that appeared.*

She seemed in earnest and solemn devotion as she passed on to the further end of the scaffold. Her step was rather quick, but not hurried—it was the pace of a person walking in abstracted thought, amidst a crowd.—She stood still—with her face towards Ludgate-hill; the *Ordinary* stood opposite to her, with a book—the hangman standing behind her, took a white cotton night-cap from his pocket, and attempted to draw it over her face, but it was too small, as were two others, which he also tried. He then tied a white muslin handkerchief over her face: but not considering this to be sufficient covering, he produced a pocket handkerchief which had evidently been used. She disliked this, and desired it might not be put on. She cried, “Pray do not put it on—pray do not—pray do not let them put it on.” The Rev. Mr. *Vazie*, who was with her on the scaffold, suggested to Mr. Cotton, that “the man had better not put on that dirty pocket handkerchief, as the poor creature’s sense of cleanliness was offended by it.”—“Pray,” said she, “Mr. Cotton, do not let him put it on—pray let him take it off—pray do, Mr. Cotton.” Mr. Cotton replied, “My dear, it must be on—he must put it on.” She was very dissatisfied with it, and felt much uneasiness; but it was, nevertheless, tied across her eyes by the hangman. He then placed the cord round her neck, and ascending a pair of steps, threw the other end of it over the beam, and made it fast with several knots. During this time, Mr. *Vazie* stood by her on the scaffold, and when the duty of the *Ordinary* re-

* She was neatly dressed in a white muslin worked gown, and a worked muslin cap, bound with white satin riband: she wore a white riband round her waist, and pale lilac boots laced in front. Her appearance was very interesting.

quired his attention to the other convicts, this gentleman supplied his place.

The scene was now particularly affecting—*Oldfield*, who had obtained permission, in the Press-yard, to die next to Elizabeth Fenning, ascended the scaffold with a cheerful countenance. He walked up to her immediately, and smiling, conjured her to maintain her firmness, and not to let the last moment of life escape without revealing whatever she might have upon her mind. She expressed the composed state of her thoughts, and repeated her innocence with extraordinary fortitude of manner.—Mr. *Vazie* took occasion most earnestly to entreat her confession. She solemnly, and with wonderful energy, protested her innocence.

The unhappy girl herself being of short stature, Mr. *Vazie*, who was tall, and stood fronting her, rather towards her right hand, stooped to converse with her. She spoke through the linen coverings that concealed her countenance—their conversation was earnest—when she spoke, his left ear was directed to her face. He addressed her repeatedly, and earnestly enforced what he said, by rapid movements of his right arm and hand, in which he held his hat. When he listened to her for the last time, the multitude erroneously supposed her to have confessed the crime for which she was to die.—Mr. *Vazie* had made a last vain effort to obtain an acknowledgment of her having committed the crime for which she suffered; and he then exhorted her to confess what other sins she had committed, enforcing upon her the certainty that sins which were apparently slight to man, were heinous in the sight of the Almighty. She answered him, that “for what she was about to suffer—she had not committed;—she was wholly *innocent*; and that her other sins she had confessed to God. He knew them, and she hoped for his forgiveness and pardon.” The *Ordinary*, when disengaged from the two poor creatures who were to die with her, earnestly entreated her for the last time. Her fellow-sufferer, *Oldfield*, seemed

to merge a portion of his own misery in sympathizing with hers. Although tied up, he inclined his head to listen to her last accents. She expressed her firm assurance of happiness hereafter—denied that she was guilty—and resolutely persisted in her *innocence*. The platform fell: she raised her arms, and dropped them immediately.—Her *last words* were, “I AM INNOCENT!” She died without a struggle*.

“Thus perished,” says Mr. ———, “by the hands of the executioner, a female twenty-one years of age, in the prime of her youth, who seemed qualified by nature to fill a superior station in life. Her *mind* was the most extraordinary I ever knew, possessing great shrewdness, and a quickness of perception which many persons denominate archness. Her temper was warm; her feelings susceptibly alive to every thing around her. The God of mercy, I trust, has received her into the blessed mansions of eternal rest. I have *every reason to believe* that she died in the faith of Christ Jesus, and is now a bright angel in heaven.—”

The miserable Parents had obtained the consolation, that, as soon as their daughter was deprived of life, she should be delivered to them. They accordingly attended for her after her execution; but they were not prepared to meet a demand of Fourteen Shillings and Sixpence for her dead body. “*After my child was cut down,*” said the bereaved father, “*and she was put into the dead house, I was obliged to pay FOURTEEN SHILLINGS and SIXPENCE before I was permitted to take her away. I had no money: I went and borrowed the money and*

* She earnestly requested, and obtained a promise on the scaffold, from Mr. Cotton, that he would tell her when she was going to be turned off. Her anxiety in desiring it, induced him to assure her to that effect. This was not done. Mr. Vazie, who heard what took place, was much surprised, therefore, at the platform falling without the intimation from Mr. Cotton, and reminded him of his promise to the poor girl, which Mr. C. excused his not having kept, by saying, “it was what was never done—it saved a great deal of pain to the convict.”

paid it, and had the body delivered to me. Here is the BILL."*

[COPY.]

" For Elizabeth Fenning.

" 1815.

*" July 26th. Executioner's Fees, &c. Striping, }
use of Shell..... } £0 14 6*

" Settled. C. GALE, Junior."

This Bill having been paid, and the Parents thus become entitled to their dead child, the body was taken, between ten and eleven o'clock the same evening, to their lodgings, at No. 14, Eagle Street, Red Lion Square, and placed in the back room up one pair stairs.

On the following day, a number of people assembled round the door, and the body was seen by many respectable persons, who requested permission. The Parents, in a very humble walk in life, conceived their Daughter innocent, and therefore had no motives for that close concealment which a higher station in society, or a belief in her guilt, would have suggested as proper. The humanity of some persons who saw the corpse, induced them to leave something behind them to be given to the Parents. The officious activity of the Police Officers before the house by no means contributed to decrease the number of gazers out-

* The poor girl's mother obtained, with much less difficulty, the only legacy her daughter left—her *Bible*. She bequeathed it to her mother, with a solemn injunction that she would never part with it. "*I shall want it myself,*" said she, "*till all is over.*" Within the cover is written, *Eliza Fenning, 1814*; and on the title page, in the corner, is inscribed, "*BIBLE ASSOCIATION, St. John's Chapel, West Street, Walworth—Rev. JOHN FOWLER.*" It had evidently been much perused; the leaves were turned down in several places. She had earnestly entreated her to read often the 28th, 29th, and 30th verses of the 11th Chapter of Matthew, which she pointed out and marked with a pencil; and, more forcibly to direct her mother's attention to those passages, she pinned upon the leaf a Religious Tract, No. 128, entitled "*The Sinner directed.*" From the 12th to the 18th Chapters of John were much turned down, and otherwise noted.

side. If the officers always conducted themselves as they did on one occasion*, their conduct tended to a continued breach of the peace. At the time alluded to, a gentleman, who had been with Mr. Becket the day before the execution, went to the house with four or five friends, one of them of the medical profession. On knocking at the door, the officers rushed upon the steps, and insolently ordered them not to knock, one of them saying, "You must *not* knock at that door."—"Why?"—"You must not knock there; you cannot go in." The door not being opened, one of the company said, "Knock again!" The officers repeated *their* order, and said, "The *magistrates* have ordered that *nobody shall go into the house.*" It was replied, "The magistrates have no *right* to give such an order: it is an *illegal* order." The officers then threatened them with an indictment if they gave any money, and used much insulting language. This conduct of the *peace* officers did not produce the effect which such behaviour might have excited in persons less guarded. The door was opened, and the corpse was seen. On the father being inquired for, he came, and, with the tears streaming down his cheeks, answered the inquiries put to him. His manners and language were manly and respectful. On the party leaving the room, one gentleman gave a shilling, unsolicited, to the person who was showing them out. As soon as the street door was opened, three officers rushed into the house, and ranged themselves in the passage whilst the party quitted the house. From what was then observed of the Police Officers, no other opinion could be formed, than that their behaviour was unwarranted, and eminently calculated to irritate the feelings, provoke resistance, and occasion riot.

On *Monday*, the 31st, the *funeral* took place. The corpse was carried to the grave, followed by the father and mother, and six other mourners, the pall being sup-

* The Editor was one of the party. He saw the corpse, and then, for the first time, saw the distressed father.

ported by six young females in white. Several thousand spectators accompanied it to the burial ground of St. George the Martyr, near Brunswick Square, where it was interred with the usual rites of the Church of England, the service being performed by the Minister of the parish, the Rev. Mr. Force. Notwithstanding the anxious curiosity of the multitude to witness the burial, the officers succeeded in excluding them from the ground, and the corpse was deposited in the earth in the presence of not more than a hundred people, many of whom had for some hours waited within the gates for its arrival. The coffin bore this inscription: "*Elizabeth Fenning, died July 26th, 1815, aged 22 years.*" On the return of the funeral procession, the immense crowd peaceably dispersed*.

MISCELLANEOUS PARTICULARS RELATIVE TO ELIZABETH FENNING'S CASE.

THE execution of the poor girl disclosed the fact, that the representations of the day before, at the Secretary of State's office, to Mr. Becket, and at the Recorder's in the evening, were deemed nugatory. The gentlemen who had thus interested themselves for a short respite, could only wonder at the fatal event, and conjecture at random what could have been the circumstances that warranted the execution. They were aware that there were other representations before the Secretary of State beside theirs; and, though not acquainted with their entire purport, they had much reason to suppose it to be of a nature pregnant with circumstances favourable to the girl's case: but whether warranted in that supposition or not, as they had produced *evidence* to the truth of their own aver-

* The public sympathized so generally in the fate of the deceased, that an eminent surgeon, whose anatomical theatre is largely supplied with subjects for his pupils' dissection, in order to avoid an outrage upon popular feeling, gave especial orders to the persons who usually supply him with bodies, that the corpse of Elizabeth Fenning, however desirable to possess, should on no account be brought to him.

ments, they considered them as *facts*, no longer admitting of doubt or controversy, and which, if ever standing alone, were sufficient to have *justified* a suspension of the sentence.

One of these gentlemen, a respectable merchant, on the very morning of the execution, addressed a Letter to the Editor of the *Times*, which, both as to matter and manner, seemed eminently qualified for the eye of the public. The Editor of that journal appears to have thought otherwise, for it was not inserted. It being of as much importance now as then, it follows.

“ SIR,

July 26, 1815.

“ I am well aware that the discussion of subjects of great notoriety and public interest is actually to be deprecated, as tending to inflame the public mind, from the too general disposition to distort the facts or statements which they include : but occasions do arise, where, to lay before the public questions of this nature, is not only justifiable, but becomes an act of duty on the part of those to whom the circumstances may be known. Of such a class I consider the case of the unfortunate young woman, *Elizabeth Fenning*, who was executed this morning at Newgate. Before, however, I put the questions, which constitute the object of my addressing you, I wish to state, in the most positive and serious manner, that I have no intention of reflecting, in the slightest degree, on the conduct or character of any of those respectable authorities with whom the jurisdiction, or subsequent consideration, of the case has rested ; nor of casting an imputation of guilt on any of the persons concerned in the prosecution :—my sole object is to arrive at the solution of a great question, in reference to our criminal code, which a consideration of the facts must necessarily lead the mind to dwell upon ; and this, I have no doubt, some one of your intelligent correspondents will favour me with, through the medium of your paper. The main question then is this :—

“ If a person be convicted of a capital offence on *circumstantial* evidence of a strong and clear nature ; and if, *in the interval between the conviction and the execution* of the sentence of the law, there should be tendered, on oath, to the proper authorities, *evidence* of the most positive and respectable kind, *which, had it been offered at the trial*, might have had the effect of counter-vailing the circumstances on which the conviction was founded,—What, in such a case, ought to be the course of proceeding of those authorities ?

“ The facts out of which this question is framed, are simply these :—Evidence of the most respectable, clear, and unequivocal kind, was yesterday submitted to high authorities, that *one of the prosecutors, in this case*, has been more than once in a state of *mental derangement*, and has used the most incoherent and violent language. It would be a useless exercise of delicacy, under these circumstances, to disguise, that, on one occasion, he distinctly and positively asserted, that ‘ he would destroy himself and his wife ; and entreated that all means of destruction might be removed from him, to prevent such a consequence.’

“ Here is one plain *fact*. Couple it with the *other* admitted facts, partly produced on the Trial, and partly from the incontrovertible evidence before alluded to, that the poison was purchased by one of the prosecutors himself, before the period of mental derangement above mentioned ; and was, at that period, deposited in a drawer or desk, accessible to every individual in the house : that this poison was missed from its place of deposit on or about the 7th of March, fourteen days before the unfortunate occurrence : that in this interval no inquiry seems to have been made where it was gone, or who had taken it : that Eliza Fenning partook of the dumplings which contained the poison, and was ill in consequence, as well as the rest of the family : and that, from the first period of her apprehension to the last moment of her existence, she

steadily, uniformly, and in the most solemn manner, asserted her entire innocence of the crime laid to her charge. I say, let all these facts be brought together, and opposed to the *evidence of circumstance*, which led to her conviction, and I would ask, *If that had been done on the Trial, would the JURY who tried her have given the VERDICT they have done?* Feeling as I do, had I been on that Jury, with such *counter-circumstantial* matter before me, I think *my* consent would not have been obtained to a Verdict of Guilty.

“ Presuming, therefore, on the correctness of this statement, I should wish to be informed, by what established usage or custom of our laws, or courts, or by what standard of justice, that evidence, which, *on the Trial*, might have produced so different a conclusion, should, at a subsequent period, previous to the communication of the consequences, *be deemed inadequate* to procure the extension of mercy to the convicted person?

“ A clear answer to this question will, perhaps, enable me to reconcile, in my mind, what, unexplained, must be viewed as an *anomaly* in our code of laws. Wishing to be satisfied on this head, I again disclaim all intention of reflecting in the least on the character or conduct of any individual concerned in the prosecution, officially or otherwise: at the same time, I feel myself called upon to disavow all knowledge of this woman or her family, never having seen any of them except herself, and that only for a short period *yesterday*.

“ I am, SIR,

“ Yours, &c.

“ S. B. J.”

The following Letter to the *Public Ledger*, written by another respectable gentleman in the city, experienced a rejection on the publicly announced *pretence*, that if it

were inserted the Editor would be subject to an Ex Officio Information.

" SIR,

29 July, 1815.

" Addressing you as the Editor of a Paper so liberally conducted as the Public Ledger, and whose pages, it may truly be said, have ever been "*Open to all parties**, it will be unnecessary to apologize for obtruding a few observations on a paragraph, which appeared in your number of yesterday, July 28th, on the subject of the unfortunate young woman, *Eliza Fenning*, who was executed on Wednesday. The paragraph in question asserts, " That at present we have the evidence of the Trial *against* her, and her own declaration only *for* her." That is not correct, though I have no doubt it was so considered by you when the paragraph was composed. The truth, however, is, that in addition to her own declaration, evidence of the most respectable, clear, and unequivocal kind, was on Tuesday night offered to the proper authorities upon oath, that one of the evidences in this case had latterly, more than once, been in a state of mental derangement; and that, doubtless under the influence of that unfortunate malady, he has decidedly declared his determination to destroy himself and his wife; most earnestly entreating that he might be put in a state of confinement; or that all means of destruction might be removed from him, so as to prevent the dreadful consequences which were to be apprehended. This you will readily, sir, admit is something more than her own declaration *for* her; and it can never sufficiently be regretted that most respectable evidence to the above effect, coupled with the offer of fuller evidence, equally respect-

* After the refusal to insert this letter—the ready insertion afterwards of the Turnkey of Newgate's extorted affidavit, defamatory of Elizabeth Fenning's *father*—the unwillingness to insert the father's affidavit in answer to it, and—the garbling of poor Fenning's affidavit when it was inserted—the Public Ledger may neither be thought "*open to all parties*," or "*uninfluenced*."

able, to similar circumstances, did not appear to the authorities, before alluded to, sufficient to warrant their granting the *short respite*, which the disinterested individuals who made the application felt confident could not have been refused. The grounds which operated in prevention of their request, are to them unknown: they conclude that they must have been of a strong nature, or that a *refusal to admit further evidence, when life was at stake*, could not have been denied them. Permit me further to remark, that the evidence tendered, as before mentioned, is coupled with the other admitted facts, as produced upon the Trial, viz. That the poison was purchased by the evidence before mentioned: that it was at that period in his possession, and deposited by him in a drawer, or desk, in the office, accessible to every individual in the house: that this poison was missed from its place of deposit on or about the 7th of March, 14 days before the unfortunate occurrence: that in this interval no inquiry seems to have been made as to where it was gone, or who had taken it: that Eliza Fenning partook of the dumplings which contained the poison, and was ill in consequence, equally with the rest of the family: and that, from the first period of her apprehension to the last moment of her existence, she steadily, uniformly, and in the most solemn manner, asserted her entire *innocence* of the crime laid to her charge. Permit me, I say, to remark, that, when *all these facts* are brought together, and *opposed to evidence of circumstance*, (for there was nothing else,) which led to her conviction, I trust it is not too much to say, that, placed in this point of view, it is by no means likely that a *jury* could have been found, who, with these circumstances before them, would have delivered a verdict of Guilty; more particularly if the other respectable evidence, which was tendered on Tuesday last, had also been produced. It was my intention to have introduced many more circumstances, equally important, but I am fearful I have already trespassed too

largely on the space which your columns can afford. Allow me, however, to add, that Eliza Fenning was entirely unknown to me, and that I never saw her in my life. The endeavours of myself and friends to obtain a short respite, arose entirely from the knowledge, which reached us by mere accident on Monday evening, that *evidence of the most respectable kind had been unaccountably withheld.*

“ I am confident, sir, that under similar circumstances you would have felt it your duty to endeavour that the whole of the Case should have been made known in the proper quarter; and I have principally to lament, that one day only intervened between the period when the facts came to my knowledge and that of execution; because I must ever feel that the cause of public justice (*even supposing the guilt of the prisoner*) would have been better promoted by a short delay in the execution of the sentence, than by its being immediately enforced. By delay, the doubts which the evidence about to be offered had certainly raised in the mind of myself and friends would either have been confirmed or removed; and whatever way the decision had turned, the public mind, which had been more than usually drawn to the consideration of the Case, would have rested satisfied with the result; and that calm acquiescence in the justice of the decisions of our Courts of Law, for which Britons have ever been distinguished, would never have been interrupted.

“ I remain, &c.”

It seemed expedient, as the *Prosecutors' cook*, Elizabeth Fenning, had been hanged upon the *evidence* of the *Turners*; of their *house-maid*, Sarah Peer; their *apprentice*, Roger Gadsden; their *acquaintance*, Mr. Marshall, the surgeon; and the *police officer*, William Thisselton; that the *Father* of Elizabeth Fenning should not be left to sorrow over the unburied body of his child, without

disturbance on the part of her prosecutors. Accordingly, two days after the execution, a *Turnkey of Newgate* was selected to make the following affidavit against the afflicted Parent.

[COPY.]

London } SAMUEL DAVIS, one of the principal *Turn-*
to wit. } keys of his Majesty's Gaol of Newgate, maketh
 Oath and saith, that at an interview which lately took
 place between the late convict Elizabeth Fenning, who
 was executed on Wednesday last, and her father, (*at*
which interview this deponent and the Rev. Mr. Cotton,
 Chaplain of the said prison, were both present,) and *on*
several other interviews between them prior to her exe-
 cution, her said father urgently entreated her, in the fol-
 lowing words, or words to the like effect; (that is to
 say,) "Oh! my dear child, when you come out on the
 "gallows, tell every body that you are innocent, and then I
 "can walk the streets upright, as a man; but if you say
 "you are guilty, I shall never be able to hold up my head
 "among the public any more."

(Signed)

SAMUEL DAVIS.

Sworn at the Mansion House,
in the City of London, the }
28th day of July, 1815.

(Signed)

SAMUEL BIRCH, Mayor.

The *Prosecutors* having *procured* this affidavit to be *made*, now *procured* it to be *inserted* in different daily papers. It was carried to the newspaper offices, with *introductory observations*, which not even persuasions or payment could obtain admission for in the shape wherein they were originally tendered. Some of the papers rejected the observations entirely, others omitted the grosser part of this attempt at public delusion, and modified the *preamble* at pleasure. But the newspapers were not the only vehicle for the extension of the ill-timed attack upon

poor Fenning. The *Turnkey's* affidavit was printed in the shape of a *hand-bill*, thrown into houses, dropped upon shop counters, exhibited in windows, and circulated as widely as the prosecutors thought proper to circulate it.

Though these measures were resorted to, no step was taken by the father whilst his child lay above ground. He took no advantage of the mode and *moment* selected for *attacking him* to repel that attack. He did not do what he might have done : what, from the conduct of the prosecutors, it might have been supposed he would do : what it was natural to expect that the sight of his executed daughter would have prompted him to do :—he *abstained* from making a public appeal. Though goaded by this unmanly and cruel attack, he chose to forbear the publication of any statement that might have visited the sins of the *Turnkey's* affidavit tenfold upon his daughter's prosecutors. He *buried her body* before he uttered a syllable to the world to repel the odium he had sustained.

On the 1st of August, the day *after the Funeral*, William Fenning applied to Mr. *Kinnaird*, a Middlesex magistrate, to swear him to an affidavit, in answer to the *Turnkey's* : Mr. Kinnaird refused to administer the oath, on the ground that persons daily assembled before Mr. Turner's house. In the evening he applied at Hatton Garden Office, attended by a friend or two, for the same purpose. The affidavit was handed to one of the police officers, in the outer office, who said, " You'll not get this sworn here, I can tell you ; the magistrate will not swear any affidavit of *yours*." This officer loitered to read it, and then went into the justice-room with Fenning and his friends, and gave the affidavit to the magistrates' clerk. As soon as Fenning saw the *Clerk*, he exclaimed, " No ! I shall *not* get it sworn here, I *see* ; there'll be no justice here for *me*." His friend asked him " Why he said so !"—" Why, sir, that gentleman," he replied, " who is the *Clerk*, is a particular friend of Mr. Turner's,

and is *against* my daughter.”—“What is his name?”
 “Mr. *Shearman*: he lives in Hart Street, Bloomsbury, and visits at Mr. Turner’s: he took down what they said against my daughter when she was examined here.”—
 “Are you sure of that?”—“I am, sir, and he’ll take care I shall not have my affidavit sworn here.”—“Well! we shall see.”—“We shall, sir,” said Fenning, “and you will see what I tell you to be true, for its not likely that the gentleman that was against my daughter *all along* will be for her now.”—It appeared, upon explanation, that Mr. *Shearman*, the CLERK TO THE MAGISTRATES, WHO TOOK THE DEPOSITIONS *on the Examinations of Elizabeth Fenning*, BECAME MR. TURNER’S ATTORNEY, and PROSECUTED her to CONVICTION. As *Fenning* had anticipated, Mr. *Shearman* addressed the magistrate across the table, to induce him to refuse swearing Fenning to the affidavit against that which HIS CLIENT had procured to be made by the Turnkey. It was *in vain* that Fenning remonstrated, the magistrate would not swear him, and Mr. *Shearman* returned him the affidavit. The poor fellow, upon going away, whispered Mr. *Shearman*, loud enough to be overheard by some of the bystanders, “I think, sir, you are a particular friend of Mr. *Turner’s*; you visit him?” Mr. *Shearman* heard the remark—and was silent.

On the next day, the 2d of August, Fenning was sworn to his affidavit before the Right Hon. the Lord Mayor, at the Mansion-House. It is as follows:

[COPY.]

Middlesex, } WILLIAM FENNING, of No. 14, Eagle
 to wit. } Street, Red-Lion-Square, maketh Oath and
 saith, That he hath read a certain printed paper, which
 he hath been informed and believes has been most extensively distributed, and placed in shop windows, and other

conspicuous places, by, through, and under the direction of Mr. Turner's family, and certain persons connected with the police or magistracy of the said County of Middlesex; which said printed paper is, or purports to be, an affidavit, or copy of an affidavit, sworn before the Lord Mayor at the Mansion-House, on the 28th day of July, 1815, by SAMUEL DAVIS, one of the principal Turnkeys of his Majesty's gaol of Newgate, wherein the said Samuel Davis deposes, or swears in the following words; (that is to say,) That at an interview which lately took place between the late convict, Elizabeth Fenning, who was executed on Wednesday last, and her father, (at which interview this deponent, and the Rev. Mr. Cotton, chaplain of the said prison, were both present,) and on several other interviews between them, prior to her execution, her said father urgently entreated her, in the following words, or words to the like effect: (that is to say,) " Oh my dear child, when you come out on the gallows, tell every body that you are innocent; and then I can walk the streets upright as a man: but if you say you are guilty, I shall never be able to hold up my head among the public any more." And this deponent further saith, That he, this deponent, did not, at any interview which lately took place between this deponent and his daughter Elizabeth Fenning; nor did he, this deponent, at any other interview or interviews between them, prior to her execution, urgently or otherwise entreat, or admonish her in the following words, or words to the like effect; (that is to say), " Oh my dear child, when you come out on the gallows, tell every body that you are innocent, and then I can walk the streets upright as a man; but if you say you are guilty, I shall never be able to hold up my head among the public any more:" but that this deponent did repeatedly, and most earnestly entreat his said daughter, in words to the following or the like effect; (that is to say,) " Oh my dear child, when you come out on the gallows,

“ if you *are not guilty*, tell every body that you are innocent.” And this deponent further saith, That he hath upon various occasions earnestly entreated, and solemnly conjured his said daughter to declare all, if any thing, that she knew respecting the poisoning of the family of the said Mr. Turner : and notwithstanding many, and repeated injunctions on his this deponent’s part, that she should make a full and open confession (if guilty) of the crime alleged against her, she, on all such occasions up to, and including the last interview he had with his said daughter previous to her execution, did totally deny all knowledge or participation of or in the said crime, and solemnly affirmed her innocence, upon all and every such occasion or occasions, as strongly as this deponent is informed and believes she did to the Rev. Mr. Cotton, the Ordinary of Newgate, a few minutes previous to her ascending the scaffold, when she emphatically declared in words to the following or the like effect ; that is to say, “ Before the just and Almighty God, and by the faith of the Holy Sacrament I have taken, I am innocent of the offence with which I am charged.”

(Signed) WILLIAM FENNING.

*Sworn at the Mansion-House
of the City of London, this
Second Day of August,
1815.* } SAMUEL BIRCH, Mayor.

After the above affidavit had been sworn, it was suggested, that, on account of its length, some of the *newspapers* might decline inserting it ; another affidavit was then prepared, shortening the first part of the former, in the following manner :

Middlesex, } WILLIAM FENNING, of No. 14, Eagle
to wit. } Street, Red-Lion-Square, Father of ELIZABETH FENNING, executed on Wednesday last, on a

charge of poisoning the family of Mr. TURNER, maketh Oath and saith, That he hath seen a printed paper, purporting to be an Affidavit of SAMUEL DAVIS, a Turnkey of Newgate, which has appeared in almost all the newspapers: and this deponent saith, that the facts therein stated are wholly false and untrue: and that, on the contrary, this deponent, at every interview with his said daughter, when her guilt or innocence was the subject of conversation, did most earnestly entreat, and solemnly conjure his said daughter to declare all, if any thing, that she knew respecting the poisoning of the family of the said Mr. Turner; and, notwithstanding many and repeated injunctions on his, this deponent's part, that she should make a full and open confession, if guilty, of the crime alleged against her, she, on all such occasions, up to and including the last interview he had with his said daughter, previous to her execution, did totally deny all knowledge or participation of or in the said crime; and solemnly affirmed her innocence upon all and every such occasion or occasions, as strongly, as this deponent is informed and believes, she did to the Rev. Mr. Cotton, the Ordinary of Newgate, a few minutes previous to her ascending the scaffold, when she emphatically declared, in words to the following or the like effect; that is to say: — “ Before the just and Almighty “ God, and by the faith of the Holy Sacrament I have “ taken, I am innocent of the offence with which I am “ charged.”

W. FENNING.

*Sworn at the Mansion-House
of the City of London, this
Second Day of August,
1815.*

SAMUEL BIRCH, Mayor.

That Mr. Turner was himself the *procurer* of the *Turnkey's* affidavit is publicly evidenced by a Letter that appeared in the public papers, in consequence of an address to the Rev. Mr. Cotton, the *Ordinary*, strongly animadverting upon the affidavit, and calling upon that gentleman for an avowal respecting it. The Letter, which delivers up Mr. Turner as the instigator of the affidavit, bears the affidavit maker's signature, and is as follows:

[COPY.]

" SIR,

" The writer of the Letter to the Rev. Mr. Cotton, in your paper of yesterday, has treated me very cruelly and unjustly, by charging me with making an illegal affidavit to wound the feelings of a poor man; when, on the contrary, *it was at the particular desire of MR. TURNER* that I made that affidavit, *which is nothing but the truth*, for the purpose of saving Mr. Turner's house!

" I do *not* pretend to say that Mr. Fenning did not believe his daughter to be innocent; nor did I make the affidavit to wound his feelings; but *to protect MR. TURNER*. And I respectfully assure you that, although Turnkey of Newgate, I have as much feeling for the distress of my fellow-creatures as the writer of that letter.

" I am your humble servant,

(Signed)

" SAMUEL DAVIS."

" August 3, 1815."

It was now discovered that different gentlemen, who had, unknown to each other, interested themselves in behalf of Elizabeth Fenning, had so satisfactorily relied upon the exertions which they understood each other were making, that they had no doubt her life would have been spared. Some of these gentlemen, though their opinions

on her case remain unchanged, yet as *she* can no longer be benefited by their exertions, have relaxed in their inquiries, and declined further investigation: whilst others, who knew nothing of her Case until a day or two before, or even after the execution, have unceasingly persevered in ascertaining the foundation of every report, statement, circumstance, and fact, which they have in any way whatever been made acquainted with, connected with the Case.

In pursuance of this Investigation, it was deemed necessary to obtain Copies of the Depositions taken by the magistrates, and sworn to by the witnesses who were afterwards examined upon the trial. For this purpose, on *Saturday*, the 12th of August, two gentlemen applied at the Public Office, Hatton Garden, for Copies of such Depositions. *William Marmaduke Sellon*, Esq. the sitting magistrate, and *Mr. Ford*, said, *they* did not see that there could be any objection to furnish copies, but it would be more regular that the application should be made to *Mr. Raynsford*, the magistrate who had taken the Depositions, and upon whose *Warrant* Elizabeth Fenning was committed. It was therefore arranged, that as *Mr. Raynsford* would sit at the office on Monday, the application should be made to him.

On *Monday*, the 14th of August, the application was renewed to *Mr. Raynsford*, then sitting with other magistrates at the Public Office, Hatton Garden:—

Mr. Raynsford said, that “he could see no possible good that could arise from any thing now. It would only be agitating the public mind.” He remarked, in continuation, that “it was IMPOSSIBLE that the matter could be gone into MORE AT LARGE than it was AT THE OLD BAILEY, when it was SIFTED by a Jury of twelve men sworn.”—He said, “there were some doubts upon his mind when the girl was COMMITTED, but that they were quite removed by SUBSEQUENT INQUIRIES.”

It was stated to him, that "many doubts were still entertained in the public mind, *upon the published Report of the Trial*,* and that it was wished to ascertain THE TRUTH, in order to set the public mind at rest."

Mr. *Raynsford* said the affair had been thoroughly canvassed by Lord *Ellenborough* and the Lord *Chancellor*; and that Lord *Ellenborough* had been with the *Prince Regent* upon it, for upwards of an hour. He stated that the Depositions were with the *Clerk of the Arraignment*, signed by himself, and he DECLINED GIVING A COPY.

Another *Magistrate* said, that *he* did not think the Clerk of the Arraignment would grant it, without an order from the Court.

Mr. *Shelton*, the Clerk of the Arraignment, was then applied to, at his office in the Old Bailey, for copies of the Depositions, refused by the Magistrates, which he likewise declined giving, without an authority from the *Attorney General*. A letter was accordingly drawn up, stating that rumours being afloat in the Case of *Elizabeth Fenning*, calculated to excite a variance of opinion on the subject of her guilt or innocence, those, whose names were signed thereto, in conjunction with several respectable *Bankers, Merchants, and others*, had instituted an inquiry into the circumstances of the Case: that it was reported that the EXAMINATIONS *before the Magistrates*, at Hatton Garden, were, on some points, MORE FULL AND DETAILED, *than the EVIDENCE on the TRIAL*: that with a view to discover the truth or falsehood of this representation, application was made at Hatton Garden Office, and to Mr. *Shelton*, for Copies, which had been refused; and that the object being purely to elicit the *truth*, it was hoped Sir William Garrow would authorize the delivery of Copies of the Examinations.

* The mutilated Sessions' Paper Report.

However, it was discovered that Sir William Garrow was not in town, and the letter was not delivered by the gentlemen to whom it was committed, for the purpose of putting it into his hands.

It appearing wholly improbable, therefore, that Copies of the *Depositions* could be obtained, it was desirable to procure the Papers that had been laid before the *Secretary of State*. Amongst these was an elaborate series of *Observations on the Trial and the Case*, that had been sent into the Secretary of State's Office, about six weeks prior to the execution. They were drawn up by a *Solicitor* *, whose long experience in the profession, and above all, the qualities of whose mind appear to have eminently fitted him for such a task. His love of justice prompted him to gratuitous and zealous interference in the girl's behalf, and during the considerable space of time that elapsed, from the period of sending in the Paper alluded to, he waited with great anxiety some official intimation upon the subject. His inquiries at the *Treasury* were as unavailing as his expectations. The *Report*, including *Elizabeth Fenning's* name amongst those who were to suffer, came down, and still he received no communication. Whatever consultations were held upon her Case, at the Secretary of State's, they were unknown to *him* and to *her* friends. At length, about five o'clock in the afternoon before her Execution, a letter was brought to his house, by a messenger from Mr. Becket, acquainting him that there was to be a meeting at the *Recorder's* that evening at eight o'clock, at which he might be present. At this time he was absent; for it had previously been well enough understood, that Elizabeth Fenning would neither be pardoned nor respited; and he did not expect, after six weeks of anxious suspense, to receive the compliment of a three hours' notice, that he might personally attend and

* Not the Author of the *Observations on the Trial*, at p. 61:

second his representations for mercy, and produce his proofs, at a meeting to take place *twelve hours* before the time settled for the *Execution*.

This gentleman was applied to for a sight of his statement. It appeared that he had originally written upon loose scraps of paper; and, as the *Recorder* was at that time expected to make his Report to the Prince Regent, and expedition was requisite, the Observations sent in, were compiled and enlarged from these memorandums, without a *copy* being retained. This paper was applied for at the Secretary of State's Office, and its return was *positively refused*.

It is in vain to conjecture why either the above-mentioned Paper, or the Account of the *Experiments** made on *arsenick*, yeast dough, and *knives*, were withheld from the persons who sent them. If the unfortunate girl had been *pardoned* or *respited*, they might have been supposed illustrative of the grounds for the exercise of the royal *clemency*; but her *execution* having taken place, *unless the Papers furnished circumstances to warrant the denial of mercy to her*, it is presumed that their return to the parties who submitted them to consideration, might have been reasonably expected.†

Every Paper that had been at all used, in defence or exculpation of *Elizabeth Fenning* when living, it became necessary to inspect, in the course of investigating her Case after her execution; and it being understood that her *Character* obtained from Mr. *Turner*, in his *hand-writing*, had been several weeks before put into the hands of Mr. *Bonner*, the *Paymaster of the 15th Regiment of Foot*, for the purpose of being transmitted to the Secretary of State, this gentleman was waited upon about a week after the execution. *He said he had BURNED IT—*

* See page 69.

† Amongst the Papers not enumerated, and which were also retained, was a MS. Copy of the Complete Report of the Trial, which had been obtained with difficulty at considerable expense.

that he considered it as of no importance, as the girl was hanged, and his advice was, that the father should rest quiet—that he was very silly in making any stir now his daughter was *dead*—that he had himself done every thing in his power with the Secretary of State, in the girl's behalf, on the father's account, whom he knew from having been in the regiment to which he was *Paymaster*—that it was an unfortunate thing for the father, who was doing very wrong in agitating the matter now it was past remedy. Mr. Bonner inquired, “What good all these inquiries would do? to what did they tend? what purpose did they answer? the girl was executed; *she* could not be brought to life again. He said the Character could be of no importance *now*—it was on his mantle-piece amongst some other papers—he *conceived it of no use, and he burned it.*” Mr. Bonner very seriously and warmly deprecated every sort of inquiry, as utterly *useless*—as agitating the public mind to no end—and contended that his *burning* the Character of *Elizabeth Fenning*, in her *Prosecutor's* handwriting, was of no consequence whatever. The day before the interview with Mr. Bonner, as before mentioned, the poor girl's mother had applied to him for it, and he told her he had *burned it the day before she called.* The wretched woman's grief was excessive; she relied upon the possession of Mr. *Turner's Character* of her daughter, as a great consolation to her for the loss of her child, by being in his family.

Mr. *Ogilvy*, the surgeon who was *first* called in to the assistance of the family, and who saw them, and administered to them near five hours before they were seen by Mr. Marshall, was waited on for an explanation of the *extraordinary* circumstance of his not having been examined on the Trial. He said he was not *subpœnaed*, but was requested by the Turners to go to the Trial, and that he attended on Monday, but not on Tuesday, the day of the Trial. He did not know, he observed, why he was not called; but a friend of his, *one of the Judges*, who,

though not presiding at the Trial, was in Court, taking Notes of the Trial, left them at his, Mr. Ogilvy's house, for his inspection. This gentleman was not very explanatory. He had, a short time before this visit, in conjunction with Mr. *Marshall*, adopted a certain remarkable paper writing, or Declaration, their joint names being affixed to it, which was published through the *advocate* and *organ* of Mr. Turner's family, the "OBSERVER" Sunday Newspaper.

From the moment that the dumplings were discovered to disagree with the family, the *fate* of *Elizabeth Fenning* appears to have been fixed. Every subsequent event seemed to indicate an unfavourable termination; and yet in no case, perhaps, upon which conviction was obtained, were the *circumstances* that were urged against her in Court, when separately considered, more innocent of themselves, or of more natural occurrence in the usual course of family affairs.

The first step taken against *Elizabeth Fenning* was by Mr. Orlibar Turner going, on *Thursday* the 23d, two days after the poisoning, to the Public Office, Hatton Garden, in company with Mr. Marshall. From the representations then made to Mr. *Raynsford*, the Magistrate, *William Thisselton*, an Officer, took her into custody; but before he did so, and before the warrant was issued, the gaoler of the New Prison, at Clerkenwell, was inquired of whether he could, in that gaol, accommodate a prisoner who was sick?—He answered in the affirmative. He was then asked, if he had a covered chair, or sedan, for conveying such a prisoner from the office to the gaol? He said he had not; and it being settled that she should be sent to the prison in a coach, a warrant was afterwards issued to the officer to apprehend her. On this occasion neither Mr. Marshall, the surgeon, nor Mr. Turner, stated that she refused to take medicine.

Elizabeth Fenning's *parents* were, at this time, ignorant of the proceedings adopted against her—they did not even know the accident in the family. After she was taken into custody, and carried to Hatton Garden Office, they were, for the first time, apprised of the poisoning, and of the charge against their daughter. She was brought to the Office in a coach, labouring under great illness from the effects of the *arsenick*. Mr. *Orlibar Turner* did not appear at all indisposed, but stated, that from what Mrs. *Charlotte Turner* suffered from the vomiting, and its effects on her, in far-advanced pregnancy, she could not then appear; but that she would on the next or following day.

The prisoner then, after being charged on the oaths of Mr. *O. Turner*, and Mr. *Marshall*, the *surgeon*, with suspicion of having administered poison to the family, was sent to *Clerkenwell Prison*, as had been arranged in the morning.

On *Monday*, the 27th of *March*, she was brought from the prison, and the depositions of Mrs. *Charlotte Turner*, Mr. *Robert G. Turner*, Mr. *Orlibar Turner*, *Roger Gadsden*, and *Sarah Peer*, were taken. Mrs. *Charlotte Turner's* was the deposition of most interest. Access to the depositions being denied, it will not be attempted to state them here; but a few particular circumstances, recollected by a person present, appear deserving of narration.

Mrs. *Charlotte Turner* said, that one night hearing a noise above stairs, she went up, and found *Eli-a* in her own room undressed;* as if she had, on hearing her come up, run from the boys' room in that state—that she then reproached her with the *indelicacy*; and, in the morning, gave her notice to quit the family, and ever since that time she thought she appeared sullen, and not so cheerful as she did before.

Elizabeth Fenning, in answer to that, said, she found

* See the *Trial*, Q. 6. p. 7. Mrs. *C. Turner* there swears, that she saw the prisoner go into the young men's room partly undressed.

herself more satisfied in the family after that than she did before; she considered herself quite *settled*; but that she had told Mrs. Charlotte Turner she should go when *her mistress* came; for she considered *old Mrs. Turner* her *mistress*.

Mrs. Charlotte Turner said, that, upon reflection, and on consulting with her mother-in-law, when she came home, she had thought it would be a pity to turn the girl away *without a character*, as she might not be able to get a situation, and might turn out unfortunate; that she had told her that *she could not give her a character*.

Eliza Fenning admitted that, after this conversation with Mrs. C. Turner, she did, *as soon as she came down stairs*, say to Sarah Peer, "*She should not like young Mrs. Turner any more:*" she said so *because she knew that young Mrs. Turner had no just cause for turning her away without a character*; but that, on *old Mrs. Turner's* return home, and after the reconciliation, she thought no more of it—but found herself "*quite happy and comfortable,*" and always mentioned her perfect satisfaction with her place to all her friends, which she offered to prove by witnesses, whose depositions the magistrates declined to take.

Mrs. C. Turner said, that "*Elizabeth Fenning had desired Gadsden not to eat the dumplings, because they would make him sick.*" Elizabeth Fenning, turning round to Gadsden, denied that she had said they would make him sick, and asked him, If she had ever said so? She said, "*That's not what I said to you when you went to take some. Did I not say I had ate some myself, and they did not agree with me, and that they were cold and flat.*" Gadsden answered her, "*Yes:*" and that he swallowed a small bit, about the size of a nut, and spit the rest out, and then ate up the sauce in the butter-boat, about half a butter-boat full, with a piece of bread.

The manner in which Mrs. C. Turner gave her evidence, respecting the making of the dough and the dump-

lings, induced a persuasion, that, whilst Elizabeth Fenning was making them, she suspected her of doing something to them. This was inferred from *Mrs. C. Turner* mentioning her incessant watchfulness, and looking at them.

Mrs. C. Turner, during the examination, showed no appearance of indisposition; she did not complain of any; and although she was longer in giving her evidence than the other witnesses, from her remarks and observations being very numerous, and spoke more than either of them, she did not appear at all fatigued or inconvenienced.

It was stated at this examination, that there were *two apprentices* in the house and *two occasional Clerks*, and *Sarah Peer*, the *housemaid*.

Elizabeth Fenning said, that *whilst she was mixing* the dumplings any thing might have been put in; but whether there was or not she could not tell. She had been absent, in and out, into the yard, washing plates, and cleaning knives, all the while that the yeast and the flour were on the dish on the dresser, before it was made into dough, just as it was tossed up, before it was put to the fire; and that, if she had any wish to poison, she had had opportunities enough of doing it without putting it into dumplings: she might have done it in pastry or pies, and different other things that she had made.

The prisoner's father told *Mr. Orlibar Turner*, before the magistrates, of his daughter having been denied to him at *Mr. Turner's*; that he was told she was out, on the night of the poisoning, and that he knew nothing of the poisoning until he was informed that his daughter was under examination at Hatton Garden office, upon the charge of doing it.

Mr. Orlibar Turner said, that he ordered *Elizabeth Fenning* to be denied to her father until she was examined. *Sarah Peer* admitted that she gave such an answer, agreeable to *Mr. Turner's* direction. *Elizabeth Fenning* said to her, "Did not I tell you to send to my father?"

Sarah Peer admitted that the prisoner did, but said that she only followed *her master's direction*.

On *Thursday*, the 30th of March, *Elizabeth Fenning* was again brought before the magistrates, when the depositions were read over and finally settled, and signed by the witnesses: and of such a nature was the *opinion of the magistrate* upon this charge against the ill-fated girl, that, upon this allegation of *poisoning* the family—upon this charge of an attempt to *murder*, he ordered her to GIVE BAIL:—to provide two persons, who were willing to be bound in *fifty pounds* each, for her appearance at the Sessions, to answer any charge that might be preferred against her. But the Sessions were to commence in less than a week, and, upon the suggestion of some person in the office, who thought it would be an expense and trouble to the parents, which their poverty could ill afford, *she*, upon consultation with her father, preferred to stand fully committed for trial, and therefore declined giving the required bail, and stood committed according to her wish.

After her committal little appears to have been done towards her *defence*. She had no intelligent friend to consult with; her father had no money to procure proper legal advice and assistance with; and his poverty was an effectual bar to obtaining it without. She was destitute of means of every sort, until five pounds having been obtained, two guineas were given to *Mr. Alley*, with a brief, drawn up by a person who officiates as an attorney for some of the distressed objects within the walls of Newgate, and who had the remainder of the five pounds as a gratuity for his trouble. With the meagre preparation afforded by such scanty means, this poor girl was put upon her defence to a prosecution, in which a respectable LAW Stationer and his family were her prosecutors, and their intimate friend, the Clerk to the Magistrates before whom the prisoner was examined, was their SOLICITOR; and wherein the opinions and advice of a large circle of

condoling *legal* acquaintance, both *attornies and barristers*, were at their command.

This trifling sum of five pounds, without the capability of its being increased by any efforts of the parents, with more than two-fifths of it devoted to a counsel, and the remainder to the procuration of such legal assistance as the precincts of a gaol afford, was the whole fund and means opposed to the great array of *strength and influence* on the part of the *prosecutors of Elizabeth Fenning*. Unaware *herself* of her almost entire destitution, she writes in one of her letters * :—“ *But, thank God! I shall stand my trial at the Old Bailey, where I shall have a COUNSELLOR to plead for me; so I have nothing to fear!*” How this trial was managed, with that well-known *advocate*, Mr. GURNEY, against her; *how* her defence was conducted by Mr. ALLEY, her counsel; *how* he *cross-examined* the witnesses; *how* the RECORDER presided in the absence of the Judges; and *how* the trial *terminated*, have been already detailed.

The Notes appended to it contain some questions, which do not appear to have been put to the witnesses either by the prisoner's *Counsel* or the RECORDER.

Were it prudent to indulge in a *review* of the Trial, and to consider the *concatenation of circumstances* sworn to, and the *truth and consistency* of the *evidence*, the conclusions would be of a very alarming tendency, and probably lead to ulterior results, that no one but a legal adviser dare contemplate, without the risk of expressing feelings that ought not to be lightly hazarded. But there is a *counter-circumstantial FACT*, deposed AGAINST by Mrs. CHARLOTTE TURNER, and her *housemaid*, SARAH PEER, upon the Trial, that ought not to be forgotten—the *fact* that the COALS were delivered *upon the day of the poisoning*. This FACT was *denied* by both the mistress and the maid upon their oath †. They

* See the *Correspondence*, Letter XII.

† See *Trial*, p. 17. Q. 39, and p. 39. Q. 110 and 111.

both swore that the COALS did *not* come in that day. Mrs. *Charlotte Turner* swore so first, and then *Sarah Peer*, who was IN COURT when her MISTRESS swore so, swore in corroboration. Mrs. *C. Turner* did not swear that they did not come in that day to her knowledge; she did *not* swear that they might have come in whilst she was up stairs, and she *not* have heard them; she did *not* swear that, though she was watching the kitchen whilst the dumplings were making, and was up and down stairs, and in and out of the kitchen, looking at the appearance of the dough, yet still they might have come in and she *not* have known it; she did *not* swear doubtfully in that way, but she swore "it COULD NOT be THAT day; and further, that "*she*," Elizabeth Fenning, "*had no OCCASION to receive the coals.*" And the housemaid, *Sarah Peer*, when asked the question, "Was not the coals delivered in the house *that day*?" swears plump, "NO."

The delivery of the coals on the day of the poisoning was positively affirmed by Elizabeth Fenning herself as a fact.

In the latter end of *August*, about a month AFTER THE EXECUTION, it was discovered that Mr. *Joseph Wood*, of Eaton Street, Pimlico, was the coal-merchant who supplied Mr. *Orlibar Turner* with coals; and on reference to Mr. Wood's books, it appears that he has, on the 21st of *March*, the day of the poisoning, DEBITED Mr. Turner with a chaldron of COALS. At the *Westminster Coal Meters'* office, in Northumberland Street, Strand, there is an entry, on the 21st of *March*, of twelve sacks of Coals METED for Mr. *J. Wood* to Mr. *Turner**; and the books of Messrs. *Parkin and Thompson*, of the Adelphi Wharf, Mr. *J. Wood's* wharfingers, show the CARTAGE of the Coals from the wharf, and their DE-

* A Copy of Mr. *Turner's* Coal Account, in Mr. *Wood's* Ledger, for the present year, 1815, including the debit of the Coals on the 21st of *March*, and a Copy of the Coal Meter's Ticket, are given at p. 18 and 19 of the Trial, in the Note on Q. 39.

LIVERY at Mr. *Turner's* on the 21st of March, the day of the poisoning, by *Benjamin Edwards*, Messrs. *Parkin and Thompson's* carman.

Here, then, is well connected PROOF, capable of substantiation by evidence, every way unexceptionable, that the COALS WERE DELIVERED ON THE VERY DAY that MRS. TURNER and SARAH PEER swore that they were NOT DELIVERED.

The EDITOR is in possession of proof, that ELIZABETH FENNING ACTUALLY RECEIVED THE COALS WHILST THE DOUGH WAS AT THE FIRE—that she was repeatedly absent from the kitchen, and that ANOTHER INDIVIDUAL was IN the KITCHEN!

It is not proper to hazard a single remark upon the evidence of the MISTRESS and her MAID. The presumption that *Elizabeth Fenning* poisoned the dumplings, was principally to be overcome by a strong presumption that she did *not* poison them; and the presumption that she did *not* was to be principally obtained from the testimony of the very witnesses whose testimony was to raise the presumption that she *did* poison them. It was altogether a question of *presumption*; and the singularly presumptive evidence of the *prosecutors* and *their* witnesses *against* her, could not be successfully rebutted but by the *presumptive* evidence of the *prosecutors* and *their* witnesses in her *favour*. They were sworn to declare “*the truth, the WHOLE TRUTH, and nothing but the truth,*” touching the matter upon which the prisoner was standing upon her Trial for life or death. Though they were the *prosecutors* and *witnesses for the prosecution*, they were bound by their oaths to give evidence *for the prisoner*. Such a supposition the parents of the poor girl seem to have entertained; “*She will be TRIED,*” they said, “*and THEN the TRUTH MUST COME OUT.*”

The expectation was reasonable that the truth *would* come out: and those witnesses who do not, after relating

any thing they know *against* a prisoner, at the same time relate **EVERY THING** that they know *for* the prisoner, are — *culpable* *.

These are palpably plain views of the *obligation* that a witness is under who has been sworn to declare the **WHOLE TRUTH** : and they are such views as will probably arise in every *well-regulated* mind upon the present occasion ; and also whenever it is presumed that a witness may not have stated every fact in the power of such witness to depose.

Had Mrs. *Turner* and Sarah *Peer* admitted the coming in of the **COALS**, which they *denied* to have come in, and which are now *proved* to have come in on the day of the poisoning, Questions would have arisen upon **OTHER CIRCUMSTANCES** connected with the **DELIVERY** of the Coals **THAT DAY**, materially countervailing the presumption ultimately fixed upon *Elizabeth Fenning* by the swearing of the *mistress* and her *maid*. It is impossible to say *what* degree of *credibility* the **JURY** would have attached to the testimony of *these two witnesses*, if it had been proved upon the Trial that the **COALS** were delivered on the day which the *mistress* and *maid* swore they were *not* delivered upon. After **MRS. TURNER** and her **HOUSEMAID** had sworn as *they did*, that the **COALS** did **NOT** come in that day, and that *Elizabeth Fenning* did not receive them, if it was **PROVED**, by subsequent evidence, that the Coals **DID** come in that day, and that **ELIZABETH FENNING** was the person who **DID RECEIVE THEM**, and was **ABSENT** from the kitchen, there cannot be a thinking person who will believe that **ANY Jury** would have found *Elizabeth Fenning* **GUILTY** upon **SUCH EVIDENCE**.

But, *having been found guilty upon that evidence*, will it be believed that *Mr. Turner*, having possessed

* There is a law word very expressive of such an offence.

himself of the knowledge of the most important fact, of the delivery of the Coals that day, by reference to Mr. Wood's books, and by a Certificate which he obtained from the Coal Meters' office, yet did not take any steps, in consequence of such information, to prevent the execution of the unhappy girl, who had been convicted principally upon the evidence of Mrs. CHARLOTTE TURNER and SARAH PEER?

The confidence of the parents in the innocence of their daughter, their ignorance of the nature of legal proof, their poverty, and consequent want of means to manage her defence, and the SUPERIOR MANAGEMENT OF THE PROSECUTION, all conspired to prevent *their* obtaining proof of the FACT, and its consequences. The proof was expected from Mrs. C. Turner and Sarah Peer, and *they* — the reader knows what evidence THEY gave.

The Prosecutors having obtained the conviction of Elizabeth Fenning, were not backward in endeavouring to justify that conviction. Mr. Turner himself went to Newgate, attended by a female hanging on his arm, and showed her the unhappy girl. This strange woman, it appeared, came from Bath; where, she said, a servant, who had lived with her a few years before, attempted to poison *her*, and she now thought that Elizabeth Fenning was very much like her.

The unhappy girl remonstrated upon the hardship of being thus shown to Mr. Turner's good woman. "It is bad enough," said she, "to be found guilty of a crime I never committed; but it is cruel indeed to be charged with poisoning a family I never saw, and at a place I never lived in." On the next day a man was brought, the husband of the woman, and he behaved so abruptly, that he was desired to quit the prison. Mr. Turner and this woman were so well acquainted, that he was invited to dine with her on the day of Elizabeth Fenning's EXECUTION. Attempts such as these, on the part of the Prosecutors, did not seem to evince much desire to save

the life of a poor young creature; who, upon the evidence of Mrs. *Charlotte Turner* and her *housemaid*, and that of the other witnesses, had been sentenced to death. There was no anxiety manifested by Mr. Turner to recommend her to *mercy*; on the contrary, he positively refused to sign any *Petition whatever in her favour*. Upon one occasion he was prevailed on, *not* to do it, by THE RECORDER WHO TRIED HER, and who waited upon the Prosecutors, at their own house, to *desire they would not sign any Petition*.* Mr. Turner was applied to, by other persons beside Mr. ———, to sign Petitions for her, which he declined doing; and to one application, which had been made by Mr. *Banks*, of New North Street, Red Lion Square, and who left Mr. Turner to consider of it, Mr. Turner wrote a *Letter positively refusing to sign*.† Mr. TURNER never could be prevailed upon, and in short he NEVER DID SIGN A PETITION FOR MERCY. Even with the knowledge that his *daughter-in-law*, Mrs. CHARLOTTE TURNER, and her *housemaid*, SARAH PEER, had sworn upon the Trial, that the COALS had *not* come in on the day of the poisoning; after he HIMSELF had actually obtained *proof* that they *did* come in that day; although he heard them give their *peccant testimony*, upon the miserable girl's Trial; yet he *did not* sign a Petition to the throne, but *refused*, to the very last, to join in interceding for *mercy* to her! Such was his sense of *justice*, that he

* See page 78.

† This Letter Mr. *Banks* informed the *Editor* of, and referred him to Mr. *Perkins*, of Red Lion Street, bootmaker, for it. Mr. *P.* was then out of town, and afterwards declined giving it to any one but Mr. *Banks*, who, when Mr. *Perkins* was seen, was himself in the country. Mr. *Perkins* was subsequently applied to, who said he had given the Letter to Mr. *Banks*; and Mr. *Banks*, who had promised it to the *Editor*, on being asked for it, stated that he had thought it proper to request Mr. TURNER'S PERMISSION to give it up, *who had refused* his permission, and desired to have the Letter *returned* to him. Mr. *Banks* accordingly RETURNED to Mr. TURNER THE LETTER, so written by Mr. *Turner*, REFUSING TO SIGN A PETITION FOR MERCY.

refused to pay the poor weeping father his daughter's WAGES when she was under sentence of death, upon the pretence that HE, the *Prosecutor*, had already been put to considerable expense, and should not feel himself justified in being any more out of pocket.

Now this unfortunate girl, *thus* prosecuted to conviction—for *mercy* to whom her PROSECUTORS *refused* to sign a Petition—to whom their *hostility* was continued from the time of conviction until her execution—towards whom that hostility was in no degree *abated*, even after the discovery of the IMPORTANT FACT, that notwithstanding Mrs. CHARLOTTE TURNER and SARAH PEER gave evidence upon the Trial that the COALS did *not* come in on the day of the poisoning, yet they DID come in on that day, and of which *fact* Mr. TURNER *himself* obtained PROOF—and who, by SUCH SWEARING of the *mistress* and her *maid*, had been deprived of *their testimony* to that FACT, which, IF THEY HAD, upon their oaths, stated the TRUTH, would have LED to OTHER testimony favourable to the miserable girl—this poor creature, who SUFFERED the CONSEQUENCES of this SORT OF SWEARING by Mrs. CHARLOTTE TURNER and her housemaid, SARAH PEER; of their *denial*, upon oath, of what really happened;—this unhappy girl herself had, during the period that her malignant fate doomed her to dwell with the *Turner* family, been so desirous to give satisfaction to that very family, and was so remarkably attentive to their interests, that her solicitude in these respects was thought troublesome by the trades-people, who were, perhaps, habituated to execute the orders of families according to their own discretion, unchecked by the remark of servants, or the vigilance of housewives. Mr. *Howes*, butcher, of Brooks Market, from whom she fetched the steaks on the fatal morning—fatal to her alone of all the family—this respectable tradesman can tell that her conduct was almost the reverse of most servants—that she always enjoined

strict regard to the orders given, and that she *rigorously enforced their observance*; for, instead of accommodating the *butcher*, at the expense of her employer's pocket, she would not take the small additional quantities in the weight of meat, which frequently happen in cutting steaks and chops, but repeatedly compelled the person who served to cut off the half-pound, or even smaller surpluses, which few persons who market for themselves would object to, and which servants, *in general*, would never think of objecting to. At Mr. *Cornish*, the baker's, at the corner of Chancery-lane, she was equally *troublesome*—it is Mr. *Cornish's* own word—or rather, in the opinion of good domestic managers, she was equally *careful*. Pies and puddings were frequently brought to be baked, and she *always* accompanied them with *directions* for their being done in a way that *would please her mistress*—Mrs. CHARLOTTE TURNER. She took the trouble of telling the baker to do this pie in such a way, and that pudding so and so, uniformly accompanying it by the remark, that *her mistress* liked them done as she described. “I never had such *trouble*,” says Mr. *Cornish*, “*with any other servants* that lived at Mr. *Turner's*, or any where else, and I had determined to *affront* the lady, about her orders, if she had gone on so much longer. I knew my own business without being told it by a girl like her.” But Mr. *Cornish*, though he had this tradesman-like intolerance of Elizabeth Fenning's monitions, observed, that “there never could be a more *attentive* girl than she was, concerning every thing that she came to his shop about, for the use of the family; that she would have nothing amiss, and would not be put off, *like other servants*, with little things that scarcely any body else would notice. In fact,” he said, “she was always so particular, that at last it began to tire him; and she was the *last* girl in the world that he should have supposed capable of committing such an act as poisoning a family she lived with.”

This testimony to the conduct of the ill-fated *Elizabeth*

Fenning, whilst in her six weeks and four days' service at Mr. *Turner's*, is corroborative of her behaviour in other places. She was, in truth, an excellent, hard working, notable girl, of remarkably lively temper, and an open, frank, generous disposition. She had formerly lived as a servant of *all work*. Industrious, not afraid of labour, and doing her work well, she was a thorough good servant, and she *knew* it. Her social disposition, and fondness of amusement, often led her to indulge in the amusement of a dance with persons of her own rank in life, or the entertainment of a play; and her vivacious imagination, with great shrewdness of mind, rendered her an agreeable and desirable companion. Mr. *Perkins*, whose name has been mentioned before,* and who, with the other members of a respectable dissenting congregation, took much pains in her behalf, states, that "he, with an extraordinary degree of trouble, inquired into the poor girl's conduct; and from the inquiries he made, in every direction, he had every reason to think her an *industrious* good servant, fond of the amusement of dancing and going to the play-house: but, from every information he obtained, he by no means thought her an *immoral* girl—unless dancing and the play-house were immoral."

This gentleman's humane interference in her case, and religious profession and respectability in life, place him above the suspicion of being influenced by other than the most praiseworthy feelings, in bearing such honourable and liberal testimony to the memory of the poor departed girl. Mr. *Anderson*, of Gloucester-street, Queen Square, in whose service she lived last, before going to her unfortunate service at Mr. *Turner's*, attended the magistrates, at Hatton Garden Office, on her examination there, and gave her an excellent character; and, in addition to similar *evidence* on the trial, written characters were sent into the Secretary of State's Office, which were obtained from her

* See page 127.

places upon application, without the least difficulty.*

* These characters are as follow :

“ No. 107, Great Russel-street, Bloomsbury,
April 20th, 1815.

“ Eliza Fenning, who has been found guilty of attempting to poison the family of Mr. Turner, lived with me as servant, in the year 1809, twelve months and two weeks; during that time conducted herself as an honest, sober, quiet, discreet young woman; and I should not have even thought her capable of committing the deed for which she is found guilty, as I always found her of a good disposition.

“ THOMAS FLINT.”

Mr. CHARLES WOODWARD, of No. 3, Bedford Court, New North Street, Red Lion Square, on the same day gave her a written character, to the same effect, and testifying that she had lived in his family near twelve months in 1811.

“ Walworth, April, 1815.

“ Elizabeth Fenning lived with me a servant, ten months in 1812, which time she conducted herself as a sober, industrious young woman; nor did I ever see any thing in her conduct to suppose her capable of committing the act for which she now stands condemned.

“ MARY STOKES.”

[She lived in Mrs. Stokes's service twice. The above Characters are in the *Editor's* possession. A Character in the hand-writing of Mr. Turner was BURNED by Mr. Bonner; to whom it was intrusted for the purpose of being sent into the Secretary of State's. See page 115.]

The following is a respectable Testimonial to the Character of *Elizabeth Fenning's* FATHER :

[COPY.]

“ This is to certify, that We, the Undersigned, have known WILLIAM FENNING many years; who has maintained a good character for honesty, sobriety, and industry; and we believe has conducted himself with uniform propriety to his family, and to society in general.

“ April 22d, 1815.

(Signed)

“ JOHN RABBETH, No. 18, Red Lion Street.

“ THOMAS BOWDERY, Red Lion Street.

“ JAMES EVETT, Red Lion Passage.

“ FRANCIS WARR, Ditto.

“ JOHN HALL, Ditto.

“ CHARLES MASON, Boswell Court, Queen Square.

“ THOMAS LEE, Boswell Court.”

The *Editor* has had repeated conversations with the poor girl's father, WILLIAM FENNING, and has narrowly watched his conduct, as far as he had the opportunity; and he here affirms, that he never perceived

REMARKABLE INTERVIEWS:

WITH

OBSERVATIONS.

It would be difficult, perhaps, to adduce an object of grosser and more wanton calumny than the late ELIZABETH FENNING. Her *prosecutors* themselves encouraged, by their silence, the circulation of the *aspersions* upon her, when *living*, and entertained them *after* she had been executed. *their* RESPECTABILITY, by which is understood their *opulence*, was pitted against the HUMBLE POVERTY of *their servant maid*; and all the *masters* and *mistresses* of families, whose credulity or idleness rendered them proper subjects for *alarums*, were incessantly devoted to the vociferous execration of the wickedness of *servants*, who *poison* those who give them bread and work. Thus a sort of general *cry* was raised for the hanging of *Elizabeth Fenning*, as an *example* to all *maid-servants suspected*, upon PRESUMPTION of *murderous inclinations*. In aid of this wise and salutary feeling, it was generally and positively affirmed that *Elizabeth Fenning* lived in a family which she attempted to *poison twice* before she went to live at Mr. *Turner's*: and Mr. *Turner* himself was in possession of that report *three months before Elizabeth Fenning's execution*, with the means in his power of ascertaining whether it was true or false.

As far back, perhaps, as that time before the *execution*, the report was stated to a *person* with such marks of certainty and conviction on the mind of the narrator, that the *person* to whom it was related gave his informant full

in him the least attempt to equivocate or prevaricate, in their various interviews—that he has found him consistent in all his relations: and he further solemnly declares, that he believes him a man of unimpeached veracity, and has a firm persuasion of his integrity.

credit for being well and truly informed, and thought nothing further of *Elizabeth Fenning* until on the 26th of *July* perceiving crowds of people hurrying past his door in one direction, and inquiring the cause, he was informed that "the girl was going to be hanged for poisoning the family in Chancery Lane." He then recollected what he had heard so long ago; and being now told that she persisted in denying her guilt at the time she was locked up in her cell the night before, he went into the Old Bailey for the purpose of seeing how this hardened being would quit the world. He was much surprised to observe a young girl suffer death with immovable firmness, and was shocked at the depravity of a heart that could cease to beat in this world without avowing the horrible crime of a third hardened attempt to commit murder. He mentioned in the course of the morning to several persons the extraordinary *obduracy* of the girl he saw executed; and, upon a doubt being expressed of her guilt, he related her alleged attempts to poison the last family she lived in, previous to going into Mr. *Turner's* service. In the course of the day, during his absence from home, he was called on by a respectable gentleman, whom he was acquainted with, and who left a message, that he was desirous of hearing any thing respecting *Elizabeth Fenning*, and that he would call the following morning to see if he could obtain any thing new.

The next morning, Thursday, the 27th of *July*, on this person being called on by his friend, he related to him her attempts at poisoning, which he had been so credibly informed of some months before. His friend doubting the fact, to assure him of it, he insisted on his accompanying him to a Mr. C——, the person who related it to him. On their way his friend mentioned certain circumstances, which induced him to imagine that Mr. C—— might have been mistaken. When they saw Mr. C—— he was desired to state what he had before related, as above mentioned, respecting *Elizabeth Fenning's* trying to poison

the family she lived with before she went to Mr. *Turner's*. Mr. C—— said he had since heard some things which made *him* think that it was possible she was *not guilty*: he was, however, desired to give his *authority* for the *positive statement* he had before made of *Elizabeth Fenning's* alleged nefarious attempt. Mr. C—— named a tenant of his, a Mrs. B——, who, he said, was then ill. The *person*, however, who had brought his friend to Mr. C—— to witness what took place, was determined to TRACE THE REPORT to its source, and persisted in seeing Mrs. B——, who, when seen, said she had certainly related it to Mr. C——, and that she herself had been told it by two or three persons; and at length named a young woman, who lived with a Mr. KING, who had a son APPRENTICE to Mr. *Turner*, as her particular informant. Mr. *King*, she had heard, lived in some street in the Strand, near the New Church, but could not tell where. The *person*, and his friend, after much search, found Mr. *King* a dyer, at No. 44, Essex Street. They told Mr. *King*, they wished to ask a question of his *daughter*, which he complied with; and when *she*, with her mother, appeared, she was asked *what* she had related to Mrs. B—— respecting the before-mentioned report? Miss *King* seemed surprised at the question; and, after a little explanation, her *father* said he believed it was not his daughter, but his *shopwoman* whom they wanted. He called her up, and the same question being put to *her*, she said that *she* had told Mrs. B—— that *Elizabeth Fenning* had twice attempted to poison the family she had lived with before her going to Mr. *Turner's*; and she related some other particulars. Being asked where she had obtained that information? Mr. *King* and *she* gave an account to the following purport:—

The latter end of *April* last, Mr. *King's* *shopwoman* went to Mr. *Peck's*, grocer, No. 175, Strand, on an errand for the family. Whilst there, a young man of Mr. *Peck's* related that Mr. *Turner's* *servant*, who had poisoned the

family, had *twice* attempted to *poison* the family she lived servant to before she went to Mr. *Turner's*—that her *second* attempt was made by putting *arsenick* in a pot of *porter*, which was detected—that she was instantly turned away; and that the family she lived with, and so attempted to poison, was Mr. *HARDY'S*, a *grocer*, in *Portugal Street*. As soon as Mr. *King's shopwoman* returned home she told Mr. *King* what she had heard; and, it being new to him, he desired her to go back to Mr. *Peck's*, and inquire there from whom *they* got the intelligence. She accordingly made the inquiry, and was answered, they had it from Mr. *Hickson*, the *Oilman*. Mr. *Hickson's female servant* happening to be in Mr. *Peck's* shop, and hearing the inquiry and answer, invited Mr. *King's shopwoman* to go home with her to her master, Mr. *Hickson*, and they both left Mr. *Peck's* for that purpose. At Mr. *Hickson's*, Mr. *King's shopwoman* saw a person whom she took to be Mr. *Hickson*, who related to her the circumstances as she had heard them at Mr. *Peck's*, and she then went home and acquainted Mr. *King* with what she said Mr. *Hickson* had told her.

Mr. *King* here stated, that from his *connexion* with Mr. *Turner*, his *SON* being *apprentice* to him, he had thought it his duty to make Mr. *Turner* acquainted with the circumstances as they had been related by his *shopwoman*, and he immediately went to Mr. *TURNER* and informed *HIM* of the particulars, to the above effect.*

The person who, with his friend, had thus called upon Mr. *King*, and obtained this information, then proposed, that for the purpose of further elucidation, Mr. *King's shopwoman* should go with them to Mr. *Hickson's*, which Mr. *King* assented to.

Mr. *Hickson* is an oilman, at No. 170, *Strand*, near *Surry Street*. He was not at home. His *servant girl* was seen, who corroborated every thing related by Mr. *King's*

* Did not Mr. *Turner* inform the *RECORDER* of this Report?

shopwoman as having taken place in Mr. *Peck's* shop, the second time of Mr. *King's shopwoman's* going there; and Mr. *Hickson's* servant said, that when she brought Mr. *King's* shopwoman home with her, her master, Mr. *Hickson*, was *in the shop*; and she told him that the young woman then with her wanted to ask *him* a question; and that she herself went down stairs with the grocery she had been buying for the family, and *left Mr. King's shopwoman with her master*.

After waiting some time Mr. *Hickson* came in, and was briefly informed of the object of the *visit*. In answer to various questions, he said he could not tell any thing about such a *report*. He had heard "*many reports*." He certainly knew Mr. *Hardy*, the grocer, in Portugal Street, and he certainly *had some conversation* with him about the *girl*, but he "*could not exactly tell what*." He had no "*recollection whatever*" of the *report* alluded to having been mentioned by Mr. *Hardy*; nor did he believe it was; nor did he remember that such an inquiry had been made of him as Mr. *King's shopwoman* stated.

Mr. *Hickson's* servant being again called, related, in the presence of her master, what she had *before* said, and that she had *introduced* Mr. *King's* shopwoman to *her master*, as before mentioned, and left them *together*, and went down stairs; but what either her master or the young woman said she did not hear, as she was in haste to take her grocery into the kitchen.

Mr. *King's* shopwoman said she was not accustomed to go to Mr. *Hickson's*. She could not say whether Mr. *Hickson* was the gentleman she *saw* or not; but the gentleman that she *did* see, when taken there by Mr. *Hickson's* servant, and whom she *supposed* to be Mr. *Hickson*, was the person who had *corroborated the information* she received, as before related.

Much conversation then ensued with Mr. *Hickson*, and different questions were put to him as to *his* conversation with Mr. *Hardy*, the *first* time he saw him *after the*

poisoning of Mr. Turner's family. Mr. Hickson at length said, that Mr. Hardy had told him something about the *tea-kettle* being poisoned when the girl lived there. This was all that could be obtained from Mr. Hickson; who, upon understanding that it was intended to see Mr. Hardy, recommended it as a necessary measure for procuring precise information.

The person, and his friend, who were pursuing these inquiries in order to trace the report, then went to Mr. HARDY, grocer, No. 20, *Portugal Street, Lincoln's Inn Fields*. Mr. Hardy was in the shop weighing tea. He was asked to state what the conduct of Elizabeth Fenning was whilst she was in his service, and what he knew of her. Mr. Hardy said, that, "If he was asked his OPINION of her, he had only to say, that he had no doubt she was guilty of poisoning Mr. Turner's family: no doubt of it whatever." He was answered, that "it was her behaviour whilst in his family that information was wanting upon." Mr. Hardy said, that, "as to that he had nothing to say, no farther than that she was a bad girl; a bold, sly, artful, designing girl. She first come there on a Saturday night, late, with a lie in her mouth; with an excuse about not being able to get her clothes from her mother's that night; which was a LIE*. It must have been eleven o'clock that Saturday night as she came; and if he had been Mrs. Hardy, he would never have let her enter the doors at that time of night: he told Mrs. Hardy so then, and a many times afterwards. He did not like the girl at all. She was fond of hearing

* At a subsequent interview Mr. and Mrs. Hardy repeated that Elizabeth Fenning had come there with a lie in her mouth, about her not being able to bring her clothes that night. They were asked if they had ascertained it to be a lie? Mrs. Hardy said, "Ascertained it! What had we to do with ascertaining? We've got enough to do with our own business without running about and inquiring after other people's business: there was no doubt as it was a lie; for, would any body make her believe as a girl could not get her clothes at her mother's at eleven o'clock of a Saturday night? It was a lie—there was nobody could doubt it was a lie."

herself talk and gossip, and he never liked her from the first moment as she came into the house."

Mr. *Hardy* was then asked to communicate the particulars of the attempts made by *Elizabeth Fenning* to poison HIS family. Mr. *Hardy* said, "As to that he had *nothing to say*; he *knew* nothing about it, and could *tell* nothing about it; he had nothing to say about it at all. Whilst she was there he had a bad opinion of her; a *very bad* opinion, and never did like her. She was a *hoity-toity*, wild, giddy, unsettled sort of a girl; curious and inquisitive, and minding what did not concern her; and nothing that nobody could say would never persuade him but what she was a *VERY bad girl indeed*."

Mr. *Hardy* was here particularly pressed to relate, "what he *knew*, if any thing, as to *Elizabeth Fenning's* attempts at POISONING HIS FAMILY:" and during this part of the conversation Mrs. *Hardy* came from the parlour, behind the shop, and began to join in it. Upon THIS TOPIC both Mr. and Mrs. *Hardy* were evidently SORE: Mr. *Hardy* said he had *nothing* to say about it, and Mrs. *Hardy* said so too.

Mr. *Hardy* was asked "if he knew Mr. *Hickson*, the oilman, in the Strand? He said "he did," and inquired, "What of Mr. *Hickson*?" He was requested "to relate the conversation that he had with Mr. *Hickson*, the first time they met after the poisoning of Mr. *Turner's* family."—Mr. *Hardy* said "he had *nothing* to relate of any conversation with Mr. *Hickson*; he could not tell any thing at all about it; and he desired to know the reason of the inquiries put to him?" Mr. *Hardy* was briefly informed of "the report that had been circulated of the girl's attempting to poison HIS family; that it had been traced to Mr. *Hickson's*; that Mr. *Hickson* had been seen, who had referred to Mr. *Hardy*, as the person best adapted to state what had taken place in *his own* family."

Mr. *Hardy* said "he had *nothing* to state," and persisted in "not being able to recollect any thing he had

said to Mr. *Hickson*." He was asked about the *poison* in the *PORTER*; which he disclaimed all knowledge of, and said "it was utterly *false*." He was then asked respecting "any *other* attempt at poisoning whilst the girl lived with *him*." Both Mr. and Mrs. *Hardy* refused to say any thing more about the girl whilst living with *them*; and Mrs. *Hardy*, on her *husband* being questioned, said "he knew nothing at all about it; and they, neither of them, had any thing to say about it," and persisted in refusing to say any thing more.

Notwithstanding this declaration, Mr. *Hardy* was requested to state "what he *knew* respecting the poisoning of a *TEA-KETTLE*, whilst *Elizabeth Fenning* lived in *his* service." Mr. *Hardy* declined saying any thing upon the subject. He was then asked to relate "what he had said to Mr. *Hickson* respecting *Elizabeth Fenning poisoning their tea-kettle*;" and he was informed, "that Mr. *Hickson* had, that morning, mentioned the circumstance of the *tea-kettle* upon the reports relative to the alleged poisoning in his, Mr. *Hardy's* house, being traced to Mr. *Hickson's*."

Mr. *Hardy*, upon this being told him, observed, that, "in consequence of what had been said, he would relate what he knew about the *TEA-KETTLE*:" but Mrs. *Hardy* interrupted him, and would not let him speak: she said, "that it was *she* who knew about the *tea-kettle*, that Mr. *Hardy* knew nothing at all about it but what she had told him; and if any thing was to be told she would tell all about it." Mrs. *Hardy* accordingly proceeded to relate as follows:

"One day I went into the parlour, and the *TEA-KETTLE* was upon the fire, and I see the tea-kettle *a frothing at the mouth*. With that I says to myself, Lord bless me! says I, what can make the *tea-kettle froth at the mouth*? Thinks I to myself I've heard of pizen being put into *tea-kettles*; and still the tea-kettle kept on *frothing at the mouth*. With that I takes me the *tea-kettle* off

the fire, and goes into the yard and empties it; and then I *wrenches* it out with cold water; and *wrenches* it again and again, and fills it with clean water; and then I comes in again and puts the *tea-kettle* upon the fire.”—

Here Mrs. *Hardy* paused:—

“And pray, madam, what further took place *then*?”

“*Nothing* further, sir; that’s *all* as I know about the matter; and now I’ve told you the *whole truth*.”

“Then, madam, after you had washed out the *tea-kettle*, that contained, as you supposed, *poison*, what did you say to *Eliza Fenning*?”

“Lord bless me! sir,” said Mrs. *Hardy*, “I don’t say it was *Eliza Fenning* as did it;—it *mought* have been her, or it *mought* not;—I DON’T KNOW AS SHE LIVED WITH US AT THE TIME: she *mought* or she *mought* not; or it *mought* have been a year *before* or a year *after* she lived with us; I am sure I can’t say; but *this* I know as Mr. *Hardy* never had no peace of mind whilst *Eliza Fenning* lived here; nor never would let me rest till we got rid of her.”

“But, madam, whether it was *Eliza Fenning* or not that lived with you when the *tea-kettle* was *poisoned*”—

“Lord bless me,” says Mrs. *Hardy*, “I don’t say it was *pi-ened*.”

“But whether it was or not, madam; as the *frothing* of the *tea-kettle* led you to think about *poisoning*, and made you suspicious and empty it, what did you say to the *servant girl* after you had emptied the *kettle* and put it on the fire?”

“What did I say, sir?”

“Yes, madam; what remark did you make to the *servant girl* who then lived with you about the *frothing* of the *tea-kettle*?”

“Lord bless me, sir! I said *nothing*: What should I say? I thought no more about it—not I. But it was a very *strange* thing; and so I thought! I said nothing about it to nobody:—I did not even tell Mr. *Hardy* of

it; not till *AFTER* as I heard as Mr. Turner's family had all been pizen'd, and found as the girl as did it lived with us; and *THEN*, when I heard *THAT*, I up and told Mr. Hardy about the *TEA-KETTLE*; for Mr. Hardy never knew of it *BEFORE*."

Mr. Hardy said, "No; he never had;—that was the first time that Mrs. Hardy told him of it."

This being every thing that Mr. and Mrs. Hardy could say about the *tea-kettle*, they were both requested to state particularly any and every circumstance of the girl's conduct that was *improper* whilst she was there.

Mr. Hardy said, that "she was *altogether* a girl that he never did or could like." He said, "God forgive him! He *suspected* her from the very moment she first came into the house. Many servants that had lived with him and *robbed* him, and he never had no suspicion of *them* as he had of this girl. And, from the *very first moment* as he set eyes upon the girl he could not bear her; there was something about her as made him think she was not a *fit* girl for *them*, and he told his wife so; and, what was more, as Mrs. Hardy did not think proper to get rid of her, he told Mrs. Hardy that he never would go out of a *Sunday* and leave the house *alone* with the girl in it by herself. There was a *chap* as came after her when she was there, and he did not approve of it: he knowed nothing of *who* he was nor *what* he was, but he did not like his *looks*; and as to *inquiring* who he was, it was *nothing* to him, for he was determined *she* should not stop long; and so, all the while she was there, *he* and Mrs. Hardy never went out together on a *Sunday*; but when he went out Mrs. Hardy stopped at home, and when Mrs. Hardy went out he stopped at home; for he was determined he would not have the house left.

Mr. Hardy was asked, "if *Elizabeth Fenning*, whilst she lived there, had ever *done* any thing to warrant these *suspicious*?" He said, "No, he could not say as ever she *had*, but he looked upon her as a deep sharp girl—

and she had got things he did not think she had come *honestly by*, and she was never easy but when she was *reading*, and was everlastingly inquisitive and prying. She made several *attempts* to get at his son's books." He was asked, "what sort of books they were—if he meant *account* books, or what other books?" Mr. *Hardy* explained by saying, "No—they were *printed* books, such as his son read—his son's collection of books he meant—and the things as he meant she did not come honestly by, was a couple of handsome volumes, *all done over with gold at the back*, NOT BOOKS FIT FOR A SERVANT GIRL TO READ, they belonged to what they called *Fielding's Works*. He asked her, 'How she came by them?' She said, 'A mistress she lived with had given them to her'—but was it *likely* that a *mistress* would give a SERVANT a couple of *such books* as them?—it was *not likely*, and *he* did not believe it."

Mr. *Hardy* was asked, "if the girl did get at his son's books?" He said, "No, she never did get at them—for why? *he* took good care of that—he always kept them locked up, or else she would have got at them, no doubt—but this *he must say*, that she was a sly, quick, clever, artful girl, as sharp as a needle, and was of that inquisitive deep turn, that his MIND (!) always *misgave* him whilst she lived there; and then there was the BOOKS as she used to read, he did not *like* it—and she was a girl that he did not like, for *he never know'd* NO GOOD come of SERVANTS READING;* and he had *no doubt*

* Mr. *Hardy's* lack of *knowledge*, as to the good that comes of SERVANTS *reading*, reminds the *Editor* of a circumstance that occurred about two years ago. One of the Committee of the West London Lancastrian Association waited upon a housekeeper, in Bedford Street, Covent Garden, to solicit his support towards the establishment of that institution. The answer was similar to the *grocer's*, and was coupled with the information, that "he had *discharged* a maid-servant, having detected her in the very act of—reading *Horace!*" What a contrast does this policy present to the patronage of *Joseph Lancaster* by HIS MAJESTY, to whom the man alluded to is a *tradesman!*

that she **POISONED MR. TURNER'S FAMILY**, and was *rightfully hanged*—no more than he stood there—not as she had never done no harm to HIM or HIS—but she was a girl as he never could *fancy*, God forgive him! *he could not tell WHY nor WHEREFORE*:—and then as to her *lies*, why the *reason* as she *went away* was this. He sent her one night, between ten and eleven o'clock, to the public house for a glass of mixed liquor, and she stopped so long that it was out of all reason, and when she came back she said as they had not got the water hot. However he know'd it was a lie when she said so, so he told her his *mind*; and a night or two afterwards he sent her again, and she stopped again; so when she come to the door, he went to let her in, and there was she with the glass in her hand. 'And pray, madam,' says I, 'where have *you* been?'—'I've been to the public house,' says she. 'Yes,' says I, 'you *have*, madam—pray walk in.' She made the same excuse as before, that the water was not hot. So the next morning I goes to the public house, and then I finds as the water *was* hot! and that instead of coming home as soon as the liquor was made, she *stopped there gossiping*. With that, said Mr. *Hardy*, I was *determined*, as I had **CATCHED HER OUT in a lie**, that she should not *stop no longer*, and I told Mrs. *Hardy* so, and I set her off directly, *without any warning*, and glad I was when she was gone, for all the while as she was in the house *I never had no peace*."

Mrs. *Hardy* was asked, "where she had *Elizabeth Fenning's* character from?" She said, "From Mrs. *Stokes*,* of Walworth, and that she had a *very good character* with her from Mrs. *Stokes*, who said if she had been in want of a servant she would gladly have taken her again. Mrs. *Hardy* further said, that "it was a pity the girl had ever come to them, for Mr. *Hardy* had such a dislike of her from the first time of her coming, that *he*

* See page 131.

never was easy whilst she was there—that she could not but say she was a good *cleanly industrious girl, that did her work well*, and she knew no *particular harm of her*; but, as she told *lies*, Mr. *Hardy* had *certainly turned her out of doors at a moment's warning: and indeed*," said Mrs. *Hardy*, "*it was a very disagreeable thing*, for I never went out of a *Sunday*, with Mr. *Hardy*, all the while the girl was here."

Mr. *Hardy* said, "He was as certain as ever he could be SHE POISONED MR. TURNER'S FAMILY, and he should *always* say so; she was a bad one, depend upon it;" and he repeated, "he never did like her from the very first moment she came into his house;—and, *God forgive him!* he COULD NOT TELL FOR WHY NOR WHEREFORE."

Thus ended the interview with Mr. and Mrs. *Hardy**. It would be a waste of time and patience to make a single remark upon the likings or dislikings of such a man as Mr. *Hardy*, or upon any one part of the interview. But it is essential to state, that Mr. *Redit*, of King's Road, Bedford Row, who knows Mr. *Turner*, and who certainly is not favourable to *Elizabeth Fenning*, was informed by Mr. *Hardy* himself, who was *his grocer*, that after Mrs. *Hardy* found her TEA-KETTLE *frothing at the mouth*, SHE actually CHARGED ELIZABETH FENNING *with putting something into the tea-kettle*, and that she denied putting in any thing. Mr. *Redit* is a respectable solicitor. He had been informed so by Mr. *Hardy*, long before the execution. The interview above narrated at length took place, it must be recollected, the day after

* The person who, with his friend, TRACED THIS REPORT respecting *Elizabeth Fenning* to the HARDYS, in the way above mentioned, was very much staggered by the interview. He saw her EXECUTED, the day before, believing her to have been found guilty upon clear evidence, after a fair trial; and that, from her turpitude, she was deprived of mercy. Since then, to the moment of penning this note, he has devoted his whole time, with very trifling exception, to an unwearied and elaborate investigation of the Case of *Elizabeth Fenning*.

the execution ; and Mrs. *Hardy* then, when closely pressed to relate what she said to *Elizabeth Fenning* when her *tea-kettle frothed at the mouth*, affirmed, that she did not know that *Elizabeth Fenning* was the servant that lived with her at the time—which was no doubt *true* ; that she did *not* tell it to the servant girl, whoever she might be, that did live with her—which there is as little doubt of ; that she told *nobody* of her disordered tea-kettle until *after* the affair at Mr. *Turner's* ; and that *then*, for the first time that she told any body, she told—her *husband*.

It appears, too, that the report of the *two* alleged attempts at *poisoning* the family of the *grocer* by *Elizabeth Fenning*, had been conveyed by the father of the apprentice, THOMAS KING, to Mr. *Turner*, soon after the Trial. Mr. *Turner* therefore had *three months' time* to have selected *half an hour* from, for an investigation of this report, and to have *ascertained* the grounds for the *grocer's* bad OPINION and *bad character* of her. It was Mr. *Turner's* DUTY to have done it ; and, while doing it, to have discharged from *his* mind all the *grocer's* shocking gabble of “ not liking,” and “ not having no peace of mind ; God forgive him ! he could not tell for *why* nor *wherefore*.” It was Mr. *Turner's* further duty to have made known to the *Recorder*, and at the *Secretary of State's* in particular, the horrible impropriety of attaching *undue* importance to the OPINION of a mind so constituted as this *grocer's**.

Now, the *grocer* positively says, that Mr. *Turner* did see him. If the *grocer* is to be believed, it is a very singular fact, inasmuch as, even AFTER THE EXECUTION of *Elizabeth Fenning*, Mr. *Turner* actually *appeared*, by his representation, to believe that report to be *true*.

* It is Mr. *Turner's* duty at *this* time to deny, if he can, that the fabricated report, as to the *poisonings* at the *grocer's*, was communicated to *high Authority*, by whom *mercy* to the prisoner, if contemplated, must have been influenced.

A few days after the *Execution*, and after Mr. *Turner's* *procuration* of the *Turnkey's* Affidavit against *Elizabeth Fenning's* father, he was called on by Mr. *Banks*, the gentleman who had endeavoured to get Mr. *Turner* to sign a *Petition for mercy*, and which he *refused* to sign*. The *Execution* was talked of, and Mr. *Turner* produced a *Letter* in justification of his conduct. It was addressed to him, and reiterated the report of *Elizabeth Fenning's* attempt to poison Mr. *Hardy's* family as a *fact*; and it further stated, that *she* had attempted to commit *another murder*—she had tried to CUT THE THROAT OF MRS. WILLIAMS, of Gray's Inn, when she lived with her as servant. This *Letter*, which purported to be signed by a Mr. SHUTER, Mr. *Turner* deliberately, gravely, and without seeming to intend any insult to the understanding of Mr. *Banks*, put into that gentleman's hand, as *evidence* of the propriety of *his* not interfering for *mercy*, and of the consequent *execution*.

The *fact* of Mr. *Turner's* assuming to believe the statements in this *Letter*, induced an application to the Writer, Mr. SHUTER, of *Cursitor Street, Chancery Lane, ATTORNEY AT LAW*. He was called on by the person who, with his friend, had the interview with the *grocer* and his wife. Mr. *Shuter* avowed that he had written the letter to Mr. *Turner*, and that he had done it because “he thought Mr. *Turner* had done what was proper, in *hanging the girl*—as nobody would be safe if these *Irish wretches* were suffered to get into respectable families; and he thought it was a very proper example. Mr. *Turner's* was a *very respectable* family, and he wrote to him, to let him know what the girl had done at other places where she lived: he knew *Hardy*; *Hardy* was *his* *grocer*—a *very respectable, worthy* man. It was really shocking to think of the thing. What Mr. *Turner* had done was *very proper*, and he wrote to Mr. *Turner*, to tell him his

* See page 79.

opinion." Mr. *Shuter* was asked how he *knew* that the *grocer's* family had been poisoned by the servant that was hanged? He said, "There was *no doubt* at all of it; his *man* knew it, and could tell all about it." It was intimated to Mr. *Shuter* that a conversation with his *man* would be agreeable, but Mr. *Shuter* said his *man* had left him some time before, and was gone abroad, but he would soon be home: "However," he said, "Mrs. *Shuter* knew it as well as his *man*, and she could relate the particulars." An interview with Mrs. *Shuter* being requested, Mr. *Shuter* said "she was not very well;" but he was prevailed on to go up stairs to Mrs. *Shuter*, and returned shortly, saying, that "Mrs. *Shuter* had it from Mrs. *Hardy* herself a great while ago—a long time before the girl was hanged." Mr. *Shuter* was next required to relate how he knew of the girl's attempt to cut Mrs. *Williams's* throat; and if he knew Mrs. *Williams*? He said "it was Mrs. *Williams*, of Gray's Inn, a respectable lady. He was informed of it by—HIS BARBER. He said his *barber* was a steady man, a very respectable man in his way, and he had told him of it. Mr. *Shuter* repeated, that he thought Mr. *Turner* deserved *thanks* for what he had done; and he had written the letter to Mr. *Turner*, to let him know how much *good he had done by his prosecution*." Enough being *seen* of Mr. *Shuter*, and enough of his opinions and information heard, leave was taken of him; his *barber's* name and address being first requested and obtained.

On leaving Mr. *Shuter*, recourse was had to his barber, Mr. *Prizeman*, of No. 71, *Chancery Lane*, two doors from Mr. *Turner's*. He was asked, "What authority he had for stating to Mr. *Shuter* that *Elizabeth Fenning* had attempted to cut the throat of Mrs. *Williams*, of Gray's Inn?" Mr. *Prizeman* seemed much startled by the question: he said, "he certainly *had* told it to Mr. *Shuter* whilst he was *dressing* him; but he told it him merely as a thing that was *said*. He had himself heard it

one day, whilst the *officers* were before Mr. *Turner's* house: he was standing, he said, at his own door, and a person, who was looking on, came up and talked a little and *told it him*. He did not know whether it was true or not; he had never inquired. He mentioned it to Mr. *Shuter*, he believed, the next morning after he heard it." At parting, Mr. *Prizeman* was remonstrated with as to the impropriety of having made such a statement; but he solemnly declared, that "he had no idea that Mr. *Shuter* would have thought of it otherwise than any thing else that *he* might have told him "in the same way:" and it seemed to be the purpose of Mr. *Prizeman's* mind, that, since *he* had been deemed such an *authority* by Mr. *Shuter*, he would be less bountiful of "*barbers' news*" during his future performance upon the *outside* of that gentleman's head.

Recourse was then had to Mrs. WILLIAMS, of Gray's Inn. This lady very politely and readily answered the inquiries put to her. She said that *Elizabeth Fenning* never lived servant with *her*—that she never had *seen* her, and that *no one had ever attempted to CUT HER THROAT*.

In one little hour were the representations in the letter of Mr. *Shuter* to Mr. *Turner* disproved—that which related to Mr. *Shuter's* respectable grocer had been previously decided by the detailed narration of the interview with them, before given: the other, concerning *Elizabeth Fenning's* attempt to murder Mrs. *Williams*, Mr. *Turner* might have had his friend Mr. *Shuter's* equally respectable authority for, by a simple inquiry of him; and, unless he had been disposed to rest satisfied with Mr. *Shuter's* barber's news, he might, by going next door but two from his own door, have there heard from Mr. *Prizeman's* own lips his disavowal of it as any other than a mere saying picked up amongst Mr. *Turner's* crowd of *thief-takers*.

Mr. *Turner's* calm acquiescence in the information of Mr. *Shuter's* letter, is similar to his concurrence in the

report as to the *grocer's* family : his *belief* of these representations is most MYSTERIOUS. It may appear impossible to many, that Mr. Turner should have *heard* them and not have *inquired* concerning them, and consequently have detected their utter *falsehood* ; and it would be *charitable* to Mr. Turner, to imagine that an easy credulity, and weakness of disposition amounting to *fatuity*, *might* be the sole cause of his indisposition to investigate such *gross fabrications*. But it is *known* that Mr. Turner has been industrious in tracing what made against the *evidence* of his own *daughter-in-law*, Mrs. CHARLOTTE TURNER, and the *housemaid* SARAH PEER, no doubt with a view to rebut it, if unfounded ; and it is also known that he discovered, *soon after the Trial*, that what the *mistress* and *maid* swore *not* to have happened, really *did* happen. Now as it does not *appear* that Mr. Turner gave publicity to this *fact*, which tended *in favour* of *Elizabeth Fenning*, although he gave publicity to the *untrue* statements in Mr. *Shuter's* letter, founded upon “ a *barber's* news,” which tended *against Elizabeth Fenning*, the “ *presumption*” from these “ *circumstances*” is surely fair, that Mr. Turner, who exercised so much discretion in one case, exercised equal discretion in the other case ; and, therefore, that from some MOTIVE which could not occur to an intellect incapable of reflecting and judging, Mr. Turner so acted in both cases, as wholly to put it out of the power of any thinking person to imagine his conduct could have proceeded from *imbecility* of mind.

Whilst the miserable girl was under sentence of death, various reports reached her, concerning her alleged murderous attempts :—these she always treated with such real contempt, that a person who did not know her, might have supposed her indifferent to the influence that they might have had upon her fate. She did not suppose it *possible* that statements which *she knew* to be *false* could produce any effect prejudicial to her. She often spoke, too, of Mrs. TURNER and SARAH PEER in a *careless* way,

as having sworn what was *not true*; and, therefore, she appeared to infer that *their* testimony would have little weight in producing her *execution*, notwithstanding, whilst *unimpeached on the Trial*, it had obtained her *conviction*. Unhappily she seemed to stand rather upon her own *persuasion* that *truth alone* would prevail, than took much pains to make *falsehood* apparent. Her mind, though powerful, being undisciplined, was more buoyant and lively than reflective; and she often occasionally expressed her thoughts and feelings with force and vehemence, confidently anticipating, "that the *truth* would come out *at last*." The *pot of porter* and *tea-kettle* story, at HARDY'S, she laughed at; and when the *grocer* went to see her in *Newgate*, she treated him with *irony*. He thought her grave when she meant to be severe. In truth his "*mind*," as he calls it, was utterly incompetent to the conception of the views or feelings of such a girl as *Elizabeth Fenning*. It was impossible, with the thorough contempt that *she* entertained for the *grocer*, that she could descend to the level of his capacity. He who "never know'd no good come of servants' reading," is probably the very *meum* and *tuum* of *pounds*, *shillings*, and *pence* honesty, and a very paragon of *pecuniary* respectability, and *creditable* worth: but there was scarcely more of common feeling or character between *him* and *Elizabeth Fenning*, than between *Dugald Stewart* and *Peter the Wild Boy*. Hence his otherwise unaccountable dislike of the poor girl, "he could not tell why nor wherefore." Her intellect was superior to his comprehension; and his servant, "who never did no harm to him or his," he *suspected*, upon the same principle that a *prudent* man is said to have resolved never to marry a woman more sensible than himself.

That *Reports* of the nature particularized should be circulated with impunity, after the awful sentence of death has been passed upon a human being, will scarcely be credited; unless they were upon some *real authority*. In

this case we see *all authority disclaimed* by the very individuals whose names were confidently mentioned as being the persons who gave rise to them. With respect to the *grocer*—he disavows the rumours; but persists in expressing *his* belief of the girl's being *bad*, without being able to give proof of it; and, because that is his *conviction*, he further gives, what he calls, "*his CANDID opinion*," that she *poisoned Mr. Turner's family*. It was a fearful thing for Elizabeth Fenning, that she fell alive into the hands of this grocer—she came *out* of his hands alive, it is true, but the revivals of his "*not liking her*"—his wife's telling the **TEA-KETTLE STORY**, for the *first* time, after she found the girl was in custody upon the *Dumpling Charge*—the eagerness with which this *irascible* man discharged the girl who had committed the unpardonable sin of keeping him half an hour after supper from his hot glass of liquor—*his* imagined capability of her poisoning Mr. Turner's family—*his* having no doubt that she did it—and all the magnified reports consequent upon such *senseless babble*, multiplied and diversified by the manifold tongues of rumour—all these were ominously unfavourable to the continuance of the poor girl's life, and portended a *fatal* issue out of all her afflictions!—"When it is once *resolved* upon, that a *helpless* creature shall be *sacrificed*, 'tis an easy matter to pick up sticks enough, from any thicket *where it has strayed*, to make a fire to offer it up with."

Elizabeth Fenning's situation was *unfortunate* in the extreme. She had been so *unfortunate* as to have the very *Clerk to the Magistrates*, who took the depositions against her, a *friend of Mr. Turner's*—she was so *unfortunate* as to have this **CLERK TO THE MAGISTRATES**, and *friend* to Mr. Turner, employed against her as the **SOLICITOR TO THE PROSECUTORS**—she was so *unfortunate* as to have *contradictory evidence* deposed against her upon her *Trial*, and circumstances positively sworn to by some of the Witnesses which they *could not* possibly know—she was so *unfortunate* as to have the

Prosecutrix, Mrs. CHARLOTTE TURNER, swear that the COALS *could not come in* on the day of the poisoning, and SARAH PEER swear in corroboration of her mistress that the COALS *did not* come in that day, although the COALS *did come in* that day—she was so *unfortunate* as to have *only ONE* medical *Witness* examined upon her Trial; and he, a Mr. JOHN MARSHALL, a *nine years' acquaintance of her Prosecutors*, who did not attempt to contradict *ignorant* testimony tending to prove that arsenick would prevent dough rising, though it would not; who was *himself* so *ignorant* of the properties of *arsenick* as to swear that it would *blacken a knife*, and who has since written a pamphlet, in which he takes the trouble to caution people that a knife being *blackened* is no proof of the presence of *arsenick*!—she was so *unfortunate* as to have had the *Prosecutors* and *their Witnesses* so lightly *cross-examined* by Mr. Alley, her Counsel, that the *contradictions, inconsistencies, and falsehood* of certain testimony, was only *partially* disclosed—in addition to such evidence being deposed against her, she was so *unfortunate* as to have evidence, on her behalf, refused to be heard by SIR JOHN SILVESTER, the RECORDER, who officiated as Judge, and tried her—she was, likewise, so *unfortunate* as to have the said RECORDER attend at the house of the Prosecutor, and desire that the Prosecutor would not sign a petition for mercy to her—and she was so *unfortunate* as to have the *Prosecutor* positively and repeatedly refuse to sign a Petition, *to save her life*, in consequence of such express desire of the RECORDER, who officiated as Judge, and tried her:—with all these real misfortunes upon her, she appears to be thought unnatural for not behaving *respectfully* to the “*most amiable, RESPECTABLE, and UNITED family*”* of the Turners, when they visited her in prison the day but one before her execution.† The *Prosecutrix*, MRS. CHARLOTTE

* So called in Mr. Marshall's Pamphlet, p. 39.

† Mr. Corbyn Lloyd's Friend was present at this interview: see p. 79.

TURNER, who swore that the COALS *could not come in on the day when they DID come in*; the Prosecutor, Mr. TURNER, who would not sign a *Petition to the Throne to save her life*; the Apprentice, THOMAS KING, who did *not* eat of the *poisoned* dumplings, and who was NOT A WITNESS *on the Trial*, went to Newgate on that day; “and,” says Mr. Marshall, the Surgeon, who swore, on the Trial, that *arsenick would blacken a knife*, “as they entered her apartment the prisoner began to insult them in the most *flagrant* style, and ARROGANTLY told her *mistress*, that ‘*she had sent for HER because SHE could give a better account how the arsenick got into the dumplings than she herself could.*’” Mrs. R. Turner was surprised and shocked at the IMPUDENCE of her conduct, and said she hoped to have witnessed a very different deportment in her truly awful situation. Mr. KING then asked her what she could mean by endeavouring to injure his character in accusing *him* of such a dreadful crime? She answered, by addressing Mrs. CHARLOTTE TURNER and THOMAS KING—“It laid between *you, MA’AM*, and *you, SIR.*” *

It seems that the *unfortunate FATHER* of the *still more unfortunate ELIZABETH FENNING*, became an object of *suspicion* to the RECORDER, after her execution. Mr. Cornish, the baker, at the corner of Chancery Lane, in Holborn, states, that, *a few days afterwards*, whilst the *police officers and constables* were round Mr. Turner’s door and before his house, the RECORDER †—*who it will be remembered officiated as JUDGE upon*

* Mr. Marshall’s Pamphlet, p. 36.

† It has been stated in the newspapers, that the RECORDER had received several *anonymous letters*; and that one of them, which solemnly declared *Elizabeth Fenning was innocent of the poisoning*, also said, that, if she was executed, the guilty hand would be discovered. If it be true that such a letter was written, it may be fairly presumed to have been sent by the guilty person, who would not be likely to ask another to write the letter: the handwriting, therefore, is probably that of the person who did the deed.

the Trial of Elizabeth Fenning, who PASSED SENTENCE OF DEATH upon her, who reported her as a Convict to His Royal Highness the PRINCE REGENT, and who went to Mr. TURNER'S the Prosecutor, and desired that he would not sign a Petition for mercy to the PRINCE REGENT—the RECORDER himself WENT to Mr. Cornish's, and there inquired, "Whether they had seen any thing of OLD FENNING in the crowd, or amongst the people before Mr. Turner's door?" To which the RECORDER received for answer, that "they had seen OLD FENNING go up and down the Lane, as he usually did, two or three times a day, in the course of his business." Whereupon the RECORDER soon afterwards left Mr. Cornish's shop.

"An IMPARTIAL TRIAL," says Lord Erskine, "is the first and dearest privilege of every Englishman."

With respect to the Trial of ELIZABETH FENNING, the *Editor* does not choose to express an opinion; but, with his lordship, he will ever "maintain the equal right of every man in the kingdom to a fair Trial:" and he conceives that he cannot conclude more appropriately than by affirming, in the words of the luminous commentator upon the laws of England, the illustrious *Blackstone*, that, "whenever a question arises between the society at large and any MAGISTRATE vested with powers originally delegated by that society, it must be decided by the society itself—there is not on earth any other tribunal to resort to."

THREE LETTERS,

FROM

DR. WATKINS

TO

The Publisher.

SIR,

THE interest you have taken in investigating the case of the ill-fated *Elizabeth Fenning*, induces me to accede to your wish in communicating to you the Address which I ventured to submit to His Royal Highness, the Prince Regent, in the behalf of that unhappy young woman. Had I, however, any reason to change the opinion which I first formed on the case, and which could alone have led me to adopt the presumptuous measure of applying directly to the fountain of mercy on this occasion, I certainly should have felt a reluctance in complying with your desire. But a more attentive examination of the entire proceedings, and a dispassionate review of the Evidence, have so completely confirmed my original impressions, and set an absolute seal to my persuasion upon this transaction, that I should be greatly wanting in that duty which we all owe to society, present and future, if I was to withhold now my feeble voice, when there is a call for it, on the side of justice and humanity. As, therefore, to have denied your request, in this instance, would have been almost equivalent to a confession of *doubt*, when the contrary is the fact, it is incumbent on me to give you the paper which I hastily drew up, and to accompany it with the reasons on which it is grounded.

My knowledge of the affair was obtained only from the published reports, which are generally such as to require the cautious exercise of the judgment. On that account, I certainly guarded myself within such limits as the admitted uncertainty of circumstantial evidence gave me full liberty to take, without weakening my arguments. Amplification was easy, but it would have been tedious, and with my confined knowledge of the particulars, it might have been more dangerous to the cause which I pleaded, by perplexing it with difficulties, or laying it open to contradiction. But if with the scanty acquaintance which I possessed, and the simple space to which I was limited, my conviction became strengthened, and my ground enlarged, though unfortunately without proving successful in the object for which alone these efforts were made, an obligation remains to enter a solemn protest against the *recurrence* of an evil, the bare idea of which must excite horror in every liberal mind. Strong, therefore, as my language is, and explicit as it necessarily must be, all regard for private feeling, and deference to public forms, must give way to the sense of what is owing to God, and our fellow-creatures.

It is a sound principle in ordinary life, and commonly received, I believe, by all nations, that it is better ninety-nine real criminals should escape unpunished, than that one innocent person should suffer. This is equivalent to the old maxim of law and morality, that *summum jus est summa injuria*; and that the extremity of right is the height of wrong. If this rule be good, and its validity, I think, will hardly be questioned by the most rigid jurist, then it follows, that the first duty of all persons engaged in the office of administering justice, is to seek most studiously for every proof and evidence of innocence, no less than to bring actual offenders to punishment. Unfortu-

nately, however, when *a charge is brought*, no matter by what means, or from what motives, against an individual, *guilt is immediately supposed*, and the most inquisitorial sagacity is set at work to find out words, incidents, and even rumours and calumnies, that may appear disadvantageous to the accused person, and so warrant either commitment or conviction. It is really much to be lamented, that with all the abstract excellence of our laws, every facility is given to prosecution, while *obstacles of all kinds are opposed to the manifestation of innocence*. Rewards are offered, premiums given, and offices created, by which means the cupidity of gain is super-added to that bluntness of feeling which arises from a trading familiarity with judicial proceedings, so that the persons employed in them are always exceedingly on the alert to discover *proofs of culpability*, and are as slow in ascertaining these points, which, if properly regarded, would dispel the phantoms raised by suspicion, and employed by interest.

In the case now under consideration, every thing was thrown into one scale : but when examined, what does the whole amount to, more than an apprehension in the first instance, that poison of a specific quality was mixed with the food ; and, secondly, that the young woman, who suffered, must have purposely infused the noxious substance into the mess, with the diabolical view of destroying a whole family. It is obvious, that before the last supposition can be suffered to have admission into the mind, the position must be clearly proved that there was *poison in the dough*, and that this was such a poison as could not have found a place there but by *design*. Here then the most *cautious* and *scientific* investigation ought to have been instituted with regard to the substance actually eaten, and not merely with respect to the vessel where it had been compounded. My reasons for this are as follow :

The dumplings alone obviously produced the injurious effects of which the family complained; to them alone, therefore, at least in the first instance, should the inquiries have been directed. The uncompounded fragments in the dish might have been examined also, to see whether the one corresponded with the other. But no conclusion ought justly to have been drawn, that what was found in the dish must necessarily have occasioned the complaints in question, since there is a possibility surely, that what was so discovered, might have been placed there afterwards. If, however, the one and the other agreed in all respects, the inference would be clear, that the noxious ingredient was made use of with a *bad intention*. It then became a matter of *imperative duty* to have called in the professional talents of the first medical and scientific characters, to determine beyond all question that there was *poison* in the case, and that this poison was *arsenick*. Whether such an investigation took place in the present instance, I have not the means of knowing: but the absence of such testimony warrants me in dilating upon the indispensable obligation of this course of proceeding in the incipient state of the inquiry, especially as *no person materially suffered from the supposed poison*, which, being a circumstance of a *peculiar character*, might have led to a doubt whether the ingredient was *arsenick* or not.

In the case of *Donnellan* at Warwick assizes, for the alleged poisoning of *Sir Theodosius Boughton*, the highest professional men in the kingdom were examined on the analysis of the noxious infusion to which the death of the baronet was ascribed; and whatever judgment we are at liberty to form on the merits of that case, and of the justice of the verdict, there can be but one opinion with respect to the *propriety of the proceedings*, which were conducted with the greatest care and caution.

It may well excite surprise that the case of Elizabeth Fenning, founded on *conjecture* alone, and, consequently, much deeper in mystery than that of Donnellan, should have been thought less deserving of laborious and scientific inquiry. I know not on what moral principle it can be justified, that the accused without means, should be left without mercy; or, in other words, that a poor person, who cannot provide the efficient aids by which his innocence may be established, should therefore be abandoned to the *rigour* of the law. It argues a sad want of feeling, when the poverty of the prisoner, his ignorance, or the want of friends, are suffered to operate to his disadvantage. A liberal policy would adopt a course the very reverse; and calling pity to its counsel, with an anxious desire to avoid committing an error, it would cause the utmost delay to take place, that the person accused may not suffer wrongfully. Rogues by profession and principle have oftentimes more chance than honest men; because what the last lose by confidence in their integrity, the others gain by cunning and that conscious sense of their criminality which leads them to make use of every instrument to elude punishment. Under these circumstances, and considering the extraordinary nature of the case, it was the duty of all the parties engaged in the administration of justice, to have caused a slow, extensive, and scrupulous inquiry into every thing connected with the immediate fact which formed the charge, the characters of all who had any relation to the prosecutors, and the whole history of the prisoner herself, before any decision was pronounced upon her fate.

Unless Mr. Marshall's *notions* were *evidence*, there was not a particle of proof on the Trial that any poisonous ingredient whatever was in the dumplings. I shall not enter into the particulars of the *surgeon's* testimony, or the

curious opinion which he gave with respect to the *presence* and the effects of *arsenick*. There can be no need for any remarks on *this* evidence ; for I maintain, that *this testimony, to its fullest extent, was good for nothing*, since it failed in proving that what was in the dish was of the same nature with what had been taken by the persons affected. Nay, more, as the prisoner herself partook of the food, she was as much entitled to the benefit derivable from that circumstance as her fellow-servants, or the master, who were acquainted with the existence of *arsenick* in the house, and with the place where it was deposited. If it was improbable that any of these should have been guilty of so nefarious a deed, the improbability was much greater on the side of the prisoner, who had nothing to gain, and every thing to dread, by such a monstrous act. I feel not the slightest hesitation in saying, that the acknowledged fact of experiments being made on the *dish* by one of the party, *before* the arrival of the surgeon to whom it was shown, was of a nature that could not, by any impartial man, be passed over as of trivial import. There was a strange impropriety in the act itself ; and on all accounts as it proved the *possibility* that the vessel might be tampered with by some one afterwards, no inference ought to have been drawn from its state, or its contents, unfavourable *to the prisoner*.

There was then, I contend, an absolute deficiency of proof that poison at all existed in the food that was eaten ; and this ought to have been fatal to the prosecution. Why this was not suggested by the prisoner's Counsel, is not for me to say. Beyond all question, the interests of justice, and a regard to personal character, ought to have induced the Court to interpose its authority where a doubt called for its mediation.

But even admitting that the substance was the same in

both, and that this substance was *arsenick*, where is the proof that the *prisoner* placed it there? This cannot be gathered from the conversation that she had previously with her mistress, or from any part of her behaviour either then or at any other time. Had she obtained such an article under any pretence from a chemist, or had she been detected with any in her possession, a reasonable suspicion might have thence been raised with respect to her intentions. But there was arsenick in an open drawer, where waste paper was kept, and to which every body had access. *A very strange mode of keeping poison this!* But then it is said that the paper had a label designating its contents, and that this poor girl could read and write. I almost tremble while I am animadverting upon such loose inferences and dreadful applications. The consequences that we have seen to result from such *logic* and such *law*, carry our minds back to other days, and make us shudder for those which are to come!

From these considerations, and others, on which I forbear to expatiate in this place, reserving them for a very ample discussion of the nature and operation of circumstantial evidence, with a particular reference to this and other cases, I was impelled to draw up hastily a Memorial, which I caused on Sunday last to be conveyed to a gentleman high in the confidence of His Royal Highness the *Prince Regent*, by whom it was delivered to the Secretary of State for the Home Department.

This Memorial, though the effusion of my overburthened feelings, was guided by deliberate judgment, on this distressing case: but my efforts, as well as those of more able and powerful advocates, were unavailing. I shall not here hazard any reflection on the stern justice which demands sacrifices by the way of example; but I may be permitted to observe, that, before the gate of mercy is closed, *no inquiry should be omitted* that may

elicit truth, where truth exists, nor an *inattentive* ear be turned to those who can suggest a *plea for pardon*. In *this* instance the *doubts* remain, but the *power of relief* is passed for ever !

To have arrested the judgment, and to have stayed the execution, when *no life* called for a victim, would have been at least a grateful accommodation to the feelings of mankind, as it would, beyond all question, have been an offering more acceptable to the Deity than the dreadful one which struck the beholders with horror, and which cannot fail to excite astonishment in all who shall read the particulars for years to come.

I am, Sir,

Your most obedient servant,

JOHN WATKINS.

Somers' Town, 29 July, 1815.

To Mr. HONE, Fleet Street.

MEMORIAL.

“ To His Royal Highness the PRINCE REGENT.

“ SIR,

*“ Nothing but the most serious impression of the first of all moral duties could have induced an obscure individual like myself to take such a presumptuous step as that of addressing your Royal Highness. But there are times and occasions when even the poorest and the weakest may be excused for intruding upon their superiors, and urging in earnest terms the cause of humanity. The finest act in the life of *Alexander Cruden*, the compiler of the Concordance, was that of converting an ignorant convict under sentence of death, and then procuring his pardon from government. I am now a suitor to your Royal Highness in a similar case, though without*

having the slightest knowledge of the party for whom I plead, or of the prosecutors; so that my motive in this instance is clear of all partiality and prejudice. There are, however, so many extraordinary points in the case of *Eliza Fenning*, now ordered for execution, that I trust for your Royal Highness's goodness to pardon my freedom in calling your serious attention to them.

“Circumstantial evidence alone stands as the ground of this conviction; and this is a species of proof which can never be too rigorously sifted or cautiously admitted. In some instances, indeed, courts have nothing else by which to decide upon an accusation; but even there the chain must be strong, well connected, and brought home closely to the prisoner. In the present case I humbly apprehend that there are defects enough to warrant a suspicion that the verdict has been hasty; or, at least, that the prisoner may be innocent. If the last should hereafter turn out to be the fact, it will be an agonizing consideration to those who have contributed in any way to the ignominious end of a young creature, who might have been an ornament and a benefit to society. But that there is a probability that this person is innocent appears from this, that she did herself suffer by partaking of the poisoned dish, which she certainly would have avoided had she been conscious of its deadly quality. In the next place, the motive to destruction was wanting, for she had neither any hope of gain, nor could be actuated by any principle of revenge. Why then should she endanger her own life to get rid of those against whom she had no resentment, and from whose death she could derive no advantage? The poison, it seems, was kept in the house by her master, and that *in so careless a way* that his servants were aware of the circumstance, and acquainted with its situation. Now, if one part of the family could gain access to it, another might also; and therefore, in such circumstances, it was

reasonably to have been expected that such as lived longest in the house would have been subjected to the most rigid examination. One of these domestics did not share in the noxious food : immediately after the taking up of which, she went out on some concern or other : an incident on which I forbear to expatiate, but which one would think could hardly have escaped judicial observation.

“ Here are then points, in this most mysterious history, which render the probability of innocence strong ; and wherever that takes place, every casuist will contend most strenuously in favour of the accused, even though there should be some particulars which the jealousy of the law is ever ready to convert into a *presumption* of guilt.

“ Excellent as our code is in the general, and mild as the administration of justice confessedly is, still it is to be lamented by *all* that our criminal records are stained with too many instances of *inconsiderate verdicts and inexorable sentences*.

“ There is something so awful in reflecting upon such melancholy occurrences, which prove the fallibility of human wisdom in its highest state, and the imperfection of human laws in their purest dispensation, that I am persuaded your Royal Highness will see the necessity of examining, with the greatest strictness, the cases submitted to your final decision ; and that in the one, which I have here taken the liberty briefly to investigate, you will, if possible, extend the highest attribute of royalty to this young female, who, if guilty, may repent ; and, if innocent, her life will be a blessing to her deliverer.

“ May it please, &c.

“ JOHN WATKINS.

“ *Sunday, July 23, 1815.*”

LETTER II.

SIR,

There is this great advantage in delay, that what is lost in public attention is compensated for by the approbation of conscience, and the benefits which may result to posterity from repeated inquiry. It was the saying of the greatest Statesman that perhaps England ever had, "Stay a little, and we shall have done the sooner:" by which he reproved those who examined superficially and came to a decision hastily. I am glad, therefore, that the publication of this narrative has sustained a pause, as well to guard against the charge of endeavouring to inflame the passions of the multitude, as to afford opportunity for farther observation upon this most extraordinary case.

On reviewing the evidence, it is impossible not to be struck with the very singular fact, that the medical attendant was not more closely examined with respect to the state of the food that had been eaten: and it is not a little extraordinary, that though it was known that another person of the faculty had been previously called in, his testimony to the same purpose was not adduced at the Trial. A very unaccountable question, which was put to one of the principal witnesses, whether the prisoner rendered any assistance to the rest of the sufferers? would in this case have been satisfactorily answered by proving that she was worse than all the rest. The absence of that testimony, and the stress laid upon the unsupported and unexplained opinion of one, who, by his own account, was not so inquisitive into the arcana of the business as from his profession might have been expected, and his subsequent situation demanded, involves the circumstance in a cloud,

which it would be more *hazardous* than *difficult* to penetrate.

At the moment of my writing, however, a paper has been put into my hands, purporting to be an authorized statement of the observation made by the surgeon and apothecary, at the time when they visited the family, in consequence of the melancholy accident which has occasioned this dreadful catastrophe. According to their account, the unhappy girl refused the medicine that was presented, exclaiming, at the same time, "that she would not take any thing; she had much rather die than live, as life was of no consequence to her." By perseverance these gentlemen prevailed upon her to take one dose, when she repeated the same words. This account is prefaced by the observation, that the persons who relate the fact lament they had not an opportunity of stating it on the Trial, as they consider it an additional proof of the culprit's guilt.

Now these medical gentlemen must have had a very singular, or contracted practice, if they have not often met with refractory patients, who, in the excruciating agony of pain, approaching very near to delirium, or in a loathing to physic, amounting to antipathy, have not uttered still more impassioned language than that which is here construed, by a most perverse abuse of words, into a consciousness of guilt. There is not a human being in existence whose life would be safe under any suspicious circumstance on which a capital charge depended, if their incoherent sentences, when stretched on a bed of sickness, were to be strained into a collateral evidence against them. But it seems that the patient, in this case, persisted in her resolution, as on the next morning the medicine was found untouched, and she repeated the same expressions. From these nothing can justly be inferred, but that she was in a

languid state, and naturally obstinate ; or that insinuations and menaces had been uttered which made her careless of life.

But one thing comes out in this declaration which calls for some remark, and that more especially as the state in which the girl was proves that she was at least as ill as any other of the family. In this case, how happened it that she should have so soon recovered, without those repeated applications which are necessary in all cases of poison? If arsenick had been taken into the stomach, so as to produce the symptoms described, the *immediate discharge* of every particle of it was a matter of consequence to the life of each patient. It seems, however, that only *one* dose, whatever that might be, was taken by this young woman, who, for aught that appears, was not a whit less affected than the others ; and yet she recovered. This would lead one to suspect that there was no arsenick in the food at all ; and, notwithstanding the charitable decision, benevolent wish, and sapient judgment of the surgeon and apothecary, I hold myself at full liberty to think that either there was *no real poison* in the substance taken into the stomach, or that it was *not of the description* which has been specified. But admitting that the effects produced on all the parties in this mysterious affair were the result of a destructive drug, and that this drug was *arsenick*, taken from the paper which the prosecutor kept in his office, it by no means follows, in spite of the *liberal* sentiments of these practitioners, that the prisoner was acquainted with the existence of arsenick in that place, or that she had ever meddled with the paper in which it was contained. It is true that *one* of the *apprentices* on the Trial stated his knowledge of the fact that arsenick was deposited in an unlocked drawer in the office ; and he went so far as to say, that he marked its absence about a

day or two after the seventh of March, which was a fortnight before the day of mischief. This person states his having noticed the circumstance at the time, but to whom does not appear, nor indeed are we told how he came to be so particular in his different observations on this arsenick; since the Court seems to have either regarded the evidence as immaterial, or to have considered it as standing in no need of illustration and of corroborative explanation. At what period this arsenick was originally obtained, from whom, and why so deposited, are points about which we are unhappily left to inquire in the dark; having been left by the Court without those lights which patient investigation might have produced. One essential matter, about which the mind hovers with a degree of anxiety, is, whether it had been customary, at former times, to keep such a noxious article in that particular place, and especially whether those persons who came into the family were properly warned of the circumstance, to prevent any evil that might result from ignorance or wantonness? What was not inquired at the Trial can hardly be hoped for now; and it certainly is to be deplored that, as all the evidences upon whom the case depended, were, more or less, connected with the prosecutor's family, so much confidence should have been placed in *their* respective memories and judgment, as to have induced the Court to pass on *from one to another*, without reiteration, and an examination of different persons on the same points.

From the whole body of *conjecture*, which from the report of this Trial appears to have been admitted as evidence, the utmost that can be presumed is, that poison was administered; but whether out of malevolence or mischievous sport, remains doubtful; since, as far as the inquiry went, and according to the direction which the

prosecution took, there is not the slightest clue by which to fasten a motive for the action upon the prisoner. There had been no recent quarrel, there was no proof of a secret grudge, and there most unquestionably could be no incitement to such a deed from the desire of gain. The absence of such stimulating principles in the suspected quarter, ought to have led the inquirers to the search after some possible causes of so nefarious an act *elsewhere*, when it might have been discovered probably that it originated in wantonness, or, perhaps, in that aberration of the intellect which sometimes commits a fatal error without any immediate impulse, or deliberate design.

Compelled as we are to trace this unfortunate history with extreme caution, we cannot place even our objections and doubts, our conjectures and reasonings, in the most forcible light which the subject would bear; and which a more deliberate judicial investigation would have enabled us to perform.

But thus much may be said with strict truth, that in all our records of criminal convictions, there is not one so completely wrapped up in obscurity as the present, or one that drags after it so many painful and mortifying considerations. Between the conviction and the report; nay, between the report and the execution, *circumstances* came to view which tended most powerfully to strengthen the persuasion that the culprit was *innocent*; yet inquiry was rather depressed than encouraged; a more saving regard was paid to the judicial character than to the feelings of the public; and, if I am correctly informed, this was the first instance where the robe of justice interposed to prevent the extension of mercy. Of the motives by which men are actuated we have seldom the means of obtaining correct knowledge; but, for the honour of human nature, I hope another instance will never occur when

a prosecutor shall withhold his hand from subscribing a petition for mercy to the throne; and still more, that no man henceforth will submit to be guided by the judge; who, having tried the cause, considers his professional reputation injured by such a recommendation.

We are, however, kindly advised to rest satisfied with the evidence which convinced the Court and the Jury; with the subsequent persuasion that confirmed the parties concerned in the judgment which they formed; and to acquiesce, on this authority, in the dreadful conclusion that this young woman heightened her offence by a most deliberate falsehood, in the name of her Maker, at the moment when she was about to appear in his presence. Such a tame submission on so arbitrary a requisition, may, perhaps, appear perfectly reasonable in the estimation of some cautious persons, who, in the plenitude of their optimism, are disposed to believe that our criminal code is the best of all possible codes; that the Sessions'-House, in the Old Bailey, is the most immaculate of courts; that the juries commonly assembled there are the most discriminating of all possible juries; and that the present law officer, who presides as the municipal judge, is the most enlightened and patient, the most dignified and liberal, of all possible judges.

But being little disposed to yield up my faith without a reason, and that bottomed on something more substantial than the vague *conjectural* evidence which has occasioned this disquisition, I shall take the freedom, to which my birth, as an Englishman, gives me a claim, of calling in question the pretensions of those who so imperiously require my admission of their legal infallibility.

The allowed intricacy of this case, where not one substantial or direct fact, as applied to the prisoner, could be proved, and the immense importance of the Trial, in all

respects, to every description of his Majesty's subjects, called for the most solemn investigation; and, as far as possible, the profoundest attention and legal knowledge of the highest characters on the bench. Strange it is, however, that not one of the Judges assisted at this Trial, whose great talents and experience might have been of the utmost benefit in pursuing the examination, interrogating the witnesses, sifting their testimony, summing up the evidence, and directing the Jury. But so it was that, on many accounts, one of the most extraordinary cases that ever occupied the consideration of a Court, was despatched in a manner, and within a space of time, little different from what occurs in an ordinary quarter-sessions on minor offences. The same person who tried this case reported it to the Privy Council, and, of course, on *his* representation, in a great measure, depended the fate of the prisoner. Whether every facility was offered to relax the rigour of justice, whether the probabilities of mistake, and the possibility of innocence, were fairly stated and forcibly urged on this occasion, cannot certainly be publicly known: but if,—when charity was roused to great efforts, and in consequence of that diligence which the friends of humanity thought it their duty to exert—the means of inquiry were rendered ineffectual by those who ought to have given it every assistance, we may at least be permitted to lament the hardship of that determination, to which we find ourselves compelled to submit.

Yet it was but reasonable to suppose that they who were most likely to be affected by the discovery of the innocence of the prisoner, should that have happily been the result of inquiry, would have been the most forward in recommending delay, and the most anxious to promote such an investigation as might have had the effect of stamping a seal of absolute necessity upon the warrant of

execution, or of eliciting circumstances to justify the exercise of the royal prerogative of mercy. Instead of this, an assurance of guilt seems unfortunately to have taken possession of those minds with whom lay principally the final decision of the case; and it requires no small portion of philosophical forbearance to restrain the feelings within due limits, on observing that, while every nerve has been strained, and all arts employed to swell vague surmises into proofs of criminality, not the smallest endeavour has been made to construe them in a manner that might have been favourable to this ill-fated and helpless young woman.

The utter impossibility of proving a negative in such a case, and the numerous modes by which trifles, light as air, may be converted into the confirmation of guilt, by ingenious application and easy credulity, shows most awfully the absolute necessity of examining them separately, and in every possible light, before they are admitted to weigh even as the dust on the balance, in a charge on which the life of a fellow-creature is dependent. Quintilian, in his *Institutes*, has a very elaborate discourse, the intent of which is to show, that many things are too apposite to be true; or, in other words, that matters brought in as the evidence of a fact, have too much refinement and studied management, to be admitted honestly as the proofs of what they are intended to support. The prosecution and the trial which we have been reviewing, will furnish a very apt illustration of this position; and, except the case of the unhappy men who were executed wrongfully for the murder of Sir Edmundbury Godfrey, I do not know any one that could more properly be adduced in the way of a comment upon the text of Quintilian than that now under consideration.

In the case of Elizabeth Fenning there is a remarkable want of simplicity in the manner and language of each of the witnesses, as carries all the indications of previous drilling, and thorough consultation; which, though far

from being exceptionable on that account, may, at least, excite a reasonable presumption, that all due care was taken to keep down what might have turned in favour of the prisoner, if the business had been conducted without such skilful management. It is observable also, that the questions on the Trial were of a *leading* description, and drew forth the answers with as much precision as those of any catechetical formulary whatever. This artificial construction of the prosecution, and the petulant manner in which certain parts of the testimony were delivered, cannot fail to arrest the attention of the cautious and intelligent reader. It is impossible to say what would have resulted from a more circuitous mode of examination, and a comparison of the same testimony given in different terms to other interrogatories; for as such an attempt to try the credibility of the witnesses, and to discover, if possible, the innocence of the prisoner, was not made when it might have been of the most essential service, conjecture would be ill employed now in searching for probabilities, when the adequate means are not to be obtained. But, unfortunately, it frequently happens that a long course of practice in criminal prosecutions *only*, tends to turn the mind from those merciful considerations which ought always to accompany the administration of justice.

Some men seem to have thought, at least they have deported themselves as if they did, that their sole duty lay in searching out proofs of guilt, in aiding the views of vindictive prosecutors, giving full scope to every species of evidence, and then leaving prisoners to their own exertions. This gaoler-like sentiment tends to convert the best of all human laws into a system of terror, more sanguinary, if possible, than those of Draco, by enabling prosecutors to take an advantage from the negligence, the ignorance, or the poverty of the accused; without any interference on the part of those, who, from their situation, ought in such a case to exert all their diligence on the

behalf of the helpless prisoner. But to what an intolerable degree would the grievance become heightened, if an organized prosecution, armed and prepared in every part by all that wealth can afford or ingenuity supply, should be strengthened by judicial direction, and an inclination to take every thing to be true that stands uncontradicted, or unexplained.

In all cases where, owing to the absence of positive evidence, the judgment must be exercised in appreciating the *probabilities of testimony*, a certain degree of scepticism is requisite; since an inclination to believe what is confidently affirmed, has a natural tendency to magnify facts beyond their just proportions, and to distort words from their legitimate meaning. The charge delivered by the great BACON to the Judges of his time ought deliberately to be considered, and constantly regarded by every man who is engaged in the administration of justice. "Judges," said that luminary of science, "must beware of hard constructions and strained inferences; for there is no worse torture than the torture of the laws: especially in cases of laws penal they ought to have a care that that which was meant for terror be not turned into rigour."

This counsel will be found as salutary for the government of the mind in private life, as it is necessary to be attended to by those who fill a public station; because there are limits and occasions, when every human being will be called to form some judgment on the actions of others. Whether in the case which we are considering, this rule has been strictly adhered to by all parties, from the beginning of the inquiry, to the final decision, can only be ascertained by a rigid and minute investigation of the proceedings in every stage of the melancholy business. Yet it cannot be too strongly impressed upon the mind of the intelligent observer, that the foundation was no more than an insulated suspicion, which being once laid, was suffered to gather into all the texture and form of a regular accusation, by an accumulation of words

and incidents, not one of which, without the aid of constructive ingenuity, could be said to have an offensive meaning; while the whole of them respectively considered, even in connexion with the matter in charge, admitted of an honest interpretation. Unfortunately, however, all these particulars were fitly framed and dovetailed into each other with so much dexterity, as to have a very ominous aspect, especially when there was nothing opposed to the machinery but the simple negation of the prisoner.

But as if punishment could not be carried far enough, when the law had obtained its sacrifice, vengeance has even presumed to pass the boundaries of ordinary severity, and to follow the sufferer beyond the grave. Among other *decencies* by which this transaction has been characterized, one of the most extraordinary is the insult offered to the British Public in the Affidavit of a Turnkey. The intent of this deposition, which has been circulated with eager industry, and at no small expense, by the prosecutor, goes to show that the unhappy victim died with a lie in her mouth, although she died appealing to her God that she was innocent. But what aggravates the excessive cruelty of this brutal act, we are called upon to believe, on the authority of a Gaoler's Underling, that this climax of guilt was occasioned by the repeated exhortations of the parent of the unfortunate girl. A very homely proverb might have taught this officious being, that it is "cowardly to throw water on a drowning mouse;" but when he *dared* to adduce the evidence of the Ordinary of Newgate in support of his statement, he was not aware that the reference involved that gentleman in a very awkward dilemma: since, if he denied the truth of what was alleged, the motives which produced the Affidavit must appear at once in all their iniquity; and if, on the other hand, he admitted what was asserted, he must have shown himself very unworthy of his office in remaining silent, when such abominable advice was repeated in his presence; though his suffering the declaration to appear in

print, without contradiction or explanation, can hardly be reconciled to any proper respect for the great ends of justice or the public opinion. Happily, however, we are relieved from the disagreeable trouble of reasoning upon this part of the business by the apology of the deponent himself, who acquits the father of any evil intention; though his Affidavit, if it had any meaning at all, could have no other object than that of proving an undue influence having been exercised on the mind of the sufferer, to prevent her from making a free confession. But this fellow of convenient memory has had integrity enough to give up his employer, and to assure the public, that his very humane and *consistent* declaration was made at the instigation of the prosecutor;—with whom we must here leave him to settle his account.

No serious and liberal mind, that has paid any particular attention to this melancholy history, can fail to have been struck with the remarkable contrast between the spirit and conduct of the prisoner, and the deportment of those who have endeavoured to cut her off from the mercy of Heaven, and from the tender pity of mankind, by representing her as an intentional murderer, and a hardened hypocrite, who veiled her offence under the sanction of religion.

But, in spite of their *charitable* conclusions, we have evidence to prove, and that much more strongly than any on which she was condemned, that her religious principles were correct and her professions sincere; that she had a due apprehension of the consequences of dying without repentance; and that, while she possessed a well-grounded faith in the promises of the Gospel, she had a proper sense of the duty by which alone they could be secured.

This young woman was distinguished by a superiority of intellect, and a propriety of feeling, which could hardly

be reconcileable with the depravity of which she has been accused. And as she drew towards the last dreadful stage of her mortal course, when she was about to appear in His immediate presence, to whose justice she appealed from the tender mercies of her fellow-creatures, she acquired a placidity of temper, and an energy of mind, totally opposed to the apathy of vice and the stupidity of ignorance.

Am I then, when contemplating such a tender and interesting object, to renounce one of the first principles of our common Christianity, and, in despite of the spirit of love, to believe that one who displayed in her last moments both faith and charity, which had every legitimate sign of perfect sincerity, was, after all, a *felo de se* of the very worst description? Is it that because the verdict of the jury, and that the passions, some good and some bad, of many individuals have concurred in pronouncing her guilty, upon conjectural testimony as to circumstances; all of which may have been free of culpability, and reconcileable to the ordinary course of human action;—is it, in short, that because a fallible tribunal, and a persisting executive council, have deemed it necessary to carry the sentence into execution, that, for no other reasons than these, I must close the avenue of my understanding, by which Hope may enter, to strengthen my assurance, that the sufferer, whose untimely fate is to be lamented, has found an eternal refuge from her woes in the bosom of her Saviour and her God?

With all due submission to the wisdom and the virtues of the high legal Authorities of this land, with the profoundest admiration of our invaluable Constitution in all its parts, and with a sincere respect for the exalted Characters who have the direction of our national councils, I claim the privilege of exercising my own judg-

ment on those questions about which I feel a competency to form an opinion ; and also of delivering that opinion to the world, with all proper spirit, when the interests of the existing generation, and those of posterity, are likely to be affected by the matter in discussion.

There is a kind of timidity that takes the name of prudence ; under the baneful influence of which, men of the best dispositions are frequently led to check inquiry into palpable evils, and to submit, without complaint, to grievous oppressions, for fear of giving offence, or of incurring censure. But they who voluntarily degrade their minds by yielding to such an abject domination, would do well to reflect, that this slavish conduct is an injury to their fellow-creatures ; inasmuch as it tends to give an advantage to the crafty, to encourage the vindictive, and to extend the arm of power beyond its due limits.

The Case which we have been reviewing is one of vital importance to every individual in society, since it may possibly fall to be the lot of any person, whether in the higher walks of life or in the humble state of servitude, to become accidentally an object of suspicion, and to be charged by the uncharitable, or the designing, with an offence of the greatest enormity, on mere surmise and presumption.

This *discussion*, therefore, of a subject so momentous, and which comes home to the bosom of every human being, cannot surely be reprehended by any one who has a due sense of his obligation, as a member of the public community, to watch diligently over the administration of the law, no less than to submit patiently to its ordinances.

For the present I shall take leave of this transaction, in the cogent and powerful language of the profound and

excellent BARROW, on the danger of forming rash and uncharitable judgments.

“ Every accusation should be deemed null,” says that great divine, “ until, both as to matter of fact, and in point of right, it be firmly proved true : it sufficeth not to presume it may be so : to say it seemeth thus doth not sound like the voice of a judge : otherwise, seeing there never is wanting some colour of accusation, every action being liable to some suspicion, or sinister construction, no innocence could be secure, no person could escape condemnation : the reputation and interest of all men would continually stand exposed to inevitable danger. It is a rule of equity and humanity, built upon plain reason, that rather a nocent person should be permitted to escape than an innocent should be constrained to suffer : for the impunity of the one is but an inconvenience, the suffering of the other is a wrong : the punishment of the guilty yieldeth only a remote probable benefit ; the affliction of the blameless involveth a near, certain mischief : wherefore it is more prudent and more righteous to absolve a man, of whose guilt there are probable arguments, than to condemn any man upon bare suspicions. And remarkable it is how God, in the law, did prescribe the manner of trial and judgment, even in the highest case, and most nearly touching himself, that of IDOLATRY : ‘ If (saith the law, *Deut.* xvii. 4.) it be told thee, and thou hast heard of it, ‘ and inquired diligently, and behold it be true, and the ‘ thing certain, that such an abomination is wrought in ‘ Israel, then shalt thou bring forth that man, or that ‘ woman, and shalt stone them.’ See what great caution is prescribed, what pregnant evidence is required in such cases : it is not enough that it be reported, or come to our ear ; diligent inquiry must be made, it must be found true, it must appear certain, before we may proceed to

condemn or execute. It is indeed not fair judgment, but mere calumny, to condemn a man before he doth, by sufficient proof, appear guilty.'

I am, &c.

JOHN WATKINS.

August 18, 1815.

Postscript. Some notice has already been taken of the strange circumstance, that this perplexing case, which called for the exercise of the greatest legal powers, should have been tried, though it happened out of the bounds of the City, solely before the *Recorder*, without even the presence of one of the Judges; and this point deserves more particular consideration, as it shows the slight indifference with which the business was treated, and accounts for the firmness with which all applications for mercy were rejected. Experience will convince every one, that men in high official situations are little inclined to retrace their opinions, or to call in question the correctness of the judgment which they have pronounced. But, with all due allowance for this pertinacity and self-complacency, which grows with age and becomes hardened by practice, it will furnish no excuse for those branches of the executive administration who neglect to examine into reported cases, by other lights than what are afforded by the persons who, it is natural to suppose, have more respect for their own decisions than for the sentiments and conclusions of the rest of the world, in matters which may possibly affect their professional eminence.

To Mr. HONE, *Fleet Street*.

LETTER III.

SIR,

If your intended collection of papers on the Case of *Eliza Fenning* has not already extended beyond due limits, I conceive that a few pages additional should be devoted to a consideration of the very extraordinary pamphlet, which the ONLY MEDICAL *Witness* who was examined on the *Trial*, has just thought proper to send into the world, for the purpose of exhibiting *supplementary* proofs of the sufferer's guilt.

That man is to be *pitied*, or *suspected*, who finds himself obliged to enter upon an *explanation* of the evidence which he has given in a court of judicature: but, when he enters upon this unpleasant task, the very necessity of which shows that something was wanting to render his testimony *complete*, when it could alone be *effectual*, the least to be expected from him is a tone of modest diffidence, upon matters where the wisest may err, and silence on points where even justice may be deceived.

Of all *evidence*, in courts of criminal jurisprudence, that of *professional men* ought to be given with the greatest care, and received with the utmost caution. Plain facts are level to ordinary understandings, and very simple logic is sufficient to ascertain their relative connexions and separate value; but opinions drawn from recondite branches of human knowledge, and grounded on inquiries with which few comparatively are acquainted, must be regarded as of little weight, unless well strengthened by reasoning that admits of no misconstruction, and supported by authority that cannot be controverted. It is, however, to be feared that, in too many cases of vital importance, a reliance has been placed upon the judgment of *professional men*, which has contributed to *verdicts* and decrees that have proved woeful warnings to succeeding jurors and judges. Instances might be produced, in no

slight number, where a culpable confidence in medical practitioners has proved fatal to persons of whose innocence an enlightened posterity can have no doubt. Our own records exhibit some melancholy cases, wherein the fallible opinions of vain and ignorant men have been rashly thrown into the scale of justice, like the sword of the barbarian, to decide the fate of the unfortunate. Evidence and judgment of this kind may, indeed, be truly termed barbarous, since, in every case where the balance hangs in equipoise, and doubt hovers on the beam, no man possessed of the common feelings of humanity would endeavour to draw upon his imagination, or his science, to supply the lack of direct and positive information. A man of extensive knowledge will deliver his testimony to facts in very plain and explicit terms; but, when called upon for his opinion in a matter where that opinion is certain of having considerable influence on the *fate* of others, he will be extremely tender, slow, and circumspect.

How far this simple rule of moral conduct was observed *in the late Trial*, is a subject well deserving of minute inquiry. Thus much is certain, that an uncommon degree of confidence was placed in the evidence of the *medical Witness*; though, as there were *two* professional attendants in the concern, *both* ought to have been examined; and yet the first thing that must strike the feeling mind, is the fact that *this* witness has found it expedient to print a supplementary statement, to act as a *commentary* on what he gave in court, and to *supply the deficiencies of his oral evidence*. The next thing observable is the *positive* language, in the actual testimony of this Witness, and the readiness with which the Court admitted the peremptory, but unexplained, decision of a man, who declared that *he had no doubts*, where wiser men than he can pretend to be, would, at least, have spoken with guarded reserve, and delivered an opinion with the greatest caution. This important Witness, on the contrary, *in an affair which required a very detailed statement of personal*

observations, and a very minute adduction of the *proofs* on which his judgment was formed, neither related those particulars which he has since found it necessary to publish; nor was he called upon, as it should seem, for the authority on which he so peremptorily asserted that *arsenick ALONE*, of all the mineral poisons, would produce the *symptoms* which he briefly stated. One of the effects mentioned by him, that of *blackening iron or steel* by mere casual contact, may very properly be called in question even by superficial chemists: and yet, upon this alleged property of arsenick, *this person*, when interrogated, neither stopped to pause, to qualify, or explain; but at once *roundly* maintained it as a thing certain and invariable.

Now, when all this is considered, the wonder surely must be, not that such a man should find it *necessary* to publish a *laboured exposition* on the subject of his evidence, but that, in an enlightened age, any *Court* could so readily have admitted *his* opinion at all as *decisive*, in a case that involved the life of a human being. Time must have been very precious, in the estimate of those who sat upon this Trial, when about *half a dozen questions* to the medical Witness, and as many laconic sentences on his part, were deemed sufficient to determine the case *on the side of the prosecution*. Such, however, was the *fact*; and NOW it appears that we are to *consult* this man's commentary for an *explanation of the evidence*; and, by consequence, for a full justification of all that resulted from it in the conviction and execution of the prisoner. But, perhaps, some readers may have such old fashioned and stubborn notions of *conscientious propriety*, with regard to human testimony in cases of this character, as to think that a supererogatory exposition, however luminous in its composition, or correct in its details, is *no apology* for proceedings, which were despatched without the light that these voluntary helps might have afforded. Still the narrative may be serviceable, in enabling *dispassionate* observers to appreciate the substantial merits of the only

material evidence on which this charge was founded ; though, if I am not much mistaken, the effect of the publication will be the *reverse* of what its Author *intended*. There can be no need of following him in *his* account of the symptoms, *his* mode of treatment, or in *his* experiments on arsenick. The labour of the *Apothecary* upon the mode of detecting this poison, and its effects on the human frame, might have been spared, without any disadvantage to medical practice, or loss to chemical science ; for it has neither been productive of any discovery in the properties of this deadly mineral, nor in the most effectual way of expelling it from the bodies of those who may have been so unfortunate as to have taken it either by design or mistake. *All* that is stated on this subject, in the pamphlet now under consideration, the world knew long ago ; and a man must have very pitiful pretensions to medical skill who *wanted* the information which is here so pompously displayed.

A few *circumstances*, however, have found a place in this performance, which merit particular notice, as tending, in a considerable degree, to illustrate the *character of the prosecution*, and to strengthen the presumption, that the unhappy girl was innocent of the crime for which she suffered, notwithstanding the peremptory decision of the *MEDICAL Witness*, *NONE* of whose observations or experiments have the slightest bearing on the question. It is observable, in the first place, that *this* person did not see any of the parties who were poisoned till four hours after the accident ; during which interval they had been attended by an Apothecary in the neighbourhood, who was superseded in the evening by another member, of the same *rank* in the faculty, whose residence lay at a remote distance : and no *reason* has been assigned for this change ; nor has any account been given why, in an affair of so much moment, a compounder of medicines should have been *selected* instead of a scientific *physician*. In country villages, where the inhabitants have no choice, the meanest

practitioner must be resorted to, till the next best can be obtained; but in the heart of the *metropolis*, where a whole family is known to be in danger from having taken a quantity of arsenick, the obvious course, suggested by common sense, would be that of sending for the highest medical aid that is to be procured. Here, most undoubtedly, no apology can be made for such a *strange* neglect; and the circumstance of employing *TWO APOTHECARIES*, *in succession, on the same day, without calling in a regular PHYSICIAN*, has, it must be confessed, a very untoward aspect. The effect produced by this change was apparent on the TRIAL, *where the medical favourite of the family*, who did not see the patients till they had *undergone* the process which the danger required, was *alone* examined as to the SYMPTOMS and the *cause*. If there was neither design nor management in this extraneous line of conduct, so different from that straight forward course which ordinary minds would pursue in such a case, it must, at least, be regarded as one that called for some *inquiry* and *observation* in a COURT of judicature. This was the more necessary when another circumstance is considered; and that is, the *instrument* employed to bring the *Apothecary* from Half-Moon Street, to Chancery Lane. A young man, named THOMAS KING, who lived in the family as an *apprentice*, having succeeded in *escaping all this mischief*, was despatched in the evening to hasten the *new* medical assistant, full *four hours* after the misfortune had occurred; with the very *urgent* declaration, that *the patients might be all dead*—before this person's arrival! Now, at what precise hour, or by whose express directions, *this young man* was sent off for the *distant Apothecary*, does not appear in any part of the proceedings: but the MISTRESS, in her *evidence*, slightly observed, that, after calling in one medical person, *they*, meaning, perhaps, HERSELF and her *husband*, sent for Mr. MARSHALL, without assigning any *reason* for so doing: nor did the *Court* take that notice of the cir-

cumstance which might have been expected from its relative importance. Certainly every information was necessary in an affair where nothing but *presumptive* evidence could be obtained; and therefore the testimony of the messenger, who was sent by his master, mistress, or both, in quest of an Apothecary at the west end of the town, ought not to have been dispensed with. Yet this THOMAS KING, who *never ate of the FATAL* dumplings, never once appeared in the *witnesses' box* at the Old Bailey; though, as a member of the family, and acquainted with its internal concerns, it must have been obvious that HIS *evidence was of the greatest* CONSEQUENCE.

Careless credulity in charges of a criminal nature, is nearly as culpable as wilful prejudice; since he who lends an easy ear to the *stories of interested persons*, and the *representations of prosecutors*, is ill qualified to detect guilt, or to defend innocence. In the present case it was of essential moment, to the substantial ends of justice, that the Apothecary *FIRST* called in should have been first examined: and, in the next place, it was equally necessary that the person who was *lucky enough to avoid the poisonous dish*, should have stated all that he had observed on that day; together with every such particular as he might be supposed to be *acquainted with*,—as to the presence of *ARSENICK* in the house, the place where it was kept, the uses to which it was applied, the persons who *ordinarily* had access to it, and whether, as far as he could say, the existence of so dangerous an article in that place was made *generally* known in the family. The evidence of this person was *more material* than that of some others; and the *very MANNER* in which he is mentioned by the medical commentator, in his illustration of what he calls the five cases of recovery from poison by arsenick, shows, beyond all doubt, that the omission of his testimony in Court was injurious to the cause of truth, and an outrage upon humanity. As this young man must

have had abundant opportunities of making his observations on the character and deportment of his fellow-servants; and especially as HE ALONE was enabled, *at the time of the fatal occurrence*, to render effectual assistance to the rest of the family, *he surely*, of all persons, was the one that *ought to have undergone a LONG and VERY MINUTE examination*. That he was *not interrogated at all* in such an affair, where he was an *eye and ear witness*, must be set down in the catalogue of INEXPLICABLE INCIDENTS, for which prudence may find an excuse, but which justice will not scruple to condemn. This *selection of a few witnesses*, where a *multiplicity of evidence was requisite*, carries such an *appearance*, that it may well be wondered how a *Court could be satisfied* with the absence of a witness so obviously *capable of clearing up some of the most intricate parts of this very dubious transaction*. Why, indeed, *his testimony* was neither *offered nor sought*, it would now be idle to conjecture; though, when ALL the circumstances of this extraordinary history are duly weighed, little doubt can be entertained that the *omission* was a matter of *convenience and expediency*, well understood and *deliberately regulated*. The systematic *contrivance of this prosecution*, manifested in the *compressed form* which was given to it, and in the *choice of witnesses*, together with the *MODE of examination* and the *tallying fitness* of the answers, will warrant the conclusion that there was as much *design* in what was kept OUT of hearing as in that which was prominently brought forward. If these remarks are considered as unreasonably severe, the answer may be obtained from the *REPORT of the TRIAL*; and, *above all*, from the *EXPOSITION* which the *Apothecary* has judged it necessary to publish as a *justification of the prosecution and its consequences*. In this last piece *supplementary testimony* is exhibited, particularly that of THOMAS KING; yet as the *Jury* were never made acquainted with any of it, the *natural inference* is that, by so much as *any importance* is

to be attached to it, by so much was the OMISSION of *such evidence* in Court an UNPARDONABLE INSULT upon the common feelings, the common understanding, and the common rights of mankind.

If, after all this, any thing could add to the surprise and indignation of the British public, it must be the *exclamation* which the *Apothecary*, in his *Commentary*, has ascribed to the RECORDER who sat upon this affecting and solemn occasion. Among other *strange* things which were brought to weigh *in the scale of conviction* against the prisoner, one was *the want of sensibility* displayed by her in not affording assistance to her MISTRESS;* which want of feeling the RECORDER is represented as having noticed, in what is called his *admirable charge* to the Jury, in these words: "If a dog were taken ill in a family, where is the Christian but would take pity, and be ready to lend assistance?" This observation is stated in the Narrative, with strong terms of *approbation*: but if it would be unchristian to leave a dog to perish without pity and relief, it must be *infinitely more* unchristian and inhuman to aggravate the woes of the unfortunate and depressed, by intemperate remarks and odious comparisons. *It is the duty of a JUDGE to hear with patience, to examine with diligence, to sum up the evidence with scrupulous fidelity, and to leave the whole to the Jury, without any attempt to inflame their minds or to bias their opinion.*

Now *the very Apothecary*, whose evidence was given on that day, has informed us, that on visiting the family he found the *Prisoner* in a condition as deplorable, and *as much wanting relief*, as any of the other patients. Now if the RECORDER was *mised* into the error that she had it in *her power* to render assistance to others, and did *not*; and if from that *supposed* negligence he *inferred* that she must have been of an unfeeling and malevolent dispo-

* For the situation of Mrs. C. TURNER, see *Trial*, p. 15 and 16, and Q. 34 and 35, and *Notes*.

sition, what will be thought of the *silence* of those who could have set him right by relating the helpless state in which the prisoner was at the time when the alleged want of attention is said to have occurred? This unhappy young creature *could not* have eaten a *less* quantity of the poisoned food than *any other* person in the family; and the *situation* in which she was found, by the *medical attendants*, plainly proved, as far at least as *presumptive* evidence could go to establish any thing, that she was utterly ignorant of the existence of *arsenick* in the dumplings, however she might dislike their *appearance*. The observations of the *same persons* would also have proved satisfactorily to the *Court*, or at least to the *Jury*, that so far from giving any aid to her fellow-sufferers, she was unable to go up or down stairs. It may, therefore, well excite surprise, that so *unreasonable* a question should have been put, in the course of examination: * but it is still more astonishing and unaccountable, that *the Witness*, to whom it was put, had not candour or honesty enough to state the *WHOLE fact*: and it cannot fail to rouse the most lively emotions of abhorrence in every liberal mind, to find that the *medical reporter himself* could so far forget the duties of humanity as to commit to print a panegyric upon the *Recorder* for this reflection; which, if he did make it, must have been through the *misrepresentation* or *criminal silence* of those who ought to have given him *correct* information. Here then is a dilemma, out of which the *managers* and *advocates* of the *prosecution* will find some difficulty to extricate themselves: but, at all events, the attempt to *cover* the cause, by the *authority* of the presiding Magistrate, must awaken suspicion in those who are most credulous in admitting *circumstantial* proofs of *guilt*; for even if the culprit *had* manifested the insensibility alleged, it might have proceeded from that stupor, and shock, which *alarming accidents* are very apt to occasion in the best and most active minds; and, there-

* See *Trial*, p. 22, Q. 51.

fore, ought not to have been dwelt upon *emphatically* with the direct intention of guiding the *Jury* in that verdict which they were to draw from the *evidence*, and from nothing else. Such an *exclamation*, therefore, as that which has been stated with admiration by the *Apothecary*, if addressed to a *Jury* impanelled on the life of a prisoner, has no such claims to the admiration of *others*; for the duty of the *Jury* was to have laid their heads together with the simple *evidence* for their consideration, unaccompanied by any provoking comments. Why is it that prisoners, by our rules of law, are debarred the privilege of counsel to address juries on their behalf; but for this reason, that the latter may not be influenced by rhetorical declamation, operating on their passions, or be deceived by sophistical reasoning directed to their understandings? But, surely, it would be the extreme of injustice to allow that in *judges*, from which the unfortunate and defenceless are precluded. There certainly would be much more danger in the one case than in the other; because every person, *juror* or *otherwise*, will perceive that the *counsel* for the prisoner acts the part of an *advocate*, and as such is not entitled to any more consideration than what he can make out by an elaborate investigation of the case in an appeal to *facts*; but what comes from the *judge* is regarded as matter of *deliberate opinion* and of *decisive authority*. The learned *pleader* may make out an ingenious argument for his client, even while he believes him guilty; but a JUDGE cannot play the ADVOCATE, except it be FOR THE PRISONER, in a case of DOUBT, without descending from his station and committing his dignity. An appeal to the passions of the jury would be, on his part, a violation of all decorum, and to exercise tyranny over *their* minds no less than over the life and liberty of the *prisoner*; and, therefore, if it were possible to believe that our jurisprudence, which has been for so long a period the pride of this country, could be thus abused, one might say of it, *stat nominis umbra*.

It stirs the blood of an Englishman into a ferment to observe, that there are *beings* in this country so *totally callous* to all the generous sentiments of human nature, and so *unworthy of the privileges they enjoy*, as to express a *public approbation* of such language. After all, this *citation*, therefore, whether false or true, must be left to those who made it; any thing that comes from such a *pure and disinterested* quarter, beyond *positive and unequivocal demonstration*, cannot be deserving of the smallest attention or respect. Had the *medical reporter* of the case of poison, which he has sub-divided into *five*, been content with a mere statement of his *personal observations*, and confined himself to those points which related to his own *professional* concern, little might have been said against him: but when he goes beyond his line, and takes up the character of AN APOLOGIST FOR THE PROSECUTION in all its parts, HE can have no right to *complain* if an ADVOCATE on the side of HUMANITY treats him with a portion of that rigid justice, which *he* presses together and heaps up in *unmeasured and unmerciful profusion*, to DECEIVE the *living* and to INJURE the *dead*. He who can *condescend* to shelter his *judgment* under the goodly testimony of *thief-takers* and *gaolers*; he who can *quit* the strict and upright rules of *moral evidence* on the question immediately at issue, to *rake* in the *common sewer of vulgar* REPORT for *circumstances*, which, to make the most of them, indicate nothing but *youthful levity and indiscretion*; He, in short, who can be as *FULSOME* in his *PRAISE* as he is *ILLIBERAL* in his *REFLECTIONS*, has no *CLAIM* upon public attention for what he shall assert, but for what he can *PROVE*. The Author of the Medical Report on this Case has mentioned an *indecent book*, which, as he says, was found in the box of the Prisoner, and from whence it is *inferred* that her *principles* were bad, and her ideas contaminated. But the book, for aught we are told, might have been casually picked up in the very house where she unfortunately dwelt; and it

is not at all *improbable* that this same obnoxious tract *did* belong to some one or other of the *family*. Such things *will* and *DO* occur in the *best regulated* households, and *VERY improper* publications may be found even in the bookcases of men, who, as *MAGISTRATES*, have the care of the public manners, or who, as *divines*, are intrusted with the charge of inculcating morality. Nay, even in *boarding-schools* of the first rank, and in the closets of well-educated *ladies*, books might be seen which, according to the *judgment* of *this* enlightened practitioner, would convict the possessors of *impure ideas* and of *evil designs*. There can be no *boundary* to criminal accusations when *every* incident may be thus *tortured* into an implication of guilt; and when things which are harmless in themselves, and have *no affinity to the charge*, shall, by refinement, be construed into *evidences of a malevolent disposition*. Enough, however, has been said, and more than enough, upon this foolish circumstance, which *no MAN* of *enlarged judgment* or *liberal sentiment* would have *STOOPE*d to notice. In other respects, the *commentary* of the *APOTHECARY* is *undeserving of examination*, unless the reader should be of opinion that some remark ought to be offered on the *honourable mention* made in it of the *under gaoler's affidavit*, and which affidavit *that* man afterwards found it necessary to qualify and explain. Truly *these TWO* persons have a strong *affinity* in *urbanity* of feeling, *delicacy* of sentiment, and *correctness* of judgment; for as the *turnkey*, *DAVIS*, was under the necessity of publishing an exposition of *his* affidavit *which destroyed its authority*, so the *APOTHECARY* has been impelled, by some motive or other, to print an *illustration* of *his evidence*—by which the *VALUE* of *both* may be *ascertained*. The *supplementary GLOSS* of each is, however, at variance with the *text*; and it requires not the sagacity of *Oedipus* to perceive, that if the *original testimonies* or declarations were so defective as to render some *farther elucidation expedient*, that *deficiency* could not have hap-

pened without being intended to answer some *particular PURPOSE*. *One* of these persons would do well to pay some attention to the observation of a learned *physician*, whose talents could only be equalled by his virtues. "In general," says Dr. *William Hunter*, "I am afraid too much has been left to *our decision*. Many of *our profession* are not so conversant with science as the world may think; and some of us are a little disposed to grasp at authority in a public examination, by giving a quick and decided opinion where it should have been guarded with doubt; a character which no man should be ambitious to acquire, who, in his profession, is presumed every day to be deciding nice questions, upon which the LIFE of a patient may depend."

JOHN WATKINS.

Sept. 29, 1815.

SUBSCRIPTION FOR THE PARENTS

OF

ELIZABETH FENNING.

[Copy.]

"To the consideration of a benevolent Public is submitted the Case of WILLIAM and MARY FENNING, the distressed Parents of the above unfortunate young woman, by whose untimely end they are deprived, in their premature advance to old age, of the solaces of a dutiful and affectionate daughter, the last of a numerous family.

"In their anxiety to administer to their child, when in prison, those little necessities which, it must be known, are there wanting; and to perform, with decency and propriety, the last sad office required from them; they spent their trivial savings, and were

compelled to sell or pawn the whole of their furniture and bedding, and nearly all their wearing apparel.

" To relieve them from their present unfortunate situation, and to contribute to the comforts of this distressed couple, in their declining years, is the object of those who make the present appeal on their behalf.

" The amount subscribed will be placed under the direction of a Committee, to be appropriated in the way best calculated to attain the end in view: and in order to remove any impression that may, perhaps, have been made by the fabricated statement in the "OBSERVER" Newspaper of the 30th July of a considerable sum of money having been given by persons, whom sympathy or curiosity may have led to visit the house before the funeral took place, it is deemed necessary to state here, that the money so given, as well as by a partial subscription amongst a few neighbours, did not amount altogether to more than eleven or twelve pounds; and even this small sum was entirely unsolicited by them, and immediately absorbed.

" The most respectable and satisfactory testimonials have been received of the character of WILLIAM FENNING during a period of upwards of twenty years' service in the British Army; and of both himself and wife since that period.

" SUBSCRIPTIONS *will be thankfully received at the* BANKING HOUSES *of* Messrs. BOND, SONS, and PATTISALL, 2, 'Change Alley, Cornhill; Messrs. HANBURY, BOWMAN, and LLOYD, 60, Lombard Street; Messrs. MARSH, SIBBALD, STRACEY, FAUNTLEROY, and STEWARD, 7, Berners' Street, Oxford Street; and Messrs. WESTON, PINHORN, and CO., High Street, Borough.

" Also by Mr. J. M. RICHARDON, Bookseller, 23, Cornhill; Messrs. OGLES, DUNCAN, and COCHRAN, Booksellers, 295, Holborn, and 37, Paternoster Row; Mr. NORRIS, 55, High Holborn; and Mr. ABERDOUR, 164, Strand."

THIRTY LETTERS,
WRITTEN WHILST IN CONFINEMENT, AND UNDER
SENTENCE OF DEATH,

BY THE LATE

ELIZABETH FENNING.

* * The EDITOR has to entreat attention to a SELECTION OF MOST INTERESTING LETTERS, from an EXTENSIVE COLLECTION in his possession, written by the unfortunate Girl; the whole of which would have appeared if these sheets had not increased much beyond their intended number. As she evidently penned them without study or reproof, it became necessary to supply words which she had omitted, by inserting them between crotchets, and to correct the spelling and punctuation; but in no other respect has the style been altered. They portray the unhappy creature's mind and feelings for the last four months of her life, during the constant apprehension of being launched out of the world. Whether considered as illustrative of her unfortunate case, or valued as a LITERARY CURIOSITY for the remarkable union of natural eloquence and intellectual vigour in a poor and illiterate servant Girl, the EDITOR conceives that he has rendered an acceptable service by their publication.

LETTER I.

To E——d P——r.

Dear E——d,

New Clerkenwell Prison,
March 29, 1815.

You may be truly surprised at me for not writing or sending to you; but, no doubt, you have heard what

has happened to me, for I now lay ill at the infirmary sick ward at the New Clerkenwell Prison; for on last Tuesday week I had some yeast dumplings to make, and there was something in which I can't answer for, and they made four of us, including myself, dangerously ill; and because I made them, they suspect me that I have put something in them, which I assure you I am innocent of; but I expect I shall be cleared on Thursday, if in case I can attend. My mother attends me three times a day, and brings me every thing I can wish for: but, Edward, I never shall be right or happy again, to think that I ever was in a prison; but if I was to die, I still should be happy to think I die innocent. If it be no trouble to you, I wish you would answer this quick though I am in a prison, and send directly.

Your's truly,

ELIZA FENNING.

LETTER II.

To E———d P———r.

Clerkenwell Prison, 31st March, 1815.

Dear E———d,

This is the second time that I have wrote to you, and I feel very unhappy at your not answering my letters: but, I suppose, as you have heard what has happened to me, you don't care to take any notice of me now; but I never should disgrace you, as I suffer innocent; but I trust in God I shall get the better of my enemies yet: but I assure you, never did I suffer so much in all my life as I do now; but I have one comfort left, to think I saved your picture and letters, and I have got them with me; for when I had my box searched they took them from me, and I paid the officer five shillings to recover them again. I came in a coach on Thursday to Hatton Garden, but it being not settled, I have gone back again to have another hearing; but I shall in the course of another week be cleared. I saw William on Thursday, and he informed me that you went to the ball on Thursday, and I am glad to hear that you can spend your time so agreeably with another; but still, Edward, its more than one would expect, as you must very well know what I feel to be away from you; but if you was

in my case, I think I should spend my time a little better than going to such diversions: but, perhaps, its all for the best. My mother and father come constantly to see me, for I should have been dead had they not attended me, as I kept my bed four days; but thank God I have got better, and if you have any respect whatever, I should be happy if you will write as soon as possible.

Direct for me, at the New Clerkenwell Prison.

Don't fail.

LETTER III.

To E———d P———r.

Tuesday, 3d [4th] of April.

Dearest E———d,

It was my full intention of writing to you, as I wish to inform you of every particular that will happen; for if I had not been removed from Clerkenwell prison I should have been confined in there most likely a twelve-month; but thank God I shall stand my trial at the Old Bailey, where I shall have a Counsellor to plead for me; so I have nothing to fear, as my conscience tells me that I am not guilty. But pray do not tell your fellow-servant any thing more, unless he reads it in the papers. I really was ashamed of seeing the young man in such a place; and more so, as he had two more with me [him?] I certainly appeared with good spirits, though you may easily guess what spirits I have to be confined in such a place as Newgate; but I have paid the fees, and so I have a room with another to be in, where I can see my mother, or any friend when they come to see me; but I expect to have it settled on Monday at the least. But I have been informed that you got acquainted with another young woman; but I am not apt to be jealous, therefore I shall think no more about it; but I firmly believe you are still true and faithful to me; and as to me, I have fixed my mind and heart entirely on you.

Pray send me a line or two on Friday, if you can spare time.

I am, dearest E———d,

Your affectionate and true

ELIZA FENNING.

LETTER IV.

To E———d P———r.

Tuesday the 11th [April,] 5 o'Clock.

Dear E———d,

I attended my trial on Tuesday, and they have, which is the most cruellest thing in this world, brought me in guilty, because I had the fire to light in the office where the arsenick was kept, and my master said that I went often into the office for things, and so, on that account, they suppose that I must have taken the arsenick out of the drawer, which is the most horrid thing I ever can think of; for was I to die this instant, I am sure I should be happy in thinking I am innocent. But God reward them for all they have done towards me: but I can't tell my fate as yet, as the sessions won't be over till Saturday, and then I shall know on Monday. But, Edward, let me advise you to for ever forget me, as most likely you will often have it thrown up in your face, for I am, Edward, I believe, now for ever shut from the world. I still have some comfort left, when I can see my parents as yet; but pray make your mind happy, and get some one else that will never bring any reflection on you. I shall never think of marrying any person excepting yourself; but I must for ever give up any thought of such, as it may hurt your character; but I still love and respect you. Pray write soon.

From your much injured and afflicted

Don't forget.

ELIZA.

LETTER V.

To E———d P———r.

Newgate, 9 o'Clock, 13th [April.]

Dearest E———d,

I received your kind and dear letter, which still more endears you to me: but oh, Edward! if I was sure that I should see you but once, I am certain that I never should hold up my head again. But don't think that I shall be denied of seeing you, though I may be confined most likely six months at least; but perhaps it is

all for the best, for I am confident that it will make me both steady and penitent the rest of my life; though its hard to suffer innocent; but I shall in a little time be more composed, as I put my trust in God, for all his goodness to me, and do, dear Edward, do the same. Don't be unhappy, as you very well know how much I love and respect you, for no young woman can ever love you more than I do; and I am certain, at least I think so, that I have yours in return. I should not have wrote so soon to you, but I don't like to see your mother as yet, till I am settled. Don't be angry at me for not wishing to see your kind mother, for the case is, that I have not got my things away from my place as yet, and I have got nothing to come down to appear respectable in; so for that reason I wish to put it off till next week: but pray come, dear Edward, on Sunday, about three o'clock, and you can stop till five; for you can come any Sunday at these hours, and come into my room: but you must ask to see Mrs. Nicols, at the gate where you saw them girls. I am happy to hear you still respect my picture, but I had a misfortune, on the day I had my trial, to break the glass of yours, as I constantly wear it; for I was taken out very unwell, for it so overcame me, that I felt as if I was dying; so that I must trouble you to get it repaired, for I can't trust any one else with it. Adieu.

From your affectionate and true

ELIZA.

LETTER VI.

To E———d P———r.

Sunday, the 23d, [April] 8 o'Clock.

Dear E———d,

I received your note on Sunday, but I was surprised at not hearing from you before, and I wish to inform you that I received it safe from Catherine, who went for it for me, for your fellow-servant called on me on Sunday, and I was very happy to see any person from you. And now, dear Edward, you may make your mind easy concerning me, for I certainly shall suffer, at least I have no other hopes whatever; so pray put your trust in God, that no accident whatsoever may happen to you.

I am making my peace with God, and hope to be in a better world, as I shall leave this world innocent of a crime that's alleged against me: but its dreadful to think what I suffer at such a thing being laid against me, when my conscience is thoroughly clear. Pray go to my mother and show her this letter, and there may be lines that may give her comfort that come from her poor unhappy child. Pray write soon to me. Don't forget.

From your unhappy and [illegible]

ELIZA FENNING. Adieu.

LETTER VII.

To E———d P———r.

25th April, 8 o'Clock, Night.

Dear E———d,

I received your letter on Wednesday night, and am happy to hear that you are coming out on Sunday, for most likely it will be the last time that you will see me in this world, and you must come by one o'clock, or else you can't get in, and ask, when you come to the gate, for Mrs. Foster, and then I will give you a note to give to the turnkeys, and then it will admit you. Do not disappoint me, as you may easily believe where my affection is placed; but I hope you will find another that will make you happy when I am no more. But I don't wish to hurt your feelings but as little as I can, but I hope we shall meet in a better world, where no one can separate us: and I trust when you read this, that you will make your mind more composed concerning me, for you alone have often made my mind unhappy; but now all friends seem indifferent to me, since I know my unhappy fate. My last letter you need not send, as I have since seen my mother, for she has been so ill that I did not expect to see her any more,

I am, dear, dear E———d,

Your true and unhappy

ELIZA FENNING.

LETTER VIII.

To E——d P——r.

Felons' side, Newgate, 4 May.

Dear E——d,

You are the last person that I should think would behave to me as you do now; for I fully expected you on Sunday; but most likely you have other places to go to much better than to come and see me, though I am in Newgate. Other young men and women come and see me, and are surprised when I inform them that you seldom come near, or even send to me. Was you in my place, I never should have slighted you: but God bless you and yours as long as you live, is the prayer of Eliza, who once was yours, but now never shall be; for was the Lord to spare my life, though I have no hopes, I don't think I should ever like a man that would forget me, because I can't help myself now. Once more, God bless you!—Adieu!—from

ELIZA FENNING.

You may answer this, just as you please.

LETTER IX.

To E——d P——r.

Friday night, 9 o'Clock. May 5, 1815.

Dear E——d,

I received your letter, and am surprised at your thinking that I wish to quarrel with you; but I think I have a just right to speak, when you promised me that you would come and see me, and then to disappoint me when there was no excuse; for you well know that my life is at stake, and one would suppose that a person that respected another, should feel happy in seeing them as often as time could permit them. I should feel sorry for you to get anger at coming at any other time than your Sunday; but I feel very much hurt at your being out, and could not spare one single hour with me: and as to your saying that you have many enemies, it's more than I know of, for there's no person has said any thing to me concern-

ing you, that you should seem affronted at. If there's any person has done any services for me, that you know of, I am very thankful to you for so much kindness; but I trust in hopes that I shall repay you some time or another. I have not seen my father since, therefore I don't know any thing of your being with him, but I am glad that he is in such good friendship with you, for you can spend many hours with them, when I am no more—and pray make them as happy as you can, for, should I suffer, it shall be my last prayer for you to go as often as you can; and I am certain that they will always respect you on the account of their daughter. Pray don't send any note with farewell again to me; for, though we never shall meet in the world again, it's cruel to say adieu as yet. God bless you, dear Edward, and all your friends, and may you never feel the pangs of a broken heart. You say that you shan't be out till Sunday week, and so I suppose I shall not see you any more, as I expect the report will be down every day—and now I wait with impatience to know my fate.

From your unhappy and forsaken

ELIZA FENNING.

Once more write when you can spare time.

* * *Elizabeth Fenning's Letters to the young man, to whom she was attached, ceased with the above.*

ELIZABETH FENNING'S GENERAL COR-
RESPONDENCE *from after her TRIAL until*
her EXECUTION.

LETTER X.

April the 16th, 1815. Newgate:

Dearest and beloved Father and Mother,

This is from your poor and only, unhappy child, who is going to suffer: but be happy, as I told you that I am innocent. O mother! believe me for the last time, that I die innocent of the crime I am charged with: but I entreat you to bury me with my two brothers; and likewise another request I have, that is, to put Edward's picture in the coffin with me: don't refuse, as I never shall rest happy, but let me beg of you not to forget, or perhaps I shall come to you, for Edward is my first and only love, and he always gave me the best of advice. But I am happy to think I can make my peace with God; but let me request of you both to put your trust in God, and never fear, as I die happy, though its cruel to come to such untimely end. Oh! I am innocent, dearest parents. Pray for your only child, and dear child.

I am, dearest Father and Mother,

Your only child in death. Farewell for ever.

Dear Father and Mother,

ELIZA FENNING.

No. 5, Tash Court, Tash Street,
Gray's Inn Lane, Holborn.

LETTER XI.

To Mr. OLDFIELD.

[Sent the latter end of April, or beginning of May.]

Sir,

Pardon this liberty I take in writing to you; but its my particular wish to know if you have any hopes. I

am a young woman that's under the sentence, and I am sure to suffer when the Report comes down. I heard something about your petition, which made me take this liberty. Please to send me word, for I feel much for you.

E. F.*

Bottom [of] Master's side.

Mr. Oldfield, Condemned Cell.

LETTER XII.

To ———.

Sir,

I am much obliged to you for your kind attention in respect to my health and spirits ; but, as to exercise, where can I take it, excepting I was to intermix with those who are lost to every principle ? There's a just God who knows the secret thoughts of all hearts ; and, as I solemnly declare that I am innocent, I trust in God that he will extend his mercy to spare my life, that I may live a truly religious life. God bless you. Adieu.

ELIZA FENNING.

LETTER XIII.

To ———.

Dear Friend,

13 June.

Impressed with a just sense of your kindness towards me, I feel myself in want of words to express my gratitude for the same ; but they ever will bear record in heaven in your favour, in the part you have taken in proving the injustice of the aspersions that was said of me ; but, believe me, I shall for the future be very circumspect in every action, and keep myself as private as possible. I return you thanks, and hope you will not be offended at my making an objection to receive the Holy Sacrament, but I think I am not in a proper state of mind to receive it : situated as I am, with those that are in the same room, there is little time for the reflections that are proper for so sacred an occasion ; but I trust that a merciful God, that knows the most secret thoughts of all hearts, will grant me grace, and renew me with a new heart, that my past and present sufferings may prove an acceptable sacrifice for my past faults, and that they may be so imprinted in my breast, that they may prove a sufficient mo-

* This is the Letter which the *fabrication* of the "*Observer*" newspaper called "*her first act of impurity !*" EDITOR.

nitor, to deter me from violating the laws of God, should I be so happy as to be once more restored to society again. For the particulars of your misfortunes I am sorry to hear, but hope they will end to your satisfaction; and I hope you will, with myself, pray to the Lord to forgive our enemies. For what you have done I shall always feel myself under the greatest obligation, as I am thoroughly convinced that you have acted from the sole motives of humanity.

Suffer me to remain

Yours, with due respect,

ELIZA FENNING.

Please to write soon.

LETTER XIV.

To ———.

Sir,

22 June.

I am sorry to think that you should have heard that I only fly to my book when Mr. Cotton is coming. Far be it from my heart to notice such observations as those, being fully convinced, in my own heart, that outward show is little, as the heart may be at work without a book: but all the books in my hand, if my thoughts were otherwise employed, will have little effect towards my salvation; for God is never mistaken in the character of his servants, for he seeth their heart and judgeth according to the truth. The time draws on when I must approach to the Divine Being, the Sovereign of whom I stand in awe; but yet, I trust to a kind Father of infinite mercy that he will pardon all my sins: though they be like crimson, he can make them as white as snow; and, if it was not for the dreadful end, I should prefer to leave this world of wickedness, where is nothing but trouble and sorrow, and vexation through life, for, believe me, often is the smile of cheerfulness assumed while the heart aches within. I have one request to make of you, which is, if the report comes unfavourable, if I should wish to see you, that you will comply. If granted, I hope this will not hurt your feelings, as it would grieve me much, for I think I should really feel happy in seeing you. Suffer me to remain

Yours, till death do me call,

ELIZA FENNING:

LETTER XV.

To ———.

Sir,

25 June.

I received your present, and believe me your advice will not be lost on me, as I look on your judgment and discrimina-

tion to be very just, and I trust in God to get me through this great trouble, as he can create and he can destroy, he can cast down and build up: but I believe I had better leave this dreadful place to go to a better world, than to be sent to another country with such depraved wretches; and not only that, but would be looked on as guilty go where I would, and leaving my dear parents would be the [greatest] hardship I could endure. Yet I leave every thing to the hand of a kind Providence to direct, for it says in Holy Scriptures, those whom the Lord loveth he chasteneth; and, believe me, I feel so happy in my mind, that nothing, I am determined, will ever change or disturb me any more. I should be glad to see Mr. ——— when he calls again. I cannot inform you who paid the expenses of my affairs, as I do not know, as several were entire strangers to me. Mary-Anne Clarke is the person I sleep with, and she is the only one that has the least feeling; but we have not any other prisoners as yet with us. As we are the four that are under sentence, Mr. Cotton does not think it proper to place any person with us. Believe me, I know nothing concerning the poison being in a pot of beer, as it never was told me before. Please to let me keep your letters. If the Lord should spare my life, I shall have them in remembrance of you; and if I am to leave this world, I will then deliver them up safe. And may God bless you, is the sincere prayer of your well-wisher.—I feel so indebted to you for your goodness, that I lament I can but express my gratitude to you. Suffer me yet to remain

Yours, till death,

ELIZA FENNING.

I shall write often, as I have now got some paper in, for I forgot on Saturday to get some, and could not write till now.

LETTER XVI.

To ———.

Dear Sir,

27 June.

I wish to speak the whole sentiments of my heart to you; and now, without reserve, to convince you I feel perfectly prepared in respect of taking the sacrament, which I believe I can, when I know within my own breast I never injured any person; and more so, when I know myself innocent of the crime that is alleged against me. Though a poor servant, I always have trodden the paths of virtue. I know I am a wicked sinner, but hope through the blood of Christ to be washed from all my sins. Believe me it is a pleasing reflection to think I have not violated the sacred laws of God. Though cruel is my fate, I must not repine, as it is for some divine purpose the Almighty has ordained this trouble to come on me, to bring me to him.

self. If it should be so, I must pray to the Lord to give me strength to bear it. The awful moment I dread, is bidding an eternal farewell. Think within yourself of dear parents, and sincere friends. What a scene may probably arise to my parents if I suffer! I now conclude as yours

ELIZA FENNING.

LETTER XVII.

To ———.

Sir,

12 o'Clock, 29 June.

I have not the least doubt of your assiduity in my behalf. God in his goodness has sent you to restore a lost child to her afflicted parents, which, should you succeed in, I am convinced your goodness of heart will think an ample recompense for all your trouble: for my part, all that I can say on that subject is, that my heart overflows with gratitude. Hope is one of the best sources in the time of our greatest troubles.—I have been poised up with it in all my afflictions. I should be much obliged to you to inform me what Mr. Cotton said in respect of me. I have seen him this morning, but he did not speak to me. I remain

Yours, with due respect,

ELIZA FENNING.

LETTER XVIII.

To ———.

Sir,

29 June.

I should have answered your letter sooner; but, believe me, I feel so agitated between hope and fear, that I really know not what I am doing three parts of the day, for your letter was so affecting that it has depressed my spirits much; particularly as you mention to wear mourning after my decease; which I take as a mark of great respect. Be assured it is not true concerning my being detected in respecting the poison in the beer, for when I come to recollect, Mr. Cotton mentioned to me, about a young woman who attempted to poison a family in Bath, and her name was similar to my own, but he has told me it was false. Be so good as to tell M. ——— I wish to see him particularly, to inform him of something I have heard: but I am surely convinced that Mr. Cotton is a great enemy to me. I expect Mr. ——— to call to-day. The cards my mother brought made me angry, as I don't think them a proper amusement for any one. She brought them for one of the wards women. I now conclude, with sincere prayers towards your welfare, and

hope you will never experience the pangs of a broken heart—
for often is the smile of cheerfulness assumed, when the heart
aches within.

From your unhappy, though penitent
ELIZA FENNING.

LETTER XIX.

To ———.

Sir,

29 June.

The only thing I wished to see Mr. ——— for, was to
inform him a report prevailed that I had made an attempt, prior to
the last, of poisoning a family; but reports must not be minded
in such cases as mine, where life is depending. Justice and
truth only can take place in such weighty concerns.

Yours

E. F.

LETTER XX.

To ———.

Sir,

Mr. Davis is a very troublesome fellow—without feeling,
or the least taint of goodness. He saw me hanging out my linen
to dry, and thought I had been washing there; and, it appears
to me, any accommodation a prisoner can have, gives him pain.
But what can we expect from such illiberal characters? I set
myself above the frowns of the steel-hearted gaolers, and look
to higher powers! When my dear father left me, Mr. Newman
and Mr. Smart were at the gate. Mr. N. inquired who he was,
Mr. S. informed him, but had no conversation, only bowed to
my father. I hope you do not think I disregard your kind
advice, as I think that would be a breach of gratitude: believe
me, I peruse your letters so often, till I have them by heart.
Mr. Cotton informed me the sacrament will not be administered
till next Sunday, when I mean to prepare myself to take it. I
have not heard from Mr. Oldfield, and I think it would be impro-
per if I did. I mentioned Mr. ——— to father yesterday, and
he required me not to see him. God bless you!

Your's, with due respect,

ELIZA FENNING.

LETTER XXI.

To ———.

Sir,

[4 July.]

By Mr. C———'s orders, I, with the others, attended
prayers in the condemned room, where the men were likewise.

In coming out, Mr. Oldfield called me, and said, he has learned, from good authority, from the Secretary of State's, there is not the least glimmer of hopes in saving my life. I made no reply, as Mr. Cotton was present. I thought it proper to inform you, as you wished to know if I had heard from him.

E. F.

LETTER XXII.

To ———.

6 July.

I have seen my mother to-day—her heart was too full to inform me all; but, by hints, I need not flatter myself with hopes. Pray don't trouble yourself, as I fear all will have no effect: I know your goodness of heart, and will always pray for you, till the period arrives when I shall leave this world of woe. Please to excuse my writing.

E. F.

LETTER XXIII.

To ———.

6 July.

Believe me, I feel so reconciled and composed in my mind, that I fear not what the ignorant or wicked can invent against me. Cruel and distressing is my case, to be drawn in innocent, and to be under the awful sentence; and hard must be the heart, that would not sympathize with the unfortunate. I fancied I had one consolation which I must now with tears give up—hopes of hearing from you, as I suppose there will be no letters able to pass in to me. I feel very unwell to-day, being low in spirits. Pray make yourself happy.

E. F.

LETTER XXIV.

To ———.

Sir,

July, 1815.

In the interim of speaking with you, I had not the least idea or suspicion the person who wrote concerning me was standing not far distant, and was endeavouring to learn our conversation, but did not succeed, or no doubt they would have acquainted Mr. Davis; and if they had, I neither care nor value what such depraved wretches would invent against me in any respect whatever. I am already too much injured to mind such trifling observations,

and indeed would be sorry to degrade myself to make them my companions, much more to be so foolish as to place any confidence in them. Although my situation in life has been no other than a servant, and poor and unfortunate as I am now, I have every reason to set a greater value on myself, than to make them my equals in any respect whatsoever. In the mean-time, after you left me, I with little inquiries found my foe, it was ———, the same who had stolen my shawl, and, though trifling, I gave four shillings to two of the girls to restore it to me, which they did; and out of spite and revenge, she had no better opportunity than to write to you. I own I was [so] foolish [as] to converse with her several [times], but it was merely by her informing me she was lately in the West-Indies, and it being my native place, I was pleased to hear and to speak in [the] language of the country; I have seen my mother, who says, if the report is not down this week, it will not be till after next sessions; which is a dreary length of time to be kept in suspense in life or death. I must observe to you, though ignorant I may appear, I only wish I had affluence of tongue to express my real sentiments of heart more freely; but yet I trust that I am endowed with common sense enough to dictate a letter to my dear and valuable friends. I only wish I could handle my pen in a more proper manner; but it is more my misfortune that I cannot. I now conclude as your's with every mark of gratitude.

God bless you. Adieu.

E. F.

LETTER XXV.

To Mr. OLDFIELD.

Felons' side, Newgate,

Sir, [Written a short time before the *report* came down.]

I have read your letter with attention and gratitude. I consider it my duty to reply; and am the more led to do so, in order to communicate a report that our summons is near at hand. It's highly gratifying to perceive the great change upon your soul. I confess, with pleasure, that my awful situation has made the like impression. I feel that, in one sense, if I die, I had better suffer innocently as I am. Yet life is sweet: to part with it in such an ignominious manner is hard indeed, not having committed a crime. Yet what concerns me most is the misery our dear parents must experience. My dear mother is almost comfortless, which distracts my heart. It's like a dream, for I know my innocence. I cannot prove it. Had my counsellor been properly informed, it would have been impossible to have pronounced me guilty: for, if even I *had* revenge against the family,

to have been such a fool to poison myself! and besides, it was only a trifling quarrel. I can't help saying but I feel hurt at their taking such trouble to swear my life away: but, to be at peace with God, we must even forgive our enemies. Although I have not committed the crime for which I may suffer, and could swear it before the Almighty Judge, yet I feel unworthy in his sight; and therefore call upon him for divine mercy, which I hope may be our happy lot, is the sincere prayer of your unhappy fellow prisoner,

ELIZA FENNING*.

Be careful of Mr. Cotton. Some one has made evil report to him about me; and I fear it has done me much harm. *Some one must be guilty, and I still hope it will [be] strictly inquired into.*

Mr. WILLIAM OLDFIELD,
Condemned Cell, Newgate.

LETTER XXVI.

Dearest and affectionate Father and Mother, 19 July.

Let me entreat your immediate attendance to your lost child. Innocent, dear parents, I am, to God and man. Pray come soon. The report is come for me to be executed on Wednesday next. Judge what are my feelings in your distressed bosom. Don't grieve. No more from your unfortunate child,

ELIZABETH FENNING†.

LETTER XXVII.

To ———.

Let me beg and entreat of you to call once more to see me, before I leave this vale of tears, to go to glory, in a heavenly mansion of peace. You have been a dear friend to me, and will be more, if you comfort my dear and afflicted parents in this hour of distress. It's not a guilty character you see when you come, but an injured, and indeed innocent victim.

Your's with gratitude,
 ELIZA FENNING.

* This Letter, according to the account *fabricated* by the "Observer" Newspaper, is another of *Elizabeth Fenning's* acts of impurity. Horrible imputation!

† She usually signed *Eliza*, or *E. Fenning*. This is the only Letter, out of a great number of Originals now before me, that she signs with her baptismal name at length, *Elizabeth*. EDITOR.

LETTER XXVIII.

Dear and affectionate Parents, Felons' side, 21 [22] July, 1815,
Newgate.

With heart-rending sighs and tears, I for the last time, and ever last time, write these solemn lines to you, hoping and trusting the Almighty to give you strength and fortitude to bear the distressing, awful, and dreadful scene, that is about to take place. Believe me, cruel and pitiable is my unfortunate and affecting situation; but God's will be done: and with humble resignation I must bear my untimely fate: but what pleasing consolation within my tortured breast, to suffer innocent! Dear parents, I do solemnly declare, was I never to enter the heavenly mansion of heavenly rest, I am murdered! Yes, dear father and mother, believe I am your only child, that speaks the sentiments of a breaking heart. Don't let me distress your breaking heart, I wish to comfort you, dearest of parents: be happy: pray take comfort: let me entreat of you to be reconciled, and I will be happy in heaven, and with my dear sisters and brothers, and will meet you by and by: pray read the blessed Bible, and turn your hearts, and live a religious and holy life, and then we shall be where sorrow and troubles will be no more. I grieve more to think I had an opportunity sooner, and did not make use of it; yet there's time, though short, to pray to my heavenly Father, to forgive me all my sins and offences in my life past: it's only the passage of death that I have to go through, which, I hope and trust, will soon be over. Oh my blest and beloved parents, think what are my present and distressed feelings, to part from you who gave me my being, and nourished me at that breast, and was my sole comfort, and nursed me in my helpless and infant years, and was always my directors, to keep me in [the] sacred path of virtue, which I have strictly kept, and will be one sin less to answer for, as a spotless frame will be acceptable in the eyes of God. I mention this, as I let you all [know] I have not done amiss. Oh dear parents, what an affecting scene, to part from you, which must be endured by the laws of justice! but justice has not been shown at [the] bar. Man judges man: God will judge us all, who knows the secrets of hearts, and those who swore my life will never enter with me into rest. God bless you both, and may you live happy! Adieu from your injured and unhappy child.

Keep these few lines in remembrance of me, as that is all [the] comfort I can afford, with my imperfect prayers. Adieu, dear parents, God bless you both!

ELIZA FENNING,

Aged 21 years.

LETTER XXIX.

23 July, 1815. Newgate.

My dear Friend,

Out of love and respect I write these last and solemn lines to bid you an everlasting and eternal farewell in this world of sorrow and woe. I have but a few hours before I leave this vale of tears to enter the heavenly mansion of rest, but yet I never shall die happy till I communicate any secret that my dying heart contains --- *I die innocent of the crime I am to suffer such an ignominious death for.* Pray tell my dear parents not to put a bit of black about me, as it will be a token of innocence. A very few leave this world a pure virgin: and when led to the gallows, I shall be led as a shepherd leadeth a lamb to the slaughter, or as a bride to her heavenly Bridegroom, and there to be united at the altar of God --- and rest on the bosom of my heavenly Father, where parting shall be no more. Dear friend, pray lead a religious and holy life, and then I shall meet you in heaven with my dear parents, and enjoy everlasting felicity, with blessed saints and angels above. Please to grant me one request, if you possibly can, to see my body laid in the mouldering earth, in the early prime of youth; but I only go a little time before you all: we must all die, then why should I repine? It would be wicked to fly in the face of the Almighty, for God's will be done: the Lord gave, and the Lord hath taken away, and blessed is the name of God.

May God bless you, and all that may be yours in this world, and all your dear friends. Bless you once more, is my dying prayer --- speak comfort to my poor unhappy parents, who will soon not have a single child to console them in the hour of distress, in their few remaining years of old age.

I once more bless you, and bid you an eternal farewell.

ELIZA FENNING.

Aged 21 years. 1815.

LETTER XXX.

To MARY ANN CLARKE.

Dearest Friend,

Condemned Cell (25 July).

With heart-rending tears I address these melancholy lines to you. Don't grieve, dear girl, my time is but short in this troublesome world, and I soon shall be in eternal rest. Pray read the Bible, and make your peace with God and man. If you'll believe me, the parting with my parents is truly affecting; but it must be endured, though little expected when we ate our last

supper together : but God bless you! and may God send you liberty soon. Here is a lock of hair for you, and another for Young,

From your much injured and distressed

ELIZA FENNING. Aged 21.

*** This Letter was written by Elizabeth Fenning the day before her execution, and thrown by her out of her cell window, with a gown, to Mary Ann Clarke, one of her fellow convicts, who had been in the same room with her from her Trial until the Report came down.

APPENDIX.

No. I.

FABRICATIONS OF THE OBSERVER SUNDAY NEWSPAPER.

To the EDITOR *of the* EXAMINER.

SIR,

IT was to have been expected that the *extraordinary proceedings at the Old Bailey*, BEFORE MR. RECORDER, in the Case of the late *Elizabeth Fenning*, should give rise to many circumstances out of the usual course: amongst those that have occurred, not the least remarkable is a *very recent* indication of the *Observer* Newspaper's determination to persevere in its *disgraceful* conduct relative to *Elizabeth Fenning's* Case. You will oblige me by allowing me to state the fact to the public upon the pages of the EXAMINER.

In the forenoon of *Wednesday*, the 4th instant, I enclosed the following advertisement to Mr. *Clement*, newsman, No. 192, Strand, one of the proprietors of the *Observer*, for insertion in that paper, with a request in writing that it might appear on the following Sunday.

[COPY.]

“ ELIZABETH FENNING.

“ AN ELABORATE INVESTIGATION into the Case of ELIZABETH FENNING being concluded, the IMPORTANT

RESULTS are in the Press. This Publication, which has hitherto been *unavoidably delayed*, is nearly ready for delivery, and will contain, amongst a large variety of interesting Matter, the *Official Report of her Trial*, never before printed, and Copious Notes thereon;—to which will be added, an Argument on her Case, and a Memorial to H. R. H. the Prince Regent — By JOHN WATKINS, LL.D. It will be illustrated by numerous Original Documents;—Elizabeth Fenning's most interesting *Correspondence*, hitherto unpublished;—an Appendix;—and a Postscript of Observations on Mr. MARSHALL'S PAMPHLET, entitled, "Five Cases of Recovery:" and will present a mass of facts of the most interesting description, tending to develop the mystery in which this extraordinary Case has been involved.

" 55, Fleet Street,
" 7th October, 1815."

" W. HONE."

On *Saturday*, the 7th, the Advertisement was returned, enclosed with this single line in the *envelop*:

" Observer declines this Advertisement."

" Mr. Hone, 55, Fleet Street."

The rejection of the advertisement, by that paper, is so entirely at variance with the *ostentatious* grounds on which the *Observer* pretends to rely for public patronage; and is so truly consistent with its partiality in the Case of ELIZABETH FENNING, and its disregard of truth in its representations concerning her Case, that I have thought it worth while to bestow a little time in exposing the disgrace which the periodical press has sustained by such conduct.

Of late the "*Observer*" has attempted to become notorious by a large engraved copper-plate, bill, or *placard*; which, as applied to the Case of Elizabeth Fenning, being displayed to the eyes of the public every Sunday,

" Like a bold BULLY lifts its head and—lies."

This *placard* bears the figures of *Liberty* and *Justice!* supporting an *eye*, emblematical of truth; encircled by a scroll, inscribed

" NUNQUAM DORMIO—VERITAS!"

The Bill is as follows, *verbatim*:

“ Spectemur Agendo. (!)

THE

OBSERVER.

“ A brief Abstract and Chronicle of the Times,”

WHICH,

UNINFLUENCED by PREJUDICE, UNBIASSED by PARTY,
is solicitous to amuse, and to extend every Species of Knowledge which
can conduce to the Happiness or the Advantage of Society.

SOLD HERE EVERY SUNDAY MORNING.”

A good-natured and confiding public naturally gives some credence to such openly avowed claims to regard, and expects the intelligence conveyed, by a medium so speciously advertised, to be tolerably correct, and to be given with some degree of consistency to its professions; and yet, in the Case of ELIZABETH FENNING, this paper, which *pretends* to be “ *uninfluenced by prejudice*” itself, went out of the way to “ *excite and extend prejudice*”; instead of being “ *unbiased by party*,” became itself a *partisan*; instead of being “ *solicitous to amuse*,” by calm and intelligent disquisition, acted as

———“ a madman who flings about fire,
“ And tells you ‘ ’tis all but in sport ;’ ”

and, instead of “ *extending knowledge, conducive to the happiness or advantage of society*,” in the Case of Elizabeth Fenning industriously propagated false information and aspersions concerning her, and scandalously and cruelly misrepresented and vilified her afflicted parents, whilst they were sorrowing over her unburied body.

In short, the *Observer*, under a PRETENCE of “ *public duty*,” of “ *removing erroneous and groundless impressions*,” of having made “ *every inquiry*,” and of stating the “ *FACTS* that had come to

their OWN KNOWLEDGE," did, with shameful daring, FABRICATE and *publish* to the world an unusually long and laboured *statement* relative to the unhappy girl's case, abounding with *infamous calumny*, *gross deception*, and AUDACIOUS FALSEHOOD:— and *now*, instead of palliating its shame by a judicious confession, it has thought fit to shut its columns against an *ordinary Advertisement* of a Work that will contain the REAL TRIAL, which has never yet appeared, and will develop a mass of extraordinary *facts* and circumstances, connected with it, to which the public is at present a stranger.

I cannot, therefore, refrain from thus openly exposing and protesting against the exercise of this illicit power, on the part of the Observer newspaper; which, by such conduct, and by its misrepresentations and falsehoods, respecting the Case of the late Elizabeth Fenning, has practised, and now endeavours to perpetuate, a scandalous imposition on the Public.

" There's no gall so bitter as the *slander*
From a busy pen, mov'd by malice ;
 But to stop the *public avenues*
Of truth, is to shed a darkness upon
 A Nation's mind, and destroy the firmest
 Pillar of a state."

55, Fleet Street,
 October 12, 1815.

WILLIAM HONE.

FABRICATED STATEMENT

OF THE

OBSERVER NEWSPAPER

ON SUNDAY, 30TH JULY, 1815.

“THE ferment which has been occasioned in the public mind by the execution of ELIZA FENNING, has risen to such a height, that WE have felt it our duty, *with a view to the preservation of the peace, and to the removal of erroneous and groundless impressions* which have found admission into the minds of persons of comparative respectability, to make *every inquiry* into the circumstances attending her case, and by stating such *facts* as have come to OUR KNOWLEDGE, to enable the public to form their own judgment more correctly upon the subject. The daily papers have already given a detailed account of the execution, and of the perseverance with which the unhappy culprit asserted her innocence to the last moment. Upon *these assertions*, solely, it is, that so many persons have been *deluded* into an opinion, that she was really *not guilty*; and WE lament to state, that this opinion has led to the commission of acts of OUTRAGE, which, to say the least of them, are extremely discreditable to those who have been the principal actors. On the morning of the execution several persons, who had been witness to the awful scene, and who had been informed of the solemn asseveration of the culprit, proceeded to the house of Mr. Turner, in Chancery-lane, and conducted themselves in the most unbecoming manner. This conduct was repeated on several successive occasions—*straw was brought for the purpose of setting fire to the house*, and WE fear, but for the interference of the civil power, much real mischief would have been done. During these scenes, persons were busily employed in the circulation of reports and anecdotes wholly groundless, but which had the effect of fanning the flame of public discontent, and the most dreadful threats were uttered by the crowd. Among other stories told, it was said, that Mr. Turner himself had been the mixer of the poison; a circumstance which is utterly *disproved* by the facts that transpired on the trial. It was then said that he had shot himself in despair; and if not

him, that his apprentice, who had given evidence against the culprit, had committed suicide, but that his death was concealed. To these are added other *reports*, all equally incorrect.

“ Such were the *transactions* passing in Chancery-lane. But in Eagle-street, Red Lion Square, in which the father of the deceased lived, and whither the body had been conveyed, the scene was different;—there an immense crowd was attracted by curiosity to see the BODY, which, to use an *Irish* expression, was WAKING *in all due form, being placed in the kitchen of the house, and dressed out in ribbons, flowers, &c.* All persons who presented themselves were admitted; as fast as one set came out another went in; and although no money was actually demanded for this exhibition, we learn that *the pecuniary contributions toward defraying the expenses of the wake and funeral exceeded forty pounds.* The most respectable persons were present on these occasions; and the statements which were made, as well as the compassion excited by the melancholy spectacle, naturally produced new converts to the opinion of the innocence of the deceased, and the most serious alarms were entertained that some ill consequences would ensue. To correct, as much as possible, the effects thus produced, *it was deemed proper that steps should be taken to counteract* the assertions of the advocates of the deceased. FOR THIS PURPOSE *Samuel Davis*, one of the principal *turnkeys* of Newgate, made an affidavit before the Lord Mayor,* on Friday, a copy of which was circulated in the immediate neighbourhood of the *riotous* assemblages.

“ This had some trifling weight with the minds of those who would take the trouble to think, but the crowd continued flocking to Eagle-street and to Chancery-lane, on Friday night, till ten o'clock, at which time the Police Officers very properly insisted upon *old Fenning's* house being closed; after which the populace dispersed. Yesterday, however, the multitude again assembled, although WE have the pleasure to state, they were not so violent in their conduct as on the preceding days. The funeral was to have taken place yesterday. Mr. Robinson, the grocer, corner of Eagle-street, gave the father £4 in aid of her funeral, on condition that she was to be interred yesterday; but from some cause, with which WE are unacquainted, it was to be deferred till this afternoon. The body will be interred at five o'clock, in the burying ground of St. George the Martyr, behind the Foundling Hospital.

“ To the circumstances we have already detailed WE have to add, that a vast number of *anonymous* letters have been sent to the Rev. Mr. Cotton, the ordinary of Newgate, and to Mr. Newman, the head gaoler, in which threats are held out in a variety of forms; but these gentlemen have too much good sense to be alarmed by such effusions.

* See p. 105.

" Having thus given an account of the transactions which have followed the *determination* of the *wretched criminal's fate*, *WE shall proceed to give a short sketch of her HISTORY* previous to the commission of the crime for which she suffered. It appears, that *her father and mother are both from Ireland*, and that they are BOTH ROMAN CATHOLICS; the former is a servant to Mr. Hutchins, a potatoe seller in Red Lion Passage; the other is, as far as WE have been able to learn, an industrious woman, and the mother of *eleven* children, of whom Eliza was the last living. Eliza, at a proper age, was sent to the Gate-street (Lincoln's-inn-fields) charity-school, for education, which is made the protection of the dissenters; here it was endeavoured to instruct her in the Christian Religion, and whatever instructions she received in that way, was derived from this source. Notwithstanding *every effort* to correct a wayward and VICIOUS disposition which at this early period manifested itself, however, it became necessary, at twelve years of age, for the preservation of the morals of the other children, who were her school-fellows, to expel her; and in the books of the charity is this memorandum, written on that occasion: "Elizabeth Fenning, aged twelve years, turned out of the school for lying and lewd talk."—From this period she did but little to redeem her lost character. *Truth* was a practice with which she seemed to be at war, and there was not a place in which she was employed (for she went out to service almost immediately afterwards) that she did not leave behind her the character of a confirmed liar. In the service of Mr. HARDY, *a grocer in Portugal-street, Lincoln's-Inn-Fields*, she gave particular manifestations of her *vicious* disposition. She there denied her mother, and applied to her language which none but the most abandoned could use when speaking of a parent. She was also in the constant practice of inventing falsehood; and by her general demeanour impressed her master with an opinion, to use his own words, "*that she was capable of any act, however malevolent;*" and so strongly did this impression weigh on his mind, that he was not happy till she was out of the house.

" Mr. HARDY *had also a suspicion, that there was something deleterious mixed in a pot of porter which she brought from the public house for the use of the family*, but which was not, from the idea that was entertained of it at the moment, used. Of any attempt to poison here, however, although STRONGLY REPORTED, there is *no positive proof*. In EVERY PLACE in which she lived afterwards, she unhappily obtained for herself the character of being most *spiteful and malicious*. She did not live long in each place, and went to Mr. Hardy for three characters; and there are numerous instances of a TREACHEROUS MIND recited, which *we cannot afford space to detail*. While with Mr. Hardy she imbibed an affection for a young man, which

seemed greatly to have unsettled her mind, and perhaps to that may be attributed many of her subsequent *follies*. Her last place was that of Mr. Turner's, where her conduct, as appeared on her trial, soon exposed her to the reprehension of her mistress, and she received warning to quit. It was after that warning, which she *seemed to have taken much to heart*, that she committed the crime imputed to her. In Mr. Turner's service she had shewn a very *amorous inclination*, which, while even *under sentence of death*, was more strongly manifested. Of her TRIAL WE can say no more than it was MOST IMPARTIAL, and in our estimation from the evidence which was produced, THE VERDICT could not have been otherwise than it was pronounced. If, however, the shadow of a ground existed for concluding her innocent, the steps which were taken to examine her case subsequently, would have discovered it. Twice were the facts studiously and minutely investigated by the Privy Council. Every circumstance which could be urged in her favour was deliberately weighed. ENQUIRIES WERE MADE, AND WITNESSES EXAMINED INNUMERABLE. At nine o'clock on the night previous to her execution, another enquiry took place; and again were ALL the facts scrupulously RE-EXAMINED; and the result of the whole was a conviction upon the minds of MEN OF HIGH RANK, of well-known humanity and strict impartiality, that there was no just cause for DELAYING the dreadful sentence of the law. With these facts before US, it naturally occurs to US to ask, upon what fair argument persons who have merely the *ipse dixit* of the criminal herself can support her innocence? There can be none; and if there were, her conduct in the prison would tend to weaken, if not to overturn them. For how does it appear she conducted herself there? From the day of her trial she behaved in a manner so flippant and so unbecoming, that she frequently called down the animadversion of the Rev. Mr. Cotton, by whom she was attended; a gentleman, of whom it is but justice to say, no man could fill the arduous functions of his office with a more exemplary spirit or a more pious zeal. Her FIRST ACT OF IMPURITY was that of writing a letter to Oldfield, who suffered with her, and who, it will be recollected, was convicted of a rape—the last man of all others with whom a virtuous mind would have communication. This was followed by *billet-doux*s written to other prisoners, and among others was a letter written to a prisoner in custody on a charge of forgery, couched in the most voluptuous language, and enclosing a lock of her hair. To this man, who had been admitted to assist her in preparing a petition, she was heard to say, “If she did not die otherwise, she would in love of him.” He felt a passion equally strong for her, short as had been their acquaintance. A few days before her execution, she accused various persons of having committed the crime charged to her account; and LASTLY, desired that a young man,

named KING, who had lived in Mr. Turner's house, might be brought before her, and confronted with her, observing, that she was sure he would, by his confession, convince those who were witnesses to the scene that *he alone was GUILTY*. This wish was complied with, and KING, *who is constitutionally VERY TIMID*, was introduced into the cell, in the presence of the Rev. Mr. Cotton, Dr. Moore, Mr. Newman, and several other gentlemen. The test which the prisoner required of his innocence was, that he should go upon his knees, and, placing his hand upon an open bible, solemnly declare that he was not in the kitchen the day on which the dumplings were made. The boy expressed his willingness to do all this, notwithstanding the prisoner addressed him in the most vehement and passionate manner; upon which, finding that she had failed in producing the intimidation she expected in his mind, she said she should not be satisfied even if he did swear it. Mr. Cotton, however, having brought the lad to the test, insisted upon his going through the form, which he did, in the most solemn manner, declaring *he neither was in the kitchen, or knew any thing of the mixing of the poison*. Upon hearing this, she clapped her hand on the bible, and said, in the most passionate way, "I am glad of it, you have sworn a lie." Upon being reprimanded by Mr. Cotton, for expressing joy at conduct in a BOY which would destroy his soul, she equivocated, and said, "She did not mean that; but she was glad she could contradict him." All the women who attended her, declared their perfect conviction that she was *guilty*, as did *every turnkey* about the prison, and they ALL said they never saw a woman of a more *MALEVOLENT* disposition. She was heard to say, more than once, that she wished she could get leave to tear the heart out of her prosecutors; and to the woman who sat up with her for some nights before her execution, she admitted there were two things, which if they were to cut her in pieces she would not divulge. What these were could not be discovered, although it may be inferred that she had made some mental reservation to avoid telling her guilt. It appears, also, from the observation of several respectable individuals who made a point to attend her throughout her confinement, that her manners partook rather of a ranting and theatrical turn than of the serious conduct of a person who was really innocent. As inducements for not divulging her guilt, even in the last instant, were the hope of reprieve, which WE know she entertained; and the exhortation of her father, to persevere in the declaration of her innocence, *for the sake of his character*.

"She exhibited throughout an uncommon *strength of mind*, and a degree of *talent*, which was displayed in her letters, *far above her situation in life*.—She was thought to be of *no particular religion*, although she said she was a PROTESTANT.—The delay of her execution till half past eight WE understand is attributable to the humanity of the

Rev. Mr. Cotton, the Sheriffs, and Mr. Newman, who wished every chance of reprieve to be waited for; although in their own minds, notwithstanding her protestations of innocence, THEY had not the SLIGHTEST DOUBT of her guilt. There was a hesitation and confusion in her last moments, which gave the strongest proofs that she died with something pressing on her mind which she wished not to divulge.

"The humanity with which she was treated by every person about the prison, and more especially by the Ordinary, as well as the anxiety which all manifested to prove her innocent, if possible, is the best proof that these persons are totally undeserving of those treacherous and malignant attacks by which they are assailed."

THE TWO APOTHECARIES' JOINT DECLARATION,
published in the OBSERVER of the 6th of August, 1815.

"STATEMENT OF THE MEDICAL MEN, RESPECTING THE GUILT OF
ELIZABETH FENNING.

"IN CONSEQUENCE OF THE LATE TUMULTUOUS PROCEEDINGS in Chancery-lane, against Mr. Turner, and his family, Mr. Marshall and Mr. Ogilvy lament they *had not an opportunity of stating, upon the trial of Eliza Fenning, what they consider an additional proof of her guilt.*

"On Tuesday night, the 21st of March, and Wednesday morning following, Eliza Fenning *most obstinately refused all remedy*; after administering the medicine they deemed immediately necessary for the relief of the suffering patients, they lastly went to the garret, to give the same to Eliza Fenning. On recommending the same remedy, Mr. Turner, Mr. and Mrs. Robert Turner, and Mr. Gadsden, had most readily taken, Eliza Fenning said, "she would not take any thing; she had much rather die than live, as life was of no consequence to her." Mr. Marshall and Mr. Ogilvy said they must insist upon doing their duty, and urged her to take the medicine as *her face was swoln, her stomach in great pain, &c.*; by perseverance and much persuasion they at last induced her to comply with their request: before she took it, she again repeated these words, "she had rather not; she would sooner die than live; life was of no consequence." Particular directions were given by Mr. Marshall and Mr. Ogilvy for the repetition of the medicine through the night, to Mrs. Turner, sen. who was present during this interview, and Mr. Abbott, her son-in-law. Mrs. Turner, sen. most humanely undertook to pursue their directions, in consequence of her sitting up all that night, and many subsequent, with the family. The next morning Mr. Marshall and Mr. Ogilvy saw Eliza

Fenning, and to their surprise she had not taken a single dose during their *absence*. On again reasoning and kindly remonstrating at the neglect, she repeated the same assurance of—"preferring death to life, as the latter was of no consequence to her."

"JOHN MARSHALL, Surgeon.

"HENRY OGILVY, Apothecary."

[No Date. Ed.]

FROM THE OBSERVER, of Sunday, 6th August, 1815.

"The *ferment* occasioned by the execution of this unhappy girl, has, WE are happy to state, much subsided. There are still, however, *rumours* afloat, which tend to keep alive, in the minds of some *few* persons, an opinion of her *innocence*. For *ourselves* WE have only to say, that WE do not think the subject one which admits of controversy, and shall, therefore, *abstain altogether* from entering the lists with those, who, *for motives best known to themselves*, are desirous of keeping up what WE cannot help thinking it is, a *useless* and, perhaps, *mischievous* contest. An affidavit has been published, which we subjoin*, in contradiction to that of *Davis*, the Turnkey of Newgate, by the father of Elizabeth Fenning, *with a view of JUSTIFYING himself*. As far as *our* opinion goes, WE are by no means disposed to impugn this unhappy man's intentions; on the contrary, WE believe, throughout the melancholy scenes he had to encounter in the cell of his wretched daughter, he was actuated by the *best motives*, however *questionably* he might have expressed his *feelings*. He *formerly* believed that his daughter was innocent, having had her own declaration to that effect; and it was natural that he should, with a view to the gratification of his own feelings, entreat her to make that declaration in her dying moments. Those, however, who might be supposed to judge more dispassionately, and with a feeling less prejudiced, did think, and still do firmly believe, that she suffered *deservedly*. Among other persons endeavoured to be drawn into this contest, is the Rev. Mr. *Cotton*, the Ordinary of Newgate; but *he* has VERY PRUDENTLY refrained from answering such attacks; and indeed WE cannot but think that it would be extremely indecorous in *him* to take any steps whatever upon this subject, unless called upon by a proper tribunal, to state those facts and circumstances upon which his judgment is founded, and upon which he has unequivocally *pronounced* his opinion. From all WE have had an opportunity of witnessing of this gentleman's conduct, WE believe no man could be better calculated to fill the arduous office in which he is placed than himself; and WE are happy to add, that he is sincerely respected by the most miserable of his unfortunate flock.

* See page 109.

"WE shall conclude these DISTRESSING PARTICULARS, by ASSERTING that it was and still remains the UNANIMOUS *opinion* of the Recorder, the Rev. Mr. Cotton, Mr. Newman, the respectable Jury who tried her, together with MR. TURNER AND HIS FAMILY, that she was *guilty*."

ANIMADVERSIONS *on the* FABRICATED STATEMENTS
of THE OBSERVER, and the APOTHECARIES' DECLARATION, *from* VARIOUS JOURNALS.

"When a *fact* operates upon the *feelings*, and excites a very natural and rational interest in the lower orders, we are immediately edified with all manner of dignified censure and *Coriolanus-like* remark upon the *mob*; and *mob*, and *mob*, and *mob*, is repeated with unsparing pertinacity by the whole tribe of polite jargonists, who are in themselves a definition of the term, and who will remain so, as long as clamour, prejudice, and ignorance, are designated by it."

"SIR—It is with regret that I have read, in a cotemporary print of last Sunday, a long, laboured, and I wish I could say, a true account of particulars, relative to the poor unhappy girl who was executed on Wednesday, for attempting to poison the family of Mr. Turner. The following you may depend upon as the *true* state of the case, in as far as it respects the circumstances above alluded to:—

"As to *straw* having been brought to set fire to Mr. Turner's house, after every inquiry I have found this to be *false*. A little boy threw into the area half a handful of the straw rubbish with which Chancery Lane abounds, from its vicinity to the greatest coach stand in London.

"The *corpse* was never dressed out in the Popish manner, nor *waked*, as he affirms; a ceremony peculiar to the Irish Roman Catholics; a class of people with which *that writer* is better acquainted, I should suppose, than poor Fenning, who is an Englishman, and a Protestant; and, I hope, something more than a mere nominal one. Nor was ever money taken for showing the body. In the party which I accompanied, a respectable medical gentleman gave the person a shilling who opened the door to let us out, and this was all that was given out of eight persons.

"That *Davis* of himself made the affidavit is untrue. Mr. Turner, sen. solicited him to give him an affidavit of *some kind or another*; but the *respectable individual therein alluded to*, as having likewise heard Fenning, informs me that he has heard him repeatedly urge his daughter to confess if she was *Guilty*; and that, if he made use of those, or similar

words, as sworn to, it did by no means convey to him the meaning that Davis's affidavit attaches to them. And now that we have a counter affidavit by Fenning, and when I aver that this poor man has ever maintained, in the neighbourhood where he resides, and with the masters he has served, an exemplary character for honesty and sobriety, that he attends his place of worship regularly on a Sunday, the Public will judge for themselves which of the two is most to be believed, Davis or Fenning.

"But the writer of this article is not content with basely intimating that Fenning is an *Irishman*; although, if that were a crime, I believe he libels *his own father*—but jesuitically endeavours to fix, what he thinks a stigma, upon Gate Street Sunday School, by saying, it is "*made the protection of Dissenters*,"—as if to protect Dissenters (though true) were a crime:—the children of parents of the Establishment are more numerous at Gate Street Sunday School than Dissenters, and Fenning himself is of the Establishment.

"He tells a *story* of her having attempted to poison Mr. and Mrs. Hardy, of Portugal Street, by mixing *arsenick* in a *pot of porter*. Another person and myself took the trouble to trace this report through five or six families, but lost it ere it reached Mr. and Mrs. Hardy; and, when we called upon them, *they denied ever having said any such thing*, and never had heard of it until mentioned by a *tall gentleman, who had just been making similar inquiries*. They said, that at one time the kettle boiled over something of a whitish colour, but could not say whether it was during E. Fenning's servitude or not. Mr. Hardy complained of her being very fond of *reading*, and that she wanted often to get at his son's books—that he caught her one time reading *Fielding's Amelia*, which she said she had got the loan of from a lady. That she stopt too long when sent for some hot gin and water for him, and told a lie to evade her conduct. That he did not like her, "*but could not tell for what nor for why*."

"Another *vile insinuation* of this writer, is with regard to the letter she wrote Oldfield, which he styles "*an act of impurity*!" This unhappy man, convicted of a rape, was, through the tender mercies of God, led to see his past life in the light every true penitent will view himself. From a blasphemer and scoffer at all religion, he became a sincere believer in the truths of the Gospel, and died in a very happy state of mind, firmly persuaded of his interest in the Saviour's blood and righteousness. Where, then, was the harm of this poor creature, in similar circumstances, wishing to hear from such a character something that might afford her the like consolation as he was then experiencing; and as she could not have a personal interview, was there any harm in sending him a letter?

"Much has been said of this poor girl's *malignant and treacherous*

disposition: but where will we find one, among all her numerous calumniators, qualified to throw at her the stone of their own exculpation? It is as much an act of malignity to discolour, distort, and wrest the actions and words of others, as to resent the least injury.

"If you choose to insert these few lines I shall feel happy: they are not drawn up with a view of selling a few dozen additional papers, but from a regard to the sacred cause of Truth.

"I am, sir, your's, &c.

"294, Holborn, Aug. 4, 1815.

"ROBT. OGLE."

"MR. EXAMINER.—In your last paper you furnished your readers with a refutation of many of the scandalous things inserted in the *Observer* of July 30th, which were presented in that paper as a short sketch of the history of Eliza Fenning, *previous* to the commission of the crime for which she suffered. I hope you will spare a corner of your paper for a remark or two, on what the Editor of that paper has also chosen to say respecting her conduct *while in prison*. After informing his readers that an amorous inclination was more strongly manifested in her, even while under sentence of death, than when she resided at Mr. Turner's—that if any doubts of her guilt had existed, her conduct in the prison would tend to weaken, if not to overturn them;—she is then charged with behaviour, "flippant and unbecoming." But the first charge against her, which is at all tangible, is as follows:—
"Her first *act of impurity* was that of writing a letter to O——d,' &c.

"If this was her *first act of impurity* while in prison, it was at least a month after *her trial* before she wrote it; and as to the *impurity* of it, your readers shall have an opportunity of forming their own opinion thereon. The original now lying before me, I copy for you.—

"On receiving this letter, Mr. O. consulted me as to the answer it would be proper for him to return, and whether, after he had answered her question, he might not add something of a religious nature, calculated to impress on her mind the importance of religion. I advised him to do so. After a lapse of about two months she wrote again to him the following, which I copy from the original.—

"Now, Mr. Examiner, I wish to add, that I never saw or heard of Mr. Oldfield until I saw him in the cells of Newgate. That I never saw E. Fenning until she appeared on the *scaffold*, and am totally unconnected with the families of them both. Yet as I attended the cells for four months daily, while Mr. Oldfield was there, and was very conversant with him, I can take upon me to say, from my own observations, and also from the result of a recent inquiry I have made, that *he* never discovered any improper attachment to E. F.; and if the *Observer* can give no greater proofs of *her* "amorous inclinations"—"flippant and unbecoming behaviour"—"billet doux to other prisoners besides Old-

field"—"a letter to a prisoner, couched in *voluptuous* language"—and "her *impurity*"—than what is contained in her *first act of impurity* in writing to Oldfield, or her subsequent letter to him,—Mr. *Observer* will, I think, stand convicted of being a wholesale dealer in scandal and falsehood. When I read his paper of the 30th of July, I said to myself, if all this were true, how cruel is the act of *publishing it*! and nothing but a desire to relieve the minds of the family and friends of *each* party from the distress which they must have felt on reading it, has induced me to expose such falsehoods. "TRUTH*."

"The attacks on her general character are, to say the least, imprudent, since, unless regularly *substantiated*, they are open to the suspicion of being malicious exaggerations of infirmities incident to her youth, sex, and *exposed condition*. The *grossness* she is charged to have shown in the prison, seems almost to involve an impossibility, considering the lively horror of the dreadful death impending over her, in which she is stated to have spent the miserable time that intervened between the sentence and her execution."

"That a cheerful servant girl of two-and-twenty should be as demure and rigid as a refined maiden lady of fifty, is not to be expected. That Fenning, like most other girls of her condition, had '*sweethearts*' to come 'a courting,' may be presumed without any violation of charity. That she has been sometimes at a dance; had a good voice, and enjoyed an order to see a play, are not offences of a very heinous nature. The foibles and errors of her age may be collected and magnified by others. But that she was, *in every sense* of the word, *honest*, may be fairly concluded from her certificates; and the silly stories circulated by her enemies to prove the contrary. The cruel efforts employed to blacken this unfortunate girl, may now be judged of by referring to the bold assertions in the *OBSERVER*, of the 30th of July. The writer, charitably tracing her to the school-girl faults of her *twelfth* year, stated, that "in *EVERY PLACE in which she lived afterwards* she *unhappily obtained for herself* THE CHARACTER of being MOST SPITEFUL and MALICIOUS!!" There is an evidence on the face of these assertions, that the writer, at the time of writing them, must himself have been convinced of their falsehood. Because, with a grain of sense, he could not but know that no honest, respectable person, would give a good character to a bad servant; and that neither Mr. Turner, nor any other respectable person, would engage as a servant, on any terms, a "MOST SPITEFUL, MALICIOUS, and CONFIRMED LIAR."—

* The Editor of the present Publication was favoured with copies of Elizabeth Fenning's two letters to Mr. Oldfield, previous to the above communication to the Examiner. The first letter will be found at p. 9; the second at p. 16.

This is the very opposite of the truth, for he could have learned that she brought with her an excellent character to Mr. Turner; and the terms of her certificate from that respectable man, Mr. Flint, show, that 'she conducted herself, for more than twelve months, as AN HONEST, SOBER, QUIET, DISCREET, YOUNG WOMAN, in his family.' Yet this very writer, who charged her with having acquired so shocking and infamous a character IN EVERY PLACE in which she lived, commenced his account with a boast of having made 'EVERY IN-QUIRY,' in order to enable the Public to form 'a CORRECTER judgment.'

EXTRACT from a Letter, addressed to the Rev. Mr. COTTON, the Ordinary.

"As your name has been publicly introduced in an *extra-judicial* affidavit of a *Newgate Turnkey*, to obtain something like credit for his Oath; and as that Oath contains a direct, and, as I conceive it to be, a *wicked and unfounded attack* upon the character and feelings of an honest, but poor, old man, who bore arms for twenty years, and shed his blood, as a British Soldier, in defence of his King and Country, I conceive it to be my duty and yours, and the duty of every honourable man in society, to search into the truth or falsehood of that *Turnkey's extraordinary Affidavit*. I was one who had not heard of William Fenning's indigent and defenceless situation until after I had read the *Turnkey's* extra-judicial deposition; and when I reflect upon that poor man's recent irremediable calamity, his attested honourable conduct during 20 years of military service, and his extreme poverty, I confess myself moved exceedingly in his behalf. The attempt to *blast his character* and render him despised, hated, and infamous, in society, was *deliberately* made upon this poor and desolate old man, in the moment when he was struck childless by the hand of the executioner; and when the unburied dead body of his daughter was brought home from the gallows, and the last of ten children lay a spectacle of horror before him. Thank God, sir, we do not live in a country where, because a man is poor, and an old friendless soldier, he can be conspired against, and stigmatized, and trampled upon, with impunity. This *out-of-court* act of desperate inveteracy, only proves to the Public that a deep and settled hostility exists against this unhappy and defenceless individual *somewhere*. It is on behalf of this poor old man, reduced to daily labour for his bread, that I have taken up my pen; and, as *your* name has been publicly committed to blast his character altogether, I shall, in my next, bring forward the accredited testimonies of his character in the army, and in his present situation. From your *sense of Christianity, your duty to God and your Country*, and your hopes of peace in your

last moments, I shall then solicit your public answer to some important questions, not to establish an opinion of the guilt or innocence of *Eliza Fenning*, but to vindicate the character of her persecuted and unhappy father."

"We have refrained from any comment upon the *Affidavits* of Davis, the *Turnkey*, and the contradictory one of the *Father* of Fenning. There is something very like perjury in the one or the other; but, as we have no wish to throw a hint into the scale of public opinion, which might turn the balance of credit, we refrain from any remarks on the subject of the matter of them.

"With regard to Davis's affidavit, *from a letter which appeared in our last paper*, it appears that he was *instigated by Mr. Turner to make it*, in order to appease that spirit of popular indignation which menaced his safety. Can any thing appear more odious than this expedient? Had Mr. Turner such a mean opinion of the *adequacy* of the Police of the Metropolis to protect him, that he must endeavour to fasten upon the father of the girl the ignominious stain which is conveyed in the terms of the affidavit? A more base and malignant attack upon the wounded feelings of a *father*, just rendered *childless* by the operations of the law, we trust, for the honour of human nature, is not to be found on record. It throws upon its *Author* an imputation of the most black complexion."

"Every friend to truth and justice, who has *examined* the question, has therefore calmly weighed the solemn, legal, and vindictory oath, of this strictly honest, irreproachable, and calumniated man, against the illegal and *defamatory* oath of Davis, the *Newgate Turnkey*. The object, the motives, the stations, habits, and character of the two men, have been, no doubt, most conscientiously attended to, without any prejudice against the *mere* station of the *Turnkey*. A humane *Turnkey* is a jewel indeed; and such a man, when acting legally and justly, is entitled to as fair a hearing as any other member of society.

"The writer of the *mass of FALSE statements*, in the *OBSERVER* of the 30th, affirmed, that 'the ferment which had been occasioned in the public mind by the execution of Eliza Fenning, had risen to such a height, that measures were taken to *correct*, as much as possible, *that effect*.' Unluckily, the false statements in the *Observer*, and the illegal *defamatory affidavit* of the *Turnkey*, involving a horrid charge against the unhappy father of Eliza Fenning, were adopted as *the best corrective measures*. My first letter caused the humane *Turnkey* to draw in his horns, and endeavour to shift the burden upon *Mr. Turner*. This was making bad worse. If the thing was good, he ought not to have been ashamed of it: if otherwise, he ought not to have consented to do

it. The affidavit was sworn and distributed on the 28th, and the writer in the *Observer* was obliged to confess, that 'this (the *Turnkey's* affidavit) had some trifling weight with the minds of those who would take the trouble to think;" that is, with thinking people the affidavit had a trifling effect in shaking their opinion of Eliza Fenning's innocence. Very trifling indeed: but, for my own part, I must confess it had a very sufficient weight in confirming my former opinion of her innocence. The affidavit of *William Fenning* soon followed, and its predecessor lost all ground."

"The *Newgate Turnkey* has publicly avowed that he was requested by Mr. Turner to swear and publish that affidavit; but, setting the illegality of such a request out of the present question, can any person believe that so respectable and prudent a man as Mr. Turner, with a choice between the *Turnkey of Newgate* and the *Rev. Ordinary*, would prefer the testimony of the former to that of the latter? As Mr. Turner unfortunately entertained an opinion that an extra-judicial affidavit, in addition to the judicial evidence upon the Trial of Eliza Fenning, was necessary to allay the public feeling, he certainly would have chosen the strongest extra-judicial testimony for his purpose. The *Rev. Mr. Cotton* is deservedly ranked among Mr. Turner's private Friends; and two things may be presumed, without any great shock to probability:—that Mr. Turner had no reason to expect the *Rev. Gentleman's* refusal of any fair and just request, a compliance with which was necessary to calm a public ferment:—and that the *Rev. Gentleman* did not agree with the allegations in the *Turnkey's Affidavit*, or he would have voluntarily given his public testimony as a paramount duty, without waiting to have his name indecently dragged forward with a gross insinuation implied against him in that affidavit. The *Turnkey* swore that *William Fenning* repeatedly, at different interviews, in words and substance, suborned his daughter to die with a false declaration of innocence, and thereby to hazard the perdition of her eternal soul. If the affidavit did not mean this, it had no meaning; its sole purport was to impress a public belief that *Elizabeth Fenning's dying declaration of her innocence was not true*, for that it had been repeatedly put into her mouth in the presence and hearing of two witnesses, by her father. The affidavit in substance alleged, that *William Fenning* was not only, at different interviews, most wickedly guilty of these repeated acts of subornation, but that he most foolishly, (where he might have WHISPERED OR WRITTEN his wishes to his daughter,) chose to defeat his own purpose, by uttering his guilty wishes aloud, and repeating his subornations, in the presence of two witnesses! The affidavit also, to the great scandal of the sacerdotal character, and the

disparagement of public justice, profanely *threw upon the Rev. Ordinary* the CHARGE of having repeatedly *witnessed and heard these subornations in silence*. That Gentleman could not have witnessed these subornations, without subsequently putting a necessary question to Eliza Fenning on the scaffold. It would have been his duty to have mildly confronted her on this heinous charge of her having been suborned by her father to declare falsely, when, in his presence and hearing, she solemnly declared her innocence to the Sheriff and *Bystanders*, a few moments before her execution.

“ In exact proportion as *Mr. Marshall* implies that the matter in his *printed declaration* is of importance to the decision of justice,—in that exact degree does he establish a charge that Eliza Fenning was deprived of her just claim to the benefit of an *important evidence on the day of trial*. The matter in *Mr. Marshall's* declaration not being medical or merely professional,—but touching the words, conduct, and dangerous state, in which he and *Mr. Ogilvy* found Eliza Fenning, caused by her having eaten heartily of the poisoned dumplings, formed a most important evidence of facts, which, in justice, ought to have been submitted to the jury; for, besides his being sworn to his mere *medical* opinions, which could only be judged of by *medical men*, *Mr. Marshall* was examined *on his oath*, to give a *full and true* evidence of ALL he had seen and witnessed of the accused party's conduct and words. *Mr. Marshall* not being a juror, was not called as a witness to depose to his own *opinion* on these general facts, but to state the *whole* of the important facts, and to leave the jury to draw their own inferences according to their oaths and consciences.—*Mr. Marshall* has no doubt here drawn a conclusion *according to his conscience* from the matter in his declaration; but that is merely his *opinion*, not on a professional point; and so different are men's minds constituted, that I derive an additional presumption of Eliza Fenning's *innocence* from the words and matter in his declaration. Finally, in all cases of murder, although the person who first discovers the dead body is the first witness, and in a case of poisoning, the medical gentleman who first attended is the strongest and most important evidence, *Mr. Ogilvy*, who *first* attended in this case, was *not* examined on the trial at all. The public are *now* kindly favoured with the *opinions* of *Mr. Ogilvy* and *Mr. Marshall* on *facts*, and their opinions on these *unprofessional* points are of no more weight than those of any other two individuals in respectable society: but we are not yet informed by *whom*, or by what means, the *first* of these gentlemen was *deprived* of an opportunity of giving his evidence on the day of trial to the most important facts contained in his declaration.”

" They ' LAMENT,' that they ' had not an *opportunity*' of giving some important particulars in evidence on the trial of *Eliza Fenning*. One of these gentlemen was the FIRST who attended, after the accused and the family were poisoned; and he was in attendance nearly *four hours before the other*. In point of law and justice, as well as in reason, he ought to have been the *first* examined of the two; and, as *he has placed himself* at the bar of the public, HE is bound to answer the public question, WHY was he not sworn and examined at the two examinations at Hatton Garden, and WHY we are now to lament, that HE who had an *opportunity of knowing the most*, was not examined at all upon the trial?—The other gentleman was *twice solemnly sworn* and examined at *Hatton Garden*, to depose to ALL he knew of the case, on the two separate examinations of *Eliza Fenning*. He attended also two days at the Old Bailey, when the trial was expected to come on; so that he had full time to be collected on the third day, the 11th of April, when the trial took place. On the trial he was a *third* time sworn and examined as a witness, in the face of his country, to depose to *all* he knew. He took the witness's oath solemnly to swear ' the truth, the WHOLE truth, and nothing but the truth,' pronouncing in the usual form, as he applied his lips to the Bible, ' So HELP ME GOD;' that is, *so reject, and sentence, and punish me, God, if I do not* depose to the WHOLE truth, without any diminution, suppression, or concealment*. His declaration, therefore, that he had not an *opportunity* to depose all he knew, is, in point of fact, vitiated by the notorious facts of his THREE solemn opportunities.

" The assertion of any person, who gratuitously and spontaneously, although unintentionally, by a public declaration, *impeaches his own credit* as a SWORN witness, may, so far as it affects his own assertion, be believed; and his statements are important, *if evidenced by notorious facts*. But his extra-judicial inferences of the guilt or innocence of others, drawn from his own garbled statements, are merely his opinion, which, if confessedly brought forward *to fit the time and the circumstances*, few impartial men will be inclined to follow; and from which the majority of thinking men may, with a reliance on their own convictions, very safely dissent. It is asserted, that *Eliza Fenning* at first refused all medical aid, declaring, that life was of no value to her; but that she afterwards *did take* some medicine. A servant girl might well, in the *excruciating pangs* produced by poison,

* Judge BLACKSTONE decides the momentous point of CONCEALMENT in the following words:—" The oath administered to the WITNESS is not only that which he deposes shall be true, but that he shall depose the WHOLE TRUTH; so that he is not to conceal any part of what he knows, WHETHER INTERROGATED to that point or not."

deem life of no consequence to her, who, according to the evidence, was poisoned by eating dumplings in which arsenick had been mixed; who saw her *character* suddenly ruined by a HORRID ACCUSATION, and the certainty of an ignominious trial; her prospect of marriage, and her means of livelihood *destroyed*; and herself, in what she deemed the agonies of death. *Eliza Fenning*, in such a *dreadful* crisis, found herself *cut off from the access of her father*, and every natural protector, by a *falsehood and concealment of her situation* practised upon him by the housemaid, when he called at Mr. Turner's door to see her, late on the evening of the 21st of March: her father offered to depose to this in Court. The most *innocent* poor girl in the world, in this friendless and overwhelming state, might well speak and act as *Eliza Fenning* is said to have spoken and acted. She might well say, '*life was of no consequence to her*,' who saw herself, even in the event of her recovery and acquittal, stigmatised, rendered an object of horrid suspicion, and deprived of the means of earning her bread. *Who* would like to hire a *servant* after she had been publicly tried on a charge of having attempted to *poison her master and mistress's family*? Her exclamations and conduct were therefore *natural*; and, I conceive, *presumptions of INNOCENCE*."

MISCELLANEOUS EXTRACTS *from* VARIOUS NEWSPAPERS.

" I HAVE never read or heard of a case equally *wicked* in one light, and *foolish* in the other—*wicked* in the extreme, for contriving to take away the lives of those who had never offended her—*insane*, by taking such a quantity of the bane, as subjected herself to *as great* a degree of affliction as any one of the family. Far from being *wickedly cunning* does she appear to me; as it is evident she left the pan in which the dumplings were made unwashed till the next day; nor did she attempt to put the remainder of the dumplings out of the way; the doing of which the perpetrator of such a crime would not have omitted.

" Mr. Smith met the prisoner two evenings previous to the melancholy catastrophe; she declared that she was very comfortable in her situation, and that she was never happier in her life.

" After such proof of her being satisfied, is it likely that she could have conceived such a diabolical plan of murder, and suicide?"

" Such extraordinary deviations from the common course of things occasioned VOLTAIRE to advocate successfully the cause of JOHN CALLAS, who had been tortured to death on the rack, at Thoulouse,

for the supposed murder of his son; and in the case of *Elizabeth Canning*, eight persons ordered for execution were, by the casual observations of a Mr. RAMSAY in the daily papers, reprieved, and in the sequel proved innocent, and *Elizabeth Canning* was transported as an impostor."

"The proof that the crime was committed at all is radically defective, for we may reasonably suppose that there were other persons in this family as careless as the master, and the arsenick might be accidentally intermixed."

"She had access to the poison—granted, and so had every one else. She had incessantly recommended yeast dumplings, and the first she made was poisoned. *Eliza Fenning* has been represented as rather shrewd and intelligent for one in her rank of life; and let it be asked, with the whole cookery of the family under her management, what necessity she had (with such an intention) to enforce a particular species of pudding with an earnestness that on the expected issue would render her the first person suspected?—Again, on the favourable side, how often is this kind of household recommendation common with servants who wish to appear active in their situations? Taking this fact of the recommendation of yeast dumplings in the worst light, and it conveys a power of acting and thinking almost miraculous. A premeditated resolution of several weeks' duration in a girl of twenty, with no assignable motive, to murder three persons by a particular means, although many equally eligible were in her power—and a perseverance in it with such unshaken firmness, as to await her purposed arrangement without the slightest giving, either in form or in fact!"

"She had been reproved by her mistress, was sulky, and said she should never like her again.—There would be something ludicrous in this allegation on any other subject, proving as it does the important fact, that there was the same species of hostility between kitchen and parlour in the house of Mr. Turner, as in that of almost every other person in the metropolis."

"If Mrs. Turner had observed a sullenness in Fenning, or a falling off in her respect to herself, surely it would have been her duty to repeat the warning she had given to her, or to have remonstrated with her upon the alteration. But not a breath of this was suffered to escape, until it was uttered on the trial."

"It does certainly appear to us, without intending to throw the slightest imputation upon the professional character of Mr. Alley, which

stands deservedly high, that the Counsel of the Prisoner did not pursue the *cross-questioning*, nor comment upon the *apparent incongruities* of the evidence, with that keenness and perspicuity which usually distinguish his exertions."

"What anxiety Mrs. Turner appears to be in the day she gave orders for the making of the dumplings, *from the time she first went into the kitchen until they were placed on the table*. It appears, by the evidence of Mrs. Turner, that she charged the girl not to leave the kitchen *after the dumplings were made*. I am surprised *no cross-examination* took place on this part of the evidence; for I should have been anxious to know *why* Mrs. Turner charged the girl so particularly not to leave the kitchen?—and again, Mrs. Turner swears that, *during the time the dough was made, no person was in the kitchen but the Prisoner*: but, Sir, if I had been the Prisoner's Counsel, I should have been anxious to know in what part of the house *this witness was*, as *she* was so positive no person was in the kitchen but the Prisoner; for the Parlours are kept for the Office, and the family reside up stairs. The boys used frequently to go from the office to the kitchen, to wash their hands; therefore, it is not impossible that, when she went to the baker's with the pie, that a malignant individual might have embraced this opportunity of infusing the poison into the materials for the dough, and thus render the unfortunate girl the innocent instrument. It appears that Mrs. Turner *watched* the dough as a cat would watch a mouse, for her evidence is as follows:—'I took off the cloth and looked at it; my observation was, it had not risen, and it was in a very singular position, in which position it remained until it was divided into dumplings.' A question is put by the Jury to this witness—'Did you remark to the Prisoner the singular appearance of the dough?' A. 'I did *not*.'—I am surprised at that; for I should have thought any Lady would have remarked to her *cook* what she conceived was *not right*:—and again, it appears, by the evidence of Mrs. Turner, that no sooner had the housemaid brought the dumplings up to table, than she remarked to *her* that they looked black and heavy, instead of white and light. I am surprised that Mrs. Turner should permit *her family* to eat of the dumplings, when *she* discovered they were not as they *ought to be*.—A question is put to Mrs. Turner—'Who sat down to dinner with you?' A. 'Mr. Orlibar Turner, myself, and my husband; I helped Mr. Orlibar Turner and my husband to some dumpling, and took a *small* piece myself; I found myself affected in a few minutes.' Mr. Editor, if Mrs. Turner was so seriously affected by eating a *small* piece, I am surprised Mr. Robert Gregson Turner did not *die*; for it appears, by his own evidence, that he ate a dumpling and a half."

"If, by means of *cross-questioning*, it had been drawn from Mrs. Turner, that Fenning, before the quarrel, had been in the habit of making similar requests; or that there had been any previous conversation upon the subject of making dumplings, how would this disclosure have weakened the ground of the suspicion? It appears to us that, in this place, a question or two from Mr. *Alley* might have been put with singular benefit to the Prisoner. There were also some apparent inconsistencies in the evidence of Mrs. Turner, which might have been touched upon, as they appear to us on the face of the Sessions' Paper."

"If Mrs. Turner's memory was defective in one instance, it might be in another:—if the variation in her evidence was the result of confusion, the *incongruity* ought to have been placed to the benefit of the Prisoner; for be it remembered, that the *whole* question of Fenning's guilt hinged upon *circumstances only*, the nature of which, *by a single error of representation*, might be totally changed. The absence of Fenning, when she was sent to carry the pie to the baker's, appears to have passed without a single comment or question from her *Counsel*; although it is palpable that any malignant individual might have embraced this opportunity of infusing the poison into the dough, and thus rendering the unfortunate girl the innocent instrument.—Since it is admitted that other persons had access to the dough while Fenning was out, there is at least a possibility that, during this interval, the criminal act might have been perpetrated.—Mrs. Turner, herself, was in the kitchen during this period. God forbid that we should impute any thing to this lady: but the *circumstance* seems to us to be one which, *if pressed*, would have weighed much with the Jury."

"*Sarah Peer* corroborated the circumstance of the warning having been given to Eliza Fenning by Mrs. Turner, and added, spontaneously, "after that I *heard* her say she should not like Mr. and Mrs. Robert Turner." We were certainly surprised that NO *cross-examination* took place in this stage of the evidence. There must have been some *conversation* between the witness and the prisoner which *led* to this observation. We should have been curious to have ascertained the particulars; and we are far from thinking it improbable that a little legal *sifting* might have been resorted to, on this occasion, with good effect. We repeat, that where such *serious* issues hang upon a *connexion of circumstances*, the utmost care ought to be taken to leave nothing uninvestigated, which can be inquired into. *This witness* it was who fetched the milk, who received the yeast of the brewer, and who took up the dumplings to table, but who went *out* immediately, having previously received her mistress's permission, and consequently did not partake of the dumplings."

" *Fenning's defence* was a most ill-advised one. Its lukewarmness and brevity were calculated to make rather an injurious impression than otherwise: and yet there never was a finer opportunity for a *simple* appeal to the *nature of the evidence* and the feelings of the Jury. We cannot help feeling, that the poor girl was here most injuriously neglected. If a *written* defence had been prepared for her, entreating the Jury to divest their minds of that *natural* horror of such a crime which had so great a tendency to prejudice their judgment, to take into their consideration the *whole* of the evidence, and impartially to examine its congruity and its *sufficiency*. If it had remarked upon the possibility of any other individual taking arsenick from an open drawer for a malignant purpose, and of infusing it into the ingredients of the dumplings—either into the milk when it was bought, or the yeast when it was received, or the dough during her absence; we are of opinion, that such a defence must have produced considerable effect upon any dispassionate jury."

" By an attention to the Criminal Proceedings in this country, we shall almost uniformly find, that in *minor* offences the Judge advocates the *doubt for the prisoner* more earnestly than in such as are *capital*. We bow to experience, but should have expected the *reverse*; for the greater the crime, and the more awful the penalty, the more should doubt, in our opinion, operate in favour of the accused. It must be admitted, that when heavy guilt is imputable *somewhere*, it is mighty satisfactory to hang *somebody*!"

" We have now lying before us more than a *dozen* cases of the conviction and *execution* of individuals, who yielded to testimony and circumstances infinitely stronger than those which have convicted *Eliza Fenning*, and who yet were *all innocent*."

" We cannot think that, by the *evidence* adduced, the charge was brought home to Fenning, and we trust that no *circumstances* remain to be *developed*, which will add this to the mournful cases we cited in the beginning of this article, and tend to prove that the *real* perpetrator of the deed is still *unpunished*."

" The practice of *this country*, as to criminals, is *improperly bloody*; and there exists by far too great carelessness and levity in awarding the punishment of death. We were struck with emotions which we shall not describe, when it was reported the other day in the newspapers, that the *Recorder of London*, referring to the wretched state of the *children* that prowl about the streets of the metropolis, stated that, to check their increasing profligacy, it was resolved to *hang them*, however

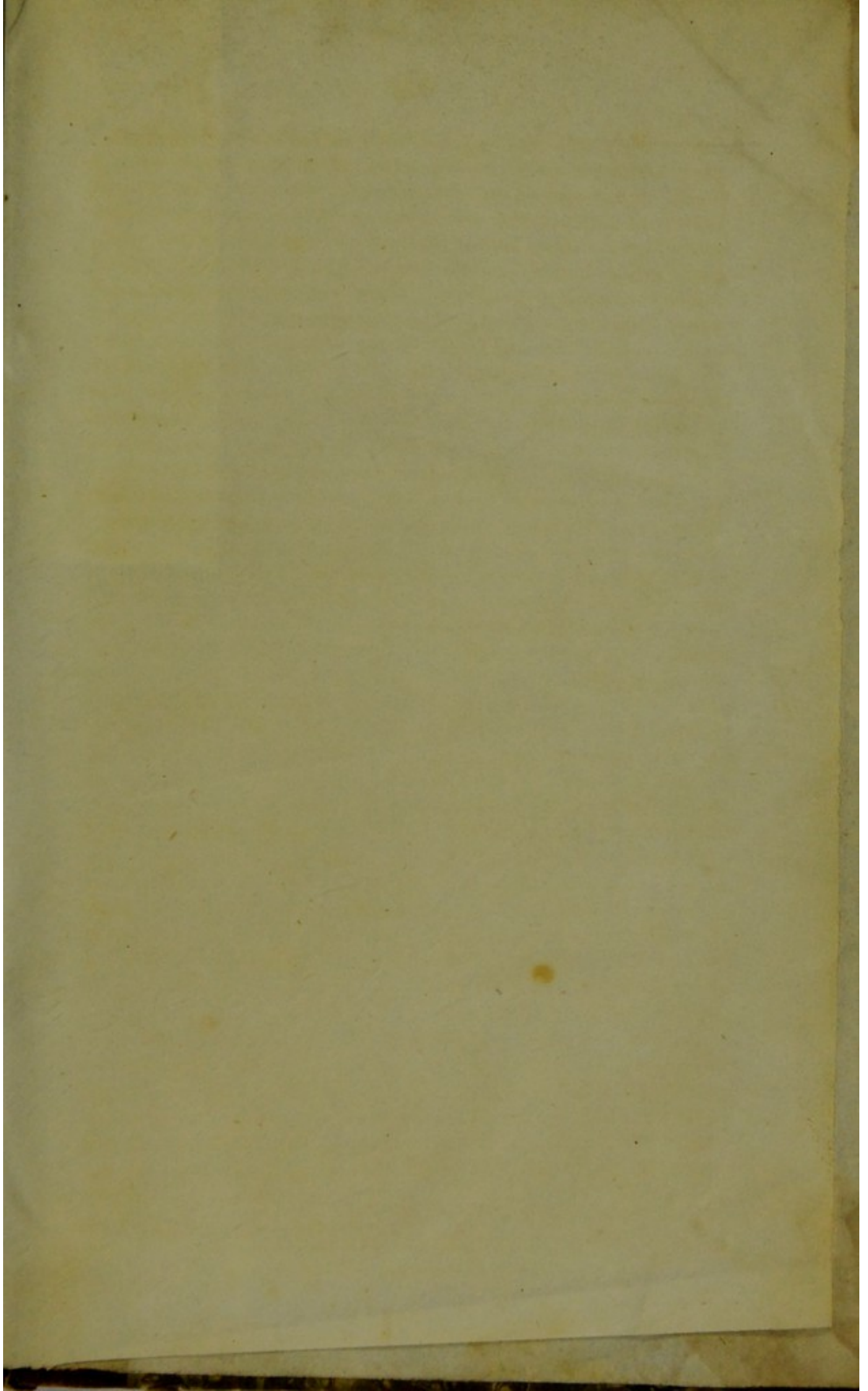
tender their years, when any of the almost innumerable crimes, rendered capital by our laws, should for the future be brought home to them. *Hanging*, then, is the best expedient which a *Judge of England*, in the year 1815, can devise for *amending the morals of boys and girls of ten, twelve, and fourteen years of age!* What will be thought of this *hereafter*? The new Constitution of the Netherlands makes a provision against the *habit of severity* in judges, which may be contracted by the *daily exercise of the practice of punishing.*

“What is the consequence of a *legal* conviction of innocence, when the error becomes apparent to the great mass of the community? Does it not *unsettle its respect* for the institutions, which it is most necessary it should *revere*? Does it not violate its confidence in the *wisdom* of the judgment seats? May it not tend to lessen its respect for *integrity* itself, when it perceives it to be *no safeguard*? How many heresies from orthodox humanity may be traced to the sad and sorrowful convictions of *error* and *neglect* in the highest human tribunals? To clothe law with all possible sanctity, at least in theory, has been the policy of every civilized nation, and in none more so than in our own. We are pompously called upon from the bar, the senate, the pulpit, and the throne, to respect the administrators of the dictates of the *wisdom of ages*—the sacred oracles of justice and the country. We obey, and are to be shocked not only by their *fallibility*, but by the doctrine which declares it a *bagatelle*. Has an *innocent* person been executed?—“he died for the good of his country”—then why *disturb* the public mind? All the *forms* of law have been preserved—his conviction was *legal*! What can we do more than Pilate did under similar circumstances?—wash our hands upon the *accident* of guilt or innocence, and go to dinner.”

“MR. EXAMINER.—You have omitted four very important words in your report from the Sessions’ Papers, of the Trial of *Eliza Fenning*:—You have omitted, “TRIED BEFORE MR. RECORDER.” I will thank you, for reasons which shall hereafter be submitted to the Public, to correct this error.

“This *Trial*, and its consequences, are of too much importance to the Public to be forgotten as one of the passing events of the day. It does not require much sagacity to discover the whole of this mysterious case. I think that, with a little patience and some perseverance, it will be developed:—I ask only for a suspension of judgment.”

THE END.



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