

Eliza Fenning's own narrative of circumstances which occurred in the family of Mr. Turner, from the time of her going into their service until her apprehension ... To which are added, the affidavits, with several important letters and remarks / [Elizabeth Fenning].

Contributors

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Turner, Mr.

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ELIZA FENNING's
OWN
NARRATIVE

Of Circumstances which occurred in the
FAMILY OF Mr. TURNER,

From the Time of her going into their Service until

HER APPREHENSION:

*In which are contained many Particulars concerning the Yeast Dumplings,
with her Remarks on certain Parts of the Evidence on her Trial,
never before published.*

Written in Newgate

WHILE SHE WAS UNDER SENTENCE OF DEATH,

AND PRINTED FROM AN

ORIGINAL MANUSCRIPT COPY,

IN

HER OWN HAND-WRITING.

TO WHICH ARE ADDED,

THE AFFIDAVITS,

WITH SEVERAL

IMPORTANT LETTERS

AND

REMARKS

CONCERNING THIS UNFORTUNATE FEMALE.

*Being a Continuation of Fairburn's Edition of the
AFFECTING CASE of ELIZA FENNING.*

LONDON:

Published by JOHN FAIRBURN, 2, Broadway,
Ludgate-Hill.

[Price One Shilling.]

ELIZA FENNINGS
OWN
NARRATIVE

OF CHASTITY, WHICH OCCURRED IN THE
FAMILY OF MR. FENNINGS.

From the original MS. now in the possession of the Rev. Mr. Fennings.

HER ATTENTION IS DRAWN TO THE

fact that the original MS. is now in the possession of the Rev. Mr. Fennings, and that the original MS. is now in the possession of the Rev. Mr. Fennings.

EDITED IN THE

WELL-COME INSTITUTE OF LONDON.

AND PRINTED BY



HER OWN HANDS.

TO WHICH ARE ADDED

THE ATTENTION

OF THE

IMPORTANT FACTS

AND

REMARKS

CONCERNING THE CHASTITY OF ELIZA FENNINGS.

By the Rev. Mr. Fennings, of the City of London.

London: Printed by W. Marchant, at the City of London.

LONDON:

FROM THE CITY OF LONDON, &c.

London: Printed by W. Marchant, at the City of London.

[Price One Shilling.]

W. Marchant, Printer,
Ingram-Court, London.

NARRATIVE,

&c. &c.

Letter to a Friend, accompanying the Narrative.

Newgate, 7th June, 1815.

Sir,

You are very kind to feel so much interested for an unfortunate victim, but as to petitions they are gone from all quarters, and are, I understand, signed by several Lords and Members of Parliament, and unknown are the letters that are gone from private gentlemen; even some have come from the country to serve me, who know my friends. So, dear sir, I thank you for your goodness, but all that can be done is done for me, but I thought it would satisfy you to inform you of every particular that happened in the house before I was taken.

Your's

ELIZA FENNING.

Sir,

For your unbounded goodness towards me, an unfortunate victim, I feel myself in duty bound to answer every question as clearly as possible. On the 30th of January I went to live in the family of

Mr. Turner. Mrs. Turner, the mother, hired me, for the daughter was not in town when I first went there. The family consisted of Mr. and Mrs. Turner, one son, and his wife, two apprentices, one maid-servant, and myself. Mrs. Margaret Turner, the mother of Mr. Turner, had an excellent character with me; for the first fortnight Mr. Turner appeared thoroughly satisfied with my conduct, and I thought myself happy in my situation. At the fortnight's end, Mrs. Margaret Turner went to Lambeth and her daughter remained in the house.

On going up stairs to bed one night my candle went out; I unfortunately knocked at the door of the boys' bed-room for a light, they opened the door and gave me a light, and began taking liberties I did not approve of; I told them if they dared to insult me, I would call Mrs. Turner, which I did, but she not coming at the instant I went to my own room, and, when nearly undressed, Mrs. Turner came into the room and asked me what was the matter, I informed her of what had passed, and she said she did not approve of such behaviour. The next morning I mentioned it to her again, and she said if I could not behave better I should not suit her; I answered if she did not approve of my conduct when *my mistress* returned I was willing to leave, at which she was so enraged that she sent her husband, and he desired me to leave the house, but the same evening my mistress returned, she asked me kindly how I did, I told her I was going to leave, and stated the facts to her; she then called her daughter, and told her I should not leave her house; every thing was then settled, and I thought to be comfortable as before. I went on with my business as usual for some time. One Saturday the brewers came with some beer, I asked them to bring me some yeast, as I had many times in places where I had lived before. On the Mon-

day following he brought some, and I made some dumplings for my fellow-servant's supper and mine, in the kitchen. On Tuesday morning I went up for orders for dinner, as usual; my mistress asked me what there was in the house, I told her that the brewer had brought me some yeast, at which she seemed pleased, and told me when he came again she should give him something for his trouble: she told me she should have some beef steaks and potatoes for dinner, and dumplings; and to have a meat pie for the kitchen. I went down and made the pie and had every thing in readiness for making the dumplings; when she came into the kitchen she told me to take the pie to the oven and then to make the dumplings, but to be sure not to leave the kitchen after the dumplings were made. I obeyed her orders and made the dumplings, and then I was sent to the butcher's, for the steaks; when I came back I went into the back-kitchen to clean a dozen and a half of knives and forks; during the time I was doing them I heard some person in the front kitchen, and thought it was my mistress, but, on my coming out of the back-kitchen, I saw Thomas King, one of the apprentices, coming out: I asked him what he had been doing in the kitchen, he made no answer, but went up stairs. About half past two my mistress came down and sent my fellow-servant for some milk to make the sauce herself; the dumplings were boiled, and my fellow-servant took them up to table, and then went out for the remainder of the day, having leave before dinner; I then took the steaks and potatoes up myself to table, and brought the remainder of the dumplings down. I sat down and nearly eat a whole one, when Gadsden, one of the apprentices, came down and asked me to give him some dumpling; I told him they were cold and heavy, but I gave him a piece and some of the sauce; he then left the kitchen. Mr.

Turner came down and said they were all taken very ill, and asked me what I had been doing to the dumplings; I told him I made them the same as usual; and no sooner had he left me than I was taken violent sick, and an uncommon pain in my head. Mr. Turner came down again and said he was sure I had put poison in the dumplings: this happened about half past three o'clock. When he saw me he said he was sure I was innocent of the charge he had alleged against me: they then sent for Mr. Ogilvy, and he attended about four o'clock, and gave me things to take to clear my stomach. I remained very ill until nine o'clock in the evening; I began to get so bad that I was put to bed, and kept my bed till Thursday. During the time I was confined to my bed, Mr. Turner came several times and said he had missed some arsenic from the desk, and said he was sure I had taken it, and the paper was written on the outside, *arsenic, deadly poison*, and asked me if I was willing to be removed. I told him I was perfectly agreeable to go any where he thought proper to take me, as I could clear myself. A strict search was made from the top to the bottom of the house, and my boxes were strictly searched, and even my letters were taken to Hatton-Garden to be looked over, but the officer said there was nothing to be found by which he could trace it out. I was taken to Hatton-Garden in a coach, and from thence to Clerkenwell prison, and placed in the sick ward directly, and the doctor attended me; from thence I was removed to this abode of wretchedness.

ELIZA FENNING.

SIR,

I feel in duty bound, to answer you any inquiries you wish me. When I took the pie to the

baker's, I then made the dumplings, and there was no dough remaining, and after they were left to rise I was sent to the butcher's for the steakes by Mrs. Turner, the daughter: please to observe when I returned from the baker's I quite finished the making of the dumplings before I went to the butcher's, or even did any thing else.

Every thing was ready for making the dumplings when I went to the baker's, but not mixed; nor neither was there any dough remaining when I went. The night before I made some, and used no milk; nor ever did, neither do they require it; but it was by her request I was to use the milk. I never mentioned any thing about the dumplings till I went up for orders for dinner, and told her about the yeast, supposing, in my absence, she would see it, induced me to tell her that the brewer had brought it.

I did not do any thing to the dumplings before I took the pie, and I left no dough remaining, as the same will not do for the dumplings, because they are made different, I mean the dough. I made the dumplings the first thing after I returned from the baker's, and left them to rise at the side of the fire, before I went to the butcher's.

Mrs. Turner told me to be sure not to leave the kitchen, but I did not pay any attention to her in that respect, knowing I must leave it to do the remaining part of my work; and as to dumplings they do not require, while rising, but little attention, excepting to put a little flour on them; and she likewise sent me to the butcher's, whilst they were left to rise.

I would wish you to observe this remark, young Mrs. Turner, on the trial, said I carried the pie to the baker's at near twelve, and this before I commenced making the dumplings; now, on her being asked what time I divided the dough into dumplings, she

says about twenty minutes before twelve. This is strange, before they were made to divide them. Again she says, she was not in the kitchen at that time, but an hour before. She says, likewise, that the dough was not meddled with after it was put in the pan; now yeast dumplings require some flouring and stirring while left to rise, to keep them from sticking to the pan, it surprises me to think she pretends to know more about them than myself.

The dumplings were taken up before the steakes were dressed, and she says she was taken ill directly after eating them; now how could that be, when she stopped to finish the remainder of her dinner, for I had brought the dumplings down and eat nearly a whole one myself before I heard any of them were ill. Again, when they say I was sure it was in the milk, I really thought so, for milk is a thing that does not agree on my stomach, which made me not know which it could be.

Mr. Turner came down and asked me where all the things were that made the dumplings, and I told him, for I was too ill to give them, and he took the pan and the remains of the dumplings up stairs; but it is strange that he did not bring them on the trial. The dumplings were divided about a quarter before three, for they do not take but ten minutes to boil them.

When I was on my trial I did not know I was to answer at all, as I had Mr. Alley; but when I heard Mrs. Turner speak falsely of me, being in the boys bed-room, I contradicted her, knowing it to be false; and when Mr. Turner said I never assisted them when they were ill, I was going to speak, but every thing seemed in such confusion, that I was not heard to speak, and I not knowing the ways of the trial, I did not know hardly what to say, for every ones eyes were on me, as if I was the greatest criminal on earth.

On the trial Sarah Peer said she observed they looked black when she took them to table. I never said any thing while they were speaking, but when I was at Mr. Turner's, I never heard a word about their looking black, till the time they were on the trial.

Mr. Turner brought a woman that said she was sure I had lived in Bath and attempted to destroy a family there, but it was proved I never was in Bath in my life, excepting part of a day and night, when about seven years old. I told Mr. Turner his conscience hurt him or he would never have come to see me.

Mrs. Turner, I understand, has been married about eight months, there are no children, her age is about twenty-three. I believe her parents are named Church, and live at Epping. Thomas King's father, I am told, keeps a dyer's shop, in Essex-Street, in the Strand.

When Mr. Turner came to me, he said, in the presence of Mr. Wansbury, he would do every thing in his power to spare my life, but when going I refused my hand. I firmly and most solemnly declare to God and man, I am innocent of the crime, and how was it possible I could do it to a person who swore my life away, but may the Almighty God forgive them; believe me they are almost the death of my dear parents.

ELIZA FENNING.

AFFIDAVIT OF SAMUEL DAVIS.

LONDON, to wit, SAMUEL DAVIS, one of the principal turnkey's 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. CORTON, Chaplain of the said Prison, were both present,) and on several other interviews between them prior to her execution, her said father urgently intreated 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."

(Signed) SAMUEL DAVIS.

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

(Signed) SAMUEL BIRCH. Mayor.

AFFIDAVIT OF WM FENNING.

MIDDLESEX, to wit, WILLIAM FENNING, of No. 14, Eagle-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 intreat and solemnly conjure his said daughter to declare all, if anything, 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."

WM FENNING.

Sworn, at the Mansion-House
of the City of London, this
second day of August, 1815.

SAMUEL BIRCH, Mayor.

The following appeared in the Statesman of August 2, 1815.

TO THE REV. MR. COTTON,

ORDINARY OF NEWGATE.

SIR,—Owing to the circumstance of your name having been introduced publicly by a Turnkey of Newgate in an illegal affidavit, which cast an infamous stigma upon the character of WILLIAM FENNING, a poor, but honest old soldier, I am induced, through a love of truth and justice, respectfully to solicit your attention to the following

observations, prior to my analysis of that extraordinary deposition.—The affidavit to which I advert was printed, by particular order, in the *Statesman* of last Saturday, and several other Newspapers. In addressing you thus publicly, I owe it to myself as a first duty, to express my general respect for the Ministers of Religion; I have always venerated the character of a pious, benevolent, and charitable, Divine, as one of the most estimable blessings of society. I am one of those who glory in the Trial by Jury, as the wisest of all judicial institutions, and who would defend it at all legal hazards, if necessary, as the surest bulwark of public liberty and individual justice. In civil causes the decision of a Jury is not considered infallible; but, in my opinion, in criminal cases, their verdict is too solemn to be lightly called in question; although, unfortunately, our history furnishes too many instances wherein the public were of opinion that, in justice, they ought not to yield an implicit assent to their verdict. In some of those instances, which occurred in seasons of much ferment, and on party and political trials, doubts were industriously infused into the public mind, for party and political purposes, against the clearest evidence; but, in cases of crimes against private individuals, where there existed no party or political motive to create an uncertainty of the verdict, the doubts of the community confessedly arose out of the nature of the evidence deposed to on the day of trial; and, in all such cases, candour, humanity, and the law of God forbid us, without the most certain testimony, to form any rash or uncharitable judgment of others, lest *we be judged ourselves*. To guard against the errors, prejudices, and passions, to which all human judgments are exposed, the British law mercifully directs, that in all cases where a doubt exists in the mind of the Jurors, it becomes their duty to incline in favour of the accused. The wisdom and humanity of this rule is founded in the acknowledged truth, that it is better ninety-nine guilty persons shall escape, than one innocent person suffer an ignominious death by the sentence of a Court of Justice. Two trials and executions, for having administered poison, have recently taken place, with very opposite effects upon the feelings of the public. *E. Woollerton*, the wife of a

respectable farmer, was tried at the Norfolk Assizes, on the 23d, and executed on the 25th inst. at Ipswich, amidst the horror and execration of society.—*Eliza Fenning*, a poor servant girl, the only daughter of a labouring man, who had been an old soldier, and had, necessarily, no friends nor wealthy connections to excite an interest in her behalf, was found guilty, on the 11th of April last, at the Old Bailey, of having administered poison to her master's family.—From the day of her trial to that of her execution, on the 26th inst. she was an object of public interest and anxious commiseration. All men did justice to the Jury, and the intentions of the persons who gave evidence against her; but *doubts* existed in a high official quarter. The humane and conscientious community partook of this painful uncertainty. Petitions were drawn up, signed, and presented in her favour, by religious and dispassionate persons of respectable rank; and the Editors of many public prints spontaneously published articles inclined to the side of mercy. The opposite effect of the two cases upon the public mind arose solely from a calm and unbiassed view of the total difference in the nature and extent of the evidence upon which they were convicted. If the detestable crime of poisoning, notwithstanding her friendless poverty, appeared to be stripped of its horror in the case of Eliza Fenning, it was not that humane and good men had ceased to detest that abominable offence; but, judging from my own humble opinion, because a general supposition existed, that there was not a clear and sufficient proof, by *ocular evidence*, to establish the fact, that the accused person was the party who had actually administered the poison.

This doubt of the extent of the evidence was perfectly compatible with an opinion entertained by the same persons, that the parties who gave evidence against her were justified by their own consciences in the whole of their conduct and depositions against the unfortunate girl accused. It was not necessary to fasten a suspicion upon any other person, in order to entertain these doubts in her favour. It was enough to know that God, who sees and knows all things, is the final judge of this transaction; and it would have been a heinous act of injustice to turn the

prejudices of the public against any other person upon mere random conjecture. The common anxiety was evidently honourable to the public, because it was founded in a love of justice and public duty; for every member of society would be wounded in any case wherein an opinion prevailed that the life of an honest individual had been taken away by the verdict of a corrupt, negligent, and wicked Jury, without a clear, full, and satisfactory evidence. In the case of Eliza Fenning no such opinion has prevailed, nor can be for a moment admitted. The honesty and impartiality of the Jury are above impeachment; and if any persons were weak and wicked enough to start an insinuation against their sense of justice, it would be the duty of all men to repel the imputation.—Where a sentiment so honourable to them prevails, the very members of that Jury will, no doubt, read with pleasure every discussion, intended to throw a clear and dispassionate light upon the difference of opinions on this very remarkable transaction, and remove a load of humane anxiety from the public mind.

If an error prevails in the public opinion on this point, a conscientious examination into every relevant matter, will tend to remove it. Any attempts to throw imputation by the publication of malignant gossiping and fabricated rumours, will only prove against the credit of the parties who resort to such unworthy and suspicious practices. 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. My sense of duty is not lessened by the conviction that this cruel and illegal attack was made upon his feelings and character as a man and a father, in the very crisis of his deep misfortune, after he had expended his last farthing, the produce of his hard labour, and sold his bed and almost every article of apparel, but what he wore upon his back, to see a Counsel, and support his unhappy daughter in a prison! 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. I have not the pleasure of knowing you personally, or by report, but I address you, respectfully, as a Preacher of the *Mercies of God*, and with a solemn assurance that I write as

A FRIEND TO THE POOR, AND A LOVER OF
JUSTICE.

July 31, 1815.

The following appeared in the Statesman of August 3, 1815.

TO THE EDITOR.

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 latter.

I am, your humble servant,

SAMUEL DAVIS.

August 3, 1815.

TO CORRESPONDENTS.

The Second Letter of "A Friend to the Poor and a Lover of Justice" is inadmissible in its present shape.—The Three Pounds inclosed towards a Subscription for the Poor Man and his Wife, are held at the writer's disposal, as it is not convenient to undertake the task of receiving Subscriptions. (*From the Statesman of the above date.*)

The following appeared in the Statesman of August 5, 1815.

TO THE EDITOR.

SIR,—Reserving my observations for the next publication, I beg leave to trouble you with the following testimonials of the character of the unhappy father of Eliza Fenning:—

"By Lieut.-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 aforesaid regiment for the space of twenty years and four months, is, for 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, this 21st day of March, 1802.

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

" 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."

" 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.

(Signed)

" JOHN RABBETH, No. 18, Red Lion-street,

" THOS BOWDERY, Red Lion-street,

" JAMES EVETT, Red Lion-passage,

" FRANCIS WARR, Red Lion-passage,

" JOHN HALL, Red Lion-passage,

" CHAS MASON, Boswell-court, Queen-square,

" THOS. LEE, Boswell-court.

" April 22, 1815."

The date of the above, (April last,) shews that this poor man found it necessary to defend his character several months ago, prior to the affidavit of the Newgate turnkey. I now refer the Public to the following extracts from the *Observer* of last Sunday, and shall, for the present, leave the world to judge of the truth and the source of that long statement.

Extracts from the Observer, with remarks thereon.

"Having thus given an account of the transactions which have followed the determination of the *wretched criminal's* fate, I 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 Roman Catholics*; the former is a servant to Mr. Hutchins, a potatoe-seller, in Red Lion-passage; the other is, as far as I have been able to learn, an industrious woman and the mother of 11 children, of whom Eliza was the last living."

The intent of representing William Fenning as an Irishman is obvious. Whenever a great atrocity has been or is committed, there have been, and are men of so little understanding as to conceive it patriotism to cast the odium upon the natives of Ireland; and, whenever all other means have failed to ruin the reputation of an Englishman, he is represented to be an Irishman and a Roman Catholic. When the Marrs, Williamsons, and Bonar were murdered, some writers of small wit and convenient consciences, imagined it necessary to blacken the sister country by circumstantially affirming in the public prints, that the murderers were Irishmen and Roman Catholics. In the case of William Fenning, that honest old veteran, was represented to be an *Irishman* and a Roman Catholic, to prove that the tree being bad the *fruit* must be bad also; to render him an object of suspicion and odium, and to gain credit for the false and infamous stigma that he had suborned his daughter to forfeit her eternal soul by rushing into the presence of her offended Creator with a false declaration of her innocence in her mouth:—"Give a dog a bad name, and you may knock him on the head."—But even if in the liberal mind of the writer in the *Observer*, it be such a mighty crime to be an Irishman and a Roman Catholic, that is, to

be the countryman of the Duke of Wellington, who saved Europe from the power of Bonaparte; and of the Secretary of State for Foreign Affairs, who is now deciding on the destinies of the world at Paris; still, after all, William Fenning has not been guilty of either of these crimes, for he is neither an Irishman nor a Roman Catholic. It would cast a shade upon the laurels of Waterloo, and sadden the hearts of the brave men who shed their blood in obtaining that glorious victory, if they were to hear that their former comrade for twenty years, was left to be calumniated and persecuted, destitute of friends, protection, and pecuniary assistance, in the heart of the British metropolis.

I now refer to other extracts from the *Observer* of last Sunday, to shew how far that writer discharged his duty, who set out with a boast, "that he had made *every inquiry* into the circumstances of the case"—"*to enable the public to form their own judgment more correctly.*" He goes so far back as the 12th year of Eliza Fenning's age, for the charitable purpose of quoting the words of her childhood against her and her father, and thus proceeds—"From this period she *did nothing* 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 every place in which she lived afterwards, she unhappily obtained for herself the character of being *most spiteful and malicious.*" The public will observe, that the honest lover of truth, in the *Observer*, when imposing a mass of gross imposition and falsehood upon the public, commenced his main charge against Eliza Fenning, by accusing her of an habitual deviation from truth, and a love of falsehood.

After what I have here shewed, I may now leave the impartial world to judge between an honest and persecuted old British soldier and his enemies, and every reader can decide whether the writer in the *Observer* is or is not utterly unworthy of credit in the principal of his allegations. I have, however, several certificates to prove the good character of Eliza Fenning, which I shall enclose to you in my next letter.

A FRIEND TO THE POOR AND A
LOVER OF JUSTICE.

Aug. 5, 1815.

TO THE EDITOR.

The following documents and observations will shew with how little truth the character of *Eliza Fenning* has been vilified since the day of her trial. Like all young women servants, she had her faults and merits, but she was not the malicious monster painted in the Observer.

"No. 107, *Great Russell-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 ever thought her capable of committing the deed for which she is found guilty, as I ALWAYS found her of a GOOD DISPOSITION.*—THOMAS FLINT."

A certificate from *Charles Woodward, No. 3, Bedford-court, New North-street, Red Lion-square*, is equally strong in her favour. It states, that *Eliza Fenning* lived, in the year 1811, as servant with him, nearly twelve months, and during that time, behaved with *honesty, discretion, quietness, and sobriety*; and he could not have supposed her capable of the crime of which she had been found guilty.

"No. 7, *York-street, Seymour-place, WALWORTH*. *Elizabeth Fenning* lived with me as servant *ten months* in 1812, which time she conducted herself as a SOBER, INDUSTRIOUS, YOUNG WOMAN, nor did I EVER SEE anything in her conduct to suppose her capable of committing the act for which she now stands condemned. MARY STOKES."

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. Not to occu-

py too much room by certificates, I shall here observe, that none but servants of tried, steadiness, and honesty, are ever hired a second time by any *respectable* family; and ELIZA FENNING was a *second time* hired as a servant by Mr. Flint, a person of high respectability, and, also, in another place. She had been in nine services, and had always borne her warning in those places where she did not herself propose to quit, and had quitted all her places, with perfect good humour, as a usual circumstance to which all servants are liable. Mr. Turner's was the last place in which she lived. Facts here are proofs. No honest and respectable man would give a bad servant a good character; or afterwards, for any solicitation, be guilty of the meanness of prevaricating, or belying his own former declaration. Any person, therefore, who gave Eliza Fenning, or any other servant, a good character when leaving him or her, must now maintain his own veracity, or forfeit his own claim to credit and respectability. Eliza Fenning brought with her an excellent character to Mr. Turner, as an honest, steady, good servant, such as, in his opinion, entitled her to a place in a respectable trader's house, or he would never have engaged her in his service. A written copy of the substance of that character was, after her trial, obtained from Mr. Turner senior. This undeniable proof that she had brought a good character to Mr. Turner was sent into the Paymaster's Office, in Spring-gardens, with other certificates of her good character, her father's regimental discharge and character, and the petitions for mercy, signed by different respectable bodies of dispassionate religious men. They were to be forwarded from the Paymaster's Office to the Secretary of State, and humbly submitted to the Prince Regent by that nobleman. 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 ult. The writer, charitably tracing her to the school-girl faults of her *twelfth* year, stated—"from this period, she did but little to redeem her *lost character*." "There WAS NOT A PLACE, in which she was employed, (for she went out to service immediately afterwards) that she did not leave behind her the CHARACTER of a CONFIRMED LIAR." With the same hardy defiance of truth and probability,

the same writer proceeded,—“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.”—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, shew, 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 INQUIRY,” in order to enable the public to form “a correcter judgment.”

A Friend to the Poor and a LOVER OF JUSTICE.
Aug. 15, 1815.

STATEMENT OF THE MEDICAL MEN, RESPECTING THE GUILT OF ELIZA FENNING,

Which appeared in the Observer of August 6, 1815.

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 swollen, 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 the 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.

HEN. OGILVY, Apothecary.

The following appeared in the Statesman, of August 7, 1815.

TO THE EDITOR.

SIR,—In the Statesman of Saturday last, I proved, by his regimental discharge, and by the high and honourable character of Lieutenant-Colonel Barry, that William Fenning, who had been falsely represented in the Observer, of the 30th ult. as an Irishman and a Roman Catholic, is an Englishman and a Protestant, born at Hadleigh, in Suffolk, and had faithfully served his king and country for twenty years and four month, in the 15th regiment of foot, in which he had always conducted himself as a steady, honest, sober, and good, man. His parents were Protestants, and natives of the same place. His father,

Thomas Fenning, was a gardner, a man of quiet, sober, and industrious, character. His mother, Mary Fenning, a widow, is still living at Hadleigh-green. The certificate of William Fenning's marriage with Mary Swayne, his wife, is signed by the Rev. W. Thompson, the Protestant Curate of St. Barry's Church, Cork, in which church they were married. He is now living. Mary Swayne, his wife, was born in Cork, of English and Protestant parents, and christened in Christ Church. Her brother, Richard Swayne, a slater and stucco-worker, of the Protestant religion, resides in Hanover-street, Cork. I have shewed that, as in the murders of the Marrs, the Williamsons, and Mr. Bonar, certain paragraphists cast the odium upon the sister kingdom, by falsely representing the murderers to be Irishmen and Roman Catholics; so it is usual with men of little wit and much malignity, when all other means of exciting a public odium fail, to seek to excite a prejudice against any innocent Englishman, whom they wish to blacken, by falsely representing him as an Irishman and a Roman Catholic. This last effort was aimed at William Fenning and his wife, by a writer in the Observer, of the 30th ult. who falsely described them as "both from Ireland and both Roman Catholics." That writer's falsehood and malignity being publicly proved in the Statesman of yesterday, he has this day prudently declared his resolution to withdraw from the controversy. The cause cannot be just which stands in need of falsehood for its support. The veracity of William Fenning is of so much importance in this question that its value ought to be well appreciated. If it be declared, that, as her father, he is interested and biassed in his solemn conviction of his daughter's innocence; it is also to be observed, that in all cases where proof exists of so horrid a crime, the ties of blood are dissolved. The husband of Elizabeth Woollerton made no attempt to maintain a belief of her innocence, nor did her two daughters; they readily, as eye-witnesses, gave evidence against her. Her uncle was the principal prosecutor, and gave evidence for her conviction. We have not heard of her father or mother, or any one of her kindred, having declared their belief in her innocence.

Every link in the chain of proof was substantiated past all doubt, by the evidence of eye-witnesses; therefore, her wealthy husband and children, her opulent and respectable uncle, and the whole of her kindred and friends, cordially agreed with the verdict of the jury; and the miserable criminal, upon whose soul the Lord have mercy, perished at the gallows, without a dissenting doubt in the community. On the contrary, the indigent parents of Eliza Fenning clung to her through the whole of her tedious imprisonment. The poor father's hard-earned watch and seals, the long-gathered furniture of his two rooms, their best clothes, and, in the homely phrase of the poor man, "the last shift from off the back of her mother," with all their little earnings and debts incurred, were expended for her support and defence in prison and at her trial; they had to lie near a fortnight upon the cold boards, after having sold their bedding and blankets to support her; they had to borrow fourteen shillings and sixpence to obtain her body from prison after her execution. Would they have suffered all these hardships—would they not at once have abandoned her if they had not had reason to entertain a firm conviction of her innocence? I am persuaded, from strong recent evidence, that if they thought her guilty, they would, like the wealthy relatives of Elizabeth Woollerton, at once have abandoned their daughter. I have proved, in my last letter, by the testimony of his neighbours, that William Fenning has, to the present hour, maintained the same irreproachable character which obtained him so fair and irreproachable a name from his officers. He entered into the army when not quite eighteen years old, and remained in the regiment until he was eight-and-thirty. These twenty years are considered the age when the passions are the strongest; when religion has least influence and temptations to immorality and sin are most prevailing and abundant; yet William Fenning passed over this trying season of temptation without reproach, and with honour to himself. During these twenty years it is attested by the most respectable and incontrovertible authority, that he merited and received the character of steadiness, sobriety, honesty, and goodness. Although the army is

an honourable employment, and the private soldier, as the defender of his country, is entitled to respect and affection; yet a soldier is considered to be more exposed to licence, irregularity, and seduction, than other men. It is only just to admit, that any person, who, during twenty years in the season of youthful vigour and frailty, and in a station more peculiarly exposed to temptation, has lived in the fear of God, obeyed his precepts, rejoiced in his tender mercies, and preserved his truth and integrity unblemished, must have an innate and strong sense of religion, and have afforded the clearest proofs which human nature can afford, of his genuine love of truth and honesty. He may be truly said to have wrestled with and overcome the tempter; to have past the fiery ordeal and stood the test.

“ An honest man’s the noblest work of God.”

The solemn declaration of such a man may be considered equal to an oath; and his oath an evidence of the highest single testimony. In this unimpeached integrity and unimpeachable loyalty to his king, the solemn oath and declaration of William Fenning have been placed before the public—before his countrymen, in whose defence he had the honour to bear arms and risk his life for twenty years. It is in behalf of this deserving veteran, this poor, but honest, industrious, and good, man, that I address the understandings and the hearts of his countrymen.—Surely, no man, who has in his own heart a fear of God and a due sense of that great day, when the eternal judge will deal out to all men according to their deserts, can believe that such a good man as this, and his wife, who has trod in the same steps with him, would have loved and cherished and clung to their daughter, through the dark vale of tears and misfortune, by which it pleased the Almighty to lead her to himself, if she had led a loose, immoral, and sinful, life from her childhood to her two-and-twentieth year! It is contrary to all experience and probability to suppose that her honest parents could have had any motive for sharing in the shame of the ignominious charge and sentence against her, if long habits of vice had led

her to the commission of so horrid a crime. If she had been immoral and wicked before, is it not probable that they would have shaken her off long before; and how could they have all along placed so strong and unshaken a reliance upon her declaration of innocence, if she had been destitute of truth and morality? With an expression of genuine sorrow and affection, in the language of complaint and injury, but without any appearance of that conscious shame which would have covered them if they had believed her guilty, they bowed to the will of God, and persevered to the last in the discharge of their mournful duty. I am persuaded, even if the written attestations of her good character were not unanswerable proofs, that there is a full reply and refutation in these circumstances of strong natural affection, under the sharpest trials, to all the heap of wicked and improbable stories circulated against her. There can exist no union between vice and virtue, between justice and dishonesty, between honest and religious parents and a corrupt and profligate child. Their humble situation in life, and their poverty, entitle their solemn declaration to more credit; for it is written in the book of God, "It is easier for a camel to enter into the eye of a needle than for a rich man to enter the kingdom of heaven."

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 ult. 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." It is quite enough to remark here, that all attempts to seek truth and justice, by any other mode but calm submission to the laws, and dispassionate truth and justice, are weak, wicked, and injurious. Such proceedings merit the utmost rigour of the law. 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.—This day the Observer has brought out another and weaker corrective of public opinion, signed by John Marshall, Surgeon, and Henry Ogilvy, Apothecary. The first paragraph contains an information so extraordinary that it cannot fail to have a decided effect upon all that follows. "In consequence of the late tumultuous proceedings in Chancery-Lane, against Mr. Turner and his family, Mr. Marshall and Mr. Ogilvy lament that they had not an opportunity of stating, upon the trial of Eliza Fenning, what they consider an additional proof of her guilt."

The reader, who refers to the trial of Eliza Fenning, will find, that Mr. John Marshall was examined as an evidence on oath, touching all he knew of the matter, on that trial. The extraordinary information, therefore, that that Gentleman had not an opportunity of giving any and all the important evidence which he knew, is in direct

opposition to the fact. In exact proportion as he now 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 gentlemen 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. The truth, however,

is on its way and will soon be all laid open. I shall give the certificate of Eliza Fenning in my next, and am, Sir,

A FRIEND TO THE POOR AND A
LOVER OF JUSTICE.

August 6, 1815.

TO THE EDITOR.

SIR,—The letter which appeared in the *Statesman* of August 7, 1815, has induced me to offer a few observations on the case of the unfortunate Eliza Fenning. When I first read the report of her trial in the *Sessions Paper*, which was not until after her execution, I thought that enough had appeared to exculpate the Jury from blame in drawing the conclusion they did, although had I been a jurymen I should not have concurred in that verdict. Indeed, it occurred to me that there was sufficient proof to excite a strong suspicion against the unhappy female; but that while a possibility remained in her favour, and as no life had been lost, that possibility should have operated in preservation of the life of the accused. The parts that appeared in her favour were, that no motive could be attributed for so atrocious an act; that the poison might have been introduced into some of the ingredients by another hand, and perhaps by accident; and the circumstance of her partaking of the poisoned food before any accusation had been made against her.

With the whole of these facts proved, backed by the verdict of a jury, I was astonished to see the guilt of this unfortunate person attempted to be established by the affidavit of Samuel Davis, a Turnkey of Newgate; and here I must take the liberty of digressing a little from my subject.

When the business of my Lord Cochrane and others came on for trial, Mr. Gurney, the counsel for the prosecution, lamented that respectable magistrates should lend their aid to the perfection of what is termed voluntary or extra-judicial affidavits. After such an observation made in an open court and openly promulgated in all the public prints, one would have hoped that so disgraceful, immoral, and irreligious, a practice would from that time have ceased:—disgraceful, as it tends to bring the admi-

nistration of justice into disrepute by seeing the name of a chief magistrate of the first city in the world used to sanction some quack nostrum, or some other equally bad or worse imposition on the public;—immoral, as it affords the unconscientious man an opportunity of asserting a falsehood with an appeal to the Almighty in support of that falsehood without any risk of temporal punishment these affidavits being administered without any legal authority and the makers of them consequently not being liable to be prosecuted for perjury;—irreligious, as being contrary to the dictates laid down in the Old and New Testaments, and it is very much to be hoped that another session of parliament will not elapse without a law being passed to render not only the maker of these affidavits, but the magistrate who administers the oath, subject to some considerable penalty.

To return to the subject of the turnkey's affidavit, if any one had been employed by the relatives of the unfortunate woman to bring the prosecutors (in the minds of thinking persons) into disrepute, no measure more efficacious could have been devised than the fabrication of this affidavit. If we can, for a moment, give credit to the aspersion therein meant to be thrown on the unfortunate father of this unhappy woman, as well as herself, we must suppose them not only to be wicked in the extreme, but even insane for the injunction laid by the father on the daughter, must, if true, have had the effect of establishing her guilt; to crown the whole, *we must suppose the Ordinary of Newgate to be a participator* in the fraud. It cannot be rationally supposed that that gentleman could have been present and heard a person standing on the threshold of another world conspiring with her parent to impose a falsity on the public and that parent recommending his daughter to go out of the world with a lie in her mouth without expressing the greatest horror; and yet, if you believe this affidavit, you must suppose him listening to this conversation with as much indifference as if two persons had been discoursing on the most common occurrence in life. Fortunately for truth and unfortunately for falsehood, persons endeavouring to propagate the latter most commonly over-act their part, and the Turnkey of New-

gate, would have been entitled to more credit had he (or his friend who framed the affidavit) rested the credibility of his statement on his veracity alone, without lugging in the Ordinary of Newgate. Had the framer of this affidavit any mental reservation when he made it? He swears that at an interview which *lately* (no specified time) took place between Fenning and her father (at which interview the deponent and Mr. Cotton were present,) and on several other interviews between them prior to her execution, her father urgently intreated 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 head among the public any more." Now analyse these words as spoken at different times as there is nothing in them but what accords with innocence, although conjunctively they convey the most wicked intention. The father considering his daughter to be innocent conjures her, for the sake of her own character as well as her own feelings to make a public declaration of her innocence on the scaffold, and at another time, impressed with the same sentiment, he declares that if he considered her guilty of the crime for which she was convicted the disgrace would be so great that he could never hold up his head again; and in no other sense could these expressions have been uttered without supposing the parties implicated to have been complete idiots.

I cannot but consider the Newgate Turnkey's affidavit as an attack upon an unfortunate victim beyond the limits of the grave; as calculated grossly to violate the feelings of the afflicted parent, and as intended to drag the Ordinary of Newgate, before that public to whom his silence is a corroboration of their estimation of the affidavit-maker's oath.

A. V.

*The following Articles appeared in the Examiner of
August 13, 1815.*

TO THE EDITOR.

MR. EXAMINER,—An extraordinary declaration, signed by two professional gentlemen, appeared in a newspaper

of last Sunday, in which they "LAMENT," that they had not had 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* are we 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 to 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

* 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."

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, deem life of no consequence to her, who, according to the evidence, was poisoned by eating dumplings in which arsenic 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 house-maid, 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, stigmatized, 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, although we must prolong life, and submit to the will of Heaven under all the visitations of Providence.

A FRIEND TO THE POOR AND
A LOVER OF JUSTICE.

TO THE EDITOR.

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.

The foundation question respecting the innocence or guilt of *Eliza Fenning* is,—“Was the arsenic *in* the dumplings or *on* the dumplings.”—If it was *in* the dumplings, that is, if it was mixed with the flour in kneading it, it seems very difficult to suppose that she was not guilty of this horrid offence;—but if it was *on* the dumplings, it is not probable that she would have resorted to this mode of committing the crime; and it clearly *might* have been added during the time the dough was set to rise, and while she was sent to Red Lion-square.—That it was *on* the dumplings, and not *in* the dumplings, seems clear from the evidence of the Surgeon who was examined on the trial: he says as follows:—

“*Mr. John Marshall.*—I am a surgeon. On the evening of the 21st of March, I was sent for to Mr. Turner’s family in a great hurry; I got there a quarter before nine o’clock; I found Mr. Turner and Mrs. Turner very ill; the symptoms were such as would be produced by arsenic; I have no doubt of it from the symptoms; the prisoner also was ill; that was caused by the same.—Q. Did Mr. Orlebar Turner shew you a dish or pan the next morning?—A. He did; I examined the dish, I washed it with a tea-kettle of warm water; I first stand it, and let it subside; I decanted it off; *I found half a tea-spoon of white powder;* I washed it a second time; I decidedly found it to be arsenic.—Q. Will arsenic, if it is cut with a knife, will it produce on the knife the colour of blackness?—A. I have no doubt of it; I examined the remains of the yeast; there was no arsenic in that.”

Such is his evidence:—Now, half a common tea-spoonful of arsenic contains 100 grains;—and five grains will kill any human being;—if 100 grains were thus found in the refuse, there must, if the arsenic were *in* the dump-

lings, have been at least 50 grains in the dough : but if there had been half 50 grains in the dough, it must have killed the whole family :—Any medical man, any chemist, will satisfy you of the truth of these assertions. Robert Gregson Turner eat a dumpling and a half, but none of the sauce. His words are—“ Q. Did you eat any of the sauce?—A. Not a portion of it whatever, I had eaten a dumpling and a half.”

I am very much inclined to think that this fact must have escaped the intelligence and kindness, which decided upon the fate of this unfortunate young woman.

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.—I think 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 :—

I am, Sir,

A LOVER OF JUSTICE.

In the conviction of the ill-fated Eliza Fenning, circumstances did little, fact less, and situation every thing. It is not for us to impute the slightest blame to the Jury ; indeed, to insinuate for a moment that they did not act conscientiously, and to the best of their judgment, would be base and scandalous. As far as intention goes, we hold them spotless. We presume, however, that this admission neither binds us, nor any one else, to agree in the propriety of a verdict carrying death, principally founded on probabilities and negations ;—such as, if it was not her, who else could it be ?—Of direct evidence there was not an atom ; and it is quite clear, that if a wicked person in the same family had intended to poison it in its cookery, under every circumstance *Eliza Fenning* would have been the individual suspected. This is an awful consideration—awful at least to those who pause upon life and death, and

who deem the loss of that existence and identity which no earthly power can restore, not as a penalty to be levied under doubt, but demonstration, or at least that high order of probability, that would render the reverse a phenomenon. Now, suppose *Eliza Fenning* were one day to be proved *innocent*—alter the supposition, and say *guilty*—what would there be to astound us much more in the one case than in the other? Upon what nice concatenation of fact would the mind have to untwist itself—and what would be the instructive and simple conclusion?—Why, that although it might be the province of one person to make dumplings, it was in the power of another to poison them.

We are not advocating either the guilt or innocence of *Eliza Fenning*, but simply doubting the policy and propriety of a verdict followed by death under circumstances so dubious and inconclusive. Every one will agree, that suspicion attached to her very forcibly, but the strength and number of the inferences leading to a sober certainty of her guilt, are surprisingly small. The following are the grounds of the most important:

She had been reprov'd 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.

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 miracu-

lous. 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!

Finally,—She recommended the apprentice not to eat of a part of these dumplings which returned from table, because they were cold and heavy, and would do him harm. This, it must be freely allowed, is the strongest fact against her. Nay, in our estimation, the only one, in addition to making the dumplings, from which a legitimate inference can be deduced. Conscious that she had been poisoning three or four people up stairs, the advice was uncommonly daring, and given with astonishing coolness. If guilty, this wretched woman committed murder with as little of human feeling as the Dragon of Wantley.

The above is the main part of the effective evidence against *Eliza Fenning*, from which it has been concluded to her death, that without the assignment of a single motive bordering upon rationality, she endeavoured to murder herself and three other persons. 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 have argued in this instance not against opinion, but conviction,—not against those who think *Eliza Fenning* guilty, but against those who, upon a dubious train of circumstance, would condemn her to death.

*The following appeared in the Independent Whig,
of August 13, 1815.*

The case of this unfortunate young woman has excited so much discussion, and left in the public mind such a powerful impression, that we cannot, consistently with our

ideas of the duty we owe to society, suffer it to lapse into oblivion, without a few comments on the nature of the case, and the sufficiency of the evidence to justify conviction. The charge carries with it to every bosom a prejudicial horror, the very holding up of an instance to public notice, where, by the supposed act of a menial servant, the security of a whole family was endangered, is sufficient of itself to change the nature of suspicion, and to convert mistrust into unqualified indignation. The Jury are uniformly sworn to find a verdict according to the evidence; and it is to the consideration of the evidence, therefore, that we mean strictly to confine ourselves in the remarks which we may feel called upon to offer to the Reader on this melancholy occasion.

We are aware that, in a legal opinion, *circumstantial* evidence is held to be more conclusive than that which is *positive*; in other words, that where a chain of facts, corroborated by collateral and coincident evidence, leads palpably to one plain result, the effect is more determined, and less liable to doubt, than where a charge is supported by the positive oath of an individual or two; without any circumstantial testimonies, and who may be biassed by some malignant motive, such as hatred, revenge and disappointment. But allowing these premises to be generally correct it must at the same time be admitted that all evidence of a circumstantial description requires the most acute investigation: for, we have known it from the records of other ages, as well as the experience of our own, that innocent individuals have been the victims of malignant circumstances, while triumphant guilt has escaped with impunity. The case of the brewer's servant in St. Georges's Fields, who was tried and executed on a charge of rape, because he had worn a white apron, which was sworn to by the female as part of the dress of the criminal, recurs to our recollection, when the innocence of the sufferer was made manifest by the subsequent discovery of the real delinquent. Who can peruse Mr. Harmer's able pamphlet on the case of Holloway and Haggerty, without feeling a powerful sentiment pleading strongly in favour of the innocence of those victims of circumstances; we could multiply cases, if it were need-

ful, but a suggestion of a single instance is sufficient to bear out the comments with which we introduced them.

The first witness examined on the trial of this unhappy girl was Charlotte Turner, the mistress of the house, whose evidence went to the establishment of the fact that Fenning made the dumplings which contained the destructive ingredient; of the singular appearance of the dough before it was divided, and of the dumplings when they were placed on the table; of some words which had taken place betwixt the mistress and Eliza, in consequence of an alleged indecorum on the part of the latter, and which led to the former giving her warning to leave; of the subsequent contrition and forgiveness of the girl; and of a marked sullenness which afterwards distinguished her behaviour. These are all circumstantial points of evidence; and 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. Mrs. Turner was asked, if, AFTER the dispute with Fenning, the latter said any thing on the subject of *yeast dumplings*? The reply of Mrs. Turner was—"She did; a fortnight before the transaction, (i. e. the poisoning) she requested me to let her make some yeast dumplings, &c." As the evidence was elicited, this was a strong circumstance; but, 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 Trial. She SWEARS that "Fenning carried the pie to the baker's NEAR TWELVE. *I went into the kitchen after she had been to the baker's: I gave directions*

about *making the dough*.—During the time the *dough* was made, no person was in the kitchen but the prisoner. This was about HALF PAST TWELVE." She was then asked, "what time was the *dividing the dough into dumplings*?—Answer—About TWENTY MINUTES BEFORE TWELVE:" i. e. the *dough* was divided into *dumplings* *fifty* minutes before it was made. It may be argued, that raising objections out of a mere difference of a few minutes in the statement of the time, is nothing better than a quibble. We deny it. 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.

Mr. Turner stated, that Fenning declared to him, that the mischief "*was in the milk that Sarah Peer brought in.*" This milk was chiefly used in the composition of the *sauce*; and it was the *sauce* which so sensibly affected Roger Gadsden, the boy, that he declared "I thought I should die!" He had not eaten of the dumplings more than the size of a nut, but had taken 'a bit of bread,' and sopped up the sauce. This strongly corroborates the assertion, that the poison was in the milk, which the other servant had brought. It has been advanced, as a proof of Fenning's guilt, that she dissuaded Gadsden, who was a favourite

with her, from eating any of the dumpling; her expression is thus put on record:—"Gadsden, do not eat that, it is cold and heavy; it will do you no good." We cannot possibly find in this any argument in support of her guilt. The boy had dined at two o'clock, and went into the kitchen between three and four, when he took up a knife and fork and was about to cut the dumpling, when the prisoner, as any other girl probably would have done, dissuaded him, because nothing is more injurious than a cold, heavy, yeast dumpling.

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 connection 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.

Mr. Marshall, the surgeon, who was called in on the occasion, deposed, that the illness of the family was caused by arsenic, and that "the prisoner also was ill; that was caused by the same." It certainly, also, appears strange, if the prisoner was anxious to prevent Gadsden from eating of the dumplings, because they were poisoned, that she should herself run the risk of fatal consequences.

Fenning's defence was a most ill-advised one; its brevity as 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, intreating 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 arsenic 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.

We beg to be understood as not meddling with the question of Fenning's guilt or innocence; our object is only to point out certain features in the evidence which appear to render it too much open to discussion. If Mrs. Turner had observed a sullenness in Fenning, or a falling off of 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. We have refrained in the preceding remarks, 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, 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 anything 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 operation 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. But there is another part of this gentleman's conduct which deserves the most marked reprobation. It appeared, from the evidence upon this trial, that he was in the habit of leaving the poison in an open drawer, exposed to the view of every servant in his family. The consequences which ensued, therefore, may not improbably be attributed to this most criminal negligence on his own part. We are aware, that medical men are so cautious with regard to the disposal of this deleterious drug, that they will not sell it without demanding a proper explanation of the purposes for which it is required. Yet Mr. Turner left this dangerous powder in a situation where it might, at any time, be made the instrument of accident or guilty intention. Let us hope that the result of his censurable carelessness, which has certainly led to the sacrifice of one, and had nearly destroyed several individuals, will operate at a salutary warning to other masters of families. Many other circumstances and points of discussion rush upon us, which our space and time will not allow us to investigate. But we cannot dismiss this subject without a few remarks upon the motive, or, as the legal term is, the *quo animo*, by which Fenning could have been actuated. Does it appear that there was any motive? Was there any quarrel between her and Mr. and Mrs. Turner, senior, or Mr. Turner, junior, or children? No; it simply appears in evidence that there was only a slight difference between her mistress and her; and we contend, that such a motive is scarcely capable of producing such an effect. If the attempt had been made exclusively against the life of Mrs. Turner, the case would have borne a much stronger appearance; but, as it now stands, it is totally irreconcilable with all our ideas of nature and reason. 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.