

Ann Goddard per Majestic 1839 - ID 7934

Recorder sees no grounds for interfering

Inner Temple
13th June 1838

My Lord,

I have the honour to enclose a copy of the Deposition together with a letter I received from Mr R H Baines, (whose name appears as an Attorney in the Law List for the present year) in the case of THE QUEEN v GEORGE PEARSON and ANN GODDARD.

The prisoner were tried before me last sessions and the case is reported No 1354 in the sessions papers transmitted to the Home Office. On receipt of the letter I interposed so far as to express a desire that the prisoners should not be sent out of the country before I had the opportunity of making a communication to your Lordship on the subject.

Having compared the depositions with the facts proved on the trial, and considered the letter of Mr Baines I see no sufficient ground to believe that the Jury have not pronounced a proper verdict and in accordance with the real merits of the case.

I have the honour to be

My Lord

Your Lordships

most faithful and obedient servant

[Charles E Law]

Recorder.

12 New Inn
23rd May 1838

My Lord

It is I am aware contrary to professional practice for Solicitors to address a Judge upon the subject of a Judgement passed by him but I should wrong your Lordship if I supposed that you would allow two innocent individuals to be sacrificed to a point of form. I have therefore ventured to submit the following statement to your Lordship's consideration.

Two prisoners GEORGE PEARSON and ANN GODDARD were on Monday last sentenced to 15 years transportation on a charge of felony. The prisoners delivered

2 briefs a week before the trial to Mr Phillips - on Monday when the case was about to be tried Mr Phillips said that he could not possibly conduct the defence as he was then engaged in an important case in another Court and that Mr Duane would hold the Brief for him. Mr Duane did appear on the prisoners behalf and however much I may feel obliged by that gentleman's taking the Brief at a moments notice it was nevertheless morally impossible for him to become acquainted with the circumstances of the case in the few minutes he had to peruse the Brief. He addressed the Jury and submitted the case to them on one point only [] that even supposing the prisoners were guilty of taking the half crown they were charged with doing they so took it under an impression that they were entitled to it for the use of their [].

The Learned Council relied upon that point of law and would not call the three witnesses who had been subpoenaed - two of whom had been in attendance day after day for nearly the whole week.

The testimony of these witnesses would have established the following important facts:

The first witness would have proved that he was present when the Prosecutor came down stairs that the Prosecutor was much intoxicated - that a scuffle took place on the stairs between the two prisoners the Prosecutor and the girl who had been in the bedroom with him - that the girl then left the house - that Prosecutor did not then complain of having lost 2s6p nor that either of the prisoners had attempted to steal his watch that the Prosecutor so far from being anxious to escape from the house (as your Lordship may recollect in [] examination he stated himself to have been) he actually went into the kitchen and invited the prisoner PEARSON to drink at his (Prosecutor) own expense which PEARSON refused to do - that Prosecutor then asked witness and three other young men present to drink with him which they all refused to do so because they knew that he was already drunk that seeing that none of the party would have anything to say to him Prosecutor left the house but on leaving the house he made no complaint whatever nor expressed himself dissatisfied with anything except that his coat was torn - that witnesses shortly afterwards gave to prisoner GODDARD 6d to fetch him some beer and that she returned with the beer and the change of the 6d in her hand when the Policeman were in the house as that she did not go out to change the 2s6p as your Lordship suggests that witness and all present had not the slightest expectation of Prosecutors intention of making a complaint that neither of the prisoners and anyone present secreted or spent a half crown - that both the prisoners declared their innocence and requested the Policeman to search them and the house and every one present that even when the Prosecutor was accompanied by the Policeman he did not say a word of prisoners having attempted to take his watch.

The next witness would have proved that this disturbance took place on a Saturday night and that on the Sunday following Prosecutor came to the house and desired to see witness who is a Charwoman that he then expressed his regret

at what had passed and stated he should not have made the complaint had he not been very much intoxicated that he wished to have it settled - that he had quite forgotten all about it until one of the Policemen came to him on that (Sunday) morning and informed him of all that had passed the night before and told him that he must appear before the Magistrates on the following morning but that he would not appear but would go out of the way if prisoners would pay him 3/6d for his days work and 2/6d for the half crown he had lost, that witness observed that both the prisoners were honest people altho' they kept a brothel and asked him if he was quite sure that the prisoners had taken the half crown when prisoner replied he certainly had a half crown in his hand for the purpose of giving it to the girl when he reached the street and he could not say whether the prisoners or the girl had taken it but certainly it was gone. That witness then saw prisoners who directed her to pay 5/- to the Prosecutor when witness pledged some of her own child's clothes to raise the 5/- but Prosecutor did not again call upon her receive it.

It was stated in Court that the prisoner PEARSON had been tried before on a charge of felony but I beg to inform your Lordship that the prisoner was found NOT GUILTY of the charge instantly as can be proved by several witnesses.

It is true that prisoner PEARSON had lately fallen into loose society but his Master in whose employment he had been for nearly eighteen months will give him the best of characters for honesty (whom it was proposed to call).

A statement of all the above facts is contained in the Brief delivered to Mr Phillips. My only desire is that the prisoners should have a fair trial and that they should not be committed without an opportunity of their witnesses being examined as at present in their case arising under the unfortunate circumstances before stated.

I attended yesterday afternoon at the Central Criminal Court for the purpose of making your Lordship acquainted with these circumstances but the Sessions had concluded and I then proceeded to your Lordships Chambers but was not fortunate enough to find you there - I trust your Lordship will pardon my thus trespassing upon you and I beg to subscribe myself.

Your Lordship very obedient servant

M H Haines

The Queen v GEORGE PEARSON and ANN GODDARD

Copy Depositions

Middlesex to wit.

The information of William Day, John Wells and Alfred Scott taken upon oath this

5th day of May in the year of our Lord One Thousand Eight Hundred and Thirty Eight at the Police Office, Worship Street, in the Parish of Saint Leonard Shoreditch, in the county of Middlesex before me Robert Edward Broughton Esq. one of Her Majesty's Justices of the Peace in and for the said county of Middlesex , on the examination and in the presence and hearing of GEORGE PEARSON and ANN GODDARD brought before me and charged with felony.

The said William Day on oath says I live at No 23 Turners Place, Wenlock Road City Road I am a labourer at the City Saw Mills. On Saturday night last (28th April) at about half past eleven oclock I was passing down the City Road, I met a female who asked me to go home with her, which I consented to do, on going along I agreed to give her three shillings for allowing me to go with her for a certain purpose, out of which she agreed to pay for the room, she took me to the house No 7 Swan Passage Plummer Street City Road she took me upstairs into a room on the first floor she then demanded four shillings of me, saying that she had a shilling out of it to pay for the room. I refused to give her that sum it being one shilling more than I agreed to give her, I then said I wanted to go, she said I first must pay for the room, which I refused to do so, she then opened the door and went down stairs - I followed her, I heard her say he will not pay me - before I got to the bottom of the stairs the prisoner GEORGE PEARSON came out of a back room on the ground floor - he came up to me and struck me a violent blow in the left eye, saying at the same time " you B*****d I'll make you pay for the room" - from the violence of the blow I fell upon the stairs - I had a great coat on at the time buttoned up to the top which he tore quite open, there were three other men in the room at the time together with the prisoner ANN GODDARD, while the prisoner PEARSON was holding me down on the stairs the other prisoner came upo and scratched me on the side of the neck, and took a half crown from out of my left hand waistcoat pocket - I did not see the half crown in her hand, but I missed directly she took her hand from out of my pocket - during this time the prisoner PEARSON was pulling at my watch, but I held it so tight that he was unable to get it off my fob - he gave me two more violent blows upon my breast - I called out "Police" several times as loud as I could - PEARSON then let me go - and I went into the Court and proceeded to the Station House to fetch an Officer - I got the assistance of two officers who went back with me and took the prisoners into custody - I had been drinking on that night , but I was not drunk, and I know perfectly well what I was about - while I was giving the prisoners into custody PEARSON said " here's three shillings for the half crown, which we took away from you, as I don't want to be given into custody."

signed

W Day

John Wells on oath says, I am a Police Constable No 94 on Sunday morning last

about one o'clock I was on duty in the New North Road - from information I received from the last witness whose left eye appeared very much cut and bleeding, I proceeded in company with PC No 117 to the prisoners house - the street door was open and we went in - there were four men in the back room on the ground floor - the prisoner PEARSON was one of them, whom I took into custody - in a few minutes the female prisoner came in with some beer - and I took her into custody - the prisoner PEARSON said " here's three shillings for you rather than I'd be locked up" offering them to the last witness at the same time - I searched the prisoner PEARSON and found upon him four shillings.

signed

John Wells.

Petition of GEORGE PEARSON and ANNE GODDARD - 1838

To the Right Honourable Lord John Russell Her Majesty's Principle Secretary of State for the Home Department

The humble Petition of GEORGE PEARSON and ANNE GODDARD prisoners in Her Majesty's gaol Newgate.

Sheweth

That your petitioners were tried on a charge of felony and assault at the Central Criminal Court on the twenty first day of May when your Petitioners had with considerable difficulty raised sufficient funds to engage the professional assistance of an eminent advocate Mr C Phillips.

That your Petitioners were prepared with witnesses who were in readiness in the said Court one of them for several days and the other for three days to prove that your Petitioners were perfectly innocent of the charges alleged against them except the charge of assault which your Petitioner admit although they had some ground of palliation for committing the same.

That when your Petitioner were put upon their trial your Petitioners were cruelly disappointed to find that the said Mr Phillips did not appear to defend them owing to his engagement in another Court.

That Mr Duane most humanely exerted himself in behalf of your Petitioners but owing to the circumstances of your Petitioners brief having been placed in his hands on the eve of the trial it was practicably impossible for that Learned Counsel to do your Petitioners justice which in fact is fully borne out by the circumstances of his not having called any one of the three witnesses subpoenaed on behalf of your Petitioners as he was mistructed in his brief to do and the evidence of the Prosecutor remained un[]cted and your Petitioners were found guilty of both charges and were sentenced to fifteen years transportation.

That your Petitioners having been prepared with good and respectable evidence to

prove that they are not guilty of the charge of felony and the same not having been called whereby your Petitioners were d[]ed that justice to which they in common with all Her Majesty's subject are entitled and that moreover that without any blame whatsoever of their own - but arising from circumstances altogether beyond the control of your Petitioners.

Your Petitioner humble pray your Lordship to grant to them a fresh trial if the same be practicable or to do whatever else to your Lordship may seem meet.

M H []
12 New Inn
Solicitor for the Prisoners

Newgate
2nd July 1838

Honoured Sir,

In the great distress I am in I hope that you will forgive me for entreating your interest in my behalf with Lord John Russell for a mitigation of my hard sentence - I acknowledge my faults in living in bad company and having to do with a house of ill fame but I was a butcher by trade as well and can have a good character from my Master - The Prosecutor hired a room and refused to pay for it and I scuffled with him to get the money that I had a right to for which I was taken up and tried and sentenced to fifteen years transportation which is as much as if I had been found guilty of some horrid crime - If I is to be punished for keeping the bad house it was no part of the charge and it should not be forgotten that the Prosecutor by coming there encouraged the keeping of such houses - I felt confident before my trial that I should be acquitted from the evidence of my witnesses and besides I had engaged Mr Phillips at 3 guineas all the money I had gave the Brief to a Junior Council and who refused to call a single witness to my character or for the facts which took place - You know Sir the respectability of my family and if it should please the Government to mitigate my punishment I will promise to give up my wild ways and live honestly and soberly - I have now been confined since the 14th May and during the time I have been in Newgate , Mr Cope will speak to my good character - I know not if such a thing is possible but I should be satisfied with a new trial so that the whole case might be fairly heard.

My Lawyer and other friends have applied to Lord John Russell and if your Honourable Sir would likewise apply I cannot think he would refuse to it from Honoured Sir.

Your unfortunate Servant
George Pearson

London
9th July 1838

Most Honourable Gentleman,
The unfortunate journeyman GEORGE PEASRON who lived with me as a Butcher for the last two years in my employment and I always considered him to be a respectable Journeyman for honesty, industry and ability as I have trusted him with money to a great amount to pay bills for me and have always found him very just in all his transactions during the above mentioned time he was with me and I should have no objection in taking him into my employment again as no person could have conducted himself better. I was in Court four days to give him this character which he highly deserved, but I was not called upon.

I am gentleman
Your most humble servant
J Edwards
Butcher
139 Shoreditch

ANN GODDARD
1838
ROBBERY
TRANSPORTATION FOR 15 YEARS
SOURCE - HOME OFFICE CRIMINAL PETITIONS - SERIES 1
SERIES - HO 17
PIECE NUMBER - 101
ITEM NUMBER - SY 4

ANN GODDARD - AGED 29
GEORGE PEARSON - AGED 28
CENTRAL CRIMINAL COURT MAY 1838
ROBBERY
15 YEARS TRANSPORTATION
GAOL REPORT - ANN GODDARD - TRIED BEFORE - ACQUITTED
GEORGE PEARSON - YORK