

Ann Turnbull ID3187 per *Cadet* 1849

Ann Turnbull

Jedburgh Circuit Court April 1848

Culpable Homicide – Indicted for the murder of her illegitimate child

10 years transportation

Series – HO 18

Piece Number 254

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Refer to Lord Justice Clarke

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Mr Elliott sends a Petition representing the good character and inoffensive disposition of the prisoner – alleging that the death of the child was the consequence of her being [ ] taken in labour in the open fields where no assistance was at hand and stating that her intellect is not entirely sound – certificates are sent of her previous good character.

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Unto the Right Honourable Sir George Grey Secretary of State for the Home Department

The petition of Anne Turnbull present prisoner in the castle of Jedburgh.

Humbly Sheweth

That at the Justice Ayre held in Jedburgh on the 14<sup>th</sup> April 11848 the Petitioner was accused at the instance of Her Majesty's Advocate with concealment of pregnancy and child murder.

That the Petitioner pleaded guilty of culpable homicide under the explanation that although the child had unfortunately lost its life the petitioner did not intend to destroy it but being taken in labour unexpectedly in the open fields while at work and from the state of mind and confusion in which the Petitioner was in at the time, the infant was not properly attended to and thereby died.

That the Advocate Depute who conducted the prosecution for the Crown accepted of the plea and therefore craved sentence of the lat to be pronounced.

That the pursuer in mitigation of punishment presented to the Court various certificated and declarations by her employers, fellow servants and others shewing that she had always been considered a person of harmless and inoffensive disposition and moreover of weak intellect and as such more than usually liable to be agitated excited and rendered almost unconscious of what she might do by such an event as child bearing and expectedly when occurring unexpectedly and in the open fields. But their Lordships stated that such facts would require to be proved otherwise than by mere certificates and declarations and that as the Petitioner had not witnesses ready they had no alternative that to pronounce sentence irrespective of the contents of these documents. They however suggested to the Petitioner that an application to the Crown for an inquiry into the facts

stated in the certificates were found to be true the sentence might possibly be mitigated.

That in these circumstances the Petitioner humbly hopes that what is above stated will be mercifully considered that inquiry may be made and if satisfactory that her sentence be changed to a short imprisonment.

And your Petitioner will ever pray.

Ann Turnbull

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