

Anna Smith ID11772 per *Stately* 1849

Anne Smith aged 25

Central Criminal Court September 1848

Larceny

7 years transportation

Gaol Report – Character not known

Series – HO 18

Piece Number – 251

Write to the Common Sergeant – there may be good grounds for some mitigation

GG

Mr Clay transmits a Petition from the prisoner's mother praying for mitigation of her punishment on account of the delicate state of her health. The Jury express an opinion that the sentence is one of great severity and several testimonials are appended of the prisoner's previous good character and conduct.

To The Queen's most Excellent Majesty .

The humble Petition of Mary Durham of No 147 Praed Street Paddington

Most Humbly Sheweth

That your Petitioner is the mother by her first husband of ANNA KIRK who by the name of ANNA SMITH was convicted at the Central Criminal Court before Mr Common Serjeant Mirehouse on a charge of stealing some towels from the residence of the Earl of Derby for which she was sentenced to seven years transportation.

That your humble Petitioner is (although again married) in a most helpless condition having no means of support in consequence of being deserted by her husband and being now deprived of the only source from which she derived assistance namely her unhappy daughter.

That your Petitioner had every reliance upon the honesty and integrity of her child and now feels that some misconception must exist respecting her case as from the manner in which she had been brought up her [plial] affection and her strict morality and integrity always (so far as a mother observation could afford opportunities of knowing) manifested on every occasion your) Petitioner cannot believe her guilty of the charge implied to her.

That your Petitioner begs most humbly to implore your Majesty's clemency and that however conclusion the facts may be upon which a verdict has been pronounced tour Petitioner trusts that your Majesty will consider the sentence which had been pronounced as one (even though guilt were certain) of great severity.

That if such sentence is carried out your Petitioner is certain that her unhappy daughter will not survive but will sink under it her constitution being such as likely to entirely give way under long and severe confinement.

That she is in the thirtieth year of her age and of a consumptive constitution of which malady her father died when she was two years old only and of which malady also her sister is now fast going from this life.

That so strong a hold has the disease upon her constitution as to have obliged her to refuse several offers of service which she would have gladly accepted but that the Ladies desirous of having her were about proceeding to sea and which it was believed had she accompanied them would have proved fatal.

That by the imprisonment which she has already endured she is much worn and sunk in health so much so that to see your wretched Petitioner when allowed an interview she was obliged to be accommodated with a chair which is an unusual indulgence to prisoners when seeing visitors and in consequence of her very ill state of health she had been under the medical care of the Surgeon of Newgate Prison.

That in the full hope (if she has been guilty of crime) the suffering she had now endured will cause deep and sincere repentance your Petitioner ventures to pray that she may be restored to your wretched Petitioner who from her alone derived support of late years.

That as a proof of the character your Petitioner's unhappy daughter bore your Petitioner takes leave to annex letters certifying to her character [] [] the charge on which she was convicted.

Your Petitioner most humbly and fervently prays your most Gracious Majesty to take into your most merciful consideration the case of ANNA SMITH and extend to her your most Gracious Majesty's pardon or such mitigation of her sentence as to your Most Gracious Majesty shall seem meet.

And your Petitioner will ever pray.

Mary Durham

Lewisham

28th September 1848

Mrs Parsons wishes Mrs Durham to be appraised she considers there must be some very extraordinary mistake relative to the present position of her daughter. She feels so entirely confident of her honesty and integrity that should she wish to enter her service as Lady's Maid she would willingly receive her immediately.

Blackheath

30th September 1848

Mrs Henry Moses having found Kirk a most faithful servant for nearly three years can most confidently declare were she about to make any alteration in her Establishment she would receive her again as in every respect eligible.

40 Shouldham Street

Bryanstone Square

28th September 1848

I have known Joanna Kirk eleven years during that time I never saw or heard anything against her character on the contrary she was as one of my own family and I believe her to be incapable of a dishonest act and a strictly moral person and a constant attendant at the Established Church.#

James Leake

We the undersigned members of the Jury who tried Anna Smith at the last Sessions at the Central Criminal Court humbly beg to call the attention of Her Most Gracious Majesty to the facts of her case which although they were such as from the evidence obliged us to find her guilty yet led us to believe that her sentence would not have been so severe as that of transportation.

Believing the unhappy woman's offence to be one of that class in which the sentence of transportation is not usually carried out and it having been represented to us that her constitution is of a consumptive character and that her life might be in danger by a sea voyage we humbly beg to recommend her to the clemency of Her Most Gracious Majesty for such mitigation of sentence as to Her Majesty shall seem meet.

William Phillips

George Matherws

And 10 other signatures of the Jury.

60 Upper Symouth

27th November 1848

Sir

ANN SMITH was indicted in September last for stealing several articles of wearing apparel from her Mistress, Mrs Eden Lord Auchland's daughter. The property was traced to the prisoner and found in her box, but because Mistress Eden herself was not present, and Lord Auchland's Housekeeper only spoke to identify the property, the Jury ACQUITTED the prisoner.

ANN SMITH was AGAIN indicted for stealing thirty towels from the Earl Darby. Lord Darby's Housekeeper [] that the prisoner came with Mistress Eden on a visit – that

she was the servant to Mistress Eden had opportunities of taking the towels and that after she left the towels were missing. – “that they were new last year” and that she could swear [] [] [].

SUSANNA [] [] that the boxes in which the towels were found were the prisoners boxes that she, the prisoner, lodged at her place in George Street, Richmond.

J MICHELL The officer [] that he found the property [] [] her for stealing Lord Darby’s towels, and she replied she had the towels and had brought them from a Mrs Harper eight years ago.

I am Sir

Your humble and obedient servant

[] Common Sergeant.