

# HANNAH HEATH

[*Majestic*, 1839]

by

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Hannah Heath was a fifty-two-year-old widow when she arrived in Van Diemen's Land (VDL) on 22 January 1839.<sup>1</sup> On 10 March 1838, she had been convicted of the murder by poisoning of her infant grandchild and sentenced to death. However, Lord John Russell, Britain's Home Secretary, after receiving information about the case, including a report from the judge who had presided at her trial, saw fit to commute her sentence to transportation for life. While some of the 13,500 (approx.) women who were transported to VDL for infanticide in the years between 1812 and 1853 were indubitably guilty and deserved harsh punishment for the crime, Hannah appears to have been treated unjustly.<sup>2</sup> After the child had died, she had admitted to having given it 'something from a vial' in 'the hope of doing it some good' when it was ill. She had thought that the substance was a toothache remedy that her son had bought from a travelling 'quack doctor' some time earlier but it was discovered later that it was a corrosive acid that had been stored in the house in a similar vial. Neither vial had been labelled. The evidence indicates that she had always been a kind and caring mother and grandmother. It seems probable, therefore, that the child's death was the result of a terrible accident rather than a case of a murder. In the colony, Hannah's behaviour was excellent; she is known to have committed only one, quite minor, indiscretion. In 1844, she had married convict Thomas Judd (*Augusta Jessie*, 1834) and the pair seem to have lived peacefully together until Hannah herself passed away, at seventy-nine, in 1859. Torn from her loved ones for a crime of which she may not have been guilty, she had been exiled in VDL, without hope of a pardon, for twenty years.

This is her story:

Hannah was born at Stafford, Staffordshire, England, in 1781. Nothing is known of her life before her transportation to VDL except that, by the time of her conviction for the murder of her grandchild, she was a widow with four adult children.<sup>3</sup>

On 10 March 1838, she was tried at the Stafford Assizes for the murder of the infant son of her nineteen-year-old daughter, also named Hannah, with whom she was living at the time. She was convicted and sentenced to death.<sup>4</sup>

Immediately after the trial, a Mr. H. A. Wedgwood of Seabridge, Newcastle, England, wrote to Lord John Russell, Britain's Home Secretary, informing him that Hannah had appeared to

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<sup>1</sup> Conduct record: CON40/1/6, image 27; description list: CON19/1/14, image 20; police no: 331; FCRC ID: 7942.

<sup>2</sup> The number of women transported to VDL for infanticide was relatively small; see Cowley, T., 'Crimes of Transportation and Crime Families' at <https://www.femaleconvicts.org.au/fcrc-seminars/research-seminars>

<sup>3</sup> CON40/1/6, image 27; Hannah stated on arrival at Hobart that she had four children but only two have been identified - a son, Charles, and a daughter, also named Hannah

<sup>4</sup> CON40/1/6, image 27.

have been badly wronged when a certain Mr. Barber, an attorney at Stafford who had promised to represent her at the trial, had left her undefended at the last minute. Maintaining that Hannah had been taken ‘by surprise’ at Barber’s withdrawal and that his ‘neglect’ had ‘prejudiced’ the outcome of the trial, Wedgwood asserted that there was ‘an impression amongst those who witnessed the trial that [she] would, if defended, have been acquitted’<sup>5</sup>

As it happens, Sir John Gurney, KC, the judge who had presided at Hannah’s trial, had also written to Lord Russell at this time stating that he ‘had *not* been sufficiently satisfied with the conviction to allow the Law to take its course, but had respected [the decision] until His Majesty’s pleasure shall be signified’. He now begged leave ‘to recommend that mercy be extended to her on condition of transportation for life’.<sup>6</sup>

At about the same time, Mr. J. M. Phillips, Britain’s Under Secretary of State, possibly acting on the suggestion of Lord Russell, had asked a respected colleague, Mr. J. F. Barry, of Hanley, England, to go to Stafford to make further enquiries. At Stafford, Barry had interviewed four people who knew Hannah well about the circumstances of the case: her son Charles, her daughter Hannah, a neighbour named Dorothy Dale and an ‘aged’ woman known only as Nanny Booth who, it was thought, might be able to provide him with details about the substance that Hannah had administered to the child just before its death.<sup>7</sup>

In reporting the facts that had been revealed during these interviews, Barry had told Phillips that he had gone to considerable lengths to hide the real purpose of his visit from each of the four. He had not told any of them that he had interviewed the others so that each had had no knowledge of what the others had said.<sup>8</sup>

Hannah’s son, Charles, had freely admitted that it was he who had bought the substance from a travelling ‘doctor’. He had bought it for his own toothache and had used it as directed. As he had no money, he had given the man a shoe buckle for it. He did not know the man’s name but had heard that he was living then at the home of Nanny Booth.<sup>9</sup>

Hannah’s daughter, the younger Hannah, fully corroborated her brother’s story. She, too, had bought medicine in a similar vial, and of a similar colour, from the same man – whom she called a ‘quack doctor’ - for an ailment she had had at the time.<sup>10</sup> The man had carried his stock of potions tied up in a cloth to a stick which he slung over his shoulder. The young woman, whom Barry had judged to have loved her child, had gone on to say that her mother had always been loving and kind. All three – mother, daughter and baby - had shared a bed in the house

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<sup>5</sup> Lord John Russell was Britain’s Home Secretary from 1835 to 1839 and Secretary for War and the Colonies from 1839 to 1841. <https://adb.anu.edu.au/biography/russell-john-2619>; H. A. Wedgwood may have been a relative of Josiah Wedgwood (1730-1795), the Staffordshire potter, entrepreneur, and abolitionist who founded the Wedgwood company, but his identity has not been verified.

<sup>6</sup> See ‘Petitions’ for Hannah Heath, *Majestic*, HO17/86/33, at <https://www.femaleconvicts.org.au/pre-transportation/petitions>.

<sup>7</sup> As for Note 6.

<sup>8</sup> As for Note 6.

<sup>9</sup> As for Note 6.

<sup>10</sup> The dictionary defines such a person as an ‘unqualified person who claims medical knowledge or other skills’ – see <https://www.collinsdictionary.com/dictionary/english/quack-doctor>

and the mother, a heavy sleeper, had been constantly afraid that, while she slept, she would roll on the baby and suffocate it. Barry thought that, if the older Hannah had really wanted to murder the child, this would have been an easier and safer way of doing it than poisoning it. Young Hannah had shown Barry the clothes the baby had been wearing when it had died and, although they had been washed since, he was able to see that ‘they were burnt in holes in some parts, as if by the action of sulphuric acid.’<sup>11</sup>

Dorothy Dale, the neighbour, who had been a witness at the trial, had told Barry that she had seen the quack doctor who had supplied the younger Hannah with a vial of medicine when he called at her house but had nothing more of relevance to add.<sup>12</sup>

Finally, Barry spoke to Nanny Booth, a well-known midwife of the district. She confirmed that the quack doctor, whose name she only knew as ‘William’, had lived at her house for some time but that he had left ‘many months ago, and that ‘she could not say how he might be found’. He had given her some medicine for her toothache but it had not cured her. It had been a kind of ‘vitriol’ and was of ‘a burning nature’.<sup>13</sup>

Phillips, after receiving the results of Barry’s investigation, and presumably acting on Lord Russell’s instructions again, was able to tell Wedgwood that Hannah’s death sentence had now been commuted to transportation for life.<sup>14</sup>

Shortly afterwards, Hannah was taken to a London prison to await a ship to carry her to VDL. Eventually, she was embarked on *Majestic* which, with one hundred and twenty-six female prisoners and a small number of their children, sailed on 3 October 1838 and reached Hobart on 29 January the following year.<sup>15</sup>

According to the medical journal kept by Peter Fisher, the surgeon-superintendent aboard *Majestic*, the voyage had been a relatively comfortable one. There had been only one death at sea, that of a child of a prisoner. Along the way, Hannah had been treated for a mild case of diarrhoea but was quickly cured.<sup>16</sup>

Hannah was a small woman. Upon arrival at Hobart, she was described as being only four feet one and a half inches (about 125 cms) tall. Her complexion was ‘sallow’, her face was ‘lightly pock-pitted’, her hair ‘brown to grey’ and her eyes ‘grey’. Part of one thumb was missing. Her convict trade was entered on her record as ‘servant’.<sup>17</sup>

Soon after arrival, Hannah was sent to Launceston in the north of the colony to be assigned into service but full details of her locations and employment seem not to have been entered on her convict documents. All that is known with certainty of her at this time is that she was assigned in December 1841 to a Mr. J. A. Denman of Launceston. How long she had remained

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<sup>11</sup> As for Note 6.

<sup>12</sup> As for Note 6.

<sup>13</sup> As for Note 6.

<sup>14</sup> As for Note 6.

<sup>15</sup> <http://members.iinet.au/~perthdps/convicts/shipsTAS.html>

<sup>16</sup> [https://www.femaleconvicts.org.au/docs2/ships/SurgeonsJournal\\_Majestic1839.pdf](https://www.femaleconvicts.org.au/docs2/ships/SurgeonsJournal_Majestic1839.pdf)

<sup>17</sup> CON40/1/6, image 27.

in service there is not clear but it might well have been until 13 November 1843 when she was granted a ticket of leave and so permitted to find her own employment and accommodation.<sup>18</sup>

Coincidentally, perhaps, it was also on 13 November 1843 that forty-six-year-old Thomas Judd, a convict, had applied for permission to marry Hannah, now fifty-six. However, approval for the marriage had not been given, presumably because the authorities had had doubts about whether Thomas was free to marry. He had stated upon arrival that he was a married man. However, when Judd made a second application on 3 November 1844, permission was granted, subject to the officiating clergyman being satisfied that both were eligible. While no record of a marriage ceremony has yet been located, it is believed that the pair lived together as husband and wife from that time.<sup>19</sup>

Thomas had been in the colony since his arrival on *Augusta Jessie* in January 1835. In March of the previous year, he had been convicted in Essex, England, of highway robbery and sentenced to transportation for life. Although his pre-transportation gaol report had described him as being of 'bad character' and with having bad 'connexions', he had caused little trouble to the authorities in VDL and had been granted a ticket-of-leave by March 1843.<sup>20</sup>

Little is known about the lives of the couple after the marriage except that their convict records indicate that both were, with minor exception, exceedingly well-behaved after that time.<sup>21</sup>

Hannah's only misdemeanour in VDL had occurred in early 1854 when she had 'failed to report herself', in December of the previous year, at a muster at the Police Office in the district in which she was residing at the time.<sup>22</sup> For the offence, the ticket of leave which she had held since November 1843 was revoked. As far as can be discovered from her convict papers, it was never restored.<sup>23</sup>

On 21 March 1859, Hannah died at Launceston. She was seventy-nine. Her death certificate shows the cause as 'rupture of a blood vessel'. It describes her as the 'wife of a labourer' and – more sadly – as still being 'under sentence'.<sup>24</sup>

Thomas lived on for another twenty years. On 8 July 1845, he had been granted a conditional pardon, meaning that he was free, if he wished, to reside in any of the Australian colonies.<sup>25</sup> However, as one who had been sentenced to a life sentence, he would have been aware that he would never be able to achieve the next level of freedom: 'free by servitude'. He would remain

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<sup>18</sup> CON40/1/6, image 27; Ticket of leave: *Hobart Town Gazette*, 3 May 1844; *Colonial Times* (Hobart), 7 May 1844, p.4.

<sup>19</sup> Permission to marry: CON52/1/2, p.50 and p.92.

<sup>20</sup> Judd: CON31-1-26, image 19; his wife Elizabeth was at Ryde (assumed to be Ryde, Isle of Wight, UK.)

<sup>21</sup> CON40/1/6, image 27; CON31-1-26, image 19.

<sup>22</sup> Muster: Musters were lists compiled periodically - similar to censuses - as a way of keeping track of and enumerating convicts in the colonies; see

[https://www.digitalpanopticon.org/VDL\\_Founders\\_and\\_Survivors\\_Convicts\\_1802-1853](https://www.digitalpanopticon.org/VDL_Founders_and_Survivors_Convicts_1802-1853)

<sup>23</sup> CON40/1/6, image 27.

<sup>24</sup> Hannah, death: RGD35/1/28, no. 295.

<sup>25</sup> <https://www.nla.gov.au/research-guides/convicts/tickets-of-leave>; in the matter of a conditional pardon, Hannah seems to have been treated badly again. No record of her ever having received one has been found.

a prisoner for the rest of his life. He passed away at Launceston, on 5 March 1879. He was eighty-three. His death certificate shows the cause as ‘senility’.<sup>26</sup>

It would be interesting to know how often Hannah had reflected, in the last years of her life, on the circumstances of her conviction and transportation and, especially, on the ‘quack doctor’ whose medicine she had given to her grandchild. Although the peddler had not been directly responsible for the death, it was his medicine that had brought about the tragedy.

At that time, educated and trained physicians were fewer, further between, and more expensive than the various types of unlicensed, and often-illiterate, healers - sometimes known as ‘cunning folk’ – who were more readily accessible and whose remedies, often combining science and magic, had often been learnt through their own experimentation with plants and animals or passed down through generations.<sup>27</sup> People who were poor had little choice but to resort to them as well as to itinerant peddlers of potions, elixirs and unguents who, before there were more sophisticated retail and distribution networks, either acted alone or as agents for larger manufacturers.<sup>28</sup>

Hannah would also have been aware of local ‘healers’ or ‘cunning folk’ who were quite common in VDL in the convict era also. Although they lacked formal qualifications, some of these men and women, were skilled in the use of herbal remedies – and were widely respected. While their remedies were useful at times, it is known that these were sometimes administered with disastrous results. Accidental deaths, especially of children, were relatively common.<sup>29</sup>

For instance, in February 1837 – just a couple of years before Hannah’s arrival in VDL – convicts Mary nee Smith (*Eliza III*, 1830) and her husband John Cawthorne (*Medina*, 1825) had been accused of murdering their eleven-month-old son by administering to him a substance containing opium that had been concocted by a well-known local ‘cunning man’, Benjamin Nokes.<sup>30</sup> At an inquest, the pair had been exonerated but the coroner’s jury, in handing down its verdict, had expressed the view that the illness of which the boy had suffered for a month before it died had been aggravated by the improper treatment of Nokes.<sup>31</sup> And, in December 1848, convicts Mary Murphy (*Greenlaw*, 1846) and Francis Tynan (*Orator*, 1843), the man with whom she was cohabiting at the time, were charged in the Supreme Court, Hobart, with murdering Murphy’s child by a previous relationship. They, too, had been cleared of any blame, the jury finding that there was insufficient evidence that their intention had been to harm the child.<sup>32</sup>

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<sup>26</sup> Judd: conditional pardon: CON31-1-26, image 19; Judd, death: RGD35/1/48, no. 483; levels of freedom: <https://www.femaleconvicts.org.au/administration/freedoms/>

<sup>27</sup> [https://en.wikipedia.org/wiki/Cunning\\_folk\\_in\\_Britain](https://en.wikipedia.org/wiki/Cunning_folk_in_Britain)

<sup>28</sup> <https://www.google.com/search?client=firefox-b-d&q=itinerant+peddlers+of+remedies>

<sup>29</sup> See, for instance, *Tribune* (Hobart), 19 September 1878, p.2; *Tasmanian News* (Hobart), 18 April 1890, p.3.

<sup>30</sup> Nokes: <https://archivesandheritageblog.libraries.tas.gov.au/colonial-cunning-folk-part-one-william-allison/>

<sup>31</sup> Inquest, baby Cawthorne: SC195/1/3, No. 217; Mary Smith: CON40/1/9, Image 83; Cawthorne: CON31/1/6, image 240.

<sup>32</sup> *Colonial Times* (Hobart), 8 December 1848, p.3.

There were quite a number of similar cases. What poor Hannah Heath made of them can only be wondered at.

It was not until the second half of the nineteenth century, when legislation was introduced around the world to curtail or prohibit the use of opiates and similar products, that the influence of ‘cunning folk’ and travelling peddlers of dangerous substances began to wane.<sup>33</sup>

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<sup>33</sup> [https://en.wikipedia.org/wiki/Cunning\\_folk\\_in\\_Britain#Nineteenth\\_and\\_twentieth\\_centuries](https://en.wikipedia.org/wiki/Cunning_folk_in_Britain#Nineteenth_and_twentieth_centuries)