

Inhuman torture!! Fairburn's edition of the trial of Thomas Picton, late Governor of Trinidad and Colonel of the 54th Regiment of Foot, for torturing Louisa Calderon in the island of Trinidad in the month of December, 1801 ... Which was tried at the Court of King's-Bench, Westminster on Monday, Feb. 24, 1806 before Lord Ellenborough & a special jury / Taken in short-hand.

Contributors

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41202/P



Louisa Caldron on the TORTURE, called Picketting, alias PICTON-ING.

41252/P 818790
Inhuman Torture !!

FAIRBURN'S EDITION

OF THE

TRIAL

OF

THOMAS PICTON,

Late Governor of Trinidad,

AND

Colonel of the 54th Regiment of Foot,

FOR TORTURING

LOUISA CALDERON,

IN THE ISLAND OF TRINIDAD,

In the Month of December, 1801,

BY SUSPENDING HER BY A ROPE TIED TO HER WRIST, AND
A SHARP SPIKE THE ONLY RESTING-PLACE FOR HER FOOT.

WHICH WAS TRIED AT

The Court of King's-Bench, Westminster,

ON MONDAY, Feb. 24, 1806,

BEFORE

LORD ELLENBOROUGH & A SPECIAL JURY.

TAKEN IN SHORT-HAND.

"I ask not of your passions, but of your justice, a verdict of GUILTY
against this Defendant." *Garrow.*

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TRIAL
OF THE LATE
GOVERNOR PICTON.

Court of King's Bench, Westminster, Feb. 24, 1806.

THE KING (for Louisa Calderon) *versus* THOMAS PICTON, Esq.

The Indictment charged the Defendant, being in His Majesty's service, as his Governor of the Island of Trinidad, in the West-Indies, with having in the Month of December, 1801, unlawfully, maliciously, and without any probable cause, INFLICTED THE TORTURE on LOUISA CALDERON, a free Mulatto Girl of that Island, and one of his Majesty's Subjects, then under the age of Fourteen Years, by having her Foot placed on a sharp Wooden Spike, fixed in the Ground, and her Body suspended by a Rope tied round her Wrist, and fastened by Pullies to the Ceiling.

There were other Counts in the Indictment, charging the offence in various forms, to which the Defendant pleaded NOT GUILTY.

COUNSEL FOR THE PROSECUTION,
Mr. GARROW, Mr. ADAM, and Mr. HARRISON.

FOR THE DEFENDANT,
Mr. DALLAS and Mr. LAWS.

The Pleadings on the part of the Prosecution, were opened in the usual form, by Mr. *Harrison*, junior Counsel, and the Case by Mr. *Garrow*, as follows:—

MAY it please your Lordship,—Gentlemen of the Jury, I am sorry this most painful task has devolved on me by the removal of a learned person (Lord Erskine) from this Court to an exalted station, in whose more able hands it would be so much better conducted; but deprived of the advantage of

that Noble Personage's greater abilities, it becomes my duty to lay before you a statement of the singular and horrid transaction which is the subject of this prosecution; and, although I shall acquit myself zealously of the obligation imposed upon me, to bring to light and condign punishment, an offence so flagrant as that charged upon the Defendant, yet much more happy should I be, to find that there is no ground upon which the charge can be supported, nor do I wish to impress your minds with any consideration which would draw a reluctant verdict of *Guilty* from you; and I should be still more happy, that the British character was not stained by the adoption of such cruel measures as are alleged in this indictment.

The Defendant, Thomas Picton, was the representative of our Sovereign, and the Governor of Trinidad, one of the Spanish dependencies, which had surrendered to the British arms. The benignant code of laws which had prevailed in the island, were, unhappily, cruelly innovated under his administration. He abused his station, and disgraced his country;— and if the facts which I have to state, are true, of which I have no doubt, he is the subject of horror and detestation; he has inflicted the torture on one of His Majesty's subjects, in order to gratify his own tyrannical disposition, and oppress the individual.

In the year 1797, when the island of Trinidad surrendered to the British arms, under the gallant veteran, Sir Ralph Abercromby, the Defendant was appointed Governor, by that brave Officer, and the island was to be governed by its own laws, which were to be adopted by the Defendant, until His Majesty's pleasure should be known upon that subject. These were a code of laws, ameliorating the old laws of Spain, and were well calculated for the protection of the subject.

Louisa Calderon, the Prosecutrix, in the year 1800, then about 12 years of age, was seduced from her mother, by a person of the name of Pierre Reuz, with whom she afterwards continued to live as his mistress. However strange this may appear to Englishmen, yet in some of the West-India Islands, and many other parts of the world, from the climate and constitution, young women frequently become mothers, at the age of twelve years. In the casual absence of Reuz, in the year 1801, an intimacy took place with one Carlos Gonzales, who took an opportunity of robbing the house of Reuz, of a large quantity of dollars. In consequence of this, Carlos Gonzales, Louisa Calderon, and her mother, were taken into custody on suspicion, and underwent an examination before Monsieur Beggurat, the magistrate. Louisa, whether from

affection for Gonzales, or from the consciousness of her own innocence, persisted in a denial of any knowledge whatever on the subject.

Upon this, application was made to Governor Picton, who ordered this bloody sentence :

“ *Inflict the Torture on Louisa Calderon.*”

(Signed)

THOMAS PICTON.

No delay was given to the execution of this decree; the unfortunate object against whom it was pronounced, was handed over to the gaoler. She was here told that if she would confess, there might be some alleviation of her misery; but, on the contrary, her death was on her own head: and to impress it stronger on her mind, he adverted to the cases of two or three Negro women, who suffered the same punishment, on a charge of witchcraft, a short period before. This, is the first instance of which I have ever heard of a British Governor resorting to the torture, as a punishment for witchcraft: this sort of punishment, is miscalled *picketting*. The old method of picketting was used in the army, and consisted of a spike of wood, on which the culprit soldier was obliged to stand, but then he had something to rest on; but the instrument in question is quite different, and, I hope, in future, it will be called *Pictoning*, and not *picketting*, for the Defendant certainly has the honour of being the sole inventor. Upon this instrument of torture, consisting of a sharp wooden spike, fixed in the ground, this unhappy girl was placed, her right foot resting on the spike, while she was suspended by a rope, tied round the wrist of her left arm, and passed through a pulley fixed in the ceiling of a room, the other hand and foot were tied together. In this position, suffering the most excruciating tortures, she continued for fifty-three or fifty-four minutes, as calculated by the Magistrate's watch, who was present the whole time, in order to prevent its continuance for more than an hour; alleging, that the English laws did not permit a subject to be tortured longer.

This operation not proving effectual in extorting a confession, in less than twenty-four hours after, she was again tied up in the same manner, and so continued for a space of 22 minutes, till she swooned away with excessive pain. All these diabolical experiments were irresistible, and she at last confessed that Gonzales had committed the robbery.

From the torture, she was then put immediately into irons, and confined in a miserable apartment, where she could not

stand upright, and there remained for the space of eight months, until a short time previous to the arrival of Colonel Fullarton, by whom she was liberated, and brought to England.

[The learned Counsel here produced a drawing in water-colours, in which the situation of the sufferer, &c. was described. He then proceeded:]

It appears to me, that the case, on the part of the prosecution, will be complete when these facts are established in evidence; but I understand I am to be told, that though the highest authority in this country could not practise this on the humblest individual, yet, that by the laws of Spain it can be perpetrated in the island of Trinidad. I shall venture to assert, that if it were written in characters impossible to be misunderstood, that if it were the acknowledged law of Trinidad, it could be no justification of a British Governor. Nothing could vindicate such a person but the law of *imperious necessity*, to which we must all submit.

It was his duty to impress upon the minds of the people of that colony, the great advantages they would derive from the benign influence of British jurisprudence; and that in consequence of being received within the pale of this Government, torture would be for ever banished from the island. It is, therefore, not sufficient for him to establish this sort of apology; it is, required of him to shew, that he complied with the institutions under the circumstances of irresistible necessity. This Governor ought to have been aware, that the torture is not known in England; and that it never will be, never can be, tolerated in this country,

The rack is utterly unknown to the law of England, though once, when the Dukes of Essex and Suffolk, and other Ministers of Henry VI. had laid a design to introduce the civil law into this kingdom, as the rule of Government, for a beginning thereof they erected a rack for torture, which was called in derision *the Duke of Essex's daughter*, and still remains in the Tower of London, where it was occasionally used as an engine of State, not of law, more than once in the reign of Queen Elizabeth. But when upon the assassination of Villiers Duke of Buckingham by Felton, it was proposed in the Privy Council to put the assassin to the rack, in order to discover his accomplices, the Judges, being consulted, declared unanimously, to their own honour, and the honour of the English law, *that no such proceeding was allowable by the laws of England.*

It cannot be imputed to Governor Picton that he was such a fool as to suppose the torture could ever be useful in the discovery of truth, as has been most ably stated by Mr. Justice BLACKSTONE to be in its very nature that which would make the unhappy sufferer accuse any body, or even accuse itself falsely from the excess of pain and horror: it has been matter of calculation how much torture a person of a given firmness of nerve could bear before he should begin to say any thing that is asked of him in order to be relieved; it is therefore a waste of time to discuss the point as to torture being an instrument to procure truth, indeed, the absurdity of it is so great, that even Spain itself, and other countries where it has been prevalent, have become ashamed of it, and have disused it for many years. But, what will you say if I prove to you, by many witnesses, that so far is torture from being the daily practice in Trinidad, that it was never used there by any body but Governor Picton himself; that he has the merit of its introduction; that the instrument which resembles that, which by way of infamy is called the "*Duke of Essex's Daughter*," had no existence until General Picton cursed Trinidad with its presence; that it was an instrument never known in that country until a British Governor introduced it—the Representative of the Sovereign of this mighty empire—who thus sullied the British character, always so famed for its humanity.

Gentlemen, if I present this case to you in this light by proof, as I am assured I shall—if I prove to you that there is no such law as that by which any torture can be inflicted—that there was no instrument by which torture could have been inflicted until General Picton brought it into Trinidad—if I prove that this punishment of torture has been inflicted on this poor helpless young Girl—if I prove, in the hand-writing of General Picton himself, the bloody order for its infliction, I shall leave the General absolutely without the shadow of a cause to defend him. Gentlemen, the date I gave you of this transaction is some time removed from the present time, and may be said to be far removed from it, being 1801.—It became expedient in the minds of His Majesty's Ministers, to intrust certain powers of investigation and direction, to Commissioners appointed for that purpose; one of those was Colonel FULLERTON, who took much trouble to discover many evils which required a remedy, and this among them. This scene being disclosed to him, he felt it his duty, a duty he owed to the British character and to common humanity, to bring it for enquiry, as it is now, before you; for which, I think, his country is indebted to him.

Gentlemen, I have seen the unhappy victim of this cruelty; I saw her this morning, in a room which I entered by mistake, thinking it was one in which a consultation was to be held.— She shall be presented to you, and you shall hear her tale. Gentlemen, I shall hear, with as much patience and attention, and with as much real pleasure as any man in Court, the address which will be delivered to you on the behalf of the Defendant, by my excellent and most eloquent friend, Mr. DALLAS. But I shall state to you with confidence, notwithstanding any address that can be made to you, that I shall obtain your verdict. *I ask not of your passions, but of your justice, a verdict of guilty against this Defendant*; although you must feel that while you give it, you put one of your fellow subjects, of high rank, in an horrible situation, yet you feel it to be your duty, and therefore, whatever the consequence may be to the individual, you will discharge that duty to your country.

Witnesses for the Prosecution.

LOUISA CALDERON was then called. She appeared about eighteen years of age; is a Mulatto or Creole, of a very genteel appearance and interesting countenance, was dressed in white, with a turban tied on in the *costume* of the country. Her person was slender and graceful. She spoke English but very indifferently, and was examined through the medium of a Spanish interpreter.

Louisa Calderon sworn, (examined by Mr. Adam.)

Were you at Trinidad in 1798?—*A.* Yes.

Q. Were you acquainted with Pierre Reuz?—*A.* Yes.

Q. Did you live in his house?—*A.* Yes.

Q. Were you there when the Defendant was Governor of the island?—*A.* Yes.

Q. Do you remember a robbery committed in the house of Pierre Reuz?—*A.* I do.

Q. Were you suspected of committing that robbery?—*A.* I was, and also Carlos (Gonzales.)

Q. Do you remember his being apprehended?—*A.* Yes.

Q. Were you, and your mother, also taken up?—*A.* Yes, the same night.

Q. Before whom were you carried?—*A.* Before Governor Picton.

Q. Did he order you to be committed to prison?—*A.* Yes.

Q. Under what guard were you conveyed thither?—*A.* By three soldiers.

Q. To what apartment of the prison were you consigned?—*A.* To the women's side.

Q. Before you were sent there, what did the Defendant tell you?—A. That if I did not confess, the hangman was to put his hand upon me.

Q. Do you know a person of the name of Beggorat?—A. Yes.

Q. Is he an Alcalde (magistrate?)—A. Yes; he came to me in prison, and examined me frequently as to the robbery.

Q. Was there an Escrivano (notary,) of the name of Francisco de Castro, who also attended?—A. Yes.

Q. After some examinations were you carried into a room where there was a picket erected in the gaol?—A. Yes.

Q. What is the nature of that instrument of torture? Can you describe it? (*Here the learned Counsel, handed to her a drawing of her posture on the rack,*) Louisa, is that any thing like it?—A. Yes, Sir, exactly,—This hand (holding up her left) was tied up so, and this hand (the right) and this foot (passing her left foot behind the right leg) were tied together. They put me first on one side, and then on the other.

Lord ELLENBOROUGH objected to the exhibition of this drawing to the Jury, until Mr. Dallas, on the part of his client, permitted it to be shewn to them. The examination then proceeded.

Q. The first time they tied you up, they tied you by the left hand?—A. Yes.

Q. And the left foot tied to the right hand?—A. Yes, the right.

Q. Then the left hand was tied by a rope?—A. Yes.

Q. Was the rope fixed to the ceiling, or made fast to a pulley?—A. A pulley.

Q. What was your right foot put on?—A. On a spike, in this manner (describing it by her attitude,) the toe resting on the sharp point of the spike.

Q. How long did you remain tied up in this situation?—A. Three quarters of an hour.

Q. Were you upon the spike all that time?—A. Yes.

Q. Were you at any time drawn up by the rope connected with the pulley?—A. Yes.

Q. Had you seen any persons in the same unhappy condition before?—A. Yes, two others.

Q. What was the effect of this torture?—A. I was in great agony, and, after it, my wrist and foot were very much swelled.

Q. Were you asked to make confession of the robbery,

before you were tied up?—*A.* Yes; Beggorat enquired if I would declare who took the money.

Q. Were you sworn, before the torture was applied?—

A. No; but the holy cross was held up before me.

Q. Did you confess?—*A.* Yes; after I was suspended, I said Carlos took the money.

[Several questions were then proposed as to the time the punishment was inflicted, which appeared to be about Christmas, and by subsequent interrogatories, it appeared she was taken into the gaolers room, where she saw Carlos, to learn if she had herself taken the money.]

Q. Where did you go after you left the gaolers room?—

A. To the same apartment where I had been suspended. I was kept there all night.

Q. Were you put in irons?—*A.* Yes, in *grillos* (fettors for the legs.)

Q. Describe what these *grillos* are?—*A.* They are formed of an iron bar fastened to a piece of wood, to which are attached two rings to receive the legs.

[A drawing of this instrument was then produced, which the witness said was an exact representation of the *grillos*.]

Q. Were you put upon the picket next day?—*A.* Yes, upon the same instrument, and in the same manner; it was in the morning.

Q. How long were you kept upon it?—*A.* Twenty-two minutes.

Q. Was there a watch to shew the time?—*A.* Yes.

Q. Who was present?—*A.* Alvarez Beggorat, Francisco de Castro, and Rafael an Alguazil, (constable) were present.

Q. With which arm was you tied up on the second day?—

A. By the right, and the operation reversed. I was so suspended that I could just touch the spike by extending my toe.

Q. By Lord Ellenborough. Were your feet without shoes or stockings?—*A.* Yes, they were naked.

Q. What effect did the rack produce on you?—*A.* I fainted twice whilst on the rack.

Q. Was you taken down before or after your fainting?—

A. I do not recollect, for I was totally insensible.

Q. Were you again put in irons?—*A.* Yes, in the *grillos* the same evening.

Q. How long were you in this state?—*A.* All the time I was in prison, during eight months.

Q. Are there any marks of the injury you received, now ap-

parent on your person?—A. On my wrists there are, but none on my feet.

[The witness now exposed the seam or callus, formed on her wrists in consequence of the torture.]

To some questions, on the cross-examination by Mr. Dallas, she said, that she did not know how long she had been released before she was brought over; that she came with Colonel Fullarton, and that she had been maintained by Mr. White, of the Treasury.

Don Rafael Chandos, sworn, (assisted by the interpreter) said, that he was an Alguazil, in the island of Trinidad, in the year 1801; that he returned from the interior of the country on the 22d of December, and saw Louisa Calderon in gaol; that they were then giving her a glass of water, after bringing her down from the torture. She was supporting herself on a table; it was about seven o'clock in the evening. Beggorat desired witness to bring Carlos up, and told her, that she must repeat to Carlos what she had said to him. After this interview, at which nothing transpired, she was instantly put in the *grillos*, and in the same room in which she had suffered the torture. The apartment was like a garret, with sloping sides, and the *grillos* were so placed, that, by the lowness of the room, she could by no means raise herself up during the eight months of her confinement. On the 23d of December she was again put to the torture, between eleven and twelve in the morning, and she remained in this situation twenty-two minutes by the watch.

[The witness here examined the drawing, and described the position much in the way it had been before represented, and then added:]

She fainted twice in his arms. Beggorat sent vinegar to the executioner, to administer to her in this situation. There was no advocate appointed to attend on her behalf, and no Surgeon to assist her. No one but a negro belonging to Bullo the gaoler, to pull the rope. As soon as she was taken down she was put into the *grillos*. The witness had seen her sister bring her victuals, but never noticed the admission of her sister or her friend into the gaol. The witness had been four or five years in the post of Alguazil. He never knew the torture inflicted in the Island until the arrival of the De-

feudant. There had been before no instrument for the purpose. The first he saw was in the barracks among the soldiers. Before Louisa Calderon, the instrument had been introduced into the gaol perhaps about six months. The first person he saw tortured in Trinidad was by direction of the Defendant, who said to the gaolor, "*Go and fetch the black man to the picquet guard, and put him to the torture.*" After the eight months confinement, both Carlos and Louisa were discharged.

On his cross-examination, by Mr. *Laws*, he said, that Carlos was discharged at the time the Judge ordered him to bring the money; that he went from the Island, he did not know by whose orders, and that he took his passage for Margarita.

Don Juan Montes, sworn.—He said that he was acquainted with the hand-writing of the Defendant, and proved the document containing the order of the torture, expressed in these terms:

"*Appliqua la question a Louise Calderon;*" i. e. "*Apply the Torture to Louisa Calderon.*"

(Signed)

"THOMAS PICTON."

It appeared that this order was written at the bottom of a requisition by Beggorat stating, that Louisa Calderon had prevaricated in her account of the robbery; that Beggorat was persuaded she would discover the truth by means of a slight torment, but that he was not invested with power to inflict it, and therefore, praying his excellency to order the same.

After some observations from Mr. Dallas, which were answered by Mr. Garrow, the Lord Chief Justice ruled, that the application of the Alcade Beggorat, which led to the issue of this order, should be read.

Mr. *Lowten* then read the representation of this officer, advising, that slight torture should be applied, and giving the result of the proceedings, in the examinations Louisa Calderon had undergone. The instrument was countersigned by Francisco de Castro.

Mr. *Garrow*—"Then follow, my Lord, the service of the order, and the acts of torment."

Lord *Ellenborough*—"Does it appear, that the Defendant was acquainted with the subsequent proceeding?"

Mr. *Garrow*—" I do not want it."

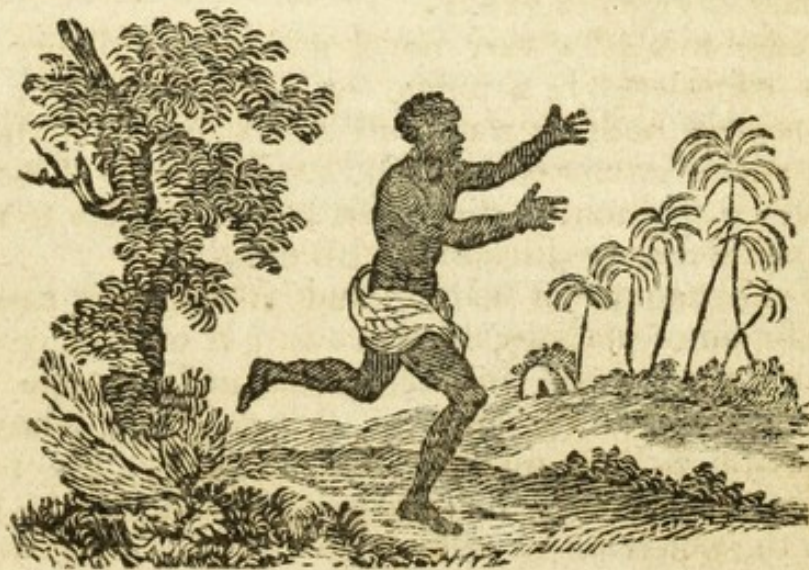
Mr. *Harrison* now proceeded with the examination of Don Juan Montes, who said, he had known the island of Trinidad since 1793. That the torture was never introduced, until after the conquest of the island, and was then practised by order of the defendant. It was first used with the military in 1799, and two years afterwards in the gaol.

Mr. *Garrow* said, that he had more witnesses to produce, if necessary, of the first respectability; but from regard to the time of the Court, he should here close the case on the part of the Crown, unless it should be required by the Counsel for the defendant, that it should be proved that General Picton was Governor of the Island.

Mr. *Dallas* agreed to admit that fact.

Lord Ellenborough said he thought the evidence was sufficient on these points.

Here ended the Evidence for the Prosecution.



THE DEFENCE.



Mr. *Dallas*, in stating the defence of his client, observed, that this case had certainly not been spared in point of statement, or in point of proof, and it now became his duty to address the Court and Jury on behalf of Governor Picton. It had not been a matter of choice with him to defend this indictment; there were so many in the daily practice of the Court, who could much better defend it, he having ceased to attend regular for some time. If the determination had in any degree rested with himself, it might have been otherwise; but, unfortunately, he could not persuade Governor Picton, that there were several others much more fit to conduct his cause, in every particular, except a most anxious wish to be of service to him.

He hoped, therefore, he would not be misunderstood, when he observed, that he was greatly deterred, from the many difficulties in which the case was involved, and its unpopularity; but he should look it boldly in the face; and when it was considered how much General Picton had at stake, it must necessarily engender in the mind of every man an extraordinary degree of anxiety.

This case was of a very novel and extraordinary nature whether considered in a public or individual light; in the former respect nothing was more important, than that great powers, vested in any one person, should not be abused; and in the other, that malice should not be attributable to an individual, while merely discharging his duty.

From the manner of stating and proving this case, from the exhibition of pictures, he was aware it must have created unpleasant sensations, and sensations unfavourable to the Defendant. From the laws of this country, whose chief characteristic is their mildness and humanity, the result of its habits made it most difficult to wean the mind of an English Jury to the difference in other countries; but whatever were the feelings they had imbibed, he trusted, that, confining their attention to the case, they ultimately would pronounce a discreet, calm, and dispassionate verdict.

General Picton was invested, not only with the chief civil, but military command. A robbery had been committed of great magnitude, which, in this country, would have amounted to a capital offence; and, by the mild and merciful laws of England, the offenders would have lost their lives. Where a robbery has been committed in a dwelling-house here, however painful to the Judge, he cannot interfere to save the life of the criminal, but the crime is expiated by an ignominious death. Under such circumstances, inform a was laid before Governor PICTON, at the Government-house, and the parties were brought before him; and the Prosecutrix appearing involved in a suspicion, was committed for the purpose of being examined, in the regular course, by Beggorat the chief Magistrate, in order to ascertain whether she was an accomplice or not.

In the course of the proceedings, reference was had to the Criminal Judge, and every fair means used to induce her to confess; and it was not till after repeated equivocations, that he made this representation of her concealing the truth, and intimating the experiment of a slight torture; the suggestion of Beggorat was acquiesced in; and this was said to be either premeditated or implied malice in the Governor, to which not one tittle of evidence had been adduced; and, therefore, with respect to malice, it was out of the question; as from the antecedent committal, to the subsequent discharge, it did not appear that he had ever known her or seen her but once. In every count of the indictment, it was alledged that the act done was unlawfully and maliciously done, without any real or probable cause. He, however, contended that a Judge may mistake the limits of his jurisdiction, but he cannot act maliciously; and, in fact, having acted according to the laws of Spain, which he was sworn to observe, he could not be said to have acted unlawfully.

He then adverted to the laws of the island of St. Vincent, where, if a man were guilty of maiming another, or guilty of various other offences, he is liable to have his nose slit, or one of his members, perhaps his right hand, cut off; and, though we may shudder at it, for the sake of humanity, yet such is the law, and it is our bounden duty to go by the law of the particular place where the offence is committed.

In the island of Trinidad, a different line of policy was necessarily adopted, at different times, and this Colony was totally different from all the other Spanish Settlements in America; sometimes it was highly cultivated, and sometimes

abandoned; and at last the Spanish Government thought proper to admit all sorts of foreigners, as settlers. The population greatly increased, and it was the receptacle of all sorts of runaways, vagabonds, and persons in debt from the other Islands. Such was the state of the Colony when General ABERCROMBY appointed General PICTON the Governor. Through the different gradations in the army, he was raised by his merit to his present high and honourable situation; he was esteemed by the veteran General, not only as a man of courage, but of humanity, and had been his Aid-de-Camp for several years, and acted under the immediate instructions of that great officer. He was no civilian, but only a military man, and it became necessary to lay down rules for his conduct. These instructions were afterwards confirmed by His Majesty. Upon the Island becoming British property, all former regulations ceased. The Alcaldes formerly were the Criminal Judges, who, upon enquiry, were bound to acquit or condemn. From this judgment the party could appeal to the Royal Audience of Curattas, and from thence to the Royal Audience of Madrid, before the sentence could be put into execution; but General PICTON was the supreme Judge of Appeal, as well in civil as criminal cases. Upon three grounds, therefore, he rested the defence; first, he contended that the Defendant was entitled to an acquittal, because every part of the indictment charged him with acting unlawfully; whereas, by the law of Spain, the torture was applicable and lawful. Secondly, that the counts charge him not only with acting unlawfully, but maliciously, and without any probable cause, for which there was no evidence. And lastly, supposing the Jury were of opinion that by the law of Spain torture ought not to have been applied, but that he was misled, then the cause resolved itself into a question of error, upon an erroneous exercise of power, in a subject of criminal proceeding, on which there were many decisions. The Learned Counsel was then proceeding to draw a distinction between express and implied malice, when he was interrupted by

Lord Ellenborough, who said it was impossible to go into that sort of argument. It might in that way be contended that a man might murder by mistake. Such could not go to an acquittal, though it might to mitigation. The question really was—was the punishment unlawful, in which case the law inferred malice, or was it one authorised by the law of Spain? It would be very fit, if the authorities from the Spanish law warranted it, that the case should be turned into a special verdict.

Mr. Dallas then put in the Instructions from Sir RALPH ABERCROMBY to the Defendant, and instructions to him from His Majesty; both of them specifying the existing law of the Island, as being that by which he was to regulate his conduct. He also produced several Spanish law books, and commentaries on the laws of Spain, and other documents, in which the doctrine of torture as congenial to the spirit of the law of that country was recognised.

Those books, particularly *Bobadellia* and *Curia Phillipicæ*, were declared by Mr. GLOSTER, the Attorney General of Trinidad, to be founded on standard authorities in the law of Spain, and to have been sustained as such before the council at Trinidad, though he professed he did not know much either of the law or language of Spain.

The LONDON GAZETTE, of the 27th of March, 1797, setting forth the capture of the island of Trinidad, and the Articles of Capitulation, by which it was stipulated to be governed by the Spanish Colonial Code: also the appointment of Governor PICTON, with General ABERCROMBY's instructions, afterwards ratified by His Majesty, wherein it was stated, "that in criminal cases, the appeal lay with the Governor."

Michael Gourville sworn; he said he had been in Trinidad from the year 1774, and had been an Alcalde (an officer of justice.) There were two Alcaldes, who had nearly equal powers with the superior officer, called an Ascavana, and were all elective out of a corporate body, composed of the principal inhabitants of the Island, and something similar to the Lord Mayor and Corporation of London. It was not necessary they should be lawyers, and they had not the power of life and death, or of inflicting punishments, except in cases of petty theft, and then only upon slaves, whose thumbs were tied together with a cord.

On his cross-examination, he admitted, that the torture never was known in the island, till introduced by General Picton.

Mr. Chacon, another Alcalde was examined, who deposed to the same effect.

Mr. Nugent, who resided in the island, from 1787 to 1796, further elucidated the laws and customs of that Colony; but never had seen or heard of the torture.

Various extracts were then translated from the Spanish law authority of *Bobadilla*, shewing that torture was considered as constituting, in certain cases, part of the process of the law of Old Castile; and stating that, "although during torment, judicially inflicted, the culprit should die, or come out maimed therefrom, the Judge cannot, nor ought not, to be blamed;"

and stating, that in cases of "high treason, manslaughter, robbery, parricide, and other most atrocious crimes, should the presumption be strong, and the guilty persons hardened, new tortures may be inflicted; but for these the Judges are to be responsible."

Much other documentary testimony, deduced from old writers on Spanish jurisprudence, was also read, to shew that the infliction of torture was compatible with the existing law of that country.

Mr. Garrow was then allowed to call a witness, to shew, that however such a law might at any time have existed, or might still exist, in Spain, it did not prevail in the West Indian colonies of that power. To this end

Don Pedro de Vargass was sworn. He deposed that, during the earlier part of his life, he had been regularly initiated and admitted to the office of an Advocate at the Spanish law courts in the Colonies; that he had practised, after his admission, in the regular course, for two years, and had resided, for a shorter or a more extensive period, at five or six of the West India islands, in the pursuit of his profession; and that, according to his knowledge of the Book of Recapitulation, by which the laws are administered, there was nothing contained in it to justify the infliction of torture, nor was torture, to his knowledge, ever resorted to. He had not ever seen, or heard of instruments for torture being kept in the goals, or elsewhere.

In reply to a question, "Do you know of any existing Spanish law whatever which warrants the application of torment?" he said, that there was a law of Old Castile, of the year 1260, which justified it in certain cases; but he never understood that it extended to the West India Colonies; and it had been long so abhorrent in Spain, that, if not repealed, it was fallen into disuse.

On cross-examination by Mr. Dallas, he said, that he did not know of any law which forbade the practice of torturing persons in the colonies; and admitted, that he had been employed by Colonel Fullarton as an interpreter and translator of part of the evidence to be employed in this prosecution.

In answer to a question from Lord ELLENBOROUGH, *Mr. DALLAS* said, that he certainly was not prepared with any parole evidence to prove that the infliction of torture prevailed generally in the Spanish West Indies.

Lord Ellenborough appeared to be about to close the case here, with the observation, that the special verdict which had been consented to, was granted on the supposition that a greater contrariety of evidence on the subject of the law of the colony would have been elicited than now really appeared; but it was thought it would, perhaps, be better, before the

Jury were called on for a general verdict, that the Council should, if they thought proper, address to them what observations they might have to make.

Mr. Dallas then rose, and said, that in the stage of the investigation to which the Jury had arrived, he should content himself with submitting to their determination the single fact, unincumbered with any question of his, whether the Criminal Judge, by the law of Spain, could in any instance, order the application of torture; to prove that the discretion did rest with that officer he did not call to them persons who spoke from the observation they had made during any short periods they might have resided in the colonies, but he produced to them the unequivocal testimony of books of the first law authority, which were constantly resorted to, as had been proved by the Judges, on all occasions of doubt or difficulty. As charitable men, and as men of sense, must they not conclude that this mode of reference was correctly elucidatory of the law, as it was meant to be dispensed? The works of distinguished civilians, writing upon the jurisprudence of their country, were ground upon which he felt he stood firmly in defence of his client. The law of 1206 was proved by them to have existed and to be still existing, to the date of the works of the last writer he had cited. No attempt had even been made by the ingenious counsel to shew that the universality of the Spanish law, as applied to the colonies, had been broken in upon by an special privilege enjoyed at Trinidad; and he would ask, therefore, could the Jury, upon their oaths, decide, that what had transpired there, and was the subject of this prosecution, was it not agreeable to a law that had authorised it, and which there was no proof had fallen into disuse?

Mr. Garro said, that he looked at this case as it regarded the honour of our country, and the *redress of a stranger*, who had visited our land to procure it. If the defendant had had an *English heart in his bosom*, he would have wanted no restrictive provisions so have guarded him from the *commission of sanguinary acts*. He feared that it remained to the disgrace of the British name, that General PICTON was the *first* man to stretch authority and order TORTURE to be established in the island of Trinidad. After a few other animated observations, *Mr. Garro* said he left the case to the decision of the Jury, confidently anticipating their verdict.

Lord Elleborough.—"The single question for your consideration is, whether, by the Spanish laws observed in Trinidad, the defendant was justified in inflicting torture upon the prosecutrix? I would advise you, by all means, to divest yourselves of every thing which may inflame your minds, so that you may give impartial attention to the present case. The inquiry for

you to make is, what was the subsisting law by which Trinidad, at the time it was taken by Sir Ralph Abercrombie, was governed? The various authorities upon the subject of the distribution of justice in Spanish Courts do not mention the infliction of torture, and therefore the right of applying it, if it can be applied at all, must depend upon authorities before us, or upon the jurisdiction of the Judge. We are not made acquainted at what time Trinidad was annexed to the Spanish Colonial possessions, or what code of laws were then instituted. Depositions of witnesses have been read who have known the island for 32 years, and one of them was born there, and swears torture was never administered. Mr. Nugent also says, he knew Trinidad for twenty years, and never saw the torture inflicted, or had even seen the instruments, and therefore it is absolutely without any proof to support it. Mr. Gloucester speaks to books of authority, which he stated to be in use when he was in the island; but the existence and reference to them can certainly not extend beyond the period when he himself was acquainted with them."—(His Lordship having made some farther observations respecting the different authorities produced, concluded as follows:;) "The question then resolves itself to this, viz. whether in the absence of usage for thirty-two years, you will infer that the law of Old Spain so necessarily involved that of Trinidad, as to induce you to believe, that as the practice of torture is allowed by the one, it is also by the other. If you are of opinion that it does, you will be so good as to say so, that it may be inserted in the special verdict; if not, you will find the defendant generally guilty."

The Jury immediately returned, that they were of opinion, that no such law did exist which would authorise the defendant in inflicting the torture, in consequence of which General Picton was found **GUILTY OF EVERY CHARGE.**

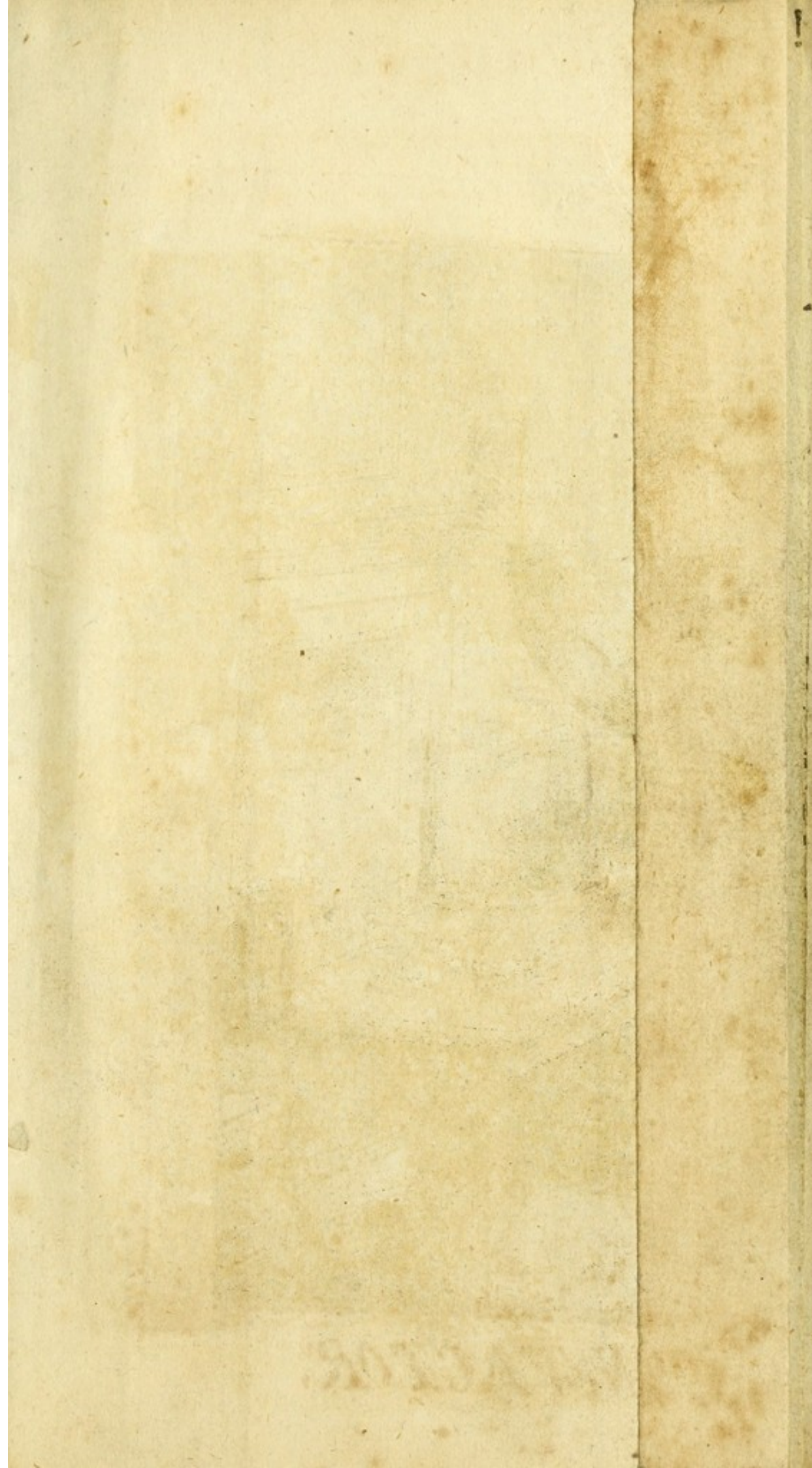
Lord ELLENBOROUGH.—"Mr. DALLAS, you will have the advantage of all objections on a motion for a new trial."

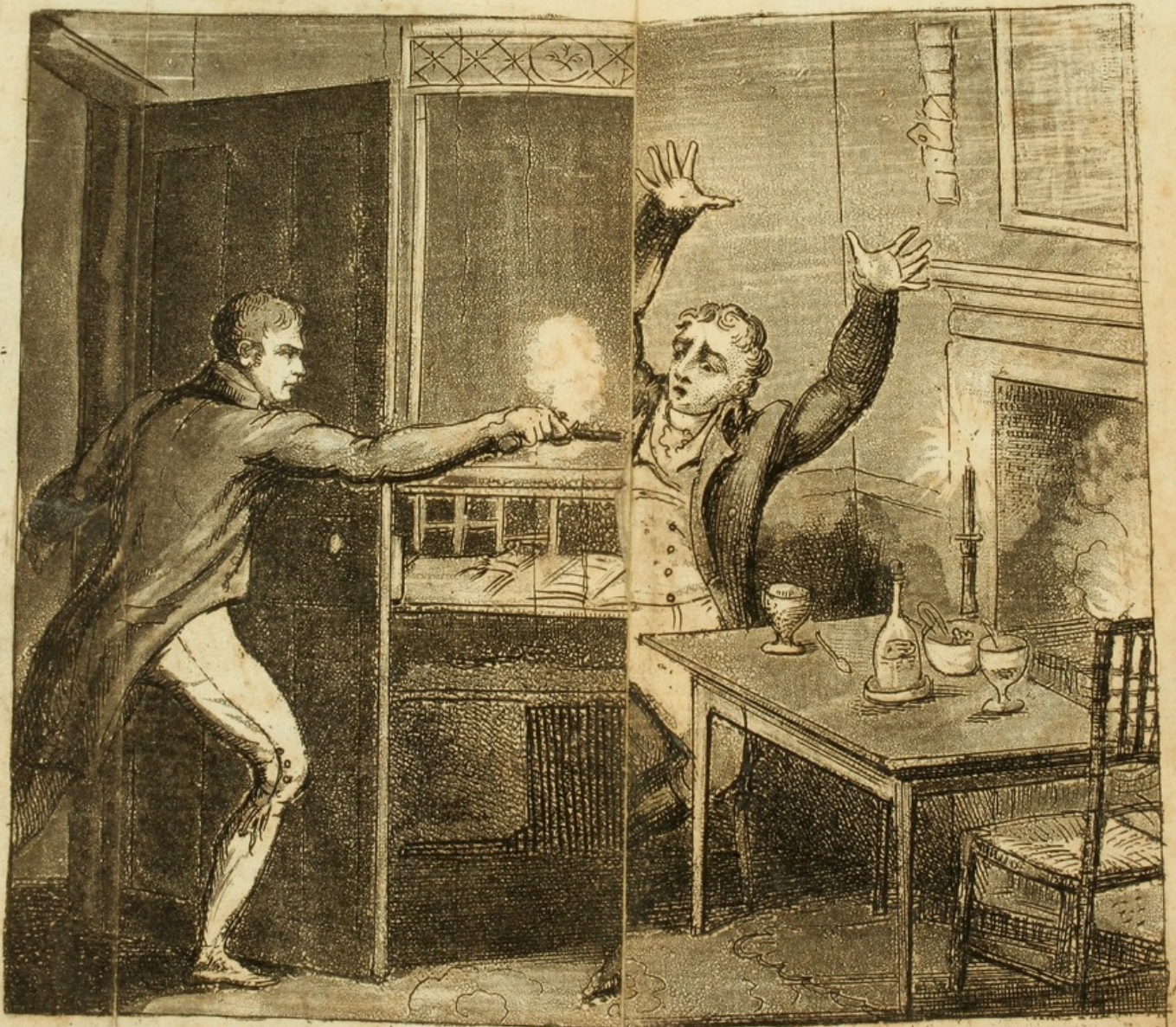
Mr. DALLAS.—"Yes, my Lord; there are many points in the evidence of which I may **AVAIL MYSELF.**"

The Trial lasted from nine in the Morning 'till seven at Night.

Governor Picton walked the Hall of the Four Courts, during the trial. He is a tall man, of a very sallow complexion, apparently about fifty years of age, and was dressed in black. He was accompanied by several of the civil officers of the Island.

The Court was much crowded, and the verdict seemed to give general satisfaction.





R. PATCH *his* BENEFACTOR.

INGRATITUDE & MURDER!

THE
TRIAL
OF
MR. R. PATCH,
FOR THE
WILFUL MURDER
OF

MR. BLIGHT,
AN EMINENT SHIP BREAKER OF ROTHERHITHE
WHO WAS
SHOT IN HIS PARLOUR.

SEPTEMBER 23, 1805 :

WHICH WAS TRIED AT THE
Sessions House, Horsemonger Lane, by Special Commission,
ON SATURDAY, APRIL 5, 1806 :

BEFORE
LORD CHIEF BARON MACDONALD.

TO WHICH IS PREFIXED,
THE WHOLE OF THE EXAMINATION,
AT BOW STREET,
Before Mr. JUSTICE GRAHAM.

TAKEN IN SHORT-HAND.

Let Wretches loaded hard with Guilt, as I am,
Bow with the Weight, and groan beneath the Burden.—OTWAY.

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PRICE SIXPENCE.



THE
TRIAL
OF
MR. PATCH,
FOR THE
MURDER OF MR. BLIGHT.

THE prisoner, Mr. Patch, was conducted into Court soon after nine o'clock, and took his station at the Bar, attended by two or three friends. He was genteelly dressed in black; and perfect composure marked his countenance and manner.

Precisely at ten o'clock, the Lord Chief Baron Macdonald took his seat on the bench, and the business was opened by arraigning the prisoner in the usual form. To the indictment he pleaded, in an audible voice, "NOT GUILTY," and put himself on his trial. So excessive was the crowd become in the Court, at this time, wedged by an assembly that pressed at the doorways from the exterior, that it was some time before a Jury could be got together. Those who were in Court could with difficulty, though assisted, on answering to their names, move towards the box allotted to them.

Mr. Patch peremptorily challenged three Jurors, viz. Mr. James Brown, of Battersea; John Tanner, of Grove Lane; and James Kit of Putney, tailor.

The following Jury were then sworn:—

Charles Smith, of Merton; Thomas Daly, of Barnes; John Leighton, of Putney; John Cape, of Putney; Isaac Illier, of Mudd Henry Wood, of Putney; John Wedge, of Wandsworth; Thomas Bartlett, of Merton; George Moore, of Putney; George Smith, Putney; Dan. Longton, Wandsworth; Thomas Chapman, Putney.

Besides the above, six other Jurors were called, and ordered to remain in the Court during the trial; two of them were objected to by the prisoner, and consequently dismissed; as were also the remaining Jurors whose names appeared upon the pannel, which contained a list of 70.

Mr. Knapp, the Clerk of the Arraignment, then stated to the Jury the nature of the indictment, which charged the prisoner with having, on the 23d of September last, in the parish of St. Mary, Rotherhithe, made assault on Isaac Blight, with a pistol and leaden bullet, and inflicted mortal wound therewith, on his right side, of which he lingered until the 24th, and then died.

Mr. Pooley briefly opened the case on the part of the prosecution.

A most profound silence now prevailed, and a very strong interest was excited, when

Mr. Garrow rose, and stated the case on behalf of the Crown against the prisoner. He addressed the Court to the following effect:—"I have the honour of attending on this occasion. You, are, Gentlemen of the Jury, engaged in an awful and important duty which will require your best and undivided attention. You will not expect from me at the opening of this case, an elaborate argument, or any endeavour, by subtle reasoning, to lead you prematurely to the conclusion, to which I must have arrived from my peculiar situation, which is certainly this, that you, in discharge of your solemn engagement, will be called upon to pronounce the prisoner guilty. You will, Gentlemen, attend to the evidence in the sequel, and recollect that my principal object is merely to supply you with an index to that testimony. The Learned Counsel then adverted to the motive of the trial being removed from the ordinary course at the Assizes, and desired the Jury to dismiss from their minds every prejudice which might arise from the rumours they might have heard out of doors, and to apply only against the prisoner what should now be established by satisfactory evidence.

He then proceeded—"I shall have occasion to state to you the relative situation of the deceased and the prisoner, to explain the local circumstances of the premises, and some other particulars; but I shall, I am confident, designedly say nothing calculated either to inflame or mislead your minds, although my feelings are strongly excited by what I have attended to preparatory to my appearance before you. Gentlemen, the connexion of this prisoner with the deceased will dispose you to think, that if he have indeed committed the murder with which he is charged, he is the worst man on the face of the earth. He has endeavoured to bring his benefactor and his friend into the toils of mischief with the determined purpose to destroy him.

"The crime with which he is charged is the highest in the catalogue of guilt; and if he shall appear to you innocent, I must be ready to confess him one of the most injured and suffering men in the world; but should he be proved to you guilty of this charge, and guilty I must think him beyond the possibility of a doubt, you will have no hesitation in agreeing with me, that he is one of the worst of mankind.—His crime, Gentlemen, would then extend to a degree beyond murder; it could be construed, in the language of the law, into petty treason.

"I know well enough, Gentlemen, that I may be supposed to have harboured some prejudices against the prisoner.—I have indeed confirmed my opinion as to his guilt; but I commenced my investigation with a mind as unbiassed and unpolluted as yours.—I inferred no guilt from public opinion and prejudice; from newspaper reports, or partial testimony; I examined to the bottom a mass of evidence which I shall submit to you; and I concluded the prisoner guilty from this laborious and tedious routine, this unwilling labour. My mind, therefore, is in a different state from what yours are, or should be. I have satisfied myself. It remains for me now to satisfy you. You, Gentlemen, I am convinced, will approach to this painful task with unbiassed minds, and feelings alive to the claims of humanity, but which you will not suffer to divert you from the strict course of justice. I entreat you to think the prisoner as innocent as I

once thought him, as if you had never heard of him before, or the charge preferred against him; hold your minds in an even and steady equipoise, and permit truth alone to decide the balance. An awful duty is imposed upon you. The prisoner expects life or death at your hands; and your country expects justice.

“ I shall begin, Gentlemen, by a kind of retrospective narrative, which is necessary to elucidate and sustain the harmony of the story I shall relate to you. I think I shall produce you such a body of circumstances, leading, by such irrefragable and necessary concentration, to the result which I intend to bring home to the prisoner, that you will plainly see the finger of Providence in the detection of this murder, and the hand of heaven itself, which has led us through many bye paths and secret ways, till we have at length mastered the labyrinth, and burst upon the prisoner with a conviction of guilt, which stares as broadly in our face as the light of day.

“ Mr. Blight resided near Greenland Dock, where he followed the business of a ship-breaker. He had in his house a menial servant, who was the sister of the prisoner, and whom the latter came to see in the spring of 1803. On this occasion the woman requested that her brother might be permitted to remain all night, which being complied with, he took the opportunity of describing himself as a distressed man; he said that he had been obliged to leave the West of England on account of some claim for tithes, and added, that he should be greatly obliged to Mr. Blight if he would employ him, even in the meanest situation. The offer was accepted, and Mr. Patch was to receive the victuals in return, without any salary. This arrangement continued for some time; and I admit Mr. Blight found him a valuable assistant, and rewarded him with a compliment at the rate of 30*l.* a year. Afterwards it was found more convenient that the prisoner should not board in the family, and he was permitted to enjoy a salary of 100*l.* a year, as an acknowledgement for his services. Such, Gentlemen, was the first introduction of the prisoner to the house of Mr. Blight.

In the year 1805, the affairs of Mr. Blight became embarrassed, and it was necessary that he should come to some arrangement with his creditors; in consequence, a deed of trust was drawn up, with the view to their adjustment, and his final exoneration. This deed was not acceded to, and matters were again thrown into confusion; Mr. Blight, therefore, to protect himself from the pressing importunity of his claimants, did that which his creditors may not see some cause to lament. The fact was, that an instrument was prepared, by which the property in the hands of Mr. Blight was transferred to the prisoner, to the extent of 2000*l.* and the lease of the premises was made over to his servant, in confirmation of which fact, a letter will be produced. This was, in truth, a fraud upon the creditors, and the date of this transaction was in July, 1805. His property was in danger; and in order to secure it, he does what cannot, indeed, be called honest, but which, I am sorry to say, is frequently the only refuge of embarrassed men against imprudent and obdurate creditors. A short time posterior to this, Mr. Blight's family went to Margate, but before he himself followed them, the deceased entered into a new arrangement with the prisoner relative to the entire transfer, the other being only a colourable agreement, for a particular purpose, and to be withdrawn altogether. The attention to this last contract is of the

w/most consequence to the disclosure of the parts of this case; and by this it was stipulated, that Mr. Blight should have 2 3ds of the business in which he was concerned, and that the other 1-3d should devolve to the prisoner, for the valuable consideration of 1250l. How the prisoner could raise so large a sum was a difficulty which will naturally occur to your minds, considering his humble situation. You will find, in point of fact, that he did not raise it, and that only 250l. was paid, leaving 1000l. undischarged, attended with circumstances which will deserve your minute attention. Security was required for this amount, and it was given in the form of a draft of Mr. Goom, a glue-maker, for 1000l. which was to be payable on the 16th of September; and this bill or check on Goom, was paid by Patch into the hands of the deceased's banker. To give some explanation of this transaction, the prisoner said he had sold an estate in the West of England.—Upon the maturity of the draft, it was mentioned that Mr. Goom could not take it up, and the indulgence was given as another draft, to the same amount, due on the 20th of that month, with a remark, that the man had glued up the money. The day before this check was to have been paid, Mr. Blight set off to Margate, to join his family. This was on the Thursday, the 19th, and the prisoner accompanied him to Deptford, on the road. Immediately on quitting the deceased at this place, the prisoner hastened to the banker's of Mr. Blight, and desired them not to present the draft, due the next day, as it would not be suitable to Mr. Goom to pay it. On the same day the prisoner returned to the house, and we see him now at home with only a female servant, of the name of Kitchener. The prisoner was sitting in the front parlour, when he desired this servant to procure sixpennyworth of oysters.—The maid obeyed; but before she returned, a musket ball had been fired into the room where the family usually assembled. The prisoner said, on hearing the explosion, that he immediately quitted the apartment, but on going out he saw nobody but a man and his wife, who will be called before you as witnesses. I shall shew you, Gentlemen, that this shot was fired by the prisoner, and that it was a part of the nefarious plan he had then determined to accomplish. The room into which this gun was fired was fronting the Thames, with a wharf intervening, and a considerable elevation before the river, so that it was impossible, in the situation in which the tide then was, that any person giving the ball this direction, could be in any other place than on the wharf. The lead entered the lower part of the shutter, broke the sash, and the Venetian blinds within it, and so passed in the apartment. In addition to this, the ball took a sloping direction, descending inwards, so that it was impossible the weapon could have been discharged from the river, which was very considerably below the level of the dwelling. After the report had given the alarm, a publican of the name of Frost, who will also be called, ran to the spot, and enquired the cause. On being informed of the circumstances, he offered his assistance in various ways; but his friendly proposals were rejected by the prisoner, who said he would go to bed.

“On the next day, which was the 20th, the prisoner wrote to the deceased a long lettet, apprising him of the affair, and intimating his wish that Mr. Blight should return home, as after such an event some personal communication seemed to be necessary. This letter was absolutely silent on every thing relating to Goom's money. On the receipt of this, Mr.

Blight determined to comply with the wish expressed by the prisoner, and on the 23d of September he arrived at home, where he met the prisoner. Some conversation was immediately had, and probably the first subject was this supposed attempt on the family, and next on the payment of the 1000l. which was so important in the condition of the affairs of the deceased.—The result was unfavourable to the wishes of Mr. Blight; and the prisoner was expressly ordered to go to London, and not on any account to return until he had obtained the money. In the evening of that day we find Mr. Patch at home with Mr. Blight, and taking grog together in the back parlour. At eight o'clock he went to the maid in the kitchen, enquired for the key of the counting-house, saying at the same time he had occasion to go to the privy. Having procured it, he opened the house door, then the gate; afterwards he locked the counting-house, and passed through it to the privy. As soon as she heard the latter door slam to, or very nearly at the same time, she saw the flash of a pistol, and before she could remove from her place, Mr. Blight had come into the kitchen, and rested his body upon the dresser. She then rushed to the house door and shut it, on which the prisoner knocked to procure admission. The single difficulty in this case is the indentity of the time between the slamming of the privy door and the report of the pistol. But nothing was more deceptive than the interval of time in such circumstances; yet you, Gentlemen, will hear the testimony, and allow to my observations no weight which does not properly appertain to them. I confidently however charge the prisoner with this foul murder; with availing himself of false pretences to procure an instrument of death, and with that fatal weapon destroyed his friend, when almost in the arms of sleep, after a fatiguing journey. What I have explained of the pecuniary circumstances of the prisoner, will assist in explaining the motive to this horrid crime."

(The Learned Counsel here commented on the various particulars regarding the money, and their application to this inquiry, and adverted to several conversations of the prisoner, in which he endeavoured to represent persons of the name of Clarke and Webster as likely to have committed the murder. But as these matters will appear in the evidence, we shall not state them in this place.)

Mr. Garrow now directed the attention of the Jury to various artifices, by which the prisoner had endeavoured, through the medium of the widow of the deceased, to acquire the possession of the papers of Mr. Blight, and by that means to obtain the alienation of the whole of his business and property. He detailed at much length on the state of the stockings of the prisoner, found by that vigilant and intelligent minister of justice Mr. Stafford, by which it appeared he had taken off his shoes; and he laid much stress on the discovery of the ramrod in the tunnel of the privy, with which the pistol had been wadded. He spoke of the state of mind in which the prisoner appeared during the examinations before the Magistrates; and on one occasion after his return from the Justices, he said, "I have been near hanging myself just now, and if I had done it quite, I should not have been more unhappy." A beautiful model of the premises at Greenland Dock, the scene of the catastrophe, was next produced, on which the Learned Counsel pointed out the various parts of the buildings, and the adjacent ground, to shew that all the gates being shut, no access could be procured, and that the prisoner alone could have perpetrated the deed.

Mr. Garrow then concluded, with a solemn appeal to the gentlemen on whom the fate of the prisoner was to depend, and with expressing his perfect confidence, that they would faithfully discharge the important duty they were now expected by their country to perform.

Mr. Garrow's address, in point of perspicuity of statement, judicious arrangement of matter, and acute animadversion, was a masterly display of forensic eloquence. It reflected great credit on his feelings as a man, and his judgment as a lawyer. The peculiarity of the case, the justice and necessity of viewing all the circumstances on which it hinged through the most unprejudiced and impartial medium, formed the leading features of his speech, which was one of the most impressive we ever heard.

Mr. Patch seemed to note most attentively the statement of Mr. Garrow, but did not betray any agitation, even in the parts of it which most nearly affected him.

After Mr. Garrow had closed his speech he proceeded to call the witnesses, the first of whom was Richard Ford who was alarmed by Kitchener and found the gates fast.

Mr. Ashley Cooper, a surgeon of eminence, was called. He stated, that on being sent for to the house of the deceased, to attend in his professional capacity, he found him lying on a bed on the parlour floor. He ordered him up stairs, and sent every one out of the room, except the two surgeons and Mr. Patch. He examined and dressed his wounds, and remained with him all night. In the morning witness asked the deceased if he suspected any person to be guilty of so horrid a crime. The answer was "No! God knows, I never did any man an injury, to take my life." Deceased observed to witness, that Mr. Patch had mentioned to him the name of Webster. Witness then turned to Patch, and said, "Who is this Webster?"—Prisoner answered—"He is a man suspected of having robbed Mr. Blight, and whose son is run away in consequence of a warrant being out to search his father's premises." Witness suggested that the Bow-street Officers should be applied to, and that his house should be searched. Prisoner replied, he did not know; nothing might be found; and if nothing was found, he certainly would be shot; or words to that effect. On the morning of the day when Mr. Blight died, witness went to the bed-side, and put some questions to him about his affairs. Deceased said he had the draft of a will, but it was not signed. Deceased wished to have the names of the prisoner and a Mr. Richard Ferguson added as executors, which the witness accordingly introduced, and the deceased signed the will; and it was witnessed. Mr. Cooper then stated that he opened the body, and was certain that the deceased died in consequence of a ball entering his side. He described the direction the ball took, &c.

Mr. Foster, landlord of the Dog and Duck, within 100 yards of the house of Mr. Blight. He went to the house in consequence of what Heter Kitchener, the servant, had told him.—The gates, &c. were shut close, but he got over them, made towards the door which opens to the wharf. On entering the back parlour (that towards the street), he saw Mr. Blight sitting in an arm chair, supporting himself by his hands on the elbows. Witness fetched Mr. Jones, a surgeon, agreeable to the wishes of Mr. Blight. He saw the above Gentleman was wounded, and he remained with him until the next afternoon, at four o'clock, when he expired.

TRIAL OF MR. PATCH.

Mr. Jones, Surgeon, on being sent for, examined the wounds of Mr. Blight as he was lying on the floor, and directed that he should be immediately put to bed. On being put to bed, witness examined minutely Mr. B's wound; he found one on the fore part of the body, two inches from the navel, on the right side, and another on the loin on the same side. He perceived it to be a gun-shot wound, and the contents of the bowels were passing from each of them. The body was distended and inflated, and witness was convinced that the wounds would prove mortal. He remained with the unfortunate man until seven o'clock the next morning, and he died in the afternoon.—Witness asked him when, in his last moments, and before that, if he suspected any person to have been guilty of the horrid deed. He replied, "No; God knows I never injured any man so as to lead him to take my life; but Mr. Patch has mentioned some man's name, Webster?" Witness asked Patch who this Webster was? when he replied, he was a man who was once suspected of robbing the premises, and his son had absconded, who was suspected of robbing Mr. Blight. Witness went to Mr. Blight's bed-side before he expired, and represented to him his real situation, and advised him, if his affairs was not settled, to arrange them. He asked for his will, which Patch brought to him, some alterations were made, and Patch and a Mr. Ferguson were added to it as executors. Mr. Blight with difficulty signed the will, and was very anxious to know if nothing could save him. Dr. Babbington, a physician, and witness, were present, together in his room, but their exertions had no effect; he expired before four o'clock.—The bowels of the deceased were cut in three different places.

Miss Ann Louisa Davies was sworn. She stated that on the 16th of September she was coming from Deptford, and on her way had to pass close to the deceased's gate; she had not passed the gate but a few yards when she saw the flash of a pistol, or gun, and heard the report; where she stood she could see the whole of that end of the premises; she stopped about two minutes and was sure no person or persons made their escape that way; she heard no person come out of the deceased's house, nor did she hear any noise on the wharf.

Miss Martha Davies, sister to the preceding witness, was with her sister, and corroborated every thing she said; but did not see the flash of the pistol or gun.

Michael Wright was next called. He said he lived at Rotherhithe, and was coming from Deptford on the 19th of September last; that he passed along the narrow passage behind the house of the deceased; that about 60 or 70 yards before he came to the gate he heard the report of a gun or pistol. He was not sure whether he was quite in sight of the gate or not, but believes he could have seen it had it been day-light. When he got up to the gate, the prisoner was coming out of it. Prisoner asked, did he meet any body? he answered, no. Prisoner told witness he had been shot at, and asked him to go into the house, which he did; and they searched and found the ball: It had passed through the window shutter. Witness offered to procure some one to sleep in the house with the prisoner, observing it was dangerous to be alone under such circumstances. Prisoner declined to have any one sleep in the house. Witness told him, that it would be advisable to have hand bills printed; the prisoner said he would, and that he would offer 50l. reward. Witness asked him if he had any fire arms in the house; prisoner said he had a pair of pistols, but had no ammunition.

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Richard Frost was next sworn. He stated that he kept a public house near to that occupied by the deceased; that on the alarm of a pistol being fired, he proceeded to the house; Patch, the prisoner, the last witness, and Hester Kitchener, the servant maid, were present. He stated nearly the same as the last witness, respecting the conversation about the prisoner having a pair of pistols took place, the witness offered him powder and ball, which he declined to accept, saying, "never mind, they will not come again to-night; the villains will not come again."

Mr. Kinnaird, jun. was called. He took the dimensions of the house, and made of the model. He explained to the Jury the different purposes the model was intended to effect.

Mr. Kinnaird cross examined by Mr. Gurney.

Q. Is the paling that is described in the in the model 5 or 6 feet high?

A. I do not know; it is higher in one place than another.

Q. Do you recollect that a quantity of old timber is lying about in the yard?

A. I do not.

Q. Is not the gate in the model improperly described? are there not three rails in the inside of the gate, by which a person might get over in a minute?

A. It may be so, I cannot say.

By Mr. Garrow.

Q. If a person on that occasion had got over the gate with a view to escape, must they not have been seen by the Miss Davies's?

A. Certainly they would, unless the Miss Davies's were close to the paling; and in that case they could not have a view of the gate.

Hester Kitchener examined—Said she had resided in the house of the late Mr. Blight about two months prior to his death. The family consisted of her master and mistress, Mr. Patch, a child, and herself. She remembered her mistress and master setting off to Margate. He returned home on the 19th of September, and left town again the same day. Mr. Patch accompanied him, but returned again in the course of the morning. On her first coming to live with Mr. Blight, the family used generally to sit in the back parlour; but for the last seven weeks in the front parlour. Mr. Patch sat in the front room on the evening of the 19th of September. About eight o'clock, he sent her out for six penny-worth of oysters. She was away about nine minutes; the oysters were not opened. On her return she found Mr. Patch in conversation with a man and woman, whom she afterwards understood to be Mr. and Mrs. Wright. Mr. Patch said, "Hester, is that you? I have been shot at." Hester replied, "Lord have mercy upon us, whereabouts?" Mr. Patch said, through the window shutters. The window shutters were all made fast at dusk, prior to her going out which was sooner than usual. The reason was, Mr. Patch said he was poorly, and wished to sup and go to bed soon. Mr. Wright was sent for and Mr. Frost, when they all went into the front parlour to look for the shot that had been fired.

She found it near to the window. Mr. Patch expressed much surprize at what had happened, as he said that neither Mr. Blight nor himself had an enemy in the world that he knew of. She knew nothing about fire arms; she went into the kitchen, and thence to Mr. Frost's, to borrow some candles; they all left the house together, without any body in it; no search was made in the house that evening for the person who it was sup-

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posed had fired the shot; she heard nothing about ammunition. Mr. Patch slept that evening in Mr. Blight's bed, in order to be near to her, for her protection, as she had expressed great apprehension. Mr. Blight came from Margate on the Monday following. Her master rode out the same day, and on his return, Mr. Patch had his horse, and went out on horseback. Mr. Patch wore boots on that occasion, and usually wore boots. She was certain he wore boots on the day prior to Mr. Blight being shot at. Mr. Patch and Mr. Blight sat together in the evening in the back parlour, which had not been used as a sitting room for some weeks before. Patch, she believed, had worn thin shoes and white stockings; did not know whether ribbed or not. On the same evening the gates were all fastened as usual; she was positive Mr. Patch had on shoes and stockings previous to her master being shot. After Mr. Blight was shot, she found the front door open; when shut no one can open it from the outside, as it goes on a spring back. Mr. Patch and Mr. Blight had tea together in the evening, and afterwards some grog; she was placed in such a situation in the kitchen as not to be able to see the back parlour door, although the door of the kitchen was nearly opposite to that of the parlour door in question. It was several minutes, perhaps half an hour, after she had taken in the water to make the grog before Patch came in the kitchen and asked for a candle,—his words were, "Hester give me a candle, I have got a pain in my bowels, and must go to the privy." He had a candle, and took the key of the counting-house from off the dresser. He went out of the front door, she heard him open the counting-house door; heard him slam the door after him, and walk across the counting house in his way to the privy—the counting house door sometimes sticks if pulled hard—she heard him step into the privy, and also slam that door after him.—she did not know if the door keeps open when not slammed so violently. That instant she heard the privy door slam to, she heard the report of the pistol. Her master shortly came into the kitchen, and said, "Hester," (laying his hand upon his heart) "I am a dead man."—"Lord have mercy upon us, I hope not," she replied, then screamed and ran immediately to shut the front door—she found the door wide open—got about half way back along the passage, when she heard a violent knocking at the door; on opening it, (which she did before she went to the relief of her master) she found Mr. Patch anxious to be admitted; his small clothes were unbuttoned, and he appeared to be holding them up with one hand; they were, she remembers well, of a light colour. He went immediately into the kitchen to her master, and said, "Lord have mercy upon us, what is the matter?" Hester said, "Master's shot! master's shot!" He assisted master into the parlour; does not recollect whether there were one or two candles upon the table. It was customary to have two. Mr. Patch wished her to go for some assistance, but she was afraid, and refused to go. He then desired her to take her master by the hand, and support him, and he would go himself for surgical assistance. This Hester also refused, being equally fearful to be left in the house with her wounded master; he again pressed her, and she said, "I am afraid to let you go—if I do go, I will jump out of the kitchen window." She did pass out that way, and brought with her Mr. Frost, who lived hard by at the Dog and Duck. Mr. Frost, in his way to the house, did not wait for the gate to be opened, but jumped over it; she saw nobody in her way; her master died next day—she does not recollect any particular conversation she had with Mr. Patch, except that he told her there were strange ideas abroad, and she was to speak the truth and nothing but the truth. This conversation took place before the Coroner's Inquest had been held upon the body of her master. Nobody was in custody on suspicion of the murder at the time—had no further conversation with Patch then nor afterward that she recollected—she did not recollect any thing that was said when Charles and her mother were present.

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Christopher Morgan, who resides at Deptford, called, and examined by Mr. Knowlys. He said, he lived in More-lane, in the neighbourhood of Mr. Blight's premises. He was passing the yard between eight and nine o'clock in the evening, when he was informed by some lads standing at the gateway that Mr. Blight had been shot. He immediately went to the house door, and demanded if he could be of any assistance. Mr. Patch then came out of the room; and upon the witness asking if he should search the premises, in order to discover the murderer, Mr. Patch replied, that he would be extremely obliged to them, and pointing to the bulk of the Carnatic East Indiaman, told them first to examine that, as at the time the former pistol was discharged a rumbling noise had been heard in it. They immediately proceeded to the edge of the wharf, in order to search the vessel, but found it impracticable to get into it, on account of its distance from the shore. The space between the land and the Carnatic, was about sixteen feet; and it being at that time low water, that space was covered with mud of such a consistency, that if a person had endeavoured to escape that way, he would have sunk up to his middle in it. After looking attentively through the premises, they could discover nobody, nor any traces of persons having entered. He then, with a friend of the name of Berry, by whom he was accompanied, entered the house, and came to the room where Mr. Blight was laid. After some conversation on the suspicion which Mr. Blight could attach upon any person, the witness begged of Mr. Patch to commission him to go to Bow-street to procure officers. To this the prisoner replied he did not see the necessity of the measure; upon which Mr. Morgan remonstrated, and told him that an early inquiry would be of the utmost consequence. Patch then repeated three or four times that he saw no necessity for it, and stated, that he was in as much danger as Mr. Blight, as he had been shot at the Thursday preceding. The prisoner then conducted the witness into the front parlour, and explained to him the situation in which he was on the day when the ball had penetrated the window shutter, and had driven a piece of the Venetian blind against his head. Upon their return into the parlour, where Mr. Blight lay, the witness remonstrated upon the carelessness of the prisoner, in leaving the door open when he had stated himself to have been on the alert all the evening. The witness repeatedly asked Patch for a commission to go to the Police Office, in order to procure proper officers, at the same time added, there must be some cause for the commission of the horrid act, as human nature was not so depraved as to shoot a fellow-creature without some inducement. The prisoner then turned round to the witness, and told him that he had as much reason to suspect him as any man. Finding that his services were not acceptable, he went away.

James Berry deposed, that at the time of the search, and subsequent proceedings of the last witness, he was in his company and assisted. As soon as the prisoner had directed the witness and his friend to search the Carnatic, Mr. Patch retired to a distant part of the yard, without making any observation, with a lanthorn, and in a few minutes returned to the house. The witness thought his conduct rather strange, and therefore paid more particular attention. The height from the edge of the wharf to the mud in which the vessel lay was about 16 feet, and if an attempt had been made to escape that way, the person must either have broke his neck, or have been suffocated in the mud—Upon his cross examination he said, that the search was made about twenty minutes after the shot was fired. The gate which admitted them upon the premises was only upon the latch, and any person might have been admitted.

Richard Frost was again called up to speak to the firing of the gun. He stated, that on Thursday, the 19th,—“there was the report of the firing of a gun at Mr. Blight's house:” he went out to ascertain the cause, but did not perceive any person coming from the premises, and he was in a situation in which had the person who fired it attempted to make his escape, he must have observed him,—it was about eight o'clock in the evening, and it was dark, but he was near enough to have seen any one run away, or climb the wall.

Charles Steward produced the shutter and sash through which the former shot had been fired. He was a labourer and left work at o'clock, when the gates

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were fastened by Patch. He heard nothing of the murder of Mr. Blight until the next morning when he came to work. At the time wound was given it must be low water, and the space between the Carnatic and the shore was nothing but mud, in which a person might have been buried. The vessel lay sloping from the shore, so that it was impossible any shot from that spot could have reached Mr. Blight.—At one side of the wharf there was a large range, which, if the pistol had been fired from that direction, would have intercepted the shot. There was no house attached to the crane, behind which the murderer could conceal himself. On the Thursday night subsequent to the murder the witness slept with Patch; he had no clothes with him but what he put on again in the morning and carried away with him. He had no white stockings with him, or even in his possession. If the person were to stand below the wharf, it would be impossible for him to fire at the window of the room in which Mr. Blight was seated at the time of the murder. The witness remembers the prisoner telling Hester Kitchener on the Tuesday, the day before the Coroner's Jury sat upon the body, to tell the truth, and nothing but the truth. He added, that they would cross question her, and ask her a great many things, but if she began one story, she was to continue it, or she would get him into prison. "I was as near being hanged as ever any thing was in this world, and if I had I should be as happy as I am now—people seem to think that it was I who shot Mr. Blight." The prisoner then talked about some pistols which he had, and said, that they were short pistols, with which he could not take an aim, and would give any man leave to take one, and he the other, and his adversary should have the first fire.

George Smith was near the yard when the pistol was fired, he did not see any person leave the yard, and if they had he must have seen them.

Five other persons who were about the premises corroborated this statement.

Mrs Sarah Blight was called, and examined by Mr. Garrow.—She said she was the widow of the gentleman whose murder was now under consideration. Her husband became acquainted with the prisoner about three years and a half ago. His sister lived in her family as a servant. The first acquaintance with Patch was from his coming to visit his sister. At the time he entered her husband's service, he represented himself to have come out of Devonshire on account of some difference respecting tithes. He said he came from Elsmere. For the first few months he worked for Blight without receiving any salary, but merely for his board. After that it was agreed that the prisoner should receive a salary of 30l. a year. He acted as a foreman of the yard. At a time subsequent, his salary was raised to 100l per annum, Patch agreeing to board himself. This took place about a year after he had been hired by the husband in 1803. The deceased delivered to the witness certain papers that she was to give to Patch at a particular time; but the prisoner was not then present. The documents were delivered to the witness six months before the death of Mr. Blight. At the different conversations between Patch and the deceased, it was agreed that the witness should deliver them to the prisoner in case any questions should be asked respecting the property. The witness never parted with these papers until after the death of her husband. Mrs. Blight had gone out of town to Margate when she received the melancholy intelligence of the murder.—"On my return to town I found the papers where they had been always kept, in a tin box in my husband's dressing room. They were in the same state, and addressed to Mrs. Blight. I delivered them to a lady to give Patch, which was done in my presence. This was after he had been examined on the coroner's inquest. Where he stated he was the sole owner of the estate, and that it was absolutely necessary he should have them, she delivered them up. He induced me to give them to him, by telling me, that before the Jury, he had been interrogated regarding the property, and had not the papers in possession to produce. He had not the papers in his possession on the 15th of July, but on the contrary, only received them on the 27th of September following. Mr. Blight was induced to come to town, from the letter which was sent by Patch to Margate, and which arrived on the 19th of September. This is the letter, I believe, which was received."

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(The letter from the prisoner to Mr. Blight, relating the circumstance of a ball being fired through the shutter on the Thursday preceding, was here read by the Clerk of the Court.)

On the examination being renewed, the witness said that Mr. Patch was to purchase one third of Mr. Blight's business for the sum of 1250l. 250l. of which being paid, a balance of 1000l. remained due to the husband of the witness. For this a draft had been given to a person of the name of Goom, which had not been paid, and which, upon enquiry after the murder, the prisoner declared had been paid. This, however, was discovered to be false.

Mr. Swindle, clerk to Mr. Mumpries, Solicitor for the prosecution, proved his having served on the prisoner, and on the prisoner's Counsel, notice of trial, and to produce in Court the draught on Groom, for 1000l.

Stephen Goom sworn; says he is a glue boiler in Bermonsey; that he knew the prisoner's brother about ten years ago, and only knew the prisoner by having seen him twice or thrice. He had never known nor had any connexion with him since; nor had ever seen him till under his examination at Bow-street. He never had with him any pecuniary connexion; never received any money from him; never gave him any authority to draw upon him for any sum whatever. He never received any money whatever for any other person's account from him; never knew of the prisoner's having drawn upon him till he saw him in custody. The prisoner never asked his permission, nor proposed to draw upon him; he never gave him any note of hand for money; never made any appointment with the prisoner to breakfast at Mr. Blight's, nor ever went there for such a purpose, nor did he know the prisoner lived there. He never called at Willis and Percival's, nor any other Banker's, to pay any money on a count of the prisoner, or take up any bill.

Thomas Graham sworn—says he lives in Mile End Road, and is a ship owner. He was acquainted with the late Mr. Blight; he called at his house on Monday, the 23d of September, and had some conversation with him and the prisoner; he had called on the Friday at Mr. Blight's house, and the prisoner told him Mr. Blight was gone to Margate. Witness had called for payment of a ship which Blight had bought of him. The prisoner had told him that a sad accident had happened the preceding night; that a pistol or musket, had been fired through the parlour window, and nearly taken away his life. Witness asked him if he knew any cause? He answered *No*; but said he believed it was intended for Mr. Blight; for that it had passed in the direction of Mr. Blight's chair, when he was sitting, and had struck part of the Venetian blinds against his head. Witness asked him what became of the ball? and prisoner said, "*it had fallen midway between him and the window*—Witness observed several splinters of the blinds lying on the floor, and expressed his surprize that they had not been cleared away but the prisoner answered, he wished them to remain until Mr. Blight should see them. Witness then asked him, if he suspected any person in particular who could be guilty of such an act? and the prisoner said *No*; but that Mr. Blight had some words with a person some time before who was forming, or repairing a dock for him, and that this was the only man he could suspect—his name was Clarke. Nothing more, particular, passed on that day; but witness called on the Monday morning following, and was told by the prisoner that Mr. Blight was come to town, but gone into the city about some business—Witness called on his return from Greenland Dock, saw Mr. Blight, who after some conversation upon the wharf, asked him to take refreshment. The prisoner came into the room where they were, booted; and asked for Mr. Blight's spurs. Mr. Blight pointed to them in the window, and said to the prisoner, "Patch, don't come back without the money," and the prisoner answered he should not come back until he saw the business settled.

Mr. Richard Percival was sworn. Says he is partner in the house of Willis and Co. Bankers, that the prisoner opened an account at their house on the 7th of September last, and then paid into the house a draft for 1000l. upon Mr. Goom, due on the 16th. He called upon him the day before the Bill became due, and said Mr. Goom was not prepared to pay the draft, but that he would send another in place of it on the next day; which he accordingly did, similar in all respects, except changing the dates. Here Mr. Percival produced the last

draft on Mr. Goom for 1000l. but before this draft became payable, he received a letter from Mr. Patch, dated the 19th September, requesting him not to call on Goom for the bill; that he was not prepared to face it, and that he would give them a check for the sum for that Goom had called on him, and given him a note for the amount, payable in October, which to him was perfectly satisfactory. On the 23d of September Mr. Blight called at their office; he had no account with them, but called to enquire about Goom's draft. The witness then produced a Banker's pass book between his house and the prisoner, in which the latter had made an entry of bills to a considerable amount, desiring them to be placed to account of the Executors of Mr. Blight; and upon this account it appeared, that as 1000l. draft on Blight was last deposited, but not being paid, was erased. The witness further stated, that the prisoner had never called as he had promised; but that Mr. Blight called on the 23d to know if the cheque was paid, and finding it was not, expressed much surprize, saying "Patch (the prisoner) was a good natured fellow, and that he (the deceased) would look after it."

Mr. Willis, partner in the same house, corroborated the testimony of the last witness.

Mr. Garrow then called Thomas Webster, and his son, William Webster, with William's wife, to prove that the suspicions suggested by the prisoner against them were completely unfounded, by substantiating a clear and positive *Alibi* on the night of the murder; and a similar proof was substantiated for Clarke, who was also charged with suspicion on the case.

Mr. Garrow next produced the deed of agreement, under which, the prisoner, in consideration of the sum of 1250l. was to have one-third of the profits of Mr. Blight's business.

Mr. Jones, Surgeon, who first attended Mr. Blight, was sworn—He said, that on the evening of the catastrophe, he had conversed with Mr. Blight upon his wharf, from half-past five to nearly six o'clock; that he saw in that time, the prisoner Patch ride in at the gate, booted; but that after the misfortune had happened, on being sent for, he saw Mr. Patch again, and saw him in a kneeling posture on the bed of Mr. Blight, endeavouring to assist him, with shoes and white stockings on, but he did not observe this till after ten o'clock; he could not be certain that he saw it sooner.

Thomas Musk proved his being present at the execution of the deed of partnership between the prisoner and Mr. Blight, which was produced and read in Court.

Mary Salter, laundress, proved, that she had washed for the prisoner, and received her second parcel of clothes to be washed between eleven and twelve o'clock on the Monday on which the catastrophe occurred. She underwent a long interrogation by Mr. Garrow respecting a pair of white ribbed stockings, produced to her, which were found in a closet in the prisoner's apartment, marked with a thread of coloured worsted, which she admitted to be her usual mark; but would not swear positively, nor to any belief that the mark actually was hers.

Mr. Stafford, principal Clerk at Bow-street, sworn, proved that he found these stockings in the closet of the apartment which the prisoner acknowledged to be his, in Mr. Blight's house; he found them folded up in the usual manner of clean stockings; but from feeling them, observed something hard in the centre, which induced him to open them, when he found the legs tolerable clean, and not at all marked, as if they had been worn with boots; but the soles of the feet were covered with mud, as if they were had walked without shoes in the dirt. They were soiled with gravel and clay on the soles of the feet, and the manure on the deceased's premises was of the same sort of mixture. This was on the 30th of September, and the stockings were handed over for the inspection of the Jury.

Anthony, the Bow street Officer, corroborated the evidence of Mr. Stafford.

Richard March, a nightman, who had been employed to examine the privy at Mr. Blight's house in search of a pistol, proved that he had examined the leaden trunk which led to the sewer below, and found sticking in the soil the ramrod of a pistol of considerable size. It was found sticking about two inches by the worm end in the soil below, with some oakum wadding sticking in the worm, which was the only part of the ramrod that was soiled; the rest was perfectly clean and dry.

and that part of the privy obviously shewed that no person could have resorted there for several days afflicted with such a complaint as Mr. Patch pretended.

Mary Smith, servant at the Brown Bear, Bow-street, said, that she was the attendant on Mr. Patch while in confinement there pending his examinations; that on one of those days he asked how his servant maid (Kitchener) was; ordered her a glass of wine; sent his compliments to her, and requested she would not fret, for that they only wanted to try whether she would alter her story.

The next thing produced in evidence was the written examinations of the prisoner before the Bow-street Magistrates, *Vide* Examinations which was attested by Mr. Graham, the substance of which we lay before the public.

These examinations being read, the evidence for the prosecution closed—when.

The prisoner being called upon for his defence, addressed the Court.

Prisoner.—“I beg, my Lord, that the paper I hold in my hand may be read by one the Gentleman in Court.”

Mr. Knapp then perused the paper handed from the prisoner, which was to the following effect.—When stated, that he was a poor man, from Devonshire, who came to London to better his condition, and that he had a wife and four children. It commented with expressions of gratitude for the means which had been taken to produce him a fair trial. Whatever might be the result with regard to an individual, was of no consequence; but the cause of public justice would be promoted by the impartiality of these proceedings, and that was at all times of the highest importance. He could not enter avowing the gratitude he felt for the attention his Lordship had paid to the popular prejudices which had prevailed, and who therefore had provided that his case should be submitted to twelve gentlemen, removed from the bustle and clamour of a public assize, who would calmly reflect on the merits of the case, and give their decision in a way that would confer honour on themselves and their country. A man pointed out as he had been as the object of general detestation, assailed on every side by secret and open hostility, possessed no advantageous ground from which he could resist the assaults of his enemies. He was accused of a felonious crime, and under this charge he had not even the customary assistance in making his defence; while on the part of the prosecution it was allowed that the whole should be laid before the Jury with all the benefit of deliberation and learned comment. In this unfortunate predicament, he was not capable of preparing his defence with any immediate application to the evidence now delivered. It must be principally referable to the depositions given by the witnesses before the Magistrates during the preceding examinations. What, therefore, should be deficient, he intreated the Jury by their good sense to supply, and although he lamented the circumstance on the present occasion, yet he was convinced, that the mode of trial the law had pointed out was founded on the same humane principles which had always distinguished the administration of British jurisprudence. The case against him was supported by no direct evidence; it was not even pretended, that any direct and conclusive fact could be proved; it depended wholly upon a chain of incidents none of which, taken separately, could be satisfactory; and would for a Jury to determine if all of them, considered collectively, could be sufficient to establish the guilt of the prisoner. The nature of the evidence was then only circumstantial, a sort of testimony which had been received at all times with great caution, and which could not be admitted, when the offence charged was wholly incapable of any positive proof. This reluctance to receive such testimony was justified by the difficulty of establishing any truth by such means; in a long concatenation of facts, if a single link of the chain failed, the whole was destroyed, nothing could be sustained by it. What was the extent of the chain which was now to be perfect in all parts. Forty witnesses were examined, and the Jury were called upon to examine, not only if they were consistent with each other, but if they were consistent with themselves. Whatever might be the fidelity of the witnesses, it should not be forgotten how much depended on the accuracy of the memory; so that only a malignant motive but an incorrectness of memory would be sufficient to destroy all this testimony on which the prosecution must entirely depend.

The charge proceeded on these three grounds—1st, the motive to the crime—2d, The opportunity of committing it—3d, the impossibility of its commission by any other but the prisoner. 1st, With regard to the motive. The person who had lived in habits of intimacy and friendship with the deceased, must shrink back with horror at such a deed. So far from any attempt upon his life, the prisoner would a thousand times rather have sacrificed his own for its preservation. But not only the feeling of affection would have operated powerfully, but the sentiment of pure mercenary interest would have had the same influence to protect the life of Mr. Blight. The success of the prisoner depended upon the existence of the deceased. He had entered into business with Mr. Blight in circumstances somewhat embarrassed, and the credit and countenance of that gentleman was peculiarly necessary to its success. How was it possible for the concern to be conducted? Could ships be purchased, could materials be found, could any line of regular connection be maintained without his support? By his death the prisoner was deprived of all his beneficial prospects, and yet it was contended that these could alone be brightened and improved by that event.

It had been said, that the prisoner was in a state of distress and poverty. It was true that he was pressed by a claim for tithes, but it was not correct to say that by this he was reduced to a condition of absolute ruin. He had an estate, and a farm well stocked, in the county of Devon. In this situation he had been informed of the profits of ship breaking, and he was determined to acquire the knowledge of a business so productive, he therefore connected himself with Mr. Blight, but not with any intention of continuing, as had been represented, in the character of a menial servant. He had more than 1300l. and 1250l. of this sum had been appropriated in execution of the agreement, for the acquisition of one third of the trade. The account of Mr. Blight in regard to these affairs was not implicitly to be relied on: he was a man of irregular habits; he had many private expences of which Mrs. B. had no information; he had many natural children, and expended considerable sums on women, in habits of impurity and dishonour. Besides this, he had been involved in his mercantile pursuits, which ended in his failure. From the papers of such a person no satisfactory evidence could be acquired; many of his most solemn instruments were fictitious, and such were acknowledged to be the papers of the 15th July, which had been so improperly introduced into this transaction. (The prisoner here entered into a general examination of the matters of account between himself and the deceased, from all which he contended that he had given a *bona fide* consideration for his share of the business, and that the 1000l. in which Mr. Goom was concerned, was no part of the amount he had paid for his concern, but an item of accounts with Mr. Blight, entirely independent. A merchant, surrounded by his clerks, he said, could give a full account of his pecuniary affairs on competent evidence, but he having none of these assistants, and being deprived of his principal testimony by the decease of his brother, and the distance of his connexions, relied with confidence on the candour of a British Jury. Placed, as he was, in this situation, he could not call his friend from the grave to supply the conclusive proof of his innocence: the nature of his defence only admitted of strong probability, and shewing that he had no doubt of the acquittal to which he was entitled from his country.

The next proposition regarded the opportunity of committing the crime. It was true that he had abundance of opportunity to perpetrate this crime, if he had the inclination, and the possibility of committing it at any time, and at all times, furnished one strong ground of his defence. If he had

intended the murder, would he have committed it when there was a witness at hand to proclaim his guilt? Would he not have availed himself of the silent hour of midnight, when nothing could have occurred to have fixed upon him the guilt? One circumstance removed, beyond all doubt, the weight of the charge; the door of the privy and the report of the pistol, were heard at the same instant by the witness, on whom the whole of the case rested. It was impossible the prisoner could be at the necessary and in the house discharging this weapon of destruction. What was the conduct of the prisoner immediately after the event? Did he not send into the neighbourhood to obtain assistance? Did he not attend to explain all the facts to the friends of the deceased, and before the Magistrates? Did he fly from his home and his country to seek protection from the hand of avenging justice? Every particular conducted to show, that in the persuasion of his own innocence, he defied all the means which might be employed to effect his destruction. The prisoner terminated with some remarks on particular parts of the evidence, said that he was a plain, unlearned man unaccustomed to the subtleties of legal disputation, and in the most direct and positive terms, avowed his own purity and innocence. His life was of little consequence, he lamented only the fate of four children who depended upon his industry for their support, and was confident that the jury would not be less inclined to a candid and humane consideration of his case on account of these pledges of his sincerity to them and to his country.

WITNESSES FOR THE DEFENCE.

Josiah Slee, Thomas Haeffam, and Richard Poole, were called to establish the character of the prisoner. They had each of them been acquainted with him for two or three years, and gave general testimony to his respectable demeanour in the way of his business.

The Chief Baron now proceeded to sum up the evidence; but before he entered into the particulars he said he should explain its general nature and bearing. It was true that the whole was circumstantial, there was no direct testimony whatever; but when this was connected by a long series of well connected facts, it was often more convincing than the testimony of a few witnesses to minute and insulated points. It was possible for a plain short story to be told with confidence and address, and some instances had occurred in which impositions had been practised, which have defeated the greatest vigilance of an impartial and intelligent jury. When a train of circumstances were necessary to establish any fact, collusion was generally impossible, and if the slightest dissonance were discovered in any material respect, the whole was destroyed, and the prisoner was acquitted. His Lordship then entered into the testimony of each individual witness, commenting on the different items in his progress. He observed, at great length, on the matters of accounts, and concluded, from the tenor of the testimony, that the prisoner had adopted a regular system of fraud, the object of which was to be finally attained by the assassination of the deceased. Whether he had successfully attained these ultimate means was the question for the determination of the Jury, in which they would exercise their judgment, and decide in a way honourable to themselves, and satisfaction to their country.

The Learned judge having concluded his charge, the Jury retired for about 20 minutes, and returned, at half-past nine, their verdict of Guilty.

Mr. Knapp, clerk of the arraigns then addressed, prisoner with solemnity,

recapitulated his crime, the verdict of his Jury; and put the usual question, what he had to say why judgment of Death, and Execution thereon, should not be awarded against him.

The prisoner bowed, but made no answer.

The Learned Judge then shortly addressed the prisoner, told him he had been tried by a humane, upright, and patient Jury, who, after attending to the whole of the case, had pronounced him Guilty of a crime the most atrocious ever known to the laws of this country—a crime commencing in ingratitude, continued in fraud, and terminating in the foul assassination of his friend and benefactor. After what had already been said upon the subject, nothing now remained to him but to pronounce the awful sentence of the law, which was—That the prisoner be taken back from whence he came, and from thence that he be taken on Tuesday morning next to the place of execution, there to be hanged by the neck until dead, and then to be delivered to the surgeons to be dissected and anatomized; and may the Lord have mercy on your soul.

The prisoner maintained firmness to the last, and received his destiny without the slightest change of countenance.

This melancholy event, to which the public attention has been so generally directed for the last six months, underwent the solemn enquiry of a Court, held at the Surrey Quarter Sessions House. So universal was the interest excited by the trial, that as early as six in the morning the Session House was beset by a concourse of persons. As the hour approached which was appointed for the opening of the Court, the impatience of those who had been several hours in waiting for admittance was such, that the numerous constables in attendance were scarcely able to preserve a passage for the Law Officers and others, to whom ingress was allowed; few other persons were permitted entrance, and they consisted principally of the Dukes of Sussex, Cumberland, and Orleans; Lords Portsmouth, Grantley, Moutford, Deerpurst, and G. Seymour; Sir John Frederick, Sir John Shelley, Sir Thomas Turton, Sir William Clayton, Sir J. Mawbey, Count Woronzo, &c.

PATCH'S LETTER to Mr. BLIGHT,

Directed to MARGATE, and dated the 20th of September, 1805.

“Dear Sir,

“I have a very unpleasant and alarming circumstance to inform you of. I was yesterday in the apartment in which Mrs. B. sits at breakfast, and at half past eight in the evening I heard the report of a gun, the contents of which came through the window nearest the yard gate. When the servant brought the light, I ordered her to shut the shutters, and the ball came thro' the window and through the shutters; besides the frame the blind was knocked all to pieces, one of which struck me on the head; but I am happy to say, it has done me no material damage. I immediately ran into the yard, but I could see no one, and am at a loss to judge of the intention at present, but it seems likely to be intended for your's or my life. I hope you will find it accidental, which will be a satisfaction to me and you; but from the direction, I believe it was done in the wharf, and the party was disappointed to find the window shut.

“I do not know what enemies you may have; but I have not offended any one by word or deed.

“I have had but little business since you were gone, and have very little more to insert to you; but my respects to you and your family.—I shall be happy to have a few lines, but much more to see you, as you are the *only friend* I have to consult.”

Your's, &c.

RICHARD PATCH,

Examination of Mr. Patch.

MR. R. PATCH and Esther Kitchener, were taken into custody on Friday night, September 27th, 1805, at Greenland Dock, brought to town and examined privately at the Public Office, Bow-street; the examination lasted until midnight and was resumed again on Saturday, when Mr. Graham came to the Office about eleven o'clock, to resume the investigation of the murder of Mr. Blight.

Mary Ruck, a servant to Mrs. Wright in Afundel-street, Strand, was sent for; she deposed that she lived servant with the deceased thirteen months, and had left his service about five weeks previous to his murder. During the time she was in the service she did not recollect seeing any fire arms in the house. After she was dismissed, Esther Kitchener the servant who was in the house, at the time the murder was committed, was sent for from the Brown Bear Public House, where she and Patch had been detained the preceding night — She underwent an examination for about two hours, when Mr. Patch was brought over, and continued under very close examination till past six o'clock.

On Wednesday morning Mr. Graham resumed the investigation of this horrid deed. Two gentlemen gave evidence at considerable length respecting the connexion of the parties; but they had no knowledge of the murder. Mr. Ferguson, the executor of the deceased, attended the examination. Neither of the prisoners were brought to the Office. As soon as the common business of the Office was gone through, Mr. Graham, attended by Mr. Stafford, set off for the Deceased's house at Dock-Head, to endeavour to gain more information.

Hopwood, the patrol, continued to sleep in the bed every night with Mr. Patch, at the Brown Bear Public House.

On Thursday morning, soon after eleven o'clock, Esther Kitchener, the servant of the deceased, was brought from the Brown Bear Public House, and underwent a long private examination. After which Mr. Patch was brought over, and remained under examination till past three o'clock. The evidence of several witnesses, who was examined before Mr. Graham the preceding evening, was read to him, and he not being able to give a satisfactory account upon certain points, the magistrates, Sir Richard Ford and Mr. Graham, informed him, they thought it their duty, from the circumstances that had been proved, to commit him to prison; the latter of which addressed him as follows:

"Mr. Patch, I have ordered you to be brought here, that I may commit you for trial, for the wilful murder of the late Mr. Blight. From the accounts in the newspapers of the Coroner's Inquest, I was first induced to enquire into this mysterious affair; and that very first convinced me that much suspicion lay at your door. I therefore endeavoured to search to the bottom of your affairs with the deceased, when I found out, that there were strong reasons to suspect you."

A bill of parcels and a receipt for the payment of a sum of 2065l. as the value of the stock and trade of Mr. Blight, had been produced, from which it appeared as if the whole of the property was actually conveyed to Mr. Patch for that sum. The receipt was dated the 15th of July, 1805. But papers had been since found, which proved, and it appeared by the day-books, that the prisoner continued to receive weekly wages as a servant, up to the 3d of August. As to the shutting of the counting-house door, and the almost instantaneous discharge of the pistol by which it was sworn that the deceased had come; by his death, those appeared to him (Mr. Graham) at least to be doubtful circumstances for upon examination of the premises, he found that Mr. P. would have had a distance of about 64 feet to run, while the maid had only 14 to go from the kitchen to where she saw her master; and it was rather improbable that the sound of shutting the door too, could have been heard without some extraordinary pains were taken to make a noise with it; as the door was rather stiff on the hinges, and would not flap too of its own accord. The purchase of the materials of an old ship was not ascertained until the fact was partly gathered from one of the witnesses, and was afterwards, with difficulty, extorted from the prisoner. Mrs. Blight had also sworn to the suspicion which her husband had latterly entertained of Mr. P. with respect to the 1000l. She had also sworn that the prisoner had at first come to their house on a visit to his sister, who was at that time in their service; that he then offered to give up his time and ability to them in any way in which he could be found useful, barely for his victuals; that Mr. B. had in a short time after that given him 40l. a year, and that his salary was afterwards raised to 100l. on his agreeing to find his own board. These circumstances must plainly shew that there was no great probability of his paying for the share in the business, as it was alledged that the deceased was very pressing about the 1000l. and had even said that he had been deceived by Patch with respect to it; and as no person was seen about the premises after the transaction, or running away from thence immediately at the time when people were passing by, the case was such as appeared to him to require investigation in a higher place.

The depositions, as taken down at the different private examinations, were then reap

EXAMINATION of Mr. PATCH.

Mr. Stafford, the principal Clerk of this Office. They were very voluminous; but following their contents:—

Ann Louisa Davis deposed, that on Monday night, the 19th of September, when the event happened, she was coming by the house of Mr. Blight, and heard the report of a gun or pistol. She was close to the gate of the house; no person whatever came out while she was there. It was between-eight and nine o'clock.

Mary Elizabeth Davis, sister to the last witness, and in company with her at the time above-mentioned, corroborated the first evidence. They were not more than four yards from the gate of Mr. Blight's house, when they heard the report of the firing. She did not see any body come out of the house into the lane. If there had, she was positive she must have seen that person.

Michael Wright deposed, that he also heard the report of a pistol or gun go off; he came up, and he saw Mr. Patch at the gateway. The witness then stated what the prisoner said, as to his having been fired at himself on the preceding Thursday. Mr. Frost came also to the house of Mr. Blight at the time when the murder was committed. As to what had happened on the preceding Thursday the prisoner stated the particulars, that he had been fired at through the window in the parlour, while the servant-maid, Hester Kitchener, had gone for some oysters for him. The witness asked him if he had pistols in the house; he said, Yes, but no ammunition. The witness asked him if he was not afraid. The prisoner said, No; he thought it must be done by somebody who knew the house; but he did not think he would come again that night. He did not want any assistance.

The next head evidence was on the subject of certain papers which the prisoner had in his possession—on which he claimed to be the owner of the premises belonging to Mr. Blight; it appeared that he had agreed to advance the sum of 1,250l. in order to be admitted to one third share of the business of Mr. Blight, which was in the ship line, of which sum of 1250l. the prisoner had paid 250l.

It was then deposed, that on the night Mr. Blight was murdered, the prisoner said he hoped the person would be found out and punished, and that a person of the name of Clark was suspected. It appeared that the prisoner had related what was false on the subject of his having paid 1000l. to a banker to make up the remainder of his purchase money for one-third of the business of Mr. Blight; and that Mr. Blight suspected that all was not right in that particular, of which he wrote to his wife.

Mrs. Blight's deposition stated, that when the prisoner came into the service of her husband, he said he came from the country, and that he had been under some difficulty on account of complaint about tithes. That he offered to work for Mr. Blight for his meat and drink. He assisted for a short time, and went into the country; but came back again, and Mr. Blight took him into his service, and gave him 50l. a year; and afterwards advanced it to 100l. a year. He received 1l. 18s. 4d. per week, but he was to board himself. Mr. Blight never had more than 250l. of the prisoner. He was to draw a bill for payment of 1000l. to make up the purchase money of his one third of the business of Mr. Blight, and, on account of that bill not being paid, Mr. Blight came from Margate. Mr. Blight considered the bill a good one at first.

The next point was, that of the suspicion which the prisoner said fell on a person of the name of Clark, as being likely to have done the horrid deed. And as to him, the deposition of a person of the name of John Fox completely established an *alibi*, he being with him at distant places, Rotherhithe and Limehouse Causeway, from seven in the morning, until past nine at night, on the day the murder was committed.

Mr. Thomas Graham's deposition, stated that he was acquainted with the late Mr. Blight and called on him when he arrived from Margate, to settle some business—Mr. Patch came in, and then had boots on, and he asked for his spurs; he was then going about the 1000l. and Mr. Blight told Patch *not to return without the money*, and he said he would not; and when he was gone Mr. Blight said, that fellow had deceived him as to the 1000l.; but Mr. Blight said to Patch, *he trusted it was all right*, and Patch said *yes*; that he had called at his Banker's and was disappointed, and Mr. Blight appointed the next day to settle with the witness on account of this disappointment.

The deposition of Stephen Groom, the person on whom the bill for 1000l. was stated to have been drawn, went to prove, that he, Mr. Groom, never directly, or indirectly, authorised Patch to draw on him for any sum of money whatsoever; neither did Patch ever apply to him for his permission for that purpose; nor was he privy to any such measure; nor had any application been made to him for the payment. Patch had no claim on him for any money, nor had he any effects of Patch's in his hand.

Mr. Graham observed, that, having found the story of the prisoner upon the subject of this bill for 1000l. to be an absolute falsehood, he was led to examine the case as he had done; and he told the prisoner plainly, that he suspected him; and thus far did he go only as to what appeared to him to be the inducement to what had happened, the object being to obtain the whole of the business of Mr. Blight, a third of which the prisoner had agreed to purchase; but out of 1250l. purchase money he had paid only 250l.

The next head of evidence to be read was that which was applicable to the event itself:—He should begin with the evidence of the Servant.

Hester Kitchener's (the servant-maid) deposition was next read. The only part of her testimony which we have not before published, related to her evidence, that Patch had on a pair of shoes and white cotton stockings the night the deceased was shot: that he did not in general wear shoes and stockings, but principally boots. It appeared by her deposition, that he had often cautioned her to mind what she said when examined, and had more than once alluded to her hearing him shut the counting-house and privy-door; that the candlestick which the prisoner had from her to go to the privy, had, from its appearance, been set down in the dirt; and that the night on which her master was shot was a rainy night.

The deposition of Mr. Jones, the Surgeon, who attended the deceased, proved, that the prisoner had on a pair of shoes, and white cotton stockings on the night of the murder, and that the stockings were broad-ribbed ones. Mr. Jones never saw the prisoner wear shoes and white stockings before that night. The woman servant told him, that she had screamed out on hearing the firing; she jumped up, and saw her master from the kitchen-door, and heard him say, he was a dead man! She turned round, and in half a minute Mr. Patch knocked violently at the door. The woman servant added, that Patch said to her, "You must be particular in what you say; you must say you heard me in the privy at that instant the pistol went off." She said, "Mr. Patch, I will say nothing but the truth."

Mr. Jones said, he came to Mr. Blight's house with Mr. Wright, and found Patch in the parlour, describing where the ball had entered when he had been shot at. Mr. Jones asked Patch if he had fire arms; No, he said, he had not; and they would be of no use if he had, for he had no ammunition; Jones offered to get him some; he said, No, he did not think they would come again, and that he should go to bed.

A pair of white broad ribbed cotton stockings were now produced; from their appearance it was evident the last wearer must have walked in them without shoes out of doors, and at a time when it was very wet and dirty. Through the top of this pair of stockings was drawn a piece of worsted of a particular colour.

The evidence of Mary Slater, washer-woman to Mr. Patch, went to shew, that she used to mark the clothes sent her with worsted. She was not sure she marked the stockings in question with the worsted which was now in them, but that if she did not mark them, she received them so marked from Mr. Patch. Two other pairs of stockings were produced, which were, with the dirty ones, found in her possession, and in Mr. Patch's room; they were all marked with the same kind of worsted; it also appeared, that Mr. Patch had, on the morning of the day on which the murder was committed, sent his dirty linen to be washed; therefore it was presumed, if those stockings of his had been dirty at that period, they would have been sent to the wash.

The depositions of three apprentice boys, Smith, Brown, and Owen, were next read. The two former stated, that the deponents were in such a situation when the pistol went off that shot Mr. Blight, as to prevent any one escaping without their seeing him that way; the deposition of the latter shewed, that it was next to an impossibility that any one could escape by the water after the pistol was fired, as the deponent was in a situation which commanded that part of the premises.

Christopher Morgan deposed to his coming to the house of Mr. Blight on hearing the alarm: he came to give his assistance—knocked at the door, and after some difficulty, got in. Mr. Blight was then shot. He asked Mr. Blight if he had given offence to any of his men? "No," he said. Witness said, No man could do this without provocation; and Patch said to the witness, "Sir, I may as well suspect you as any other man." He said that he had a disorder in his bowels, and went to the privy; he heard the shot, went with his breeches in his hand, and found Mr. Blight in the state he was in.

Sarah Wright, who was formerly a servant to the deceased, swore that there was a pistol in the cases hanging up in the kitchen at the time of her being in the service of Mr. Blight.

Several witnesses swore that there was not any pistol in either of the cases when they were examined, shortly after the circumstance of the shooting of Mr. Blight was known.

Mary Smith, servant at the Brown Bear, deposed, that while Patch was there, he ordered the witness to give the servant maid, who was in custody there also, a glass of wine; and he told her to keep to her story, for that they had kept her there to try her. She said she would keep to the same story, which was the truth, and that she would do so if they were to hang her up to a tree.

The deposition of Mr. M'Duff, stated, that the examinant called at Mr. Blight's, on the day of the Coroner's Inquest, when the prisoner enquired whether he could not have a renewal of the lease which Mr. B. held of the City of London? the deponent was surprised at this question being asked at such a time, and expressed the same to the prisoner, whom he afterwards saw at a public house in a state of intoxication.

EXAMINATION of Mr. PATCH.

After the whole of the informations had been read, the parties were bound in a recognizance of 40l. each to give evidence on the trial.

Mr. Graham wished to bind over Mr. Ferguson, the executor of the deceased, as the Prosecutor; but he declined, and suggested that it would be better to bind over Mr. Savage, the Parish Officer, who was on the Coroner's Jury, and had offered a reward for the discovery of the murderer, which was agreed to by the magistrate.

Mr. Fletcher the Attorney attended for the prisoner, and Mr. Graham stated to him his grounds of suspicion upon the evidence, as the informations were severally read over.

Mr. Fletcher made application to the magistrates, in consequence of the long confinement the prisoner must experience, that he might be allowed some money, and that he might have access to him to prepare his defence. On this, Mr. Graham proposed, that Mr. Ferguson, the executor of the deceased, should pay the prisoner 250l. which was due to him for wages; and, as that was all the stake he had in the business, he should give up all claim upon it, which was agreed to by the prisoner. Mr. Graham directed that Mr. Fletcher should see the prisoner while in confinement. The prisoner was then ironed and conveyed to prison.

His Royal Highness the Duke of Sussex, and several Gentlemen, attended the Office on the occasion.

March 28, 1806. Yesterday the witnesses, on the part of the prosecution against Mr. Patch appeared before the Grand Jury at the Castle Inn, Kingston. Sir John Frederick, one of the members for Surry, presided in the chair, and the Jury consisted chiefly of Surry magistrates.

The widow of the unfortunate Mr. Blight was examined first, for about one hour and a half; after which Hester Kitchener, the servant maid was called in; there was considerable difficulty in finding her, for she had been liberated on her own recognances, and had given a wrong address—It was by mere accident that the trial was not put off, until the next assizes. The examination was minute and long, and besides her and Mrs. Blight, twenty-six other witnesses were called in; after having spent from 12 o'clock until 7 in the evening the Jury thought the evidence before them sufficient to find a bill, without the testimony of several other witnesses who were waiting to give their depositions, and a true bill was according found.

Mr. Humphries, the solicitor, has been fixed on by government for the prosecution—He has been indefatigable in his exertions to procure such witnesses as could throw a light on the subject, and he elucidated their statements before the Jury.

Saturday, March 29—Mr. Patch will not take his Trial at the present assizes for Surry. He will be tried by a Special Commission, at Horsemonger Lane; but the day is not yet fixed. The above order was made at Kingston, at 11 o'clock yesterday morning.

April 1. Many rumours are in circulation respecting the postponement of Mr. Patch's trial, for the supposed murder of Mr. Blight. Some ascribe the removal of it from the Kingston assizes to the belief that the judge wished to be assisted in his judgment upon several legal objections, which, it is understood, are to be taken to the indictment; and others, to the supposed prejudice that has gone abroad, and rendered a special pannel necessary: both of which are erroneous. As to the pannel, the same will try him at Horsemonger-lane, as would have been called on the Jury at Kingston. The simple fact is, that a material witness, a Police officer, is necessarily absent upon duty, attending the Assizes in the West of England; and secondly, that the Criminal Court, at Kingston, is in such a wretched state of delapidation and ruin, and the crowd expected so immense, that apprehensions were entertained of the fabric tumbling about the ears of the Judge and Jury; for these reasons, therefore, it was thought advisable to remove the trial to Horsemonger-lane, where the Court is far more spacious and every way more convenient for the purposes of justice.

5th. A committee of the Surry magistrates met at the Sessions House, Horsemonger-lane, on Wednesday afternoon, attended by Mr. Knapp, as Clerk of the Arraignment, and the Surveyor for the County, to consider of the best means of fitting up the Court for the trial of Mr. Patch. The necessary directions were given, and the Court is flooring and lining with matting, and covering with green baize in the upper parts; new railing is putting up on the sides and rear; a box is fitting up as intended for one of the Royal Family; and every accommodation making that the Court will admit of. The number of persons applying for cards of admission already exceed the number the Court will admit.

The Chief Baron, on being applied to for his opinion as to making the Court a *close Court*, by admitting persons only who were furnished with tickets, expressed himself adverse to any such regulation. "God forbid that a man to be tried for such an offence by a Jury of his country should be tried in any other way than an *open Court*, to which the public could be admitted, as far as the extent rendered prudent." It was in his opinion unconstitutional. All he required was, that the Court should be kept clear,

FARTHER PARTICULARS.

Tuesday, April 9. We stop the Press to announce that the prison of Horsemonger-lane continued till a late hour, to be visited by crowds, whose curiosity was excited to see this unfortunate man. His nearest relations only were admitted, and they had a dismal interview in the condemned cell, and that separately, in the following order, Mr. Ives and his deputy, Mr. Cave, remaining witnesses of the melancholy scene.

Patch bore his situation firmly; but his brother and sister appeared exceedingly affected at the parting, when the prisoner began to shew the commencement of a convulsive affection of the mind. He cried bitterly, and embraced his sister-in-law, who was the sister of his late wife, with uncommon tenderness: her husband, Captain Toby, said he had witnessed men dying round him, and suffered shipwreck; but had never felt as he did then. He looked like a tar that had seen service. As soon as they had withdrawn he was attended by the Rev. Mr. Mane, the chaplain, who, till a late hour, was solicitous to extract a confession of his guilt, which this unhappy man persisted in concealing. At six o'clock he broke out in the following words, "And is there then no *mercy* left for an *innocent* man?" Being informed that his concerns with this world were at an end, and that he must suffer in the morning, he summoned an uncommon degree of fortitude, which, in fact, never left him afterwards, for he ascended with it to the fatal platform, while his two fellow sufferers, (a man and woman, both aged) for joining, were led up by the sheriff's officers, with difficulty.

The High Sheriff addressed Patch on the subject of confession; but he replied, "*I have confessed my sins to God, and Man can afford me no relief.*" They then parted under the gateway of the court, when he was led to the platform.

The Chaplain prayed with the prisoners, and urged Patch to a confession, "replied, "*he had confessed his sins to God.*" The ropes were then fixed, and just as the executioner was about to pull the cap over his face, he whispered for about a minute, to Mr. Ives, and upon enquiry, he said, *that Patch was the Man.* His knees trembled and his frame was convulsed.

He was neatly dressed in black, his hair close cropped, and displayed the utmost firmness.