

**The trial of Mr. Jno. Wakefield, for the wilful murder of Richard Maddock, at
Winnington : in the Assize court at Chester ... on Friday, April third, 1818 ...
/ Taken in court by the editor of the Chester Chronicle.**

Contributors

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THE TRIAL

OF

MR. JNO. WAKEFIELD,

FOR THE

Wilful Murder of Richard Maddock,

AT WINNINGTON ;

IN THE ASSIZE COURT, AT CHESTER,

BEFORE

The Hon. E. D. Best, and the Hon. Samuel Marshall,

HIS MAJESTY'S JUSTICES ;

ON FRIDAY, APRIL THIRD, 1818.

TAKEN IN COURT,

BY THE EDITOR OF THE CHESTER CHRONICLE.



PRINTED BY J. FLETCHER, CHRONICLE-OFFICE.



of the depth of one inch, and the half of another inch. Of which said mortal wound the said Richard Maddock then and there instantly died. And so the Jurors aforesaid, upon their oath aforesaid, do say, that the said John Wakefield, him the said Richard Maddock, in the manner, and by the means aforesaid, feloniously, wilfully, and of his malice aforethought, did kill and murder, against the peace of our said Lord the King, his Crown and Dignity.

OLIVER.

The trial then went on, in the detail which follows this introduction.

A few remarks occur, which it may not be deemed impertinent to introduce here. In the conclusion of his defence, it will be seen, that Mr. Wakefield adverts to a "prejudice which he has reason to believe had been excited against him," and expresses a persuasion, that the Jury would not be influenced by its effects. It is, indeed, to be regretted, there are too many reasons to believe, that the actual existence of such prejudice was well founded.—Various rumours, by no means advantageous to the prisoner, were in

circulation ; and it had been stated, that attempts were made by his friends to induce the witnesses for the Crown, if not to withhold, at least to put a favorable coloring on their testimony. Such rumours, however, have not the slightest foundation in fact ; and we have thought it only a common duty to give this public contradiction to them.



THE TRIAL.

On the usual question being put by the Prothonotary, "How say you, John Wakefield, are you guilty of this Murder, or Not Guilty?"—The prisoner, forcibly striking his left breast with his right hand, in a most emphatic manner replied, "I am Not Guilty, Sir."*

Here a general buzz of conversation prevailed in the Court; and it was a considerable time before silence could be obtained.

Mr. ATTORNEY-GENERAL then addressed the Jury to the following effect :

GENTLEMEN OF THE JURY,

You are now assembled to try a question, of great importance to the country, and particularly to the Prisoner at the Bar, Mr. John Wakefield. He is charged with the crime of Wilful Murder, in having with malice aforethought, taken away the life of one Richard Maddock—and that crime is punishable by our law, as it is by the law of every other civilized country, with death.—My object in noticing the nature of the offence, is by no means to excite feelings in your mind which might operate unfairly against the Prisoner—and I shall therefore content myself with stating in a regular detail, the circumstance which will be adduced before you in evidence, being well aware, that the more simple the narration, the better it will be for the ends of public justice : And upon such testimony, it will be for you to say, under the direction of their Lordships in points of Law, whether the prisoner be guilty of the Murder or not guilty.—At the time, Gentlemen, that Maddock met with his death, Mr. Wakefield resided at Winnington, about a quarter of a mile from Northwich, and the only inmates in his house were himself and two maid servants, Elizabeth Woodward, and Martha Bradbury. The former, in July last, became ac-

* In those parts of the Indictment where he was charged with committing the offence "with malice aforethought," he shook his head, as if in abhorrence of the idea.

quainted with the deceased ; and this intimacy, it will appear, was known to Mr. Wakefield ; for, from what cause I am not able to explain, he found fault with the connexion, and threatened, if he found Maddock on his premises, he would shoot him, or some expression to that effect. It will be shown, that at this period, Mr. Wakefield kept by his bed-side a sort of dagger, with three edges, about three quarters of a yard in length.—The 8th of September last, was Northwich wake ; and on that day, Martha Bradbury went early to the town, in order that Elizabeth Woodward might go in the evening, and that both of them might not be absent from their master's house at the same time. Woodward was directed to get ready her Master's dinner. Mr. Wakefield then mentioned Maddock to Elizabeth Woodward, and after some conversation, said she had better take his advice, and go to London with him. This occurred when he was at dinner. He had before asked her to go to London with him, and she had refused.—When Martha Bradbury came home, according to the agreement, it was the turn of Woodward to go out to the wake. She accordingly went out. About 10 o'clock at night, Mr. Wakefield came home, and was very angry, that she had not returned.—[An interruption of considerable length here took place, in consequence of the dreadfully crowded state of the Court—the spectators formed as it were one solid mass, moving in a frightful manner as the pressure on the sides preponderated. Had ONE individual only fallen down, the most terrible consequences would have resulted.—With great difficulty some degree of silence was obtained—and the Attorney-General proceeded.]—Shortly after, he went in a great hurry out of the house. It will now be necessary, Gentlemen, to call your attention to the situation of Elizabeth Woodward. At Northwich, it appears, she met with Maddock, the deceased, and he attended her on her way home. This, perhaps, was about half-past eleven o'clock.—They came arm in arm along the public highway, to the gate leading to the premises of Mr. Wakefield ; and advancing towards the house, and seeing no light, she became apprehensive the family were gone to bed, and desired Maddock to return with her to Northwich, to sleep at his sister's, to avoid disturbing the family. Accordingly they began to retrace their steps, but had not reached the gate I before mentioned, when Mr. Wakefield rushed out of a little plantation, with a dagger in his hand. He immediately seized Maddock by the collar, and with such force, that both he, and Elizabeth Woodward (who held under his arm) fell to the ground. Maddock got up, and Mr. Wakefield insisted that he should go back to the house with him. He refused ; another scuffle took place, in which Maddock was again thrown to the earth, and called out to Mr. Wakefield not to THROTTLE him. The Prisoner then said he should go with him into the town, to which Maddock said, “ Very well, Sir ; I will go with you into the town.” However, Mr. Wakefield kept pulling him towards the house, when Maddock suddenly extricating himself, ran off

towards the gate, followed by Wakefield ; but it does not appear that Eliz. Woodward ascertained whether he got through the gate or not. She then made the best of her way home to the house ; but had not been in more than five minutes, before Mr. Wakefield returned, and asked for a light.—She went down stairs, and got him a candle, when he observed, “ You may think it very well that I did not stab him (meaning Maddock) with the dagger ”—or words to this effect. Mr. Wakefield, which was a proceeding very unusual with him, then fastened all the windows, in a very careful manner, and went to bed.—Nothing occurred after this till half-past one, when the family was alarmed by a great noise and mob round the house. The body of the deceased had been found, cold and lifeless, on the public highway. It was afterwards examined by a medical man, and it will be proved that he had been stabbed by some one with an instrument which had several edges. The wound had penetrated the heart ! The body being removed to Northwich, a great body of people assembled, and proceeded to Mr. Wakefield’s house. For an hour and half he did not appear, notwithstanding he was frequently called for : at last, a ladder was reared up against one of the windows, and then Mr. Wakefield appeared with a gun, which he presented to the crowd, but it did not go off. A man mounted the ladder, but he was knocked off by the Prisoner from the window : another man then ascended, but he met with a similar reception, being felled by the butt end of the gun. Mr. Wakefield then called out for his solicitor, and said he would surrender if Mr. Hostage was sent for. Mr. Hostage soon after arrived, and shortly after the Prisoner surrendered himself.—Some time before this, he was asked, what had become of the dagger ? He looked with astonishment, and asked “ What dagger ? ”—That the deceased, Maddock, has been killed, there is no doubt ; and it is pretty evident he came by his death from a wound made with a sharp instrument, similar to that which Mr. Wakefield was known to have in his possession. Gentlemen, it is a remarkable fact, that this weapon has never yet been found, although the strictest search has been made for it. Such are the leading facts of the case, and upon a careful consideration of it, this question will present itself : is Mr. Wakefield the person who committed the crime ? I after all the testimony which will be laid before you, you shall be of opinion, that his was the hand which inflicted the fatal wound, it will then be a matter for their Lordships to elucidate in point of law, whether this homicide is a case of Wilful Murder.—Attend, therefore, Gentlemen, to the directions you will receive from the Bench ; for you are not to attend to any statement of mine, unless such statement be borne out by corroborating evidence. To the Prisoner, the question is one of the last importance : his life is in your hands ; you are the arbitrators of his fate : and I have the fullest confidence, you will return such a verdict as will be satisfactory to the Court, the country, and your consciences.

ELIZABETH WOODWARD,* was then called, and examined by Mr. Evans.—[Previous, however, to any question being put to her, another interruption, which lasted nearly a quarter of an hour took place, owing to the extreme pressure of the crowd. Although repeated from all quarters, the call of silence was not at all attended to; and great apprehensions were entertained of the prisoners' bar being broken down.—A temporary state of quiet being obtained, the examination of the witness proceeded.]—In September last, I was in the service of Mr. Wakefield, and had been some months before. I was there in the July preceding. Mr. Wakefield lived at Winnington, a short distance from Northwich; and his house is on the opposite side of a field from the road. There is a road from the highway to the house, and a gate separates this road from the highway. There is a small plantation to the right of the house going from it, close to the gate. Martha Bradbury, and myself, were the only two servants that lived with him.—I was acquainted with the deceased, Richard Maddock. He courted me: I was his sweetheart. Mr. Wakefield knew of our acquaintance, but I don't know that he ever saw Maddock at his house.† I cannot say Mr. Wakefield knew the deceased by sight.—Some time previous to the month of September last. I had some conversation with the prisoner respecting Maddock. I know Mr. Wakefield was aware of our acquaintance, because he said if he saw the deceased about his house, he would shoot him. I cannot say how long this was before the unfortunate event took place.—I cannot tell particularly what Mr. Wakefield had in his bed room. At Northwich Wake, Martha Bradbury being out of the way at dinner time, my master and I had some talk in the kitchen. He told me, he saw I would not take his advice, and it would be worse for me if I did not. His advice was, to go to London with him. He had made proposals to take me to London, and keep me as a lady. I cannot say how long before this the proposal had been made.—On the evening I went out to the wake, I returned about eleven o'clock at night, as near as I can think. Richard Maddock was with me. We did not go close up to Mr. Wakefield's house, because I thought the family was gone to bed. We therefore turned back, arm in arm.—We had got very near the gate, when the prisoner INCLO-

* The witness was a smart, good-looking girl, apparently about 20 years old, dressed in a fashionable coloured gown, a straw hat, with ribbons, and a drab woollen shawl carelessly thrown over her shoulders.

† Another interruption of several minutes occurred here. The Judges expressed their disapprobation at the disorderly state of the Court, and told the Under Sheriff (Mr. Wright) to seize any person making a disturbance, and bring him in: he should be immediately committed.—Mr. Cross said, the want of good order was owing to the system of having a standing army of Javelin-men! Not one half of them were in Court.

SED (seized) Maddock, and got hold his of collar, saying, "What are you doing on my premises?" Maddock said "I'm not come to do you any harm." The prisoner then said, "You must come with me into the house." Maddock, refused, saying "I will not."—Mr. Wakefield then observed, "You must go with me down into the town".—When he seized Maddock, the latter fell down by some means, and I also fell. I suppose the fall was owing to being seized with such violence. I think Maddock was down twice. Wakefield twice asked him to go to the house; I don't know whether he was violent then. Maddock positively refused. Wakefield had then a dagger in his hand, which he held against Maddock's breast, saying "if you molest, I'll stab you." I had seen the dagger before. The servant man slept in the house, and had it under his head. I cannot exactly tell its length: perhaps it was as long as my arm. I think there were three edges to it. I do not know what sort of a point it had. When he was seized, Maddock said, "Don't throttle me, Mr. Wakefield." It was between light and dark, and Maddock struggled hard to get away. He asked Maddock to go into the town with him, and Maddock said he would.—I afterwards saw him get loose, and run away. At this time they were not far from the gate. Mr. Wakefield called for Mr. Ansdell, who lived close by. I do not know what became then of Mr. Wakefield, only that he followed Maddock towards the gate. I run home as fast as I could. I can't say, that Maddock had gone through the gate. When I got home I found my fellow servant Martha Bradbury, in her bed room. About five minutes after Wakefield came in; he called me down, and asked me to light a candle. I did so. He said, "What should you have thought if I had stabbed him?" I said, "you durst not do it; he was not come to do you any harm." I then went to bed. This conversation was in the kitchen; I left him in the lobby. I heard him in the other rooms as if he was making up the windows. Perhaps in an hour and a half after I had been in bed, I was alarmed by two men at the bed room window, and I soon knew of Maddock being dead.

Cross-examined by Mr. Cross.

I had lived about three quarters of a year in the house; from last Christmas but one. I now live in Staffordshire with my father's sister; her husband is a farmer; I have wages from them as a servant. I once saw Price, a servant, in the house, sleep with the dagger. Mr. Wakefield's is a lone house. I thought nothing of the man sleeping with a weapon under his head. I don't know any thing of other houses having arms to protect them in the night. There had been no robbery in the house, as I know of, but there had in the out-buildings, one night, whilst I lived there. There was one of the window staunchions loosened. Mr. Wakefield sometimes looked after the doors at night, but I don't know

that he went out sometimes to look how things were there. The proposal I mentioned was made to me sometime before the fatal matter happened; it was a very short time before: perhaps it might be a week. He made the proposal only once to me. I had told him if he would give me my wages, I would go away, but not at that time. It was sometime before that I asked him for my wages. I had not on the night of the wake asked my fellow-servant to sit up for me. I did not come home later than I expected. I was never locked out, for I had never been out so late before at night in the town, as I recollect. I met with Maddock in the town, in the street. He was a flatman on board one of the Northwich flats. I cannot exactly say how long he had courted me; not for a year before: perhaps a month or two. I met him at my master's house; he had been there sometimes. I was with Maddock that evening about two hours. I had been at a public house with him, and at his sister's house. It was about 11 o'clock, when I entered my master's gate; and it was about 9 when we first met. It was then between dark and light, not too dark. I cannot tell how far we were from my master's door, when he made his appearance, but we were nearer the house than the gate. When I thought I was locked out, I said I would turn back and go to a friend's house to sleep.—We were in conversation, but I cannot say, that those in the house could have heard us.—The struggle between the Prisoner and Maddock did not last long, but I cannot say whether it lasted one minute or five minutes. I looked on till it was over. I was not further off than the middle of the [Counsel] table.* I had an opportunity of seeing it was a pretty violent struggle, one to keep hold, and the other to get away. They were both struggling as hard as they could. I will not swear that Maddock did not take hold of Mr. Wakefield, but I did not see him do so. I never said I saw the Prisoner strike Maddock with the dagger. I know nothing of the dagger. There are no marks by which I should know it. I did not notice whether it was very bright, but I will swear I saw it in Wakefield's hand. I saw the deceased run towards the gate, and never saw Wakefield near him afterwards.—He might have stuck the dagger into Maddock, and I not have seen him. I heard Mr. Wakefield call out for Ansdell, but I did not know he was the Constable. I heard him call out once.—I heard him before say, that if Maddock came about the house, he would shoot him.—The Prisoner had not been complaining to me of flatmen being about the house.—I cannot pretend to say how the fatal act was done.

Re-examined by Mr. Evans.

I suppose he said he would shoot the deceased, because he perhaps saw him with me before. I don't recollect he did mention Maddock by name; but

* About three yards and a half.

he has spoken of him, calling him the POCK-MARKED MAN.—I had once been out with him, and my master asked me if I had been with him? but I did not tell him. He then said, “if he comes about my house, I’ll shoot him.”—There were some trees near Mr. Wakefield’s house.

To questions by the CHIEF JUSTICE.—The small plantation was perhaps a few minutes’ walk from the house. The Prisoner came to us, as if from out of the hedge of the plantation. I do not recollect that the Prisoner called Maddock by name, when he said “What should you have thought if I’d stabbed him?”

MARTHA BRADBURY,* examined by the ATTORNEY GENERAL.—I lived servant to Mr. Wakefield; when Maddock was killed, I had lived with him from the Christmas preceding. I acted as chambermaid, making the beds and looking after the rooms. There was a dagger kept there: I cannot say it was always in the room. It was generally kept on the bed, but I have seen it under the pillow. It was near three quarters of a yard long, and had three edges and a sharp point.—I went to the wake about half-past three in the evening, and returned at five o’clock, or a little after. Mr. Wakefield was not at home when I returned. My fellow servant Elizabeth Woodward, then went to the wake. I did not afterwards leave the house. Mr. Wakefield came home about ten o’clock, and asked where Betty was? I said she had not come home; and he observed she had no business out of the house without his leave. He then went into the parlour and stopt there a good while, and I took him a candle. He went out again about eleven o’clock, previous to which I heard him go up stairs, I think into his bed-room. He did not stay there long. My fellow servant returned in a very short time afterwards, in 10 minutes, or a quarter of an hour. She came up stairs, and was called down again by my master, who had returned. We then went to bed.—Afterwards we were disturbed by three men, who came under the window. I heard them call Betty? They asked where she had left Richard Maddock? She said at the Lodge Gate.—I am now in the service of Mr. Davies, a linen-draper, of Byrom-street, Liverpool.

Cross-examined by Mr. Hill.

I know nothing of Northwich Wake. I was not amongst the flat-men; but I believe amongst them it is a riotous day. I never heard that

* The witness is a remarkably handsome woman, of a delicately fair complexion. She gave her evidence in a firm and collected manner, occasionally looking steadily at the Prisoner, and at the Jury. Eliz. Woodward, when examined, appeared to be particularly cautious of her eye coming in contact with that of the Prisoner. Her evidence, nevertheless, was given with great propriety.

my master had any losses. I knew Price. He was a servant to the Prisoner; I recollect him upon the watch in the stable. He sat up to protect the premises against thieves, I believe. I don't know any thing about a double-barrelled gun. My master had some time before lost potatoes; I recollect some talk about it. I never heard my master mention any thing of a staunchion being loose in the kitchen window: he might have mentioned it, but I have no recollection of it.—It was discovered to be loose; it might easily have been removed, the window easily opened, and a person get in.

Re-examined by Attorney-General.

To remove the staunchion, the window must either be opened or broken.

To questions by the CHIEF JUSTICE.—It is a casement window.—I observed it loose the first two or three months after I went there. I saw it loose a month before the man was killed.—My Master was in the habit of going out when he heard any body about the house or premises.

MATTHEW MOLINEUX, examined by Mr. EVANS. I am a flatman.—I knew Richard Maddock, but not very well.—Recollect returning home about one o'clock on the night of Northwich Wake, and saw Richard Maddock lying down in the road, dead, a little more than 70 yards from Mr. Wakefield's gate.—I took the body to Maddock's sister, with the assistance of some others: her house was close in the neighbourhood.—It was quite cold.

THOS. JEFFES, examined by the ATTORNEY GENERAL.—I am a Constable at Northwich.—I know Mr. Wakefield's house, it is about 400 or 500 yards from Northwich.—I made a plan of, and measured the premises of Mr. Wakefield. The road way from the gate to the house about 200 yards. The Plantation is close to the gate.—I recollect the night when Maddock was killed. I was called up between one and two o'clock. I was attended to the house by a Mr. Broady. Outside the house there was a great crowd. I had then seen the deceased. We waited some time, thinking Mr. Wakefield would come down and open the door. I called to him, but he made no answer; and never made his appearance at the window as I saw. I saw Josiah Buckley erect a ladder to the servant's room window; when near the top, he called out "He's here; he's here!"—Buckley soon after fell from the ladder. Mordecai Jones then got up the ladder, and I saw him fall also. I did not see Mr. Wakefield till between 6 and 7 o'clock the next morning.—Although I did not see Mr. Wakefield, I heard some footsteps in the bed-room.—Those in the house must certainly have heard the noise made from without.—I went to Northwich, and returned with Mr. Hostage. Mr. Broady afterwards got up the ladder, and had some conversation with Mr. Wakefield. When Mr. Hostage came, the door was opened, and Mr.

Hostage admitted, but it was immediately closed again. After Mr. Hostage had been in the house some time, I was asked in, and Mr. Wakefield said, "I surrender," or words to that effect. I heard nothing said to the Prisoner. After I had been in the house some time, observing Mr. Wakefield had not all his clothes on, I requested him to dress; and said there was an unpleasant part of my duty yet to perform, and that was, to search his house: after a pause he said, "And welcome." He appeared much agitated at this time.—I then asked him for the weapon? he said "What weapon?" and seeing him so much agitated, I did not press the subject.

Cross-examined by Mr. Williams.

There were a great number of people round Mr. Wakefield's house when I went, using many angry expressions, threatening exceedingly what they would do to Wakefield. They were chiefly flatmen. They swore they would kill him—that they would have his blood, &c. I searched all over Wakefield's premises for the weapon, but found none.—The mob uttered many improper expressions and some of them were armed with pokers, brooms' tails, and so forth. I saw a lanthorn used outside the house. I had made myself known, by calling out to Mr. Wakefield, and he might have observed me. When I first went into the house, Mr. Wakefield had the appearance of having just got up. I was then Deputy Constable for Northwich, but cannot take upon myself to say, whether it would have been safe or not for Mr. Wakefield to surrender. I called out, "I wish to speak to you, Mr. Wakefield," and said who I was. Mr. Ansdell is a Constable, and his house within easy call; he is a Constable of Winnington.—Northwich is not a very quiet place during the Wake: it is as rough as possible. I observed, however, no misconduct on the day in question. I have been frequently called upon respecting robberies in out-buildings. Mr. Wakefield's house stands completely alone, and is situated near to the River Weaver. It is not 122 yards from where the man was found to the house; it is only from 106 to 110 yards. The turn-pike road is very public. I knew Maddock; he was a young man, about 21 years of age, low in stature, but apparently active and powerful. It is about 30 yards from the plantation to Ansdell's house.

THOS. BROADY, examined by Mr. EVANS.—I am a Special Constable, and went with Mr. Jeffes. When we were at the house, I understood Mr. Wakefield wished to speak to me. I got up the ladder, when he said he was surprised to see so great a concourse of people about his house; and he wished to know the reason. I said, I understood a man had been severely injured; and it was suspected he was the man who had done the deed.—He did not give any answer, but said he was sorry he did not know the Constables were there, or should have made no resistance. He then expressed a wish for Mr. Hostage to be sent for.

Cross-examined by Mr. Recorder.

The wake is a very tumultuous time ; as bad as at any place in Great Britain. There are frequent alarms in the neighbourhood of property being stolen ; and much house-breaking. I was at the house before Mr. Hostage came.—There were perhaps 20 flatmen before the house, most likely they had been drinking all the night. I heard many strong, coarse expressions made use of, such as taking him dead or alive, &c. I heard some of them say they would not leave the house till they had some liquor. Mr. Wakefield showed me the defect in the window. It was about 5 o'clock in the morning when they were demanding drink !—The servant assisted to get into the drawing-room, and admitted 12 or 13 flatmen about half-past three o'clock. It was Martha who assisted.

JAMES DEAN, examined by the ATTORNEY-GENERAL.—I am a Surgeon, and was called in to see the body. It was quite cold. I examined it, but not immediately on first seeing it. I saw a wound in the chest, about half an inch long, and nearly semicircular. I opened the body about noon, and followed the wound. It had passed through the integuments of the body, the cartilage of the fifth rib, and near to the breast bone ; it passed on to the PERICARDIUM, or bag of the heart, through the body of the heart, to the cavity. There was another wound on the same side, on the head near the top ; this touched the bone. The first wound was made by a pointed instrument, with more than one sharp side.—The wound on the head was not very remarkable, nor can I say it was done with a sharp instrument. There was a discharge of blood from it. His death was occasioned by a pointed instrument passing into the heart, and letting out its contents into the cavity. I cannot say how far a person might have run after receiving such a wound ; perhaps a few seconds, as the wound did not pass through that part of the heart which carries the blood to the whole frame.*

Cross-examined by Mr. Cross.

He might possibly have run longer after receiving such a wound, but life could not have existed long, not for days, nor for hours.—I think it not possible for him to have lived one hour after receiving it. I am now 32 years old, and have practised nine years as a surgeon. No cases ever

* This witness, although but a young man, gave his evidence in a manner calculated to give a high opinion of his professional skill. He avoided TECHNICALITIES, but when called upon, furnished his professional explanations in a most satisfactory, clear, and unaffected manner.

came within my knowledge of persons living many hours after receiving such a wound.

Mr. CROSS.—Then I recommend to your perusal the last number of the *Edinburgh Medical and Surgical Journal*, in which you will find a remarkable case in point.

The case for the Crown closed here.

CHIEF JUSTICE.—Prisoner at the Bar, the evidence on the part of the Prosecution against you, is now closed. This, therefore, is the time for you to make your defence.

Mr. WAKEFIELD, after a short pause, in a firm and loud voice, then read the following defence, from a paper which he held before him.

“ MY LORDS, AND GENTLEMEN OF THE JURY,

“Totally unused to speaking in public, and little expecting ever to have to address such an assembly on my own behalf; independent of the dreadful sensations, which have not ceased to occupy my mind during my seven months confinement: I feel no slight embarrassment even in reading my written case before you. I therefore humbly crave the indulgence of the Court.

“Deeply impressed, as I am, with my present awful situation, charged with the blackest crime that man can commit against man, or in the sight of his Creator, I yet feel conscious of my own innocence. I have reserved my own defence until this day, and confidently relying upon the justice of my country, I shall simply, yet truly and faithfully relate the facts of this unfortunate occurrence, as well as I can recollect them, after the alarm, darkness, and confusion in which they happened.

“About eleven o’clock on the night of 8th of Sept. I was alone in my common sitting-room, when I heard voices and footsteps in the grounds. It was the evening of the first day of Northwich Wake, which place I had left but half an hour before—a scene of every species of riot and disorder. My house stands alone in a field, the entrance into which is from the highway, leading from Northwich to the River Weaver at Winnington. On hearing footsteps, I instantly went up stairs to a window on the stair-case, commanding a view of the premises on that side.

“The night was extremely dark; I could see nothing, but still hearing voices, I went to my bed-room (which is close to the landing on which I stood) for a swordstick, with which I sometimes, and indeed generally, walked at night.

“I went down stairs, opened the front door, and thought the footsteps appeared to be going from the house, in the direction of an out-building, which had very lately been robbed; imagining that thieves were again about my premises—I crossed the field, to my outer gate, in order to detect whoever it might be, from that point, and accordingly got to the gate as the persons were coming up.

“They were talking together, I could not distinctly hear what they said.

I seized a man by the collar, and insisted upon his coming down to the house in order that I might see who he was.—He resisted and struck me several times. I then called for help, to Mr. Andsell, who is a constable, living close by.—At this time the man had hold of my neckcloth, which he twisted almost to suffocation, and forced me on my back, upon the rails, which part the carriage road from the field.

“In this situation, as well as I could, I again called for help, and cried ‘Murder.’

“The man in a short time disengaged himself from me, and disappeared; and I do most solemnly declare, I never went beyond the gate, but as I recovered myself, returned into the house and went to bed, utterly unconscious that the man with whom I had been struggling had suffered more than myself.

“This is all I know of this unhappy event now under your consideration, which I most deeply deplore, and ever shall to the latest moment of whatever portion of life may remain to me.

“Gentlemen, my life is in your hands, and I persuade myself, that your judgment will not be influenced by any of that prejudice which I have reason to believe has been excited against me.”

Having concluded his defence, Mr. Wakefield bowed in a most respectful manner to the Court and Jury.

Mr. Cross wished to call the attention of their Lordships to the state of the Moon on the night when Maddock met his death. It had advanced 4 days in the last quarter on the 8th September, when it rose at a quarter before one in the morning.—On the 11th of the same month there was a new Moon; consequently on the night of the 8th, at the hour when the melancholy event happened, there could be no light from the Moon.

JOHN HOLFORD—examined by Mr. WILLIAMS.—I was at Northwich wake on the night when the occurrence took place. I saw the Deceased there. At 4 o’clock in the afternoon he was in liquor. He was very disorderly, and stripped and fought with one John Lownds. He challenged any one present to fight him, and said he would fight any man in the town. I cannot say what sort of a night it was.

MARTHA BRADBURY, recalled.—Examined by Mr. HILL.—I had not gone to bed when my Master went out.—I could not hear any one talking in the front of the house for the place I was in was to the back of the house; but my master might have heard any one talking as his room was to the front.

Re-examined by the Attorney General.

My Master had been out about a quarter of an hour before Elizabeth Woodward returned.

Mr. Wm. TWEMLOW, examined by Mr. HILL.—(as to the possible exis-

tence of a person, after being wounded in the heart.)—I am a surgeon at Northwich. I have known Mr. Wakefield nearly 20 years. I never heard any thing contrary to his bearing the character of a most humane man.—I have heard the evidence of the other surgeon. The deceased might have lived a much longer time than he did.

Cross-examined by the Attorney-General.

If a wound like that received by the deceased, as described by Mr. Dean, actually passed into the heart, I think it very possible he might have lived much longer than he did. I recollect an instance of the sort, in which a wound was given to the heart. A man receiving such a wound might have fallen down, before he died.

Re-examined by Mr. Cross.

The process of letting out the contents of the heart into the cavity of the stomach, would certainly occupy some time.

Mr. DEAN, recalled, and examined by the CHIEF JUSTICE.—The instrument employed had touched the heart of the deceased : it had gone into the heart a quarter of an inch—into the right ventricle.

Mr. TWEMLOW, again examined by Mr. CROSS.—The heart is divided into several compartments. The place wounded was not the most dangerous part. I think the deceased might have lived NOT ONLY HOURS, BUT DAYS after being wounded.

Mr. DEAN, recalled, and again examined by Mr. EVANS.—The cavity was full of blood. I do not think it possible he could have lived more than A MINUTE OR TWO.* I certainly suppose he could not live a quarter of an hour. The size of the wound in the heart was about half an inch long.

Mr. DAWSON, examined by Mr. RECORDER.—I am a surgeon at Liverpool, and have practised 14 years, during which time I have attended a public hospital. I heard a part of Mr. Dean's evidence : but I think the deceased might have lived hours, or even days after receiving the wound. I am the more positive in this opinion, from the recollection of a fact which came under my own eye. A boy, some time ago, who was in a hay-loft, fell thro' a hole in the flooring, and received the prongs of a pitch-fork in his breast—his heart was wounded in two places. The boy withdrew the fork from his breast, and ran several yards.—His heart was perforated in two places, thro' the right ventricle, and yet he lived 11 hours and a half.

* This is a case in point to the line of the Poet—

“ Who shall decide when Doctors disagree ! ”

Re-examined by Mr. Evans.

There is certainly no improbability of instantaneous death after receiving such a wound. A wound in the left ventricle, causes a fatal sympathy in a moment. In ordinary cases, or as stated by Mr. Dean, death might result in less than a quarter of an hour.

The following witnesses to character were then heard.

JOHN MARSHALL, Esq.—I reside at Green Bank, near Northwich. I have known Mr. Wakefield from his infancy, and as a neighbour and an acquaintance. I look upon his character for humanity, to be very great.

Mr. BARKER, solicitor, of Northwich.—I have known Mr. Wakefield upwards of 20 years; and from habits of the strictest intimacy, I can confidently say, he is a most humane man.

The Rev. R. LITTLER.—I am the incumbent Curate of Goostrey, which is a perpetual curacy. I have known Mr. Wakefield the greatest part of 30 years. In no one instance have I a recollection of any feature in his character contrary to the purest philanthropy; I may say, also, that on all occasions, when necessary, he was lavish of his own life to save that of others.

Mr. BRADBURN.—I have known Mr. Wakefield from his infancy. He was humane to a degree. I could particularize his humanity in repeated instances.

NICHOLAS ASHTON, Esq.—I reside at Woolton, in Lancashire, of which county I am the senior Magistrate. I have known Mr. Wakefield some years, and always had a high opinion of his humanity and general good character.

Mr. WORTHINGTON.—I reside at Leftwich, near Northwich. I know Mr. Wakefield's character to be excellent for humanity. On one occasion, when the floods were out, and numbers were placed in great peril, he saved a whole family, and principally by his personal exertions. At another time, in a brine pit, he saved the life of a poor boy, at the imminent risk of his own.

WM. HENRY WORTHINGTON, Esq.*—I live at Sandiway. I recollect that the night of the 8th of September last, was particularly dark. I have reason to recollect it, from the circumstance of going about 10 o'clock to close a small gate not more than 30 yards from my house, and the night was so dark and thick, that I could scarcely find my way back. It seemed to be a foggy night. My house is about two miles from Winnington. The circumstance is the more strongly impressed on my memory, because the next morning, having heard of the fatal event, I made some observa-

* This gentleman, and Mr. Marshall, of Green Bank, were on the Grand Jury.

tions to my family on the darkness of the night, and said it was almost impossible for one person to have seen another close to.

The Rev. JOAH FUREY.—I live at Hordon Bridge, in Hampshire, of which parish I am the vicar.—I have known Mr. Wakefield well, and that his character for humanity stands remarkably high.

Mr. SAMUEL HOLBROOK.—I am a Salt Proprietor at Winnington, and have known the Prisoner more than 20 years. He certainly bore a very great character for humanity.

Mr. T. CHANTLER—was about to be examined, when

The CHIEF JUSTICE observed, that he saw no necessity for testimony of this description to go further. It was impossible that any man living could have a better character for humanity.

Here closed the evidence offered on behalf of the prisoner.

The CHIEF JUSTICE then proceeded to sum up the evidence at great length, contrasting the various features of it with great minuteness. It occupied his Lordship exactly one hour and five minutes. His address was to the following purport:—GENTLEMEN OF THE JURY,—The Prisoner, John Wakefield, stands charged before the Court, with the crime of Wilful Murder, in having, with malice aforethought, taken away the life of one Richard Maddock. It is my duty to lay before you the law as it stands in reference to this offence. The act of murder, is the killing with malice aforethought, as when a man of sound memory, and at an age of discretion, unlawfully killeth any person under the King's peace, with malice aforethought, either expressed by the party, or implied by law, so that the party wounded or hurt, die of the wound or hurt. Malice, however, as here applied, has not the same signification as in the ordinary occurrences of life: in its common acceptation, it means ill-will—in law, it has a larger and more expressive range, for it here meant, that the crime had been attended by such circumstances, as were the ordinary symptoms of a wicked heart, regardless of social duty, and bent on mischief. Such, in the language of the law, is Wilful Murder—malice, therefore, is a wickedness that must have existence at the time the crime is perpetrated. Arising from this are many cases which may be instanced in elucidation of the legal meaning of the crime of murder. Thus, if a man kills another, because he considers him a rival in endeavouring to supplant him in the affections of one on whom he has set his heart, this is murder. Again if a man be found trespassing on the premises of another, and the owner attacks, and beats him with a weapon not likely to occasion death, and goes too far in his chastisement, so as in the end to occasion death, this is a manslaughter—but if the deceased be beaten with a deadly weapon, then unquestionably it is murder. Again, if a man finds an offender on his premises with an intent of committing a felony, and in endeavouring to secure him a scuffle takes place, and death ensues, it is only a manslaughter: but if in attempting to secure him, he applies greater violence, and uses a deadly weapon, then

the offence becomes murder. And in all cases where a human being is killed by another, it is *prima facie* evidence of the murder, unless he can produce testimony to prove the contrary, and reduce it to manslaughter.—Such, gentlemen, is the law which I have thought it necessary in the first instance to reveal to you ; and let us now consider in the present trial, whether the deceased met with his death from the hand of the Prisoner. Of this you shall judge from the evidence which has been adduced. [The Learned Judge here, at great length, read the evidence as to the meeting of Mr. Wakefield and Maddock at the gate, and commented on its various bearings, and its consequences.] From this, Gentlemen, you will gather, that the prisoner was armed with a deadly weapon—with a weapon likely to inflict the wound which caused death ; and about two hours after this rencontre, the body of the deceased was found at the distance of 106 yards from the place, cold and dead. You will recollect, that the Prisoner possessed a weapon with more than one sharp edge, and that the wound in the body of Maddock was caused by an instrument of more than one point. We now come to a most important question, and that is—whether the wound was inflicted from mere wantonness or wickedness ; or whether it was the accidental result of the scuffle : if the latter, the offence of the Prisoner is a manslaughter, and no circumstance can reduce it below that offence. Gentlemen, I will read over to you now the evidence, word for word ; for sorry should I be to be mistaken even in the recital of one word, on a question of such great importance as this.—[His Lordship then read the evidence of Elizabeth Woodward, and commented on the trifling variance which existed as to the darkness of the night.] There is a very strong feature in the testimony of this witness, and that is the expression of the Prisoner, that if she did not take his advice, it would be worse for her. This, I think, furnishes a strong inference of the influence of a jealous mind. The act, too, of the prisoner, in attempting to force the deceased into his house, and seizing him in the manner he did, was not legal. He had no right to seize Maddock in the way in which it appears he did : and yet it seems that as soon as the Prisoner said he should go with him into the town, he expressed his readiness to do so. I cannot, gentlemen, avoid calling your attention to another most material fact, and that is, the expression of the Prisoner to Eliz. Woodward, when he returned home, “What would you have thought if I had stabbed him?” clearly pointing out Maddock as the man to whom he alluded. Previous to this, it is shewn, that he wished to form an improper connexion with the witness Elizabeth, and speaks of the ADVICE he had given her, even on the evening of the fatal day. This is the evidence, gentlemen, of the woman, on which the fate of the prisoner in a great measure principally depends ; you will therefore pay to it all that attention which it so urgently calls for. You will recollect that she accompanied the deceased to a public house, and you will consider whether such a place was proper for a young

woman like her to frequent.*—In behalf of the prisoner, there is one favorable fact, and that is, his calling out for Ansdell, which certainly was not the act of a man about to commit a murder; but, gentlemen, if there were numbers of those facts brought before you, and still the crime of murder should be proved, they could be of no avail in preventing the executing of your high and important duty of finding him guilty. The threat of shooting the "pock-marked man," if it could be associated with the existence of jealousy in the mind of the prisoner, and connected with the catastrophe that afterwards took place, would be a strong fact in inducing his conviction. It is remarkable, that the instrument which was proved to have been kept in the house of the prisoner, was precisely such an one as inflicted the wound of which Maddock died; and it should be recollected, that no such weapon has been produced before you, and that the search made for it, was unsuccessful. But there are certain facts which should have been brought before the Court in a stronger light, and which certainly cannot be disadvantageous to the prisoner:—You were told of Buckley and Jones falling from the ladder placed against the prisoner's house; why were they not called, to prove the manner of their fall? I wish, too, that Jeffes had known his duty better as a constable, and forced his way into the house at the time when Mr. Hostage was admitted. I could much wish to have learnt the nature of the conversation which took place during his exclusion. He appears to me to be a very young constable; and the very reason that induced him not to search the prisoner's house, namely, his (the prisoner's) extreme agitation,—should have been the strongest reason for him to have continued his search. I hope, however, in future, he will be more mindful of his duty. Gentlemen, I must confess I do not think it would have been safe for the prisoner to surrender when the constable first went to his house; but it certainly would not have been unsafe nor improper for him to have shown himself at the window.—The conflicting testimony of the Surgeons, I consider of very little importance, inasmuch as it is quite clear on all hands, that the death of the deceased resulted from the wound he then received.

Come we now, Gentlemen, to that part of the evidence which was adduced on the part of the Prisoner. In the course of a most ingenious cross-examination of one of the female witnesses, it was stated, she had heard that some potatoes had been stolen from the premises of the Prisoner: now if the fact had been so, why was not evidence brought forward, as it might easily have been, to prove the robbery?—In the course of his defence, the Prisoner states, that the deceased repeatedly struck him. But does there appear any one circumstance in the course of the investigation

* A custom quite common throughout the county at those annual carnivals of riot and dissipation, called "The Wakes."

corroborative of the statement? What are the cotemporaneous facts in elucidation of the assertion by the Prisoner? Why he returns home, without any marks of violence whatever appearing, nor does he make any complaint of having been hurt. Indeed he states, that he left the deceased totally unconscious of his having suffered more than he (the Prisoner) had done; and it is pretty clear, the only exertion the deceased used, was to get away from the Prisoner.—Gentlemen, in the course of the defence, the Prisoner desires you to do, what I now request you will do, namely, not to suffer your judgment “to be influenced by any of that prejudice which he had reason to believe had been excited against him.” For God’s sake, Gentlemen, if you have heard any thing prejudicial to the Prisoner, forget it—steel yourself against its influence, and let it only have the effect of constraining you to inquire with still greater minuteness into the true bearings of the evidence. You have heard something said as to the state of the Moon’s age, on the night of the melancholy event; this is of no importance: the night might be comparatively light from the influence of the stars, and from other causes. In support of the asserted darkness of the night, Mr. Worthington is called; but I cannot think it is of the consequence which it is clothed in. It might be foggy—it might be foggy at one place, and not at another two miles distant: and we all know this very well.—The character which has been given of the prisoner, is certainly high; and in most cases, character is of the first importance. But if you are of opinion, that the Prisoner caused the death of Maddock, influenced by motives of Jealousy, character must not protect crime, and your duty will be to find him guilty.—Indeed, in such lamentable cases, character serves rather to illustrate the observation, that even a good man may err from the paths of virtue, and stray into the labyrinth of vice. [Here again, the Chief Justice adverted to the leading features of the evidence, and observed, that notwithstanding a close cross-examination of the several witnesses, nothing was elicited tending to shake their testimony.] It is, Gentlemen, in some degree manifest, that the Prisoner had conceived a passion for the witness Woodward, and it may be inferred, that he looked upon the deceased in the way of a rival. By this jealousy might be produced.—If, therefore, acting under the influence of such jealousy, the Prisoner gave the deceased the wound of which he died, the offence is clearly murder, and I am bound to tell you so—and the other circumstances proved by the several witnesses, must not be forgotten. There cannot be a question, but what the deceased received his death in the struggle near the gate.—If, however, you think no jealousy existed at the time, the crime is manslaughter.—I must, by the way, observe, that if the object of the Prisoner was merely to take the deceased into custody, for committing a trespass, that he acted at once rashly and illegally.—Gentlemen, you cannot, perhaps, consider the matter better, than by placing yourselves in the situation of the Prisoner, and inquire of your consciences, whether

you at such a moment, would have acted similarly?—The weapon seen in the Prisoner's hand, had unquestionably been used in the struggle; after which he returns to his house, calls for a light, and observes to his servant Elizabeth, "What should you have thought if I had stabbed him?" I would ask, whether this question was called for?—It is for you to consider, whether it is at all likely, that the weapon might have been thrust into the chest of the deceased, without the Prisoner's knowledge. [The Learned Judge then noticed the conduct of the Prisoner when the Constable was in his house, and the agitation remarked in his deportment, when he was asked for the fatal weapon.] That weapon, gentlemen, has NEVER YET BEEN FOUND, and this circumstance is remarkable, for why might it not have been produced?—There is another thing worthy of consideration: when the Prisoner met the deceased, he stood on unequal terms. The unfortunate deceased had no weapon, at least it appears so from the evidence;—and if a man attacks another man, unarmed, with a weapon, and kills him,—this, unless in the cause of justice, or self-defence, is Murder.—Such are the facts of this case. It is of the first importance to the Public, and to the Prisoner—to the Prisoner, in particular, for his life is at stake, and if convicted, he must expiate the crime committed with his life. But in such a case, we should not be led away by motives of indignation, or abhorrence of the offence. The greater the crime, the greater caution should be observed in weighing the evidence in all its bearings and ramifications. Gentlemen, be cautious and circumspect in your decision; the scales of life and death are in your hands, and, for God's sake, let them be balanced in Justice.

On being requested in the usual manner to consider their verdict;

The Jury requested permission to retire. In 12 minutes they returned into Court.

PROTHONOTARY.—Gentlemen of the Jury, look upon the Prisoner; do you say that he is guilty of the Murder with which he stands charged, or Not Guilty?

FOREMAN of the JURY.—"We find him GUILTY—of MAN-SLAUGHTER.*

Immediately on the verdict being pronounced the prisoner fell on his knees, and clasping his hands in an apparent agony of gratitude, exclaimed "O God, thou hast heard my prayer, and knowest my innocence!"

* In returning the Verdict, the foreman of the Jury made a considerable pause, after pronouncing the word GUILTY.—It was immediately buzzed in Court, that the Prisoner had been convicted of the Murder—it soon spread into the Castle Yard. A person there in waiting, carried the false intelligence to the country, and by half-past 7, it had reached Northwich!

He then stood upright at the Bar, when

The CHIEF JUSTICE proceeded to pass sentence upon him in words to this effect:—Prisoner at the bar, after a long and laborious trial, an intelligent jury of your country have thought fit, after a close enquiry into the circumstances adduced in evidence, to acquit you of the crime of murder: they have found you guilty of manslaughter.

I have no doubt the excellent character which you have received, was a deserving one; and it appears you have hitherto supported a respectable situation in life. The Court hopes, that your future days may be characterised by an aversion to vicious habits, which generally bring with them their own punishment; and is induced, in consideration of your long imprisonment already, to pass on you as lenient a sentence as it conceives proper. God knows you must already have suffered enough mentally, from the recollection that you have been the cause of the death of a fellow creature. The sentence of the court is, that you be imprisoned in the Common Gaol, for the term of six Calendar Months, and then discharged.

After silence was obtained, the prisoner said, "my Lord, will you permit me to speak?"

CHIEF JUSTICE.—"Certainly."

PRISONER.—"I am now acquitted of the charge of killing Maddock, and I will now, therefore, state, that I have not THE LEAST KNOWLEDGE OF HIS DEATH.—I attribute my acquittal to my innocence,—to the Great God of Heaven, who directed the jury to acquit me. I feel grateful for his mercies to me. I am convinced of having offended God in a variety of ways; but I hope and trust that I may prove such an example, as to call sinners to the right way. My Lords—Good people all, [turning round to the back side of the court]—all that are acquainted with me know that I would not kill a worm. I confess that I have injured some of my fellow creatures, but I will make them every reparation in my power, I AM I assure you at this awful moment, INNOCENT OF THE MAN'S DEATH. [Then lifting up his right hand, he said, in a loud tone of voice]—God bless you—God bless you all."

He was much agitated, and wept throughout the whole of his address.

The trial commenced a few minutes past eleven o'clock, and the prisoner was not removed from the bar till a quarter before six.

Counsel for the Crown---Mr. ATTORNEY-GENERAL, and Mr. EVANS.—Solicitors, Messrs. HOLLINS, Knutsford.

Counsel for the Prisoner,—Mr. CROSS, Mr. HILL, Mr. WILLIAMS, and Mr. RECORDER.—Solicitor Mr. HOSTAGE, of Northwich.

It is supposed that at one time, there were upwards of TWO THOUSAND people in Court, and nearly that number in the Castle Yard. No case has excited so much interest since the trial of John Lomas, and Edith Morrey.

Finis.



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