

A genuine account of the life and trial of William Andrew Horne, of Butterly-Hall, in the County of Derby; who was convicted at Nottingham Assizes, August 10, 1759, for the murder of a child in the year 1724, and executed there on the 11th of December, 1759, to which is prefixed a particular detail of all the circumstances tending to the discovery of this long-concealed murder / [William Andrew Horne].

Contributors

Horne, William Andrew, 1685-1759.

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Frontispiece.



The Happy Meeting



AN
ACCOUNT
OF THE
LIFE, TRIAL, &c.
OF



William Andrew Horne, Esq;



HOEVER seriously reflects on the many strange Circumstances attending the unhappy Affair before us, must be convinced that the Hand of Providence has been very conspicuous in the Conviction of this Criminal. That a Murder committed on an innocent Babe, so long since as the Year 1724, should be brought to Light, the Offender made a public Example of, and that by the voluntary Evidence of an own Brother, is so very extraordinary, that we have scarce any Precedent of the like in History : And that the very Persons who found the dead Child, and who used their utmost Endeavours to restore it to Life, should, at this Distance of Time, be still living to corroborate

the Brother's Evidence, is a strong Proof that the Almighty had determined to punish the Offender in this World, to make him a lasting Monument of public Shame, and hereby convince Mankind, that the Murderer shall in no wise escape the Punishment due to his Crime.

Mr. *Horne's* Family have for a long Time resided and enjoyed a pretty Estate at *Butterly*, in the Parish of *Pentridge*, in *Derbyshire*. His Father, who lived to the Age of 102, had several Children, and used to occupy some Part of his Estate; so that he was generally regarded as a Gentleman Farmer.

This Son, *William Andrew Horne*, was the eldest and most favourite Child, but whether owing to any thing more pleasing or witty the Father discovered in him, than his other Children, we are not told; yet certain it is, that he was much preferred before them, being often indulged with a Horse and Money, in early Life, to ramble about the Country from one Place of Diversion to another, while his Brothers at home were made mere Drudges in the Farm, to support his Idleness and Debaucheries abroad. His Father was reputed the best classical Scholar of his Time, in the County of *Derby*, and taught his Children *English* and *Latin* at home himself, so that Mr. *Horne* was never put to any Grammar School. It does not appear that he made any great Progress in Learning, though his Father took great Pains to make him a Scholar. We wish we could say some Care had also been taken of his Morals; but of that very little can, with Truth, be offered: Sorry, indeed, we are to reflect upon the —, and it were much to be desired that his Vices could be exposed, without being obliged

to name the Partners of his Guilt; but as that cannot be, we must blush for him, when 'tis asserted, that not content with debauching his Mother's Servants, he added the abominable Crime of—— with his *****. A young Gentleman of Fortune paid his Addresses to one of his Sisters, but he soon discovered the unnatural Commerce between the Parties; so that the Courtship was broke off almost as soon as begun.

Amongst the various Women Mr. *Horne* used to frequent, he had a more than ordinary Kindness for ——, by whom he had several Children. About the Year 1722, this Girl being then big with Child by him, he was kind enough to remove her privately from *Butterly* to a convenient Place in *Nottinghamshire*, where she was well accommodated for lying-in: Whether she did not like her Situation, or could not bear to be thus parted from her Lover, we do not pretend to say; however she was imprudent enough to return the next Day to *Butterly*, and as she was in her Way to Mr. *Horne's*, the Parish-Officers secured her, that she might swear the Child to the true Father. They left the Girl all Night under the Care of two or three People, (intending to go with her before a Justice in the Morning) with a strict Charge not to suffer Mr. *Horne* to come near her; but he found Means to bribe her Keepers, and was with her all Night; the Consequence of which was, the next Morning she swore the Child to Mr. *Humphrey Ellis*, of *Tumblestreet, London*, though no such Person was then existing. She was soon after delivered of a Female Child, which lived to the Age of fifteen or sixteen, and then died of a lingering Distemper, having for a long Time been convulsed,
and

and at all Opportunities eating its own Excrements. By this Woman Mr. *Horne* had another Girl, who is now living, and is reckoned a pretty, sensible, well-behaved, young Woman. Some Time since a Person of Substance offered to marry and settle a Jointure of 30*l.* a Year upon her, if her Father, Mr. *Horne*, could have been persuaded to have given her only 50*l.* but as he could not be prevailed on to part with such a Sum, she lost a good Husband by the Cruelty of her Father.

The Father of this unhappy Man had great Reason to repent of his ill-judged Indulgence towards his Son, the latter Part of his Life being thereby made one continued Scene of Sorrow and Affliction. It was in the Spring of the Year 1727, that one of his Daughters was delivered of a fine Boy, which was presently conveyed away, and reported to be sent to Nurse, but a Difference that happened soon after between the two Brothers, *William* and *Charles*, occasioned the latter's acquainting the Father with the true Manner in which the elder Son had disposed of the Child. The Father was surprized to hear that *William* insisted on *Charles's* going along with him, in the Dead of Night, from their House at *Butterly*, to carry the Child in a Bag to *Annesley*, in *Nottinghamshire*, where the eldest Brother laid it under a Hay-stack, and where it was found dead the next Morning. The old Gentleman being a good deal frighten'd with this Relation, insisted on *Charles's* never giving the least Hint of the Affair during his Life; and it is presumed, in Obedience to his Father's Commands, it was kept a profound Secret till his Death, which was in or about the Year 1747.

Notwithstanding this licentious Conduct of the eldest Son, the Father indiscreetly left him in Possession of all the Real Estate; but the Personal, which amounted in Cash, Household Goods, and Cattle, to little more than 100 *l.* he, by Deed of Gift, made some little Time before his Death, gave to his Son *Charles*. The Father died upon a Couch in the Kitchen, and had, at the Time of his Death, about twelve Guineas in his Pocket, which certainly belonged to *Charles*; but the elder Brother took the Cash out of his dead Father's Pocket, and would not part with it till *Charles* had promised to be at the whole Expence of burying the old Man; which he did, and soon after the Funeral, on *Charles's* insisting on his Right, the elder Brother turned the Younger out of Doors, and would not suffer him to enjoy even what the Father had given him.

William Andrew Horne, by the Death of his Father, was now become sole Master of the House, in Possession of a comfortable Estate, and, no doubt, might have lived with some Degree of Credit and Reputation; but he was of so penurious a Disposition, that, it is said, he never did one generous Action in the whole Course of his Life. And it is really a strong Proof of a most sordid covetous Temper, that tho' he knew his Brother *Charles* was Master of a Secret of the last Importance, yet he would not give him the least Assistance, nor would he bestow a Morfel of Bread on his Brother's hungry Children, when they went, as they often did, to beg it at their Stony-hearted Uncle's Door.

It happened a few Years since that *Charles Horne* was taken ill of the Gripes, and was, by his poor Neighbours, who visited him, thought
to

to be in great Danger; his Pains were excessive, and he was greatly emaciated. One of these kind Neighbours went, in *Charles's* Name, to desire the 'Squire would, in this Extremity, bestow a little Rum or Gin to ease his Brother's Pain's; but in vain, he received for Answer, *That he had none but what he bought, and he would not part with a Drop tho' to save his Brother's Life.*

He not only behaved in this cruel Manner towards his Brother, but all the Country round him had Reason to complain of his ill Treatment. He would scarce suffer a Man (not qualified) to keep a Dog or a Gun; so that he was universally feared and hated.

Some Time since he threatened Mr. *Roe* for killing Game. It happened, a little after, that the 'Squire and *Roe* met at a Public House; and, after drinking a Pot or two of Ale, they enter'd into Conversation about the Right of killing Game; when Words soon arose between them, and *Roe* called the 'Squire *Incestuous old Dog*; for which Words the 'Squire prosecuted him in the Ecclesiastical Court at *Litchfield*; when Mr. *Roe*, not being able to prove the Charge to the Satisfaction of the Court, was obliged to submit, and pay all Charges.

This put Mr. *Roe* upon a more strict Inquiry into the Truth of what he had formerly heard, about the 'Squire's having been the Occasion of the Death of one of his own natural Children. He was well informed that *Charles Horne* had, upon some particular ill Usage received from his elder Brother, declared, to two or three People, That he had many Years before starved one of his Children to Death. To these People he repaired, and found that *Charles Horne* had actually

ally said such Things of his Brother. Upon this Mr. *Roe* made Application to a worthy Justice in *Derbyshire*, for a Warrant to apprehend *Charles*, that the Truth might come out. The Warrant was granted; but as the Justice who signed it makes it a Rule to do public Business on a *Monday* only, the Constable took *Charles's* Word for his Appearance the *Monday* following.

In the mean Time the 'Squire heard of this Warrant's being issued out to take up his Brother *Charles*, in order to his being examined with relation to the Murder of the Child: He therefore thought it prudent to invite this neglected Brother to his House, where he asked him, *If he would swear his Life away?* To which *Charles* replied, *I must and will swear the Truth.* The 'Squire said, *There was no Occasion for that, I advise you by all Means to forswear yourself, and I will be a Friend to you.* *Charles* made Answer, *If I do, how must I answer to God for it?* The 'Squire said, *Tell God Almighty I bad you forswear yourself to save my Life.* To this *Charles* would not consent; but said, *Brother, you have not the least Reason to expect any Favour from me; nevertheless, as you are my Brother, I am unwilling to carry Things to the utmost Extremity; if therefore you will give me Five Pounds to carry me to Liverpool, I will set out immediately for that Port, and there embark for another Land: My Wife and Children I hope you will take Pity on; whom, if you neglect, I shall leave to the Care of Providence.—* To this easy Proposal the 'Squire would not consent; chusing rather to run all Hazards, than part with so trifling a Sum as Five Pounds.

The Justices of *Derbyshire* seeming not to be heartily concerned for the Discovery of this dark
and

and distant Transaction, Application was made, about the Middle of *March* last, to a worthy Justice of the Peace in *Nottinghamshire*; who, struck with the Atrociousness of the Crime, granted a Warrant to apprehend the 'Squire, which was soon indorsed by Sir *John Every*, a worthy Gentleman in the Commission of the Peace for the County of *Derby*. The Warrant was executed in the Manner related in the Trial, by the Constable of *Annesly* and his Assistants, who soon brought the Prisoner, *William Andrew Horne*, Esq; to be examined before two Justices of the Peace in *Nottinghamshire*; where, after an Examination, which lasted some Hours, the Prisoner was charged with such monstrous Crimes, and had so little to offer in his Defence before the Justices, that they committed him to *Nottingham* Goal, to take his Trial at the Assize. He had not been long confined, before he made Application to the Court of *King's Bench* to be removed by *Habeas Corpus*, in order to be bailed; for which Purpose he went in Custody of the Goaler to *London*; but the Court denied him Bail; so he was obliged to return to *Nottingham* Goal, there to remain till the Summer Assize, which was held on *Saturday* the 10th of *August*, 1759, before the Lord Chief Baron *Parker*; when, after a fair Trial, which lasted near nine Hours, he was found guilty of Murder, and received Sentence to be hang'd the *Monday* following.

The Evening after his Trial several humane Gentlemen, considering that the Time allowed him was very short for so great a Sinner to prepare himself for Death, were kind enough to wait on the Judge, to desire he might have the Time prolong'd; and, upon their Application,
his

his Lordship was pleased to respite the Sentence a Month; at the Expiration of which he obtain'd another Respite till further Orders. We wish we could say he had made a proper Use of the Time granted him; but, alas! it was too much spent in fruitless Applications to Persons in Power for Pardon.

It was with Difficulty that he was persuaded to think he had committed a Crime, in being the Occasion of the Death of an innocent Babe; and thought it hard, extremely hard, to be convicted of a Fact done so many Years ago; and its being proved upon the single Evidence, he said, of an own Brother, made it doubly hard.

On *Saturday* the 8th of *December*, being asked, *Sir, did not you hurt your Father, and abuse him some way or other, so as to hasten his End?* He not only answered in the Negative, but that he always did behave in a dutiful and obedient Manner.—Being, at the same Time, further interrogated, *Whether, directly or indirectly, he had been guilty of murdering one of his Sisters?* He protested his Innocence on that Account.—Being also ask'd, *Did not you murder one of your Maid Servants who was supposed to be pregnant, and bury her in your own Garden?* He also positively denied it.—Being further ask'd, *But, Sir, did not you beat a poor Man to such a terrible Degree as to break his Arms, &c. so that he died before he got out of your Grounds, and all this only for asking an Alms?* No.—There was one *Amos Killer*, who was an Idiot, and belong'd to *Ripley*; and I remember once, at *Heage-Court*, we heard of him being found dead near *Chatfworth*, or somewhere that Way, at several Miles Distance from *Ripley*.—Further, *Mr. Horne*, *Had not you a Quarrel with a Steaver; and, in Re-*

venge for the Affront, did you not cut the Rope near through, in order to let him fall when he was to be let down into the Pit; and the poor Man accordingly fell, to the great Hazard of his Life?—Upon this last Question being put, Mr. Horne said, (shaking the Querist by the Hand at the same Time) My good Friend, I have always found you sincere and honest to me; and do assure you, as I am shortly to appear before the just, awful, and decisive Tribunal, and as I hope for Mercy there, that all and every one of the above Reflections are absolutely false, groundless, and malicious; and that it must be them alone who propagated such Falshoods, that must be answerable for such their wicked Devices, for God does know that I am not guilty of the Commission of any one of them.

The next Time the Querist was admitted to see him, after some Hours Conversation on the melancholy Affair, Mr. Horne, with Tears in his Eyes, and seemingly much agitated, said, My Friend, my Brother Charles was tried at Derby about twenty Years ago, and acquitted, my dear Sister Nanny forswearing herself at that Time to save his Life. His Life, you see, was preserved to hang me; but you'll see him—— X

He gave the following ACCOUNT of the MURDER of the CHILD.

He appealed to GOD, “That he had no Intention that the Child should die: That, to preserve its Life, he put it into a Bag lined with Wool, and made a Hole in the Bag to give it Air: That the Child was well dressed, and was designed as a Present for the late Mr. Chaworth, of Annesley, and intended it to be laid at his Door; but, on taking it from his Brother, and approaching the

X Charles Horne was tried at the House, Lent assizes in 1736, at Derby, for the murder of an illegitimate Child, and was acquitted—

House, the Dogs made such a constant Barking that he durst not go up to the Door for fear of a Discovery, there being a little Light in one of the Windows: That, upon this Disappointment, he went back to some Distance, and at last determined to lay it under a warm Hay-stack, in Hopes of its being discovered early the next Morning by the People who came to fodder the Cattle; but, it proving a frosty Night with a little Snow, the Child perished with Cold, and was unfortunately found dead the next Morning."

Mr. *Horne*, for several Days before his Execution, was quite resigned, and behaved in a becoming Manner. He told the worthy Clergyman who attended him, *That he forgave all his Enemies, even his Brother Charles; but that at the Day of Judgment, if GOD ALMIGHTY should ask him how his Brother Charles behaved, he would not give him a good Character.*

Mr. *Horne* was born on *St. Andrew's Day*, in the Year 1685, which occasioned his being baptized *William Andrew*; and, what is very remarkable, he was executed on his Birth-Day, in 1759; so that he was exactly 74 Years of Age the Day he died.—This he mentioned several Times after the Order for his Execution was signed; and said, He always used to have a Plumb-Pudding on his Birth-Day, and would again, could he obtain another Respite.

The TRIAL of WILLIAM ANDREW HORNE,
Esq; for MURDER,

Saturday, August 10, 1759,

THE Court being met at Six o'Clock in the Morning, (the Bill of Indictment having been found the Evening before, by the Grand Jury for the County of *Nottingham*) the Prisoner, *William Andrew Horne*, Esq; was set to the Bar, and the Clerk read the Indictment.

Nottingham-
shire,
To wit. } THE Jurors for our Lord the King,
upon their Oath, present, That *William Andrew Horne*, late of *Butterly*, in the *Parish of Pentridge*, in the County of *Derby*, Esq; not having the Fear of God before his Eyes, but being moved and seduced by the Instigation of the Devil, on the Eighteenth Day of February, in the Eleventh Year of the Reign of his late Majesty *George the First*, King of Great-Britain, and so forth, with Force and Arms, at the *Parish of Annesley*, in the County of *Nottingham*, in and upon a certain Male Infant Child, then lately before born alive, of the Age of three Days, in the Peace of God and our said Lord the King, then and there being, feloniously, wilfully, and of his Malice aforethought, did make an Assault; and that the said *William Andrew Horne* the same Male Infant Child, at the *Parish of Annesley* aforesaid, in the County of *Nottingham* aforesaid, into and in a certain Linen Bag, of the Value of Two-pence, then and there, feloniously, wilfully, and of his Malice aforethought, did put, place, and confine. And the same Male Infant Child, so put, placed, and confined, in the said Bag, be the said *William Andrew Horne*,

Horne, then and there feloniously, wilfully, and of his Malice aforethought, into a certain Field and open Ground there, at the Parish of Annesley aforesaid, in the County of Nottingham aforesaid, feloniously, wilfully, and of his Malice aforethought, did convey and carry; and the same Male Infant Child, so confined in the said Bag, did then and there feloniously, wilfully, and of his Malice aforethought, leave, expose, and desert; by Reason and Means of which Confining, Conveying, and Carrying, Leaving, Exposing, and Deserting the said Male Infant Child, by the said William Andrew Horne, in the Manner aforesaid, the said Male Infant Child, at the Parish of Annesley aforesaid, in the County of Nottingham aforesaid, died. And so the Jurors aforesaid, upon their Oath aforesaid, do say, That the said William Andrew Horne, him the said Male Infant Child, in Manner and Form aforesaid, feloniously, wilfully, and of his Malice aforethought, did kill and murder, against the Peace of our said late Lord the King, his Crown and Dignity.

Clerk.— What sayest thou, *William Andrew Horne*, art thou guilty of this Indictment, or not guilty?

Prisoner.— Not guilty.

Clerk.— Culprit, How wilt thou be tried?

Prisoner.— By God and my Country.

Clerk.— God send thee a good Deliverance.

[Here the Names of the Jury were called over.]

Clerk.— *Mr. Horne*, hold up your Hand. Gentlemen of the Jury, look upon the Prisoner you that are sworn, and hearken to his Charge.

[The Indictment read.] Upon this Indictment he has been arraigned, and upon this Arraignment pleaded *Not Guilty*; and, for his Trial, put himself

himself upon God and his Country, of which Country you are: Your Charge, therefore, is to enquire, whether he is guilty or not guilty, and hear your Evidence.

Charles Horne sworn.—“I am a younger Brother of the Prisoner’s. We lived together at my Father’s House at *Butterley*, in the County of *Derby*. In the Middle of *February*, in the Year 1724, being then in one of the Rooms, my Brother *William* came to me, at Ten o’Clock at Night, and said I must take a Ride with him that Night. He took a Male Child out of the Kitchen Chamber, which was only three Days old. We went to the Stable in the Fold-Yard, and I mounted a Horse called *Robin*; the Prisoner rode a little Bay Mare. The Child was put into a long Linen Bag, like unto a Cock-Bag. I held the Bag, and my Brother put the Child in, and I tied up the Bag. We went streight to *Annesley*, which is five computed Miles from *Butterley*, and is in this County. My Brother and I carried the Child by Turns. When we came near *Annesley* my Brother, the Prisoner, alighted from his Mare, and asked me if the Child was alive; on which I put my Face to the Child’s Face, and said it was alive: He then took it from me, in the Bag, and left me, after bidding me stay in the Lane till he returned. In about a Quarter of an Hour he came back. On my asking what he had done with the Child, he said he had laid it by a Hay-stack, and covered it with Hay. My Father was then living, but did not know of it till some Time after; but, when he did, he charged me not to speak of it. In about three or four Days after we returned from *Annesley*, *Benjamin Jackson* called to me in
the

the Yard, and told me there was strange News at *Annesley*; that a Child was found there under a Hay-stack, and thrown over a Hedge with a Fork; that a Man went to fodder his Cattle, and had run his Fork into the Bag. I should have made a public Discovery of this much sooner, if my Father had not enjoined Secrecy; but I told it, some Time before my Father's Death, to one *John Kellsell*. I also went to Mr. *Cook*, of *Derby*, and told him this Affair, and Mr. *Cook* advised me to go to Mr. Justice *Gisborne*: I did, but Mr. *Gisborne* said I had better be quiet, as it was of a long Standing, and might hang half the Family. Mr. *Cook* also said a Discovery of this Sort might injure my Brothers abroad. About the same Time I told it to one *Septimus Riley*, a Tenant of my Brother's; and told it Mr. *John Cooper*, of *Ripley*, as I came back from *Derby*. About four Years ago, being then very ill, I sent for Mr. *John White*, of *Ripley*, and told him of it, and desired he would advise me what to do. Mr. *White* said it was a nice Affair, and he could not tell how to advise. I had for a long Time been very uneasy in my Mind; but, upon making these Discoveries, I found myself much better both in Body and Mind. About last *Christmas* Mr. *Hallows* granted a Warrant to take me up, in order to be examined about the Death of the Child. My Brother hearing of this, sent one *Walker* to know who had granted the Warrant, and to tell me they could not force me to swear against the Prisoner, if I had no Inclination so to do. I told my Father of the Murder not long after it was done, and he insisted that I should never speak of it. Says he, *Charles, if thou should'st declare this, when thou art*
dead

dead the People will walk over thy Grave and say, Here lies the Man who banged his Brother. I live by the Gate going down to my Brother's House. I used frequently to open the Gate for him, and pull off my Hat to him, and yet he would not speak to me.

Thomas Limb.—“ I live at *Annesley* in this County. I well remember that *John Wooton* came to my House one Morning about the Middle of *February*, 1724, and told me he had found a Bag with something in it, as he was foddering his Cattle at *John Gellstrove's* Hay-stack, near my House; and he said he had put it over into my Croft. Upon this I went with him to see what it was, and we opened the Bag and found a dead Male Child in it. We took the Child to my House, and my Wife took the Child out of the Bag to see if there was any Life in it; but the poor Child was quite cold and dead. I remember I was examined by the Coroner, but cannot, at this Distance of Time, recollect what Verdict the Jury gave in. I am certain it was a Male and fine Child, and my Wife said it was four Days old.”

John Weightman.—“ I have lived at *Annesley* above forty Years. About the Middle of *February*, in the Year 1724, a Child was found in a Linen Bag, laid under a Hay-stack, belonging to *John Gellstrove*, of *Annesley*: *John Wotton* threw it over the Hedge with his Fork, but the Child was quite dead, and was a fine Male Child. There were no Marks of Violence upon it, nor any Bruise. I examined it all over: it was a fine Boy, and I am of Opinion it was starved to Death by being left all Night in the Cold.”

Mary

Mary Hall.—“ I have lived at *Annesley* a great many Years. I was at *Thomas Limb's* House when the Child was found in a Bag under the Hay-stack, on *Shrove-Tuesday*, in the Year 1724. *Thomas Limb's* Wife took the Babe out of the Bag; she held it to the Fire, and rubbed and chafed it all over with her Hands to bring it to Life again, tho' to no Purpose, for it was quite cold, and, to all Appearance, it was killed by being exposed to the Weather. It was a fine Male Child, and seemed to be about two or three Days old.”

John Topham.—“ About fifteen Years ago I and one *Edm. Kelsall* went to *Butterly*. *Charles Horne*, Brother to the Prisoner, then lived there. We wanted to speak to *Charles*, and found him in the Stable: He looked very sorrowful. I asked him *What was the Matter?* He said, *He and his Brother had had some Words.* Says I, *He does not use you well.* He replied, *He knew that which would hang his Brother, and yet he uses me thus.* I then asked him, *What it was?* He told me, *That his Brother (the Prisoner) had, above twenty Years ago, murdered a Child, and left it at Annesley.* *Kelsall* was present during this Conversation, and he and I went the next Morning to *Annesley*, to enquire of the Neighbourhood there if any such Child had ever been found; and we were informed by several People, particularly a Landlady, that, about twenty Years before, such a Child was found in a Close at *Annesley*. Three or four Years after this I told the Prisoner of it: He made no Reply, but gave me ill Language, and never invited me to his House after.”

Mr. Coke.—“ I am an Attorney, and live at *Derby*. About eight, ten, or it may be eleven

Years ago, a Person, whose Name was *Horne*, came to me about some Parish Business. After the Business was over, he desired to advise with me upon another Affair. He then told me, That his Brother got his Sister with Child, and had murdered the Child. I asked him, *How he came to conceal it?* I do not recollect what Answer he gave. I then advised him to go to a Magistrate, and make a full Discovery of the Matter.”

John Cooper.—“As I was going to *Derby*, about twelve or thirteen Years ago, I fell into Company with *Charles Horne*: He said he was then going to *Derby* to give Evidence against his Brother for murdering a Child about twenty Years ago, and leaving it at *Annesley*. I have several Times since heard *Charles Horne* give an Account of the same.”

John Wood.—“Six or seven Years since, *Charles Horne* told me his Brother, the Prisoner, had murdered a Child, and that it was a great Burden upon his Conscience. I advised him by all Means to disclose the Affair, and unburden his Conscience. He said it was then more than twenty-five Years since the Fact was done, and that his Brother would never do any Thing for him.”

John White.—“About five Years since, *Charles Horne*, being very ill of a Flux, sent for me, I found him in a very poor Condition, lying upon the Floor, having only a loose Cloth under him. He said, *Mr. White, I am a dying Man, and can't go out of the World without disclosing my Mind to you.* He then told me that he and his Brother, the Prisoner, had carried a Babe to *Annesley*, and there left it to perish with Hunger and Cold. I told him I was sorry to hear such an Account; that

that it was very hard he should lie in that miserable Condition; and advised him to put his Trust in God, and he would reward him hereafter. I gave him Six-pence and left him. In three or four Days after I had left him he recovered surprizingly; I saw him again, and asked what had occasioned so speedy a Recovery; He said, after he had disclosed his Mind to me, he found his Mind much easier, and attributed his Recovery to that. He then advised with me what he should do further. I told him it was a nice Point, and I could not tell how to advise him."

John Weightman.—"I am Constable of *Pentridge*. A Warrant was granted, by 'Squire *Hallows*, to take up *Charles Horne*, to oblige him to make a full Discovery of the Murder of the Child. This was about six or seven Months since."

John Walker.—"Some Time last *Christmas* Mr. *Horne*, the Prisoner at the Bar, told me he had been informed that a Warrant had been made out to take up his Brother *Charles*, in order to be examin'd about the Murder of a Child. By his Desire I went to *Charles* to know where the Warrant came from, and I offered *Charles* Money to make the two Brothers Friends. He bid me tell *Charles* they could not make him swear what he knew against his Inclination. The Prisoner said to me, *What, would they tear my Sisters out of their Graves for a Thing done thirty Years ago? Tell Charles he can't hang me without hanging himself, and that if he behaves properly I will be a Friend to him.* The Prisoner never denied the Fact to me, or said he was innocent of the Murder."

Henry Coltman.—"Some Time in *Christmas* last the Prisoner, Mr. *Horne*, sent me to his Brother

Charles Horne, to hear what was said on Mr. *Hallows's* having granted a Warrant. *Charles* said, *That when they took the Child to Annesley he rode upon Robin, and his Brother, the 'Squire, on a little bay Mare.* When I told the Prisoner this, he cried, in a Pet, *A damn'd Rogue, what Occasion had he to tell that, when Roe fetched the Warrant. That it was Malice, it being done between thirty and forty Years since. He will hang himself as well as me."*

Samuel Smith.—"About last *Christmas* the Prisoner sent for me to know if I could tell what was in the Warrant which was granted to take up his Brother *Charles.* He said it was *Malice in Roe and Charles to extort Money from him."*

John Turner.—"I am Constable of *Annesley.* A Warrant having been granted to take up the Prisoner, I was ordered, with proper Assistants, to execute it. This was done when the Assize was held last at *Derby.* About Eight o'Clock at Night we went to the Prisoner's House at *Butterly;* I knocked at the Door, but was refused Admittance. I then left *Joseph Smith, Samuel Roe,* and *Samuel White,* to guard the House. I went again early the next Morning, knocked at the Door, and was told, by one of the Maids, *Mr. Horne* was gone out. We insisted he was in the House, and threatened to break the Door; upon this they let us in. We searched all over the House, but could not find him. *Samuel Roe* insisted upon our making a second Search. In one of the Rooms there was a large Box; we determined to know what was in it. *Mrs. Horne,* the Prisoner's Wife, said, *It contained nothing but her best Linen.* *Roe* would look into it, and offered to break the Lid; then *Mrs. Horne* open'd
the

the Chest, and Mr. *Horne*, the Prisoner, started up in a Fright without his Hat and Wig."

Samuel Roe.—"I was an Assistant to the Constable, when we went to take Mr. *Horne*, which was in the Evening about Eight o'Clock. We were denied Admittance into the House that Night, but Mrs. *Horne* promised us that Mr. *Horne*, the Prisoner, should be forthcoming in the Morning. We did not care to trust to that, but watched all Night; and in the Morning, after threatening to break the Door with an Iron Crow, they let us in. We searched every Room and Passage in the House very carefully to no Purpose; at last I fixed my Eye upon a large old Chest in one of the Rooms, in which Mrs. *Horne* said, *There was nothing but Table-Linen and Sheets*; but insisted upon looking into it, and was resolved it should be broke open. She then unlocked the Chest, and Mr. *Horne* came out of it, shaked me by the Hand, and said, *It was a sad Thing to hang him, for his Brother Charles was as bad as himself; and he can't hang me without hanging himself*. Some little Time after this, the Prisoner being in the Parlour, he turned himself towards the Wall, and said, *Damn the Cock-Bag*."

THE PRISONER'S DEFENCE.

My Lord,

I Am accused of a Crime I know nothing of. I am prosecuted maliciously by Persons who want my Life and Estate. The rest I leave to my Counsel and the Witnesses.

William Daykyne sworn.—"I know the Prisoner, and I know his Brother *Charles* the Prosecutor. Being at *Ripley* some Time ago with *Charles Horne*,

Horne, he told me, *If the Prisoner was but hanged out of the Way he should have the Estate; for his elder Brother was 63 Years of Age, and his other Brother very sickly.* Charles said, *That he wished every Tongue might rot out that spoke a Word in Favour of the Prisoner; and that he prosecuted him out of Spight and Malice.*

Robert Moore.—“About two Months ago, talking with Charles Horne about the Prisoner, he said, *If the Prisoner would not give him something out of the Estate, and let it go in the right Line, he would hang him right or wrong.* He said, *He should get nothing by his Life, but should by his Death; for Roe had given him a Bond for a Sum of Money, if he hanged him, which he should be paid, besides the Money he should get out of the Treasury.*”

Sarah Eyre.—“I know both the Prisoner and his Brother Charles: Charles told me, *That the Prisoner had strove all he could to take his Bread away, and that he would say and swear any Thing to hang him.* I said, *God will never forgive you:* He said, *Thou Fool, the Devil has as much Power over me as he can have.* He said, *The Estate would come to his Brothers, and he should have it after, when he should have it in his Power to be kind to his Women.* He threatened to mob me if I came to the Assize to give Evidence in Favour of his Brother.”

Anne Stafford.—“I know the Prisoner, and liv'd under him. Charles Horne was at my House, not a great while since, where he said, *I wish Somebody would lie in the Goss and shoot my Brother,* meaning the Prisoner; *that he would do it himself if it was not for the Law, for after his Death he should come in for the Estate.* Some Time after the Prisoner was sent to Gaol, Charles talked with me again,

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and gave me a Shilling, saying, *He hoped I should not appear against him.*"

John Buxton.—“The 24th of March last I was at *Charles Horne's* House. He sells Ale at a little Cottage in *Pentridge* Parish. He there told me, *He should not have prosecuted his Brother if he had not been put on.* I asked him how long it was since the Child was found at *Annesley*: he said, *He could not tell to ten Years.* He declared to me another Time, *That he did not want to hang the Prisoner, tho' he had cheated him of his Fortune, if he would but give him the Money he had had of the Parish, and put him in a better Way of Living; or if he would have lent him a Couple of Guineas, when he sent to borrow them, he would not have been in Gaol then.*"

William Rimmington.—“I heard *Charles Horne* say, a Year ago, in a Publick House at *Pentridge*, *That it is a hard Thing for one Brother to be a Gentleman, and another a Beggar; and that if the Squire his Brother would not allow him a Maintenance, he would swear his Life away.*"

Anne Horne.—“I am a distant Relation of the Prisoner's. I lived in *London*; but about six or eight Months since *Mr. Horne* sent me an Invitation to come and live with his Family at *Butterly-Hall*, as a Servant or Companion to *Mrs. Horne*. I have known *Charles Horne* about six Months. As I was going to *Ripley* about two Months since, at the Bottom of my Master's Close I met *Charles Horne*: He asked, *Why I would not speak to him;* I told him I had no further Objection than the ill Usage he had given my Master. He replied, *Had my Brother William given me a Sum of Money, I should not have sworn against him. He said his Poverty obliged him to swear.* Some Time after
this

this he called me to his House, and asked me *If I had a mind to make it up, bid me inform my Master, that if he would give him a Sum of Money he would go off.* The Man that fetched me over to *Charles's* House was *Henry Coltman*. They were very civil to me; *Coltman* laid his Hand upon my Knee, and said, *Come, be a good Girl, let us make up the Affair, and we will get thee a Husband in this Country.* I never sent any Account of this to my Master, for I was sure he would give no Money, as he did not fear what *Charles* could do or say: For the Night before the Warrant was executed, one of the *Smiths* came and told my Master, there certainly was a Warrant out against him, yet he never in the least offered to get away. My Master put on his Great Coat when they beset the House, and would have gone out to speak to them in the Yard, but my Mistress laid her Arms about his Neck, and would not let him go. After this *Charles Horne* and others threatened, that if I came to the Assize to swear for my Master, I should be cuck'd, duck'd, and otherwise abused, so that I was in fear of my Life almost."

Henry Coltman.—"I did not fetch *Anne Horne* to *Charles Horne's*. I recollect I did go with her to the Ale-house which *Charles* kept; but I was not desired to fetch her in. I laid, indeed, my Hand on her Knee, and said, *Come, let us make all Things agreeable, and I will get you a Husband;* but there was no such Discourse as she speaks of, that I heard, about *Charles's* proposing the taking Money of the Prisoner to go off."

Anne Horne called again.—"I am very positive that, at the Time I was at *Charles Horne's* House, he did say, *If my Master would give him a*
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Sum of Money he would go off, or he would not prosecute him."

Mr. *Samuel Fletcher*.—"I being at *Derby* the last Assize, heard that a Warrant was certainly granted in *Nottinghamshire* to take up the Prisoner; being acquainted with him, I wrote a Letter to give him early Notice of what was doing, and sent it by his Tenant *Riley*, who, I suppose, delivered it in good Time for Mr. *Horne* to have got away, if he had known himself guilty. As to the Prosecutor, *Charles Horne*, I can say no Good at all of him."

A few more Witnesses were examined on the Prisoner's Defence, who only deposed to *Charles Horne's* having, at different Times, threatened the Prisoner's Life, and declaring that he wanted the Estate; but none had any Thing to say in relation to the Fact.

The Judge summed up the whole Evidence, for and against the Prisoner, with the greatest Impartiality; when the Jury, after having been out of Court half an Hour, brought the Prisoner in Guilty.

Immediately after the Judge pronounced Sentence of Death. He was executed on the 11th of *December*, and his Body given to the Surgeons for Dissection.

P. S. Notwithstanding Mr. *Horne's* Denial of the above Crimes, it is very certain that, in a Paper he wrote with his own Hand, (and which was afterwards destroyed) he expressed great Concern for his being the Occasion, some Way or other, of the Murder of a Servant Girl who was with Child by him; and also, that he broke *A-*

mos Killer's Arms, with a violent Blow from a thick Stick, which occasioned the poor Fellow's Death ; he likewise confessed to the Reverend Divine who attended him, that he used to lye with his own Sisters.

What Credit his Answers to the other Questions deserve, let the impartial Reader judge.

F I N I S.

